

Charter and Related Acts

ADAMS CODE

Chapter C

CHARTER AND RELATED ACTS

The Code

Bylaws

GENERAL PROVISIONS

Chapter 1

GENERAL PROVISIONS

§ 1-1. General penalty.

Whoever violates any of the provisions of these bylaws or other bylaws of the Town whereby an act or thing is enjoined or prohibited shall, unless other provisions are expressly made by such provision of these bylaws or other bylaws or by the laws of the commonwealth, forfeit and pay a fine of \$50 for each offense.

§ 1-2. Enforcement.

- A. Criminal complaint. Whoever violates any provision of these bylaws and/or the Zoning Bylaw of the Town of Adams may be penalized by indictment or on complaint brought in the District Court. Except as may be otherwise provided in those bylaws, and as the District Court may see fit to impose, the maximum penalty for each violation, or offense, brought in such manner shall be \$50.
- B. Noncriminal disposition. Whoever violates any provision of these bylaws and/or the Zoning Bylaw of the Town of Adams, the violation of which is subject to a specific penalty or the general penalty as provided by § 1-1 of this chapter and/or the Zoning Bylaw, may be penalized by a noncriminal disposition as provided in MGL c. 40, § 21D. The noncriminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to a specific penalty. In addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this section (except where state statute provides otherwise), the municipal personnel listed as enforcing persons for each section, if any, or by state statute shall also be enforcing persons for such sections. Each day on which any violation exists shall be deemed to be a separate offense.

ADAMS CODE

Chapter 4

ADMINISTRATION

GENERAL REFERENCES

Cemetery Commission — See Ch. 28.

Contracts and purchasing — See Ch. 35.

Finance Committee — See Ch. 46.

Officers and employees — See Ch. 70.

Personnel — See Ch. 80.

Police Department — See Ch. 86.

ARTICLE I
General Provisions

§ 4-1. Accountant.

The Board of Selectmen shall appoint a Town Accountant in accordance with applicable provisions of the General Laws. He shall have and perform for the Town all the duties prescribed by the statutes of the commonwealth for a town accountant.

§ 4-2. Inspector of Gas Piping and Gas Appliances.

The Board of Selectmen shall annually appoint an Inspector of Gas Piping and Gas Appliances whose duty shall be the enforcement of the rules and regulations adopted by the Gas Fitting Board established in 1960 under MGL c. 25, § 12-H.

§ 4-3. Annual reports.

- A. Treasurer-Collector. In his annual report, which shall be printed in the Annual Town Report, the Town Treasurer-Collector shall state specifically the objects for which the debt of the Town was increased during the preceding year and recite the authority under which the money was borrowed and shall render a classified statement of all expenditures and receipts of the Town, together with a statement of the Town debt in such detail as to give a fair and full exhibit of the objects and methods of all expenditures.
- B. Sealer of Weights and Measures. The Sealer of Weights and Measures shall annually make a written report to the Board of Selectmen, on or before the January 15 in each year, to be printed in the Annual Town Report, containing an account of his work, receipts and expenditures during the preceding year, together with such other information and recommendations which he may deem proper.
- C. Assessors. The annual report of the Assessors to the Board of Selectmen, for inclusion in the Annual Town Report, shall be submitted on or before January 15 and shall have appended to it a table of the valuation, real, personal and total, the rate of taxation, and the amount of money raised.
- D. Planning Board. The Planning Board shall annually make a written report to the Board of Selectmen, on or before January 15, to be printed in the Annual Town Report, containing an account of its work for the preceding year and recommendations for the best interests of the Town's future growth.
- E. Library Trustees. The Trustees of the free public library shall submit to the Board of Selectmen, on or before January 15 in each year, a detailed report of their doings and of the condition of the library, with such recommendations that they deem necessary, to be printed in the Annual Town Report.
- F. Park Commission. The Park Commission shall submit to the Board of Selectmen, on or before January 15 in each year, a detailed report of its doings, to be printed in the Annual Town Report.
- G. Regional School Committee. It shall be the duty of the representatives of the Town serving on the Regional School Committee to provide to the Board of Selectmen, for inclusion in the Town Report, an annual report of their doings, to include all details of operation.
- H. Boards and committees. All boards and committees of the Town, whether elected or appointed, shall make an annual written report to the Board of Selectmen, to be included in the Annual Town Report, of their official doings of the preceding year and shall include in such report their recommendations of the work to be done and an estimate of the cost thereof for the ensuing year in their several

departments. Such reports are to be filed with the Board of Selectmen on or before January 15 in each year.

§ 4-4. Submission of proposed budget by boards and committees.

All boards and committees of the Town shall submit a proposed, detailed budget for the current year, in requested quantities, on prescribed forms provided by the Board of Selectmen, on or before December 15 in each year, unless otherwise provided for by statute, to the Board of Selectmen.

§ 4-5. Hours for Town Hall offices.

All full-time Town departments in the Town Hall, namely, the Board of Selectmen's office, Town Administrator's office, Town Accountant's office, Town Treasurer-Collector's office, Community Development Director's office, Assessors' office, Veterans' Affairs' office, Town Clerk's office, Director of Public Works' office, and Board of Health's office, shall hereinafter remain open continuously at a minimum during a period set by a majority of the members of the Board of Selectmen. The lunch period, staggered or otherwise, shall not exceed 1/2 hour.

ARTICLE II
Board of Selectmen

§ 4-6. Execution of deeds and conveyances.

- A. Whenever it shall be necessary to execute any deed conveying land, excluding burial lots and burial rights, such deed shall be executed by the Board of Selectmen in the name and behalf of the Town, unless the Town shall otherwise vote in any special case.
- B. All conveyances of land or interest in land which may hereafter be authorized by a vote of the Town or otherwise shall be signed by a majority of the Board of Selectmen, unless otherwise provided by law or vote of the Town, and shall be sealed with the Town Seal.

§ 4-7. Furnishing copies of Town warrants.

The Board of Selectmen shall furnish, for the use of the voters, at each Town Meeting and at any adjournment thereof, printed copies of the warrant for the Town Meeting, with any recommendations suggested by the Finance Committee. In lieu of formal printing of such copies, the Board of Selectmen may use xerography or a similar method of reproduction that would produce legible pages, such copies to be in the hands of the Town Meeting members seven days, at least, before such meeting or any adjournment thereof.

§ 4-8. Police Department regulations.

It shall be the duty of the Board of Selectmen to propose and enforce a set of rules and regulations for the governing of the Police Department in the guidance of the members thereof, not inconsistent with these bylaws. The Board of Selectmen shall have copies of the same printed for the use of the Police Department.

§ 4-9. Report of proceedings; publication of reports.

The Board of Selectmen shall make a full and detailed annual report of its proceedings relating to the municipal affairs of the Town and shall cause the reports of the Treasurer-Collector, Accountant, Assessors, Regional School Committee, Board of Health, Library Trustees, Cemetery Commission, Director of Public Works, Planning Board and Park Commission, and such other reports of boards or committees elected or appointed as it may deem advisable, to be printed in a sufficient number of copies for the use of the various voters of the Town.

§ 4-10. Taxicab regulations.

The Board of Selectmen is hereby authorized and empowered to impose such reasonable license fees and make such rules and regulations for the operation of taxicabs within the Town and impose such penalties for the violation of such rules and regulations as it deems just and proper.

§ 4-11. Direction and management of Town property and offices.

The Board of Selectmen shall have the general direction and management of the property and offices of the Town in all matters not otherwise provided for by law or these bylaws.

§ 4-12. Appearance before courts or committees to protect Town interests.

The Board of Selectmen may appear, either personally or by the Town Counsel or by special counsel duly

employed by it, before any court, committee of the legislature or any state or county board or commission or other tribunal to protect the interests of the Town.

§ 4-13. Authority to set curfew.

The Board of Selectmen shall, whenever it is deemed necessary, set a curfew which will be enforced by the police officers of the Town.

ARTICLE III
Town Meetings

§ 4-14. Election of Town officers; hours for other elections.

The Annual Town Meeting for the election of Town officers shall be held on the first Monday in May of each year. The hours for the opening and the closing of such meeting shall be so designated by the Board of Selectmen, but in no instance shall the polls for the election of Town officers remain open for a period of less than 12 consecutive hours. For all other elections, national, state or otherwise, the same hours as Town elections shall prevail, unless otherwise covered by statute.

§ 4-15. Posting of warrants. [Amended 6-18-2007 ATM by Art. 24]

Every warrant for a Town Meeting or Special Town Meeting shall be served by posting an attested copy thereof in two or more public places in the Town as mandated by state law.

§ 4-16. Reports of committees.

All committees chosen by the Town for any purpose and ordered to report at any designated time shall make such report in writing.

§ 4-17. Submission of motions.

All motions shall be submitted to the Town Meeting in writing when so requested by the Town Moderator or the Town Clerk.

§ 4-18. Reconsideration of motions.

No motion shall be reconsidered by the Town Meeting unless ordered by more than 2/3 of the voters present and voting thereon.

§ 4-19. Dissolution or adjournment of meeting.

No motion, the effect of which would be to dissolve a Town Meeting, shall be in order until every article in the warrant has been duly considered and acted upon, but this shall not preclude the postponement of action on or consideration of any article to an adjournment of the meeting to a stated time.

§ 4-20. Moderator.

- A. A Town Moderator shall be elected annually to serve for a one-year term. He shall preside at all Town Meetings and shall continue until the next annual meeting and until a successor is qualified.
- B. In the event of absence or inability of the Town Moderator to serve, the Town Clerk shall call the Town Meeting to order. The first business of that meeting shall be the election of a Moderator Pro Tem by the Town Meeting members present at that meeting. The Moderator so elected must be a qualified legal voter of the Town.
- C. The duties of the Town Moderator, not prescribed by statute, these bylaws or other bylaws of the Town, shall be determined by the general rules of parliamentary law, so far as they may be adapted to Town Meetings.

ARTICLE IV

Town Clerk**§ 4-21. Duties.**

- A. Notice of election or appointment to committees. The Town Clerk shall promptly notify in writing each member of every committee who may be elected or appointed at any Town Meeting or in pursuance of any vote thereof. Such notice shall contain a copy of the vote creating the committee and the names of all members of such committee.
- B. Copies of actions affecting duties of Town board, committee or officer. The Town Clerk, as soon as possible after a vote of the Town has been passed which relates particularly to or affects the duties of any board, committee or officer of the Town, shall furnish a copy of such vote to such board, committee or officer.
- C. Records of bylaws. The Town Clerk shall keep an accurate, up-to-date record of all Town bylaws, copies of these bylaws and amendments to the provisions of these bylaws or such other bylaws of the Town, as approved by the Attorney General of the commonwealth.
- D. Records generally. The Town Clerk shall keep a file of all Town reports, reports submitted by all committees chosen by the Town and all original documents relating to the affairs of the Town which come into the Town Clerk's custody.
- E. Recordation of conveyances. It shall be the duty of the Town Clerk to see that every conveyance to the Town of any interest in property shall be properly recorded in the Registry of Deeds and to keep a true copy of all deeds or conveyances executed by the Board of Selectmen, pursuant to the vote of the Town, in a book to be kept for such purpose alone.

§ 4-22. Custody of Seal.

The Town Clerk shall have custody of the Town Seal.

ARTICLE V
Town Counsel

§ 4-23. Appointment; compensation; special counsel.

The Board of Selectmen shall each year, within 30 days after the annual election of Town officers, appoint some competent lawyer as Town Counsel, who shall serve for the term of one year or until his successor is appointed. He shall receive for his services such compensation as the Town may determine, and he may be removed for cause, at any time, by the majority vote of the Board of Selectmen. The Board of Selectmen may, whenever it deems necessary, employ special counsel to assist or act in place of the Town Counsel.

§ 4-24. Holding of additional office.

The Town Counsel shall not, during the term of office, hold any other appointive or elective office of the Town.

§ 4-25. Duties.

The Town Counsel shall have the following duties:

- A. Legal drafting; opinions. The Town Counsel shall draft all bonds, deeds, leases, obligations, conveyances and other legal instruments and do every professional act which may be required of him by vote of the Town or any board or Town officers. Also, when required by such boards or any committee of the Town, in writing, he shall furnish a written opinion on any legal question that may be submitted to him, in writing, in regard to any matter which concerns the board or committee requesting the opinion, and he shall at all times furnish legal advice to any officer of the Town who may require his opinion upon any subject concerning the duties incumbent upon such officer by virtue of his office.
- B. Prosecution and defense of suits; appearance before legislature. It shall be the duty of the Town Counsel to commence and prosecute all actions and other legal proceedings and suits ordered to be brought by the Town and to defend all actions and suits brought against the Town in any court or other tribunal of this commonwealth or of the United States. He shall also appear as counsel in any other action, suit or prosecution against the Board of Selectmen for any official action or the performance of any official duty when any right, privilege, ordinance, act or direction of the Board of Selectmen may be brought into question. He shall appear as counsel before the legislature of the commonwealth, or any committee thereof, whenever the interest and welfare of the Town may be directly or indirectly affected.
- C. Investigation of injury that may give rise to claim against Town. Immediately upon being notified by the Board of Selectmen, Chief of Police or Director of Public Works, or upon the receipt of notice from any other source, of injury to persons or property under circumstances which may give rise to a claim for damages against the Town, the Town Counsel shall make or cause to be made a careful and complete investigation of all facts relative thereto. In case of injuries to persons he shall, if it seems practicable, immediately provide for a physical examination of the injured person to be made by some competent physician and provide for such further examinations as he sees fit. He shall take all steps which he deems necessary and adequate to defend such claims and protect the interests of the Town. Within 10 days after the claim for damages for any cause has been received by the Town Counsel, he must make a written report to the Board of Selectmen of the nature and circumstances of the claim, together with such recommendations regarding the same as he deems advisable.

- D. Prosecution of bylaw violations. The Town Counsel shall prosecute, in behalf of the Town, in the local District Court, all cases for the violation of these bylaws or any bylaws of the Town when requested to do so in writing by any board or officer of the Town.

§ 4-26. Annual report.

The Town Counsel shall annually make a written report to the Board of Selectmen, to be printed in the Annual Town Report, concerning the professional services rendered by him during the preceding year. Such report shall contain a statement of each case which has been settled, tried or otherwise disposed of by him during the year and a statement of each case which is still pending and the status of the same, together with such other information and recommendations as he may deem advisable.

ARTICLE VI
Town Treasurer-Collector

§ 4-27. Powers.

The Treasurer-Collector shall have the same power and shall use all means and processes provided by law which town treasurers may use when acting as collectors of taxes.

§ 4-28. Annual report.

The annual report of the Treasurer-Collector shall be submitted to the Board of Selectmen, for inclusion in the Annual Town Report, on or before January 15 and shall contain a statement of the amount of taxes and assessments committed to him for collection and the amount collected thereon, together with the interest and the amount of uncollected taxes.

ARTICLE VII
Board of Health

§ 4-29. Creation; composition; election and term of members.

There is hereby created a Board of Health for the Town consisting of three persons. One member of the Board of Health shall be elected at each Annual Town Meeting for a term of three years.

§ 4-30. Annual report.

The Board of Health shall annually make a written report to the Board of Selectmen, on or before January 15, to be printed in the Annual Town Report, showing in detail the statistics of the health and sanitary condition of the Town, with recommendations for its improvement, together with a full and comprehensive statement of its work and that of its appointees during the previous year. Such report shall also contain a detailed statement of the amounts expended by the Board of Health during the fiscal year.

ADAMS CODE

Chapter 10

ALCOHOLIC BEVERAGES

GENERAL REFERENCES

Peace and good order — See Ch. 76.

§ 10-1. Consumption and possession in public areas.

No person shall consume any beer, wine, malt or alcoholic beverages, nor have in his possession any open containers thereof, upon any public way, sidewalk or Town-owned land.

§ 10-2. Violations and penalties.

Violators of this chapter shall be subject to a fine as provided in Chapter 1, General Provisions, § 1-1.

MARIHUANA OR TETRAHYDROCANNABINOL

Chapter 11

MARIHUANA OR TETRAHYDROCANNABINOL

[HISTORY: Adopted by the Annual Town Meeting of the Town of Adams 6-16-2009 by Art. 25. Amendments noted where applicable.]

GENERAL REFERENCES

Public consumption of alcoholic beverages — See Ch. 10.

Peace and good order — See Ch. 76.

§ 11-1. Public consumption of marihuana or tetrahydrocannabinol.

No person shall smoke, ingest, or otherwise use or consume marihuana or tetrahydrocannabinol (as defined in G.L. c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

§ 11-2. Violations and penalties.

This chapter may be enforced through any lawful means in law by noncriminal disposition pursuant to G.L. c. 40, § 21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this chapter shall be \$300 for each offense. Any penalty imposed under this chapter shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

Chapter 12**PAWNBROKERS AND SECONDHAND DEALERS**

[HISTORY: Adopted by the Annual Town Meeting of the Town of Adams 6-24-2010 by Art. 23.

Amendments noted where applicable.]

§ 12-1. Definitions.

LICENSING AUTHORITY — As used in this chapter shall mean the Board of Selectmen of the Town of Adams.

PAWNBROKER — As used in this chapter shall mean a person who takes articles or things in pawn in exchange for money subject to a right of redemption whether subject to interest or not.

PERSON — As used in this chapter shall mean and include one or more persons of either sex, natural persons, corporations, partnerships, associations, joint-stock companies and all other entities of any kind capable of being used.

SECONDHAND DEALERS — As used in this chapter shall mean and include any person dealing in the purchase or sale of secondhand electronic devices, or in the purchase or sale of secondhand manufactured articles composed wholly or in part of gold, silver, or platinum, or dealing in the purchase or sale of old gold, silver or platinum, or dealing in the purchase of articles or things comprised of gold, silver or platinum for the purpose of melting or refining, or engaged in melting precious metals for the purpose of selling, or in the purchase or sale of pawnbrokers' tickets or other evidence of pledged articles, or, not being a pawnbroker, who deals in the redemption or sale of pledged articles. Secondhand dealers shall also include junk dealers, a collector of, dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles as defined by MGL c.140, §§ 54 through 56.

STATE LAW — As used in this chapter shall mean MGL c.140, §§ 54 through 56, §§ 70 to 85 and §§ 202 to 205.

TOWN — As used in this chapter shall mean the Town of Adams.

§ 12-2. License required.

No person, either as principal, agent or employee, shall, within the limits of the Town, establish, engage in, or carry on the business of secondhand dealer or pawnbroker, or both, either separately or in connection with some other business, without first having obtained and paid for and having in full force and effect a license as herein provided.

§ 12-3. Application for license.

A. Every person desiring to procure a license as herein provided shall file with the Town Clerk a written application upon a blank form prepared and furnished by the Town. Such application shall contain the names and residences of the applicant, if an individual, partnership or firm, or the names and residences of the principal officers if the applicant is an association or corporation. Such applicant shall also describe in detail the character of the business in which he, they, or it desire to engage. The application shall also state the following:

- (1) The length of time such applicant or applicants, if an individual, firm or partnership, or the manager or person in charge, if the applicant is a firm, partnership, corporation or association, has or have resided in the Town, his or their place of previous employment, whether he or they or any of them have been convicted of a felony or misdemeanor, and if so, what offense, when

and what court.

- (2) The premises where such business is to be located or carried on, giving street and number.
- (3) Whether the applicant or applicants or manager had either alone or with someone else previously been a secondhand dealer or pawnbroker.

B. Such application shall be signed and acknowledged before a notary public or other official authorized to administer oaths in the Town.

§ 12-4. Bond.

Such application shall be accompanied by a bond to the Town of Adams, approved as to form by the Town Counsel, in the penal sum of \$300 with sufficient surety or sureties or sufficient collateral security, conditioned for the due observances during the term of the license of any and all ordinances which are now in force or may hereafter be adopted by the Town respecting the business of secondhand dealing and pawnbroking, as defined in § 12-1.

§ 12-5. Investigation.

When an application is filed, the Town Clerk shall cause an investigation to be made by the police to ascertain whether the applicant or applicants is or are of good character and repute, and the police shall furnish to the Town Clerk the information derived from their investigation accompanied by a recommendation as to whether a license should be granted or refused.

§ 12-6. Issuance of license.

Upon the filing of the application, bond and information as provided in § 12-5, the Town Clerk shall, upon his/her approval of such application and bond as to the sufficiency of surety or sureties or collateral security, submit the matter to the licensing authority at its next regular meeting, at which time it shall hold a public hearing on the application, and after which it shall either approve or reject said application. The Town Clerk shall, upon the approval by the licensing authority, issue a license after the payment of the license fee hereinafter provided. All licenses shall be numbered in the order in which they are issued and shall state clearly the location of the place of business in which the person receiving such license shall be authorized to establish, engage in or carry on the business, the kind of business, the dates of issuance and expiration of the license and the name and address of the licensee. No applicant to whom a license has been refused shall make further application until a period of at least six months shall have elapsed since the last previous rejection unless he can show that the reason for such rejection no longer exists.

§ 12-7. License fees.

Every secondhand dealer and pawnbroker as defined in § 12-1 shall pay an annual license fee of \$150 for each established place of business. All licenses shall be issued as of May 1 and shall continue in force until April 30 next succeeding the date of issuance thereof, unless sooner revoked by the licensing authority. No license shall be used by any person other than the original licensee, and any holder of such license or badge who permits it to be used by any other person, and any person who uses such license granted to any other person, shall be guilty of a violation of this chapter.

§ 12-8. Revocation of license.

A. The licensing authority may, at any time for such cause as it, upon investigation, deems sufficient, revoke any license granted under the provisions of this chapter.

- B. Whenever any license shall be so revoked, no refund of any unearned portion thereof shall be made, and no license shall be granted to any person whose license has been revoked within a period of two years from the date of such revocation.
- C. Notice of such revocation shall be served by the Town Clerk upon the person named in the application by mailing the same to the address given in the application.

§ 12-9. Changing place of business.

In case any licensee shall move his place of business from the place designated in the license, he shall immediately thereupon give notice to the Town Clerk and have the same endorsed on the license.

§ 12-10. Record of purchases and sales.

- A. Every secondhand dealer and pawnbroker shall keep in a substantial bound book in which shall be legibly written in ink and in English at the time of every purchase, sale or transaction a description of every article so purchased, sold, or received, the number or numbers and any monograms, inscriptions or other marks of identification that may appear on the article, a description of the articles or pieces comprising old gold, silver, platinum or other metal, and any monograms, inscriptions or marks of identification thereon, the name, residence and general description of the person from whom such purchase was made or to whom sold, and the day and hour of the purchase or sale, including articles or things purchased or received for the purpose of refining or smelting by persons principally engaged in such business. In the case of the purchase or sale of a pawnbroker ticket or other evidence of a pledged article, or a redemption or sale of a pledged article, there shall be written in such book at the time of such purchases, sale or redemption:
 - (1) The name and address of the person who issued such ticket or other evidence;
 - (2) Positive identification, of who issued such ticket or other evidence, will be provided and photocopied;
 - (3) The pledge number of such pawn ticket or other evidence;
 - (4) The name and address of the pledger as it appears on such pawn ticket or other evidence;
 - (5) The amount loaned or advanced as it appears on such pawn ticket or other evidence;
 - (6) The day and hour of such purchase, sale or redemption, as the case may be;
 - (7) The name, residence and general description of the person from whom or to whom the redeemed article is purchased or sold, as the case may be;
 - (8) The sum paid or received from such pawn ticket or other evidence, or the sum paid or received for the redeemed article or pledge;
 - (9) Such description of a pledged article as appears on such pawn ticket or other evidence and an accurate description of every redeemed pledged article.
- B. Such book shall at all reasonable times be open to the inspection of any police officer, to the Town Clerk, the Police Chief, or to any magistrate of the Town or to any person duly authorized in writing for such purpose by the Town Clerk. No entry in such book shall be erased, obliterated, altered or defaced. This chapter shall not in any way reduce any duties required by state law.
- C. All records will be documented into the NESPIN secondhand dealer pawnshop database through the

computer networking system. Training for the licensee will be provided at no cost on an annual basis.

§ 12-11. Report to police.

- A. It shall be the duty of every secondhand dealer and pawnbroker to make or cause to be made to the Chief of Police or his representative every day, except Sunday, before the hour of 12:00 noon, a copy of the records required to be kept in the preceding section, of all goods, articles or things or any part thereof, purchased, received or sold in the course of the business of the dealer on the preceding day, or, if that day be Sunday, on the two next preceding days. All reports required in this section shall be made on a blank form prepared and furnished by the Chief of Police and shall contain such information as the Chief of Police may require.
- B. Each report shall be signed by the licensee or his representative and by the person from whom the purchase was made. The Chief of Police shall cause a record to be kept of all such reports, showing the date and time of receipt of each report, the name of the licensee making the report and his address. The contents of such report shall not be communicated to any person for the purpose of publication, but shall be used by the Chief of Police and others in authority to protect the public interest and detect crimes.

§ 12-12. Restrictions.

- A. No licensee shall carry on business at any other place than the one designed in his license.
- B. No secondhand dealer or pawnbroker shall continue to carry on business after his license is revoked or shall have expired.
- C. No secondhand dealer or pawnbroker shall purchase any secondhand goods, articles or things whatsoever from or make any loans to any person under the age of 18 years, any person who is intoxicated, apprentice or servant, knowing or having reason to believe the person to be such. No such dealer shall purchase from or sell, to any person whatsoever, any secondhand goods, articles or things, between the hours of 9:00 in the evening and 8:00 in the morning, except Saturdays when such sales and/or purchases, except as herein provided, may be made between the hours of 8:00 a.m. and 10:00 p.m. Sunday hours of operation for the sales and/or purchases may be made between the hours of 12:00 noon and 5:00 p.m.
- D. No article or thing, except articles or things that have been received from persons known to be jewelers, dealers, banking institutions, executors or administrators, shall be sold or disposed of by any dealer in secondhand articles until the expiration of 15 days after such purchase or redemption, except that all secondhand articles or things purchased for the purpose of melting or refining by persons principally engaged in such business from persons not jewelers or dealers, shall not be sold, refined, melted or disposed of until the expiration of 15 business days after such purchase; and no such dealer shall receive any article by way of pledge or pawn; or employ any subterfuge for receiving goods as security for the advancement of money.
- E. A licensee shall allow his place of business and all secondhand articles therein to be at all reasonable times examined by any member of the Police Department.
- F. Every secondhand dealer or pawnbroker shall at the time of making any purchase or transaction attach a properly numbered tag to, or otherwise legibly number each article bought, and shall make entry of such number in the book provided for in § 12-10.
- G. Every licensee shall post in a conspicuous place in his place of business a copy of this chapter to be

furnished by the Police Department.

- H. No licensee shall buy any secondhand article of any kind, which is distinctly and plainly marked as being the property of any firm or corporation other than the person offering to sell the same unless the person offering to sell the same shall show satisfactory evidence in writing that he is the legal and lawful owner of such property. Such written evidence shall be pasted in the book provided for in § 12-10.

§ 12-13. Offer to sell by suspicious characters to be reported.

In case any suspicious or known dishonest person shall offer for sale to any secondhand dealer or pawnbroker, his employee, agent or servant, any articles of value, and he has reason to believe from any circumstances that the same has been stolen or acquired by dishonest means, it shall be his duty to report the same at once to the police.

§ 12-14. Lost or stolen property.

It shall be the duty of the Police Department to furnish from time to time to every secondhand dealer or pawnbroker a list of all articles reported to the Police Department as lost or stolen. If the Police Department shall notify a licensed dealer that any goods, articles or things have been lost or stolen, and if such goods, articles or things, or any such or part of such, answering to the description of the notice shall then be, or shall thereafter come into the possession of, any person licensed under the terms hereof, he shall, upon receiving notice thereof, immediately thereafter as a supplement to his daily report for that day to the Chief of Police, give information in writing that certain goods, articles or things listed by the police are in his possession, and shall not thereafter dispose of the same except upon written authority so to do from the Chief of Police. Every dealer in secondhand articles who shall have or receive any goods, articles or things lost or stolen, or alleged or supposed to have been lost or stolen, shall exhibit the same on demand to any police officer or any magistrate of the Town or any person duly authorized by the Chief of Police in writing for such purpose who shall exhibit such written authority to the dealer.

§ 12-15. Enforcement; violations and penalties.

This chapter may be enforced through any lawful means by noncriminal disposition pursuant to MGL c.40, § 21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this chapter shall be \$300 for each offense. Each day in which any violation exists shall be deemed to constitute a separate offense. Any penalty imposed under this chapter shall be in addition to any civil penalty imposed under MGL c.140.

Chapter 14**ANIMALS****GENERAL REFERENCES**

Peace and good order — See Ch. 76.

§ 14-1. Definitions.

As used in this chapter, unless the context otherwise indicates, the following terms shall have the meanings indicated:

ANIMAL CONTROL OFFICER — Any officer appointed by the Board of Selectmen to enforce the laws relating to animals.

ANIMALS — All animals of any species, both male and female, including but not limited to dogs and cats.

COMMERCIAL KENNEL — A kennel maintained as a business for or to include the boarding of dogs.

LICENSE PERIOD — The time between April 1 and March 31, both dates inclusive.

LIVESTOCK or FOWL — Animals or fowl kept or propagated by the owner for food or as a means of livelihood, kept in proper houses or suitably enclosed yards. Such phrase shall not include dogs, cats or other pets.

MULTIPLE PET LICENSE — A license issued for the keeping of several dogs over the age of six months in a single private residence.

OWNER or KEEPER — Any person or persons, firm, association or corporation owning or keeping, or who or which has in his or its possession, for 11 consecutive days in any calendar year, a dog or any other animal, licensed or unlicensed, and cannot show to the satisfaction of the Animal Control Officer that such animal was sold, has died, or has been given away or otherwise disposed of. Further, if the owner or keeper of a dog or other animal is a minor, the parent or guardian of such minor shall be held liable for any violation of this chapter.

RUN AT LARGE — Free of restraint and permitted to wander on private or public ways at will.

§ 14-2. License requirements; fees; inspections.

- A. Any owner or keeper of a dog six months of age or older in the Town of Adams shall cause that dog to be licensed as required by MGL c. 140, §§ 137 and 139, commencing on April 1 of each year.
- B. Any owner or keeper of several dogs may acquire a multiple pet license.
- C. Commercial kennels must be fully licensed pursuant to the provisions of MGL c. 140, § 137A, and subject to the Town of Adams Zoning Bylaw.
- D. Any owner or keeper who renews his respective dog license(s) after June 15 will be charged a late fee as established by the Board of Selectmen.
- E. Each pet household and commercial kennel shall be available to inspection by the Animal Control

Officer, a natural resources officer, fish and game warden, police officer, or building inspector or the Board of Health.

- F. All dogs and cats six months of age or older must be currently vaccinated against rabies as per MGL c. 140, § 145B.
- G. The annual fee for every animal license, multiple pet license, and commercial kennel license shall be established by the Board of Selectmen. No fee shall be charged for a license for a dog specifically trained to lead or serve a blind or deaf person, provided that the Massachusetts Division of the Blind and Deaf certifies that such dog is so trained and actually in the service of a blind or deaf person.
- H. The registering, numbering, describing and licensing of animals shall be performed in the office of the Town Clerk on a form prescribed and supplied by the Town and shall be subject to the condition expressed herein that the dog so licensed shall be controlled and restrained from killing, chasing or harassing livestock or fowl.
- I. No license fee shall be refunded, in whole or in part, for any reason.
- J. The owner or keeper of a licensed animal shall cause it to wear around its neck or body a collar or harness to which shall be securely attached a tag issued by the Town Clerk at the time of licensing.

§ 14-3. Dogs required to be leashed; exceptions. [Amended 6-3-2024ATM by Art. 22]

- A. Dog owners, keepers and persons otherwise in charge are required to physically restrain their dogs by leash when they are not on the owner's property. Hunting dogs when being used for hunting or training shall be exempt.
- B. This section shall not apply to property owned and/or controlled by the Town of Adams or the Commonwealth of Massachusetts where a separate set of rules and regulations applies.
- C. Whoever being the owner, keeper or person in charge of said dog(s) fails to keep his dog(s) physically restrained by leash shall be punishable by a fine as provided in § 14-8 for each individual dog in each individual offense.

§ 14-4. Order to muzzle dogs.

- A. Any owner, keeper or person in charge of a dog may be ordered to muzzle said dog by a duly appointed animal control officer and, in his/her absence, by a police officer for either of the following reasons:
 - (1) For having bitten, injured or physically molested any person; or
 - (2) For having physically injured any domestic animal.
- B. This order shall remain in effect until removed by the officer after having been satisfied that the dog is unlikely to repeat its offense. Such decision by the officer to remove said order shall not be unreasonably withheld.

§ 14-5. Removal of animal feces.

- A. If any animal shall defecate upon any property or area, as hereinafter defined, then the owner, keeper and person then walking or otherwise in charge of said animal shall immediately remove or cause to be removed from said property or area all feces so deposited by said animal. Unless said feces are

removed, the owner, keeper and the person then walking or otherwise in charge of said animal (or if the owner, keeper or person shall be under the age of 18, then the parent or guardian) shall be deemed to have committed a punishable offense.

- B. As used in this section, the following terms shall have the meaning indicated:

PROPERTY or AREA — Any public property or the common areas of any privately owned property or any private property owned or occupied by any person or persons who are not members of the family of the owner or keeper of or the person then walking or otherwise in charge of the animal.

- C. The provisions of this section shall not apply to a guide animal, hearing animal or service animal while actually engaged in the performance of its trained duties with a disabled person.
- D. The commission of any offense punishable under this section shall be punishable by a fine of as provided in § 14-8..

§ 14-6. Impoundment, release and disposition of dogs.

- A. Animal control officers or, in their absence, police officers may cause a dog to be impounded for any of the following causes:

- (1) If found without a license when a license is required;
- (2) If found unrestrained as set forth in § 14-3 of this chapter;
- (3) For violation of a muzzling order as provided for in § 14-4 of this chapter or as provided under MGL c. 140, § 167, as amended;
- (4) For having bitten, injured or physically molested any person;
- (5) For having physically injured any domestic animal;
- (6) To restore peace when the owner or keeper of a dog is otherwise unavailable, unwilling, or physically unable to restrain his/her dog from causing a nuisance by continuous barking or howling; or
- (7) To ensure the safety and well-being of the particular dog.

- B. No later than two days after the impounding of any dog the owner or keeper shall be notified, or if the owner or keeper of the dog is unknown or, after reasonable efforts, is not contacted, written notice shall then be posted for 10 consecutive days in the location for posting notices in the Town Hall, which notice shall describe the dog and the place and time of taking. Dogs impounded and unclaimed by the owner or keeper after such ten-day period shall be disposed of in accordance with the provisions of MGL c. 140, § 151A.

- (1) Prior to the end of said ten-day period, the owner or keeper may obtain the release of any dog impounded hereunder as follows:
 - (a) In the case of a violation of Subsection A(1) of this section, upon obtaining a license as required by law and after paying all pound fees, fines, and notifications costs, if any.

- C. A person who owns or keeps a dog and who has received such notice that the dog has been impounded and is eligible for immediate release and does not within 10 days claim said dog at the pound shall be punished by a fine as provided in § 14-8 to cover the board and disposal of such dog. The owner or

§ 14-6

ADAMS CODE

keeper shall be described as provided in the definition of “owner or keeper” in § 14-1.

- D. Any person who violates the provisions of § 14-4 or this section shall be punished by a fine as provided in § 14-8.
- E. The owner or keeper of any dog who intentionally allows said dog to cause a nuisance by barking or howling shall be punished by a fine as provided in § 14-8.

§ 14-7. Dog known to have killed livestock or fowl.

The Board of Selectmen or its agents may, after written notice to the owner or keeper, enter upon the premises of the owner or keeper of any dog known to it to have killed livestock or fowl and then and there kill such dog, unless such owner or keeper whose premises are thus entered for said purposes shall give a bond in the sum of \$200, with sufficient sureties approved by the Board of Selectmen, conditioned that the dog is continually restrained. If the owner or keeper of the dog declares his intention to give such a bond, said Selectmen or their agents shall allow the owner or keeper seven days, exclusive of Sundays and holidays, in which to procure and prepare the same and to present it to them.

§ 14-8. Violations and penalties. [Amended 6-21-2005 ATM by Art. 24]

Whoever violates any provision of this chapter shall be subject to the noncriminal disposition of the violation pursuant to MGL c. 40, § 21D, punishable by a fine of \$50 for a first offense, \$100 for a second offense and \$300 for a third or subsequent offense occurring in any twelve-month period. This penalty shall be assessed notwithstanding any other penalty or fine set forth elsewhere in the Town Code. Each day that any violation exists shall constitute separate violation under this provision. All fines and penalties shall be paid into the Treasury of the Town of Adams.

BUILDING CONSTRUCTION

Chapter 22

BUILDING CONSTRUCTION

GENERAL REFERENCES

Sewers — See Ch. 93.

Zoning — See Ch. 125.

Numbering of buildings — See § 105-1.

Subdivision regulations — See Ch. 201.

Subdivision of land — See Ch. 109.

ARTICLE I
General Provisions¹

§ 22-1. through § 22-2. (Reserved)

§ 22-3. Appointment of Building Inspector.

The Board of Selectmen shall appoint an Building Inspector, who shall be a voter in the Town, shall have at least five years' experience as a building foreman, architect or engineer and shall serve until removed for cause by the Board of Selectmen.

§ 22-4. Powers and duties of Building Inspector.

The Building Inspector shall be charged with the inspection of buildings, the enforcement of this chapter and such other duties as are imposed by the general laws of the commonwealth. He shall keep a record of the business of his office and shall submit to the Board of Selectmen a yearly report of such business and such other reports as it may call for. Subject to the provisions of this chapter, the Building Inspector shall grant permits for the erection, alteration or moving of buildings, and no building, structure or foundation shall be built, altered or moved without such permit. He shall have the right of entry at any reasonable time in the performance of his duty to examine and inspect any premises, buildings or other structures.

§ 22-5. through § 22-9. (Reserved)²

§ 22-10. Building permit application; plans and specifications; fees. [Amended 6-20-2016 ATM by Art. 24]

- A. Every person intending to build, construct, reconstruct or alter any building, structure or foundation, including temporary structures, platforms or stands for assembly purposes, shall, before commencing the same, file with the Building Inspector an application for a building permit on a form provided therefor and shall, if required by the Building Inspector or the Board of Appeal, file the plans, specifications and details or other full and accurate description of the intended building, construction or reconstruction or alteration. This permit shall be in addition to such permits as may be required by the laws of the commonwealth for specific classes of buildings. The Board of Selectmen shall determine the fees for any and all permits issued under this section. Any fees currently or previously established by this chapter shall remain in effect until such a time as the Board of Selectmen has adopted a fee schedule otherwise.

§ 22-11. through § 22-13. (Reserved)

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1. Editor's Note: The following sections of Article I of this chapter were disapproved by the Attorney General on October 18, 2004 and have been deleted and reserved for future use: §§ 22-1, Definitions; 22-2, Compliance required; 22-5, Materials and methods of construction; 22-6, Waiver of requirements for certain small structures; 22-8, Certificates of occupancy required for dwellings; 22-9, Inspections; 22-11, Term of permits; records open to public inspection; 22-12, Exemptions; and 22-13, Violations and penalties; notice of violation
 2. Editor's Note: Former § 22-7, Garbage disposals required in new buildings, derived from a bylaw adopted 3-23-1970, was repealed 6-21-2022 ATM by Art. 20.

ARTICLE II
Board of Appeal³

§ 22-14. Establishment; membership; terms of office.

A Board of Appeal is hereby established to consist of three members to be appointed by the Board of Selectmen. All members of the Board of Appeal shall be residents of the Town. The appointments first made shall be for one, two and three years, respectively, so that the term of one member shall expire each year. All subsequent appointments shall be made for a term of three years to begin on the first day of April.

§ 22-15. Vacancies; conflicts of interest; compensation.

Vacancies shall be filled by appointment by the Board of Selectmen for any unexpired term. No member of the Board of Appeal shall sit on a case in which he is interested. If any member is so disqualified or absent, the other two members may appoint a substitute. The members shall serve without pay, but the reasonable expenses of the Board of Appeal, when approved by the Board of Selectmen, shall be paid.

§ 22-16. through § 22-18. (Reserved)

3. Editor's Note: The following sections of Article II of this chapter were disapproved by the Attorney General on October 18, 2004 and have been deleted and reserved for future use: §§ 22-16, Right to appeal; 22-17, Rules of procedure; decisions; and 22-18, Revocation of permits; variance.

ARTICLE III
(Reserved)⁴

§ 22-19. through § 22-25. (Reserved)

4. Editor's Note: Article III, General Construction Standards, §§ 22-19 to 22-25, was disapproved by the Attorney General on October 18, 2004, and has been deleted and reserved for future use.

ARTICLE IV
(Reserved)⁵

§ 22-26. through § 22-32. (Reserved)

5. Editor's Note: Article IV, Foundations and Supports, §§ 22-26 to 22-32, was disapproved by the Attorney General on October 18, 2004, and has been deleted and reserved for future use.

ARTICLE V

Stretch Energy Code**[Added 6-23-2015 ATM by Art. 28]****§ 22-33. Definitions.**

As used in this chapter, unless the context otherwise indicates, the following terms shall have the meanings indicated:

INTERNATIONAL ENERGY CONSERVATION CODE (IECC) — The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the Massachusetts State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

STRETCH ENERGY CODE — Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8th edition Massachusetts Building Code, the Stretch Energy Code is an appendix to the August 2013 Massachusetts Building Code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

§ 22-34. Purpose.

The purpose of 780 CMR Appendix 115.AA is to provide a more energy-efficient alternative to the Base Energy Code applicable to the relevant sections of the Building Code for both new construction and existing buildings.

§ 22-35. Applicability.

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, and 51, as applicable.

§ 22-36. Stretch Code.

- A. The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Adams General Bylaws, Chapter 22.
- B. The Stretch Code is enforceable by the Inspector of Buildings or Building Commissioner.

ARTICLE VI
Chimneys, Fireplaces and Smoke Pipes

§ 22-37. Chimneys.

All chimneys shall be built of brick, cinder blocks, stone or reinforced concrete, the walls of which shall not be less than 3 3/4 inches thick and shall have terra cotta flue linings. Chimneys shall extend at least two feet above the highest ridge. Chimneys shall be built upon concrete or solid masonry foundations. The footing for an exterior chimney shall start below the frost line. Listed factory-built chimneys shall be installed in accordance with the term of their listings and the manufacturer's instructions.

§ 22-38. Fireplaces

- A. The back and sides of fireplaces hereafter erected shall be of approved masonry or reinforced concrete of not less than four inches total thickness and shall include a lining of fire brick or other approved material of not less than two inches in thickness.
- B. Wooden centers, used in the construction of that part of the supporting arch which is below the hearth of the fireplace inside of the chimney breast, shall be removed when the construction of the arch is completed and before plastering is started on the underside.

§ 22-39. Smoke pipes

- A. Every smoke pipe shall connect with a chimney or other approved flue and shall enter a chimney through a fireclay or metal thimble or flue ring of masonry. No smoke pipe shall pass through a floor nor through a roof.
- B. Smoke pipes shall not pass through combustible partitions, provided that smoke pipes from ordinary ranges and stoves may pass through combustible partitions if they are guarded by double metal ventilating thimbles two inches larger in diameter than the pipe or by steel tubes built in brickwork or other approved fireproofing materials extending not less than eight inches beyond all sides of the tube.

CEMETERIES

Chapter 28

CEMETERIES

§ 28-1. Cemetery Commission officers; records and reports.

The Cemetery Commission shall meet annually and organize by the choice of a Chairman and a Secretary. It shall be the duty of the Secretary to keep a record of the doings, receipts and expenditures of the Cemetery Commission and render a specific report thereof to the Board of Selectmen on or before January 15, to be printed in the Annual Town Report.

§ 28-2. Duties of Cemetery Commission.

- A. The Cemetery Commission shall have full charge of all of the public cemeteries of the Town, to lay out the same into lots, to execute and deliver deeds therefor, and to erect all necessary signs, fences, buildings and other structures in or about the same, at an expense not to exceed, in any case, the amount of the funds at its disposal.
- B. The Cemetery Commission shall direct the expenditures of all general cemetery funds in the cemetery account and of all specific appropriations, unless otherwise ordered by the Town, and the income of all trust funds held by the Town for cemetery purposes, conforming to the directions of the depositor.
- C. The Cemetery Commission shall keep a complete record of all sales of lots in the public cemeteries of the Town and the deeds thereof, together with the names of the deceased and the location of the graves.

§ 28-3. Funds for perpetual care.

- A. All sums of money for perpetual care hereafter deposited with the Town Treasurer-Collector shall be credited to the account of the cemetery fund. The Town Treasurer-Collector shall keep in his office a book which shall contain a record of all funds deposited, the date of such deposit, the name of the depositor, the name of the cemetery containing the lot in connection with which the deposit is made and the location and number of the lot. Every person who may hereafter deposit any money for such purpose shall receive a certificate therefor from the Town Treasurer-Collector.
- B. The whole sum thus deposited shall forever bear interest, and annually, on the first day of July, the interest shall be computed and entered to the credit of each deposit in the book provided for in this section. Annually, on or before the first day of October, the Town Treasurer-Collector shall return to the Cemetery Commission a statement of the amount of interest to the credit of each deposit, with the name of the depositor, and the Cemetery Commission shall cause the whole of such interest to be expended on such lot.

§ 28-4. Authority to make rules and regulations.

The Cemetery Commissioners, with the approval of the Board of Selectmen, are hereby authorized and empowered to make rules and regulations not contrary to law with regard to the use of the Town cemeteries, and said rules and regulations shall be on file with the Town Clerk.

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Chapter 32

CONTAMINATED PROPERTIES

[HISTORY: Adopted by the Annual Town Meeting of the Town of Adams 6-18-2007 by Art. 29. Amendments noted where applicable.]

GENERAL REFERENCES

Subdivision of land — See Ch. 109.

Zoning — See Ch. 125.

§ 32-1. Agreements to facilitate cleanup and redevelopment.

This bylaw is hereby established upon acceptance by the Town of Adams of MGL c. 59, § 59A. The Board of Selectmen is hereby authorized to negotiate agreements regarding the payment of outstanding real-estate taxes, interest and penalties, including abatement of those amounts needed to make a cleanup and redevelopment project economically feasible. Said agreement may also contain additional incentives, financial and otherwise, as may be deemed appropriate. Agreements may be entered into only with new, innocent purchasers who did not own the site at the time the oil or hazardous material was released and did not cause or contribute to its release. Agreements must specify the details agreed to regarding payment of any outstanding obligations, including the amount owed, rate of interest to accrue if any, amount of monthly payments, payment schedule, large penalties and other terms. These obligations may consist of outstanding real-estate taxes or other financing packages negotiated with the Town. Agreements must be signed by the Board of Selectmen, property owner, and must be notarized and attested to by the Town Clerk. Copies must be provided to the Massachusetts Commissioner of Revenue, Massachusetts Department of Environmental Protection, United States Environmental Protection Agency. Additionally, the property owner and the Town Meeting must receive copies. The Town Meeting must approve, by majority vote, any agreements that reduce outstanding property taxes, penalties and interest.

Chapter 35**CONTRACTS AND PURCHASING****§ 35-1. Contracts by Town officers.**

- A. Generally. No department or officer having charge of any office, department or undertaking of the Town shall recommend the award of any contract or the purchase of any equipment, supplies or services unless the Chief Procurement Officer has first certified that that person has complied with the provisions of MGL c. 30B, c. 30, § 39M, and/or c. 149.
- B. Proposals
 - (1) Notice. A notice involving formal proposals therefor shall have been posted, in the office of the Chief Procurement Officer, not later than two weeks prior to the time so specified, and such notice shall also have been published at least once, not less than two weeks prior to the time so specified, in a newspaper having a general circulation in the Town, as the Chief Procurement Officer may direct. A notice involving informal proposals therefor shall have been posted in the office of the Chief Procurement Officer not later than three days prior to the time so specified.
 - (2) Form. Formal proposals for any contract subject to this section shall be sealed and in writing. Informal proposals for any contract subject to this section may be either oral or written quotations. In the event of an oral quotation, the Chief Procurement Officer shall record said quotation in writing and shall require written confirmation of quotation from offerers prior to the awarding of the contract.
 - (3) Opening; inspection. Such formal proposals shall be opened and read in public at a time and place specified in the posted and published notice and, after being so opened, shall be open for public inspection. Such informal proposals shall be received by a time specified in the posted notice and shall be maintained by the Chief Procurement Officer and shall be open for public inspection upon the awarding of the contract. The Chief Procurement Officer shall maintain a list of all persons requesting and/or receiving formal and informal proposal notices.
- C. Awards generally. The department or officer shall award the contract to the lowest responsible bidder. No contract shall be awarded for a sum in excess of the appropriation available, unless it is on a unit bid price basis, in which event the quantities may be adjusted in order to make the final total payment not exceed the appropriation.
- D. Avoidance of section. No contract or preliminary plans or specifications pertaining thereto shall be split, altered, changed or divided for the purpose of evading the provisions of this section.
- E. Rejection of bids. The right shall be reserved to reject any or all bids, if such rejection is in the public interest.
- F. Suspension of section where interests of Town would be served. It is further provided that in the event of unusual opportunity for the purchase of materials, supplies and equipment in the best interest of the Town, not in excess of \$1,000, which opportunity for the purchase of the particular materials, supplies and equipment would ordinarily be lost or rendered impractical or impossible by the operation of this section, this section may be avoided and dispensed with upon the unanimous vote of the Board of Selectmen, provided that necessary funds are available and have been properly appropriated in advance.

§ 35-2. Capital expenditures.

All Town departments may make capital expenditures whose aggregate total may not exceed \$2,000 per fiscal year from their operating expense accounts.

FINANCE COMMITTEE

Chapter 46

FINANCE COMMITTEE

§ 46-1. Composition; appointment; term. [Amended 6-7-2023ATM by Art. 21]

There shall be a Finance Committee consisting of 9 members who shall reside in the Town and shall be registered voters therein. Of this Committee no person holding an elective position or any other position in Town, other than that of Town Meeting member, shall be eligible to serve on the Finance Committee. The Town Moderator shall appoint all members of the Finance Committee, each of whom shall serve a term of three years. It is recommended that at least one member from each precinct be appointed by the Town Moderator, to ensure equitable representation. The term of office of each such member will expire on June 30.

§ 46-2. Vacancies.

In the event of a vacancy on the Finance Committee, the Town Moderator shall forthwith make an appointment to fill the vacancy for the unexpired term.

§ 46-3. Officers.

The Finance Committee shall elect its own Chairman and Secretary.

§ 46-4. Powers and duties.

The Finance Committee shall consider all municipal questions relating to appropriations and may consider any municipal questions. It shall hear members of Town departments and citizens of the Town relative to any matter before the Committee and shall make such recommendations as the Committee deems advisable upon all subjects considered by it. It shall submit its recommendations and report to each Town Meeting. See also § 4-7.

Chapter 50**REVOLVING FUNDS**

[HISTORY: Adopted by the Special Town Meeting of the Town of Adams 3-5-2018 by Art. 1.

Amendments noted where applicable.]

§ 50-1. Funds established. [Amended 6-18-2018 ATM by Art. 19; 6-3-2024ATM by Art. 23]

There are hereby established in the Town of Adams pursuant to the provision of Massachusetts General Laws c. 44, § 53E 1/2, the following revolving funds:

Revolving Fund	Spending Authority	Revenue Source	Allowed Expenses
Bid Specification Revolving Fund	Town Administrator	Fees from vendors requesting bid and proposal specifications	Contractual services for preparation and issuance of bid and proposal packets
Sanitary Sewer Revolving Fund	DPW Director	Charges from persons requesting connection to the sewer system	Expenses and contractual services required for individual sewer connections
Promotional Revolving Fund	Town Administrator	Fees from the sale of promotional items	Expenses related to the promotion of the Town and replacement of stock
Library Revolving Fund	Library Director or Board of Library Trustees	Fines and fees from damaged or late return of borrowed material	Replacement of library materials
Transfer Station Revolving Fund	DPW Director or Town Administrator	Income and fees received from the operation of the Adams Transfer Station	Expenses related to the operation of the Adams Transfer Station
Inspection Services Fund	Building Commissioner or Town Administrator	Income and fees received from plumbing, electrical, wiring and out of town building permits	Inspector stipends, substitute inspector stipends, inspection computer programs and related expenses
Tax Title Revolving Fund	Treasurer or Town Administrator	Fees from tax takings	Costs associated with tax title takings, tax delinquencies and tax acquired properties
Adams Visitor Center Revolving Fund	Town Administrator	Rental Fees	Maintenance and upkeep of the Adams Visitor Center

REVOLVING FUNDS

Revolving Fund	Spending Authority	Revenue Source	Allowed Expenses
Adams Memorial Building Revolving Fund	Town Administrator	Rental Fees	Maintenance and upkeep of the Adams Visitor Center
Greylock Glen Revolving Fund	Town Administrator	Rental Fees	Maintenance and upkeep of the Greylock Glen

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Chapter 57

INVENTORIES

§ 57-1. Annual inventories of furniture, fixtures and capital equipment.

- A. An inventory of all furniture, fixtures and capital equipment shall be submitted by all Town departments to the Town Accountant semiannually on October 31 and April 30.
- B. Such inventory shall be made in duplicate, one copy of which shall be filed with the Town Accountant.
- C. The outgoing department head shall submit for signing to the incoming department head an inventory of all assets, including furniture, fixtures and capital equipment, in his particular department.
- D. Any discrepancy in the inventory shall be brought to the attention of the Board of Selectmen.

Chapter 60**ICE CREAM TRUCK VENDOR'S PERMIT**

[HISTORY: Adopted by the Annual Town Meeting of the Town of Adams 6-19-2017 by Art. 19. Amendments noted where applicable.]

§ 60-1. Purpose.

The Massachusetts Department of Public Safety requires, pursuant to 520 CMR 15.00, each municipality to issue permits to person engaging in ice cream vending.

§ 60-2. Definitions.

For the purpose of this chapter, the following definitions shall apply:

ICE CREAM — Any frozen dairy or frozen water-based food product.

ICE CREAM TRUCK — Any motor vehicle used for selling, displaying, or offering to sell ice cream.

ICE CREAM TRUCK VENDING — The selling, displaying, or offering to sell ice cream or any prepackaged food product from an ice cream truck.

ICE CREAM TRUCK VENDOR/OPERATOR — Any person who owns, sells, displays, or offers to sell ice cream from an ice cream truck or any person who drives or operates such a vehicle.

§ 60-3. Permit required.

No person shall engage in ice cream truck vending within the Town of Adams unless the applicant has been issued a valid permit to do so by the Chief of Police or his designee. Said permit shall only be valid for use within the Town limits. A separate permit is required for every person who engages in ice cream truck vending/operation.

§ 60-4. Application for permit.

- A. Only the Department of Public Safety's uniform application and permit form will be utilized. The permit shall include a current color photograph of the applicant, encased in plastic. Permits shall be numbered, sequentially, as granted and will also be encased in plastic.
- B. In order to obtain an initial permit, or to renew a permit, each applicant shall submit the following to the permitting authority:
 - (1) A completed uniform application;
 - (2) A copy of his/her fingerprints;
 - (3) Two current color photographs (1.5 inches by two inches); and
 - (4) A valid driver's license.
- C. Upon receipt of the permit application or application for renewal, the Chief of Police or his/her designee shall conduct an investigation into the criminal history of the applicant to determine eligibility. The investigation shall include performing a state and national criminal history records check as authorized by MGL c. 6, § 172B 1/2. As part of this investigation, the Chief of Police or his/her designee shall ensure that the identity of the applicant is true and accurate and, in the case of a

renewal, that the applicant is linked to the original permit number.

§ 60-5. Administrative fee.

The Police Department shall collect an administrative fee upon issuance of each permit.

§ 60-6. Term of permit.

Both initial and renewal permits shall expire annually on January 1.

§ 60-7. Display of permit; revocation; violations and penalties.

- A. All permits issued shall be conspicuously displayed and clearly visible on the windshield dash of any ice cream truck operated or from which ice cream or any prepackaged food product is sold.
- B. The Chief of Police or his/her designee may deny issuance of a permit or revoke a permit for just cause. Pursuant to 520 CMR 15.05, no permit shall be issued to any person who is a sex offender, as defined by MGL c. 6, § 178C. Upon denial of the issuance or revocation of a permit, an applicant shall have the right of appeal to the Board of Selectmen. All such appeals must be made in writing and addressed to the Board of Selectmen. Appeals may be heard in accordance with the scheduling of the Board. The decision of the Board of Selectmen shall be final and binding. No such right of appeal shall attach to the denial of a permit of an applicant who is a sex offender.
- C. Whoever conducts himself/herself as an ice cream vendor/operator with a valid Town of Adams issued permit or with an expired permit, or whoever improperly displays a permit, shall be subject to a fine of no more than \$100 for the first offense, \$200 for the second offense, and \$300 for a third or subsequent offense.
- D. Every ice cream vendor/operator shall comply with all state motor vehicle laws, regulations specific to the operation of ice cream trucks, Town Bylaws, and health codes, as well as any zoning or Department of Public Works regulations that may restrict or prohibit vending in certain areas. Violation of any such law, regulation, bylaw, or health code shall be grounds for the revocation of the vendor's permit.

LICENSES AND PERMITS

Chapter 62

LICENSES AND PERMITS

ARTICLE I

Delinquent Taxpayers**[Amended 6-21-2005 ATM by Art. 25; 3-5-2018 STM by Art. 3]****§ 62-1. List of delinquent parties.**

The Treasurer-Collector shall annually, and may periodically, furnish to each department, board, commission or division which has the authority to issue licenses or permits, including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

§ 62-2. Denial, revocation or suspension of license or permit.

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

§ 62-3. Payment agreements.

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

§ 62-4. Waiver.

The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in MGL c. 268A, § 1, in the business or activity conducted in or on said property.

§ 62-5. Exceptions.

This article shall not apply to the following licenses or permits:

- A. Open burning.
- B. Bicycle permits.
- C. Sale of articles for charitable purposes.
- D. Children's work permits.
- E. Dog licenses.
- F. Fishing, hunting and trapping licenses.
- G. Marriage licenses.
- H. Theatrical events.
- I. Public exhibition permits.
- J. Clubs and associations dispensing food or beverages licensed under the provisions of MGL c. 140, § 21E.

OFFICERS AND EMPLOYEES

Chapter 70

OFFICERS AND EMPLOYEES

GENERAL REFERENCES

Administration — See Ch. 4.

Inventories — See Ch. 57.

Contracts and purchasing — See Ch. 35.

Personnel — See Ch. 80.

ARTICLE I

List of Moneys and Emoluments Received

§ 70-1. Submission by officers.

All elected and appointed officers of the Town who receive fees, emoluments or moneys of any kind, either for their own use or for the Town, county or commonwealth, shall submit to the Board of Selectmen annually a true list setting forth in detail all of such fees, emoluments and moneys received during the year.

Chapter 76**PEACE AND GOOD ORDER****GENERAL REFERENCES**

Alcoholic beverages — See Ch. 10.

Police Department — See Ch. 86.

Animals — See Ch. 14.

Vehicles and traffic — See Ch. 121.

§ 76-1. Disorderly conduct, indecent language and threats.

No person shall:

- A. Behave in a rude, disorderly, insolent or insulting manner.
- B. Make any indecent noise, sound or gesture.
- C. Use indecent, profane or insulting language.
- D. Make any threats or use any other language tending to create a breach of the peace in any public way or other public place in the Town, or within an audible distance of any dwelling house or other building therein.

§ 76-2. Filing of false reports.

No person shall knowingly file a false report, traffic or otherwise, with the Police Department.

§ 76-3. Defacing fences, buildings or sidewalks.

No person shall make any indecent figures or write any obscene words upon or deface by marks, in any manner, any fence, building, sidewalk, crosswalk, or ledge.

§ 76-4. (Reserved)⁶**§ 76-5. Loitering.**

No person shall be or remain upon any sidewalk or upon any doorstep, portico or other projection of any house or building not owned by such person, to the annoyance or disturbance of any person, after having been duly warned by any person having authority to give such warning, nor shall persons so congregate and loaf upon any such sidewalk or in any public way or other public place in the Town.

§ 76-6. Escaping or attempting to escape custody.

No person shall escape or attempt to escape from the Town jail or from custody of a police officer after a legal arrest has been made.

6. Editor's Note: Section 76-4, Distributing handbills or advertisements, was disapproved by the Attorney General on October 18, 2004, and has been deleted and reserved for future use.

§ 76-7. Destroying or defacing public property.

No person shall injure, deface or destroy any street sign, guideboard, lamppost, lamp or lantern thereon, nor any tree, public lawn, grass plot, building, fence, post or other thing set, erected or made for the use or enhancement of the Town.

§ 76-8. Soliciting money.

- A. No person shall go from house to house for the purpose of soliciting money, or sell any tag, badge or other article of any intrinsic value for the purpose of obtaining money without first having obtained permission to do so from the Chief of Police.⁷
- B. Whenever it is deemed advisable, the Chief of Police shall obtain pertinent information of identification from solicitors or the companies they represent; and he shall issue a written permit, to which is to be attached a photograph identifying the person to whom such permit is granted. A copy of such permit, together with an attached photograph, shall be retained for the records by the Chief of Police.

§ 76-9. Parks; hours of operation. [Added 6-21-2005 ATM by Art. 26]

- A. No person shall enter or remain in any public park owned or operated by the Town of Adams outside of those hours established for the operation of said park set forth in Subsection B.
- B. Bowe Field shall be open from 7:00 a.m. until 9:00 p.m. or such other hours as may be established by the Adams Agricultural Fair. Quality Street Park shall be open from 7:00 a.m. until 9:00 p.m. Reid Field shall be open from 7:00 a.m. until 9:00 p.m. Renfrew Field shall be open from 7:00 a.m. until 9:00 p.m. Russell Field shall be open from 7:00 a.m. until 9:00 p.m. Siara Street Park shall be open from 7:00 a.m. until 9:00 p.m. Valley Street Field shall be open from 7:00 a.m. until 9:00 p.m.
- C. The Board of Selectmen may extend the hours of operation of any public park for the holding of an organized special event for which the Board has granted a permit.

7. Editor's Note: A portion of Subsection A prohibiting solicitation of money on public ways and in public places was disapproved by the Attorney General on October 18, 2004, and has been deleted.

Chapter 80

PERSONNEL

GENERAL REFERENCES

Administration — See Ch. 4.

Personnel rules and regulations — See Ch. 200.

Officers and employees — See Ch. 70.

§ 80-1. Purpose and authority.

- A. The purpose of this chapter is to establish fair and equitable personnel policies and a system of personnel administration that ensures uniform, fair and efficient application of the personnel policies.
- B. This chapter is adopted pursuant to the authority granted by Article LXXXIX of the Constitution of the commonwealth and MGL c. 41, §§ 108A and 108C.

§ 80-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPOINTMENT — The placement of a person in a position in the service of the Town.

CIVIL SERVICE — Classified civil service provided for by MGL c. 31 and the rules made thereunder.

CLASS — A group of positions sufficiently similar with respect to general nature of duties, authority and responsibility.

POSITION — An officer or post of employment in Town service with assigned duties and responsibilities calling for full-time or part-time employment of one person in performance thereof.

TOWN — The Town of Adams.

§ 80-3. Applicability.

All Town departments and positions shall be subject to the provisions of this chapter except elected positions and the Town Administrator. Employees subject to the civil service laws or a collective bargaining agreement are subject only to those provisions which are not specifically regulated by civil service law or contract. Nothing in this chapter shall be construed to limit any rights of employees pursuant to MGL c. 150E.

§ 80-4. Administration.

In conjunction with Sections 10 and 11 of An Act Establishing a Selectmen-Administrator Form of Government in the Town of Adams, the Town Administrator shall be responsible for administration of this chapter and regulations as approved by the Board of Selectmen. The Town Administrator may delegate responsibility to such staff assistant or assistants as deemed necessary. The Town Administrator shall:

- A. Act to ensure that the Town acts affirmatively in providing maximum opportunities to all persons regardless of sex, color, creed, race or national origin for entry-level and promotional positions and

provides equal treatment in all other aspects of personnel management.

- B. Establish written rules and regulations, subject to the approval of the Board of Selectmen, consistent with the purposes and provisions of this chapter.
- C. Be responsible for the recruitment, selection, appointment and removal of all employees subject to this chapter.
- D. Maintain a centralized personnel recordkeeping system.

§ 80-5. Classification plan.

- A. A position classification plan for all employees subject to this chapter shall be established, based on similarity of duties performed and responsibilities assumed, so that the same qualifications may be reasonably required for, and the same schedule of pay may be equitably applied to, all positions in the same class. No employee may be appointed to a position not included in the classification plan.
- B. Section 80-5A shall not apply to members of a collective bargaining unit. **[Added 6-16-2009 ATM by Art. 26]**

§ 80-6. Compensation plan.

- A. A compensation plan for all positions subject to this chapter shall be established and amended by action of the Town Administrator with approval of the Board of Selectmen and Town Meeting. The compensation plan shall consist of:
 - (1) A schedule of pay grades, including minimum, maximum and intermediate rates of each grade.
 - (2) An official list indicating the assignment of each class of position to specific pay grades.
- B. Section 80-6A shall not apply to members of a collective bargaining unit. **[Added 6-16-2009 ATM by Art. 26]**

§ 80-7. Grievance procedure.

Employees are entitled to have grievances and concerns regarding their employment heard in a fair, equitable and timely manner. The increase or decrease of general wage rates or salaries shall not be the subject of a grievance. A grievance procedure shall be established for all employees subject to this chapter.

§ 80-8. Adoption and amendment of regulations.

- A. Promulgation. The Town Administrator shall promulgate regulations, subject to the approval of the Board of Selectmen, further defining the personnel policies and procedures of the Town.⁸
- B. Adoption of regulations. The personnel regulations shall be adopted or amended as follows:
 - (1) The Town Administrator or designee shall prepare the regulations.
 - (2) These regulations shall be submitted to the Board of Selectmen, which shall have 30 days to act thereon. Said regulations shall become effective after 30 days if the Board of Selectmen fails to act thereon.

8. Editor's Note: See Ch. 200, Personnel Rules and Regulations.

- C. Maintenance and annual review. The Town Administrator shall annually review the personnel regulations and recommend amendments to the Board of Selectmen. The Town Administrator shall compile and maintain a compilation of all regulations adopted by the Board of Selectmen. Copies of the compiled regulations shall be provided to all department heads and be available for inspection by employees.

§ 80-9. Severability.

The provisions of this chapter and any administrative regulations adopted pursuant to this chapter are severable. If any chapter provisions or administrative regulations are held invalid, the remaining provisions of this chapter or administrative regulations shall not be affected thereby.

Chapter 86**POLICE DEPARTMENT****§ 86-1. Composition.**

The Police Department shall consist of a Chief of Police, captains and such number of police officers as the Board of Selectmen shall deem necessary.

§ 86-2. Powers and duties of Chief of Police; presence of officer within Town. [Amended 6-7-2023ATM by Art. 20]

- A. The Chief of Police shall be the head of the Police Department, subject to the general supervision and control of the Board of Selectmen. He shall have control of the Department, its officers and members and constables and special police officers when in the service of the Department. He shall be responsible for the discipline and efficiency of his Department and shall enforce the rules and regulations thereof.
- B. The Chief of Police shall keep an account of all duties performed and of all absences from duty, with the causes thereof. He shall take notice of all nuisances, defects and obstructions in the streets and other public places in the Town and shall take over all proper measures relative thereto. He shall devote his whole time to the duties of his office and shall have his office at the police station.
- C. There shall be an officer on-duty within the Town during all 24 hours of the day.

§ 86-3. Care of police station and property; reports.

The Chief of Police shall have the care of the police station and of all property of the Town used by the Department and shall keep a full and complete record of the Police Department's business. He shall make reports at such time as may be required by the Board of Selectmen regarding the doings of his Department. He shall annually make a written report to the Board of Selectmen, to be printed in the Annual Town Report, of the organization and condition of the Police Department, with a resume of the business and expenses of the Department for the preceding year, together with such recommendations as he may think advisable for the future conduct of the Department.

§ 86-4. Temporary suspension of police officers.

The Chief of Police shall have the power to relieve temporarily from duty any of his subordinates for neglect or nonperformance of duty, for any act contrary to good order and discipline or for the violation of any of the rules and regulations of the Police Department. In such case he shall, within 48 hours, furnish the Board of Selectmen, in writing, a statement of his reasons for relieving such subordinates from duty.

§ 86-5. Special officers.

The Board of Selectmen, at its pleasure or upon written request, may appoint citizens of the Town of good moral character and habits and 21 years of age or over as special police officers for specific duties. Appointments shall be for a period of one year, unless terminated sooner by resignation or revocation by the Board of Selectmen on recommendation of the Chief of Police. All special police officers shall be subject to the authority of the Chief of Police and shall not carry firearms except by his express authorization. Badges and instructions as to their duties shall be furnished by the Police Department.

§ 86-6. Engaging in outside activities while on duty.

The Chief of Police and each regular member of the Police Department shall devote his entire time to the business of the Police Department. Any other activities must have the approval of the Chief of Police.

§ 86-7. Accident reports.

It shall be the duty of each police officer patrolling a regular beat to report immediately all accidents happening on the public way involving injury to persons or property for which the Town may be liable, and he shall make a careful investigation, securing the names and addresses of all persons involved and witnesses thereto. He shall incorporate the same in his report to the Chief of Police, who in turn shall make a full written report immediately thereof to the Board of Selectmen.

PROPERTY MAINTENANCE

Chapter 87

PROPERTY MAINTENANCE

[HISTORY: Adopted by the Annual Town Meeting of the Town of Adams as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 22.

Streets and sidewalks — See Ch. 105.

Contaminated properties — See Ch. 32.

Zoning — See Ch. 125.

ARTICLE I
(Reserved)

§ 87-1. through § 87-17. (Reserved)

ARTICLE II
Abandoned and Foreclosing Properties
[Adopted 6-16-2008 by Art. 29]

§ 87-18. Purpose; enforcement authority.

- A. Purpose. It is the intent of this article to protect and preserve public safety, security, and quiet enjoyment of occupants, abutters, and neighborhoods by:
- (1) Requiring all residential property owners, including lenders, trustees and service companies, to properly maintain abandoned and/or foreclosing properties.
 - (2) Regulating the maintenance of abandoned and/or foreclosing residential properties to prevent blighted and unsecured buildings.
- B. The Building Commissioner of the Town of Adams has enforcement authority pursuant to inter alia MGL c. 143, § 3, the State Building Code, and the Town Zoning.⁹

§ 87-19. Definitions.

When used in this article, unless a contrary intention clearly appears, the following terms shall have the following meanings:

ABANDONED — Any property that is vacant.

COMMISSIONER — The Building Commissioner of the Town of Adams.

DAYS — Consecutive calendar days.

"EVIDENCE OF VACANCY" — Any condition that would lead a reasonable person to believe that the property is vacant.

FORECLOSING — The process by which a property, placed as security for a real estate loan is prepared for sale to satisfy the debt if the borrower defaults.

"INITIATION OF THE FORECLOSURE PROCESS" — Taking any of the following actions:

- A. Taking possession of a residential property pursuant to MGL c. 244, § 1;
- B. Publishing the first foreclosure notice of a residential property pursuant to MGL c. 244, § 14; or
- C. Commencing a foreclosure action on a residential property in either the Land Court or Superior Court.

LOCAL — Within 20 driving miles distance of the property in question.

MORTGAGEE — The creditor, including, but not limited to, service companies and lenders in a mortgage agreement.

MORTGAGEE IN POSSESSION — A mortgagee that has taken over control and/or occupancy of a property upon default of the borrower to collect income from the property and/or prepare for foreclosure.

OWNER —

- A. Means:

9. Editor's Note: See Ch. 125, Zoning.

- (1) Every person, entity, service company, property manager or realtor, who alone or severally with others:
 - (a) Has legal or equitable title to any dwelling, dwelling unit, mobile dwelling unit, building or parcel of land, vacant or otherwise, including a mobile home park; or
 - (b) Has care, charge or control of any dwelling, dwelling unit, mobile dwelling unit, building or parcel of land, vacant or otherwise, including a mobile home park, in any capacity, including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
 - (c) Is a mortgagee in possession of any such property; or
 - (d) Is an agent, trustee, or other person appointed by the courts and vested with possession or control of any such property; or
 - (e) Is an officer or trustee of the association of unit owners of a condominium.
- (2) Each such person is bound to comply with the provisions of these minimum standards as if he were the owner.

B. "Owner" also means every person who operates a rooming house; or is a trustee who holds, owns, or controls mortgage loans for mortgage-backed securities transactions and has initiated the foreclosure process.

PROPERTY — Any real property, or portion thereof, located in the Town of Adams, including but not limited to buildings or structures occupied for living purposes.

RESIDENTIAL PROPERTY — Any property that contains one or more dwelling units used, intended, or designed to be occupied for living purposes.

SECURING — Measures that assist in making the property inaccessible to unauthorized persons.

TOWN — Town of Adams.

VACANT — A structure or building not legally occupied.

§ 87-20. Registration of affected properties required; contents of registration; term; fees.

- A. All owners must register abandoned and/or foreclosing residential properties with the Commissioner on forms provided by the Commissioner. All registrations must state the individual owner's or agent's phone number and mailing address located within the commonwealth as required by MGL c. 59, § 57D, MGL c. 156D, § 5.05, and 950 CMR 113.230. The mailing address may not be a post office box. This registration must also certify that the property was inspected and identify whether the property is abandoned. If the property is abandoned, the registration must designate a local individual or local property management company responsible for the securing and maintenance of the property. This designation must state the individual or company's name, phone number, and local mailing address. The mailing address may not be a post office box. This registration must be received within seven days of abandonment or within seven days of the initiation of the foreclosure process as defined in Subsection B.
- B. All property registrations are valid for one year. An annual registration fee of \$100 must accompany the registration form. The fee and registration are valid for one calendar year, or remaining portion of the calendar year, in which the registration was initially required. Subsequent registrations and fees are due January 1 of each year and must certify whether the foreclosing and/or foreclosed property

remains abandoned or not.

- C. Once the property is no longer abandoned, or is sold, the owner must provide proof of sale or written notice of occupancy to the Commissioner.

§ 87-21. Maintenance requirements; securing of vacant property.

- A. Maintenance requirements. Properties subject to this article must be maintained in accordance with all the applicable sanitary codes, building codes, and local regulations. The local owner or local property management company must inspect and maintain the property on a monthly basis for the duration of the abandonment.
- B. Vacant property must be boarded and secured in the following manner:
- (1) Securing of means of ingress and egress required. All buildings or structures, regardless of use or height, shall be maintained by the owner so as to prevent ingress or egress into the building. All doors, windows and other means of ingress or egress into such a building or structure shall be kept locked and secured.
 - (2) Repair or boarding up of broken doors and windows. Where any door, window or other means of ingress or egress from a vacant building or structure has become broken or open, the Building Inspector may order the building or structure repaired so as to comply with this article or boarded up as provided herein.
 - (3) Boarding-up method. The method used in boarding up any building or structure, regardless of use or height, shall be as follows:
 - (a) All broken glass shall be removed from the doors or windows of said building or structure.
 - (b) All openings shall be entirely boarded up with either plywood or pressboard having a minimum thickness of 3/8 inch.
 - (c) All plywood or pressboard used in boarding up shall be painted with a blue gray exterior paint. The color and quality of the paint is subject to the approval of the Commissioner.
 - (d) All openings which are not within 10 feet of ground level at their lowest point and which are not readily accessible from ground level or from neighboring buildings or structures shall have a one-square-foot opening on the top of the enclosure which shall be covered by a one-fourth-inch wire mesh screen. Louvers may be used in place of the wire mesh screen, provided that they do not inhibit the ventilation.
- C. The property must contain a posting with the name and twenty-four-hour contact phone number of the local individual or property management company responsible for the maintenance.
- D. Adherence to this article does not relieve the property owner of any applicable obligations set forth in code regulations, covenant conditions and restrictions and/or homeowners' association rules and regulations.

§ 87-22. Inspections.

The Commissioner or his designee shall have the authority and the duty to inspect properties subject to this article for compliance and to issue citations for any violations. The Commissioner shall have the discretion to determine when and how such inspections are to be made, provided that their policies are reasonably

calculated to ensure that this article is enforced.

§ 87-23. Violations and penalties.

- A. Failure to initially register with the Commissioner is punishable by a fine of \$300.
- B. If applicable, failure to properly identify the name of the local individual or property management company is punishable by a fine of \$300, for each violation, and to a like fine for each day's continuance of such violation.
- C. Failure to maintain the property is punishable by a fine of \$300 for each month the property is not maintained.

§ 87-24. Appeals.

Any person aggrieved by the requirements of this article, or by a decision issued under this article by the Commissioner, may seek relief in any court of competent jurisdiction as provided by the laws of the commonwealth.

§ 87-25. More stringent restrictions to apply.

If any provision of this article imposes greater restrictions or obligations than those imposed by any other general law, special law, regulation, rule, ordinance, bylaw, order, or policy, then the provisions of this article control.

§ 87-26. Severability.

If any provision of this article is held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

Chapter 89**RIGHT TO FARM**

[HISTORY: Adopted by the Annual Town Meeting of the Town of Adams 6-18-2007 by Art. 25. Amendments noted where applicable.]

GENERAL REFERENCES

Subdivision of land — See Ch. 109.

Zoning — See Ch. 125.

§ 89-1. Legislative purpose and intent.

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

§ 89-2. Definitions.

- A. The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.
- B. The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:
 - (1) Farming in all its branches and the cultivation and tillage of the soil;
 - (2) Dairying;
 - (3) Production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
 - (4) Growing and harvesting of Christmas trees;
 - (5) Cultivation of sugar maple trees for the production of maple products;
 - (6) Growing and harvesting of forest products and any other forestry or lumbering operations; raising of livestock, including horses;
 - (7) Keeping of horses as a commercial enterprise;
 - (8) Keeping and raising of poultry, swine, cattle, sheep, goats, rabbits, ratites (such as emus, ostriches and rheas), camelids (such as llamas, alpacas, and camels) and other domesticated

animals for food and other agricultural purposes, including fiber and fur-bearing animals (not to include exotic animals);

(9) Keeping of honey bees;

(10) Fish hatcheries.

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

(1) Operation and transportation of slow-moving farm equipment over roads within the Town;

(2) Control of pests including, but not limited to, insects, weeds, predators, and disease organisms of plants and animals;

(3) Application of manure, fertilizers, and pesticides;

(4) Conducting agriculture-related educational and farm-based recreational activities, provided that the activities are related to marketing the agricultural output or services of the farm;

(5) Processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand, including signage thereto;

(6) Maintenance, repair, or storage of seasonal equipment or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products;

(7) On-farm relocation of the earth and the clearing of ground for farming operation;

(8) Construction and use of farm structures and facilities for the storage of animal wastes, farm equipment, pesticides, fertilizers, agricultural products and livestock, for the processing of animal wastes and agricultural products, for the sale of agricultural products, and for the use of farm labor, as permitted by local and state building codes and regulations; including construction and maintenance of fences.

§ 89-3. Right to farm declaration.

A. The right to farm is hereby recognized to exist within the Town of Adams. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the accompanying incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this bylaw are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm Bylaw shall be deemed as acquiring any interest in land, or imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning bylaw. This bylaw does not supersede local, state or federal laws or regulations or private covenants.

§ 89-4. Disclosure notification.

A. The Town will provide a copy of the following notice by posting a copy of the notice at the Adams Town Hall and at the Adams Public Library, and will include the notice and copy of the bylaw on the Town's official website: "It is the policy of the Town of Adams to conserve, protect and encourage

the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations, including the ability to access water services for such property under certain circumstances."

§ 89-5. Resolution of disputes.

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

§ 89-6. Severability clause.

- A. If any part of this bylaw is for any reason held to be unconstitutional or invalid, such decision(s) shall not affect the remainder of this bylaw. The Town of Adams hereby declares the provisions of this bylaw to be severable.

SEWERS

Chapter 93

SEWERS

GENERAL REFERENCES

Building construction — See Ch. 22.

Subdivision regulations — See Ch. 201.

Streets and sidewalks — See Ch. 105.

ARTICLE I
General Provisions

§ 93-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

APPROVAL AUTHORITY — The Regional Administrator of U.S. Environmental Protection Agency Region I.[**Added 6-16-2008ATM by Art. 26]**

AVERAGE DAILY FLOW — The total volume of sewage in gallons measured at a metering station or other point during a continuous period of 365 days divided by 365.

BIOCHEMICAL OXYGEN DEMAND or BOD — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet, 1.5 meters, outside the inner face of the building wall.

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal.

CATEGORICAL PRETREATMENT STANDARDS — Pollutant discharge limitations for specific industrial user categories promulgated under federal law by the United States Environmental Protection Agency.

COMBINED SEWER — A sewer receiving both surface runoff and sewage.

DPW DIRECTOR — Department of Public Works Director and/or his designee.[**Added 6-16-2008ATM by Art. 26]**

GARBAGE — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL USER (IU) — A source of indirect discharge.[**Added 6-16-2008ATM by Art. 26]**

INDUSTRIAL WASTES — The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

INTERFERENCE — An inhibition or disruption of the Town's wastewater works, its treatment processes or operations, or its sludge processes, use or disposal which is a cause of, or significantly contributes to, a violation of any requirement of the Town's NPDES permit (including an increase in the magnitude or duration of a violation) or the prevention of sewage sludge use or disposal.[**Amended 6-16-2008ATM by Art. 26]**

LOCAL LIMITS — Specific prohibitions or limits on pollutants developed by the POTW and approved by the Approval Authority. Such local limits shall be deemed pretreatment standards.[**Added 6-16-2008ATM by Art. 26]**

MAXIMUM DAILY FLOW — The highest volume in gallons measured at a metering station or other point during any continuous twenty-four-hour period.

NATIONAL PRETREATMENT STANDARD — Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the CWA, which applies to industrial users, including the general and specific prohibitions found in 40 CFR 403.5.[**Added 6-16-2008ATM by**

Art. 26]

NATURAL OUTLET — Any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

NEW SOURCE — Any building, structure, facility or installation from which there is or may be discharge of pollutants, construction of which commenced after the publication of the proposed pretreatment standards pursuant to Section 307(c) of the Clean Water Act which will apply to the facility if the standards are promulgated in accordance with that section, provided that certain location and construction criteria are met. **[Added 6-16-2008ATM by Art. 26]**

PASS-THROUGH — Quantities or concentrations of pollutants that cause a violation of the Town's NPDES permit (including an increase in the magnitude or duration of a violation caused by another source). **[Amended 6-16-2008ATM by Art. 26]**

pH — The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PRETREATMENT REQUIREMENT — Any substantive or procedural pretreatment requirement, other than a National Pretreatment Standard, applicable to industrial users. **[Added 6-16-2008ATM by Art. 26]**

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch, 1.27 centimeters, in any dimension.

PUBLICLY OWNED TREATMENT WORKS or POTW — A treatment works owned by the Town including any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances that convey wastewater to a POTW treatment plant. **[Added 6-16-2008ATM by Art. 26]**

PUBLIC SEWER — Any sewer owned or maintained by the Town and any sewer situated outside the Town that is owned or maintained by a city, town, or district that discharges into the Town's wastewater treatment works.

SANITARY SEWER — A sewer which carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

SEWAGE — A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater, surface water and stormwater as may be present.

SEWAGE TREATMENT PLANT — Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS — All facilities for collecting, pumping, treating and disposing of sewage.

SEWER — A pipe or conduit for carrying sewage.

SIGNIFICANT INDUSTRIAL USER — An industry discharging wastewater to a public sewer with:

- A. An average daily flow greater than 5,000 gallons per day;
- B. A maximum daily flow greater than 10,000 gallons per day;
- C. Pollutants that may interfere with or pass through the Town's wastewater works;
- D. Toxic amounts of pollutants;
- E. Pollutants from an industrial process regulated by categorical pretreatment standards;

- F. Wastewater that makes up 5% or more of the dry weather hydraulic or organic capacity of the Town's sewage treatment plant; or **[Added 6-16-2008ATM by Art. 26]**
- G. Wastewater that has a reasonable potential for adversely affecting the treatment plant's operation. **[Added 6-16-2008ATM by Art. 26]**

SLUG — Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flows during normal operation.

STORM DRAIN or STORM SEWER — A sewer which carries stormwater and surface water and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT — The Superintendent of the wastewater treatment plant of the Town or his authorized deputy, agent or representative.

SUSPENDED SOLIDS — Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

WATERCOURSE — A channel in which a flow of water occurs, either continuously or intermittently.

§ 93-2. Connection to public sewer; permit required for sewage disposal facilities; building permits.

- A. The owner or other person having control of any existing building or buildings hereafter erected or converted into a dwelling to be occupied by one or more families and from which a public sewer is accessible shall, in a manner and within a period of time satisfactory to the Board of Health, cause such building to be connected with such public sewer.
- B. No septic tank, permanent vault, privy or other means of sewage disposal shall hereafter be constructed or installed in this Town until a permit has first been obtained from the Board of Health.
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- C. No building permit for a dwelling house or other inhabited building shall be issued until the Board of Health has approved the proposed lot as suitable from a sanitary point of view for human habitation. No building permit shall be issued for a dwelling house on an unsewered street until a permit for a sewage disposal installation has been obtained from the Board of Health.

§ 93-3. Right of entry. [Amended 6-16-2008ATM by Art. 26]

- A. The DPW Director, Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Town will have the authority to inspect all areas of an industrial user's facility, including process areas, areas with floor drains, chemical storage areas, hazardous waste generation and storage areas, pretreatment systems, connections to the sewer, areas where waste hauling and production take place, and areas where effluent monitoring records are kept. The Town will have authority to obtain information on all raw products used within the facility, both in the industrial process and for other uses.
- B. While performing the necessary work on private properties referred to in Subsection A of this section, the DPW Director, Superintendent or duly authorized employees of the Town shall observe all safety

10. Editor's Note: A portion of Subsection B requiring a permit for cesspool construction was disapproved by the Attorney General on October 18, 2004, and has been deleted.

rules applicable to the premises established by the company. The company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 93-24.

- C. The DPW Director, Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works.

§ 93-4. Damaging sewage works prohibited.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

§ 93-5. Discharge of surface or roof water to sanitary sewer system.

No owner or person in control of premises shall knowingly cause or permit surface or roof water from such premises to enter the sanitary sewer system of the Town.

§ 93-6. Violations and penalties.

- A. Any person who shall violate any provisions of this chapter, except § 93-4, shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Violations are immediately actionable and, if the industrial user continues to violate during the period it is supposed to be correcting its violation, the Town can take enforcement action against it. The offender shall, within the period of time stated in such notice, permanently cease all violations. **[Amended 6-16-2008ATM by Art. 26]**
- B. Any person who shall continue any violation beyond the time limit provided for in Subsection A of this section shall be guilty of a misdemeanor.
- C. Any person violating any of the provisions of this chapter shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.
- D. Any person or legal entity violating any of the provisions of this chapter shall be liable for a civil or criminal penalty not to exceed \$5,000 for each day of violation of any such rule or regulation under authority granted by MGL c. 83, § 10, as amended. The Town has the authority to issue administrative penalties if allowed under state law. **[Amended 6-16-2008ATM by Art. 26]**

ARTICLE II
Installation and Connection of Sewers

§ 93-7. Permit required. [Amended 6-16-2008ATM by Art. 26]

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the DPW Director.

§ 93-8. Classes of permits; application; fees. [Amended 6-16-2008ATM by Art. 26]

- A. There shall be two classes of building sewer permits:
- (1) Residential;
 - (2) Commercial;
 - (3) Industrial (domestic waste only); and
 - (4) Industrial (other than above).
- B. The owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the DPW Director. Permit fees for each class shall be set by the Board of Selectmen.

§ 93-9. Agreement to construct sewer; costs.

- A. The Board of Selectmen may enter into an agreement with a developer or other person to construct and install a sewer in a public way in accordance with Town standards at no cost to the Town, upon such terms and conditions as it deems to be in the best interest of the Town, said sewer to become Town property upon its completion.
- B. All costs and expenses incidental to the installation and connection of sewers within a public way (from an existing sewer line to the point of entry upon said private property) shall be borne by the person making application for connection according to a fee schedule set by the Board of Selectmen.

§ 93-10. Separate connection for each building required; exception.

A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

§ 93-11. Use of old building sewers in connection with new buildings. [Amended 6-16-2008ATM by Art. 26]

Old building sewers may be used in connection with new buildings only when they are found, on examination and/or test by the DPW Director, to meet all requirements of this chapter.

§ 93-12. Construction methods and materials.

The size, slope, alignment and materials of construction of a building sewer and the methods to be used

in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

§ 93-13. Elevation of building sewer.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

§ 93-14. Roof downspouts and foundation drains.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

§ 93-15. Specifications for connections.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

§ 93-16. Notice of readiness for inspection and connection; supervision of connection. [Amended 6-16-2008ATM by Art. 26]

An applicant for the building sewer permit shall notify the DPW Director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the DPW Director or his representative.

§ 93-17. Barricading and lighting of excavations; restoration of property.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

ARTICLE III
Use of Sewers

§ 93-18. Discharge of stormwater, drainage and unpolluted water.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

- A. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as combined sewers or storm sewers or to a natural outlet approved by the DPW Director and/or the Superintendent. **[Amended 6-16-2008ATM by Art. 26]**
- B. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.

§ 93-19. Prohibited discharges. [Amended 6-16-2008ATM by Art. 26]

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140° F. or 60° C. using the test methods specified in 40 CFR 261.21.
- B. Any waters or wastes containing any pollutant as solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant.
- C. Any waters or wastes having a pH lower than 5.5 Standard Units (SU) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, and entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- E. Any pollutant including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
- F. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

§ 93-20. Conditional discharges. [Amended 6-16-2008ATM by Art. 26]

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the Superintendent, that such wastes can harm either the sewers, sewage treatment process or equipment having an adverse effect on the receiving stream, can otherwise endanger life, limb, public property or can constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities

of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. In no case will a federally mandated prohibition be altered to be less stringent. The substances prohibited are:

- A. Any liquid or vapor having a temperature higher than 150° F., 65° C., or, alone or in conjunction with other discharges, that causes the POTW influent to exceed a temperature higher than 104° F., 40° C.
- B. Any water or waste containing fats, wax, grease, oils, petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° and 150° F., 0° and 65° C.
- C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower, 0.76 hp metric, or greater shall be subject to the review and approval of the Superintendent.
- D. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.
- E. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- F. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the Superintendent as necessary after treatment of the composite sewage to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- H. Any waters or wastes having a pH in excess of 9.5 Standard Units (SU).
- I. Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids, such as but not limited to fuller's earth, lime slurries and lime residues, or of dissolved solids, such as but not limited to sodium chloride and sodium sulfate.
 - (2) Excessive discoloration, such as but not limited to dye wastes and vegetable tanning solutions.
 - (3) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (4) Unusual volume of flow or concentration of wastes constituting slugs as defined in this chapter. The POTW has the authority to require any significant industrial user to develop a slug control plan which outlines discharge practices (including nonroutine batch discharges); describes stored chemicals; and contains procedures both to notify the POTW immediately of slug discharges and to prevent adverse impacts from accidental spills (such as operation and maintenance (O & M), general housekeeping, or training).
- J. Waters or wastes containing substances which are not amenable to treatment or reduction by the

sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. A water or waste may not introduce into the POTW any pollutants which cause pass through or interference.

§ 93-21. Actions of Superintendent on determination of hazardous condition.

- A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain the substances or possess the characteristics enumerated in § 93-20 and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
 - (1) Reject the wastes.
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
 - (3) Require control over the quantities and rates of discharge.
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 93-26.
- B. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and be subject to the requirements of all applicable codes, provisions of this chapter or other bylaws of the Town.
- C. The Superintendent may immediately halt or prevent any discharge of pollutants to a public sewer that reasonably appears to present an imminent endangerment to the health or welfare of persons or any such discharge presenting (or which may present) an endangerment to the environment or which threatens to interfere with operation of the Town's wastewater works. Actions which may be taken by the Superintendent include, but are not limited to, seeking ex parte temporary injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by the discharger.
- D. The Superintendent may seek injunctive relief to enforce the terms of an industrial discharge permit or this chapter.
- E. The Superintendent may establish pollutant discharge concentrations or mass loadings as necessary to protect the sewage works as well as to ensure compliance with federal, state and local regulations.
- F. The Superintendent shall notify industries that are subject to § 93-27 of applicable federal, state and local pretreatment regulations, including but not limited to pollutant discharge limitations, compliance deadlines and any revisions to such regulations.

§ 93-22. Grease, oil and sand interceptors. [Amended 6-16-2008ATM by Art. 26]

Grease, oil and sand interceptors shall be provided when, in the opinion of the DPW Director and/or Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the DPW Director and/or Superintendent and shall be located so as to be readily and easily accessible for cleaning and inspection.

§ 93-23. Maintenance of preliminary treatment and flow-equalizing facilities.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

§ 93-24. Control manholes and related appurtenances.

When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safety located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

§ 93-25. Testing methods. [Amended 6-16-2008ATM by Art. 26]

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the methods and procedures in 40 CFR Part 136, and shall be determined at the control manhole provided or upon suitable samples taken at such control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

§ 93-26. Special agreements with industrial concerns.

- A. No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefor by the industrial concern.
- B. In no case will a special agreement waive an IU's responsibility for achieving and maintaining compliance with applicable categorical standards, local limits, or federally prohibited discharge standards. [Amended 6-16-2008ATM by Art. 26]
- C. Any agreement with an industrial concern shall require local limits that once adopted are considered pretreatment standards and are federally enforceable. Local limits may not be waived. [Added 6-16-2008ATM by Art. 26]

§ 93-27. Industrial pretreatment program requirements. [Amended 6-16-2008 ATM by Art. 26]

- A. All persons discharging wastewater into a public sewer shall comply with federal and state industrial pretreatment regulations (as amended). Industries shall comply with federal and state general pretreatment standards and with the national categorical standards, found in 40 CFR Chapter 1, Subchapter N, Parts 405-471, hereby incorporated into this bylaw. Compliance with such standards shall be achieved no later than the date such standard is effective, unless a shorter compliance time is specified by the Superintendent.

- B. The Superintendent shall have the right to take independent samples and analyze the discharges of industries connected to a public sewer and shall conduct surveillance and general inspection activities to identify, independent of information supplied by such persons, occasional and continuing noncompliance with this chapter (as amended). Such activities may be conducted without prior notice and need not be confined to normal business hours.
- C. Significant industrial users shall apply for an industrial discharge permit. Such application shall be made by completing a form developed by the Superintendent. In the case of industrial users identified as significant under 40 CFR 403.3(t), the POTW must issue control through a permit containing at a minimum the following six conditions:
- (1) A statement of duration.
 - (2) A statement of nontransferability.
 - (3) Applicable federal, state and local effluent limits
 - (4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements.
 - (5) A statement of applicable civil and criminal penalties.
 - (6) Requirements to control slug discharges, if determined by the Superintendent to be necessary.

No significant industrial user may discharge wastewater to a public sewer without an industrial discharge permit duly issued by the Superintendent.

- D. The terms of an industrial discharge permit may be modified by the Superintendent and a reasonable time provided for compliance with such modified terms. Violations of the terms of such permits are violations of this chapter. Where a conflict exists between the terms of a duly issued permit and this chapter, the permit shall govern. However, under no circumstances can federal and state regulations be waived. Permits may be issued for a maximum period of three years and may not be transferred to a new owner or occupant of the premises without the Superintendent's written approval. A permit may be revoked by the Superintendent if its terms are not met. All industrial users, whether permitted or not, must notify the POTW prior to changing their discharge.
- E. All new significant industrial users proposing to discharge wastewater to a public sewer shall apply for an industrial user discharge permit at least 60 calendar days before connecting to the public sewer. As part of such application, the Superintendent may require the applicant to obtain written certification from the appropriate federal and state regulatory agencies as to whether the applicant falls within particular industrial categories or subcategories for purposes of industrial pretreatment standards.
- F. Within 90 calendar days after adoption by a federal or state regulatory agency of a pretreatment standard, existing industries subject to such standards shall submit an application to amend the industrial discharge permit. This application for an amendment shall contain information required under applicable federal and state industrial pretreatment reporting regulations in the form required by the Superintendent. (Such a permit amendment application is in addition to the industrial user discharge permit application required above.)
- (1) Such information, as a minimum, shall include:
 - (a) The name and address of the facility, including the name of the operators and the owners;

- (b) A list of all environmental permits held by or for the facility;
 - (c) A brief description of the nature, average rate of production, and Standard Industrial Classification of the operations carried out at such facility;
 - (d) A schedule of actions to be taken to comply with the categorical standards;
 - (e) Information showing the measured average daily and maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams;
 - (f) An identification of the industrial pretreatment standards applicable to each regulated process; and
 - (g) An analysis identifying the nature and concentration of pollutants in the discharge.
- (2) The Superintendent may require that additional information be included in such application.
- G. As per 40 CFR 403.12(c), any compliance schedule must contain milestone dates for implementing pretreatment required to meet the applicable pretreatment standards for all users. Within 14 days of a milestone in the compliance schedule and within 14 days of the final date for compliance, all users, including Industrial Users, must submit a progress report to the POTW indicating whether or not the final compliance date was met and, if not, when the compliance with the increment of progress is expected.
- H. Beginning 180 calendar days after the adoption of federal or state pretreatment standards, industries or any user subject to such standards may not discharge industrial wastes from processes regulated by such pretreatment standards to a public sewer unless an industrial discharge permit amendment is approved by the Superintendent and its terms are being met. Such permit amendment may include a compliance schedule for activities necessary to meet pretreatment standards or activities such as the installation of spill prevention and personnel training.
- I. Within 90 days after the date for final compliance by existing industries with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into a public sewer, such industries shall submit a report indicating the nature and concentration of pollutants in the discharge from the regulated process(es) as governed by categorical pretreatment standards and the average and maximum daily flow for these process units. Such report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance practices or pretreatment is necessary. Such industrial users shall also submit before June 1 and December 1 of each year, unless required more frequently by the Superintendent, a report indicating the nature and concentration of pollutants in the discharge, average and maximum daily flows, and violations of applicable categorical pretreatment standards. Baseline monitoring reports and reports on compliance with categorical standards (compliance reports) must contain a statement reviewed by an authorized representative of the industrial user, and certified by a qualified professional about the user's compliance with applicable categorical standards and whether any pretreatment or operation and maintenance is required to attain compliance. Additional requirements for such periodic reports may be imposed by the Superintendent. Significant noncategorical IUs shall also be required to submit periodic compliance reports at least once every six months (unless required more frequently by the Superintendent) which include the information as set forth in this section.
- J. All categorical and noncategorical industrial users shall immediately (no later than 24 hours) notify the Superintendent in person or by telephone followed by written notice (within five days) of any slug

discharged by such user.

- K. Notice of violation by the industrial user to the POTW written within 24 hours of becoming aware of the violation will be followed by the user resampling and submitting the results of the resampling to the POTW within 30 days.
- L. As per 40 CFR 12(j), all industrial users must notify the POTW prior to any substantial changes in the volume or character of pollutants in their discharges, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12(p).
- M. The Industrial User shall notify the POTW, the State DEP Hazardous Waste Authorities, and the EPA Regional Waste Management Division Director in writing of any discharge into the POTW which would be considered hazardous waste under 40 CFR Part 261, if disposed of in a different manner.
- N. Reports and permit applications submitted by industries under this chapter shall be signed by an authorized representative. An authorized representative may be: a principal executive officer of at least a level of vice president, if the industrial user is a corporation; a general partner or the proprietor, if the industrial user is a partnership or sole proprietorship; or a duly authorized representative of either of the individuals designated above, if such representative is responsible for the overall operation of the subject facility. Baseline monitoring reports, ninety-day compliance reports and periodic compliance reports from categorical industrial users shall also contain the certification statement from 40 CFR 403.6(a)(2)(ii) as follows:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- O. Industries subject to the reporting requirements of this chapter shall maintain records of information resulting from monitoring activities required to prepare such reports.
 - (1) Such records shall include, for each sample:
 - (a) The date, exact place, method and time of sampling and the names of the person or persons taking the sample;
 - (b) The dates analyses were performed;
 - (c) The name(s) of the person(s) performing the analyses;
 - (d) The analytical techniques and methods used; and
 - (e) The results of such analyses.
 - (2) Such records shall be maintained for a minimum of three years, or longer in case of unresolved litigation or when requested by the approval authority, and shall be made available for inspection and copying by the Superintendent.
- P. Information and data submitted to the Superintendent relating to wastewater discharge characteristics

shall be available to the public and governmental agencies without restriction. Other such information shall be available to the public and governmental agencies without restriction, unless the person providing such information specifically requests and is able to demonstrate to the satisfaction of the Superintendent that the release of such information would divulge processes or methods of production entitled to protection as trade secrets. Trade secrets shall not be made available for inspection by the public but may be made available upon the written request of governmental agencies for their use regarding this chapter, the National Pollutant Discharge Elimination System (NPDES) permit, and state disposal system permits and/or the pretreatment program.

- Q. No person may utilize dilution as a means of complying with federal, state or local discharge limitations. The Superintendent may impose mass limitations (in addition to concentration limitations) on the discharge of any pollutant by any person.
- R. The Superintendent shall annually publish the names of all industrial users in significant noncompliance (SNC) of this chapter during the previous 12 months in the largest daily newspaper published in the Town. For purposes of this provision, a significant noncompliance includes:
 - (1) A violation remaining uncorrected 45 days after notification of noncompliance;
 - (2) A failure to accurately report noncompliance; or
 - (3) A violation resulting in the Superintendent's exercise of emergency powers under § 93-21.

Chapter 101**SOLID WASTE****§ 101-1. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

GARBAGE — All waste animal, fish, fowl, fruit or vegetable matter produced from or resulting from the use or storage of food for human consumption.

REFUSE — All combustible and noncombustible rubbish, ashes and ordinary commercial wastes, provided that building or construction wastes and industrial wastes shall not be included in this definition.

SOLID WASTE — Waste, refuse, broken or rejected matter, hence anything worthless.

§ 101-2. Sanitary landfill areas.

- A. Permit required. No public or private premises within the limits of the Town shall be used as a sanitary landfill area without a permit from the Board of Selectmen.
- B. Rules and regulations for use. The owner, agent or lessee of any land or enclosure used as a sanitary landfill area, either public or private, shall cause all offensive matter dumped thereon to be immediately covered and all other refuse matter dumped thereon to be kept leveled and the premises kept in such a manner as to cause no nuisance during the process of filling. No person shall dump any offensive materials upon any sanitary landfill area unless permitted to do so by the Board of Selectmen, and all such offensive materials shall be properly disposed of to the approval of the Board of Selectmen. All possible care shall be used in preventing the escape of dust and papers from the area and from the vehicle used in conveying waste materials to the sanitary landfill area.

§ 101-3. House offal.

House offal, commonly called “garbage” or “swill,” shall be placed in suitable watertight receptacles, properly covered and so located that the house offal may be easily removed by persons authorized by the Board of Health. Receptacles used for the storing of house offal shall at all times be kept in a reasonably clean condition. No metal, glass, crockery, poisonous substance or substances other than house offal shall be placed in such receptacles.

§ 101-4. Town sanitary landfill.

- A. Authority of Board of Selectmen to make rules and regulations. The Board of Selectmen is hereby authorized and empowered to make rules and regulations with regard to the use of the Town sanitary landfill.
- B. Use restricted. The Town sanitary landfill shall be used only by residents of the Town or Town taxpayers. All others will be prosecuted for trespassing unless they have received written permission to use the same from the Board of Selectmen.
- C. Permit required to salvage materials. Salvaging of material from the Town sanitary landfill shall not be allowed, except by permit from the Board of Selectmen.
- D. Dumping to be supervised. No dumping of any material shall be permitted at the Town sanitary

landfill, except under the supervision of the person in charge.

- E. Dumping hours. The hours during which dumping at the Town sanitary landfill will be permitted shall be established by the Board of Selectmen.

§ 101-5. Mandatory recycling.

In order to implement a program of recycling in conjunction with ordinary waste disposal, residents of every household shall separate waste materials into the following categories before depositing the same for disposal:

- A. Glass and cans.
- B. Newsprint, corrugated cardboard and recyclable paper.
- C. Other waste.

§ 101-6. Property maintenance; littering.

- A. Storage of waste. The owner of any parcel of land, vacant or otherwise, shall be responsible for maintaining such parcel of land in a clean and sanitary condition, free of nuisances resulting from the storage of garbage, refuse, and solid waste, as defined in § 101-1 of this chapter. An owner shall be considered in violation of this section if the storage of these materials or other debris, junk, litter, trash or waste results in odors, pollution, or other nuisances affecting the health, safety, or well-being of the neighborhood or general public.
- B. Littering. No person shall place or cause to be placed any garbage, refuse or solid waste in or on any street, park, common, or other property of the Town of Adams, except in designated receptacles.
- C. Enforcement. This section shall be enforced by the police, Building Inspector, and/or Board of Health. Violators may be penalized by a noncriminal complaint pursuant to the provisions of MGL c. 40, § 21D. The fine for violating this section shall be as provided in Chapter 1, General Provisions, § 1-1 per offense. Each day on which any violation exists shall be deemed to be a separate offense. Refer to § 1-2, Enforcement.

§ 101-7. Licensing of haulers.

- A. All persons collecting acceptable wastes in the Town of Adams shall obtain a license from the Board of Health prior to commencing with the collection of solid wastes.
- B. A license fee shall be paid to the Town in an amount determined by the Board of Health and approved by the Board of Selectmen.
- C. The license holder shall provide on a semiannual (twice a year) basis the number of residential, municipal, commercial and industrial customers for whom they pick up solid waste. This information shall be recorded on a Town-approved form.
- D. The license holder shall provide on a semiannual (twice a year) basis the number of tons of solid waste and the number of tons of recyclables tipped at any licensed disposal facility. This information shall be recorded on a Town-approved form.
- E. A license cannot be renewed without the previous year's reports being submitted.

Chapter 102**PLASTIC BAG REDUCTION**

[Adopted by the Annual Town Meeting of the Town of Adams 6-20-2016 by Art. 25. Amendments noted where applicable.]

§ 102-1. Purpose and intent.

- A. The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including, but not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture.
- B. The purpose of this chapter is to eliminate the usage of thin-film single-use plastic bags by all retail establishments in the Town of Adams.

§ 102-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ASTM STANDARD — A testing standard developed by the American Society for Testing and Materials.

BIODEGRADABLE BAG — A bag that:

- A. Contains no polymers derived from fossil fuels; and
- B. Is intended for single use and will decompose in a natural setting at a rate comparable to other biodegradable materials such as paper, leaves, and food waste.

REUSABLE BAG — A bag, with handles, that is specifically designed for multiple uses and is made of thick plastic, cloth, fabric or other durable materials.

THIN-FILM SINGLE-USE PLASTIC BAGS — Typically with plastic handles, are bags with a thickness of 2.5 mils or less and are intended for single-use transport of purchased products.

§ 102-3. Use regulations.

- A. Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail establishment within the Town of Adams.
- B. Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Retail establishments may provide reusable or recyclable thick plastic, paper, fabric or other types of bags at no charge, or charge a fee for paper or other bags, as they so desire. Retail establishments are strongly encouraged to make reusable bags available for sale to customers at a reasonable price.
- C. Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

§ 102-4. Administration and enforcement.

- A. The Board of Selectmen shall establish an application process and make determinations as to the classification of new single-use bag products, as they come on the market, to determine if they are compostable or biodegradable and meet, or exceed, ASTM D6400 for compostable plastic.

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- B. The Inspection Services Department will be responsible to enforce this chapter through the issuance of a violation notice. A violation notice may be reissued for each day that the activity persists until the violation is corrected.
- C. For each day the violation is in effect, the following penalties shall apply:
 - (1) Fifty dollars per day for each day the violation persists;
 - (2) One hundred dollars per day for each day that a new violation occurs after the first violation;
 - (3) Two hundred dollars per day for each day of any future violations that occur after the second violation.

§ 102-5. Effective date.

This chapter shall go into effect as of March 30, 2017, or such later date upon which it is approved by the Attorney General.

STORMWATER MANAGEMENT

Chapter 104

STORMWATER MANAGEMENT

[HISTORY: Adopted by the Town Meeting of the Town of Adams 12-10-2024STM by Art. 3. Amendments noted where applicable.]

ARTICLE I
General Provisions

§ 104-1. Purpose and objectives.

- A. The purpose of this bylaw is to protect public health, safety, general welfare, and environment by regulating illicit connections and discharges to the storm drain system or, directly or indirectly, to a watercourse or into the waters of the commonwealth, as well as to control the adverse effects of construction site stormwater runoff and post-construction runoff. Stormwater runoff can be a major cause of:
- (1) Impairment of water quality and flow in lakes, ponds, streams, rivers, coastal waters, wetlands, groundwater and drinking water supplies;
 - (2) Contamination of drinking water supplies;
 - (3) Contamination of downstream coastal areas;
 - (4) Alteration or destruction of aquatic and wildlife habitat;
 - (5) Overloading or clogging of municipal stormwater management systems; and
 - (6) Flooding.
- B. The objectives of this bylaw are to:
- (1) Protect water resources;
 - (2) Comply with state and federal statutes and regulations relating to stormwater discharges including total maximum daily load requirements;
 - (3) Prevent and reduce pollutants from entering the Town of Adams' municipal separate storm sewer system (MS4);
 - (4) Prohibit illicit connections and unauthorized discharges to the MS4 and require their removal;
 - (5) Establish minimum construction and post construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
 - (6) Establish provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and nonstructural stormwater best management practices to ensure that they continue to function as designed are maintained, and pose no threat to public safety; and
 - (7) Recognize the Town of Adams' legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

§ 104-2. Definitions.

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

APPLICANT — Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision of the commonwealth or the federal government, to the extent permitted by law, requesting a Stormwater Management Permit or Stormwater Management Administrative Review.

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

CLEAN WATER ACT — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

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

DISCHARGE OF POLLUTANTS — The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or commonwealth from any source.

EROSION AND SEDIMENTATION CONTROL PLAN — A document containing narrative, drawings and details developed by a qualified professional engineer (PE), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbing activities.

HAZARDOUS MATERIAL — Any material which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as "toxic" or "hazardous" under MGL c. 21C and c. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

ILLICIT CONNECTION — A surface or subsurface drain or conveyance which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water, and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.

ILLICIT DISCHARGE — Direct or indirect discharge to the municipal storm drain system or into a watercourse or the waters of the commonwealth that is not composed entirely of stormwater, except as exempted in Article III, § 104-17.

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

LAND-DISTURBING ACTIVITY — Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material; results in an increased amount of runoff or pollutants; measurably changes the ability of a ground surface to absorb waters; involves clearing and grading; or results in an alteration of drainage characteristics.

LOAD ALLOCATION — The maximum concentration or mass of a pollutant which can be discharged to a waterway by non-point sources without causing a violation of surface water quality standards as established in an applicable TMDL.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM — The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility,

retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Adams.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT — A permit issued by United States Environmental Protection Agency or jointly with the Commonwealth of Massachusetts that authorizes the discharge of pollutants to waters of the United States.

NONPOINT SOURCE POLLUTION — Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and man-made pollutants finally depositing them into a water resource area.

NONSTORMWATER DISCHARGE — Discharge to the municipal storm drain system not composed entirely of stormwater.

OPERATION AND MAINTENANCE PLAN — A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

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

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

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.

POLLUTANT — Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works, watercourse, or waters of the commonwealth. Pollutants include, but are not limited to:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Nonhazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, accumulations and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes;
- G. Sewage, fecal coliform and pathogens;
- H. Dissolved and particulate metals;
- I. Animal wastes;
- J. Rock, sand, salt, soils;
- K. Construction wastes and residues; and

L. Noxious or offensive matter of any kind.

PROCESS WASTEWATER — Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

RECHARGE — The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

REDEVELOPMENT — Any construction, land alteration, or improvement of impervious surfaces on previously developed land.

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

STORMWATER — Runoff from precipitation or snow melt and surface water runoff and drainage.

STORMWATER AUTHORITY — The Town of Adams Planning Board and/or its authorized agent(s), including the Town's Community Development Director.

STORMWATER MANAGEMENT ADMINISTRATIVE REVIEW — Approval by the Stormwater Authority of a land disturbance activity that does not require a Stormwater Management Permit because of its size and/or scope.

STORMWATER MANAGEMENT PERMIT — A permit issued by the Stormwater Authority pursuant to this bylaw prior to commencement of any development, redevelopment, or land disturbing activity.

STORMWATER MANAGEMENT PLAN — A plan required as part of the application for a Stormwater Management Permit.

TOTAL MAXIMUM DAILY LOAD or TMDL — The greatest amount of a pollutant that a water body can accept and still meet water quality standards for protecting public health and maintaining the designated beneficial uses of those waters for drinking, swimming, recreation, and fishing. A TMDL is also a plan, adopted under the Clean Water Act, specifying how much of a specific pollutant can come from various sources, including stormwater discharges, and identifies strategies for reducing the pollutant discharges from these sources so as not to violate Massachusetts surface water quality standards. (314 CMR 4.00 et seq.)

TOTAL SUSPENDED SOLIDS or TSS — Undissolved organic or inorganic particles in water.

WASTE LOAD ALLOCATION — The maximum concentration or mass of a pollutant which can be discharged to a waterway from point sources without causing a violation of surface water quality standards as established in an applicable TMDL.

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

WATERS OF THE COMMONWEALTH — All waters within the jurisdiction of the commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, groundwater, and waters of the United States as defined under the Federal Clean Water Act as hereafter amended.

§ 104-3. Authority.

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Massachusetts home rule statutes, the regulations of the Federal Clean Water Act, 40 CFR 122.34.

§ 104-4. Responsibility for administration.

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

§ 104-5. Waivers.

- A. The Stormwater Authority, or its authorized agent, may waive strict compliance with any requirement of this bylaw or the rules and regulations promulgated hereunder, where such action is:
 - (1) Allowed by federal, state and local statutes and/or regulations; and
 - (2) In the public interest; and
 - (3) Not inconsistent with the purpose and intent of this bylaw.
- B. Any person seeking a waiver must submit a written waiver request. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the bylaw does not further the purposes or objectives of this bylaw.
- C. All waiver requests shall require a public hearing.
- D. If in the opinion of the Stormwater Authority or its authorized agent additional time or information is required for review of a waiver request, the Stormwater Authority may continue a hearing to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

§ 104-6. Regulations.

- A. The Stormwater Authority shall adopt and may periodically amend, regulations, rules and/or written guidance relating to the terms, conditions, definitions, enforcement, fees, procedures and administration of this Stormwater Management Bylaw by majority vote after conducting a public hearing to receive comments. Such hearing shall be advertised in a newspaper of general local circulation, at least 14 days prior to the hearing date. Failure of the Stormwater Authority to issue such rules, or regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this bylaw.
- B. Stormwater Management Regulations, rules or guidance shall identify requirements for Stormwater Management Permits and Stormwater Management Administrative Review required by this bylaw consistent with or more stringent than the most recent Small Municipal Separate Sewer System General Permit (MS4).
- C. Stormwater Management Regulations may identify one or more categories of projects requiring a Stormwater Management Administrative Review that, because of their size, scope and common features or characteristics, may be approved by one or more agents of the Stormwater Authority rather than by a majority of Stormwater Authority members pursuant to Article III of this bylaw. For such projects, the Stormwater Authority will identify minimum stormwater management standards pursuant to this bylaw, compliance with which is required before the project is approved.

§ 104-7. Enforcement.

The Stormwater Authority or its authorized agent shall enforce this bylaw, and any associated regulations,

orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations.

A. Criminal and civil relief.

- (1) Any person who violates the provisions of this bylaw, or any associated regulations, permit, notice, or order issued thereunder, may be subject to criminal penalties and prosecution in a court of competent jurisdiction and shall result in a criminal fine of not more than \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- (2) The Stormwater Authority may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

B. Orders.

- (1) The Stormwater Authority or its authorized agent may issue a written order to enforce the provisions of this bylaw or any regulations thereunder, which may include:
 - (a) Elimination of illicit connections or discharges to the MS4;
 - (b) Elimination of discharges to the MS4 or, directly or indirectly, into a watercourse or into the waters of the commonwealth.
 - (c) Performance of monitoring, analyses, and reporting;
 - (d) Cessation of unlawful discharges, practices, or operations;
 - (e) Implementation of measures to minimize the discharge of pollutants until such time as the illicit connection or discharge shall be eliminated; and
 - (f) Remediation of contamination in connection therewith.
- (2) If the Stormwater Authority determines that a person's failure to follow the requirements of a Stormwater Management Permit or any other authorization issued pursuant to this bylaw or regulations issued hereunder, then the Authority may issue a written order to the person to remediate the non-compliance and/or any adverse impact caused by it, which may include:
 - (a) A requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the Stormwater Management Permit or other authorization;
 - (b) Maintenance, installation or performance of additional erosion and sediment control measures;
 - (c) Monitoring, analyses, and reporting
 - (d) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity; and/or
 - (e) A requirement to eliminate discharges, directly or indirectly, into a watercourse or into the waters of the commonwealth.
- (3) If the Stormwater Authority or its authorized agent determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or

remediation must be completed. Said order shall further provide that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Adams may, at its option, pursue a court order allowing the Town to undertake such work, and expenses thereof shall be charged to the violator.

- (4) Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Adams, including administrative costs, the costs shall constitute a municipal charge for purposes of M.G.L. c. 40, § 58, and a lien may be imposed on the property for the amount of the unpaid charge, pursuant to M.G.L. c. 40, § 58. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. c. 59, § 57 on the 31st day after the costs first become due.
- C. Noncriminal disposition. As an alternative to criminal prosecution or civil action, the Town of Adams may elect to utilize the noncriminal disposition procedure set forth in M.G.L. c. 40, § 21D, in which case the agent of the Stormwater Authority shall be the enforcing person. The penalty for the first violation shall be a warning. The penalty for the second violation shall be \$100. The penalty for the third and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- D. Entry to perform duties under this bylaw. To the extent permitted by local, state or federal law, or if authorized by the owner or other party in control of the property, the Stormwater Authority, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary.
- E. Appeals. The decisions or orders of the Stormwater Authority shall be final. Further relief shall be appealed to a court of competent jurisdiction.
- F. Remedies not exclusive. The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law.

§ 104-8. Compliance with provisions of EPAs general permit for MS4s in Massachusetts.

This bylaw and its related Stormwater Management Regulations shall be implemented in accordance with the requirements of United States Environmental Protection Agency's most recent Massachusetts Small Municipal Separate Storm Sewer System (MS4s) General Permit relating to illicit connections and discharges, construction site runoff, and post-construction stormwater management, as well as the Massachusetts Wetlands Management Act. The Stormwater Authority may establish additional requirements by regulation to further the purposes and objectives of this bylaw so long as they are not less stringent than those in the MS4 General Permit for Massachusetts.

§ 104-9. Severability.

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause 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.

ARTICLE II

Stormwater Management and Land Disturbance**§ 104-10. Applicability.**

- A. Stormwater management permit required. No development, redevelopment, or cumulative land-disturbing activity one acre in area or greater shall be undertaken without an approved Stormwater Management Permit issued by the Stormwater Authority or its agent.
- B. Stormwater management administrative review. No development, redevelopment, or cumulative land-disturbing activity 20,000 square feet in area or greater but less than one acre in area shall be undertaken without an approved Stormwater Management Administrative Review issued by the Stormwater Authority or its agent.
- C. Required submittals for the application of a Stormwater Management Permit or a Stormwater Management Administrative Review, including written documentation, plans and maps, calculations, engineering drawings, and other information, shall be provided consistent with the Stormwater Authority's special regulations titled "Submittal and Review Requirements for Stormwater Management." The application shall meet all requirements outlined in the Stormwater Management regulations and must be approved by a majority of the Stormwater Authority members or as otherwise provided in this bylaw.
- D. Upon submission of an application for a Stormwater Management Permit under this section, the Stormwater Authority may hire independent consultants whose services shall be paid by the applicant(s). These consultants shall each be qualified professionals with a record of service to municipalities as determined by the Stormwater Authority.
- E. All new stormwater conveyances that discharge into areas subject to jurisdiction under MGL c. 131, § 40 and 310 CMR 10.02(1) of the Wetlands Protection Act and their associated buffer zones.
- F. Any person that fails to follow the requirements of a Stormwater Management Permit and the related Erosion and Sedimentation Control Plan, and Operations and Maintenance Plan outlined in the Stormwater Management Review Requirements shall be in violation of this bylaw.

§ 104-11. Approval and/or permit.

Stormwater Management Permit or Stormwater Management Administrative Review must be obtained prior to the commencement of any land disturbing activity or redevelopment based on thresholds established in § 104-10 above. An applicant seeking approval and/or a permit shall file the appropriate application with the Stormwater Authority in a form and containing information as specified in this bylaw and in regulations adopted by the Stormwater Authority.

§ 104-12. Consent to entry onto property.

An applicant consents to entry of Stormwater Authority or its authorized agents in or on the site to verify the information in the application and to inspect for compliance with review or permit conditions.

§ 104-13. Inspection and site supervision.

The Stormwater Authority or its designated agent shall make inspections as outlined in the Stormwater Management Regulations to verify and document compliance with Stormwater Management Administrative Review or Stormwater Management Permit.

§ 104-14. Surety.

The Stormwater Authority may require the Applicant to post prior to the start of any land disturbing or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable form of security. The form of the bond shall be approved by the Stormwater Authority and be in an amount deemed sufficient by the Stormwater Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Stormwater Authority may release part of the bond as each phase is completed in compliance with the permit.

§ 104-15. Final reports.

Upon completion of the work, the applicant shall submit a report (including certified as-built construction plans) from a Professional Engineer (P.E.), or surveyor, certifying that all BMPs, erosion and sedimentation control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved Erosion and Sediment Control Plan and Stormwater Management Plan. The Stormwater Authority may, by regulation, require ongoing reporting to ensure long-term compliance, including, but not limited to, appropriate operation and maintenance of stormwater BMPs. Any discrepancies shall be noted in the cover letter of the report.

ARTICLE III

Discharges to the Municipal Separate Storm Sewer System and to Watercourses or Waters of the Commonwealth**§ 104-16. Applicability.**

Article III of this bylaw shall apply to all water generated on any developed or undeveloped lands and entering the municipally owned storm drainage system or entering, directly or indirectly, into a watercourse or waters of the commonwealth, except as explicitly exempted in this bylaw or where the Stormwater Authority has issued a waiver in accordance with Article I, § 104-5.

§ 104-17. Prohibited activities; exemptions.

- A. Illicit discharges. No person shall dump, discharge, spill, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), onto an impervious surface directly connected to the MS4, or, directly or indirectly, into a watercourse or waters of the commonwealth.
- B. Illicit connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- C. Obstruction of municipal storm drain system. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior consent from the Stormwater Authority. No person shall dump or dispose of yard waste (leaves, branches, grass clippings, etc.) into open watercourses (swales, brooks, streams) that make up the municipal storm drain system.
- D. Exemptions. The following non-stormwater discharges or flows are exempt from the prohibitions of this section provided that the source is not a significant contributor of a pollutant to the municipal storm drain system or, directly or indirectly, to a watercourse or waters of the commonwealth:
 - (1) Discharge or flow resulting from fire-fighting activities;
 - (2) Waterline flushing;
 - (3) Flow from potable water sources;
 - (4) Landscape irrigation;
 - (5) Natural groundwater discharges (e.g., springs);
 - (6) Natural flow from riparian habitats and wetlands;
 - (7) Diverted stream flow;
 - (8) Rising groundwater;
 - (9) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater (e.g., sump pump), provided that where a pump intake exists inside a structure, the operator seeks a permit for such discharge from the Stormwater Authority prior to discharge and thereafter discharges in accordance with the requirements of the permit;
 - (10) Water from exterior foundation drains, footing drains (not including active groundwater

dewatering systems), crawl space pumps, or air-conditioning condensation;

- (11) Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- (12) Discharge from street sweeping;
- (13) Dye testing, provided verbal notification is given to the Stormwater Authority prior to the time of the test;
- (14) Non-stormwater discharge permitted under a NPDES permit, waiver, or waste discharge order held by the owner and administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
- (15) Discharge for which advanced written approval is received from the Stormwater Authority as necessary to protect public health, safety, welfare or the environment.

§ 104-18. Additional prohibited pollutants.

- A. Pet waste. Dog feces are a major component of stormwater pollution. It shall be the duty of each person who owns, possesses, or controls a dog to remove and properly dispose of any feces left by the dog on any public or private property neither owned nor occupied by said person. It is prohibited to dispose of dog feces in any public or private storm drain, catch basin, wetland or water body or on any paved or impervious surface. However, this provision shall not be applicable to a person using a helping dog or other helping animal registered as such. Persons walking dogs must carry with them a device designed to properly dispose of dog feces including, but not limited to, a bag or "pooper scooper." For specific requirements and penalties for violations see Town of Adams Bylaw Chapter 14, § 14-5.

§ 104-19. Emergency suspension of storm drainage system access.

The Stormwater Authority or its authorized agent may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Stormwater Authority may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

§ 104-20. Notification of spills.

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system, watercourse, or waters of the commonwealth, the person shall take all necessary steps to ensure containment and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments. In the event of a release of nonhazardous material, the reporting person shall notify the authorized enforcement agency no later than the next business day. The reporting person shall provide to the Stormwater Authority written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial

facility, the facility owner or operator of the facility shall retain on site a written record of the discharge and the actions taken to address it and prevent its recurrence. Such records shall be retained for at least three years.

§ 104-21. Transitional provisions.

Residential property owners shall have 60 days from the effective date of this bylaw to comply with its provisions provided good cause is shown for the failure to comply with the bylaw during that period.

§ 104-22. through § 104-39. (Reserved)

Chapter 105**STREETS AND SIDEWALKS****GENERAL REFERENCES**

Sewers — See Ch. 93.

Traffic regulations — See Ch. 202.

Subdivision regulations — See Ch. 201.

§ 105-1. Numbering of buildings.

The Board of Selectmen may order numbers to be affixed to or painted on the building on any public or private way, in its discretion. The owner of every house shall comply with such order within 10 days thereafter.

§ 105-2. Snow and ice removal. [Amended 3-5-2018 STM by Art. 4]

- A. Removal from sidewalks required on all streets. The tenant and, in case there is no tenant, the owner or any person having the care or control of any building or lot land bordering on any street or parts or portions of streets within the limits of the Town shall not allow any snow or ice to remain upon any sidewalk in front of such lot or building for 24 consecutive hours but shall cause the same, within that time, to be reasonably removed from the entire width of such walks. In the event that snow and ice on a sidewalk have become so hard that they cannot be removed without the likelihood of damage to the sidewalk, the person or entity charged with their removal shall, within the time mentioned herein, cause enough sand or other abrasive to be put on the sidewalk to make travel thereon reasonably safe and shall then, as soon thereafter as weather permits, cause said sidewalk to be thoroughly cleaned.
- B. Throwing or pushing in public way. No person shall shovel, plow, push or throw snow or ice out into a public way.
- C. Erection and maintenance of gutters and barriers. Every owner of a building adjoining a street or public way shall erect and maintain suitable barriers, gutters and conduits or some other suitable measure to prevent the falling of snow, ice, rainwater and melted snow and ice from such building upon any person traveling or passing in such street or way or upon any sidewalk or footway.

§ 105-3. Use of sidewalks.

- A. Sledding. No person shall course, coast or slide down, across, in or along any of the streets, sidewalks or public ways of the Town upon any sled or any other type of implement that could be put to such a use, except upon such streets or places as the Board of Selectmen may by public notice designate.
- B. Driving or drawing vehicles upon sidewalks. No person shall drive, wheel or draw any vehicle upon any sidewalk in the Town, nor shall any person drive or draw any vehicle propelled by hand power across any sidewalk where no driveway has been constructed, except for the removal of snow or at the direction of the Board of Selectmen or its agents. This subsection does not apply to police officers when engaged in the lawful performance of their duties, children's carriages drawn by hand, tricycles, wheelchairs that are pushed or power driven and three-way scooters and hand carts used for business.

§ 105-4. Street acceptances.

- A. Laying out Town ways for acceptance generally. No Town way shall be laid out for acceptance without the following minimum requirements:
- (1) The proposed street shall conform to the current rules and regulations governing the subdivision of land.¹¹
 - (2) There shall be placed on file with the Board of Selectmen an approved plan and profile in duplicate. One copy shall be filed with the Town Clerk when the Board of Selectmen recommends the street for acceptance and the second copy shall be placed in the Town vault.
 - (3) The grade shall be satisfactory to the Director of Public Works, who in turn shall not approve the same unless he shall have had a written report from a registered civil engineer that the grade is proper.
- B. Acceptance of older unaccepted streets and private ways.
- (1) Any way in existence and built on may be accepted by the Town if it is in conformity with the following requirements:
 - (a) The way must have been in existence and built on prior to March 20, 1950.
 - (b) It must be a minimum of 18 feet in width, with an assessed valuation of not less than \$25,000.
 - (2) Any way failing to meet the requirements of Subsection B(1) of this section as to width may be accepted by the Town if so recommended by the Board of Selectmen and if it is determined after investigation that justice warrants such acceptance.
 - (3) Before presenting the proposed acceptance to the Town Meeting, the Board of Selectmen shall, at Town expense, prepare a proper layout and cause a plan and profile to be filed in the Town Clerk's office.
 - (4) Proper waivers, releases or quitclaim deeds to the Town shall have been executed by property owners abutting the proposed Town way, conditioned upon the acceptance of the street by the Town as a Town way, which shall be recorded in the County Registry of Deeds upon an affirmative vote by the Town as to the acceptance of that street.
- C. Acceptance of street with no stormwater or domestic sewers. Whenever the Board of Selectmen shall recommend for acceptance a street upon which stormwater or domestic sewers have not been laid, it shall append to its layout a statement of the Director of Public Works as to the estimated expense of laying such sewers in such street, and this estimate shall be forwarded to the Finance Committee. When the Finance Committee makes its recommendation, whether for or against the acceptance of such proposed street as a Town way, it shall embody therein for the benefit of the Town Meeting members the Director of Public Works' estimate of the cost of installing storm or domestic sewers in the proposed street.

§ 105-5. Street openings and curb cuts.

No person shall disturb the surface of any street, sidewalk, parkway or other public property for any reason

11. Editor's Note: See Ch. 201, Subdivision Regulations.

without the permission of the Board of Selectmen. Application for permission shall be on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Director of Community Development. A permit fee, as set by the Board of Selectmen, shall accompany all applications. Prior to the issuance of a permit, the applicant shall make a deposit in an amount as determined by the Director of Community Development. The deposit shall be in the form of cash, certified check or a performance bond. The Board of Selectmen shall establish regulations governing street openings and curb cuts.

§ 105-6. Temporary repairs to private ways.

A. Eligibility requirements. The Town may make temporary repairs on private ways which meet the following criteria:

- (1) The private way is open to public use (as defined by continuous unrestricted access by the public for the six years preceding May 25, 1992).
- (2) The private way serves a public need and necessity or provides sole access to two or more separate residential lots with dwellings in continuous existence for six years preceding May 25, 1992.
- (3) The maintenance of the private way is required for the protection of health and safety of the general public.
- (4) One hundred percent of the abutters on the affected way petition for the repairs, indemnify the Town for any and all claims and damages which may result from making such repairs and agree to pay applicable costs as described herein.
- (5) Abutters agree to provide, at no cost to the Town, all easements adjacent to and beyond the limits of the way for drainage and repairs as deemed necessary by the Director of Public Works.

B. Scope of work.

- (1) The repair shall be limited to minor work, such as filling, patching, surface treatment and grading or scraping twice per year.
- (2) All such temporary repair work to be undertaken shall be limited to that required to make the way reasonably passable and shall only include the filling of holes and regrading of the surface of such ways and installation of drainage, if determined to be necessary by the Director of Public Works and approved by the Town Administrator. Paving overlays, not more than 1 1/2 inches thick, may be undertaken only if the Director of Public Works determines that it is the most cost effective solution and the existing road is already paved.
- (3) Materials used for the repairs shall be similar to those currently in existence on the subject way, where practicable, and otherwise shall be similar to those used in comparable locations, and may include bituminous material when deemed necessary by the Director of Public Works.
- (4) If drainage work is deemed necessary by the Director of Public Works, it shall be the responsibility of the abutters to have the drainage improvements installed prior to any repair activity or to pay for the cost as provided below.

C. Cost of repairs.

- (1) Costs incurred by the Town for temporary repairs shall not exceed \$500 per way (except in the

case of an overlay, the average cost of road treatment shall not exceed \$15 per linear foot) in any fiscal year (excluding the cost of Department of Public Works labor and Department of Public Works equipment).

- (2) The cost of all drainage improvements will be the sole responsibility of the property owners on the affected way. No such drainage improvements to be undertaken by the Town shall commence unless and until a cash deposit, equal in amount to the estimated cost of such repairs as determined by the Director of Public Works, is paid to the Town.

D. Liability.

- (1) The Town shall not be liable for any damage whatsoever caused by such repairs and MGL c. 84, § 25 shall not apply. The Town shall require property owners abutting the way and drainage improvements to indemnify the Town for any and all claims and damages which may result from making such repairs.
- (2) No such repairs shall be done unless there is a unanimous agreement by all affected property owners that the work should commence, and the Town of Adams shall be held harmless from any and all damages or claims arising out of such repairs. Massachusetts General Laws c. 84, § 25 shall not apply.

§ 105-7. Damage to public streets.

- A. Every owner of property adjoining a public way or any street publicly maintained or his agents, servants, employees, contractors and subcontractors shall provide adequate drainage control, barriers or other suitable measures on said property to prevent damage to said way or street. "Damage" shall mean the erosion of the subbase or wearing surfaces and the accumulation of silt or sediment on the road surface or in drainage structures. "Damage" shall also mean the accumulation of soil, silt or sediment deposited on the road surface by construction vehicles or other vehicles entering or exiting the way or street.
- B. After written notice by the Department of Public Works, anyone violating this section shall be subject to the general penalty provided in Chapter 1, General Provisions, § 1-1. The imposition of a penalty under this section shall not relieve the owner from any other civil liability.

§ 105-8. Use of skateboards.

The use of skateboards on Town sidewalks, roadways, or other Town property is prohibited except where specifically designated.

SUBDIVISION OF LAND

Chapter 109

SUBDIVISION OF LAND

GENERAL REFERENCES

Building construction — See Ch. 22.

Zoning — See Ch. 125.

Sewers — See Ch. 93.

Subdivision regulations — See Ch. 201.

Streets and sidewalks — See Ch. 105.

§ 109-1. Definitive plan required.

No person shall make a subdivision within the meaning of the Subdivision Control Law¹² of any land within the Town or proceed with the improvement or sale of lots in a subdivision or the construction of ways or the installation of municipal services therein unless a definitive plan of such subdivision has been submitted and approved by the Planning Board according to Chapter 201, Subdivision Regulations, of the Town Code.

§ 109-2. Required improvements; acceptance of public ways.

- A. Whenever a definitive plan has been submitted to the Planning Board, the Planning Board shall notify the Board of Selectmen, which shall thereupon notify the Director of Public Works, and it shall be the duty of the latter to confer with the Chairman of the Planning Board and the developer to determine required improvements and estimated costs and to inspect and report on the installation of required improvements, such as domestic and storm sewers, street layout, road beds and grades and surface treatment. It shall be the duty of the Director of Public Works to notify the Planning Board of any installation which does not meet the requirements of the Subdivision Control Law, and the Planning Board shall make the subdivider cease operations until the requirements of the Subdivision Control Law are met.
- B. Upon completion of the subdivision, the Planning Board shall submit a warrant article to the Town Meeting members requesting acceptance as a public way.

§ 109-3. Board of Appeals.

The Town hereby appoints the presently existing Zoning Board of Appeals administering Chapter 125, Zoning, of the Town Code to be and act as the Board of Appeals to administer the subdivision control laws as adopted by the Town in accordance with MGL c. 41, § 81Z.

12. Editor's Note: See MGL c. 41, §§ 81K to 81GG.

ADAMS CODE

Chapter 113

TOBACCO SALES

§ 113-1. Sale of tobacco products to minors.

Whoever violates any provisions of regulations of the Board of Health regarding the sale of tobacco products to minors may be penalized by a noncriminal complaint pursuant to the provisions of MGL c. 40, § 21D, as amended. For the purpose of this provision, the penalty to apply in the event of a violation shall be as follows: mandatory attendance at retailer training for clerk and owner within 30 days of the violation for each and every offense; \$50 for the first offense; \$150 for the second offense; and \$200 for the third and each subsequent offense within a twelve-month period from the adjudication of the first offense. Enforcement is to be by Board of Health members and/or their designee.

TOWN PROPERTY, DISPOSAL OF

Chapter 117

TOWN PROPERTY, DISPOSAL OF

§ 117-1. Conditions for disposal.

Personal property belonging to the Town may be sold or disposed of by the board, officer or head of the department having charge of such property only if in conformity with the following conditions:

- A. If its value at the time of the proposed sale or disposition is less than \$500, upon specified authorization, in writing, by the Town Administrator; or
- B. If its value at the time of the proposed sale or disposition is \$500 or more, upon specified authorization, in writing, by the Board of Selectmen and in accordance with the provisions of MGL c. 30B.

Chapter 121**VEHICLES AND TRAFFIC****GENERAL REFERENCES**

Streets and sidewalks — See Ch. 105.

Traffic regulations — See Ch. 202.

§ 121-1. Parking prohibited in certain places.

No person shall park a vehicle in any of the following places, and vehicles found parked in violation of the provisions of this section may be moved by or under the direction of any officer and at the expense of the owner to a place where parking is permitted:

- A. Upon any roadway where the parking of a vehicle will not have a clear and unobstructed lane at least 12 feet wide for passing traffic.
- B. Upon any street or highway within 10 feet of a fire hydrant.
- C. Upon or in front of any private road or driveway.
- D. Upon any street or highway within 20 feet of an intersecting way, except alleys, excepting where street markings designate otherwise.
- E. Upon any street, highway, traveled way, or public parking lot during a storm emergency declared by the Director of Public Works, which impedes the flow of traffic, the removal of water, snow, ice, debris, or other objects, or emergency work.

§ 121-2. Two-hour parking during certain hours on all streets and parking lots controlled by the Town. [Amended 6-21-2005 ATM by Art. 27]

No driver of any vehicle shall park such vehicle in any street or in any parking lot controlled by the Town for a period of time longer than two hours between the hours of 12:00 a.m. and 7:00 a.m. of any day.

§ 121-3. Parking in spaces reserved for handicapped persons.

The owner and/or operator of a vehicle which does not bear the distinctive number plates or placard authorized by MGL c. 90, § 2, a vehicle transporting handicapped persons and which does not display the special parking identification plate authorized by said MGL c. 90, § 2, or a vehicle which does not bear the official identification of a handicapped person issued by any other state or any Canadian province, who parks said vehicle or leaves said vehicle unattended in a public or private on-street or off-street parking space designated by a sign stating “Handicapped Parking: Special Plate Required: Unauthorized Vehicles May be Removed at Owner's Expense” or in such a manner as to obstruct a curb ramp designated for use by handicapped persons as a means of egress to a street or public way shall suffer a fine of \$25 for the first occurrence and \$100 for any subsequent occurrence within a calendar year.

§ 121-4. Traffic Commission.

- A. The Traffic Commission shall advise the Board of Selectmen on all matters of traffic safety, to

include but not be limited to on-street parking, traffic flow, and traffic patterns.

- B. Membership shall consist of one person from each of the following Town departments/boards and two citizens: Department of Public Works, Police Department and Planning Board. Members shall be appointed by the Board of Selectmen and serve for a one-year term.

§ 121-5. Regulation of Town parking lots. [Added 6-21-2005 ATM by Art. 28]

- A. The Board of Selectmen is authorized to designate spaces in the several parking lots controlled by the Town for the following several categories of use:
- (1) Parking spaces reserved for the exclusive use of designated Town officers;
 - (2) Parking spaces reserved for the exclusive use of public officers and employees;
 - (3) Parking spaces reserved for the exclusive use of Town, state and federal vehicles on official business;
 - (4) Parking spaces reserved for the exclusive use of persons possessing and displaying a valid handicapped parking permit;
 - (5) Parking spaces reserved for the exclusive use of persons who shall have purchased and who display on the parked vehicle a valid parking permit issued by the Town of Adams for the lot in which said vehicle is parked;
 - (6) Parking spaces subject to metered parking; and
 - (7) Parking spaces available for free unrestricted public parking.
- B. The Board of Selectmen is authorized to establish time restrictions on the parking in Town parking lots where not in conflict with these bylaws, including but not limited to providing when metered parking or permit parking shall be in effect and when such lots shall be open for public use or closed to the public. The Board of Selectmen may designate areas of said parking lots or parking garages as no-parking, no-standing or safety zones and may designate pedestrian crossing areas and provide for the erection therein of such traffic control devices and regulations as may be appropriate to facilitate ingress and egress to and from said parking lots and promote the public safety and convenience.
- C. The Board of Selectmen shall, in the exercise of the authority delegated to them herein, consider the following factors:
- (1) The demand for parking spaces in the area in which the parking lot or garage is located;
 - (2) The peak time of such demand;
 - (3) The needs of the business community;
 - (4) The needs of Town residents;
 - (5) The needs of Town government and its departments; and
 - (6) The standards for the provision of handicapped-accessible parking contained in state and federal law and regulations.
- D. Signs. Signs shall be erected by the Police Department specifically designating said parking spaces and indicating that the use of said parking spaces is limited to a particular class of vehicle or

individual or that there is no parking or standing allowed in such spaces.

- E. Prohibition. No person shall park in any parking spaces designated under the provisions of this section unless he or his vehicle shall be within the class to which the parking in said space has been limited.
- F. Towing. Vehicles parked in violation of this section shall be towed away by the Police Department of the Town of Adams or its authorized representatives at the owner's expense.
- G. The Board of Selectmen shall establish fees for parking permits.
- H. The Treasurer Collector is authorized, upon receipt of the fee hereinafter provided, to issue parking permits for the parking of vehicles in Town-owned or Town-operated parking lots or parking garages. Each permit shall indicate which parking lot it has been issued for and at the time period for which the permit is issued, and it shall not be valid in any other parking lot or at any other time period. The permit must be displayed on the vehicle for which it is issued in the manner provided by the Board of Selectmen.

ZONING

Chapter 125

ZONING

GENERAL REFERENCES

Building construction — See Ch. 22.

Subdivision of land — See Ch. 109.

Licenses and permits — See Ch. 62

Subdivision regulations — See Ch. 201.

Right to farm — See Ch. 89.

ARTICLE I
Administration and Procedure

§ 125-1. Purpose.

The purpose of this chapter is to promote the health, safety, convenience, morals and welfare of the Town of Adams as authorized by MGL c. 40A and any amendments thereof.

§ 125-2. Enforcement; administration; violations and penalties.

- A. This chapter shall be enforced by the Building Inspector, who shall take such action as may be necessary to enforce full compliance with the provisions of this chapter and of permits and variances issued hereunder, including notification of noncompliance and request for legal action through the Selectmen to the Town Counsel.
- B. Buildings, structures or signs may not be erected, substantially altered or moved and land or structures may not be changed in use without certification by the Building Inspector that such action is in compliance with then applicable zoning or without review by him regarding whether all necessary permits have been received from those government agencies from which approval is required by federal, state or local law. Issuance of a building permit or certificate of use and occupancy, where required under the Commonwealth of Massachusetts State Building Code, may serve as such certification.
- C. Submissions. All applications for activities referenced in this chapter shall be submitted to the Community Development Department for review by the Building Inspector. The Building Inspector will review applications for completeness and conformance with this chapter. Submission requirements are referenced below:
 - (1) Building permits. Applications shall be accompanied by three prints of a plan of the lot, drawn to scale, showing the actual dimensions of the lot, the exact location and size of any existing or proposed buildings, and the distance of each to all lot lines and showing streets and ways adjacent to the lot. Also required are three sets of construction plans showing sufficient detail to determine compliance with the Building Code.
 - (2) Fill and grading permits. All proposed grading, filling and soil removal activity must be reviewed with the Building Inspector. Plan submission requirements to accompany applications are provided in § 125-16B(2)(b).
 - (3) Planned development. Plan submission requirements to accompany applications are provided in § 125-24C.
 - (4) Planned resort special permit. Plan submission requirements to accompany applications are provided in §§ 125-29 and 125-19 and in Chapter 201, Subdivision Regulations, of the Town Code.
 - (5) Special permits and variances. Plan submission requirements to accompany applications for hearing before the special permit granting authority (Planning Board or Zoning Board of Appeals) are provided in § 125-19B.
 - (6) Site plan review. Plan submission requirements to accompany applications to the Planning Board are provided in § 125-19B. Activities requiring the preparation of a site plan are listed in § 125-19E.

- D. Following 30 days' notice of such violation, any person violating any of the provisions of this chapter, any conditions under which a permit is issued, or any decision rendered by the Zoning Board of Appeals may be fined not more than \$50 for each offense. Each day that such violation continues shall constitute a separate offense.

§ 125-3. Zoning Board of Appeals.

- A. The Zoning Board of Appeals shall consist of five members and three associate members, who shall be appointed in the manner prescribed by MGL c. 40A, as amended.
- B. The Zoning Board of Appeals shall have and exercise all the powers granted to it by MGL c. 40A, 40B and 41 and by this chapter. The Board's powers are as follows:
- (1) To hear and decide applications for special permits upon which the Board is empowered to act under this chapter, in accordance with § 125-4.
 - (2) To hear and decide appeals or petitions for variances from the terms of this chapter, including variances for use with respect to particular land or structures. Such variance shall be granted only in cases where the Zoning Board of Appeals finds all of the following:
 - (a) A literal enforcement of the provisions of this chapter would involve a substantial hardship, financial or otherwise, to the petitioner or appellant.
 - (b) The hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located.
 - (c) Desirable relief may be granted without either:
 - [1] Substantial detriment to the public good; or
 - [2] Nullifying or substantially derogating from the intent or purpose of this chapter.
 - (3) To hear and decide other appeals. Other appeals will also be heard and decided by the Zoning Board of Appeals when filed by:
 - (a) Any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of MGL c. 40A;
 - (b) The Berkshire County Regional Planning Commission; or
 - (c) Any person, including any officer or board of the Town of Adams or of any abutting town, if aggrieved by any order or decision of the Building Inspector or other administrative official, in violation of any provision MGL c. 40A or this chapter.
 - (4) To issue comprehensive permits. Comprehensive permits for construction may be issued by the Zoning Board of Appeals for construction of low- or moderate-income housing by a public agency or limited dividend or nonprofit corporation, upon the Board's determination that such construction would be consistent with local needs, whether or not consistent with local zoning, building, health, or subdivision requirements, as authorized by MGL c. 40B, §§ 20 to 23.
 - (5) To issue withheld building permits. Building permits withheld by the Building Inspector acting under MGL c. 41, § 81Y as a means of enforcing the Subdivision Control Law may be issued by the Zoning Board of Appeals where the Board finds practical difficulty or unnecessary hardship

and if the circumstances of the case do not require that the building be related to a way shown on the subdivision plan in question.

- (6) To serve as the Zoning Board of Appeals as established under the provisions of the State Building Code.
- C. Repetitive petitions for special permits, appeals and petitions for variances and applications to the Zoning Board of Appeals shall be limited as provided in MGL c. 40A, § 16.
- D. Applications for special permits or variances shall be accompanied by a plot plan drawn to scale and including the information listed in § 125-19B (site plan approval).

§ 125-4. Special permits.

- A. Special permit granting authority. Unless specifically designated otherwise, the Zoning Board of Appeals shall act as the special permit granting authority.
- B. Submission requirements. Plan submission content requirements vary according to type of activity proposed. Submissions required by this chapter will be determined after review of the proposed activity by the applicant and the Building Inspector.
- C. Public hearing. Special permits shall only be issued following public hearings held within 65 days after filing with the special permit granting authority of an application, a copy of which shall forthwith be given to the Town Clerk by the applicant.
- D. Criteria. Special permits shall normally be granted where specific provisions of this chapter are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:
 - (1) Traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character;
 - (2) The continued operation of or the development of adjacent uses as permitted in this chapter would be adversely affected by the nature of the proposed use;
 - (3) Nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupants of the proposed use or the citizens of the Town;
 - (4) For other reasons, the proposed use would impair the integrity of the district or adjoining districts or otherwise derogate from the intent and purpose of this chapter;
 - (5) The basic design of the proposed use(s) or buildings, the relationship between the buildings and the land, and/or the overall physical appearance of the proposed use(s) or buildings would not be in general harmony with the character of the surrounding neighborhood and would serve to blight or detract from abutting residences or other property;
 - (6) Adequate safeguards have not been taken to protect the natural environment;
 - (7) All required public services (i.e., water, sewer, schools, fire protection, etc.) are not reasonably available to serve the proposed development; or
 - (8) The economic effect of the proposed development would result in economic conditions leading to deterioration of properties due to excessive concentration of commercial activity unsustainable in the projected market.

- E. Conditions. Special permits may be granted with such reasonable conditions, regulations, or limitations as the special permit granting authority may deem necessary to serve the purposes of this chapter.
- F. Expiration. Special permits shall lapse if a substantial use thereof or construction has not begun, except for good cause, within 24 months of special permit approval (excepting such time required to pursue or await the determination of an appeal referred to in MGL c. 40A, § 17, from the grant thereof).

§ 125-5. Amendments.

This chapter may from time to time be changed by amendment, addition, or repeal by Town Meeting in the manner provided in MGL c. 40A, § 5.

§ 125-6. Severability.

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.

§ 125-7. Effect on other regulations; conformance required; nonconforming uses.

- A. Other laws. Where the application of this chapter imposes greater restrictions than those imposed by any other regulations, permits, easements, covenants or agreements, the provisions of this chapter shall control.
- B. Conformance. Construction or operations under a building or special permit shall conform to any subsequent amendment of this chapter unless the use or construction is commenced within a period of six months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.
- C. Nonconformancy. The lawful use or maintenance of any structure or land existing at the time of enactment or subsequent amendment of this chapter may be continued, although such structure or use does not conform to provisions of this chapter, subject to the following conditions and exceptions:
 - (1) Abandonment. A nonconforming use which has been abandoned or discontinued for a period of two years or more shall not be reestablished and any future use shall conform to this chapter.
 - (2) Change, extension or alteration. As provided in MGL c. 40A, § 6, a nonconforming single- or two-family dwelling may be altered or extended, provided that doing so does not increase the nonconforming nature of said structure, and other preexisting nonconforming structures or uses may be extended or altered on special permit from the Zoning Board of Appeals if the Zoning Board of Appeals finds that such extension or alteration will not substantially be more detrimental to the neighborhood than the existing nonconforming use. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. Such findings relative to the nonconforming nature and whether or not a structure will be substantially more detrimental shall be addressed as follows:
 - (a) In the case of dimensional nonconformancy, any dimension or measurement, including side, front and rear yards, height and open space, may be altered, whether increased or decreased, to the limitations permitted by zoning. Such dimensions or measurements already not in conformance with those permitted by this chapter may only be adjusted so as to reduce their difference from the chapter requirements.

- (b) In the case of a use nonconformancy, no change or adjustment in size, intensity of use, or nature of use shall be granted which shall be deemed to increase the objectionable quality of the original nonconforming use, including but not limited to traffic, parking, noise, light and glare, hours of operation, unsightly storage or conditions, objectionable odors, neighborhood character, safety, overcrowding and pollution.
- (3) One or two-family dwelling change. For the purposes of this Subsection C, the following activities are deemed not to increase the nonconforming nature of a lawfully preexisting nonconforming one- or two-family dwelling. Such changes are permitted by right, subject to the issuance of a building permit:
 - (a) Interior alterations, structural and nonstructural.
 - (b) Changes, extensions or structural alterations which do not violate the dimensional requirements of the underlying zoning district.
- (4) Restoration. Necessary repairs and rebuilding of nonconforming structures or signs after damage by fire, storm or similar disaster are permitted, provided that they are started within 12 months and completed within 24 months of the catastrophe and do not substantially change the character or size of the buildings or the use to which they were put prior to such damage.
- (5) Replacement. Replacement of mobile homes or commercial vehicles parked in nonconformity with the Use Regulation Schedule¹³ is not permitted, even where such replacement does not increase the extent of nonconformity.
- (6) Isolated lots.
 - (a) Any increase in lot area, width, frontage, yard, open space, or coverage requirements of this chapter shall not apply to erection, extension, alteration, or moving of a one- or two-family home on a legally created lot not meeting current requirements, provided that the applicant documents that at the time such increased requirements became applicable to it, the lot:
 - [1] Had at least 5,000 square feet of lot area and 50 feet of frontage on a street;
 - [2] Was not held in common ownership with any contiguous lot at any time since such requirements were instituted; and
 - [3] Conformed to then existing dimensional requirements.
 - (b) Such nonconforming lot may be changed in size or shape or its land area recombined without losing this exemption, so long as the change does not increase the actual or potential number of buildable lots.

§ 125-8. Court appeals.

Any person aggrieved by a decision of the Zoning Board of Appeals or of any special permit granting authority, whether or not previously a party to the proceeding, or any municipal officer or board may, as provided in MGL c. 40A, § 17, appeal to the Superior Court or to the Land Court by bringing an action within 20 days after the decision has been filed in the office of the Town Clerk.

13. Editor's Note: The Use Regulation Schedule is included at the end of the chapter.

ARTICLE II
Use and Intensity Regulations

§ 125-9. Establishment of districts.

- A. For purposes of this chapter, the Town of Adams is hereby divided into the following types of districts:

Residence District	R1, R2, R3, R4
Business District	B1, B2, B3
Industrial District	I, IP
Open Space District	OS

- B. The boundaries of these districts are defined and bounded on the map titled “Zoning Map, Adams, Massachusetts” on file with the Town Clerk. That map and all explanatory matter thereon is hereby made a part of this chapter.
- C. Except when labeled to the contrary, boundary or dimension lines shown approximately following or terminating at street, railroad, or utility easement center or layout lines, boundary or lot lines, or the channel of a stream shall be construed to be actually at those lines, and when shown approximately parallel, perpendicular or radial to such lines shall be construed to be actually parallel, perpendicular or radial thereto. When not locatable in any other way, boundaries shall be determined by scale from the map.
- D. Where a district boundary line divides any lot existing at the time such line is adopted, the regulations for any district in which the lot has frontage on a street may be extended not more than 30 feet into the other district. Required lot dimensions shall be those of the district in which the lot has the greatest frontage.
- E. When a lot in one ownership is situated in part in the Town of Adams and in part in an adjacent municipality, the provisions of this chapter shall be applied to that portion of the lot lying in the Town of Adams in the same manner as if the entire lot were situated therein.

§ 125-10. Use Regulation Schedule.

- A. No building or structure shall be erected or used and no premises shall be used except as set forth in the Use Regulation Schedule¹⁴ or as exempted by § 125-7 or by statute. Symbols employed shall mean the following:

Yes	A permitted use
No	An excluded or prohibited use
SP	Use authorized under special permit as provided for in § 125-4 herein
SPR	Site plan review required by Planning Board

14. Editor's Note: The Use Regulation Schedule is included at the end of this chapter.

- B. Where an activity might be classified under more than one of the uses on the Use Regulation Schedule, the more specific classification shall determine permissibility; if equally specific, the more restrictive shall govern.
- C. Uses subject to site plan review (§ 125-19) are designated by the column headed SPR and further by § 125-19E.

§ 125-11. Intensity of Use Schedule.

- A. All structures hereafter erected in any district shall be located on a lot such that all of the minimum requirements set forth in the Intensity of Use Schedule¹⁵ are conformed with, except where specifically exempted by this chapter or by General Law.
- B. No existing lot shall be changed in size or shape except through a public taking so as to result in violation of the requirements set forth in the Intensity of Use Schedule.
- C. Uncovered steps, stairs, sills, cornices, or similar architectural features shall not be included in computing floor area and need not observe yard requirements.
- D. No fence, wall, hedge, shrubbery or other obstruction to vision (other than a principal building) between 2 1/2 and eight feet above the lowest elevation at the street line shall be permitted on a corner lot within the area of a triangle formed by a line joining points on each front lot line 20 feet from the intersection of the tangents of such streets.
- E. No part of any lot used to satisfy the requirements of this chapter for a given building or use shall also be used to satisfy requirements for a different building or use.
- F. Not more than one principal building shall be erected on a lot unless each building thereon is served by access functionally equivalent to that required by the Planning Board under Chapter 201, Subdivision Regulations, of the Town Code.

§ 125-12. Apartment dimensional controls.

Dimensional controls for apartments and multifamily dwellings shall be as follows:

Minimum lot area (square feet)	District	Apartments/Multifamily Dwellings
	R2	25,000
	R3	20,000
	R4	10,000
Minimum lot area per dwelling unit (square feet)	R2	4,500
	R3	3,000
	R4	2,500
Minimum open space	All	See district

15. Editor's Note: The Intensity of Use Schedule is included at the end of this chapter.

Minimum lot area (square feet)	District	Apartments/Multifamily Dwellings
Minimum lot width and frontage (feet)	R2	125
	R3	120
	R4	70
Minimum front yard (feet)	All	20
Minimum side yard (feet)	R2	15
	R3	10
	R4	8
Minimum rear yard (feet)	R2	30
	R3	20
	R4	10
Maximum lot coverage	R2	25%
	R3	30%
	R4	35%

ARTICLE III
General Regulations

§ 125-13. Parking and loading requirements.

- A. Adequate off-street parking must be provided within a reasonable distance to service all parking demand created by new construction, whether through new structures or additions to old ones, and by change of use, except in the B-1 District, to which these requirements do not apply, unless otherwise provided for below. Such parking shall be either on the same premises as the activity it services or within 600 feet on a separate parcel, which may be jointly used with other premises for this purpose if permitted in the Use Regulation Schedule.
- (1) The following minimums must be met unless these are reduced on special permit from the Zoning Board of Appeals, upon determination that special circumstances render a lesser provision adequate for all parking needs. Any reduction of existing off-street parking due to construction or change of use shall require a special permit from the Zoning Board of Appeals.
 - (2) In B-1 Districts, residential uses that generate 10 or more parking spaces in accordance with Subsection B below shall be required to provide parking consistent with this article unless determined otherwise through the site plan review process.
- B. Schedule of requirements.
- (1) Dwellings: two spaces per dwelling unit.
 - (2) Offices or stores: one space per 250 square feet leasable floor area or fraction thereof.
 - (3) Restaurant or place of assembly: one space per four seats.
 - (4) Bowling alley: four spaces per lane.
 - (5) Nursing home or hospital: one space per four beds.
 - (6) Manufacturing, research and testing laboratories: one space per 1.3 employees at the largest shift plus one space per 2.6 employees at the second largest shift.
 - (7) Bed-and-breakfast: one space per guest room plus two spaces for residents.
 - (8) Those not listed in this schedule shall be individually determined through site plan review pursuant to § 125-19B.
- C. No off-street parking or loading area shall be maintained within 15 feet of a street line or, if servicing a use not allowed in a residential district, within 10 feet of said district bounds.
- D. Not more than one parking area entrance and one exit shall be permitted onto a street per 200 feet of frontage or fraction thereof. Parking areas for six or more cars shall be so designed and located that their use does not require backing onto a public way.
- E. Adequate off-street loading facilities and space must be provided to service all needs created by new construction or new use, whether through new structures or uses or additions to old ones, and by change of use of existing structures. Facilities shall be so sized and arranged that no vehicles need back onto or off a public way or be parked on a public way while loading, unloading, or waiting to do so.

- F. No entrance, exit or access drive for other than residential uses shall be located within 40 feet of an intersection of streets.
- G. The intersection of the tangents of any vehicular exit line and street line shall not be within a ten-foot radius of any building.
- H. Driveways and curb cuts.
 - (1) Purpose. The purpose of this Subsection H is to provide maximum protection to the public through the orderly control of traffic moving onto and off of streets, uniform design and layout of new driveways and entrances (curb cuts), adequate vehicular access to a lot and drainage of surface water.
 - (2) Procedures.
 - (a) The Department of Community Development shall issue permits for all proposed curb cuts and street access points.
 - (b) Appeals of decisions may be made to the Zoning Board of Appeals.
 - (c) No curb cut permit shall be issued until all relevant state and local permits are secured. Before approval is granted, the application shall be referred to the Department of Public Works and, if necessary, the Conservation Commission.
 - (d) The Community Development Director may require plans and specifications deemed necessary for adequate review.
 - (e) Installations carried out by private contractors are subject to inspections by the Adams Department of Public Works before, during and after actual installation.
 - (3) Design and construction standards.
 - (a) Entrances shall be located to the best advantage with regard to street alignment, profile, sight distance and safety conditions.
 - (b) Driveways, entrances (curb cuts) and vehicular access to and from a lot shall be through the frontage, except that the Planning Board may issue a special permit allowing driveways, entrances and vehicular access to a lot over a side or rear lot line if the proposed location meets the criteria listed in § 125-4.
 - (c) Driveways serving residential uses shall have one curb cut for lots with frontage of less than 200 feet. Curb cuts for one- and two-family units shall be considered one-way access.
 - (d) Driveways serving residential uses with an excess of 200 feet of frontage may be allowed two curb cuts, each to be considered one-way.
 - (e) Driveways serving 20 units or more of residential units or commercial/industrial uses may be allowed two curb cuts, each to be considered two-way, with a minimum of 200 feet between each curb cut.
 - (f) Curb cut width shall be measured from between the edges of the road surface at the intersection with the right-of-way.

	Residential		Commercial/Industrial	
	Minimum	Maximum	Minimum	Maximum
One-way	10 feet	14 feet	12 feet	16 feet
Two-way	12 feet	18 feet	22 feet	26 feet

- (g) Wherever possible, driveways shall have a stopping area of no greater than four-percent (4%) slope for a distance of 12 feet back from the edge of the road surface.
 - (h) Wherever possible, residential curb cuts are to be set back 50 feet or more from a street corner measured between the nearest edge of the driveway and the cross road edge of pavement.
 - (i) Any adjacent disturbed areas before, during and after construction shall be stabilized so as to prevent erosion onto the subject property, abutting property and/or onto the roadway. Disturbed areas shall be graded and seeded within 30 days of curb cut installation.
 - (j) Curb cuts off state highways shall conform to Massachusetts Department of Public Works standards and regulations.
- I. Common driveways. If driveway access is provided, each lot shall be serviced individually, except that the Planning Board may issue a special permit for a common driveway serving up to four lots if the following minimum requirements are met:
- (1) An easement providing permanent access for all properties served by the driveway shall be provided upon application and, if approved, recorded in the Registry of Deeds.
 - (2) The special permit shall state that the driveway is not a private road or a public road, that it does not meet the standards for a Town road, and that the driveway shall permanently remain a private driveway.
 - (3) The grade, length and location of common driveways shall be constructed and maintained to provide:
 - (a) Adequate access and turnaround for vehicles, including sanitary and emergency vehicles, year round. A turnaround area shall be provided at the end of the driveway so that vehicles do not need to enter onto adjoining lots. The Planning Board may require passing turnouts depending on the length and design of the proposed driveway.
 - (b) A width of at least 14 feet with drainage and culverts where the Planning Board deems necessary.
 - (c) Any additional storm drainage generated by the new driveway shall not run onto any adjacent property except through an approved drainage system.
 - (d) A maximum grade of 10%.
 - (e) A maximum length of 600 feet.
 - (f) The driveway entrance shall be located a minimum of 50 feet from any street intersection.
 - (g) No parking areas or structures shall be allowed in the driveway right-of-way.
 - (h) The driveway shall have a minimum three-inch crown, a twelve-inch gravel base and a

surface material deemed appropriate by the Planning Board.

- (4) Approval from the Development Cabinet shall be obtained prior to the granting of the special permit.
- (5) No common driveway shall be extended to serve additional lots subsequently created.
- (6) Land held in common ownership with lots served by a common driveway at the time the lots were created shall not be subsequently subdivided to be served by another common driveway.
- (7) The Planning Board may deny the special permit if it determines that the land being subdivided is better served by individual driveways or subdivision approval under Chapter 201, Subdivision Regulations, of the Town Code.
- (8) Ownership and maintenance of a common driveway shall be assured through a restrictive covenant, satisfactory to the Planning Board, which binds current and future owners of each lot served by the common driveway to the responsibility for maintenance, repair and reconstruction of the common driveway. A draft covenant shall be submitted for approval with the special permit application and shall include but not be limited to specific standards for maintenance and repair of the drainage system, provision for allocating financial responsibility and a procedure for resolution of disagreements. If the special permit is granted, the covenant shall be recorded at the Registry of Deeds and shall be made part of every deed to every lot served by the common driveway.
- (9) The Planning Board may require a performance bond or other security for the completion of the common driveway. Such security shall be posted prior to construction of the driveway. The driveway shall be completed, inspected by the Planning Board or its designee, and the security released prior to the issuance of occupancy permits for the lots served by the common driveway.
- (10) Common driveways permitted under this Subsection I shall be limited to single- and two-family dwellings.

§ 125-14. Noise, light, glare, heat, vibration and smoke standards.

- A. Every use, structure or fixture shall be so arranged that any glare or radiant heat produced is shielded so as not to be perceptible at or beyond any boundary line of the lot on which the use is located. Exterior lighting, including but not necessarily limited to lighting of exterior walls of buildings from an external light source and lighting of parking areas, signs, walks and drives, shall be arranged in such a manner as to direct light away from other lots and public ways.
- B. Every use shall be so operated that resultant ground vibrations are not discernible without the use of instruments at any boundary line of the lot on which the use is located for more than three minutes' duration in any one hour of the day. The above shall not apply to those vibrations caused by motor vehicles, trains, aircraft, or water vessels being operated in a manner normally incidental to the principal use.
- C. The Building Inspector may require that the applicant for a facility whose future compliance with these standards is questionable furnish evidence of probable compliance, whether by example of similar facilities or by engineering analysis. Issuance of a permit on the basis of that evidence shall certify the Town's acceptance of the conformance of the basic structure and equipment, but future equipment changes and operating procedures must be such as to also comply with these standards.
- D. Noise.

(1) Maximum permitted sound-pressure levels.

Octave Band Center Frequency of Measurement (Hz)	Octave Band Level for Business/ Industrial Zones in Decibels	Octave Band Level for Residential Zones and for Uses Abutting Residential Zones
31.5	79	54
63	78	53
125	73	48
250	68	45
500	62	41
1,000	56	37
2,000	51	34
4,000	47	32
8,000	44	30

Notes:

1. Acoustical terminology is that most recently approved by the American National Standards Institute (ANSI).
 2. Reference pressure shall be 0.0002 microbars.
 3. Hz is the abbreviation for Hertz, which means cycles per second.
 4. For preliminary survey and monitoring the approximate single number, 65 dB(A) may be used for commercial and industrial zones and 40 dB(A) may be used for residential zones and for uses abutting residential zones.
 5. dB(A) shall mean A-weighted sound pressure level in decibels as measured on a general purpose sound-level meter complying with the provisions of American Standard for General Purpose Sound-Level Meters (S1.4-1971), ANSI or OSI (1999), properly calibrated, and operated on the "A" weighting network.
- (2) Measurements to determine compliance with these standards shall be provided by the applicant upon request by the Building Inspector. Such measurements may be made by any public or private agency, firm, or person competent to perform such activity. All measurements shall be obtained through the utilization of procedures and equipment approved by the Town of Adams, and measurements shall be taken at property lines of subject property and at adjoining properties as directed by the Town of Adams. This Subsection D shall not apply to the operation of farm

machinery accessory to agricultural uses.

- E. All resulting cinders, dust, flashing, fumes, gases, odors, refuse matter, smoke, vapor, radioactive emission, or other atmospheric pollutant which is inherently harmful and likely to destroy life or impair health or is capable of causing injury to the well-being of persons or damage to property shall be effectively regulated and disposed of so as to avoid any nuisance or hazard to the public's health or safety. Such air pollutants shall not exceed any limits established by the Adams Board of Health, under the provisions of MGL c. 111, § 31C, titled "Atmospheric pollution; regulation and control; publication; hearings; penalties; enforcement; jurisdiction; injunction," any other statute, or 310 CMR 6.0, 7.0 or 8.0. These standards shall not apply to conventional residential heating appliances.

§ 125-15. Sign regulations.

A. General provisions.

- (1) No signs that advertise a nationally or regionally advertised product shall be allowed, except that a franchised dealer may display the trademark of his product on his sign, and a gasoline station may display the trademark of that particular gasoline company on said sign. Endorsements or approvals may also be displayed as part of a single sign.
- (2) Standing signs are prohibited except as they may be authorized in particular instances by the Zoning Board of Appeals when it determines that the nature of use of the premises, the architecture of the building, or its location with reference to the street is such that a sign should be permitted in the public interest. In granting such permission, the Zoning Board of Appeals shall specify the size, height, type and location of the sign and impose such other terms, restrictions and conditions as it may deem to be in the public interest. The maximum size that can be authorized shall be 32 square feet.
- (3) The most restrictive case of sign allowance shall always apply in the application of this section.
- (4) All signs shall be prepared in a professional manner.

B. Illumination, motion and noise regulations.

- (1) Signs shall be illuminated only by steady, stationary, shielded light directed solely at the sign, without causing glare for motorists, pedestrians or neighboring residential premises.
- (2) Except for indicators of time and temperature, no sign or part of any sign shall flash, move or make noise.
- (3) Neon signs shall be allowed within windows up to 10% of the total window area, not to exceed a total of six square feet.
- (4) Exterior neon signage shall be allowed on special permit, shall not exceed the guidelines of Subsection F(1) to (4) and shall not advertise a nationally or regionally advertised product or service.

C. Location requirements.

- (1) Signs shall not be painted or posted directly on the exterior surface of any wall but rather shall be affixed to a substantial intermediary removable surface securely affixed to the building.
- (2) No sign shall protrude over public property more than three feet.

- (3) No signs or flags shall be placed within or projecting over a public way or on public property unless authorized by the Board of Selectmen as required by MGL c. 85, § 8. No signs shall be placed on shade trees without approval of the Tree Warden as required by MGL c. 87, § 9.

D. Temporary signs.

- (1) Temporary signs listed below shall be allowed for up to 12 months in any district without necessity of a permit:
 - (a) An unlighted sign of up to 10 square feet indicating parties involved in construction on the premises.
 - (b) An unlighted sign of up to eight square feet pertaining to lease or sale of the premises.
 - (c) A sign of up to 10 square feet pertaining to a subdivision while under development.
 - (d) Signs inside display windows covering not more than 30% of the window area, illuminated by building illumination only.
- (2) (Reserved)¹⁶
- (3) Temporary signs, posters, banners or the like for the opening of a new business shall be permitted within the limits prescribed for permanent signs. All such signs shall be identified on a permit from the Building Inspector. Such devices shall be removed within 60 days of the opening of said business.

E. Permitted accessory signs in Residence and Forest Recreation District (B-3).

- (1) One sign for each family residing on the premises indicating the owner or occupant or pertaining to a permitted accessory use shall be permitted, provided that no sign shall exceed two square feet in area.
- (2) One sign pertaining to permitted buildings and uses of the premises other than dwellings and their accessory uses shall be permitted, not to exceed 5% of the area of the wall it is viewed with and in no case more than six square feet.
- (3) Illumination of signs in residential districts shall be by white light and indirect method only.

F. Permitted accessory signs in Business and Industrial Districts (B-1, B-2, I and IP).

- (1) Signs attached to a building shall be permitted provided that they aggregate not more than 5% of the wall area they are viewed with, subject to the guidelines in Subsection F(4).
- (2) There shall be not more than one exterior sign for each business establishment, except that if there is more than one public entrance to any such business establishment, there may be one additional secondary sign for each such additional entrance, provided that the aggregate area of all such secondary signs shall not exceed 50% of the maximum permissible area authorized and further provided that not more than one secondary sign per building face shall be allowed, that any secondary signs shall be at least 30 feet from each other, and that such secondary signs shall be located at such entrances.
- (3) In addition to the foregoing sign or signs, one directory of the business establishments

16. Editor's Note: Subsection D(2), imposing regulations on political signs, was disapproved by the Attorney General on October 18, 2004, and has been deleted and reserved for future use.

occupying a building may be affixed to the exterior wall of the building at each public entrance to the building. Such directory shall not exceed an area of one square foot for each establishment occupying the building.

- (4) Signs located on business property, or limited industrial property, shall be according to the following guidelines:
 - (a) A limit of 16 square feet per 40 feet, or less, of building frontage occupied by the applicant.
 - (b) Building frontages greater than 40 feet shall be allowed to add two square feet per five feet of frontage up to a maximum of 32 square feet.
 - (c) Combined frontages on more than one street shall be allowed two square feet per five feet of total building frontage occupied by the applicant up to a maximum of 48 square feet.
 - (d) Signs located on business property, or limited industrial property, may not rise more than two feet above the eave line.
 - (e) Only one sign per business shall be allowed in a shopping center, and the sign must be located on the building in which the business is located.
- (5) Each business establishment may display one flag indicating "Open," "Welcome," other greeting, or the business logo but shall not advertise a nationally or regionally advertised product or service. Maximum size that can be allowed shall be 16 square feet. Flags shall not be considered as standing signs.

G. Permitted nonaccessory signs. No billboard or other nonaccessory sign shall be permitted. However, a nonaccessory directional sign not exceeding 10 square feet in area designating the route to an establishment not on a state highway may be allowed in any district on special permit from the Zoning Board of Appeals, subject to its finding that such sign will promote the public interest, will not endanger the public safety, and will be of such size, location and design as will not be detrimental to the neighborhood.

H. Administration.

- (1) No sign, except those specifically exempted by this chapter, shall be erected without a permit issued by the Building Inspector, application for which shall be accompanied by such scale drawings or photographs as the Building Inspector may require.
- (2) Legally nonconforming signs, except those regulated by MGL c. 93, § 29, shall be governed by § 125-7C, Nonconformancy.
- (3) All signs, whether erected before or after the effective date of this chapter, shall be maintained in a safe condition to the satisfaction of the Building Inspector.
- (4) Any sign which has been abandoned or advertises any product, business or activity which is no longer sold or carried on for at least 60 days must be removed within 30 days by the owner of the premises after notice to that effect from the Building Inspector.

§ 125-16. Screening and landscaping requirements.

A. Outdoor parking lots (screening and landscaping requirements).

- (1) On at least three sides of the perimeter of an outdoor parking lot for 10 or more cars, a screening

scheme shall be installed. The scheme could include a combination of vegetative plantings and fencing or strictly vegetative plantings, evergreen or deciduous in nature, to be determined through site plan review. In performing a site plan review, the Planning Board may authorize alternatives to these specifications, taking into consideration existing vegetation, topography, soils, and other site conditions, provided that appropriate screening, shading and articulation are achieved. In the interior part of an outdoor parking lot where two rows of parking spaces containing a total of 10 or more parking spaces face each other, a landscaped open space separated from the parking area by a suitable curb with at least four inches vertical and not less than six feet in width shall be provided. The landscaped strip may be provided either between the rows of parking spaces parallel to the aisle or in two or more strips parallel to the spaces and extending from the aisle serving one row of spaces to the aisle serving the other row of spaces and shall contain at least one tree per 30 linear feet.

- (2) Trees required by this section shall be canopy-forming deciduous trees at least 2.5 inches in diameter at a height four feet above the ground at time of planting and shall be of a species characterized by suitability and hardiness for location in a parking lot. To the extent practicable, existing trees shall be retained and used to satisfy this section.
- B. Grading and erosion. Site design, materials, and methods of construction or operation shall be designed to avoid erosion damage, sedimentation or uncontrolled surface runoff, including conformity with the following:
- (1) Requirements.
 - (a) Slopes of 10% or greater that result from grading, construction, or other land alteration shall be stabilized either through a structural retaining wall or cribbing, or through vegetative slope stabilization, comprising not less than four inches of topsoil planted densely with plants having shallow fibrous roots sufficient to retain the soil, such as grasses, legumes, dogwood, amur privet, rugosa, rose or bayberry. The Building Inspector may require mulch or other temporary stabilization measures. Either a constructed surface or cover vegetation will be provided not later than the first full spring season immediately following filling or stripping, and in the case of building demolition the site will be graded in accordance with the State Building Code.
 - (b) Placing more than 100 cubic yards of fill on any parcel or raising ground level by three vertical feet or more within any required yard shall require a permit from the Building Inspector, which shall be issued only upon demonstration that all provisions of this Subsection B are being complied with; that reasonable care is being taken to avoid harmful diversion of water affecting adjoining properties; that mature trees are being reasonably protected; and that no resultant slope exceeds one foot vertically to two feet horizontally. Either a constructed surface or cover vegetation will be provided not later than the first full spring season immediately following filling or stripping, and in the case of building demolition the site will also be graded in accordance with the State Building Code.
 - (c) Maximum allowable slope from any activity is one foot vertical for each two feet horizontal.
 - (d) Erosion from one property onto another resulting from construction activity or change in land use or other activity is prohibited.
 - (2) Special permits required.

- (a) Each of the following shall require a special permit from the Zoning Board of Appeals:
- [1] Placing more than 200 cubic yards of fill on any parcel.
 - [2] Raising ground level within any required yard by six feet or more.
 - [3] Simultaneously exposing more than 80,000 square feet of bare earth through either removal or filling unless in conjunction with agricultural activity or in conjunction with a currently valid building or use permit or within streets which either are public or shown on an approved subdivision plan.
 - [4] Construction or grading on more than 1,000 square feet of land where the average natural slope exceeds 25%.
- (b) Submission requirements. Application for a special permit shall include a plan showing existing and proposed grades at key locations, vegetation (or other surface cover) and description of temporary or permanent impoundment basins or other methods proposed for controlling erosion, sedimentation, or other soil instability during and after construction. The Zoning Board of Appeals may require the applicant to submit a report from the Soil Conservation Service or soil loss calculations prepared by a soils scientist or engineer in cases of doubt as to the adequacy of proposed measures. The Board may also require the furnishing of a performance bond or other security during the construction period. The Zoning Board of Appeals shall obtain a recommendation from the Conservation Commission.
- (c) Review criteria. Such special permit shall be granted only if the Board determines that adequate provisions have been made for control of erosion, sedimentation, and runoff, both during and after construction, for avoidance of unsightly conditions and for protection against other environmental degradation.

C. Screening and buffering requirements.

- (1) All parking areas for five or more cars, all outdoor sales display areas, all mobile home parks, all business uses and industrial uses (see the Use Regulation Schedule), all contractors' yards, open storage and loading service yards and all commercial outdoor recreation shall be screened from any adjacent residential use or district in accordance with the following schedule:

Zone	Screening Requirement	Buffer Width
I and B2	Greenbelt	30 feet
IP	Greenbelt	40 feet
B1	Barrier	5 feet

- (2) Such greenbelt shall consist of three staggered rows, each row eight feet apart, of substantially sight-impervious evergreen foliage at least eight feet in height or planting of shrubs and trees complemented by a sight-impervious fence of at least six feet but not more than eight feet in height or such other type of landscaping as may be required under site plan approval. In all developments, to the extent practicable, existing trees shall be retained and used to satisfy the provisions of the minimum lot landscaping.
- (3) Such barriers shall consist of at least sight-impervious fence satisfying the requirements of all

greenbelt fence and may be supplemented by additional plantings as required under site plan approval.

- (4) Buffers shall be for the sole purpose of accommodating the screening and other landscaping as may be required and shall not be used for any other purpose.
- D. Permitted uses in a required front yard. No parking, loading or outdoor sales or display areas shall be permitted in any required front yard. Such yard shall be landscaped to include at least a single row of canopy-forming trees planted no more than 30 feet on center and of no less than two inches in caliper when planted.
- E. Industrial Park District landscape buffer. In an Industrial Park (IP) District, a landscaped buffer 40 feet wide shall be placed adjacent to any general use public street (not including any street internal to the industrial park, whether or not such street forms a through way or is open to general public use). Such landscaped buffer shall consist of open space planted in grass and at least a single row of canopy-forming trees which when planted shall be of at least 2 1/2 inches in caliper. Such landscaped buffer shall be left as open space and shall not be used for any other use except for one nonaccessory sign in conformance with the requirements of § 125-15 of this chapter and no more than two roadway crossings.
- F. Satellite television antennas.
 - (1) Standard satellite television and radio antennas are permitted in all zoning districts unless the installed device is higher than 15 feet, in which case the installation requires a special permit from the Zoning Board of Appeals.
 - (2) No satellite television and/or antenna shall be placed in any required accessory yard. Relief from this requirement will require a variance from the Zoning Board of Appeals.
 - (3) All satellite television and/or radio antennas shall be screened from view by plantings, shrubs, trees or other suitable means insofar as possible without interfering with reception of satellite signals and shall not be illuminated in any way.

§ 125-17. Unregistered motor vehicles.

- A. No person shall permit more than one unregistered motor vehicle or major part or portion of a motor vehicle to remain for more than 30 consecutive days on premises owned, occupied, or controlled by him if the vehicle or parts are within view from any public way or abutting property, unless the vehicle is regularly operated on the premises or unless the premises are duly licensed under the provisions of MGL c. 140, §§ 58 and 59.
- B. The Building Inspector shall ticket any vehicle in violation of this section. The violator shall have a period of 14 days from notification in which to remove the vehicle. Any person or entity who or which violates this section shall be subject to a fine of \$50. Each day of violation shall be a separate and distinct offense. In the event of violation, the Building Inspector may give to the offender a written notice to either appear before the Clerk of the District Court at any time during office hours not later than 21 days after the date of such notice or mail the stipulated penalty to said Clerk, as provided under MGL c. 40, § 21D.

§ 125-18. Floodplain District.

- A. Purpose. The Floodplain District, in addition to the purposes enumerated in Article I of this chapter,

is intended to protect human life and property from hazards of periodic flooding, to preserve natural flood-control characteristics and flood storage capacity of the floodplain, and to preserve and maintain the groundwater table and water recharge areas within the floodplain.

- B. District delineation. The general boundaries of the Floodplain District are shown on the Adams Flood Insurance Rate Map (FIRM) dated August 1, 1983, as Zones A and A1-30 to indicate the one-hundred-year floodplain. The exact boundaries of the district are defined by the one-hundred-year water surface elevations shown on the FIRM and further defined by the flood profiles contained in the Flood Insurance Study dated August 1, 1983. The floodway boundaries are delineated on the Adams Flood Boundary Floodway Map (FBFM) dated August 1, 1983, and further defined by the Floodway Data Tables contained in the Flood Insurance Study. These two maps, as well as the accompanying study, are incorporated herein by reference and are on file with the Town Clerk, Planning Board, and Building Inspector.
- C. Use regulations. The Floodplain District is established as an overlay district to all other districts. All development, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with MGL c. 131, § 40 and with the requirements of the Massachusetts State Building Code pertaining to construction in the floodplains.
- D. Permitted uses. There shall be allowed the following uses which create a minimal risk of damage due to flooding and will not constitute obstructions to flood flow, provided that they are permitted in the underlying district and that they do not require structures, fill, or storage of materials or equipment:
 - (1) Agricultural uses, such as farming, grazing, truck farming and horticulture.
 - (2) Forestry and nursery uses.
 - (3) Outdoor recreational uses, including fishing, boating, play area, etc.
 - (4) Conservation of water, plants and wildlife.
 - (5) Wildlife management areas and foot, bicycle and horse paths.
 - (6) Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
 - (7) Buildings lawfully existing prior to the adoption of these provisions.
- E. Special permits.
 - (1) No structure or building shall be erected, constructed, substantially improved, or otherwise created or moved, and no earth or other materials shall be dumped, filled, excavated, or transferred, unless a special permit is granted by the Zoning Board of Appeals.
 - (2) Within 10 days of receipt of an application for a special permit, the Board shall transmit one copy of the development plan to the Conservation Commission, Board of Health, and Building Inspector. Final action shall not be taken until reports have been received from the above boards or until 35 days after the transmittal of the development plan to the boards, whichever occurs first.
 - (3) The Zoning Board of Appeals may issue a special permit if the application complies with the following provisions:
 - (a) The proposed use shall comply in all respects with the provisions of the underlying district.

- (b) In the floodway prohibit all encroachments, including fill, new construction, substantial improvement to existing structures, and other development; the applicant shall provide certification by a registered professional engineer demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood.
 - (4) The Zoning Board of Appeals may specify such additional requirements and conditions as it finds necessary to protect the health, safety, and welfare of the public.
- F. Subdivision standards for the Floodplain District. All subdivision proposals and other proposed new development shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of a subdivision proposal or other new development is located within the Floodplain District established under this chapter, it shall be reviewed to assure that:
 - (1) The proposal is designed so as to minimize the risk of damage due to flooding.
 - (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed so as to minimize or eliminate the risk damage due to flooding.
 - (3) Adequate drainage systems are provided in order to reduce exposure to flood hazards.
 - (4) Base flood elevation data (the level of the one-hundred-year flood) is provided for all proposals for development within the Floodplain District.
- G. Health regulation pertaining to the Floodplain District. The Board of Health, in reviewing all proposed water and sewer facilities to be located in the Floodplain District established under this chapter, shall require that:
 - (1) New and replacement water supply systems be designed to minimize or eliminate infiltration of floodwaters into the systems; and
 - (2) New and replacement sanitary sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- H. Conservation Commission duties. The duties of the Conservation Commission shall be as follows:
 - (1) To notify, in riverine situations, adjacent communities and the Massachusetts Division of Water Resources, the state coordinating agency, prior to any alteration or relocation of a watercourse where an order of conditions has been issued and submit copies of such notification to the Federal Insurance Administration.
 - (2) To assure that the flood capacity within the altered or relocated portion of any watercourse is maintained.
- I. Development regulations.
 - (1) Within Zone A1-30, all mobile homes shall provide that: ¹⁷
 - (a) (Reserved)
 - (b) Adequate surface drainage and access for a hauler are provided.

17. Editor's Note: Subsections I(1)(a) and (b), which were deemed inconsistent with the State Building Code, were disapproved by the Attorney General on October 18, 2004, and have been deleted and reserved for future use.

(c) (Reserved)

- (2) The placement of mobile homes, except in an existing mobile home park or mobile home subdivision, is prohibited in the floodway.
- (3) In A zones, in the absence of FIA base flood elevation data, other available data shall be considered as a basis for elevating residential structures to or above base flood level and floodproofing or elevating nonresidential structures to or above base flood level.
- (4) In the regulatory floodway, any encroachment which would cause any increase in the base flood level is prohibited.

§ 125-19. Site plan approval.

- A. This section shall apply to all new uses or additions to existing uses or buildings or structures for which a site plan is required by Subsection E except when both of the following are met:
 - (1) The project involves the use of an existing building and no exterior changes, other than signage, standard exterior building illumination (exits included) and trash containers (which are screened from adjacent properties and street), and no site elements which mitigate negative impacts are proposed for elimination; and
 - (2) The proposed use is permitted as a matter of right pursuant to the Use Regulation Schedule¹⁸ of this chapter.
- B. Contents. Said site plan shall show the following:
 - (1) All property boundaries and the use and ownership of abutting land and the location and use of any building thereon of the subject property.
 - (2) All existing and proposed buildings, structures, parking spaces, driveway openings, loading areas and service areas on the subject property.
 - (3) Provisions for screening, surfacing, lighting, landscaping (including fences, wall, planting area and walks) and signs.
 - (4) Provisions for waste disposal, drainage, dust, erosion control and other utilities.
- C. Criteria. In reviewing such plans, the Planning Board shall consider the following:
 - (1) Protection of adjoining premises and the general neighborhood from any detrimental impact resulting from the use of the subject property, including but not limited to the creation of a nuisance by virtue of noise, odor, unsightliness, signs or vibration.
 - (2) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, properties or improvements.
 - (3) Adequacy of the methods of disposal for sewage, refuse, and other wastes and of the methods of drainage of surface water.
 - (4) Provisions for off-street loading and unloading of vehicles incidental to the servicing of the buildings and related uses on the subject property.

18. Editor's Note: The Use Regulation Schedule is included at the end of this chapter.

- (5) Projects involving in excess of five acres or 10,000 square feet of building shall require an environmental impact report and performance bond (amount of bond to be determined by the Planning Board) unless waived by the Board.

D. Procedure.

- (1) A site plan subject to this section shall be submitted in duplicate to the Town Clerk, who shall give the applicant a dated receipt. The Town Clerk, within three days of receiving such a site plan, shall transmit one copy to the Building Inspector for his review. The Building Inspector shall, within five working days, report his findings and recommendations in writing to the Town Clerk. If the Building Inspector finds that the plan does not show the information specified in Subsection B above, he shall notify the Town Clerk in writing, who shall return the plan to the applicant with a copy of the Building Inspector's report. If the plan does comply, or if the Building Inspector fails to respond within five days, the Planning Board shall conduct a public hearing within 65 days of the receipt of the plan by the Town Clerk. The Community Development Department shall submit recommendations to the Board prior to the hearing, and if the proposed project must be authorized by a special permit or special permits, the special permit granting authority shall hold a hearing to act on the permit prior to the Planning Board's hearing. The Planning Board may, in approving such a plan, establish a time period within which the approval so granted shall be exercised. Such time period shall not exceed two years. The applicant shall be notified by the Town Clerk of a plan meeting the requirements of this section and of the actions taken or approval will be assumed and the Town Clerk shall issue a certification to that effect.
- (2) No building permit shall be issued for any building or structure or use of land for which site plan approval is required unless approval thereof shall have been obtained in compliance with the above.
- (3) The Planning Board may adopt from time to time such additional procedures, criteria, forms, etc., as it may deem appropriate to administer this section.

E. Uses requiring site plan approval. For the purpose of assuring proper drainage and safe access, administering provisions of this chapter in regard to parking and loading areas, signs, and screening and to assure adequate consideration for abutting landowners, a site plan shall be submitted for the following:

- (1) Restaurants.
- (2) Recreation, including golf courses, ski areas and tows and parks, including amusement parks, schools, including nursery and kindergarten schools, and dance and music studios.
- (3) Veterinary hospitals, stables and kennels, commercial raising or breeding animals for sale, poultry farms and boarding animals.
- (4) Cemeteries, hospitals, sanitariums or other medical institutions, including nonprofit research laboratories, nursing homes, or charitable institutions.
- (5) Telephone exchange buildings, radio stations, or other utility structures.
- (6) Buildings to house generators, boilers, and similar equipment used in connection with greenhouses and farms.
- (7) Research laboratories.

- (8) Office buildings.
- (9) Multifamily dwellings.
- (10) Tourist homes and boarding or rooming houses, hotels and motels.
- (11) Membership clubs.
- (12) Retail store or service establishment.
- (13) Gasoline service stations, garages and repair shops.
- (14) Passenger depots and terminals.
- (15) Theater halls, bowling alleys, skating rinks, clubs and other places of amusement or assembly.
- (16) Manufacturing enterprises.
- (17) Contractors' storage, warehouses and buildings and wholesale distribution plants.
- (18) Printing and publishing establishments, photographic studios, and medical or dental laboratories.
- (19) Storage tanks or yards either above or below ground.
- (20) Construction of man-made body of water or alteration of any body of water or diversion of any stream that is running.
- (21) Underground tanks or direct burial tank of any fluid substance.
- (22) Signs when principal uses or accessory to uses listed in this section.
- (23) Uses accessory to principal uses listed in this section.

ARTICLE IV
Special Regulations

§ 125-20. Personal wireless service facilities.

A. Purpose. The purpose of this section is to:

- (1) Preserve the character and appearance of the Town while accommodating adequate personal wireless services to be developed;
- (2) Protect the scenic, historic, environmental, and man-made resources of the community;
- (3) Provide standards and requirements for regulation, placement, construction, monitoring, design, modification and removal of personal wireless service facilities;
- (4) Preserve property values;
- (5) Minimize the total number and height of towers throughout the community;
- (6) Locate towers and personal wireless service facilities in a manner that mitigates potential negative impacts, such as, but not limited to, visual nuisance, noise, and falling objects, on the general safety, welfare and quality of life of the community; and
- (7) Require tower sharing and the clustering of personal wireless service devices where possible.

B. Consistency with federal law.

- (1) These regulations are intended to be consistent with the Telecommunications Act of 1996 in that they do not:
 - (a) Prohibit or have the effect of prohibiting the provision of personal wireless services.
 - (b) Unreasonably discriminate among providers of functionally equivalent services.
 - (c) Regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the FCC's regulations concerning such emissions.
- (2) Exempted wireless telecommunications uses. This section specifically exempts the following wireless telecommunications facilities: police, fire, ambulance and other emergency dispatch; amateur (ham) radio; personal satellite phones; citizens band radio; any existing commercial radio tower; and radio dispatch services for local businesses. No personal wireless service facility shall be considered exempt from this section for any reason, whether or not said facility is proposed to share a tower or other structure with such exempt uses.

C. General requirements.

- (1) No personal wireless service facility, tower, or personal wireless service device shall be erected, constructed, or installed without first obtaining a special permit from the Planning Board.
- (2) Wherever feasible, personal wireless service devices shall be located on existing towers or other nonresidential structures to minimize proliferation of new towers.
- (3) Tower(s) must be of a type that will maximize potential sharing. Lattice-type structures are preferred, but where a monopole is requested the applicant must demonstrate the future utility

of such structure for expansion of service for the applicant or other future applicants.

- (4) No tower or personal wireless service facility that would be classified as a hazard to air navigation, as defined by the Federal Aviation Administration regulations (Title 14, Code of Federal Regulations), is permitted.
- (5) Commercial advertising shall not be allowed on any component of a personal wireless service facility, including but not limited to any antenna, tower, accessory building, or communication equipment shelter.

D. Design requirements.

- (1) Personal wireless service facilities and towers shall be located so as to provide adequate coverage and adequate capacity with the least number of towers and antennas that is technically and economically feasible.
- (2) New towers shall not exceed the minimum height necessary to provide adequate coverage for the personal wireless service devices proposed for use on the tower.
- (3) The minimum distance from the base of any new tower to any property line or right-of-way shall be at least one times the height of the tower plus 50 feet.
- (4) No tower or personal wireless service facility with the exception of repeaters shall be located less than 50 feet from an existing dwelling unit or less than 25 feet above ground.
- (5) If the facility or tower site is in a wooded area, a buffer strip of undisturbed mature trees shall be retained for at least 50 feet in width around the entire perimeter, except to accommodate an access drive. The applicant shall obtain a financial surety to cover the cost of the remediation of any damage to the landscape that occurs during the clearing of the site.
- (6) The area around the tower and communication equipment shelter(s) shall be completely fenced and gated for security to a height of six feet. Use of razor wire is not permitted. A sign no greater than one square foot indicating the name of the facility owner(s) and a twenty-four-hour emergency telephone number shall be posted adjacent to the entry gate. In addition, "no trespassing" or other warning signs may be posted on the fence, as approved by the Planning Board.
- (7) The Planning Board shall request input from the Fire and Police Departments and other emergency services regarding adequacy of emergency access to the planned drive for the personal wireless service facility.
- (8) Communication equipment shelters and accessory buildings shall be designed to be architecturally similar and compatible with each other and shall be no more than 12 feet high. The buildings shall be used only for housing of equipment related to the particular site. Whenever possible, buildings shall be joined or clustered so as to appear as one building.
- (9) New tower(s) shall have a galvanized finish unless otherwise required. The Planning Board may require tower(s) to be painted or otherwise camouflaged to minimize potential adverse visual impact.
- (10) Unless required by the Federal Aviation Administration, no night lighting of towers or other components of the personal wireless service facility is permitted, except for manually operated emergency lights for use only when operating personnel are on site.

- (11) The use of repeaters to assure adequate coverage or to fill holes within areas of otherwise adequate coverage, while minimizing the number of required towers, is encouraged.
- (12) If a proposed personal wireless service facility primarily provides coverage (greater than 50%) outside Adams, the Planning Board may deny the permit unless the applicant can demonstrate the inability to locate the proposed facility within the town that is primarily receiving service.

E. Siting criteria.

- (1) Personal wireless service facilities and towers shall be located so as to minimize the following potential impacts:
 - (a) Visual/aesthetic. Towers shall, when possible, be sited off ridgelines to locations where their visual impact is least detrimental to valuable historic and scenic areas.
 - (b) Diminution of residential property values.
 - (c) Safety in cases of structural failure and attractive nuisance.
 - (d) Safety from excessive electromagnetic radiation in cases where the tower or personal wireless service facility is found to exceed the FCC guidelines.
- (2) The following siting criteria are ranked in order of preference:
 - (a) Shared use of existing personal wireless service facilities shall be encouraged.
 - (b) The use of existing structures in lieu of constructing new towers.
 - (c) The use of land distant from higher-density residential properties and where visual impact can be minimized shall be encouraged.
 - (d) Sharing with neighboring communities.

F. Application requirements; provisions for independent consultants.

- (1) No personal wireless service facility, tower, or personal wireless service device shall be erected, constructed, or installed without first obtaining a special permit from the Planning Board. No major modification of a personal wireless service facility, tower, or personal wireless service device shall be commenced without first obtaining a special permit from the Planning Board.
 - (a) An applicant requesting a permit for a personal wireless service facility shall provide a copy of the existing lease/contract with a personal wireless service provider. No personal wireless service facility or tower shall be permitted to be built on speculation.
 - (b) An applicant requesting a permit for a tower shall provide a written, irrevocable commitment valid for the duration of the tower's existence to lease available space for colocation on the tower at fair-market prices and terms, without discrimination to other personal service.
- (2) Required submittals, including written documentation, plans and maps, engineering drawings, and other information, shall be provided consistent with the Planning Board's special regulations titled "Personal Wireless Service Facility Review Requirements."
- (3) Upon submission of an application for a special permit under this section, the Planning Board shall hire independent consultants whose services shall be paid for by the applicant(s). These

consultants shall each be qualified professionals with a record of service to municipalities in one of the following fields: telecommunications engineering; structural engineering; monitoring of electromagnetic fields; and others as determined necessary by the Planning Board.

- (4) Upon submission of a complete application for a special permit under this section, the Planning Board shall provide its independent consultants with the full application for their analysis and review.
- (5) Applicants for any special permit under this section shall obtain permission from the owner(s) of the proposed property and/or facility site for the Town's independent consultants to conduct any necessary site visits.

G. Approval criteria.

- (1) In acting on the special permit application, the Planning Board shall proceed in accordance with the procedures and timelines established for special permits in § 125-4 of this chapter.
- (2) In addition to the findings required by §§ 125-4 and 125-19 of this chapter, the Planning Board shall, in consultation with the independent consultants, make all of the following findings before granting the special permit, as applicable:
 - (a) The applicant is not already providing adequate coverage and/or adequate capacity to the Town of Adams;
 - (b) The applicant is not able to use existing towers/facility sites either with or without the use of repeaters to provide adequate coverage and/or adequate capacity to the Town of Adams;
 - (c) The applicant has agreed to rent or lease available space on the tower, under the terms of a fair-market lease, without discrimination to other personal wireless service providers;
 - (d) The proposed personal wireless service facility or tower will not have an undue adverse impact on historic resources, scenic views, residential property values, or natural or man-made resources;
 - (e) The applicant has agreed to implement all reasonable measures to mitigate the potential adverse impacts of the facility or facility component; and
 - (f) The proposal shall comply with FCC Regulation 96-325 regarding emissions of electromagnetic radiation and the required monitoring program is in place and shall be paid for by the applicant.
- (3) Any decision by the Planning Board to deny any application for a special permit under this section shall be in conformance with § 332(7)(B)(iii) of the Telecommunications Act of 1996 (47 U.S.C. § 332), in that it shall be in writing and supported by substantial evidence contained in a written record.

H. Monitoring and evaluation of compliance.

- (1) Pre-testing. Before a permitted personal wireless service device begins transmission, the owner(s) shall pay for an independent consultant, hired by the Town, to monitor the background levels of EMF radiation around the facility site and/or repeater locations to be utilized for the applicant's personal wireless service devices. The independent consultant shall use the monitoring protocol. A report of the monitoring results shall be prepared by the independent consultant and submitted to the Building Inspector.

- (2) Post-testing. After transmission begins, the owner(s) of any personal wireless service devices located on any facility site shall pay for an independent consultant, hired by the Town, to conduct testing and monitoring of EMF radiation emitted from said site and to report results of said monitoring, as follows:
 - (a) There shall be routine annual monitoring of emissions by the independent consultant using actual field measurement of radiation, utilizing the monitoring protocol. This monitoring shall measure levels of EMF radiation from the facility site's primary antennas as well as from repeaters (if any). An annual report of the monitoring results shall be prepared by the independent consultant and submitted to the Building Inspector.
 - (b) Any major modification of existing facility, or the activation of any additional permitted channels, shall require new monitoring.
 - (3) Excessive emissions. Should the monitoring of a facility site reveal that the site exceeds the FCC 96-326 standard, then the owner(s) of all facilities utilizing that site shall be so notified. The owner(s) shall submit to the Planning Board and the Building Inspector a plan for the reduction of emissions to a level that complies with the FCC 96-326 standard within 10 business days of notification of noncompliance. This plan shall reduce emissions to the standard within 15 days of initial notification of noncompliance. Failure to accomplish the reduction of emission within 15 business days of initial notification of noncompliance shall be a violation of the special permit and subject to penalties and fines as specified in § 125-2D of this chapter. Such fines shall be payable by the owner(s) of the facilities and antennas on the facility site until compliance is achieved.
 - (4) Structural inspection. The tower owner(s) shall pay for an independent consultant (a licensed professional structural engineer), hired by the Town, to conduct inspections of the tower's structural integrity and safety. Guyed towers shall be inspected every three years; monopoles and nonguyed lattice towers shall be inspected every five years. The independent consultant shall prepare and submit a report of the inspection results to the Building Inspector. Any major modification of an existing facility involving changes to tower dimensions or antenna numbers or type shall require a new structural inspection.
 - (5) Unsafe structure. Should the inspection of any tower reveal structural defects that, in the opinion of the independent consultant, render that tower unsafe, the following actions must be taken. Within 10 business days of notification of an unsafe structure, the owner(s) of the tower shall submit a plan to remediate the structural defect(s) to the Building Inspector. This plan shall be initiated within 10 days of the submission of the remediation plan. Failure to accomplish this remediation of the structural defect(s) within 10 business days of initial notification shall be a violation of the special permit and subject to penalties and fines as specified in § 125-2D of this chapter. Such fines shall be payable by the tower owner(s) until compliance is achieved.
- I. Removal requirements. Any personal wireless service facility that ceases to operate for a period of one year shall be removed. "Cease to operate" is defined as not performing the normal functions associated with the personal wireless service facility and its equipment on a continuous and ongoing basis for a period of one year. At the time of removal, the facility site shall be remediated such that all personal wireless service facility improvements that have ceased to operate are removed. If all devices on a tower have ceased to operate, the tower shall also be removed and the site shall be revegetated. Existing trees shall only be removed if necessary to complete the required removal. The owner(s), upon obtaining a permit, shall obtain a financial surety to cover the cost of removal of the personal wireless service facility and the remediation of the landscape, should the facility cease to

operate.

J. Bonds, indemnities and insurance.

- (1) The applicant or the current permittee shall post and maintain in effect the following bonds at all times commencing with the construction or installation of a personal wireless service facility, device, repeater, or tower, each in an amount and on terms reasonably satisfactory to the Town:
 - (a) A remediation bond covering the costs of remediation of the facility site if damage occurs during construction or installation and the costs of removal of the personal wireless service facility, repeater, and tower and remediation of the facility site should the tower, facility and/or repeater cease to operate.
 - (b) A maintenance bond covering the costs of maintenance of the access road, tower, and facility site.
- (2) No construction or installation of any personal wireless service facility, including any repeater, device, or tower, shall commence and none of the foregoing shall be put in operation unless the Planning Board shall have received:
 - (a) An agreement from each of the owners and operators of such equipment indemnifying the Town and its officers, agents, boards, and employees on terms satisfactory to the Town against all liability, cost, and expense (including legal fees and expenses) incurred in connection with the construction, operation, and removal of such equipment; and
 - (b) Satisfactory evidence that insurance determined by the Town to be adequate (as to coverage, amount and terms) has been obtained by all appropriate parties (including, without limitation, owners, operators, contractors, and subcontractors) and is in effect. Such insurance shall cover liability, bodily injury, and property damage, name the Town as an additional insured and be maintained in effect for the entire period that the facility and any of its components (devices installed thereon, tower and repeaters) used in connection therewith are in existence. Satisfactory certificates of insurance shall be filed with the Town on an annual basis.

§ 125-21. Home occupations. [Amended 12-10-2024STM by Art. 2]

- A. Purpose. It is the intent of this section to allow home businesses within a principal residential or accessory building with reasonable safeguards in all zoning districts. This can involve a vocation, trade, small business, craft, art, or profession where the nature of the home business is limited in size and scope and does not create any significant outward impact which is uncharacteristic of or an additional disturbance to a residential neighborhood in which said property is located.
- B. Home occupations allowable as of right. A home occupation is allowed as of right provided that it is consistent with the below definitions of low-impact customary or professional home occupations and is limited to no more than one non-resident employee, and the standards listed in § 125-21D.
 - (1) A customary home occupation is generally considered a low-impact use that includes, but is not limited to: baking, food preserving, home cooking, dressmaking, tailoring, millinery, similar domestic crafts, and telephone or mail services.
 - (2) A professional home occupation is generally considered low-impact and includes, but is not limited to: offices or studios of an accountant, architect, artist, attorney, author, consultant, engineer, financial adviser, musician, real estate broker, physician, dentist, mental health

professional, or other similar professions.

- C. Home occupations allowable by special permit. A home occupation may be allowed by special permit provided that it is consistent with the definition of moderate-impact home occupations and the standards listed in § 125-21D. Allowable home occupations under § 121-25B proposing more than one non-resident employee may also seek approval under this section.

- (1) A moderate-impact home occupation consists of a use that has more than one non-resident employees, or whose noise, lighting, odor, traffic, environmental, or other impacts are minor and shall not alter the neighborhood character. These uses include, but are not limited to: tradesperson (including, but not limited to, artisan, carpenter, electrician, plumber, janitor, sheet metal worker, upholsterer, small engine repair person, landscaper), yoga and personal wellness studios, and similar professions. Trades such as servicing, maintenance, or restoration of motor vehicles are expressly prohibited in all residential zones.

A special permit for such use is granted by the Special Permit Granting Authority, subject to conditions including, but not limited to, restriction of hours of operation, maximum floor area, off-street parking, and maximum number of daily customer and/or shipping vehicle trips. Such special permit shall be limited to the applicant and shall expire with the transfer of the property.

- D. Requirements.

- (1) Work done on the lot is confined within a dwelling or secondary accessory structure and is conducted solely by the person(s) occupying the dwelling as a primary residence and one non-resident employee (if by right) or more than one if allowed by special permit;
- (2) The business is clearly incidental and secondary to the use of the premises for residential purposes and is the only home occupation on the lot;
- (3) There shall be no ongoing retail trade, salesrooms, show windows, or displays. All materials or supplies shall be stored within area allowed for the home occupation.
- (4) The area used for the home occupation shall not exceed 33% of the grade floor area of the dwelling unit and accessory buildings.
- (5) Does not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission or environmental pollution;
- (6) Does not utilize exterior storage of material or equipment;
- (7) Does not exhibit any exterior indication of its presence or any variation from residential appearance, other than a sign not to exceed two square feet in area;
- (8) Parking for non-resident employees shall be provided off-street in conformance with § 125-13, parking and loading requirements. Parking of commercial vehicles shall conform to Chapter 125, Attachment 1: Use Regulation Schedule;
- (9) At no time shall clients, visitors, or deliveries be permitted on-site outside of the hours of 7:00 a.m. to 10:00 p.m., or where a special permit is required, as set by the Special Permit Granting Authority;
- (10) Home occupations are subject to all other local, state, and federal regulations relevant to the home business. Permission of this bylaw to operate a home occupation shall not be construed as an exemption from such regulations.

(11) Is registered as a business with the Town Clerk.

E. Criteria. During consideration of the granting of a special permit for a home occupation, the Special Permit Granting Authority may allow the grade floor area permitted in § 125-21D(1) to be increased to up to 50% or may waive the parking requirements in § 125-21D(8) or § 125-13. In issuing its decision, the Special Permit Granting Authority shall take into consideration the following criteria:

- (1) Neighborhood context;
- (2) Size and layout of the building used for the home occupation.

§ 125-22. Mobile home parks and campgrounds.

A. Mobile home parks. Mobile home parks shall be operated only under license from the Board of Health and shall conform to the following minimum requirements:

- (1) Parcel minimum area shall be 10 acres.
- (2) Each plot shall have a minimum area of 4,000 square feet and shall be serviced with electricity, water, and sanitary drainage suitable for permanent connection.
- (3) No mobile home shall be placed within 100 feet of a street line or within 60 feet of any other lot line.
- (4) No mobile home shall be closer to another mobile home or other structure than 10 feet end to end or 24 feet laterally.

B. Campgrounds. Campgrounds shall be operated only under license from the Board of Health and shall conform to the following minimum requirements:

- (1) Parcel minimum area to be 10 acres.
- (2) If each plot is not serviced with water and sanitary drainage, common sanitary facilities meeting all requirements of the Adams Board of Health shall be provided.
- (3) No unit for overnight occupancy shall be placed within 75 feet of a street line or 60 feet of any other lot line.
- (4) The development shall comply with all requirements of Article VIII of the Sanitary Code for the Commonwealth of Massachusetts.

§ 125-23. Cluster development.

Parcels in excess of five times the minimum lot size and located within the R-1 District may be subdivided and developed with clustered lots upon issuance of a special permit by the Planning Board. Such permit shall be subject to all applicable codes and regulations and shall additionally comply with the following requirements and conditions. The proposed development shall be, in the judgment of the Planning Board, superior to a conventional plan in preserving open space for conservation or recreation, utilizing natural features of the land, and allowing more efficient provision of public services and at least equal to a conventional plan in other respects.

A. Permitted uses. The following principal uses of the lots within the cluster residential development shall be permitted: one-family detached dwellings; multifamily residential structures with up to six dwelling units; church or other religious purpose; agriculture on parcels greater than five acres; public

park; conservation area and preserved open spaces; and membership clubs and recreation facilities for the exclusive use of the residents of the development.

- B. The total number of dwelling units shall not exceed the number of dwelling units which could legally be constructed were it not for the provisions of this section, to be estimated in the absence of an alternative conventional plan as being equal to 85% of the overall parcel area divided by the lot area requirements for the R-1 District as provided in the Intensity of Use Schedule.¹⁹
- C. Dimensional requirements.
 - (1) Single-family detached house cluster.
 - (a) Lot size. No lot shall be less than 21,780 square feet.
 - (b) Lot frontage. A cluster lot shall have a frontage of not less than 75 feet.
 - (c) Required minimum open space: 35% of the gross land area of the tract.
 - (2) Multifamily cluster development.
 - (a) Distance between structures. The minimum distance between structures shall be 40 feet.
 - (b) Distance between building cluster. The minimum width of open land between any building cluster and adjacent property not part of the cluster development shall be 100 feet.
- D. The lots for building purposes shall be grouped in a cluster or in clusters, and within each cluster the lots shall be contiguous. The maximum number of dwelling units that may be clustered in one cluster with no intervening open space shall be 24.
- E. All remaining land in the tract not contained in building lots or within road rights-of-way shall be contiguous or, if not contiguous, in parcels of not less than two acres in each area, having not less than 40 feet of frontage on a street and of such shape and condition as to be usable for recreation.
- F. All land not designated for roads, lots for dwellings or other development within the tract shall be held for common open space. Such land shall either be conveyed to the Town of Adams and accepted by it for park or open space use or be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space, or be conveyed to a corporation or trust owned or to be owned by the owners of the lots or residential units within the plan. If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots or residential units. In any case, where such land is not conveyed to the Town, a restriction enforceable by the Town of Adams shall be recorded providing that such land be kept in an open or natural state and not be built upon or developed for accessory uses such as parking or roadway. Building coverage shall be for exclusively recreational purposes and shall not exceed 5% in such recreation areas. Where such common open space is to be held by an association of owners or where suitable easements may be negotiated on behalf of such association or of individual owners, such open space may be used for on-site sanitary or water supply facilities, subject to all codes and regulations, provided that maintenance of such facilities is enforceable solely on the owners, whether singly or jointly. Such common open space may also be leased or otherwise made available for agriculture.
- G. Approval of a cluster development shall be subject to a subdivision plan designating streets, lots, parcels to be dedicated, and parcels for community use in conformance with Chapter 201, Subdivision

19. Editor's Note: The Intensity of Use Schedule is included at the end of this chapter.

Regulations, of the Town Code and further to the requirements of site plan approval, § 125-19 of this chapter.

- H. Subsequent to approval of such cluster development, no land therein shall be sold and no lot line shall be changed in such way as to increase the number of lots or the extent of nonconformity with the provisions of § 125-11 of this chapter. Prior to development or sale of any lot within a cluster development, all lots to be so developed shall be shown on a plan recorded in the Registry of Deeds.
- I. Cluster development density bonus. Where cluster residential development is elected, additional density may be granted by special permit of the Planning Board as a bonus for the provision of common open space. Such bonus shall be granted at the time of issuance of the special permit for cluster development and shall not exceed an increase of 20% in the number of dwelling units permitted by Subsection B of this section.

§ 125-24. Planned development.

- A. The Zoning Board of Appeals may grant a special permit for the construction and occupancy of a planned development as permitted in the Use Regulation Schedule,²⁰ subject to the following regulations and conditions.
- B. The intent of planned development is to allow relatively intensive use of land while at the same time preserving open space for conservation and recreation, to introduce variety and choice into residential development, and to facilitate economical and efficient provision of public service.
- C. Applicants are encouraged to submit preliminary materials for informal review by both the Zoning Board of Appeals and the Planning Board prior to formal application. Applicants for a special permit for a planned development shall submit to the Zoning Board of Appeals five copies of an application and of an overall concept plan.
 - (1) The concept plan shall indicate:
 - (a) Location and boundaries of the site;
 - (b) Proposed land and building uses;
 - (c) Existing topography and proposed grading;
 - (d) Location of streets, ways and parking;
 - (e) Areas of proposed and retained vegetation;
 - (f) Distinctions between upland and wetland;
 - (g) Water, drainage and sewerage systems; and
 - (h) Location of any proposed structures.
 - (2) The plan shall have been prepared by a registered landscape architect, architect, civil engineer, or land surveyor. If necessary in order to determine compliance with the requirements or intent of this chapter, the Zoning Board of Appeals may require engineering or environmental analyses to be prepared at the expense of the applicant, employing professionals approved by the Zoning Board of Appeals.

20. Editor's Note: The Use Regulation Schedule is included at the end of this chapter.

- (3) Portions of the concept plan may be designated for development at a later phase. Those portions of the plan may initially omit Subsection C(1)(d) through (h) of the contents above, which shall, however, be shown on a plan approved as a major amendment [(see Subsection G(1))] prior to granting of any building permits within such area.
 - (4) If the application so stipulates and the necessary plans, elevations, and sections have been submitted (see § 125-10A), the Zoning Board of Appeals may, as part of the same procedure in acting upon the overall concept plan, act upon special permits for those uses which require them.
- D. Within three business days of receipt of the application and required plans, the Zoning Board of Appeals shall transmit two copies of all these materials to the Planning Board and one copy each to the Board of Health and Conservation Commission. The Planning Board, Board of Health, and Conservation Commission shall submit written reports to the Zoning Board of Appeals within 35 days of the application date. The Zoning Board of Appeals shall make no decision upon the application and shall not close its hearing until receipt of the Planning Board, Board of Health and Conservation Commission reports or until 35 days have lapsed since date of application without such reports.
- E. In considering special permits under this section, the Zoning Board of Appeals shall give consideration to the reports of the Planning Board and Board of Health and to the degree to which the proposed development conforms to the intent of planned development outlined in Subsection B above.
- F. Any planned development must conform to the following:
 - (1) The development shall comprise at least 25 acres.
 - (2) The total number of single-family dwelling units allowed within a planned development shall be determined by dividing the total land area within the planned development by the minimum lot area set forth in the Intensity of Use Schedule²¹ for single-family dwelling units, minus one dwelling unit for every five sleeping rooms in a resort, hotel, motel or motor inn. The total number of multifamily dwelling units allowed within a planned development shall be determined by multiplying two times the difference between the number of single-family dwelling units allowable under the preceding sentence and the number of single-family dwelling units designated to be within the planned development. Where the planned development lies in more than one district, the number of dwelling units allowed shall be calculated as above for each district and summed to give an overall allowable total which may be located in any district without respect to allowable subtotals by districts. The Zoning Board of Appeals may reduce the number of allowed units to reflect allocation of land within the development to uses unrelated to the dwellings.
 - (3) Minimum lot area and frontage requirements for single-family dwellings shall equal 50% of those prescribed by the Intensity of Use Schedule. Single-family, attached single-family, two-family, garden apartments, high-rise apartments, and resorts shall be allowed in all districts within a planned development if granted a special permit by the Zoning Board of Appeals. Side yard requirements are waived, except where the development abuts other property and on lots for which the overall development plan does not indicate building location. The side yard requirements, where not waived, shall be those set forth in the Intensity of Use Schedule, provided always that attached single-family, garden apartments, and high-rise apartments shall meet the side yard requirements of § 125-12, R2 District. Maximum coverage shall be 10% of

21. Editor's Note: The Intensity of Use Schedule is included at the end of this chapter.

lot area higher than as prescribed by the Intensity of Use Schedule. Building height may be increased above the limits of the Intensity of Use Schedule upon determination by the Zoning Board of Appeals that such increase will not create undesirable conditions caused by overshadowing, loss of privacy, microclimate disturbance or visual intrusion, that utility and protective services will be adequate, and that no such building shall be nearer the development boundary than twice the building height.

- (4) Uses allowed by right or allowable by special permit in a district within which the planned development is situated shall be allowed at any location within the planned development, subject to the requirements of the district in which the location is situated as modified by Subsection F(2) and (3), and except that the Zoning Board of Appeals rather than the Board of Selectmen shall act on applications for uses designated “SPS” in the Use Regulation Schedule. Certain additional residential uses are allowed as cited in Subsection F(3) above. In addition, retailing, services and other nonresidential uses, if not otherwise allowed by right or allowable by special permit or under Subsection F(2) or (3) hereof, may nevertheless be allowed on special permit by the Zoning Board of Appeals and if deemed by the Zoning Board of Appeals to be primarily servicing the residents or overnight guests of the planned development, and provided that not more than 5% of the overall land area of the development tract is devoted to such normally disallowed use and at no time does the gross floor area occupied by such uses exceed 5% of the gross floor area of all residential structures occupied within the development tract. In Forest Recreation Districts, business and open uses may be permitted in addition to the above limitations.
- (5) Not less than 20% of the land area within the planned development shall be preserved for recreation, open space, conservation, or public use.
 - (a) Preservation shall be guaranteed through one or more of the following:
 - [1] Dedication to and acceptance by the Town of Adams.
 - [2] Dedication to and acceptance by the Adams Conservation Commission.
 - [3] Dedication, by covenant or comparable legal instrument, to the community use of the residents of the planned development for recreational purposes. Building coverage shall not exceed 5% in such dedicated areas. Ownership of common open space areas shall be arranged and maintenance shall be permanently assured through an incorporated association, condominium deeds or other recorded land agreement through which each residential lot owner in the development is automatically a member and each residential lot is subject to a charge for a share of the maintenance expenses or through comparable arrangement satisfactory to the Zoning Board of Appeals.
 - [4] Restriction by deed restriction recorded in the Registry of Deeds, enforceable by owners of lots or condominiums within the planned development, to golf course, ski area, or similar extensive recreational use.
 - (b) If Subsection F(5)(a)[3] or [4] is elected, the Town or its Conservation Commission shall be granted a conservation restriction or easement over such land sufficient to ensure its perpetual maintenance in the use to which it is dedicated or restricted.
- (6) Access, drainage, utilities and grading shall serve each structure in the manner otherwise required for separate lots in a subdivision, whether or not the development comprises a

subdivision. Prior to the issuance of building permits, the Planning Board shall certify to the Building Inspector that a detailed site plan has been submitted to it and meets this standard, and before occupancy permits for any structure are issued the Building Inspector shall certify to the Board of Selectmen that improvements to meet such standard have either been completed to serve such structure or security for their completion has been received. If the Zoning Board of Appeals has approved a planned development to be constructed in phases, the Building Inspector's certification shall relate only to phases of the development for which the applicant has requested building permits.

- G. Any special permit granted by the Zoning Board of Appeals for a planned development under the provisions of this section shall incorporate by reference the plan required at Subsection C and development schedule submitted by the developer with the application.
- (1) Minor amendments to such special permit may be granted by the Zoning Board of Appeals, upon application and for good cause shown, but without necessity of a public hearing; provided, however, that any of the following shall be considered a major amendment and shall be acted upon only under the procedure applicable to the initial approval for a planned development:
 - (a) Reduction in the amount of land preserved for recreation, open space use, conservation, or public use or any change in the general location of such land as provided in the permit;
 - (b) Any change in the general layout of the ways as provided in the permit;
 - (c) Any increase in the number of lots or dwelling units for sleeping rooms as provided in the permit;
 - (d) Altering the location of any building or structure by more than 10 feet or distance as otherwise specified by the permit granting authority at the time of the special permit approval; or
 - (e) Approval of detailed provisions for portions of a concept plan designated for development at a later phase.
 - (2) No lot shown on a plan for which a permit is granted for a planned development may be further subdivided so as to increase the number of lots unless approved as a major amendment, and a notation to this effect shall be shown on any definitive plan of a subdivision based upon this section.
 - (3) Prior to the issuance of an occupancy permit or sale of any lot within a planned development, all lots to be so developed shall be shown on a plan recorded in the Registry of Deeds or registered with the Land Court, and a covenant or other instrument satisfactory to the Zoning Board of Appeals shall have been executed assuring the conservation or recreational use of lands so designated in the application, except that lots need not be shown for areas designated for development in a later phase.

§ 125-25. Soil removal regulations.

- A. General. The removal from the premises of more than 20 cubic yards of topsoil, borrow, sod, loam, peat, humus, clay, sand or gravel (but not rock) in any twelve-month period, except when necessary incidental to or in connection with the construction at the site or removal of a building for which a permit has been issued within the past six months or for grading or otherwise improving the premises of which such building is part or for road construction within an approved subdivision, shall not be

permitted except in accordance with the Use Regulation Schedule, Open Uses,²² and with the following conditions and procedures.

B. Permit from the Zoning Board of Appeals. Written application for a special permit must be made to the Zoning Board of Appeals. The following shall be conditions for such issuance:

- (1) For above 300 cubic yards the application shall be accompanied by a plan prepared by a registered land surveyor or engineer showing names and addresses of all abutters, including those across any street or way, existing grades in the area from which the above material is to be removed and in surrounding areas, together with the proposed finished grades at the conclusion of the operation, and the proposed cover vegetation and trees.
- (2) For above 500 cubic yards a performance bond in an amount to be determined by the Zoning Board of Appeals has been posted in the name of the Town assuring satisfactory performance in the fulfillment of the requirements of this section and such other conditions as the Zoning Board of Appeals may impose as conditions to the issuance of its permit.
- (3) Before granting a permit, the Zoning Board of Appeals shall give due consideration to the location of the proposed earth removal, to the general character of the neighborhood surrounding such location and to the general safety of the public on the public ways in the vicinity.

C. Removal.

- (1) Removal shall not take place at any grade less than one foot above the grade level of any adjacent street or way, or below a level that would reasonably be considered a desirable grade for the later development of the area, or below the grades specified on the plan accompanying the permit application.
- (2) During removal operations no slope shall exceed one foot vertical rise to 1 1/2 feet horizontal distance or the natural angle of repose of the material in a dry state, whichever is the lower, except in ledge rock.
- (3) Provision shall be made for safe drainage of water and for prevention of wind or water erosion carrying material onto properties.
- (4) Soil shall not be disturbed within 100 feet of the boundaries of the premises, excepting at the conclusion of operations if required in order to improve the overall grading.

D. Restoration. Forthwith following the expiration or withdrawal of a permit, or upon voluntary cessation of operations, or upon completion of removal in a substantial area, that entire area shall be restored as follows:

- (1) All land shall be so graded that no slope exceeds one foot vertical rise in three feet horizontal distance and shall be so graded as to safely provide for drainage without erosion.
- (2) All boulders larger than 1/2 cubic yard shall be removed or buried.
- (3) The entire area excepting exposed ledge rock shall be covered with not less than four inches of good quality loam, which shall be planted with cover vegetation adequate to prevent soil erosion, using either grasses or ground cover, depending upon conditions.

22. Editor's Note: The Use Regulation Schedule is included at the end of this chapter.

- (4) Bond shall not be released until sufficient time has lapsed to ascertain that the vegetation planted has successfully been established and that drainage is satisfactory.
- E. Additional conditions. The Zoning Board of Appeals may set conditions in addition to the above, including but not limited to duration of the permit, hours of the day during which removal may take place, hours during which vehicles may leave the premises, and trees to be planted.
- F. Permit duration. Permits for soil removal will be issued for one-year periods only regardless of variances or special permits.
- G. Removal activities prior to this section. Earth removal activities in lawful operation at the time this section is adopted may continue until abandoned for more than 24 consecutive months, provided that within 24 months after the effective date of this section the owners of such premises shall submit to the Zoning Board of Appeals a plan and application as required in Subsection B.

§ 125-26. Fence regulations.

- A. No fence or wall within 20 feet of a boundary shall exceed eight feet in height, except for chain link or similarly open security fences in industrial districts, and no fence or hedge shall exceed 36 inches in height within any required front yard area or within 20 feet of the street line, whichever is the lesser requirement, or within 12 horizontal feet of a habitable room in an abutting dwelling. Refer to § 125-11D for specifications for corner lots.
- B. Barbed wire, electrified or similar fencing shall not be permitted except for agricultural purposes in R-1 or R-2 Districts. Such fencing for security reasons may be authorized by special permit from the Zoning Board of Appeals.
- C. (Reserved)²³
- D. Temporary security fences shall be allowed in conjunction with valid building permits for construction and/or demolition at a site. Such fences shall not exceed eight feet in height and shall be constructed of materials adequate to prevent unauthorized entry. Said fences will be allowed for a period of 90 days, with extensions granted for up to one year upon written request.

§ 125-27. Accessory scientific uses.

Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit by the Zoning Board of Appeals, provided that the granting authority finds that the proposed accessory use does not substantially derogate from the public good.

§ 125-28. Accessory residential uses in one-family dwellings; accessory apartments.

An accessory apartment is a second dwelling unit located within a structure constructed as a detached one-family dwelling, subordinate in size to the principal dwelling unit and separated from it in a manner that maintains the appearance of the structure as a one-family dwelling.

- A. Purpose. The provision of accessory dwelling units in owner-occupied one-family dwellings is intended to:

23. Editor's Note: Subsection C, deemed inconsistent with the State Building Code, was disapproved by the Attorney General on October 18, 2004, and has been deleted and reserved for future use.

- (1) Increase the number of small dwelling units available for rent in the Town;
- (2) Increase the range of choice of housing accommodations;
- (3) Encourage greater diversity of population with particular attention to young adults and senior citizens; and
- (4) Encourage a more economic and energy-efficient use of the Town's housing supply, while maintaining the appearance and character of the Town's single-family neighborhoods.

B. Conditions and requirements.

- (1) General.
 - (a) The owner of the dwelling in which the accessory apartment is created shall occupy either of the dwelling units in the structure.
 - (b) There shall be no more than one accessory apartment within a one-family dwelling.
 - (c) There shall be no boarders or lodgers within either unit of a dwelling with an accessory apartment.
 - (d) The lot area shall be at least 10,000 square feet.
 - (e) The net floor area of the dwelling shall have been at least 2,500 square feet as of January 1, 1987.
 - (f) The maximum net floor area of the accessory apartment shall not exceed 30%.
 - (g) There shall not be more than two bedrooms in an accessory apartment.
 - (h) The Health Officer shall certify that the means of water supply and sanitary disposal shall be adequate to support both dwelling units.
- (2) Exterior appearance. The accessory apartment shall be designed so that the appearance of the structure remains that of a one-family dwelling, subject further to the following conditions and requirements:
 - (a) All stairways to second or third stories shall be enclosed within the exterior walls of the dwelling.
 - (b) There shall be no enlargements or extensions of the dwelling in connection with any accessory apartment except for minimal additions necessary to comply with building, safety or health codes, or for enclosure of an entryway, or for enclosure of a stairway to a second or third story.
 - (c) Any new entrance shall be located on the side or in the rear of the dwelling.
- (3) Off-street parking. There shall be provided at least two off-street parking spaces for the principal dwelling unit and at least one off-street parking space for the accessory apartment. In addition, all parking spaces shall be subject further to the following conditions and requirements:
 - (a) Each parking space and the driveway leading thereto shall be paved or shall have an all-weather gravel surface. No motor vehicles shall be regularly parked on the premises other than in such a parking space.

- (b) There shall be no more than four outdoor parking spaces on the lot.
- C. Procedures. Construction of an accessory apartment shall be permitted upon issuance of a building permit by the Building Inspector based upon compliance with the conditions and requirements of this section and any other applicable codes and regulations.
- (1) Acceptance of existing accessory apartments.
 - (a) Owners of existing second dwelling units in violation may apply to the Building Inspector for a determination of compliance before January 1, 1989. Applications shall be accompanied by a filing fee and by such plans and other documentation related to the conditions and requirements of Subsection B of this section as may be required by the Building Inspector.
 - (b) Within 90 days the Building Inspector shall issue one of the following:
 - [1] A determination of compliance and a certificate of occupancy.
 - [2] A conditional determination of compliance describing corrective changes needed to bring the second dwelling unit into compliance, which shall be completed within 90 days of the date of the conditional determination. Upon successful completion of the required changes, the Building Inspector shall issue a certificate of occupancy.
 - [3] A determination of noncompliance with one or more of the requirements of Subsection B, together with a listing of those requirements and conditions with which compliance cannot be achieved through corrective changes.
 - (c) The owner of a second dwelling unit built prior to January 1, 1987, is eligible to apply within 60 days of the date of the determination to the special permit granting authority (SPGA) for a special permit for maintenance of an existing noncomplying apartment, subject to the special conditions in Subsection C(2).
 - (2) Special permit for preexisting nonconforming unit.
 - (a) Upon presentation of evidence of construction prior to January 1, 1987, the owner may apply to the SPGA for a special permit for maintenance of an existing noncomplying apartment.
 - (b) The SPGA shall ordinarily grant a special permit for the existing noncomplying second dwelling unit unless specific evidence is submitted supporting any claim that the unit has caused a deterioration of the single-family neighborhood or a decrease in property values or has caused any other substantial detrimental effect on the public welfare and convenience. In weighing such claims and evidence, the SPGA shall consider whether any changes required to bring the second dwelling unit into compliance are sufficient to counteract any prior negative impact.
 - (c) In granting a special permit, the SPGA may impose such additional conditions as it may deem necessary to protect the single-family appearance of the dwelling and to bring the dwelling as close to conformity with the conditions and requirements for new accessory apartments in Subsection B as is feasible.
 - (d) If a special permit is granted and corrective changes are required, they must be completed within 90 days of the date of granting the permit. When required changes are completed,

the Building Inspector will issue a certificate of occupancy.

- (e) If a special permit is denied, the second dwelling unit shall be terminated within one year of the date of the denial.

§ 125-29. Planned unit resort development.

Planned unit resort developments shall be permitted only under a special permit from the Planning Board. The special permit criteria contained in this section shall apply in addition to those contained in § 125-4, Special permits.

- A. Purpose. The purpose of planned unit resort development is to permit greater flexibility in the development of land by requiring few predetermined standards; to permit a developer to propose a site development and use plan unique to a particular location; to permit the use of development standards more detailed than the general standards elsewhere in this chapter; to provide information for the Town to evaluate the potential impacts of a proposed development; and to enable the Planning Board to require adherence to a site development and use plan (master plan) in the granting of a special permit.
- B. Establishment of planned unit resort development. Planned unit resort development (PURD) requires a special permit from the Planning Board. Where development is elected under a PURD special permit, the requirements of this section shall supersede and replace all dimensional and use requirements of the zoning district in which the PURD is proposed.
- C. Minimum development area. The minimum acreage for establishing a planned unit resort development is 1,000 acres.
- D. Permitted uses. The applicant shall submit as part of the overall master plan a description of the quality and actual mix of the use elements proposed to be developed together with a narrative justification of the suitability of such use elements in the particular location. The following uses are allowed: inn and conference centers up to 200 guest rooms, camping and rustic lodging, educational facilities, restaurants, retail use up to 25,000 total square feet, active and passive recreational uses (i.e., golf course, clubhouse, tennis courts, fitness center, etc.), residential uses, agriculture and conservation areas and other related uses deemed by the Planning Board to be compatible with the overall resort character.
- E. Preapplication conference. Prior to the submission of an application for special permit, the applicant is advised to confer with the Town department heads at a meeting under the direction of the Office of Community Development to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys and other data.
- F. Preliminary development plan. An applicant is encouraged but not required to file a preliminary development plan with the Planning Board. Such filing will not be deemed an application for special permit. The preliminary development plan shall contain the following:
 - (1) A land use plan of the area proposed for the PURD showing the uses as permitted and any areas proposed to be dedicated or reserved for interior circulation, public parks, public buildings, or open space, or otherwise dedicated or reserved areas;
 - (2) A general circulation plan indicating the proposed movement and relative volumes of vehicles, goods, and pedestrians within the site and to and from public thoroughfares;
 - (3) Tables showing overall density of development by land use type;

- (4) A plan demonstrating that all utilities, including water supply and sewage disposal, will meet the needs of the proposed development; and
- (5) Approximate locations of environmentally sensitive areas, such as steep slopes, wetlands and rare and endangered species habitat.

G. Master plan.

- (1) Project approval will be dependent on an approved master plan that describes in detail those elements required in a preliminary plan and in conformance with the criteria established under site plan approval, § 125-19 of this chapter. This shall include existing conditions, the boundaries of land use zones, the exact mix of uses on the site, all dimensional criteria, architectural renderings and other design treatments, landscaping and environmentally sensitive areas.
- (2) The master plan shall contain reasonable and enforceable standards and limitations which the Planning Board determines are necessary to achieve the goals, protections and controls equivalent to those achieved by the guidelines contained in this section. The issuance of a special permit shall authorize the commencement of the construction and improvements described in such special permit, subject to the issuance of any required building permit.

H. Special permit requirements. The applicant shall submit an application for a special permit in conformance with MGL c. 40A, § 9, accompanied by the original master plan plus six copies to the Town Clerk accompanied by a certified check made payable to the Town of Adams in the amount of \$500 to cover filing fees.

(1) Contents.

- (a) The contents of the special permit application shall be in conformance with the requirements governing the submission of final plans under Chapter 201, Subdivision Regulations, of the Town Code and further complying with the requirements for site plan approval, § 125-19 of this chapter.
- (b) Any requirements for environmental review may be satisfied in whole or in part by a formal submission required under the Massachusetts Environmental Policy Act (MEPA)²⁴ upon acceptance by a majority of the Planning Board.

(2) Public hearing.

- (a) Upon receipt of the master plan and an application for special permit, the Planning Board shall, within 65 days and in conformance with the requirements of MGL c. 40A, § 9, hold a public hearing.
 - (b) Because of the comprehensive nature of permits to be issued under this section, where practical, this hearing for a special permit shall be held simultaneously and in joint session with other permit granting authorities and requirements, including but not limited to site plan approval, wetlands and Board of Health regulations.
- (3) Special permit approval/denial. Within 90 days of the hearing date, the Planning Board shall either issue or deny the special permit.

24. Editor's Note: See MGL c. 30, §§ 61 to 62H.

- (a) If the Planning Board issues the permit, it shall incorporate the master plan as a condition of such permit and shall require that any development under such special permit comply with the master plan. The special permit may contain such additional conditions, modifications, restrictions and requirements as the Planning Board deems appropriate to effectuate the purposes and requirements of this section.
 - (b) If the Planning Board approves the master plan and subsequently issues a special permit, such issuance shall constitute a finding that the master plan incorporated therein complies with this chapter. Additionally such issuance shall constitute acceptance by the Planning Board of any final environmental impact report in conformance with MEPA and approved by the Secretary of the Massachusetts Executive Office of Environmental Affairs.
- I. Special permit criteria for planned unit resort development. In considering the issuance of a special permit, the Planning Board has established the following site development guidelines that will govern the development of the site. In order to receive a special permit, the applicant must adhere to these guidelines as far as practicable.
- J. Site development guidelines.
 - (1) Preserve the integrity of the site's natural resources.
 - (a) Support, amplify and complement the natural features of the site and surrounding areas.
 - (b) Continue to provide the variety of experiences now found on the site, e.g., open fields, forests, streams, stone walls, viewsheds, etc.
 - (c) A preservation area shall be maintained along the inside of the site perimeter.
 - (d) Design grading/land forms (e.g., golf course) to reflect and enhance natural topography.
 - (e) Preserve and enhance contrasting landscapes by preserving open fields and wildlife habitat, restoring previously disturbed or damaged areas, and creating natural areas where development is prohibited.
 - (f) Retain existing vegetation, particularly trees, to provide wildlife habitat, windbreaks, shading, erosion control, filter strips, moisture retention and aesthetic benefits.
 - (g) Minimize forest fragmentation.
 - (h) Avoid development in areas affecting rare and endangered species.
 - (i) Avoid direct impact on wetlands. Protect wetlands by minimizing wetland crossings and activity within the one-hundred-foot buffer zone. Insofar as practical, establish a fifty-foot to one-hundred-foot buffer of no disturbance around each wetland and waterway.
 - (j) There should be no significant diversion or damming of streams that contain rare and endangered species.
 - (k) Maintain any forested or shaded areas along those streams that contain rare or endangered species.
 - (l) Post-development runoff should equal pre-development runoff.
 - (m) Maintain the natural state of watercourses, swales, and floodways as much as possible.

- (n) Natural drainages should be used where possible.
 - (o) Avoid development in areas affecting unique assemblages of organisms.
 - (p) Minimize on-site vehicular traffic.
 - (q) The existing land form shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and the removal or alteration of any unique or historic features.
 - (r) Electric, telephone, cable television and other such lines and equipment shall be underground. Where appropriate, support facilities such as storage, refuse disposal, and utility buildings should be located and screened to make them less visible.
- (2) Arrange land uses in a complementary manner.
- (a) The natural character and appearance of the Town shall be maintained or enhanced. Awareness of the existence of a development, particularly a higher-density development, shall be minimized by screening views of the development from nearby streets, single-family neighborhoods or Town property by effective use of existing land forms, or alterations thereto, such as berms, and existing vegetation or supplemental planting.
 - (b) Open space shall be located and designed so as to increase the visual amenities of the neighborhood as well as for occupants of the development.
 - (c) The higher-density development should not block scenic vistas.
 - (d) Create interconnected landscapes: contiguous networks within the site and beyond its boundaries.
 - (e) Insofar as possible, service areas and parking should be screened from view.
 - (f) Design for harmonious visual impact. Protect view and viewsheds within and beyond the site.
- (3) Encourage and improve connections within the site and the Town of Adams.
- (a) Circulation ways should connect to the Town of Adams to increase convenience and to decrease construction cost of roadways.
 - (b) Connections should be made to existing trail systems.
 - (c) A system of routes for pedestrians and bicyclists, creating minimal conflicts with vehicles, shall be developed.
 - (d) On-site circulation corridors should complement and not interfere with active recreation uses, thus ensuring safety.
 - (e) The total parking count should be adequate.
 - (f) The total parking count need not be constructed at the outset. It is acceptable to initially build fewer than the total as long as the total cars are shown on the site plan so they may be eventually accommodated if the need arises.
 - (g) Insofar as it is possible, required parking should be on the periphery of the development

cluster (not in a large lot in the middle of the cluster).

- (h) All parking should be as unobtrusive as possible and in as park-like a setting as possible. Generous use of trees, shrubs and landforms should be employed to screen cars and generally soften their visual impact.
 - (i) Special event parking shall be on the shoulders of roads and on grass fields.
 - (j) Buildings and grounds adjoining them shall permit easy access and operation by emergency personnel and equipment.
 - (k) Where applicable, improved access, or the development of additional links or connectors, shall be made to a Town system of public facilities and services, such as conservation areas, recreation facilities, footpaths or bicycle paths, streets, transportation systems or utility systems.
 - (l) A system of routes for pedestrians and bicycles with minimal conflicts with vehicles shall be developed.
- (4) Building arrangements should reflect the traditional New England village approach to land use.
- (a) Without specifying any particular architectural style, the scale, massing and detailing of buildings shall be compatible with those prevalent in the neighborhood. Where a multifamily development is located adjacent to a neighborhood of single-family dwellings, the massing scheme and the selection of exterior materials for buildings shall be complementary to a single-family neighborhood.
 - (b) The removal or substantial alteration of buildings of historic significance, the new use of places of historic significance or the location of dwellings, or use adjacent to, and compatible with buildings or places of historic or architectural significance shall be minimized.
 - (c) Buildings shall be located harmoniously with the land form and other natural features of the site, effectively for solar and wind orientation and for energy conservation, and advantageously for views from the buildings while minimizing intrusion on views from other buildings.
 - (d) Structures and parking areas on the site should be clustered to allow minimal disturbance and to keep the majority of the site open.
 - (e) Location of the uses around a village common (open space) is encouraged. Orientation of the common to take advantage of the scenic views is also encouraged.
 - (f) Open spaces near buildings shall be designed to be pedestrian friendly. Use of wooden outdoor benches, gazebos, conservatories, etc., is encouraged.
 - (g) To minimize the visual impact on the neighborhood, buildings shall be set back a minimum of 100 feet from any property line.
 - (h) Buildings shall not exceed three stories, except for a focal structure which may have a spire or tower up to 60 feet tall.
 - (i) Outdoor patios, verandas, gazebos, porches and other such architectural elements are encouraged.

§ 125-30. Solar energy systems. [Added 3-24-2014 STM by Art. 8²⁵]**A. Purpose.** The purpose of this section is to:

- (1) Provide a permitting process for the installation of commercial-scale ground-mounted solar energy systems so that they may be utilized in a cost-effective, efficient, and timely manner to increase the use of distributed generation;
- (2) Integrate these solar energy systems into the community in a manner that minimizes their impacts on the health, safety, and welfare of residents, the character and appearance of the Town and its neighborhoods, on property values and on the scenic, historic, and environmental resources of the Town;
- (3) Provide standards and requirements for regulation, placement, construction, monitoring, design, modification and removal of commercial-scale ground-mounted solar energy systems; and
- (4) Locate solar energy systems, regardless of scale, in a manner that mitigates potential negative impacts, such as, but not limited to, visual nuisance, noise, and falling objects on the general safety, welfare and quality of life of the Town's neighborhoods and the broader community.

B. Definitions.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM — A solar energy system designed to be mounted on a building or other structure. This definition applies to solar systems or facilities of any capacity that are designed to be operated in direct contact with a building.

COMMERCIAL-SCALE GROUND-MOUNTED SOLAR ENERGY SYSTEM — A solar energy system that has solar panels structurally mounted on the ground and where the primary use is electrical generation to be sold to the wholesale electricity markets. This includes appurtenant equipment for the collection, storage, and distribution of electricity to buildings or to the electric grid.

ON-SITE GROUND-MOUNTED SOLAR ENERGY SYSTEM — A solar energy system that has its solar panels structurally mounted on the ground and is designed, as an accessory use, to generate electricity to be primarily consumed by the principal use of the property. On-site ground-mounted solar energy systems may or may not be connected to an electric power utility.

SOLAR ENERGY SYSTEM — All equipment, machinery, and structures utilized in connection with the conversion of sunlight to electricity. This includes, but is not limited to, collection, transmission, storage, and supply equipment, substations, transformers, and access roads.

C. Building-integrated and on-site ground-mounted solar energy systems.

- (1) **Building-integrated solar energy systems.** Building-integrated solar energy systems may be located in any zoning district of the Town of Adams. Building-integrated solar energy systems shall not be erected, constructed, installed or materially modified without first obtaining a building permit from the Building Inspector. The Building Inspector may require additional structural analysis or other information as needed to complete permit review.
- (2) **On-site ground-mounted solar energy systems.** On-site ground-mounted solar energy systems that are 1/4 acre or larger in size and designed to primarily generate electricity for on-site use may be located in any zoning district, subject to site plan approval by the Planning Board in accordance with § 125-19 of the Adams Zoning Bylaws. The panels for on-site ground-mounted

25. Editor's Note: This article also provided for the renumbering of former § 125-30 as § 125-50.

solar energy systems shall be limited to a height of five feet, unless otherwise approved by the Planning Board.

- D. Designated locations for commercial-scale ground-mounted solar energy systems. The location designated by the Town of Adams where commercial-scale ground-mounted solar energy systems may be sited as-of-right but subject to site plan approval in accordance with § 125-19 of this chapter is the Industrial (I) District. Commercial-scale ground-mounted solar energy systems may be sited in the Industrial Park (IP) District, Business (B1) District, Business (B2) District, Business (B3) District, and the Residential (R1) District if granted a special permit and subject to site plan approval. Commercial-scale ground-mounted solar energy systems are prohibited in all other zoning districts within the Town of Adams. Said locations are shown on a Zoning Map pursuant to MGL c. 40A, § 4. This map is hereby made part of this Zoning Bylaw and is on file in the office of the Town Clerk.
- E. General requirements. The following general requirements are established for all proposed installations of commercial-scale ground-mounted solar energy systems consistent with Subsection D:
- (1) Special permit required. No commercial-scale ground-mounted solar energy system in an Industrial Park (IP) District, Business (B1) District, Business (B2) District, Business (B3) District, or a Residential (R1) District shall be constructed, installed or materially modified without first obtaining a special permit from the Adams Planning Board in accordance with this section and § 125-4, Special permits.
 - (2) Setbacks. Setbacks from all boundary lines shall be a minimum of 100 feet for commercial-scale ground-mounted solar energy systems. The special permit granting authority may reduce the minimum setback distance, as appropriate, based on site-specific considerations.
 - (3) Site control. At the time of application for a special permit, the applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the proposed facility. Documentation shall also include proof of control over setback areas and access roads, if required. "Control" shall mean legal authority to prevent the use or construction of any structure within the setback area.
 - (4) Emergency services. The applicant shall provide a copy of the project summary, electrical schematic, and site plan to the Town's emergency services entities, as designated by the Planning Board. Upon request, the applicant shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy system shall be clearly marked. The applicant or facility owner shall maintain a phone number and identify a responsible person for the public to contact with inquiries and/or complaints throughout the life of the project.
 - (5) Unauthorized access. The solar energy system shall be designed to prevent unauthorized access. Electrical equipment shall be locked where possible.
 - (6) Emergency response plan. If required by the Planning Board, the applicant shall prepare an emergency response plan that addresses construction and operation activities for the solar energy system, and establishes standards and practices that will minimize the risk of fire danger, and in the case of fire, provide for immediate suppression and notification.
 - (7) Utility notification. No commercial-scale ground-mounted solar energy system shall be constructed until evidence, satisfactory to the Planning Board, has been provided that the utility company has been informed of the operator's intent to install an interconnected customer-owned

generator. Off-grid systems shall be exempt from this requirement.

- (8) Operation and maintenance. The applicant shall submit a plan for the operation and maintenance of the commercial-scale ground-mounted solar energy system, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.

F. Siting criteria.

- (1) Commercial-scale ground-mounted solar energy systems shall be located so as to minimize the potential impacts on the following:
 - (a) Visual/aesthetic: Commercial-scale solar energy systems shall, when possible, be sited off ridgelines to locations where their visual impact is least detrimental to valuable historic and scenic areas and established residential areas;
 - (b) General health, safety, and welfare of residents;
 - (c) Diminution of residential property values; and
 - (d) Safety, as in cases of attractive nuisance.
- (2) The following siting criteria for commercial-scale solar energy systems are ranked in order of preference:
 - (a) The use of business-zoned land and industrial-zoned lands, which comply with other requirements of this section and where visual impact can be minimized and mitigated, shall be encouraged.
 - (b) The use of land distant from higher-density residential properties and where visual impact can be minimized and mitigated shall be encouraged.

G. Design standards. The following design standards are established for all proposed installations of commercial-scale ground-mounted solar energy systems:

- (1) Lighting. No lighting of the solar photovoltaic installation is permitted. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Where feasible, lighting shall be directed downward and shall incorporate full cut-off fixtures to minimize any light pollution from the project.
- (2) Landscaping/buffer requirements. Appropriate landscaping and vegetative buffer shall be installed adequate to visually screen the solar energy system from the boundary of any abutting residential properties that would have a direct view of the proposed installation. The landscaped buffer must be sufficiently dense to block the view of the project from all dwellings abutting the property. The applicant shall submit a landscape plan as required in Subsection H ("Application requirements") as part of the special permit and/or site plan approval application. The Planning Board may waive the landscaping and buffer requirements applying to the project site where it deems advisable.
- (3) Fencing. The entire perimeter of the commercial-scale solar energy system shall be fenced and gated for security to a height of six feet or higher as required by the National Electrical Code. Use of razor wire is not permitted.

- (4) Signage. Signs for commercial-scale ground-mounted solar energy systems shall comply with the sign requirements of the Adams Zoning Bylaws. A sign no greater than four square feet indicating the name of the facility owner(s) and a twenty-four-hour emergency telephone number shall be posted adjacent to the entry gate. In addition, "no trespassing" or other warning signs may be posted on the fence, as approved by the Planning Board during site plan review. Commercial advertising shall not be allowed on any component of the solar energy system.
- (5) Utility connections. As determined by the Planning Board, all reasonable efforts shall be made to install all cable connections underground for the commercial-scale solar energy system, depending on soil conditions, topography, and any other requirements of the utility provider. Electronic transformers for utility interconnections may be above ground if required by the utility provider.
- (6) Appurtenant structures. Equipment shelters and accessory buildings shall be designed to be architecturally similar and compatible with each other and shall be no more than 12 feet high. The buildings shall be used only for housing of equipment related to the particular site. Whenever possible, buildings shall be joined or clustered so as to appear as one building.

H. Application requirements; provisions for independent consultants.

- (1) Solar energy systems requiring a special permit. Special permit applications for commercial-scale ground-mounted solar energy systems, where required, shall include the following information in addition to requirements under § 125-4 ("Special permits"):
 - (a) Lease/contract. An applicant requesting a permit for a commercial-scale ground-mounted solar energy system shall provide a copy of the existing lease/contract with the underlying landowner.
 - (b) Landscaping plan. For commercial-scale projects, the applicant shall submit a landscaping plan as part of site plan approval. The landscaping plan shall detail the following:
 - [1] All proposed changes to the landscape of the site, including temporary and permanent roads and/or driveways, grading, area of vegetative clearing, all proposed vegetative planting and screening, and/or fencing;
 - [2] Planting design shall include details of the types and size of plant materials. Landscaping shall be designed in an environmentally sensitive manner with noninvasive drought-tolerant native plants, so as to reduce irrigation needs; and
 - [3] All landscaping and required buffer areas shall be properly maintained. Landscape plants shall be monitored for at least two growing seasons.
 - (c) Technical documentation. The applicant shall, at a minimum, submit the following technical documentation regarding the proposed solar energy system:
 - [1] Solar energy system technical specifications, including documentation in the form of shop drawings or catalogue cuts of the major system components to be used, including the PV panels, mounting system, and inverter;
 - [2] Drawings of the proposed solar energy system stamped by a professional engineer licensed in Massachusetts showing the proposed layout of the system, proposed topographic and other changes to the existing landscape, and any potential clearing of vegetation;

- [3] Electrical diagram detailing the solar energy system installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
- (d) Visualizations for commercial-scale projects. The Planning Board may select up to three sight lines, including from the nearest building with a view of the proposed solar energy system, for pre- and post-construction view representations. View representations, if required, shall have the following characteristics:
 - [1] View representations shall be in color and shall include preconstruction photographs and accurate post-construction simulations of the height and extent of the proposed solar installation;
 - [2] All view representations will include existing and proposed buildings and/or tree coverage; and
 - [3] Include a description of the technical procedures followed in producing the visualization (distances, angles, lens, etc.).
- (2) Upon submission of an application for a special permit under this section, the Planning Board may engage independent technical consultants, whose services shall be paid for by the applicant(s). These consultants shall each be qualified professionals with a record of service to municipalities in one of the following fields:
 - (a) Solar PV engineering;
 - (b) Structural engineering; and
 - (c) Others as determined necessary by the Planning Board.
- (3) Applicants for any special permit under this section shall obtain permission from the owner(s) of the proposed property and/or facility site for the Town's independent consultants to conduct any necessary site visits.
- (4) Expiration. A special permit issued pursuant to this article shall expire if: (a) The solar energy system is not installed and functioning within 24 months from the date the permit is issued; or (b) The solar energy system is abandoned. The Planning Board may extend the special permit if it deems there are unique circumstances that justify a delay in the installation and/or functioning of the solar energy system.
- I. Financial surety. Applicants seeking to construct and operate a commercial-scale ground-mounted solar energy system shall provide a form of surety to cover the cost of removal and restoration of the site in the event the site is abandoned. The amount and form of surety shall be determined by the Planning Board, but in no event shall the amount exceed 125% of the cost of removal. Applicants shall submit a fully inclusive cost estimate, which accounts for inflation and other causes over the life of the system, of the costs associated with the removal of the commercial-scale ground-mounted solar energy system prepared by a qualified engineer. All subsequent owners/operators of the system shall continue to provide a form of surety acceptable to the Town until the commercial-scale solar energy system has been removed. The surety account or bond will be managed by the Town Treasurer's office.
- J. Operation, monitoring and maintenance.

- (1) Facility conditions. The commercial-scale ground-mounted solar energy system's owner or operator shall maintain the facility in good condition. Maintenance shall address all elements of the project, including but not limited to structural repairs, landscaping and screening, fencing and other security measures, stormwater management, and access. The project owner shall be responsible for the cost of maintaining the solar energy system and any access road(s), and the cost of repairing any damage occurring as a result of operation and construction.
- (2) Operation and maintenance plan. The project applicant shall submit a plan for the operation and maintenance of the commercial-scale solar energy system as part of the special permit application. This plan shall include measures for maintaining safe access to the installation, stormwater management control, and general procedures for operational maintenance of the facility.
- (3) Modifications. All material modifications to a solar energy facility made after issuance of the permit shall require approval by the special permit granting authority as provided in this article.

K. Removal, decommissioning, and abandonment.

- (1) Removal requirements. Any commercial-scale ground-mounted solar energy system which has reached the end of its useful life or has been abandoned shall be removed. When the solar energy system is scheduled to be decommissioned, the owner or operator shall notify the Town by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the solar system installation no more than six months after the date of discontinued operations. At the time of removal, the solar system site shall be restored to the state it was in before the system was constructed or to any other legally authorized use, subject to all Town approvals. More specifically, decommissioning shall consist of the following:
 - (a) Physical removal of all solar photovoltaic installations, including structures, equipment, security barriers, and transmission lines, from the site;
 - (b) Any utility connections shall be disconnected to the satisfaction of the Adams Fire District and the Town's Wiring Inspector;
 - (c) Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations and standards; and
 - (d) Stabilization or revegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner/operator to leave landscaping or any designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- (2) Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, a commercial-scale ground-mounted solar energy system shall be considered abandoned when it ceases to operate for more than 12 months, without written consent of the Planning Board. "Cease to operate" is defined as not performing the normal functions associated with the commercial-scale solar energy system and its equipment on a continuous and ongoing basis for a period of one year. The Building Inspector shall confer with the Planning Board and provide written notification of abandonment to the owner/operator. If the owner/operator fails to remove the solar energy system in accordance with the requirements of this section within six months of abandonment or the proposed date of decommissioning, the Town shall have the authority to enter the property and physically remove the solar energy system.

§ 125-31. through § 125-34. (Reserved)**§ 125-35. Licensed marijuana establishments. [Added 3-5-2018 STM by Art. 5]**

- A. Purpose. The purpose of this section is to provide for the placement of Licensed Marijuana Establishments in suitable locations in Adams, in recognition of and in accordance with "The Regulation and Taxation of Marijuana Act," MGL c. 94G, in order to minimize potential adverse impacts of marijuana establishments. The specific purpose of this section is to safeguard the built environment by permitting compliance with state law in a manner consistent with community and neighborhood concerns, while also ensuring that those entities permitted to operate a licensed marijuana establishment, as defined herein, comply with all of the provisions of Chapter 334 of the Acts of 2016.

B. Definitions.

LICENSED MARIJUANA ESTABLISHMENT — A marijuana cultivator, independent marijuana testing laboratory, marijuana product manufacturer, marijuana retailer, or any other type of marijuana-related business licensed by the Massachusetts Cannabis Control Commission.

MARIJUANA COURIER — An entity licensed to deliver marijuana and marijuana products directly to consumers from a Marijuana Retailer but is not authorized to sell directly to consumers. **[Added 6-21-2022ATM by Art. 20]**

MARIJUANA CULTIVATOR — An entity licensed to cultivate, process, and package marijuana, to deliver marijuana to marijuana establishments, and to transfer marijuana to other marijuana establishments but not consumers.

MARIJUANA DELIVERY OPERATOR — An entity licensed to purchase at wholesale and warehouse finished marijuana products acquired from a marijuana cultivator or product manufacturer, and to sell and deliver directly to consumers, but is not authorized to operate a storefront. **[Added 6-21-2022ATM by Art. 20]**

MARIJUANA INDEPENDENT TESTING LABORATORY — A laboratory licensed by the Cannabis Control Commission and qualified to test marijuana in compliance with regulations promulgated by the Commission, as amended.

MARIJUANA PRODUCT MANUFACTURER — An entity licensed to obtain, manufacture, process, and package marijuana and marijuana products and to transfer these products to other marijuana establishments but not consumers. **[Amended 6-21-2022ATM by Art. 20]**

MARIJUANA PRODUCTS — Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils, and tinctures.

MARIJUANA RETAILER — An entity licensed to purchase and transport marijuana and marijuana products from marijuana establishments and to sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers. **[Amended 6-21-2022ATM by Art. 20]**

- C. Designated locations for marijuana establishments. The locations designated by the Town of Adams where licensed marijuana establishments may be sited are as follows:

- (1) Licensed marijuana establishments may be sited as-of-right in the Industrial (I) District, as shown on the Zoning Map pursuant to MGL c. 40A, § 4, subject to site plan approval in accordance with § 125-19 of this chapter.

- (2) Marijuana retailers, delivery operators, and couriers, as defined in this bylaw, may be sited in the Business (B-2) District as shown on the Zoning Map pursuant to G.L. c. 40A, § 4, if granted a Special Permit and subject to site plan approval. Marijuana cultivators, product manufacturers, delivery operators, and couriers, as defined by this bylaw, may be sited in the Industrial Park (IP) District if granted a Special Permit and subject to site plan approval. The Special Permit Granting Authority is the Adams Planning Board. **[Amended 6-21-2021ATM by Art. 20; 6-21-2022ATM by Art. 20]**
 - (3) Marijuana independent testing laboratories, as defined herein, may be sited in the Industrial Park (IP) District shown on the Zoning Map pursuant to MGL c. 40A, § 4, if granted a special permit and subject to site plan approval.
 - (4) Licensed marijuana establishments, both medical and nonmedical marijuana establishments, are prohibited in all other zoning districts within the Town of Adams.
- D. General requirements. The following general requirements are established for all proposed operations of licensed marijuana establishments, consistent with Subsection C.
- (1) Permanent location. Each licensed marijuana establishment and any part of its operation, including, but not limited to, cultivation, processing, packaging, and sales, shall be operated from a fixed location within a fully enclosed building and its operations shall not be visible from the exterior of the premises. No marijuana establishment, including any medical or nonmedical retailer, shall be permitted to operate from a movable, mobile or transitory location. This section shall not apply to any licensed Marijuana Delivery Operator or Courier. **[Amended 6-21-2022ATM by Art. 20]**
 - (2) Outside storage. No outside storage of marijuana, marijuana products, related supplies, or educational materials is permitted.
 - (3) Hours of operation. A marijuana retailer, delivery operator, or courier may open or operate no earlier than 8:00 a.m. and shall close no later than 8:00 p.m. the same day, Monday through Saturday, and from 10:00 a.m. until 6:00 p.m. on Sunday unless other hours of operation are set by the Planning Board as part of site plan approval. Hours of operation shall apply to all sales, delivery, and dispensing activities for the business. There shall be no hourly restrictions on marijuana testing facilities or marijuana manufacturers, unless imposed by the Planning Board as part of site plan approval. **[Amended 6-21-2022ATM by Art. 20]**
 - (4) Signage. All signage and advertising for licensed marijuana establishments shall comply with all applicable state laws, as well as the provisions of § 125-15 of this chapter and all other applicable provisions of this Code and any relevant regulations promulgated by the Cannabis Control Commission.
 - (5) On-site consumption of marijuana. The use, consumption, ingestion or inhalation of marijuana or marijuana products on or within the premises of any licensed marijuana establishment is prohibited.
 - (6) Visibility of activities. All activities of any licensed marijuana establishment, including any marijuana retailer or marijuana manufacturer, shall be conducted indoors. This section shall not apply to any licensed Marijuana Delivery Operator or Courier. **[Amended 6-21-2022ATM by Art. 20]**
 - (7) Paraphernalia. Devices, contrivances, instruments and paraphernalia for inhaling or otherwise

consuming marijuana, including, but not limited to, rolling papers and related tools, water pipes, and vaporizers, may lawfully be sold at a marijuana retailer. No retail marijuana, marijuana products, or paraphernalia shall be displayed or kept in a retail marijuana store so as to be visible from outside the licensed premises.

- (8) Control of emissions. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a licensed marijuana establishment must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a retail marijuana store or marijuana manufacturing or testing facility, the owner of the subject premises and the licensee shall be liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.
 - (9) Any violation will be corrected within 30 days and if not corrected within the required time, all operations of the licensed marijuana establishment shall be suspended until the violation is corrected.
- E. Special permit required. No licensed marijuana retailer in a Business (B-2) District shall be operated without first obtaining a special permit from the Adams Planning Board in accordance with this section and § 125-4, Special permits. Similarly, no marijuana independent testing laboratory in an Industrial Park (IP) District shall be operated without obtaining a special permit from the Planning Board.
- (1) No licensed marijuana retailer within a B-2 District may be located closer than 250 feet from any school, daycare center, or other similar facility where minors commonly congregate and are the primary population served by the facility.
 - (2) The setback distance is to be measured in a straight line from the nearest point of the property line of the proposed marijuana retailer and the nearest point of the property line of the protected uses stated above.
 - (3) As part of the special permit process, the Planning Board may reduce the required minimum setback distance within a B-2 District if it finds site-specific circumstances or barriers adequately separate the proposed marijuana retailer and a protected use. The burden shall be on the applicant to demonstrate that reducing the minimum setback will serve the purpose of this section and address the concerns of the Planning Board.
 - (4) A special permit shall only be valid for use by the applicant and will become null and void upon the sale or transfer of the license of a marijuana establishment operating under a special permit or upon a change in the location of the business.
 - (5) In the event that the Commonwealth's licensing authority suspends the license or registration of a licensed marijuana establishment operating under a special permit, the special permit shall be so suspended by the Town until the matter is resolved to the satisfaction of said licensing authority.
 - (6) Marijuana Establishment that seeks to expand or alter its operations so as to come within a new class or sub-class of Marijuana Establishment, as identified in 935 CMR 500.050, shall obtain a new special permit prior to undertaking such expansion or alteration. **[Added 6-21-2022ATM by Art. 20]**

- F. Site plan required. All proposed uses under this section shall be subject to the Town's site plan review process as set forth in § 125-19. In addition to the standard application requirements for site plan approval, such applications for licensed marijuana establishments shall include the following:
- (1) The name and address of each owner of the facility/operation.
 - (2) A copy of the license or registration as a licensed marijuana establishment from the Massachusetts Cannabis Control Commission or documentation that demonstrates that said facility and its owner/operators qualify and are eligible to receive a certification of registration and meet all of the requirements of a licensed marijuana establishment in accordance with the regulations adopted by the Commission, as amended.
 - (3) Evidence that the applicant has site control and the right to use the site for a licensed marijuana establishment.
 - (4) As part of the applicant's site plan, details showing all proposed exterior security measures for the premises, including lighting, fencing, gates and alarms, etc. ensuring the safety of employees, patrons, and the public and to protect the premises from theft or other criminal activity.
 - (5) A letter from the Adams Police Chief certifying the Department has reviewed and deemed acceptable the applicant's full security plan for the proposed facility. Should the Police Chief recommend additional security provisions, the Planning Board may incorporate additional recommendations as part of site plan approval. The Building Commissioner shall not issue a certificate of occupancy until the Police Chief has inspected the premises and certified that all security measures have been implemented per the approved plan.
 - (6) The proposed plan shall provide appropriate landscaping and urban design features to harmonize the proposed project with abutting uses so as to protect and enhance the aesthetics and architectural look and character of the surrounding neighborhood.
 - (7) The Planning Board may require a traffic study that includes an analysis of on-site circulation and parking demand to justify the number of proposed parking spaces and the optimum configuration for site ingress and egress.
 - (8) In addition to what is otherwise required to be shown on a site plan pursuant to this section, any applicant that proposes to provide delivery of cannabis or marijuana to consumers located off site (home delivery) shall include on the plans submitted to the Planning Board any loading area to be used in connection with the home delivery operation, whether conducted by the Marijuana Establishment itself or a Marijuana Delivery Licensee, and/or the area where the Marijuana Establishment will park vehicles used for home delivery, including overnight parking. **[Added 6-21-2022 ATM by Art. 20]**
- G. Discontinuance of use. Any licensed marijuana establishment under this section shall be required to remove all material, marijuana products, equipment, signs, and other paraphernalia in compliance with regulations established by the Cannabis Control Commission prior to expiration of its license or immediately following revocation or voiding of its licensure and/or registration. If the license holder discontinues use, the licensed marijuana establishment shall immediately notify the Adams Select Board, the Adams Police Chief, and the Zoning Enforcement Officer.
- H. Other laws remain applicable.
- (1) Business license required. At all times while a permit is in effect the licensee shall possess a

valid business license as required by the Adams Town Code.

- (2) To the extent the state has adopted or adopts in the future any additional or stricter law or regulation governing the sale, distribution or testing of retail marijuana or retail marijuana products, the additional or stricter regulation shall control the establishment or operation of any marijuana retailer in the Town. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this chapter, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.
- (3) Any licensed marijuana establishment may be required to demonstrate, upon demand by law enforcement officers of the Adams Police Department and/or the local licensing authority, that the source and quantity of any marijuana found upon the licensed premises are in full compliance with any applicable state law or regulation.
- (4) The issuance of any license pursuant to this chapter shall not be deemed to create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the cultivation, possession, sale, distribution or use of marijuana.
- (5) Prior to the issuance of a special permit or site plan approval, the licensed marijuana establishment must have entered into a host community agreement with the Town. If, upon review by the Board of Selectmen, the licensed marijuana establishment is found to not be fully in compliance with the host community agreement, the special permit and/or the local license may be suspended or rescinded.

§ 125-36. through § 125-39. (Reserved)

§ 125-40. Smart Growth Overlay District (SG District). [Added 9-24-2020 ATM by Art. 20]

A. Purpose. The purposes of this Section are:

- (1) Establish a Smart Growth Overlay District (SG District) to encourage smart growth in accordance with the purposes of G.L. Chapter 40R;
- (2) Encourage the revitalization of existing buildings to benefit the general health and welfare of our residents and the region;
- (3) Promote the economic health and vitality of the Town by encouraging the preservation, reuse, renovation, and repurposing of underutilized historic structures where applicable;
- (4) Provide a mechanism for increasing the supply and diversity of housing to meet existing and anticipated housing needs;
- (5) Maintain or increase the supply of affordable housing units;
- (6) Encourage the creation of new multifamily and residential developments in appropriate locations at appropriate densities;
- (7) Enable the Town to receive Zoning Incentive Payments and Density Bonus Payments in accordance with G.L. c. 40R and 760 CMR 59.06, arising from the development of housing in the SG District; and
- (8) To maintain a consistently high level of design quality.

- B. Definitions. For purposes of this Section, the following definitions shall apply, subject to the limitations below. All capitalized terms shall be defined in accordance with the definitions established under the Enabling Laws, § 125-40B, or as set forth in the PAA Regulations. To the extent that there is any conflict between the definitions set forth in this Section, the Design Standards or the PAA Regulations and the Enabling Laws, the definitions under the Enabling Laws shall govern.

AFFORDABLE HOMEOWNERSHIP UNIT — An Affordable Housing unit required to be sold to an Eligible Household.

AFFORDABLE HOUSING — Housing that is affordable to and occupied by Eligible Households.

AFFORDABLE HOUSING RESTRICTION — A deed restriction for Affordable Housing meeting the statutory requirements in G.L. Chapter 184, Section 31 and the requirements of this Section.

AFFORDABLE RENTAL UNIT — An Affordable Housing unit required to be rented to an Eligible Household.

APPLICANT — The individual or entity that submits a Project for Plan Approval.

AS-OF-RIGHT — A use allowed in the SG District without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Project that requires Plan Approval by the PAA pursuant to this Section shall be considered an as-of-right Project.

DEPARTMENT or DHCD — The Massachusetts Department of Housing and Community Development, or any successor agency.

DESIGN STANDARDS — Provisions of the Adams 40R Smart Growth Overlay District and Downtown Facade & Signage Improvement Program Design Guidelines, provided the applicable version of such guidelines has been approved by DHCD and is on file with the Town Clerk.

DEVELOPABLE LAND — An area of land that does not include floodplain, wetlands or wetland buffer zone areas, River Protection Areas, rare and endangered species habitats as designated by the Massachusetts Natural Heritage and Endangered Species Program, or slopes over 15%.

ELIGIBLE HOUSEHOLD — An individual or household whose annual income is less than 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD) or any successor agency, adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

GOVERNING LAWS — G.L. Chapter 40R, and 760 CMR 59.00 or applicable successor regulation.

LIGHT INDUSTRIAL USE — Fabrication, finishing, packaging or assembly operation utilizing hand labor or quiet machinery and processes, that are free from agents disturbing to the neighborhood, including but not limited to odors, gas fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration.

LIVE/WORK UNIT — A living unit in which the resident(s) are engaged in creative production and services, and which may or may not include retail sales of items produced on-site, provided such sales do not occur more than 12 hours per week or between the hours of 8:00 PM to 8:00 AM.

MIXED-USE DEVELOPMENT PROJECT — A Project containing a mix of residential uses and non-residential uses, as allowed by this Section, and subject to all applicable provisions of this Section.

MONITORING AGENT — The local housing authority or other qualified housing entity designated by the PAA pursuant to this Section to review and implement the affordability requirements affecting Projects under this Section.

MULTI-FAMILY RESIDENTIAL USE — A residential building in which there are three (3) or more residential dwelling units.

PAA REGULATIONS — The rules and regulations of the PAA adopted pursuant to subsection J(3).

PLAN APPROVAL — Standards and procedures which Projects utilizing the provisions of the SG District must meet, pursuant to subsections K(1) through (6) and the Enabling Laws.

PLAN APPROVAL AUTHORITY (PAA) — The Adams Planning Board, authorized under subsection J to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SG District.

PROJECT — A Residential or Mixed-use development undertaken within the SG District in accordance with the requirements of this Section.

RESIDENTIAL PROJECT — A Project that consists solely of residential, parking, and accessory uses.

SG DISTRICT — The Smart Growth Overlay District established by this Section pursuant to G.L. Chapter 40R.

ZONING BYLAW — The current effective Zoning Bylaw of the Town of Adams.

- C. Establishment and Location. The SG District is an overlay district consisting of the land shown on the Map entitled Smart Growth Overlay District (SGD), dated July 10, 2019 and on file with the Town Clerk, and further defined as follows:

- (1) Subdistricts. The SG District shall consist of the following four (4) subdistricts:

Subdistrict A: "Park Street Smart Growth Area," which shall consist of the land shown on the 2019 Town of Adams Assessors' Map as Parcels 115/005, 115/004, and 113/098.

Subdistrict B: "Schools Smart Growth Area," which shall consist of the land shown on the 2019 Town of Adams Assessors' Map as Parcels 112/002, 115/075, 109/029, and 119/271

Subdistrict C: "Mills Smart Growth Area," which shall consist of the land shown on the 2019 Town of Adams Assessors' Map as Parcels 112/012.1, 112/012.2, 115/088, 121/034, 121/035, 120/036, and 122/041.

Subdistrict D: "Developable Land Smart Growth Area," which shall consist of the land shown on the 2019 Town of Adams Assessors' Map as Parcels 109/128, 116/075, 116/077, 116/078, and 116/268.

- D. Applicability.

- (1) The SG District is an overlay district superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) shall remain in full force, except for those Projects undergoing development pursuant to this Section. Within the boundaries of the SG District, a developer may elect either to develop a Project in accordance with the requirements of the SG District, or to develop a project in accordance with the regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) or other applicable overlay district(s).
- (2) An Applicant seeking to develop a Project located within the SG District must submit an application for Plan Approval in accordance with the provisions of the Enabling Laws and this

Section. Notwithstanding anything to the contrary in the Zoning Bylaw, such Project shall not be subject to any other provisions of the Zoning Bylaw, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations.

- (3) Administration, Enforcement, and Appeals. The provisions of this Section 125-50 shall be administered by the Building Commissioner, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the PAA under Sections H and J through L shall be governed by the applicable provisions of G.L. Chapter 40R. Any other request for enforcement or appeal arising under this section 125-40 shall be governed by the applicable provisions of G.L. Chapter 40A.
- E. Permitted Uses. The following uses are permitted as-of-right for Projects within and seeking Plan Approval per the provisions of the SG District. Any other use of land or buildings in connection with a Project in the SG District is prohibited.
- (1) Subdistrict A (Park Street Smart Growth Area):
- (a) Multi-family residential uses.
 - (b) Mixed-use Projects, incorporating multifamily residential uses and any of the following non-residential uses, where the minimum gross floor area devoted to residential uses shall be no less than 67% of the gross floor area of the Project:
 - [1] Offices, including medical offices and co-working facilities.
 - [2] Retail stores, including banks, but excluding wholesale establishments and establishments with drive-through windows.
 - [3] General service establishments and personal service establishments.
 - [4] Bakeries and artisan food or beverage producers.
 - [5] Restaurants and cafes, indoor or outdoor.
 - [6] Hotels.
 - (c) Accessory uses, including home occupations, and parking accessory to any of the above permitted uses.
- (2) Subdistrict B (Schools Smart Growth Area):
- (a) Multi-family residential uses.
 - (b) Mixed-use Projects, incorporating multifamily residential uses and any of the following non-residential uses, where the minimum gross floor area devoted to the residential uses shall be no less than 70% of the gross floor area of the Project:
 - [1] Restaurants and cafes, indoor or outdoor.
 - [2] Personal service establishments, including daycares.
 - [3] Medical offices and co-working spaces.

- [4] Municipal offices or facilities.
- [5] Retail stores, including banks, but excluding wholesale establishments and establishments with drive-through windows.
- (c) Accessory uses, including home occupations, and parking accessory to any of the above permitted uses.
- (3) Subdistrict C (Mills Smart Growth Area):
 - (a) Multi-family residential uses, which may include live/work units;
 - (b) Mixed-use Projects, incorporating multifamily residential uses and any of the following non-residential uses, where the minimum gross floor area devoted to the residential uses shall be no less than 80% of the gross floor area of the Project:
 - [1] Offices, including medical offices.
 - [2] Retail stores, including banks, but excluding wholesale establishments and establishments with drive-through windows.
 - [3] General service establishments and personal service establishments, including daycares.
 - [4] Bakeries and artisan food or beverage producers.
 - [5] Restaurants and cafes, indoor or outdoor.
 - [6] Hotels.
 - [7] Community, education, or recreational uses, including museums, parks, playgrounds, health clubs and gym/fitness centers.
 - [8] Municipal facilities.
 - [9] Light industrial uses.
 - (c) Accessory uses, including home occupations, and parking accessory to any of the above permitted uses.
- (4) Subdistrict D (Developable Land Smart Growth Area):
 - (a) Multi-family residential uses, which may include live/work units.
 - (b) Personal service establishments, including daycares.
 - (c) Accessory uses, including home occupations, and parking accessory to any of the above permitted uses.
- F. Affordable Housing. For all Projects, not less than twenty percent (20%) of housing units constructed shall be Affordable Housing, and, subject to the foregoing, not more than forty percent (40%) of housing units approved in the District as a whole under this Section shall be Affordable Housing. The PAA may allow a greater percentage of affordable housing at its discretion. For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit shall be deemed to constitute a whole unit. Affordable housing shall be subject to the following requirements:

- (1) **Monitoring Agent.** A Monitoring Agent, which may be the local housing authority or other qualified housing entity, shall be designated by the PAA in its plan approval. In a case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the PAA or by DHCD such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the PAA. In any event, such Monitoring Agent shall ensure the following, both prior to issuance of a Building Permit for a Project within the SG District, and on a continuing basis thereafter, as the case may be:
 - (a) Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
 - (b) Income eligibility of households applying for Affordable Housing is properly and reliably determined;
 - (c) The housing marketing and resident selection plan conforms to all applicable requirements, has been approved by DHCD, specifically with regard to conformance with G.L. c. 40R and 760 CMR 59.00, and is properly administered;
 - (d) Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
 - (e) Affordable Housing Restrictions meeting the requirements of this Section are approved by DHCD, specifically with regard to conformance with G.L. c. 40R and 760 CMR 59.00, and recorded with the Northern Berkshire Registry of Deeds.
- (2) **Submission Requirements.** As part of an application for Plan Approval for a Project within the SG District, the Applicant must submit the following documents identified herein to the PAA and the Monitoring Agent:
 - (a) Evidence that the Project complies with the cost and eligibility requirements of subsection F(3);
 - (b) Project plans that demonstrate compliance with the requirements of subsection F(4); and
 - (c) A form of Affordable Housing Restriction that satisfies the requirements of subsection F(5).

These documents in combination shall include details about construction related to the provision, within the development, of units that are accessible to the disabled and appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly.

- (3) **Cost and Eligibility Requirements.** Affordable Housing shall comply with the following requirements:
 - (a) Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
 - (b) For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed thirty (30%) percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable housing program rent limits approved by the DHCD shall

apply.

- (c) For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowners' association fees, insurance, and parking, shall not exceed thirty (30%) percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.
- (d) Prior to the granting of any Building Permit for a Project, the Applicant must demonstrate:
 - [1] To the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to Adams; and
 - [2] To the satisfaction of the Monitoring Agent and the PAA that the Project's affirmative fair housing marketing and resident selection plan and Statutory Affordable Housing Restriction have been approved by DHCD.
- (4) Design and Construction. Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be dispersed proportionately throughout the Project of which they are a part, across all residential buildings, floors and distinct unit types in accordance with the affordable housing restriction and marketing and tenant selection plan approved by DHCD and be comparable in initial construction quality and exterior design to the other housing units in the Project. Unless expressly required otherwise under one or more applicable state or federal housing subsidy programs, the bedroom-per-unit average for the Affordable Housing must be equal to or greater than the bedroom-per-unit average for the unrestricted/market-rate units.
- (5) Affordable Housing Restriction. Each Project shall be subject to an Affordable Housing Restriction which is recorded with the appropriate Registry of Deeds or registry district of the Land Court and which contains the following:
 - (a) Specification of the term of the Affordable Housing Restriction, which shall be no less than thirty (30) years;
 - (b) The name and address of the Monitoring Agent, with a designation of its power to monitor and enforce the Affordable Housing Restriction;
 - (c) A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity, initial unit designations and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project with the initially designated Affordable Rental Units identified in, and able to float subject to specific approval by DHCD in accordance with, the corresponding Affirmative Fair Housing Marketing Plan (AFHMP) and DHCD's AFHMP guidelines.
 - (d) Reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The plan shall designate the household size appropriate for a unit with respect to the number of bedrooms and provide that a preference for such Unit shall be given to a household of the appropriate size;

- (e) A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and resident selection plan;
 - (f) Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership unit will be set;
 - (g) A requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease of any Affordable Rental Unit shall be given to the Monitoring Agent;
 - (h) Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Monitoring Agent;
 - (i) Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and/or the Town, in a form approved by Town Counsel, and shall limit initial sale and re-sale to occupancy by an Eligible Household;
 - (j) Provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Monitoring Agent and/or the Town, in a form approved by Town Counsel, and shall limit rental and occupancy to an Eligible Household;
 - (k) Provision that the owner or manager of Affordable Rental Units shall file an annual report to the Monitoring Agent, in a form specified by that agent, certifying compliance with the affordability provisions of this Section and containing such other information as may be reasonably requested in order to ensure affordability; and
 - (l) A requirement that residents in Affordable Housing provide such information as the Monitoring Agent may reasonably request in order to ensure affordability.
- (6) Costs of Housing Marketing and Selection Plan. The housing marketing and selection plan may make provision for payment by the Project Applicant of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements. Such payment shall not exceed one-half percent (1/2%) of the amount of rents of Affordable Rental Units (payable annually) or one-half percent (1/2%) of the sale or resale prices of Affordable Homeownership Units (payable upon each such sale or resale), as applicable.
- (7) Age Restrictions. Nothing in this subsection F shall permit the imposition of restrictions on age upon Projects unless proposed or agreed to voluntarily by the Applicant. However, the PAA may, in its review of an application for Plan Approval, allow a specific Project within the SG District designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable federal, state and local fair housing laws and regulations and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable units.
- (8) Phasing. For any Project that is approved and developed in phases, the percentage of Affordable units in each phase shall be at least equal to the minimum percentage of Affordable Housing required herein. Where the percentage of Affordable Housing is not uniform across all phases, the unit dispersal and bedroom proportionality requirements herein shall be applied proportionately to the Affordable Housing provided for in each respective phase.
- (9) No Waiver. Notwithstanding anything to the contrary herein, the affordability provisions in the

SG District shall not be waived unless expressly approved in writing by DHCD.

G. Density and Dimensional Requirements. Notwithstanding anything to the contrary in this Zoning Bylaw, the dimensional requirements applicable in the SG District are as follows:

- (1) Residential Density. Multifamily residential (three or more dwelling units) and mixed use Projects in the SG District may be developed as-of-right at a minimum density of 20 dwelling units per acre of Developable Land. Two-family and three-family residential Projects may be developed as-of-right in Subdistrict Data minimum density of 12 dwelling units per acre of Developable Land.
- (2) Lot Area, Frontage, and Yard Setbacks. Each project shall have:

Minimum Project area	10,000 square feet
Minimum length of frontage	50 feet
Minimum front yard setback	0 feet in Subdistrict A; 25 feet in all other Subdistricts
Minimum side yard setback	No requirement between buildings within a Project; 10 feet between any Project building and the boundary of the SGD
Minimum rear yard setback	No requirement between buildings within a Project; 10 feet between any Project building and the boundary of the SGD

For the purposes of this subsection, frontage and front yard setbacks shall be determined with respect to public and private streets, as well as to private ways providing similar access.

- (3) Access. Individual buildings or parcels within a Project site shall have coordinated street access. There shall be not more than one driveway (curb cut) per 50 feet of frontage.
- (4) Open Space. The Town of Adams encourages preservation of open space areas to the extent possible in all Projects. For the purpose of this subsection, "open space" shall be defined as yards, playgrounds, walkways and other areas not covered by parking and driveways; such open space need not be accessible to the public. The site design for Projects may include common open space facilities. Where proposed, the plans and any necessary supporting documents submitted with an application for Plan Approval within the SGD shall show the general size, character, and general area within which common open space or facilities will be located. The plans and documentation submitted to the PAA shall include a description of proposed ownership and maintenance provisions of all common open space and facilities and, if requested by the PAA, any necessary restrictions or easements designed to preserve the open space and recreational areas from future development. Upon consideration of the above information, the PAA may approve a waiver for dimensional requirements to allow for common open space or facilities, as provided for below in this subsection.
- (5) Building Height, maximum. Each project shall not exceed:

Subdistrict A	4 stories or 50 feet
Subdistrict B	4 stories or 50 feet

Subdistrict C	5 stories or 60 feet
Subdistrict D	3 stories or 40 feet

(6) Nonresidential Floor Area. As per subsection E, above.

H. Building Design Standards. Applicable to all projects:

- (1) Relationship to Historic Architecture and Context. Any existing buildings in the SG District at the time of adoption of the SG District shall be retained unless it is satisfactorily demonstrated to the PAA that renovation and reuse are infeasible. Where the PAA denies such relief with respect to parcels for which DHCD has qualified the corresponding Incentive Units and the applicant believes that such relief has been unreasonably withheld and that retention would render development infeasible, the applicant may submit evidence of such to DHCD which the Department shall consider before issuing any subsequent Certificate of Compliance under 760 CMR 59.07.
- (2) The renovation of existing buildings should follow the provisions of the Adams 40R Smart Growth Overlay District and the Adams Downtown Facade Design Guidelines.
- (3) New construction should, to the extent possible, follow the provisions of the Adams 40R Smart Growth Overlay District and the Adams Downtown Facade Design Guidelines.

I. Parking and Loading Requirements. Notwithstanding parking and loading requirements established § 125-13 of the Adams Town Code, the following requirements are applicable for Projects within the SG District.

- (1) Parking spaces. For Projects located in the SG District, unless otherwise approved by the PAA, the following minimum requirements shall apply:

Residential project: One parking space per residential unit

Mixed-use project: One parking space per residential unit plus the applicable quantity computed per the table below:

Use	Minimum and Minimum Parking Required
Office, retail, wholesale, general service, and personal service establishments	1 space per 250 square feet of net useable floor area
Bakeries and artisan food or beverage producers	1 space per employee
Restaurants and cafes	1 space per four (4) seats
Hotels	1 space per guest room
Community, education, or recreational uses	1 space for each four (4) seats or equivalent floor area
Municipal buildings and facilities	1 space per 250 square feet of net useable office area

Use	Minimum and Minimum Parking Required
Light industrial uses	1 space per 1.3 employees at the largest shift plus one space per 2.6 employees at the second largest shift

- (2) Loading spaces. Unless otherwise approved by the PAA, one loading space shall be provided for every 20,000 gross square feet of floor area for non-residential use. Loading spaces must be demonstrated to be of sufficient area and height to serve the intended use.
- (3) Shared Parking and Loading. Notwithstanding anything to the contrary herein, the use of shared parking or loading to fulfill parking or loading demands noted above that occur at different times of day is strongly encouraged. Minimum parking and loading requirements above may be reduced by the PAA through the Plan Approval process if the applicant can demonstrate that shared spaces will meet demands by using accepted methodologies (e.g., the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies identified in the PAA Regulations or the Enabling Laws).
- (4) Reduction in parking or loading requirements. Notwithstanding anything to the contrary herein, any minimum required amount of parking or loading may be reduced by the PAA through the Plan Approval process if the applicant can demonstrate that the lesser amount of parking or loading will not cause excessive congestion, endanger public safety, or that a lesser amount of parking or loading will provide positive environmental or other benefits, taking into consideration:
 - (a) The availability of surplus off street parking or loading in the vicinity of the use being served and/or the proximity of a bus stop or transit station;
 - (b) The availability of public or commercial parking or loading facilities in the vicinity of the use being served;
 - (c) Shared use of off street parking or loading spaces serving other uses having peak user demands at different times;
 - (d) Age or other occupancy restrictions which are likely to result in a lower level of auto usage;
 - (e) Impact of the parking or loading requirement on the physical environment of the affected area of the Project or adjacent areas or lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and
 - (f) Such other factors as may be considered by the PAA.
- (5) Location of Parking and Loading. Any surface parking lot or loading area shall, to the maximum extent feasible, be located at the rear or side of a building, relative to any principal street, public open space, or pedestrian way.

J. Plan Approval of Projects: General Provisions.

- (1) Plan Approval. All Applicants for Projects proposed to be developed in accordance with this Section shall submit an application for Plan Approval to the PAA to be reviewed for consistency

with the purpose and intent of the SG District. Such Plan Approval process shall be construed as an as-of-right review and approval process as required by and in accordance with the Enabling Laws.

- (2) Plan Approval Authority (PAA). The Planning Board, consistent with G.L. Chapter 40R and 760 CMR 59.00, shall be the Plan Approval Authority (the "PAA"), and it is authorized to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SG District.
- (3) PAA Regulations. The Plan Approval Authority may adopt administrative rules and regulations relative to Plan Approval. Such rules and regulations must be approved by DHCD.
- (4) Project Phasing. An Applicant may propose, in a Plan Approval submission, that a Project be developed in phases, provided that the submission shows the full buildout of the Project and all associated impacts as of the completion of the final phase, and subject to the approval of the PAA. Any phased project shall comply with the provisions of subsection F(8).

K. Plan Approval Procedures.

- (1) Pre-application (Optional). Prior to the submittal of a Plan Approval submission, a "Concept Plan" may be submitted to help guide the development of the definitive submission for Project buildout and individual elements thereof. Such Concept Plan should reflect the following: areas of developable and undevelopable land; overall building envelope areas; open space and natural resource areas; general site improvements, groupings of buildings, proposed land uses; and conceptual designs of any new construction, if available. The Concept Plan is intended to be used as a tool for both the Applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards and other requirements of the SGD.
- (2) Required Submittals. An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA and approved by DHCD, and accompanied by an application fee if required, which shall be as set forth in the PAA Regulations. The application shall be accompanied by such plans and documents as may be required and set forth in the PAA Regulations. For any Project that is subject to the affordability requirements of subsection F, the application shall be accompanied by all materials required under subsection F(2). All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals forty feet (1"=40') or larger, or at a scale as approved in advance by the PAA.
- (3) Filing. An Applicant for Plan Approval shall file the required number of copies of the application form and the other required submittals as set forth in the PAA Regulations with the Town Clerk, and a copy of the application including the date of filing certified by the Town Clerk shall be filed forthwith with the PAA.
- (4) Circulation to Other Boards. Upon receipt of the Application, the PAA shall immediately provide a copy of the application materials to the Select Board, Board of Health, Conservation Commission, Fire Department, Police Department, Building Commissioner, Department of Public Works, the Monitoring Agent (for any Project subject to the affordability requirements of subsection F), and other municipal officers, agencies or boards for comment, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a

copy of the plan and application for approval.

- (5) **Hearing.** The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of G.L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the Applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the Plan Approval application.
- (6) **Peer Review.** The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to G.L. Chapter 40R, Section 11(a). Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant forthwith.

L. Plan Approval Decisions.

- (1) **Plan Approval.** Plan Approval shall be granted where the PAA finds that:
 - (a) The Applicant has submitted the required fees and information as set forth in the PAA Regulations; and
 - (b) The Project as described in the application meets all of the requirements and standards, including affordability requirements and Design Standards, and the PAA Regulations, or a waiver has been granted therefrom; and
 - (c) The Project's affirmative fair housing marketing and resident selection plan and Statutory Affordable Housing Restriction have been approved by DHCD, or the PAA approval is conditioned upon DHCD granting approval of the Project's affirmative fair housing marketing and resident selection plan and Statutory Affordable Housing Restriction; provided that if any provision in the PAA decision is in conflict with DHCD's requirements for affirmative fair housing marketing and resident selection, DHCD's requirements shall control; and
 - (d) Any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For a Project subject to the affordability requirements of subsection F, compliance with condition b above shall include written confirmation by the Monitoring Agent that all requirements of that subsection have been satisfied. The PAA may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with this Section and the PAA's approval, or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties. Any conditions and fees imposed upon the Applicant must be proportional and have a rational nexus to the potential impacts of the Project on the site and on nearby land.

- (2) **Plan Disapproval.** A Plan Approval application may be disapproved only where the PAA finds that:
 - (a) The Applicant has not submitted the required fees and information as set forth in the PAA Regulations; or

- (b) The Project as described in the application does not meet all of the requirements and standards set forth in this Section and the PAA Regulations, or that a requested waiver therefrom has not been granted; or
 - (c) It is not possible to mitigate adequately significant adverse project impacts on nearby properties by means of suitable conditions.
- (3) **Waivers.** Upon the request of the Applicant, and subject to compliance with G.L. c. 40R, 760 CRM 59.00 and this Section, the Plan Approval Authority may waive dimensional and other requirements of this Section, including the Design Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the SGD, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Section.
- (4) **Project Phasing.** The PAA, as a condition of any Plan Approval, may allow a Project to be phased at the request of the Applicant, or it may require a Project to be phased for the purpose of coordinating its development with the construction of Planned Infrastructure Improvements (as that term is defined under 760 CMR 59.00), or to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, unless otherwise explicitly approved in writing by the Department in relation to the specific Project, the proportion of Affordable units shall be at least equal to the minimum percentage of Affordable Housing required under subsection F.
- (5) **Form of Decision.** The PAA shall issue to the Applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If an application is approved by reason of the failure of the PAA to timely act, the Town Clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the Northern Berkshire Registry of Deeds in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the Applicant.
- (6) **Validity of Decision.** A Plan Approval shall remain valid and shall run with the land indefinitely, provided that construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Project.
- (7) **Changes in Plans after Approval by PAA.**
 - (a) **Minor Change.** After Plan Approval, an Applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms

provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the Applicant for filing with the Town Clerk.

- (b) Major Change. Those changes deemed by the PAA to constitute a major change in a Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to subsections J through L.
- M. Severability. If any provision of this Section is found to be invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected but shall remain in full force. The invalidity of any provision of this Section shall not affect the validity of the remainder of the Adams Zoning Bylaw.

§ 125-41. through § 125-49. (Reserved)

ARTICLE V
Definitions

§ 125-50. Word usage and definitions. [Amended 12-10-2024STM by Art. 1]

In this chapter the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings. Words used in the present tense include the future, and the plural includes the singular; the word “lot” includes the word “plot”; the word “building” includes the word “structure”; the word “shall” is intended to be mandatory; and “occupied” or “used” shall be considered as though followed by the words “or intended, arranged or designed to be used or occupied.” The word “person” includes a corporation as well as an individual.

ACCESSORY BUILDING OR USE — A building or use subordinate or incidental to and located on the same lot with the principal building or use, or on an adjacent lot under common ownership.

ACCESSORY RETAIL — General retail or concession, such as a newsstand, gift shop, lunch counter, drugstore, etc., constructed in conjunction with some other use, such as office or industrial, which is principally for the use or convenience of the employees, clients, customers, or other visitors to the principal use but is open to the general public and does not exceed 5% of the total floor area of the principal use.

ADEQUATE CAPACITY — Capacity is considered to be adequate if the grade of service is p.05 or better for a worst-case day in a preceding month, based on the Erlang B Tables, prior to the date of application, or as measured using direct traffic measurement of the personal wireless service facility in question for existing facilities requesting major modification, and where the call blocking is due to frequency contention at the antenna(s).

ADEQUATE COVERAGE — Coverage is considered to be adequate within that area surrounding a base station where the predicted (by radial plot) or measured (by actual field measurements) median field strength of the transmitted signal for at least 75% of the covered area is greater than —95 dbm. It is acceptable if there are holes within the area of adequate coverage where the signal is less than —95 dbm, as long as the signal regains its strength to greater than —95 dbm farther away from the base station. For the limited purpose of determining whether the use of a repeater is necessary or desirable, there shall be deemed not to be adequate coverage within said holes. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain a strength of greater than —95 dbm.

ANIMAL KENNEL OR HOSPITAL — A structure or parcel of land used for the harboring and/or care of more than three dogs that are more than six months old, whether commercially operated or not.

APARTMENT, MULTIFAMILY — Dwelling in a multifamily structure accommodating three or more dwelling units.

BASE STATION — The primary sending and receiving site in a wireless telecommunications network.

BED-AND-BREAKFAST — A dwelling in which the person resident therein provides eating and/or sleeping accommodations in not more than four guest rooms which are not provided with separate cooking facilities and whose guests use the cooking facility ordinarily used by the resident family. There shall be one bathroom for every two guest rooms.

BOARDING, LODGING OR TOURIST HOME — A building used for lodging, with or without meals, for compensation, for between five and 20 individuals.

BUILDING — A structure enclosing useful space.

BUILDING HEIGHT — The vertical distance from the mean finished grade of the ground adjoining the building to the highest point of the roof or parapet for flat or shed roofs, to the deckline for mansard roofs,

and to the mean height between eaves and ridge for gable, hip, and gambrel roofs. Not included are spires, cupolas, television antennas, or other parts of structures which do not enclose potentially habitable floor space.

BUILDING LINE — A line parallel to the street line, between which and the street line no part of any structure is located.

DBM — Unit of measure of the power level of an electromagnetic signal expressed in decibels referenced to one milliwatt.

DWELLING, TWO-FAMILY — A building containing two dwelling units.

DWELLING UNIT — A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living and sleeping, cooking and sanitation.

EMF — Electromagnetic frequency radiation.

FAMILY — Any number of individuals related by blood or marriage or not more than four persons not so related living and cooking together in a single housekeeping unit.

FCC — Federal Communications Commission, the federal government agency responsible for regulating telecommunications in the United States.

FLOOR AREA — The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, including the area of basements not more than 50% below grade, roofed porches and roofed terraces, excluding areas with less than six feet floor-to-ceiling height. All dimensions shall be measured between exterior faces of walls.

HEALTH CLUB — Includes but is not limited to gymnasiums (except public), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.

HEDGE — A contiguous row of shrubs or trees serving the purpose of a fence.

HOME OCCUPATION — A business or profession engaged in within a dwelling or permitted accessory structure by a resident thereof as a use accessory thereto.

HOTEL, MOTEL or MOTOR INN — A structure providing accommodations for compensation for 20 or more persons, exclusive of employees domiciled on the premises, and in some cases including rooms for public assembly and dining.

INDUSTRIAL PARK — A parcel of 10 acres or more oriented towards corporate business and/or light industrial uses with quality facilities and landscaping developed in conformance with the Use Regulation Schedule and § 125-16E.

JUNK — Any article or material or collection thereof which is worn out, cast off, or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.

JUNKYARD — Premises, whether licensed or not, where waste or scrap articles or materials are abandoned, stored, sorted, packed, bought or sold, except where such activities are carried on entirely within an enclosed building or within an open area of less than 200 square feet.

LIGHT MANUFACTURING — Research or testing laboratory, printing plant, manufacturing establishment, or other assembly, packaging, finishing or processing use, provided that all operations shall be such as to confine disturbing smoke, fumes, dust, odors, vibrations and noise to the premises.

LIVESTOCK — Any number of fur-bearing animals, hogs, animals for hire, horses, cows, goats, sheep, or poultry other than customary household pets and as further qualified in the Use Regulation Schedule;

private stable and dog kennel.

LOT — An area of land in one ownership with definite boundaries ascertainable by recorded deed or plan and used or set aside and available for use as the site of one or more buildings or for any other definite purpose.

LOT AREA — The horizontal area of a lot exclusive of any area in a street or way open to public use. Not more than 10% of the lot area required for zoning compliance shall be area under water nine months or more in a normal year.

LOT, CORNER — A lot which has an interior angle of less than 135° at the intersection of two street lines. A lot abutting a curved street shall be considered a corner lot if the tangents to the curve at the point of intersection of the side lot lines intersect with an interior angle of less than 105°.

LOT COVERAGE — Percentage of total lot area covered by structures or roofed.

LOT FRONTAGE — That portion of a lot fronting upon and having access to a street or public way, to be measured continuously along one street line between its side lot lines and their intersection with the street line or, in the case of a corner lot, to the point of intersection of street side lines extended.

LOT WIDTH — The horizontal distance between side lot lines, measured parallel to the lot frontage at the proposed building line.

MOBILE HOME — A movable or portable dwelling built on a chassis, designed for connection to utilities when in use, and designed without necessity of a permanent foundation for year-round living.

MOBILE HOME PARK — Premises which have been planned and improved for the placement of mobile homes for nontransient use.

MONITORING — The measurement by the use of instruments in the field of the radiation from a facility site as a whole or from individual personal wireless service devices, towers, antennas, or repeaters.

MONITORING PROTOCOL — The testing protocol, initially the Cobbs Protocol, which is to be used to monitor emissions from existing and new personal wireless service facilities and repeaters. The Planning Board may, as the technology changes, require by written regulation the use of other testing protocols. A copy of the Monitoring Protocol shall be on file with the Board of Selectmen.

NONCONFORMING USE OR BUILDING — A lawfully existing use or building which does not conform to the regulations for the district in which such use or building exists.

NURSERY SCHOOL — School licensed by the Massachusetts Department of Education for daytime care and instruction of preschool children.

NURSING, CONVALESCENT OR REST HOME or HOSPITAL — Any institution licensed by the Department of Public Health as a nursing, convalescent or rest home, charitable home for the aged, hospital or sanitarium pursuant to MGL c. 111, §§ 51 and 71.

OPEN SPACE — Lot area not covered by any structure, drives, parking or storage, but including swimming pools, decks, patios, balconies and any roof area developed for recreation.

PARKING SPACE — Space adequate to park an automobile, not less than 8 1/2 x 20 feet, plus means of access. Where spaces are not marked, each space shall be assumed to require 350 square feet.

PERSONAL WIRELESS SERVICE DEVICE — Any antenna, appurtenance, wiring, or equipment used in connection with the reception or transmission of electromagnetic radiation that is attached to a structure.

PERSONAL WIRELESS SERVICE FACILITY — A general term to include wireless communication building, personal wireless service device, and personal wireless service structure.

PERSONAL WIRELESS SERVICE PROVIDER — An entity, licensed by the FCC, to provide personal wireless services to individuals or institutions.

PERSONAL WIRELESS SERVICES — Commercial mobile devices, unlicensed wireless services, and common carrier wireless exchange access services. These services include cellular services, personal communications services (PCS), specialized mobile radio services, and paging services.

PERSONAL WIRELESS SERVICE STRUCTURE — Any structure or tower intended to support equipment used for the transmission and reception of electromagnetic radiation, including the antennas, wiring or other devices attached to or mounted on a structure.

PHILANTHROPIC INSTITUTION — An endowed or charitably supported nonprofit religious or nonsectarian activity maintained for a public or semipublic use.

PUBLIC ENTRANCE — Entrance to a building or structure observable and accessible from a public way, public parking or accessory parking area.

PUBLIC UTILITY — Electrical, gas, steam, water, communication or transportation systems and their appurtenances.

PUBLIC UTILITY — ESSENTIAL FACILITY -- Underground or overhead gas, electric, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utility.

QUARRYING — The extraction and processing of rock.

REPEATER — A small receiver/relay transmitter of not more than 20 watts' output designed to provide service to areas that are not able to receive adequate coverage directly from a base station.

RESTAURANT — Establishment for the sale of prepared food, more than half of which is consumed on the site.

RESTAURANT, DRIVE-IN — Establishment for the sale of prepared food, some of which but less than half of which is consumed on the site.

RESTAURANT, TAKE-OUT — Establishment for the sale of prepared food, none of which is consumed on the site.

SIGN — Any device to inform or attract the attention of persons not on the premises on which the sign is located, including window signs and any building surfaces which are internally illuminated or decorated with gaseous tube or other lights; provided, however, that the following shall not be included in the application of the regulations of this chapter:

- A. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- B. Flags and insignia of any government except when displayed in connection with commercial promotion.
- C. Legal notices; identification, informational or directional signs erected or required by governmental bodies.
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

- E. Signs directing and guiding traffic and parking on private property but bearing no advertising matter.
- F. Signs on or in the rolling stock, stations, or structures of or used by common carriers except on bridges or viaducts or abutments thereof.
- G. Standard gasoline pumps bearing thereon in usual size and form the name, type, and price of gasoline.

SIGN, AREA OF — The entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. One side only of signs with faces at 180° to each other shall be counted. Frames and structural members not bearing advertising matter shall not be included in computation of sign area unless those elements are internally or decoratively lighted.

SIGN, FREESTANDING — A sign erected or affixed to the land and not attached to a building.

SIGN, NONACCESSORY — Any billboard or sign not an accessory sign.

SIGN, TEMPORARY — A sign which, by its inherent nature, can be expected to remain in place for less than a year, such as real estate signs or signs inside display windows.

STATE HIGHWAY — A highway owned by the Commonwealth of Massachusetts or one designated as a state numbered highway by the Massachusetts Department of Public Works.

STORE, TWENTY-FOUR-HOUR — Any retail establishment open longer than normal business hours, 6:00 a.m. to 11:00 p.m., or with a third shift of employees.

STORY — That portion of a building between the top of any floor and the top of the floor or roof next above, counting as a half story such portion if more than half its exterior wall area is below grade or if directly under a sloping roof in which more than half the exterior wall perimeter has less than three feet floor-rafters interior dimension, and excluding cellar or attic spaces used solely for utilities and storage.

STREET — A way providing legally sufficient frontage for subdivision of land under the requirements of MGL c. 41, § 81L.

STREET LINE — The right-of-way line of a street, assumed to be 20 feet from the center of the traveled roadway where no such right-of-way line has been established or can be readily determined.

STRUCTURE — Anything constructed or erected, the use of which requires fixed location on the ground or attachment to something located on the ground, including all buildings with floor area exceeding 75 square feet, mobile homes, billboards, certain swimming pools (see below), tanks, or the like, or part thereof, but not including smaller buildings, paving, usual lawn accessories, or retaining walls or fences.

SWIMMING POOL — Any constructed pool, located above or below the ground, whether portable or fixed, used or capable of being used for swimming, wading, or bathing purposes. Pools having a depth of two feet or more and having a capacity of 200 cubic feet or more in volume shall be considered structures.

TEMPORARY STRUCTURE — Tent, construction shanty, or trailer, or similarly portable or demountable structure intended for continuous use for not longer than one year.

TEMPORARY USE — Use, occupation or occupancy of a parcel of land, building or structure for a period not to exceed one calendar year.

TRACT — An area of land which may be subdivided or otherwise allocated to accommodate a use or uses on finished lots which may be sold separately or retained in one or common ownership.

UNREGISTERED MOTOR VEHICLE — Any motor vehicle required to be registered by law of the Commonwealth of Massachusetts for operation on public ways, not so registered.

VEHICLE, HEAVY COMMERCIAL — A bus or truck having capacity in excess of the limits for a light

commercial vehicle, or motorized construction equipment other than trucks.

VEHICLE, LIGHT COMMERCIAL — A taxi; a bus with capacity not exceeding 10 passengers; or a truck with gross vehicle weight (GVW) rating not exceeding 14,000 pounds and enclosed cargo area not exceeding 400 cubic feet.

VEHICULAR EXIT LINE — Either edge of a driveway or curb cut used for the exit of motor vehicles, whichever is more restrictive.

YARD — A required open space, unobstructed with buildings and structures, other than permitted signs, fences, or other customary yard accessories.

YARD, FRONT — A yard extending between lot side lines across the front of a lot adjacent to each street it adjoins.

YARD, SIDE — A yard extending from the rear line of the required front yard to the rear lot line.

YARD, REAR — A yard extending across the rear of the lot between inner side yard lines.

Rules and Regulations

Chapter 200**PERSONNEL RULES AND REGULATIONS**

[HISTORY: Adopted by the Board of Selectmen of the Town of Adams 4-21-1993. Amendments noted where applicable.]

GENERAL REFERENCES

Administration — See Ch. 4.

Personnel — See Ch. 80.

Officers and employees — See Ch. 70.

Police Department — See Ch. 86.

§ 200-1. General provisions.

- A. **Authority.** These regulations are promulgated in accordance with the authority granted by Chapter 80, Personnel, of the Code of the Town of Adams, as amended.
- B. **Purpose.** The purpose of these regulations is to establish in writing the Town's policies and procedures governing employment with the Town to ensure their consistent application to all employees and facilitate uniform and efficient administration of said policies and procedures.
- C. **Application.** These regulations do not apply, unless otherwise noted, to elected officials or any other employees who may be specifically exempt by law. Employees covered by union contract are subject only to those provisions which are not specifically regulated by union contract. Nothing in these regulations shall be construed to limit any rights of employees pursuant to MGL c. 150E.
- D. **Administration.** These regulations shall be administered by the Town Administrator. The Administrator shall be responsible for ensuring that Adams is an equal opportunity employer.
- E. **Equal employment opportunity statement.** The Town of Adams shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, mental or physical handicap, national origin, ancestry or sexual orientation. **[Added 7-6-1994]**
- F. **Rules of interpretation.**
 - (1) These regulations are intended to be in accordance with all applicable state and federal laws. In the event of any conflict, the applicable state and federal laws shall apply.
 - (2) The word “he” or “his” shall also mean “she” or “hers.”
 - (3) The word “Town” shall mean the Town of Adams.
 - (4) “Employee” shall mean an employee of the Town of Adams.
 - (5) “Town Administrator” shall mean the Town Administrator of Adams or his designee.
- G. **Amendment.** Amendment of these regulations shall be in accordance with § 80-8 of Chapter 80 of the Code of the Town of Adams. The Town Administrator shall develop and make deletions, amendments or changes to these regulations, subject to the majority approval of the Board of Selectmen. Employees shall be notified in writing seven days prior to any change taking effect.

- H. Definitions. As used in these rules and regulations, the following terms shall have the meanings indicated:

BREAK IN EMPLOYMENT — Occurs in the following instances:

- (1) If an employee shall terminate employment with the Town of his own accord;
- (2) If an employee shall be discharged;
- (3) If an employee shall be absent in excess of five consecutive working days without obtaining approval for such absence;
- (4) If, after a layoff of less than two years, an employee shall not return to work within 10 days after receipt of notice from the Town that he will be rehired; or
- (5) If an employee shall be absent due to a layoff of more than two years.

CONTINUOUS SERVICE — Employment by the Town without a break in employment.

EMERGENCY EMPLOYEE — A noncompetitive appointment to a position for a period of time, as determined with biweekly reviews, to prevent stoppage of public business or hazard or serious inconvenience to the public.

PART-TIME EMPLOYEE — An employee that works on an irregular basis determined by the work load in the department throughout the year.

PERMANENT FULL-TIME EMPLOYEE — An employee having established hours of work consisting of a minimum of 35 hours per week for 52 weeks per year.

PERMANENT PART-TIME EMPLOYEE — An employee having established hours of work consisting of less than 35 hours per week for 52 weeks per year.

SENIORITY — The length of continuous service of an employee in Town employment.

TEMPORARY/SEASONAL EMPLOYEE — An employee that is appointed for a fixed period of time, not to exceed eight months, to replace employees who might be absent for extended periods or conditions caused by increased work load.

§ 200-2. Recruitment and selection.

Coverage: All employees.

- A. General policy. The Town will make every effort to attract and hire the most qualified persons, consistent with the Town's affirmative action goals. Every individual, regardless of race, color, religion, sex, age, mental or physical handicap, national origin, ancestry or sexual orientation, applying for employment with the Town will receive equal treatment. Individuals shall be recruited from a geographic area as wide as necessary to assure obtaining well-qualified candidates for various types of positions. The recruitment, selection and promotion of employees will be based solely on job-related criteria as established by the Town Administrator with the recommendation of the department head or elected official in accordance with § 200-7 of these regulations.
- B. Responsibility. The Town Administrator shall be responsible for the recruitment and selection of all positions in the Town (except as noted above). The qualifications, classification and salary range for open positions shall be established by the Town Administrator with the recommendation of the department head or elected official in accordance with these rules and regulations.

C. Posting.

- (1) Internal. All vacancies will be posted internally for a minimum of seven days before any external recruiting, to allow qualified employees an opportunity to submit an employment application. Notice of any vacancies shall be posted in the Town Hall, Police Station, Adams Free Library, Highway Garage, Wastewater Treatment Plant, Adams Community Center, and any other place required by the provisions of Massachusetts General Laws. Each job posting will include the job title, a brief job description, minimum qualifications, salary range, means for obtaining an employment application form, and due date and place for applications. The Administrator shall approve content of all job postings. Town employees, when fully qualified for a position, shall receive first consideration with respect to filling any vacancies over all other applicants (to the extent that this is possible in accordance with the Town's affirmative action goals).
- (2) External. External recruitment may include but not be limited to notice of vacancies to job banks and community organizations and associations, advertisement in newspapers, professional journals and newsletters, and other appropriate means in accordance with the Town's affirmative action goals. The level of external recruitment will be determined by the Town Administrator.

D. Applications. All candidates applying for employment in the Town must complete an official employment application form and return it to the designated place prior to the end of the working day of the closing date specified for a position in the announcement. Each applicant shall sign the form, and truth of all statements shall be certified by the applicant's signature. All candidates who accurately and honestly complete the application form will be reviewed fairly and equally for the position by the designated authority.

E. References. Applicants' former supervisors, employers, and other references may be contacted as part of the selection process. References and other checks shall be documented and made part of the applicant's file and shall be completed prior to an offer of employment.

F. Examinations. Examinations may be required as one part of the selection process. Examinations may be written, oral, practical, physical or any combination of all four and shall be relevant to the requirements of the position and reflective of the essential functions of the position.

G. Maintenance of records.

- (1) All employment applications and related documents, including the results of reference checks and examinations, shall be maintained by the Town Administrator for the period of time required by law. The Town acknowledges its legal and moral obligation to protect the privacy of all employees and applicants by exercising all due consideration with respect to personnel records and applications and will to the extent possible maintain the confidentiality of applicants.
- (2) All findings from a medical examination are to be treated as confidential and maintained on separate forms. Only supervisors, managers, first aid safety personnel, local legal counsel, and government compliance investigators may have access to this information.

§ 200-3. Appointment.

Coverage: All employees.

A. Appointing authority.

- (1) The Town Administrator will make final approval regarding employment, starting salary, employment transfer, promotion or demotion (subject to § 10 of the Act Establishing a Selectmen-Administrator Form of Government in the Town of Adams and other exceptions as noted) of any individual, with the recommendations of the department head, policies of the Town and applicable state and federal laws.
 - (2) The Town Administrator will notify the department head and the individual to be employed, promoted, transferred or demoted of the starting date, time and place and starting salary.
 - (3) All vacancies shall be filled by permanent appointment, temporary appointment, promotion, transfer or demotion as defined.
 - (4) The Chairman of the Board of Selectmen is assigned the obligation of appointing a legislative subcommittee with the following charge:
 - (a) To work closely with the Town Administrator to review pending legislation for its effect on the Town;
 - (b) To make recommendations to the Board of Selectmen regarding official positions on same; and
 - (c) To take a proactive role in voicing the Town's position, in favor or opposition, directly to our state and federal representatives.
- B. Medical examinations. Every individual selected for employment with the Town shall, after being notified by the Town Administrator and prior to the starting date, undergo a physical exam as a condition of employment. The examination shall be at the expense of the Town by a physician appointed by the Town Administrator. The examining physician shall advise as to whether or not, in his opinion, the applicant is physically qualified to perform the essential functions of the position for which application has been made. Upon failure to undergo a physical exam or upon the written recommendation of the physician that the applicant is not able to perform the essential functions of the position, the Town Administrator may withdraw the employment offer. Seasonal employees must have a physical every three years.
- C. Failure to report to work. An applicant who accepts an appointment and fails to report to work within three days after the date set by the Town Administrator shall be deemed to have declined the appointment and the offer of employment shall be withdrawn.
- D. Conflicts of interest involving approval/appointment. The Charter and Chapter 80, Personnel, of the Town Code clearly provide that the responsibility for hiring, promotion, demotion, and dismissal of employees is the Town Administrator's and that those actions are subject to other approval of the Board of Selectmen. This chapter adequately describes the process that the Administrator is to follow in carrying out those functions.
- (1) It is noted that the existing policy requires that the Administrator recruit from an area wide enough to assure well-qualified candidates. It is understood to mean beyond the borders of Adams and further indicates that selection will be based solely on job-related criteria.
 - (2) The provisions of MGL c. 268A adequately address the issue of nepotism. Those persons directly responsible for appointments are prohibited under law from:
 - (a) Hiring an immediate family member (IFM) as defined above.

- (b) Any involvement in the hiring process of an IFM.
 - (c) Any involvement in the reappointment, promotion, reclassification, demotion or firing of a family member.
 - (d) Determining an IFM's salary, including "automatic" increases such as annual step increases.
 - (e) Conducting a job performance review of an IFM.
 - (f) Day-to-day supervision of an IFM.
 - (g) Delegating the task of dealing with an IFM to a subordinate.
- (3) The Town Administrator and the Board of Selectmen are subject to these limitations for all appointments they make. The issue most often encountered is the appointment of a relative of Selectmen by the Town Administrator. This does not appear to create a problem under the statute because the Selectmen are not involved in the selection process. The Town Administrator will not discuss the applicants for a position with Board members prior to their appointment so as to avoid potential conflicts, except that the Administrator may contact them as a reference if they are listed on the employment application. When the Selectmen are presented with an appointee for ratification or when the appointment is made directly by the Board, members may abstain to avoid conflict.
- (4) If a candidate is a relative of a department head, the department head does not participate in the process.

§ 200-4. Orientation.

Coverage: All employees.

- A. General policy. It is the policy of the Town to ensure that all employees are adequately informed of the rights and responsibilities of the Town and the employee as they relate to employment with the Town.
- B. Orientation procedure.
 - (1) Every individual selected for employment will be notified of the starting date and time and shall report to the Town Administrator's office. If the employee has been hired under the provisions of a collective bargaining agreement, a copy of the agreement shall be given to the employee.
 - (2) The Town Administrator shall thoroughly explain all of the benefits and options the employee is entitled to and shall assist the employee with the appropriate forms pertaining to income tax deduction, life insurance, group health insurance, retirement and others as applicable. The Town Administrator shall also explain these rules and regulations as they affect the employee.
 - (3) The department head will be responsible for on-site training and orientation regarding specific rules, regulations, policies and procedures of the employee's assigned department, including the safety policies and procedures.

§ 200-5. Probation.

Coverage: All employees.

- A. General policy. All newly appointed or promoted employees shall be required to complete successfully a probationary period to begin immediately upon the employee's starting date and to continue for six months and to be extended by the number of days the employee is absent from work. The Town Administrator and department head shall utilize the probationary period to help all new or promoted employees to achieve effective performance standards. They shall also use the probationary period to observe and evaluate the employee's attitude, conduct and work habits and to reject any employee whose performance does not meet the required work standards or who is not able to perform the essential functions of the position. When the employee's probationary period expires, the respective department head will notify the Town Administrator in writing that:
- (1) The employee's performance was satisfactory and the individual will be retained in the position as a permanent employee;
 - (2) An extension of the probationary period is desired, not to exceed three months, for additional observation due to specific extenuating circumstances; or
 - (3) The employee's performance, ability to perform the essential functions of the position, attitude or conduct was unsatisfactory, stating the specific reason why, and removal is proposed as of a specific date upon the approval of the Town Administrator.
- B. Removal during probationary period. An employee may be removed during the probationary period by the department head with the approval of the Town Administrator.

§ 200-6. Classification Plan.

Coverage: All employees.

- A. Purpose. The purpose of this section is to provide a uniform and objective system for classifying all positions in the Town and to establish proper relationships between positions based on difficulty of duties performed, level of responsibilities assumed and minimum qualifications required so that the same schedule of compensation may be equitably applied to each class, thus ensuring equal pay for equal work.
- B. Content of the plan. The Classification Plan shall consist of:
- (1) Position descriptions for positions which are basically similar in essential functions of the position, degree of difficulty and levels of responsibility so that each position in the class can be given the same job title; requires essentially the same training and experience; can be filled by substantially the same methods of selection; and is of relative value and therefore deserves the same range of compensation.
 - (a) Each position shall have a written description consisting of a statement describing the essential functions of the position, examples of typical duties, the required minimum knowledge, skills, training, abilities, and experience and any necessary special qualifications.
 - (b) Position descriptions are intended to be representative of the positions in the class and provide illustrations of the type of work performed/essential functions of the position and do not necessarily include all the duties performed. Particular phrases or examples of typical duties are not to be singled out and used solely for determining the job class.
 - (c) Position descriptions are not intended to be restrictive. The use of (or absence of) a particular illustration of duties shall not be held to exclude or limit the authority of a

department head to assign other duties to employees in any class.

- (d) Qualification statements in each position description establish desirable minimum requirements to perform the essential functions of the position that should be met by an individual before being considered for appointment, transfer, or promotion to a position in the class. Alternative combinations of education, training and experience are generally indicated in the positions descriptions but do not preclude other combinations deemed equivalent by the Town Administrator.
- (2) Position titles. The title of each class of position shall be the official title of every position allocated to the class and shall be used for administrative purposes, such as payroll, budget, financial and personnel forms and records. No person shall be appointed or promoted to any position in the Town under a title not included in the Classification Plan.

C. Administration of Classification Plan.

- (1) The Town Administrator shall have the primary responsibility for the administration and day-to-day maintenance of the Classification Plan and is authorized to:
 - (a) Complete studies of proposed new positions and make allocations to existing classes, reestablish a former class, establish a new class of positions, or delete a class of positions;
 - (b) Provide for studies of existing positions when there has been a substantial change in the duties and responsibilities which justify consideration of possible reclassification;
 - (c) Conduct periodic studies and request such assistance as may be needed to assure the Classification Plan remains uniform and current;
 - (d) Require the submission of position questionnaires or any other related information when considered necessary for the proper maintenance of the plan;
 - (e) Develop forms and procedures to determine the proper classification of each position; and
 - (f) Make routine revisions to class description content, such as additions and deletions of illustrative tasks, qualification requirements and other such changes; provided, however, that changes in compensation grades shall not be accomplished under this subsection.
- (2) The Town Administrator shall have custody of and maintain the master set of all approved position descriptions and their authorized compensation grades, which shall contain the date adopted, revised or amended.
- (3) The Town Administrator shall also maintain and administer a record of those positions which are authorized to be filled.
- (4) All employees will be given a copy of their appropriate position description and will be furnished new ones if their positions are reallocated. Copies of class specifications for all Town positions are maintained in the Town Administrator's office and may be reviewed by any employee.

D. Classification of new positions. Department heads proposing to establish new positions shall first provide the Town Administrator with a description of duties, skills, knowledge, abilities and other work performance requirements in sufficient detail, and in such form and manner as may be prescribed, which may be necessary to properly classify the position.

- (1) Department heads shall promptly notify the Town Administrator of the need for new positions and allow sufficient time for the required classification study.
 - (2) Upon completion of the classification study, the Town Administrator shall allocate the position(s) to an existing class or, if a suitable class does not exist, shall establish a new class in the Classification Plan.
 - (3) There shall be no action to fill any new position in the Town until it has been approved and budgeted for by the Town Administrator.
- E. Allocation of new positions to pay plan. The Town Administrator, with the recommendation of department heads, shall assign all newly established positions to the appropriate job class and compensation grade on the Compensation Plan, with regard to the internal relationship these classes have to one another in accordance with that plan.
- F. Allocation reviews. Any employee or department head having facts which would indicate a position has been allocated to an improper class may request a review of the allocation by the Town Administrator. The decision of the Town Administrator in the allocation of positions to the various classes shall be final.
- G. Reclassification of positions. Positions may not be reclassified without position review conducted by the Town Administrator in conjunction with the department head.
- (1) Established positions may be reclassified from one class to a different class when:
 - (a) There have been significant changes in the actual duties and responsibilities through a natural redistribution of the work load;
 - (b) The changes in duties and responsibilities are of a permanent nature; or
 - (c) The reclassification is based upon new or added elements in the job and not on the performance of the individual.
 - (2) Reclassifications shall not be effected when:
 - (a) The added duties and responsibilities are minor in nature and would be a logical function of the class;
 - (b) The added duties and responsibilities are to be performed for a period of six months or less;
 - (c) The only change involved is an increase in the employee's work load; or
 - (d) The primary purpose is to raise the employee's salary.
 - (3) Reclassifications shall only be accomplished after review by the Town Administrator and department head.
 - (4) An employee whose position is reclassified to a higher-level position may be promoted into the position provided that the employee meets the minimum qualifications of the position.
 - (5) Reclassification of a position shall not be subject to the grievance procedure.
- H. Classification Plan. **[Amended 9-20-1995; 11-24-1998]**

Hourly Rate Personnel - Nonexempt FLSA	Grade
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Animal Control Officer	4
Administrative/Financial Assistant I	5
Administrative/Financial Assistant II	6
Administrative Assistant III	7
Assistant Building Inspector	11
Dispatcher	5
Library Aide	2
Library Cataloger	4
Reserve Patrolman	7
Social Day Care Assistant	5
Social Day Care Director	6
Van Driver - Council on Aging	5

Salaried Rate Personnel - Nonexempt FLSA	Grade
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Assistant Library Director	7
Children's Librarian	5
Custodian	4
Rehab Program Manager	9
Rehab Specialist	7
Social Day Care Assistant	5
Social Day Care Director	6

Salaried Rate Personnel - Exempt FLSA	Grade
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Director, Community Development	14
Director, Council on Aging	8
Director, Library	10
Director, Public Works	14
Director, Veteran Services	7
Grants Manager	10
Police Chief	15

Salaried Rate Personnel - Exempt FLSA	Grade
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Town Accountant	12
Town Administrator	16
Town Planner	10
Superintendent, Highway Division	10
Superintendent, Parks and Grounds Division	10
Superintendent, Wastewater Treatment Plant	10

Unclassified -- Compensation as set by Town Meeting

Board of Health Inspector
 Forest Warden
 Inspector of Gas Piping and Appliances
 Inspector of Plumbing
 Inspector of Wires
 Registrar of Voters - Chairman
 Registrar of Voters - Member
 Registrar of Voters - Clerk
 Sealer of Weights and Measures
 Town Counsel
 Election Workers
 Laborer - DPW - Seasonal

§ 200-7. Compensation.

Coverage: All employees.

A. Establishment of Compensation Plan. The Town Administrator shall annually establish a Compensation Plan for the existing Classification Plan. The Compensation Plan shall be directly related to the Classification Plan with appropriate consideration being given to:

- (1) The relative difficulties and responsibilities existing between various classes of work;
- (2) Compensation rates for comparable types of work found in public and, if appropriate, private industry;
- (3) Availability of qualified candidates for recruitment to the Town;
- (4) Prevailing economic conditions in the labor market;

- (5) Fiscal policies of the Town; and
 - (6) Ratified labor agreements.
- B. Content of the Compensation Plan. The Compensation Plan shall consist of:
- (1) The compensation grades, a vertical grouping of position classes for compensation purposes, based not only on responsibility and difficulty but on the relative worth of the work as determined by consideration of all the factors bearing upon the proper payment and compensation for such services; and
 - (2) The compensation range, from the lowest to the highest rate of compensation for each grade.
- C. Administration of Compensation Plan.
- (1) All employees shall be employed and paid in accordance with the rates established in the Compensation Plan for the position classification to which the appointment is made.
 - (2) The Town Administrator shall have the responsibility for day-to-day administration of the Compensation Plan, including approval of all hiring rates, merit increases, adjustments, and other payroll changes in accordance with the provisions of these rules.
- D. New appointment starting rates. New appointments to positions shall normally be paid at the minimum or entry rate of the compensation grade established for the position class. The Town Administrator may, however, compensate new appointments at a higher rate on the basis of exceptional qualifications of the appointee or a lack of qualified applicants available at the minimum rate.
- E. Merit increases.
- (1) Within 30 days of implementation of these regulations, the Board of Selectmen may appoint a committee to investigate an employee performance review system.
 - (2) Progression of an employee along pay increments, or steps, within the compensation range shall be based on the following:
 - (a) Upon satisfactory completion of each year of service, a permanent employee is eligible for the next higher step in the applicable grade;
 - (b) All permanent employees shall be eligible for a merit increase on the first day of the quarter following their anniversary date (i.e., January 1, April 1, July 1 or October 1);
 - (c) A merit increase shall not cause an employee to be paid more than the maximum rate of compensation for the range established for the class; and
 - (d) A department head may certify, in writing, to the Town Administrator, that the employee's service does not merit such an increase. An employee who does not receive an increase because of unsatisfactory service may subsequently receive such increase upon recommendation by the department head to the Town Administrator. The recommended increase shall not take effect until the first day of the quarter following the recommendation and shall become the employee's new anniversary date for merit increases.
- F. Pay upon classification. When the grade of an existing class of positions is changed, the rate of

compensation of all employees in the affected class shall be adjusted in the following manner:

- (1) Employees whose grade has been reclassified upward shall be adjusted into the new minimum or, if the current rate of compensation is above the new minimum, to the rate in the new range that most closely corresponds to the current rate but no lower;
 - (2) An upward grade adjustment shall not place an employee's salary above the maximum rate of pay established for the job class;
 - (3) When the grade of a job class has been adjusted downward, the employee shall continue to receive his current rate of compensation until such time that the maximum rate of compensation meets or exceeds the current rate of compensation;
 - (4) Should the effective date of a grade adjustment coincide with the date an employee has been approved for a merit increase, the employee will first be adjusted into the new grade followed by the awarding of the merit increase; and
 - (5) In those instances where the total Compensation Plan has been revised, implementation and adjustments will be made as determined by the Town Administrator.
- G. Special pay adjustments. Should unusual conditions arise which would justify an increase not provided for elsewhere under these rules, the Town Administrator is authorized to provide a special increase for an employee within the Compensation Plan. Any such adjustment shall not exceed the maximum compensation rate established for the job classification and must be justified by written statement.
- H. Across-the-board adjustments. Subject to appropriation, the Town Administrator may, from time to time, declare an across-the-board adjustment. Such adjustment, when approved by the Board of Selectmen and the Town Meeting, shall be applied automatically to all employees.
- (1) Should the effective date of an across-the-board adjustment coincide with the date an employee has been approved for a step increase, the employee will first be granted the across-the-board adjustment followed by the awarding of the merit increase.
 - (2) Across-the-board adjustments shall not affect the employee's normal merit increases.
- I. Pay upon demotion. If an employee is demoted to a lower job classification he may not be paid more than the maximum rate of the lower class.
- J. Pay upon promotion.
- (1) An employee who receives a promotion shall have his rate of compensation increased at least to the minimum rate of the class to which the promotion is made.
 - (2) If the employee's rate of compensation before promotion is at or above the minimum rate of the higher class, the employee shall be granted an increase rounded up to the nearest step, provided that the increase does not exceed the maximum rate for the class to which the promotion is made.
- K. Pay upon transfer. Any employee who is laterally transferred shall remain in the same grade and step and shall not be eligible for a increase upon such transfer.
- L. Temporary assignment outside classification. When an employee is temporarily assigned via personnel action to a position in a class with a higher minimum rate of compensation for periods of

30 working days or more, he shall receive a rate of compensation in accordance with Subsection G (special pay adjustments) of this section for the duration of the temporary assignment.

- M. Sunday work. An employee who shall be required to work or to render service on a Sunday shall be paid the rate of 1 1/2 times his regular rate of compensation for all hours worked on said Sunday. This provision shall not apply to the employees of any department engaged in continuous or shift operations or whose duties or working schedule regularly requires service to be performed on Sunday.
- N. Overtime pay. Town employees may be called upon and required to work overtime if, in the opinion of the department head, this is necessary to meet the demands of the job being performed. Except for emergency situations, all overtime work must be approved in advance by the department head. In emergency situations, a statement describing the nature of the emergency and the reasons why the employee's services were required shall be attached to the request for overtime payment and must be approved by the department head. Employees who repeatedly refuse to work overtime without valid justification may be subject to disciplinary action.
- (1) Employees eligible for overtime pay. All hourly wage employees are eligible for overtime and shall be paid at 1 1/2 times the employee's regular rate of compensation for all time worked in excess of eight hours per day or 40 hours in any one payroll period. At the discretion of the department head, with notification to the employee, compensatory time may be given in lieu of overtime payment, in accordance with the Fair Labor Standards Act.
 - (2) Employees ineligible for overtime pay. Executive, administrative and professional employees shall not be eligible to receive overtime pay.
- O. Compensatory time. Employees may substitute, in lieu of overtime pay, compensatory time, to be calculated in the same manner as overtime pay. Compensatory time shall be granted in accordance with the Fair Labor Standards Act.
- (1) Requests for compensatory time must be submitted in writing and must be approved in advance by the department head.
 - (2) Approved compensatory time must be used as soon as possible and in no case later than 90 days from the date the compensatory time was earned.
 - (3) It shall be the responsibility of the department head to maintain complete compensatory records on all employees and to accurately record dates and hours of overtime worked and the time compensatory time is taken. Such information must be attached to the payroll time sheet of the pay period in which the overtime was worked and/or compensatory time taken.
 - (4) Time sheets shall be signed by each employee as required by the Town Administrator.
 - (5) Department heads and administrators. Department heads and administrators are expected to work beyond ordinary work schedules as part of their normal duties. However, compensatory time may be granted for unusual circumstances, based upon considerations such as the number of evening or weekend meetings required, extended periods of out-of-town commitments, or unusually long days. Compensatory time shall be used as soon as possible after it is earned. Compensatory time taken in excess of two hours in one calendar week shall be at the discretion of the administrator.
- P. Effective date of payroll changes. The Town uses a work week from Sunday to Saturday. All Town employees will receive paychecks on Thursday of each week unless unforeseen complications prohibit payment (snow, storms, etc.). In this instance, paychecks will be issued to employees at the

earliest possible date. If a holiday should fall on Thursday, employees will receive paychecks on Wednesday.

- Q. Payroll deductions. The Town agrees to deduct items authorized under MGL c. 180, §§ 17A and 17B, as amended, from time to time and other items (i.e., union dues and annuities) subject to the approval of the Town Administrator. An employee who wishes any such deduction to be made shall submit written authorization directing the Town to make such deduction and containing all other necessary information.
- R. Pay upon termination. Employees terminating from Town employment will normally receive their final paycheck on the next regularly scheduled payday following the date of termination. Final paychecks shall include any unused leave which may be due to employee as is provided for elsewhere in these regulations.
- (1) Final pay shall be withheld until all Town property issued to the employee has been returned or accounted for to the satisfaction of the Town Administrator. Money or Town property due the Town because of shortages shall be collected through appropriate action.
 - (2) In the event of the death of an employee, all wages, including any unused leave benefits and travel expenses to which the employee is entitled, shall be paid in accordance with law.
- S. Budget limitations. All actions concerned with the payment of salaries, wages and/or benefits in accordance with these rules shall be subject to adequate funds being available or any limitations as may be imposed by the Town or Town Administrator with majority approval of the Board of Selectmen.

§ 200-8. Promotions, transfers and demotions.

Coverage: All employees.

A. Promotions.

- (1) Definition. A promotion occurs when an employee is moved from a position in one class to another position in a different class which has a higher maximum salary.
- (2) General policy. The Town encourages employees to develop skills, attain greater knowledge of their work and make known their qualifications for promotion to more responsible and difficult positions. No supervisors shall deny an employee permission to apply for a promotion opportunity in any Town office or department.
 - (a) Whenever practical, vacancies in higher positions in the Town shall be filled internally. Promotions shall be made in accordance with merit principles, giving appropriate consideration to the candidate's experience, training, performance and length of service. Greater weight shall be placed on performance rather than length of service. Competitive, job-related examinations may be given prior to promotions.
 - (b) No person shall be recommended for promotion on the basis of personal friendships or political affiliations, and selection shall be made from the best qualified candidates, without discrimination.
- (3) Promotional trial period. A promoted employee shall serve a promotional trial period for up to 90 days from the date of promotion. The department head is responsible for completing an evaluation of the promoted employee for such period to assure that the employee can

satisfactorily perform the duties of the new position.

- (a) The promotional trial period may be extended for a period of up to 90 additional days upon the mutual agreement of the Town Administrator and supervisor. The employee shall be advised of any such extension within five days.
 - (b) In the event the department head neglects to complete an evaluation of the promoted employee within the specified trial period, the employee's performance will be assumed to have been satisfactory and the employee's promotion to the position officially confirmed.
 - (c) If, during a promotional trial period or any extension thereof, an employee is, in the opinion of the department head or appropriate supervisor, found to be unqualified or incompetent in performing the essential functions of the new position, the employee shall be returned to his former position, without appeal, provided a vacancy exists. If the former position is no longer available, every effort will be made to place the employee in a comparable position. However, if a vacancy in the same or a comparable position does not exist, the employee will be returned to his former position and the provisions of § 200-31, Layoff procedure, shall apply.
- (4) Nongrievance matter. Promotion of employees to positions outside the bargaining unit or organizational unit shall be within the sole discretion of management and shall not be the subject of grievance or appeal.
- (5) Compensation. In the event that an employee is assigned or promoted to the next higher grade, he shall receive the entrance rate of the new position or one step above his present rate, whichever is the greater.

B. Transfers.

- (1) Definition. A transfer occurs when an employee is moved into another position in the same job classification or to another job classification with the same grade.
- (2) Voluntary transfers.
 - (a) An employee may initiate a request for a transfer to a different department through his department head or other appropriate supervisor. The Town Administrator shall have the final authority regarding requests for transfers.
 - (b) An employee shall in no way be penalized for submitting a request for transfer as it is the practice of the Town to allow transfers when in the best interests of the Town and the employee and thus encourage employees to enhance their personal development and add to their overall contribution to the Town's service.
- (3) Involuntary transfers. The Town Administrator, with the Board of Selectmen's approval and for the good of the Town, may transfer an employee to a different work location or department under his jurisdiction.
- (4) Nongrievance matter. Denials of requests for transfers and involuntary transfers shall not be subject to the grievance procedure.
- (5) A transfer shall not change an employee's grade, rate of compensation or permanent status with the Town.

C. Demotions.

- (1) Definition. A demotion occurs when an employee is moved from a position in one class to another position in a different class which has a lower maximum rate of compensation.
- (2) General policy. The Town Administrator may demote an employee for any of the following reasons:
 - (a) Inability of an employee to perform satisfactorily the required duties and responsibilities/essential functions of the position after promotion to a higher position;
 - (b) In lieu of layoff during a reduction in force;
 - (c) Upon job evaluation which determines that the employee is performing at a lower level of duties and responsibilities than called for in the classification descriptions;
 - (d) When the employee voluntarily requests such a demotion; or
 - (e) Inability of an employee to perform the duties/essential functions of the current position for health reasons, the loss of a job requirement, or other reasons.

§ 200-9. Vacation.

Coverage: All permanent employees.

A. Length of vacation. No vacation shall be used until the completion of 180 days of continuous service.

- (1) Full-time permanent employees. Vacations shall be granted as indicated in the following table:

Less than 1 year	5/6 day
1 year but less than 5	10 days
5 years but less than 10	15 days
10 years but less than 15	20 days
15 years but less than 20	22 days
20 or more years	25 days

- (2) Full-time permanent employees hired after June 30, 1997. Vacations shall be granted as indicated in the following: **[Amended 6-30-1997]**
 - (a) For the first year of employment: one day for each thirty-day period worked, to a maximum of 10 working days, to be credited on January 1.
 - (b) Two years but less than seven: 10 days.
 - (c) Seven years but less than 13: 15 days.
 - (d) Thirteen or more years: 20 days.
- (3) Part-time permanent employees. For part-time permanent employees, one day of vacation as used in the above table shall mean the number of hours actually worked during the previous year divided by the number of workdays in the previous year or the number of hours scheduled to work during the previous year divided by the number of workdays in the previous year, whichever is greater. **[Amended 11-24-1998]**

- (4) Additional vacation. For the purposes of recruiting experienced staff, the Town Administrator may authorize an additional five days for a new employee who has a minimum of four years' related experience.
- (5) Crediting of vacation days. Vacation days will be credited as of January 1 of each year. **[Added 11-24-1998]**

B. Scheduling.

- (1) Vacation must be taken in the calendar year in which it was earned, except that with the advance approval of the Town Administrator, upon request by the department head, vacation may be carried over into the following calendar year for unusual or valid reasons provided that it does not extend beyond the fiscal year.
- (2) Vacation shall be scheduled with the prior approval of the department head. Normally vacations shall be scheduled in one-week blocks, but no vacation will be scheduled in blocks of time less than one hour.
- (3) Employees entitled to more than two weeks' vacation may generally take only two weeks consecutively. However, with the approval of the department head, exceptions may be made to allow longer periods of time.

C. Vacation pay advance. An employee who schedules vacation of at least one week may receive advance pay for such vacation, provided that the employee has requested, in writing to the Town Accountant's office, such pay at least 14 days prior to the commencement of said vacation.

D. Notice to employees. Within 10 days of the end of each month, the Town shall issue a statement of vacation earned and taken during the preceding month.

E. Termination. Whenever employment is terminated by dismissal through no fault or delinquency on the part of the employee, or by resignation with reasonable notice (two weeks), retirement or death, without the employee having been granted entitled vacation, the employee or, in the case of death, the estate of the deceased employee shall be paid at the regular rate of compensation at the time of termination an amount equal to vacation pay earned but not paid to the employee at the time of his termination.

F. F Sickness while on vacation. An employee who becomes ill while on vacation may not charge such illness to sick leave unless the employee has a physician's certificate describing the nature of the illness and submits it to his department head for approval within five days of returning to work.

§ 200-10. Sick leave.

Coverage: All permanent employees.

A. General policy.

- (1) Permanent full-time employees shall earn 1 1/4 days of sick leave with pay for each calendar month of service, not to exceed 15 days per calendar year.
- (2) For part-time permanent employees, one day of sick leave shall mean the number of hours actually worked during the previous year divided by the number of workdays in the previous year or the number of hours scheduled to work during the previous year divided by the number of workdays in the previous year, whichever is greater. **[Amended 11-24-1998]**

- (3) For those persons employed prior to the 16th of the month, sick leave shall accrue from the first of the month. For those persons employed on or after the 16th of the month, sick leave shall accrue from the first of the succeeding month.
- (4) Accruals will be earned as of the last working day of each month and will be posted accordingly. No accrual will be recorded for a portion of a month upon termination of employment.
- (5) New employees must satisfactorily complete the probationary period of service before qualifying for use of sick leave, but sick leave shall accrue during the probationary period.
- (6) Unused sick leave will accumulate from year to year to a maximum of 210 days.
- (7) Within 10 days of the end of each month, the Town shall issue a statement of sick leave earned and taken during the preceding month.

B. Use of sick leave.

- (1) Sick leave with pay shall be granted to employees only when they are incapacitated for the performance of their duties by their personal sickness, injury, disability, doctor's appointments or a quarantine by public health authorities, but no sick leave will be granted in blocks of time less than 1/2 hour.
- (2) At the discretion of the Town Administrator, sick leave with pay may also be granted for serious incapacitation of the employee's spouse or serious injury or illness of a member of the employee's family, including children, parents, brothers or sisters.

C. Notification.

- (1) Sick leave will commence on the date and time that notification of the employee's sickness, injury, disability or quarantining is given to the department head by the employee, his family or his physician. Notification should be given as soon as possible but in any case within one hour after the regularly appointed starting time of the employee in order to entitle the employee to sick leave credit for that day.
- (2) Notification should include the general nature of the illness, injury or disability, length of anticipated absence, and expected date of return.

D. Use of vacation leave. At the discretion of the department head, an employee's absence on account of illness, injury or disability in excess of accrued sick leave may be charged to vacation leave. This does not apply to illness, injury or disability for which the employee is entitled to workers' compensation.

E. Extended sick leave. Extended sick leave with pay may be granted by the Town Administrator after all of an employee's sick leave and vacation leave have been used. Such advance of sick leave will only be made when there is every expectation of return to active employment with the opportunity of earning repayment credits.

F. Sickness while on vacation leave. See § 200-9F.

G. Evidence of illness. The department head or Town Administrator may require medical substantiation from the employee for any sick leave. If the cause of the sick leave is not substantiated to the satisfaction of the Town Administrator, such absence will not be paid as sick leave and absence will be considered unauthorized leave. Any medical confirmation of this shall be confidential.

- H. Workers' compensation. Employees injured on the job and receiving workers' compensation shall, upon request, be granted sick leave pay (provided they have sick leave credits available) in an amount that, when added to the amount of workers' compensation payment, will result in payment of their full salary. In this case, the Town Administrator shall debit the employee's sick leave accrual by such amounts as he deems equitable.
- I. Retirement. Upon an employee's retirement in accordance with MGL c. 32, the employee shall be paid, lump sum, for accumulated sick leave up to 60 days or 50% of his total accumulated sick leave, whichever is greater. The rate of compensation is the prevailing base rate of compensation at the time of retirement. If termination is caused by death, accumulated sick leave up to 60 days shall be paid in a lump sum to the employee's spouse or, if there is none, his heirs. For employees hired after June 30, 1997, the employee shall be paid for accumulated sick leave up to 30 days or 25% of his total accumulated sick leave, whichever is greater. **[Amended 6-30-1997]**
- J. Attendance incentive.
- (1) As an incentive to minimize the impact of sick leave usage, an employee may exchange unused sick leave earned during the calendar year in accordance with the following schedule:
 - (a) If no sick time is used during a given quarter, one day may be exchanged at the rate of \$30 per day.
 - (b) If four days have been exchanged in a given calendar year, the employee is entitled to exchange one additional day at the rate of \$60 per day.
 - (2) An employee must elect to participate by notifying the Town, in writing, at the beginning of the calendar year. Payment will be made by the 30th of the month following the end of each quarter.

§ 200-11. Holidays.

Coverage: All permanent employees.

- A. Recognized holidays. The following holidays shall be recognized by the Town on the day on which they are legally observed by the Commonwealth of Massachusetts, and on these days employees shall be excused from all duty except in cases where the department head determines that the employee is required to maintain essential Town services:

New Year's Day
Dr. Martin Luther King Jr. Day
Washington's Birthday
Patriots Day
Memorial Day
July 4
Labor Day
Columbus Day
Veterans Day
Thanksgiving Day

Christmas Day

B. Compensation for holidays.

- (1) For each holiday, full-time and part-time permanent employees shall be compensated at a rate of the number of hours scheduled to work on which the holiday lands times their base rate of compensation.
- (2) Payment shall be withheld by the department head if the eligible employee did not work his last regularly scheduled working day prior to such holiday or his next regularly scheduled working day following such holiday, unless such days were previously approved absence days in accordance with other provisions of these rules and regulations.

C. Work on a holiday. An employee who is required to work on a holiday shall receive, in addition to the regular holiday pay, an amount equal to 1 1/2 times his regular rate of compensation for all hours worked.

D. Vacation or sick leave on a holiday. Any employee on approved vacation or sick leave shall not be charged for leave time.

§ 200-12. Maternity leave.

Coverage: All permanent employees.

A. General policy. **[Amended 11-24-1998]**

- (1) Maternity leave without pay shall be granted to an employee for a period not to exceed eight weeks (or, if qualified under FMLA, 12 weeks) for the purpose of giving birth to a child or adoption of a child under 18 years of age. The employee shall notify the appointing authority at least two weeks prior to the anticipated date of departure and of the intention to return. The employee shall be restored to the same or similar position with the same status, pay and seniority as of the date of the leave.
- (2) Maternity leave shall be granted in accordance with MGL c. 149, § 105D, c. 151B, § 4, and the Federal Family and Medical Leave Act of 1993.

§ 200-13. Jury duty.

Coverage: All permanent employees.

- A. General policy. All employees will be granted leave to fulfill required jury duty. Permanent full-time and part-time employees shall be paid their regular rate of compensation, less the jury fees (exclusive of travel allowances) received, during the period required for the jury service. It is the employee's responsibility to present to his supervisors written evidence of the fees received for jury duty. As a condition to receiving payment from the Town, an employee must report to work if during such duty he is discharged for the day or major portion thereof during regular work hours.
- B. Jury duty on a holiday. A holiday occurring during jury duty shall not entitle an employee to an additional day of leave or additional compensation for the holiday.
- C. Retention of jury fees. Employees may retain any jury fees received for jury duty on nonscheduled workdays (i.e., Saturdays, Sundays or holidays).

§ 200-14. Leave of absence.

Coverage: All employees.

A. General policy.

- (1) The Town Administrator may grant leaves of absence without pay to all employees who have satisfactorily completed their probationary period. In reviewing requests for leave, consideration shall be given to:
 - (a) The nature of the reason;
 - (b) The employee's work record; and
 - (c) The impact on operation of the Town.
- (2) Leave will not be granted if there is any indication that the employee plans to seek or accept work elsewhere during the time of leave. The leave will be immediately canceled if the employee accepts other work.

B. Procedure for requesting and approving. All requests for leave must be in writing. Requests for leaves of two or less weeks may be approved by the department head, with the exception of medical leaves, which must be approved by the Town Administrator. Leaves for longer than two weeks must be approved by the Town Administrator.

C. Medical illness.

- (1) An employee unable to work due to sickness or injury shall be covered in accordance with the sick leave policy. Once an employee has exhausted all accrued and advanced sick leave and vacation time, he may request a medical leave of absence.
- (2) During a medical leave of absence it shall be the responsibility of the department head to be satisfied that a disabling condition does in fact prevent the employee from discharging regular duties consistent with the sick leave policy.

D. Status upon return to work.

- (1) The period of absence, if less than 30 days, shall be included in an employee's time of continuous service. An employee's anniversary date will be adjusted if a leave of absence exceeds 30 days or if two or more leaves of absence in one calendar year total 30 or more days.
- (2) The rate of compensation for an employee returning from a leave of absence shall be the rate of compensation which the employee was receiving immediately prior to the leave, if the employee is returning to the same position.

E. Sick leave/vacation. Benefits will not accrue during the period of the leave.

F. Health or life insurance. The Town will not make any payments towards an employee's health or life insurance plans for the period of the leave in excess of 30 days. Employees have the option, however, of maintaining their coverage after the thirty-day period by paying the full premium cost. The Treasurer's office must be notified by the employee if coverage is desired, so that the premium cost can be billed directly to the employee for the period of the leave.

G. Pension.

- (1) In accordance with the Adams Retirement Board rules and regulations, contributions to the pension system cannot be made by an employee for the period of the leave. Employees on a leave for up to 30 days per calendar year will receive full creditable service. Cumulative leave in excess of 30 days will result in the reduction of creditable service by like amount.
- (2) In accordance with the Adams Retirement System's rules and regulations, an employee on an approved leave cannot withdraw moneys from the pension system.

§ 200-15. Absence without leave.

Coverage: All employees.

- A. General policy. An employee who is absent from duty shall report the reason as soon as possible and in no case later than 12:00 noon on the first day of such absence. All unauthorized and unreported absences shall be considered absence without leave, and deduction of pay shall be made for the period of such absence. Such absence may serve as the grounds for disciplinary action and/or may be considered to be abandonment of position.

§ 200-16. Military leave.

Coverage: All permanent employees.

- A. General policy. An employee shall be entitled to a leave of absence during the time of compulsory service in the armed forces of the commonwealth or during his annual tour of duty of not exceeding 17 days as a member of a reserve component of the armed forces of the United States and shall receive his regular compensation as an employee for the period of the leave.
- B. Notification. Each employee is responsible for notifying his department head of the date he is leaving for military service and provide written proof from military or selective service officials to the Town Administrator indicating date of departure and length of service required.
- C. Effect on and use of benefits.
 - (1) Sick and vacation leave will continue to accrue during the period of military leave.
 - (2) The period of military leave shall be included in the employee's time of continuous service.
 - (3) If military duty exceeds 17 days, an employee may credit all or part of his vacation entitlement to the period of military leave.

§ 200-17. Bereavement leave.

Coverage: All permanent employees.

- A. General policy. Upon the request of an employee upon the death of such employee's spouse, the Town Administrator shall grant bereavement leave with pay for up to two weeks immediately following such death.
 - (1) The department head, upon request of an employee, shall grant up to three consecutive days of bereavement leave without loss of pay upon the death of such employee's immediate family, which shall include parents, parents of spouse, sisters and brothers of spouse, grandparents, children, brothers and sisters of employee or any other person who resides with the employee as a member of the immediate household. The Town Administrator may limit such leave to less

than three days or refuse to grant any such leave if such employee cannot demonstrate need for as many as three days' leave.

- (2) The Town Administrator may grant bereavement leave to attend the funeral service of a close friend or other relative.
- (3) At the discretion of the Town Administrator, bereavement leave with pay may be extended to a maximum of two weeks.

§ 200-18. Personal days.

Coverage: All permanent employees.

- A. General policy. Permanent full-time employees shall be granted one day for each three months of employment by the Town. Personal days shall be credited on the first day of each calendar quarter. An employee shall accrue one personal day each quarter only if said employee has worked at least 46 days during the preceding quarter (Saturdays, Sundays and holidays are construed to have been worked for this section). Personal days must be used in the calendar year in which they are granted.
 - (1) Personal leave is to be used for personal reasons and cannot be used to extend vacation or holiday periods except in an emergency. The employee's department head must be given at least 48 hours prior to the requested personal leave day or at the discretion of the department head.
 - (2) Personal leave shall be charged in one-hour increments.

§ 200-19. Health, life and accidental death group insurance.

Coverage: All permanent employees who work 20 hours or more per week.

- A. General policy. The Town shall, pursuant to MGL c. 32B, provide contributory group health, life and accidental death insurance to any eligible employee, after a waiting period of 60 days, who works a regular schedule of 20 hours or more per week. The premium cost of group insurance is paid on a 75/25 basis by the Town and participating employees. Participation in the group insurance plan is optional.
- B. Leave of absence. Employees on an approved leave of absence in excess of 30 days (see leave of absence policy, § 200-14) may continue coverage, provided that they pay the full (100%) premium cost. Employees must give proper notice to the Treasurer's office of all approved leaves of absence so that the full premium cost can be billed directly to the employee for the period of the leave in excess of 30 days.
- C. Termination. The Town's health insurance policy, in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA), is discontinued on termination. However, conversion to an individual health plan or automatic transfer to another group plan is available. The Town will notify the health insurance carrier of the termination, and automatic billing will be made to the terminated employee's home address.
- D. Survivor coverage. Upon the death of an employee, if there is one survivor, the person will automatically be transferred to an individual policy. If there is more than one survivor, coverage will be provided under a family membership. The Town does not share the cost of this coverage.
- E. Retirement.

- (1) Health insurance. The options of employees that are qualified to retire are dependent on the age of the employee, his eligibility under Social Security and the type of insurance plan the employee has upon retirement. Employees should contact the Chairman of the Retirement Board six months before retirement or before they or their spouse reach age 65 for an explanation of the employee's health insurance options. **[Amended 3-29-2000]**
- (2) Life insurance. Upon the employee's retirement, the accidental death and dismemberment insurance is discontinued.

F. Change in membership status.

- (1) An eligible employee or retiree who is covered under a family plan may change to an individual and/or OME plan anytime during the year.
- (2) An eligible employee who is covered under an individual plan may change to a family plan anytime during the year only if there is a change in the number of his dependents. If there is no change in the number of dependents, he may change only during the open period of enrollment.
- (3) An eligible employee or retiree who is covered may change to a different carrier only during the open period of enrollment. This is normally held during the month of May each year.
- (4) An eligible employee who is not currently covered may elect to be covered by an individual plan at any time during the year. If the employee desires to be covered by a family plan, the employee shall pay the entire cost difference between the family plan and the individual plan until the employee is eligible to convert under Subsection F(2) above.
- (5) A retiree must be using Town health insurance benefits at the time of retirement to elect to be covered under any circumstances. **[Amended 11-24-1998]**
- (6) A retiree who was using Town health insurance benefits at the time of retirement may elect to be covered under that same or lesser type of plan, but only during the open period of enrollment. **[Amended 11-24-1998]**

§ 200-20. Employment-related accident benefit (workers' compensation).

Coverage: All employees.

A. General policy.

- (1) All Town employees have a right to an equitable and timely review of employment-related injuries or illness and determination of benefits available under workers' compensation. Benefit levels shall be consistent with the provision of MGL c. 41 and 152 (including § 69).
- (2) Any accident which occurs on the job must be reported immediately to the immediate supervisor or other appropriate level employee. All accidents will be investigated to determine cause so that contributing factors can be corrected.

B. Reporting accidents. It is the responsibility of each employee to report all work-related accidents immediately to the supervisor or other appropriate level person, regardless of how insignificant the injury may seem. If an employee is injured seriously, the immediate supervisor is to be contacted immediately to ensure proper medical attention is provided and the necessary reports are filed.

- (1) A "First Report of Injury" and "Supervisor's Accident Report" must be completed and signed by the department head or designee for each accident. The original and two copies of the "First

Report of Injury” are to be sent to the Town Administrator's office as soon as possible to comply with the requirement that the Industrial Accident Board be notified within five days. A “Supervisor's Accident Report” must be sent within a week of the accident.

- (2) If medical attention is needed, the department head is to release the employee immediately from work to attend either his physician or an appropriate medical provider, depending upon the extent of injury and circumstance.
 - (3) The department head is responsible for investigating each accident, identifying the specific cause of the accident and taking necessary corrective actions.
- C. Benefits; workers' compensation. Workers' compensation benefits, consistent with the provisions of the MGL c. 152 (including § 69), shall be provided all employees.
- (1) At the department head's discretion and subject to the availability of light work, employees will be assigned suitable modified duty as long as they are unable to perform regular job duties due to injuries or illness.
 - (2) The Town Administrator's office shall file all accident reports with the insurance carrier. The insurance carrier is responsible for determining if an accident is employment related.
 - (3) Employees should not pay for any medical services or prescriptions while determination as to work relation is pending or after a determination that an accident is work related has been made. All bills should be turned over to the supervisor or should be billed directly to the Town. Bills will be reviewed by the insurance carrier for applicability to the accident and level of charge.
 - (4) Employees unable to work for five or more days will receive disability payments. If the employee has available sick time, it may be used to supplement disability payments up to the employee's normal salary.
 - (5) For reporting purposes, time lost from work shall be charged to sick leave until the employee has lost five days, at which time all time lost to disability, including the first five days, shall be charged to disability time. If the employee is out less than five days, the total time lost is charged to sick leave.
 - (6) Employees out for more than five days will receive, in addition to their regular compensation (if sick leave time is available), checks from the insurance carrier for the portion of their salary covered by workers' compensation. These checks must be endorsed and returned to the Town.
 - (7) Employees who are in disagreement with any findings by the insurance carrier should contact their supervisor or the Town Administrator's office. If the employee is still dissatisfied with the response, under the provisions of MGL c. 152, an appeal may be made to the Industrial Accident Board.
- D. Medical reports. It is the responsibility of the department head to obtain regular reports which include the extent of disability, expected duration of disability and other information that may be required. In cases involving absence of two weeks or longer, up-to-date information from the attending physician may be required at least twice a month.
- (1) It is the responsibility of the employee to ensure that medical reports are provided as requested by the department head or Town Administrator.
 - (2) At the discretion of the department head, with the concurrence of the Town, examination by an

independent physician appointed by the Town Administrator may be required. The expense of such examination would be borne by the Town.

- (3) Any employee out more than two weeks must have a certificate from the attending physician before returning to work.

§ 200-21. Travel allowances and vehicle use. [Amended 5-24-2000]

Coverage: All employees.

- A. Use of Town vehicles. Employees shall not utilize Town-owned vehicles for personal reasons (commuting, shopping, etc.) except for incidental uses (stopping for lunch, etc.).
- B. Use of personal vehicles. All employees required to use a personal vehicle in the course of Town business will be compensated at a rate of \$0.26 per mile in addition to any tolls or parking fees as required. At the discretion of the Town, a monthly allowance may be paid in lieu of actual mileage. When using automated toll systems, employees may submit a traveling expense voucher without receipts.
- C. Reimbursement for meals:
 - (1) Employees will be reimbursed for the actual cost of meals plus tax and gratuity with the following limits:
 - (a) Breakfast: up to \$5.
 - (b) Mid-day meal: up to \$10.
 - (c) Evening meal: up to \$17.50.
 - (d) Total average daily reimbursement: not to exceed \$30.
 - (2) Employees will only be required to submit receipts for each meal in excess of \$10. If any employee is required to remain out of Town overnight, the daily rate will apply. Meals served in conjunction with scheduled meetings may exceed above limits but require receipt and meeting notice, with stated meal prices. Meals will only be reimbursed if the employee is out of Town during the normal meal period.
- D. Reimbursement for lodging.
 - (1) Employees will be reimbursed for lodging only if the meeting site is over 65 miles from Town, using the official mileage chart, and if the meeting and total travel time will exceed 10 hours. Number of overnight stays will not exceed the number of scheduled days of the meeting.
 - (2) Employees will be required to submit receipts for all lodging. Employees must receive prior permission from their department heads and/or the Town Administrator for an exception to the mileage, travel time, and number of nights restriction. If a double room is occupied, the employee will only be reimbursed for 1/2 of the double room rate if the room is shared with another attendee or the single room rate if not shared.
- E. Advance payment.
 - (1) An employee may receive up to 70% advance payment of lodging and daily meal allowance if the employee is scheduled to be out of Town for five days or more. Requests for advance

payment must be made, in writing, to the Town Accountant at least 10 days prior to the start of the business trip.

- (2) In order to receive advance payment, employees must have written confirmation of lodging. All employees must submit required receipts within 10 days of returning to Town.
- F. Definitions. The term “employee,” as used in this section, shall mean all employees; appointed officials; elected officials; board, committee, and commission members; and other persons acting on behalf of the Town of Adams.
- G. Reimbursement for missed employment.
- (1) If, in the course of official Town business, a nonemployee of the Town is required to be away from his/her normal employment and loses compensation because of said absence, the Town will reimburse said person at the following rates:
 - (a) Four hours or less: \$15 per day.
 - (b) More than four hours: \$30 per day.
 - (2) The reimbursement must be approved in advance by the respective board or commission or approved by the Town Administrator if insufficient time is available for formal board or commission approval.
- H. Determination. Questions relating to this policy will be addressed to the Town Accountant. Final determination of discrepancies will be made by the Board of Selectmen.

§ 200-22. Credit union.

Coverage: All employees.

- A. General policy. Any employee may be eligible for membership in the Adams Municipal Employees Federal Credit Union in accordance with the current eligibility requirements of the existing program. Participation in the credit union is optional.

§ 200-23. Pension.

Coverage: All employees.

- A. General policy.
- (1) Any employee may be eligible for membership in the Adams Contributory Retirement System in accordance with MGL c. 32 and the rules and regulations as established by the Adams Retirement Board.
 - (2) Employees shall make every effort to inform the Town three months prior to their expected date of retirement. Any questions concerning pensions shall be directed to the Adams Retirement System.

§ 200-24. Training.

Coverage: All employees.

- A. General policy. It shall be the policy of the Town to foster and promote programs of training of

employees for the purpose of improving the quality of employees' performance in the service of the Town.

B. Responsibility. It shall be the responsibility of the Town Administrator to:

- (1) Establish standards for training programs;
- (2) See that training is carried out as approved;
- (3) Provide assistance to department heads in developing and conducting training to meet the specific needs of their departments and in developing and utilizing other techniques for increasing employee efficiency;
- (4) Develop supervisory and management training and other types of training and employee development programs common to all departments;
- (5) Provide assistance to department heads in establishing potential for growth and identifying training needs; and
- (6) Keep a record of all approved training courses and programs and a record of employees who successfully complete such courses and programs.

C. Identifying training needs.

- (1) Annually the supervisor and employee should discuss areas of interest to the employee and areas where training is either desirable for performance in his present job or would be helpful to develop additional skills for growth into other positions in the Town service. The supervisor should forward a written report of training needs through the department head to the Town Administrator.
- (2) Department heads should, through contact with the Town Administrator's office and the public community, keep themselves apprised of training programs that may be of help or interest both to themselves and to their employees and should nominate employees for appropriate training courses to the Town Administrator's office.

§ 200-25. Employee tuition refund.

Coverage: All permanent employees.

A. General policy. The Town shall reimburse permanent full- and part-time employees full tuition costs (including lab fees) up to a maximum of two college level courses per fiscal year, provided that all of the following conditions are met:

- (1) The course must relate to the employee's present job directly or must be necessary to complete a degree related to the employee's present job;
- (2) The employee has the approval of his department head and the Town Administrator before beginning the course;
- (3) The course is taken from a fully accredited institution or trade school;
- (4) Intended courses of study are unattainable from state or federal government sponsored programs. Veterans seeking tuition reimbursement must provide sufficient proof that alternate financing is not otherwise available. If equivalent training is offered through state-sponsored

training, the employee will be expected to utilize that opportunity first; and

- (5) The employee receives a passing grade of "C" or 70 or "P" or better; for graduate level, a passing grade of "B" or better will be required.

B. Reimbursement.

- (1) Refunds of tuition payments will be made in the order in which they are received.
- (2) Within 30 days of completion of the course, the employee shall furnish the Town Administrator the requisite documentation showing satisfactory completion of the courses. This evidence shall be subject to verification prior to reimbursement and shall include tuition receipt, a certified transcript of grades and any other documentation as deemed appropriate by the Town Administrator.
- (3) The employee shall disclose any other tuition aid received from government or other sources prior to receiving reimbursement from the Town.
- (4) In the event the employee is discharged or resigns from the Town before completion of the course, a refund shall not be paid.
- (5) In the event the employee is laid off from Town service prior to completing the course, the Town shall reimburse the employee, provided that the employee's course work is in progress prior to the layoff and the course is satisfactorily completed in accordance with the above requirements.

C. Scheduling. Employees are strongly encouraged to take courses that will not interfere with their job responsibilities or their normal working hours. The department head or Town Administrator may deny approval for reimbursement of a course if time off from the employee's regular working hours would be required.

§ 200-26. Conduct of employees.

Coverage: All employees.

- A. General policy.** Town employees are prohibited from engaging in any conduct which could reflect unfavorably upon Town service. Town employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing complete impartiality in conducting Town business. Employees are expected to keep in mind they are public employees and are to conduct themselves accordingly in a manner which will in no way discredit the Town government, public officials or fellow employees.
- B. Conflict of interest.** No employee shall accept, or agree to accept, either directly or indirectly, any favor, gift, loan, fee, service or other item of value, in any form whatsoever, from any organization or individual if it is intended or gives the appearance of rewarding or influencing the employee in carrying out his appointed duties.
 - (1) No employee shall grant, in the discharge of his appointed duties, any improper favor, service, or item of value to any organization or individual if it is intended to give or gives the appearance of rewarding or influencing said organization or individual.
 - (2) No Town employee shall transact any business in his official capacity with any business entity of which he is an officer, director, agent, or member or in which he owns a controlling interest.

- (3) No Town employee shall have personal investments in any enterprise which will create a substantial conflict between his private interest and the public interest.
 - (4) This rule is not intended to prevent an employee from accepting an award or recognition for meritorious or outstanding achievement for community or government service.
 - (5) Final determination of any such conflict or prohibition shall rest with the Town Administrator.
- C. Outside employment. Upon proper notification to and at the discretion of the Town Administrator, an employee may engage in outside employment. However, no employee may engage in additional employment which in any manner interferes with the proper and effective performance of the duties of his position or results in a conflict of interest or if it is reasonable to anticipate that such employment may subject the Town to public criticism or embarrassment. If the Town Administrator determines that such outside employment is disadvantageous to the Town, upon notification in writing by the Town Administrator, it shall be terminated.
- (1) Preference of Town employment. Any employee who engages in employment outside of his regular working hours shall be subject to call to perform his regular Town duties first.
 - (2) Injury and illness. The Town shall in no respect be liable for nor grant sick leave or disability leave in case of injury to an employee while engaged in outside employment, nor in the case of occupational illness attributed to the outside employment.
- D. Privileged information. Many Town employees deal with plans and programs of significant public interest. Employees shall not use this privileged information to their own financial advantage or to provide friends and acquaintances with financial advantages or with information which could be used for financial advantage. If an employee finds that he has an outside financial interest which could be affected by Town plans or activities he shall immediately report the situation to his superior. Each employee is charged with the responsibility of ensuring that he releases only information that should be made available to the general public. Violation of privileged information or use for private gain can be just cause for discharge of the employee as determined by the Town Administrator.
- E. Town property. Employees shall not, directly or indirectly, use or allow the use of Town property of any kind for other than official activities.
- (1) An employee who has been provided Town equipment, such as tools, vehicles, materials, uniforms, etc., is expected to exercise reasonable care in the use and preservation of such equipment and to observe all safety precautions while carrying out the assigned work. Personal use of Town vehicles, materials, supplies, tools or other Town property is not permitted. Violations may result in discharge, prosecution, or both, or other disciplinary action.
 - (2) All operators of Town vehicles and equipment must hold a valid and appropriate Massachusetts operator's license. Employees are required to and are subject to a records check prior to employment. Suspension or revocation of an employee's operator's license may necessitate the demotion or discharge of an employee assigned to the operation of Town vehicles or equipment.
- F. Mail and telephone use. Employees should not use Town telephone facilities for personal calls when the placing of such calls would interfere with the employee's duties, would incur additional financial liability by the Town, or would interfere with the use of the facilities for official business. Any such use should be urgent, infrequent and of short duration. When using Town telephones for toll calls, employees shall, whenever practicable, charge said calls to the called party, their home telephone number, a calling card or a third party.

- (1) Town employees are expected to use their home address to receive personal mail.
- (2) Use of Town stationery or postage for personal mail is not permitted.

§ 200-27. Safety.

Coverage: All employees.

A. General policy.

- (1) The Town will provide and maintain safe working conditions and follow operating practices that will safeguard all employees and result in safe working conditions and efficient operations.
- (2) The Town shall inform every employee of all materials the employee may be exposed to as a result of employment with the Town which are covered under the Massachusetts Right to Know legislation and the rights of the employee under that act. The Town shall also inform the employee of his/her rights and responsibilities under the workers' compensation laws of the commonwealth.

B. Safety equipment.

- (1) All employees who are furnished safety equipment and/or clothing by the Town will be required to wear such safety equipment at all times while doing the work for which the equipment is furnished. Safety gloves, aprons, hard hats, goggles, face shields, vests, ear protection, etc., provided by the Town are designed for the protection of all employees and must be used. There will be no exceptions.
- (2) Safety equipment furnished by the Town and damaged or worn out in use will be replaced, provided that the worn-out or damaged equipment is turned in when new equipment is issued and also provided that there is not evidence of abuse.

C. Duties and responsibilities of supervisors. Each supervisor has the full authority and total responsibility for maintaining safe working conditions within his jurisdiction, whether it be in the field, in the shop, or in the office. Personnel problems and hazards vary from department to department, and it is expected that all supervisors will work at all times to control injuries. The safety record of the personnel assigned to him/her should be considered during the evaluation process for both the foreman and superintendent.**D. Duties and responsibilities of supervisor and foreman.** Each supervisor or foreman shall:

- (1) Assume full responsibility for safe working areas for his employees while they are under his jurisdiction;
- (2) Ensure that all management policies herein are fully implemented for maximum efficiency of each job;
- (3) Take the initiative in recommending correction of deficiencies noted in facilitates, work procedures, employee failure to use safety clothing or equipment, employee job knowledge or attitudes that adversely affect loss control effort;
- (4) Be firm in the enforcement of work policies by being impartial in taking disciplinary action against those who fail to conform and by being prompt in giving recognition to those who perform well. This will help to ensure impartial, positive enforcement. The following enforcement of the safety policy and safe work procedures will be used:

- (a) First offense: written warning, to be issued no later than the next working day the employee is at work. The employee is to obtain the safety clothing or equipment in question and return to work.
 - (b) Second offense: written warning, to be issued no later than the next working day the employee is at work. The employee is to obtain the safety clothing or equipment in question and return to work after a three-day suspension without pay.
 - (c) Third offense: written termination.
- (5) Ensure that each employee is fully trained for the job he is assigned to do and ensure that he is familiar with published division work rules and certifies in writing that he understands compliance as being mandatory;
 - (6) Assure the need, availability, and utilization of appropriate protective clothing and equipment when performing hazardous operations;
 - (7) Act upon safety suggestions, continuously demonstrate concern over entire safety program, and set a good example by working safely himself;
 - (8) Observe working conditions and field practices to prevent development of possible safety hazards;
 - (9) Investigate thoroughly the causes of all accidents and close calls (near accidents) and take appropriate corrective action; and
 - (10) Make sure all accidents are promptly reported regardless of the extent of injury or property damage.

E. Duties and responsibilities of employees. Each employee shall:

- (1) Observe established safety rules, operating procedures, and safe work practices in the performance of his work;
- (2) Use personal protective equipment when directed to do so by a supervisor or foreman;
- (3) Identify and report to appropriate management any unsafe areas or conditions or other safety problems;
- (4) Be continually aware of the need for safety;
- (5) Report all accidents promptly to the supervisor or foreman, no matter how slight, utilizing the form provided by the Town; and
- (6) Inform the supervisor or foreman of any medical expenses incurred as a result of injuries.

§ 200-28. Personnel records.

Coverage: All employees.

- A. General policy. The Town Administrator shall be responsible for establishing and maintaining such personnel records and reports as may be required by law and necessary to effectively carry out the provisions of these rules and regulations. All employees shall comply with and assist in furnishing records, reports and information as may be requested by the Town Administrator.

B. Content of records.

- (1) The Town Administrator shall maintain in an employee's personnel records only information that is relevant to accomplishing personnel administrative purposes and shall maintain an individual personnel file for each employee which may include but not be limited to the following:
 - (a) The employment application;
 - (b) A copy of all background investigation reports;
 - (c) A report of all personnel actions reflecting each original appointment, reinstatement, promotion, demotion, reassignment, transfer, separation, layoff or suspension; and
 - (d) Results of all tests and examinations taken to demonstrate qualifications, history of employment and any correspondence directly related to the employee's past employment record, a copy of the employee's military service record, reclassification, change in the employee's rate of compensation or position title, leave of absence with pay, leave of absence without pay, commendations, record of disciplinary action, training records, performance evaluations, and any other records that may be pertinent to the employee's employment record.
- (2) All findings from a medical examination are to be treated as confidential and maintained on separate forms or files

C. Changes to records. Department heads should notify employees of the importance of keeping their personnel records current. The Town Administrator should be notified immediately in writing of any changes in an employee's personnel information. Final responsibility for providing correct information and timely changes rests with the employee. The Town Administrator or the Town shall not be held liable when incorrect withholdings, wrong beneficiaries or loss of employee benefits results from failure of an employee to keep personnel records current.

D. Access to records. Any employee, upon request to his department head, may see any of his personnel records on file with the Town Administrator's office.

- (1) Any employee who knowingly and willfully removes or copies any portion of a personnel file or permits any person to have access to confidential information contained in an employee's personnel file, except as may be authorized by the Town Administrator, will be subject to disciplinary action.
- (2) Personnel records are not public records and as such are not open to public inspection.

E. Unauthorized alteration. No unauthorized employee may destroy, alter, deface, mutilate or otherwise dispose of personnel records.

F. Release of information. Employees may authorize the Town Administrator to release personal and payroll information to banks, lending institutions, insurance firms, etc., for the purpose of a home, automobile, appliance or other purpose. Such authorization shall be made in writing to the Town Administrator.

G. Personnel forms. Personnel forms developed by the Town Administrator's office are to be used to ensure accurate and uniform maintenance of personnel.

§ 200-29. Progressive disciplinary process.

Coverage: All employees.

- A. General policy. It is the responsibility of all employees to observe the regulations necessary for the proper operation of the Town and to perform the essential functions of the position for which they were employed. The Town may impose any of the following disciplinary actions when appropriate: oral reprimand, written reprimand, suspension, disciplinary probation, or discharge. The severity of the disciplinary action shall be in accordance with the severity of the situation. The Town shall also make reasonable accommodations in accordance with the Americans with Disabilities Act.
- B. Reasons for disciplinary action. Disciplinary action may be imposed upon an employee for failure to fulfill his responsibilities as an employee, including but not limited to any of the following:
 - (1) Incompetence or inefficiency in the performance of the essential functions of an employee's position;
 - (2) Inability to perform one or more essential functions of the position;
 - (3) Fraud in securing appointment;
 - (4) Insubordination or disobedience in carrying out reasonable directions given by a proper supervisor;
 - (5) Consumption and/or possession of alcoholic beverages while on duty;
 - (6) Use and/or possession of illegal narcotics or drugs while on duty;
 - (7) Abuse of legal drugs while on duty;
 - (8) Absence without leave;
 - (9) Abuse of sick leave;
 - (10) Conviction of felony;
 - (11) Misuse or unauthorized use of Town property;
 - (12) Disclosure of confidential information; or
 - (13) Reporting for duty while under the influence of alcohol, narcotics or drugs.
- C. Oral or written reprimand.
 - (1) At his discretion, a department head who notes unsatisfactory job performance, noncompliance with department regulations or display of improper conduct may issue an oral or written reprimand and an offer of assistance on the part of the department head in correcting the unsatisfactory situation. Oral warnings shall be presented with a maximum regard for minimizing embarrassment to the employee before other employees or the public.
 - (2) Oral and written reprimands shall be entered into the employee's personnel file with the employee's acknowledgment.
- D. Disciplinary probation.
 - (1) If the written warning fails to correct the situation, the employee may serve a maximum 90 days'

disciplinary probation at the discretion of the department head and Town Administrator. The employee will receive a written notice stating the reasons for the disciplinary action and effective date of such action.

- (2) When the employee's disciplinary probation expires, the department head will notify the Town Administrator in writing that:
 - (a) The employee's performance and behavior were satisfactory and that he will retain the employee in his position; or
 - (b) The employee's performance and behavior have remained unsatisfactory and he recommends either suspending or discharging the employee.
- E. Suspension. At the discretion of the department head and Town Administrator, an unsatisfactory employee may be suspended without pay for a period or periods that will not exceed a total of 30 days in any twelve-month period. Such suspension may be in lieu of disciplinary probation or at the expiration of the disciplinary probation, depending upon the situation. The employee will receive a written notice stating reasons for the suspension period and the effective date. At the end of the suspension period and a reasonable observation period, the department head will inform the Town Administrator either of the employee's improved behavior/performance and his recommended retention or of the continued unsatisfactory situation and his recommended discharge of the employee.
- F. Discharge. An employee may be discharged either because he is unsatisfactory on the job or for violation of Town regulations. The employee will receive a written notice stating reasons for the discharge and the effective date.

§ 200-30. Grievance procedure.

Coverage: All employees.

- A. General policy. All employees, either personally or through a representative, have a right to have grievances and concerns regarding their employment heard in a fair, equitable and timely manner. It is understood that issues not having to do directly and primarily with day-to-day working life of the employee and relationships with his supervisor as well as the increase or decrease of general wage rates or salaries, or any other matter specifically mentioned in these rules as not being subject to a grievance, shall not be considered the subject of a grievance. An employee who submits a grievance or concern shall be entitled to a prompt response which includes an explanation, in writing, of the reason for the answer. When a grievance or concern is found justified, the employee can expect that necessary actions will be taken to resolve the problem. The decision to air a grievance shall not result in any penalty to the employee regardless of the final decision.
- B. Procedure. All grievances shall be handled in accordance with the grievance procedure set forth herein. The procedure shall be as follows:
 - (1) Step 1. Any employee with any questions, concerns, or grievances about his employment or working conditions should first talk to his immediate supervisor. The supervisor and employee are encouraged to work together to resolve the problem at this level.
 - (2) Step 2. If the employee is not satisfied with the response during informal discussions, the employee may present his case, in writing, to the department head. Within five working days, or such longer period as the parties agree upon, the department head shall meet with the

employee to discuss the case and provide the employee with a written decision.

- (3) Step 3. If the employee is still not satisfied, he may within seven working days submit the grievance, in writing, to the Town Administrator. The Town Administrator shall render a decision, in writing, within five working days, or such longer period as the parties agree upon.
- (4) Step 4. If the employee is still not satisfied, he may within seven working days submit the grievance, in writing, to the Board of Selectmen. The Board of Selectmen shall render a decision within 14 working days. The decision of the Board of Selectmen shall be final.

§ 200-31. Layoff procedure.

Coverage: All employees.

- A. General policy. The Town reserves the right to determine the necessity of layoffs.
- B. Criteria.
 - (1) When layoffs are necessary, the Town shall be the exclusive judge as to which employees as well as when they are to be terminated, based on, but not limited to, the following criteria:
 - (a) Prior experience directly or indirectly related to the position;
 - (b) Education and formal training;
 - (c) Aptitude or familiarity with required duties of the position;
 - (d) Prior attendance record;
 - (e) Performance history;
 - (f) Required licenses and certificates; and
 - (g) Length of service where the factors in Subsection B(1)(a) through (f) are, in the exclusive opinion of the Town, equal.
 - (2) An employee may not grieve a decision regarding layoffs.
- C. Recall. If a vacancy occurs within a two-year period following the date an employee was laid off, the Town Administrator shall notify all employees laid off within that period of the vacancy. If one or more employees notify the Town Administrator, in writing, that he/they desire to be employed in that position, the Town shall utilize the above criteria to determine the qualification of the former employee for the existing position.

§ 200-32. Physical fitness program.

Coverage: All permanent employees.

- A. General policy. The Town will provide up to \$125 per year towards each employee's voluntary participation in a year-long planned physical fitness program to be arranged by the Town. A prerequisite to the employee's approved participation in said activity will be a physical examination conducted by the employee's personal physician at the expense of the employee. Physical examination reports are to be considered confidential and necessary to the planning of a complete and proper physical fitness program designed to suit each individual's fitness needs.

§ 200-33. Smoking. [Amended 4-6-2005]

Coverage: All employees.

A. General policy.

- (1) The Town is dedicated to providing a healthy, comfortable and productive work environment for its employees. This goal can be achieved only through on-going efforts to protect nonsmokers and to help employees adjust to restrictions on smoking. All employees who smoke are strongly encouraged to discontinue smoking. The Town will fund and administer a program to help those employees voluntarily attempt to discontinue smoking.
- (2) In accordance with Chapter 270, § 22, of the Massachusetts General Laws, smoking is prohibited throughout all Town facilities.

B. Prohibited areas. It is emphasized that smoking will not be tolerated in the following areas:

- (1) Conference Rooms. There will be no smoking before, during or after public meetings, whether the meeting is held in a designated conference room or not. It is noted that if the meeting continues for an extended period of time, the moderator or chairman will recess the meeting for a short break.
- (2) Elevators. Smoking is prohibited in all elevators.
- (3) Rest rooms. Smoking is prohibited in all rest rooms.
- (4) Hazardous areas. Smoking is prohibited in all hazardous areas (i.e., storage of flammable materials, boiler rooms, generator rooms, etc.).
- (5) Hallways. Smoking is prohibited in all hallways.
- (6) Common work and public areas of Town buildings. Smoking is prohibited in all areas of Town buildings.
- (7) Private offices. Smoking is prohibited in all private offices in Town buildings.
- (8) Vehicles. Smoking is prohibited in all Town vehicles.
- (9) Break areas. Smoking is prohibited in all break areas within Town buildings.

C. Enforcement. The success of this policy will depend upon the thoughtfulness, consideration and cooperation of all Town employees. All employees share in the responsibility for adhering to and enforcing this policy. Any questions concerning compliance should be brought to the attention of the appropriate supervisor and, if necessary, referred to the Town Administrator for a final decision. The Town will take appropriate corrective measures or disciplinary action as per these rules and regulations. In all cases the rights of a nonsmoker to protect his health will take precedence over another employee's desire to smoke.

§ 200-34. Drug-free workplace.

Coverage: All employees.

A. General policy. The Town is dedicated to providing a healthy, comfortable and productive work environment for its employees. This goal can be achieved only through ongoing efforts to provide a drug-free workplace. Employees are thus prohibited from manufacturing, distributing, dispensing,

possessing or using illegal drugs or abusing prescription drugs within the workplace.

- B. Notification of conviction. All employees must notify the Town Administrator within 24 hours of any conviction of drug statutes. Appropriate personnel action will be taken in accordance with § 200-29 of these rules and regulations.
- C. Enforcement. All employees share in the responsibility for adhering to and enforcing this policy. Any questions concerning compliance should be brought to the attention of the appropriate supervisor and, if necessary, to the Town Administrator for a final decision.
- D. Employee assistance program. An employee assistance program is available to all employees seeking assistance through: Employee Support & Training, Inc., 165 Tor Court, P.O. Box 2071, Pittsfield, MA 01202.

§ 200-35. Sick leave bank.

Coverage: All permanent employees.

- A. General policy. Permanent full- and part-time employees who have depleted all of their accumulated sick leave benefits due to an extended illness or injury may be eligible to receive sick leave days (hereinafter referred to as “benefit days”) from the sick leave bank (hereinafter referred to as the “bank”) under the terms and conditions of this section.
- B. Membership. Any permanent full- or part-time employee who earns sick leave under § 200-10 of these regulations may elect to be a member of the bank. Employees must make the election in writing to the Town Accountant's office within 30 days of the adoption of this section or upon initial employment. Employees who do not choose to become members during their initial eligibility period may make an election during the month of January in subsequent years but are prohibited from applying for benefit days during the first year of membership. Employees who are members of the bank may elect, during the month of January, to leave the bank but subsequently forfeit all rights to receive benefit days as well as the return of contributed sick days from the bank. Members shall contribute two sick days to the bank upon initial membership and annually on January 1 thereafter. New employees shall contribute two sick days upon successful completion of probation. Membership in the bank shall not affect the employee's eligibility for sick leave buy back or other sick leave incentive programs, exclusive of sick days previously donated to the bank.
- C. Benefits. Any member who has exhausted his/her accumulated sick leave shall be eligible to request up to 10 benefit days from the bank on account of any one illness or injury upon submitting a written application therefor to the Town Administrator accompanied by a statement of the applicant's physician testifying to the illness or injury.
 - (1) Benefit days may be granted for any number of days, but in no event shall the Town Administrator grant more than 10 benefit days per application. Any addition to the number of benefit days previously granted shall require a new application.
 - (2) In no case will any benefit days be granted until the employee has been in a nonpay status for five workdays per event. An event shall mean a different illness or the recurrence of the same illness within a period of no less than four months apart.
 - (3) Unused benefit days from the bank shall be returned to the bank upon the employee's return to work or termination of employment.
 - (4) Applications shall be processed and considered in the order of receipt. In the event that the

approval of one or more applications for benefit days would result in the depletion of the bank, the Town Administrator shall assign the benefit days remaining as equitably as possible among those members whose applications are then pending.

D. Criteria. In determining the granting of benefit days, the following criteria shall be applied:

- (1) Employee's past usage (documentable abuse) of sick leave.
- (2) Employee must have been hospitalized as a result of current illness or injury.
- (3) Employee must be unable to perform his/her normal job, confirmed by written doctor's statement, for a minimum of three weeks from the initial onset of the illness or injury.
- (4) Employee must use at least five days of accumulated sick leave for each separate event.

§ 200-36. Employees with disabilities, medical handicaps or life-threatening illnesses such as cancer or AIDS policy. [Added 7-6-1994]

Coverage: All employees.

A. General policy (taken from the Berkshire County Chapter American Red Cross, AIDS Workplace Education Program Policy and Procedure Guidelines).

- (1) We at the Town of Adams understand that most employees with disabilities, medical handicaps, or life-threatening illnesses such as cancer or AIDS benefit greatly from the normal routines of daily life.
- (2) We understand that an employee's sense of self-esteem, worth, and good health are often enhanced by working at his or her regular job, despite a diagnosis.
- (3) As long as you, our employee, are able to meet approved standards and job performance as set down in your job description, and as long as medical information indicates that your condition or handicap does not endanger you or other employees, all of our managers and supervisors will see to it that you are treated fairly and consistently with and by other employees.
- (4) In light of these issues we still remind all employees, supervisors, and managers that:
 - (a) The health status of an employee is a private and confidential issue. Every reasonable step must be taken to protect the confidentiality of medical status and medical records.
 - (b) Our Town Administrator is the first source for information or answers to questions employees may have.
 - (c) We will make every effort to accommodate our employees because of the nature of their illness.
 - (d) We will not give special consideration to employees who feel threatened by another employee's condition, other than through our normal procedures.
 - (e) Working provides a therapeutic benefit for many persons diagnosed with handicaps or life-threatening illnesses. Continued employment of valued, productive employees helps the Town as well.
 - (f) In some cases we may request a physician's statement that a specific medical condition does not pose a threat to our work force. We also reserve the right to ask an employee to

be examined by one of our approved physicians should we deem it necessary.

- (g) We are an equal opportunity employer. We do not discriminate against any employee based on his or her handicap or perceived handicap under law.

§ 200-37. Sexual harassment policy. [Added 7-6-1994]

Coverage: All employees.

A. General policy (taken from "Preventing Sexual Harassment in the Workplace, a Model Sexual Harassment Policy, Figure 321-A").

- (1) It is Town policy that all employees have a right to work in an environment free of discrimination, which encompasses freedom from sexual harassment. The Town strongly disapproves of sexual harassment of its employees in any form and states that all employees at all levels must avoid offensive or inappropriate sexual and/or sexually harassing behavior at work and will be held responsible for ensuring that the workplace is free from sexual harassment.
- (2) Specifically, the Town prohibits the following:
 - (a) Unwelcome sexual advances.
 - (b) Requests for sexual favors, whether or not accompanied by promises or threats with regard to the employment relationship.
 - (c) Other verbal or physical conduct of a sexual nature made to any employee that may threaten or insinuate either explicitly or implicitly that any employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development.
 - (d) Any verbal or physical conduct that has the purpose or effect of substantially interfering with the employee's ability to do his or her job.
 - (e) Any verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile or offensive working environment.
- (3) Such conduct may result in disciplinary action up to and including dismissal.
- (4) Other sexually harassing conduct in the workplace, whether physical or verbal, committed by supervisors or nonsupervisory personnel is also prohibited. This behavior includes but is not limited to commentary about an individual's body, sexually degrading words to describe an individual, offensive comments, off-color language or jokes, innuendoes, and sexually suggestive objects, books, magazines, photographs, cartoons or pictures.
- (5) Employees who have complaints of sexual harassment by anyone at work, including any supervisors, co-employees, or visitors, are urged to report such conduct to Town officials so that the Town may investigate and resolve the problem. Employees may bring such matters to the direct attention of their supervisor or to the Town Administrator. If the complaint involves the employee's supervisor or someone in the direct line of supervision, or if the employee for some reason is uncomfortable in dealing with his or her immediate supervisor, the employee may go to another supervisor or directly to the Town Administrator.

- (6) The Town will endeavor to investigate all complaints as expeditiously and as professionally as possible. Where investigation confirms the allegations, appropriate corrective action will be taken. The Town will make every attempt to maintain the information provided to it in the complaint and investigation process as confidentially as possible.
- (7) There will be no retaliation against employees for reporting sexual harassment or assisting the Town in the investigation of a complaint. However, if after investigating any complaint of harassment or unlawful discrimination the Town learns that the complaint is not bona fide or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who provided the false information.

SUBDIVISION REGULATIONS

Chapter 201

SUBDIVISION REGULATIONS

[HISTORY: Adopted by the Planning Board of the Town of Adams effective 10-5-1977. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 22.

Subdivision of land — See Ch. 109.

Sewers — See Ch. 93.

Zoning — See Ch. 125.

Streets and sidewalks — See Ch. 105.

ARTICLE I
General Provisions

§ 201-1. Purpose.

The purpose of establishment of subdivision control procedures in Adams is to secure for the Town all of the benefits and protection authorized by the Subdivision Control Law, MGL c. 41, §§ 81K through 81GG, inclusive. The purpose of this chapter is to specify and make clear the requirements and procedures to be followed and the responsibilities to be discharged in operations under the Subdivision Control Law.

§ 201-2. Authority.

Under the authority vested in the Planning Board of the Town of Adams by MGL c. 40, § 81Q, said Board hereby adopts this chapter governing the subdivision of land in order to guide its orderly development consistent with the purposes of the Subdivision Control Law, MGL c. 41, §§ 81K to 81GG.

§ 201-3. Applicability.

- A. No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town or proceed with the improvement or sale of lots in a subdivision or the construction of ways or the installation of municipal services therein unless and until a definitive plan of such subdivision has been submitted to and approved by the Planning Board as hereinafter provided.
- B. No person shall erect more than one dwelling on a lot except as provided herein. (§ 201-25).

§ 201-4. Definitions.

BASE FLOOD ELEVATION — The level of flooding having a one-percent chance of being equaled or exceeded in any given year, as designated on Federal Insurance Administration (FIA) maps, or, in the absence of such designation, to be based upon the best available information regarding flood hazards, including floodplain delineations on the Adams Zoning Map or any other available United States Geological Survey (USGS), Soil Conservation Service (SCS), or Corps of Engineers studies.

BOARD — The Planning Board of the Town of Adams.

COLLECTOR STREET — A street which carries traffic equivalent to that generated by 50 dwelling units or more or which serves property either used or zoned for commerce or industry.

LANE — A street which carries traffic equivalent to that generated by 12 or fewer dwelling units, which has no abutting property either used or zoned for commerce or industry and which is not capable of extension.

MINOR STREET — A street which carries traffic equivalent to that generated by fewer than 50 dwelling units, which has no abutting property either used or zoned for commerce or industry and which is not capable of extension.

SUBDIVISION —

- A. The division of a tract of land into two or more lots and shall include resubdivision and, when appropriate to the context, shall relate to the process of subdivision of the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law if, at the time when it is made, every lot within the tract so divided has frontage on a public way or a way which the Clerk of the Town of Adams certifies is maintained and used as a public way, or a way shown on a

plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or a way in existence on November 12, 1963, having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by Chapter 125, Zoning, of the Town Code for erection of a building on such lot.

- B. Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots in such manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing on November 12, 1963, into separate lots, on each of which one of such buildings remains standing, shall not constitute a subdivision.

ARTICLE II
Plan Procedures

§ 201-5. General requirements.

- A. Only those plans which constitute subdivisions as that term is defined in § 201-4 require the approval of the Planning Board. However, all plans, whether subdivisions within the meaning of the law or not, must have either approval as a subdivision or endorsement that they do not require approval before they will be accepted for recording at the Registry of Deeds or registration at the Land Court.
- B. Plans intended for review at any meeting of the Planning Board must be forwarded to the office of the Town Clerk not later than 4:00 p.m. two working days prior to the Planning Board meeting. The day of the next regular Board meeting shall be considered to be the date of submission for all plans, except that the date of mailing shall be the date of submission for definitive plans sent by registered mail to the Planning Board, care of the Town Clerk.

§ 201-6. Plans which do not require approval.

- A. Submission. Any applicant who wishes to record in the Registry of Deeds or to file with the Land Court a plan of land which is believed not to require approval under the Subdivision Control Law may apply to the Planning Board for endorsement that such approval is not required. The applicant shall submit the plan (plus evidence that a subdivision is not required), two prints (to be retained by Planning Board) and a complete Form A (see Appendix) to the Planning Board and shall file, by delivery or registered mail, a copy of Form A with the Town Clerk. If the Board determines that the plan does not show a subdivision, it shall endorse the plan "Approval Under the Subdivision Control Law Not Required." The Board will return the original of the plan to the applicant notifying both him and the Town Clerk of its action.
- B. Required information. Such plans shall show all of the following:
 - (1) Any existing structures on the land shown on the plan and dimensions of proposed yards.
 - (2) Any existing structures on any remaining adjoining land owned by the applicant and dimensions of yards.
 - (3) Remaining frontage of any adjoining land in the same ownership.
 - (4) Present owner of the land shown on the plan and all abutting owners.
 - (5) Location of any easement or way, public or private, across the land, with a designation as to the use of the same.
- C. Time limit. If the Board fails to either act upon a plan submitted under this section or to notify the Town Clerk and the person submitting the plan of its action within 21 days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required. The Board must then so endorse the plan, or the Town Clerk may issue a certificate to the same effect.
- D. Ways in existence. Existing ways will normally be determined by the Board to provide adequate access to qualify a plan as not constituting a subdivision only when the layout, design, and construction of such ways meet the standards of this chapter for ways within a subdivision.

§ 201-7. Presubmission review.

Prior to investing in extensive professional design efforts for subdivision plans, it will often prove useful to review the proposed development of a parcel of land with the Planning Board in order that general approaches, possible use of cluster development, and potential problems can be freely explored. Pencil sketches, which need not be professionally prepared, will assist the discussion and might show some but not all of the information shown on a preliminary plan. In some cases, this presubmission review may eliminate need for such a preliminary plan.

§ 201-8. Preliminary plan.

- A. General. A preliminary plan of a subdivision may be submitted by the applicant to the Planning Board and to the Board of Health for discussion and approval, modification, or disapproval by each Board. The submission of such a preliminary plan will enable the subdivider, the Planning Board, the Board of Health, other municipal agencies, and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before costly engineering drawings for a definitive plan are prepared. Also, during discussion of the preliminary plan, the financial responsibilities pertaining to performance guarantees for the proposed subdivision [see § 201-9E(4)] can be explained and preliminary calculations worked out. Though the submission of a preliminary plan is not mandatory, it is strongly recommended that a preliminary plan be filed in each case except those where presubmission review had adequately clarified all issues.
- B. Contents. The preliminary plan shall be drawn on tracing paper or cloth at a scale of one inch equals 40 feet, unless the extent of the area being subdivided and amount of information being conveyed necessitates some larger scale of up to one inch equals 100 feet.
 - (1) A preliminary plan shall have contents as defined below:
 - (a) The subdivision name, boundaries, North point, date, scale, legend and title “Preliminary Plan”;
 - (b) The names of the record owner and the applicant and the name of the designer, engineer or surveyor;
 - (c) The names of all abutters, as determined from the most recent local tax list;
 - (d) The existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner;
 - (e) The proposed system of drainage, including adjacent existing natural waterways, in a general manner;
 - (f) The approximate boundary lines of proposed lots, with approximate areas and dimensions;
 - (g) The names, approximate locations and widths of adjacent streets; and
 - (h) The topography of the land in a general manner.
 - (2) In addition, to promote better understanding, it is requested that the following be submitted:
 - (a) A drawing at a scale of one inch equals 600 feet showing the outline of the tract being subdivided, streets in the vicinity of the subdivision sufficient to locate the subdivision on Town base maps, and streets and reserved open spaces proposed within the subdivision.

- (b) In the case of a subdivision covering less than all of the land owned by the subdivider in the area of the subdivision, a plan showing in a general manner the proposed overall development of all of said land.
 - (c) Preliminary findings, in a general way, of the environmental impact analysis if required by § 201-9D.
- C. Application procedure. The applicant shall submit to the Planning Board seven copies of the preliminary plan (applicant retains original), plus an original completed preliminary plan application and Form B (see Appendix). The applicant shall file by delivery or registered mail a notice with the Town Clerk of submission to the Planning Board of application for preliminary plan approval, accompanied by a copy of the completed Form B. The Planning Board shall distribute copies of the preliminary plan to the Director of Public Works, the Adams Fire District Chief, the Adams Sewer Commission, the Zoning Agent, the Conservation Commission and the Board of Selectmen. The applicant shall submit a copy of the plan to the Board of Health for its comments and suggestions.
- D. Approval or disapproval of preliminary plan. Within 45 days after submission of a preliminary plan, the Planning Board shall approve such plan with or without modifications suggested by it or agreed upon by the person submitting the plan, or the Board shall disapprove such preliminary plan and, in the case of disapproval, shall state its reasons therefor.
- E. Relation of preliminary plan to definitive plan and zoning provisions. Approval of a preliminary plan does not constitute approval of a subdivision, and a preliminary plan may not be recorded in the Registry of Deeds. Provided that a definitive plan is duly submitted within seven months from the date of submission of the preliminary plan, the subdivision rules and regulations in effect at the time of submission of the preliminary plan shall govern the definitive plan, and if the definitive plan is ultimately approved, the zoning provisions in effect at the time of submission of the preliminary plan shall govern the land shown for five years from the date of endorsement of the subdivision plan (MGL c. 40A, § 6).

§ 201-9. Definitive plan.

- A. Application procedure.
 - (1) Any person who desires approval of a definitive plan of a subdivision shall:
 - (a) Submit to the Planning Board the following:
 - [1] Eight contact prints of the definitive plan, dark line on white background. (See Subsection B of this section for definitive plan contents.) The original definitive plan drawing will only be needed if and when actual signing of the plan takes place.
 - [2] A drawing at a scale of one inch equals 600 feet showing the outline of the tract being subdivided, streets in the vicinity of the subdivision sufficient to locate the subdivision on Town base maps, and streets and reserved open spaces proposed within the subdivision.
 - [3] Three prints of street plans and profiles of every proposed street and three prints of street cross sections. (See Subsection C of this section for street plan, profile and cross section contents.)
 - [4] An environmental analysis, if required by the Planning Board for a proposed subdivision which would create frontage potentially allowing 30 or more lots. (See

Subsection D of this section for contents of environmental analysis.)

- [5] Two copies of properly executed application Form C (see Appendix).
 - [6] Evidence of the applicant's title to the proposed subdivision site.
 - [7] If requested by the Board, drainage calculations, traverse notes, language of any easements, covenants or restrictions applying to or proposed for the area being subdivided, rights and easements obtained for utilities or drainage outside of the subdivision, and description of erosion controls to be used.
- (b) File with the Town Clerk by delivery or registered mail a notice of submission to the Planning Board of the definitive plan, plus a copy of the completed application Form C.
 - (c) File with the Board of Health a copy of the definitive plan.
- (2) If necessary in order to determine compliance with the requirements or intent of this chapter, the Board may require further engineering or environmental analyses to be prepared at the expense of the applicant, employing professionals approved by the Board.
 - (3) All expenses for advertising, engineering, professional planning review, inspection plans, construction, recording, and filing of documents and all other expenses in connection with a subdivision shall be borne by the applicant (developer) and said bills paid before final security is released.
- B. Definitive plan contents. The definitive plan shall be prepared by a registered civil engineer and registered land surveyor and shall be legibly drawn in black India ink upon tracing cloth or polyester film. Sheet size shall not exceed 24 inches by 36 inches. The plan shall be at the scale as the Board may accept to show details clearly and adequately. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The definitive plan shall contain the following:
- (1) Subdivision name, boundaries, North point, legend, date, and scale.
 - (2) Name and address of record owner and of subdivider and stamp and signature of registered land surveyor and any other professionals engaged in the design.
 - (3) Location and names of all abutters as they appear in the most recent local tax list, designation of zoning district, and designation of subdivision districts [see § 201-10A(1) and (2)].
 - (4) Existing and proposed lines of streets, ways, paths, lots, easements, and public or common areas within the subdivision. (The proposed names of proposed streets shall be shown in pencil until they have been approved by the Planning Board.)
 - (5) Sufficient data to determine readily the location, direction, and length of every street and way line, easements, lot line and boundary line and to establish those lines on the ground. If any part of the subdivision is within 500 feet of a Massachusetts Coordinate System Survey Monument, the subdivision shall be tied to said system.
 - (6) Road center-line stationing, referenced to the street plans and profiles.
 - (7) On a separate sheet but at the same scale as the definitive plan, topography at two-foot contour intervals, with graphic drainage analysis, including distinction between upland and wetland, indication of annual high-water mark, and location of existing structures, including fences and

walls.

- (8) Lot numbers, shown enclosed in a circle, and street numbers, shown enclosed in a square.
- (9) Location of all permanent monuments, properly identified as to whether existing or proposed.
- (10) Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision.
- (11) Existing and proposed watercourses, ponds, and wetlands.
- (12) Suitable space to record the action of the Board and the Town Clerk's certification, as defined in MGL c. 41, § 81V. See Appendix.
- (13) The existing and proposed location of the base flood elevation (see definition) if encountered within, or within 100 feet of, the subdivision.

C. Street plans, profiles and cross sections.

- (1) For every street there shall be a separate plan at one inch equals 40 feet and a profile at one inch equals 40 feet horizontal and one inch equals four feet vertical showing the following data:
 - (a) Exterior lines of the way, with sufficient data to determine their location, direction and length.
 - (b) Existing center-line profile to be shown as a fine full line for proposed streets and for intersecting streets for at least 100 feet each side of the intersection of street center lines. When required by the Board, the existing topography on the right side lines of proposed streets shall be shown as dashed black line and left side lines as black dots. Elevations shall be based on USGS bench marks if such exist within 1,000 feet of the subdivision.
 - (c) Proposed center-line profile, to be a heavy full line, with elevations shown every 50 feet (25 feet on vertical curves).
 - (d) Existing and proposed watercourses, ponds and wetlands.
 - (e) All drainage facilities to be shown on the plan and profiles, showing pipe sizes, invert elevations, and slopes.
 - (f) Location and size of existing and proposed water mains, hydrants, and main gate valves.
 - (g) Location of existing and proposed cable utilities and their appurtenances.
 - (h) Location of the following, unless waived by the Board: existing and proposed street paving, sidewalks, streetlighting, curbs and gutters.
- (2) Typical street cross sections shall be supplied for each class of street within the subdivision, and for each subdivision district [see § 201-10A(1) and (2)], drawn at one inch equals four feet, showing all elements within the street right-of-way, and typical cross sections of any altered drainage courses or off-street paths.

D. Environmental analysis. Any subdivision creating frontage potentially allowing 30 or more lots shall be based upon an environmental analysis if required by the Planning Board, and, in addition, the Planning Board may require for subdivisions of fewer than 30 lots that certain of the following be submitted where such information is necessary to evaluate the plan because of special circumstances

of the location or proposal. Environmental analyses shall be prepared by an interdisciplinary team to include a land surveyor, civil engineer, and architect or landscape architect, unless otherwise agreed to by the Planning Board. The following documentation is required for each such analysis. Drawings shall be at uniform scale on sheets not larger than 42 inches by 60 inches.

(1) Site analysis, showing the following:

- (a) Location and boundaries of the site.
- (b) Topography as required under Subsection B(7).
- (c) Vegetative cover analyses, including identification of general cover type (wooded, cropland, fresh wetland, etc.), location of all major tree groupings, plus other outstanding trees or other botanical features, and important wildlife habitats.
- (d) Approximate groundwater level and location and results of soil percolation or other subsurface tests.
- (e) Visual analysis, including analysis of scenic vistas, and locations of visual prominence.

(2) Site proposals, showing the following:

- (a) Boundaries of the site, proposed lot lines, proposed streets and ways, and proposed parking areas if designated for eight or more cars, reproduced as a clear acetate or mylar overlay.
- (b) Proposed land uses.
- (c) Proposed grading plan and indication of areas of retained and proposed vegetation.
- (d) Proposed water, sewerage, and drainage systems, in a general manner.
- (e) Location and uses of any proposed structures.

(3) A narrative shall also be submitted, documenting the following with reference to the above environmental analysis maps as germane:

- (a) Impact upon surface water quality and level.
- (b) Impact upon groundwater quality and level.
- (c) Material effects upon important wildlife habitats, outstanding botanical features, and scenic or historic environs.
- (d) Capability of soils, vegetative cover, and proposed erosion control efforts to support proposed development without danger of erosion, silting, or other instability.
- (e) Relationship to the requirements of MGL c. 131, §§ 40 and 40A (the Wetlands Protection Act).

E. Plan processing.

- (1) Board of Health review. The Board of Health shall report to the Planning Board in writing its approval or disapproval of the definitive plan submitted to it. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown in such plan cannot be used for building sites without injury to the public health and include the reasons therefor in such report and, where possible, shall make recommendations for the adjustment

thereof. Approval of the plan by the Planning Board shall then only be given on condition that the lots or land as to which specific findings were made shall not be built upon without prior consent of the Board of Health. The Board shall endorse on the plan the lots or land to which said conditions apply. If a municipal sewerage system will service the proposed subdivision, the failure of the Board of Health to make its report within 45 days after the plan is filed with its office shall be deemed approval by that Board.

- (2) Review by other Town agencies. The Planning Board will distribute copies of the definitive plan to the Director of Public Works, the Adams Fire District, the Adams Sewer Commission, the Zoning Agent, the Conservation Commission, and the Board of Selectmen for their comments and suggestions. The Planning Board will distribute copies of the street profiles to the Director of Public Works and the Adams Fire District.
- (3) Public hearing. Before approval, modification and approval, or disapproval of the definitive plan is given, a public hearing shall be held by the Planning Board. Notice of the hearing time, place, and subject matter, sufficient for identification, shall be given by the Planning Board by advertisement in a newspaper of general circulation in the Town of Adams once in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing, and by mailing a copy of such advertisement to the applicant and to all owners of land abutting the land included on such plan as appearing on the most recent local tax list.
- (4) Performance guarantee. Before the Planning Board endorses its approval of a definitive plan, the developer shall agree to complete without cost to the Town all improvements required by this chapter and shall provide security that he will do so, either by covenanting not to sell or build upon any lots until completion of the improvements (which covenant must be referred to on the plan and registered or recorded with it; see Form F), or by posting bond or other security which the Town can utilize in the event that the improvements are not completed within two years (see Forms E-1 and E-2), or by some combination of these. The Board may grant partial release from such security for partial completion of improvements, provided that the completed portion provides a reasonable system for circulation and utilities pending completion of the rest. The Board may release the developer from the covenant upon receipt of an agreement executed by the applicant and by the holder of a first mortgage on the premises providing for retention of funds and their availability to the Town upon default (see MGL c. 41, § 81U, Paragraph 11). Full security shall not be released until the integrity of road pavement and drainage has been verified following a full winter of use, until trees and other vegetation have been established, until either fee to the streets has been conveyed to the Town (§ 201-22E) or other provisions for their continued maintenance have been accepted by the Board, and until the record plans have been received.
- (5) Approval, modification or disapproval. The action of the Board in respect to such definitive plan shall be by vote. Copies of said vote shall be certified and filed with the Town Clerk and a copy sent by delivery or registered mail to the applicant. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for its action.
 - (a) Criteria for action by the Board shall be the following:
 - [1] Completeness and technical adequacy of all submissions.
 - [2] Determination that development at this location does not entail unwarranted hazard to safety, health or convenience of future residents of the development or to others because of possible natural disasters, traffic hazard, or environmental degradation.

- [3] Conformity with the design standards of Article III.
 - [4] Determination, based upon the environmental analysis when submitted, that the subdivision as designed will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan.
 - [5] Conformity with all applicable zoning requirements.
- (b) Approval, if granted, shall be endorsed on the original drawing of the definitive plan by the signatures of a majority of the Board, but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk and the Clerk has notified the Board that no appeal has been filed.
 - (c) Following endorsement of the plan by the Board, the applicant shall provide the Board with a reproducible copy and two contact prints of the definitive plan and of the street plan and profiles; a copy of the definitive plan as recorded, noting book, page number, and date of recording; and a copy of final covenants and restrictions for its files. The Board shall supply the applicant with a completed Form D.
- F. Rescission. Failure of the developer to record the definitive plan at the Registry of Deeds within six months of its endorsement, or to comply with the construction schedule of the performance agreement (Form E, Covenant, or Form F, Performance Bond), shall constitute sufficient reason for Planning Board consideration of rescission of such approval, in accordance with the requirements of MGL c. 41, § 81W.

ARTICLE III
Design Standards

§ 201-10. General requirements.

- A. Districts. For the purposes of the design standards (Article III), the construction specifications (Article IV), and the typical street cross sections, the Town of Adams is hereby divided into two districts designated “mountain” and “plain.” Land having average slope of greater than 10% shall be considered mountain and of 10% or less plain.
- B. Design guides. The subdivision shall conform, insofar as practical, to any elements in a Town development policy which the Planning Board may adopt, provided that such elements are given public hearing in the same manner as prescribed for amendments to subdivision regulations and made available along with copies of the subdivision regulations. The subdivision shall be designed and improvements made by the developer consistent with the requirements of Articles III and IV. Design and construction shall:
- (1) Reduce, to the extent reasonably possible, the following:
 - (a) Volume of cut and fill.
 - (b) Area over which existing vegetation is disturbed.
 - (c) Number of mature trees removed.
 - (d) Extent of waterways altered or relocated.
 - (e) Visual prominence of man-made elements not necessary for safety or orientation.
 - (2) Increase, to the extent reasonably possible, the following:
 - (a) Use of collector streets to avoid traffic on streets providing house frontages.
 - (b) Visual prominence of natural features of the landscape.
 - (c) Vistas and water views from public ways.
- C. Cross section. Grading, location of pavements, utilities, and other improvements shall be designed and located as indicated on the typical street cross sections (see Appendix for sample).
- D. Flood hazard avoidance. Any subdivision located in any part within any flood hazard district established under Chapter 125, Zoning, of the Town Code shall comply with the following:
- (1) Subdivision design shall be consistent with the need to minimize flood damage within the flood-prone area, through use of clustering, open space reservation, street profile design, and drainage design.
 - (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems, shall be located and constructed to minimize or eliminate flood damage.
 - (3) Drainage systems shall be designed in consideration of possible flooding to the base flood elevation.
 - (4) Each lot shall have a means of vehicular egress over surfaces no lower than the base flood elevation.

§ 201-11. Streets and paths.**A. Location and alignment.**

- (1) All streets and paths in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe pedestrian and vehicular travel.
- (2) Provision satisfactory to the Board shall be made for the proper projection of streets and paths or for access to adjoining property which is not yet subdivided.
- (3) Reserve strips prohibiting access to streets or adjoining property shall not be permitted except where, in the opinion of the Board, such strips are in the public interest.
- (4) Street jogs with center-line offsets of less than 150 feet should be avoided.
- (5) Street configuration shall be designed, together with reserved open space, to minimize the number of lots having frontage exclusively on collector streets.
- (6) The minimum center-line radii of curved streets shall be not less than the following:

	Mountain	Plain
Lane	50 feet	75 feet
Minor Street	100 feet	150 feet
Collector Street	250 feet	350 feet

- (7) Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than 60°.
- (8) Any group of 20 or more lots shall provide for two means of egress.
- (9) Property lines at street intersections shall be rounded or cut back to provide for a radius at the edge of the traveled way of not less than 30 feet at intersections with a collector street and 20 feet for intersections involving only minor streets or lanes.
- (10) Street intersections on arterial streets (major inter-town streets) shall be spaced not less than 400 feet apart.
- (11) Pathways or sidewalks connecting existing trails, paths, or sidewalks should be preserved or created wherever reasonable, not necessarily following the streets, and should be developed in other locations where indicated by traffic, access to public or recreational facilities, or other reasons. When located within the street right-of-way, sidewalks shall be located at or near the outside of the layout but varied in horizontal location so as to minimize disturbance of natural features of the land and vegetation.

B. Width.

- (1) The minimum width of street rights-of-way shall equal 40 feet for lanes and 50 feet for minor and collector streets, except that the width of minor streets may be reduced to not less than the width of the traveled way plus 18 feet in cases where extension of the minor street is precluded.
- (2) The minimum width of rights-of-way for off-street paths, where proposed, shall be eight feet.

C. Grade.

- (1) Grades of streets shall be not less than 0.5%. Except for short intervals, grades shall be not more than the following:

	Mountain	Plain
Lane	14%	12%
Minor Street	12%	10%
Collector Street	8%	6%

- (2) On any street where the grade exceeds 6% on the approach to an intersection, a leveling area with a slope of not more than 4% shall be provided for a distance of not less than 50 feet measured from the nearest exterior line of the intersecting street.
- (3) Vertical curves are required whenever the algebraic difference in grade between center-line tangents is 2.0% or more.
- (4) Street center-line profile shall at no point be less than three feet above the grade of adjacent wetlands or marsh.

- D. Sight distances. Forward stopping sight distances shall not be less than the following:

	Mountain	Plain
Lane	100 feet	125 feet
Minor Street	150 feet	225 feet
Collector Street	300 feet	400 feet

- E. Dead-end streets.

- (1) Dead-end streets shall not be allowed except for lanes unless, in the opinion of the Board, they are necessitated by topography or other site conditions.
- (2) Dead-end streets shall be provided at the closed end with either a turnaround having an outside roadway diameter or at least 100 feet and a property line diameter of at least 115 feet or an alternative configuration accommodating the turning of a vehicle with thirty-foot wheelbase.

- F. Superelevation. On collector streets where appropriate, curves may be superelevated at a maximum rate of 0.06 foot per foot for a design speed of 30 miles per hour.

§ 201-12. Easements.

- A. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall normally be 20 feet wide.
- B. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, the Board may require that there be provided a stormwater or drainage easement of a minimum width of 20 feet to conform substantially to the lines of such watercourse, drainageway, channel or stream and to provide for construction or other necessary purposes.
- C. Drainage easements outside of the area of the subdivision, but occasioned by it, may be required of the subdivider.

- D. Slope easements shall be provided where cut or fill slopes cannot be contained within the street right-of-way.

§ 201-13. Stormwater management.

- A. Storm drainage, culverts, and related facilities shall be designed to permit the unimpeded flow of all natural watercourses, to ensure adequate drainage of all low points along streets, to control erosion, and to intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained. To the maximum extent feasible, stormwater shall be recharged rather than piped to surface water. Peak stream flows at the boundaries of the development shall be not more than 10% higher following development than prior to development.
- B. Storm sewers, retention basins, and leaching basins shall be based on a twenty-year frequency storm, and culverts shall be based on a fifty-year frequency storm. Design shall employ backflow valves or other devices as necessary to avoid damage from reverse circulation of floodwaters.
- C. Design shall be based upon either the Rational Method or Manning Formula. Water velocities shall be between two and 10 feet per second. The coefficient of runoff used shall be not less than 0.45 for subdivided areas. All developable land tributary to facilities being designed shall be assumed to be subdivided, except within the mountain district of this chapter and the floodplain district of Chapter 125, Zoning, of the Town Code. Leaching basins or a catch basin to manhole system of drainage is required, with no storm sewers of less than twelve-inch inside diameter and with catch basins at all low points and sags, near the corners of the roadway at intersecting streets, and at intervals of not more than 350 feet on continuous grades. The Board may require test borings at leaching basin locations where percolation is in doubt.

§ 201-14. Water supply.

- A. Provisions shall be made for water supply to each lot and for fire protection. When available, the water supply shall be from the Adams Fire District system, in which event system design shall be as specified by the District, evidenced by certification from the District that it approves the design and will permit connection.
- B. Where connection to the public system is not feasible, a subdivision plan shall be approved only upon presentation of evidence satisfactory to the Board, upon advice of the Board of Health, that adequate and suitable groundwater is available and upon evidence satisfactory to the Board, upon advice of the Fire Chief, that adequate provisions for fire fighting have been made.

§ 201-15. Sewage disposal system.

- A. When the subdivision abuts the existing sewerage system of the Town, connection shall be made. When the subdivision abuts a proposed sewer extension for which an appropriation has been authorized by Town Meeting action, the subdivision shall be sewered so that connection can be made as such extension progresses. Where gravity connection is not feasible, a lift station shall be located and installed in accordance with the requirements of the Sewer Commission.
- B. Individual or private sewerage systems will be permitted only under conditions other than the above.

§ 201-16. Other requirements.

- A. Open spaces. Before approval of a plan, the Board may require that an appropriate area be reserved for a possible park or parks and by appropriate endorsement on the plan require that no building be

erected upon such reserved area for a period of three years without the Board's approval. Such reservation shall be made where particular natural features, abutting public land, or the potential neighborhood need for recreation space make later public acquisition appear desirable, but in no event shall required reserved areas exceed 5% of the total area of the subdivision, unless so required by zoning or other regulations.

- B. Protection of natural features. Due regard shall be shown in the design and during construction to retain in a natural state all natural features and similar community assets which will add attractiveness and value to the subdivision. Such features may include trees of four-inch caliper, wetlands (as defined in MGL c. 131, § 40), watercourses, land within 200 feet of a river, pond, or stream, slopes greater than 15%, points having the highest ground elevation within 500 feet, other scenic points, and locations with historic associations.
- C. Underground wiring. All wiring, cables, and other appurtenances of electrical power, telephone, and fire alarm systems shall be placed underground within the limits of the street right-of-way, except where such underground installation would, in the judgment of the Planning Board, cause undue hardship by reason of topography, subsoil conditions, or other site peculiarities or by reason of the existing development pattern.

ARTICLE IV
Construction Specifications

§ 201-17. Improvements required.

The following improvements, to be constructed consistent with good building practice, shall be made by the developer without cost to the Town.

§ 201-18. Preparation and surfacing of roadway.

- A. Stumps, brush, roots, boulders, trees, and like material shall be removed as necessary to provide for paving, shoulders, and utilities, but, wherever feasible, existing vegetation shall be protected.
- B. All materials not suitable for the foundation shall be removed from an area three feet wider than the paved width and to a depth of at least 16 inches below finished grade. In that area, peat, silt, loam or similar yielding material shall be removed to leave a firm foundation. No loam suitable for reuse shall be removed from the subdivision unless adequate loam will remain or is otherwise assured to provide all disturbed areas within the subdivision with a loam depth of at least six inches, and also there is assurance that all streets from which loam is being removed will be brought to subgrade with approved materials within six months.
- C. No slopes resulting from grading of streets shall exceed one foot vertical to three feet horizontal in fill, one foot vertical to two feet horizontal in cut, or one foot to 3/4 foot in ledge. Slope easements or retaining walls shall be employed where slopes cannot be contained within street side lines. Land between the outside of the layout and the street pavement, and driveway entrances, shall be so graded as to prevent surface water on the street from draining onto private land except at designated ponding areas (see cross section).
- D. Traveled ways shall be provided with a foundation consisting of at least 12 inches or more as required by the Director of Public Works compacted in six-inch lifts (layers) of good binding gravel satisfactory to the Director of Public Works, clean, free of organic matter, and containing no stones over three inches in diameter. The material shall be thoroughly watered (if necessary) and rolled true to line and grade to conform to the typical street cross section and the street profiles. Any depressions that occur, either during or after rolling, must be filled with additional gravel and rolled until the surface is true and even.
- E. The wearing surface of roadways and driveways within the right-of-way shall be a two-course Type I-1 bituminous concrete pavement, applied with a three-inch (after compaction) base course and a one-inch (after compaction) finish course, after the roadway has been subjected to traffic for a time specified by the Director of Public Works.
- F. Traveled way width.

(1) The traveled way width, exclusive of curbing, shall be as follows:

	With Parking		Without Parking**	
	Mountain	Plain	Mountain	Plain
Lane	16 feet	22 feet	14 feet	20 feet
Minor Street	20 feet	26 feet	16 feet	22 feet

	With Parking		Without Parking**	
	Mountain	Plain	Mountain	Plain
Collector Street	24 feet	30 feet	20 feet	28 feet

** All dwellings set back 75 feet or more from the right-of-way, or parking bays provided at each dwelling.

- (2) The traveled way shall be located as shown on the approved cross section.

§ 201-19. Berms

Molded bituminous berms or paved gutters shall be installed wherever pavement grade exceeds 6% or elsewhere where required by the Board to control drainage. Berms, where used, shall be placed directly on the base course.

§ 201-20. Paths

- A. Sidewalks and footpaths required under § 201-11A(11) shall be constructed four feet in width and bicycle paths six feet in width.
- B. Surfacing of paths and sidewalks shall continue the material of connecting paths or, where such do not exist, shall be either three-inch dense-type I-1 bituminous concrete pavement laid in two one-and-one-half-inch courses on six-inch gravel foundation or other material specifically approved by the Board.

§ 201-21. Utilities.

- A. Water systems.
 - (1) When connection to the Adams Fire District system is possible, a complete water system shall be installed, including mains, gates, valves, and hydrants, consistent with the specifications and pipe size requirement of the Adams Fire District and as shown on the approved street plans.
 - (2) Before making connection to the Adams Fire District water system, the developer shall agree to comply with all appropriate regulations of the Adams Fire District.
- B. Sewage disposal.
 - (1) Common sanitary sewers within the subdivision shall be installed under the supervision of and in accordance with the requirements of the Adams Sewer Commission.
 - (2) Design and installation of such individual or private sewerage systems shall be under the supervision of the Board of Health in strict compliance with Title V of the State Environmental Code.
- C. Stormwater management system. A complete stormwater management system shall be installed as shown on the street plans and profiles and as follows:
 - (1) Piping shall be concrete unless asphalt-protected 16-gauge corrugated metal is approved by the

Board. Piping with less than 18 inches of cover shall be of reinforced concrete.

- (2) Catch basins and manholes as shown for typical street cross sections shall be at least six feet deep and four feet in diameter (inside measurements), constructed of concrete blocks with least two three-inch weepholes with galvanized one-fourth-inch wire mesh covers and 1/4 yard of crushed stone drainage per weephole. Leaching basins shall be backfilled for at least one foot around all sides with one-and-one-half-inch washed stone, topped with pea stone, and shall be cross-connected with twelve-inch drainpipe.
 - (3) Open brooks or tributary ditches which are to be altered shall be shaped to a cross section and gradient and provided with stream bottom hardening and riprap if necessary, all acceptable to the Board.
 - (4) Subdrain. At the option of the Director of Public Works, a six- or eight-inch perforated metal pipe shall be installed in a two-foot by four-foot deep trench with a six-inch bed of one-half-inch crushed stone covered by 3 1/2 feet of crushed stone and connected to the storm drain system
- D. Cable utilities; streetlights. All cable utilities shall be installed. Installation of streetlights may be required by the Planning Board as necessary for the safety of the inhabitants of the neighborhood.

§ 201-22. Other requirements.

- A. Boundary markers. Boundary markers shall be installed at all street intersections, at all points of change in direction or curvature of streets and at other points where, in the opinion of the Board, permanent bounds are necessary, but in any event not spaced further than 500 feet apart. Such monuments shall be granite, not less than 30 inches long and five inches square, with dressed top and a one-half-inch drill hole in the center, and shall be set to finish grade, or a drill hole and pin in ledge.
- (1) No permanent boundary marker shall be installed until all construction which would destroy or disturb its location is completed.
 - (2) Elevation markers. A permanent bench mark shall be set on a granite monument at each point where the street meets the base flood elevation.
- B. Street signs. Street signs of a design and material acceptable to the Director of Public Works shall be installed for each street at each intersection.
- C. Planting.
- (1) Every effort shall be made to preserve and protect existing vegetation.
 - (2) The subdivider may be required to plant trees where necessary, in view of existing vegetation, to assure amenity for the future residents of the proposed subdivision. Before the trees are planted, a plan showing their proposed location and species, based on avoidance of problems from pests, disease, or root intrusion, shall be submitted to the Planning Board for approval. Up to one tree of two-inch caliper each 40 feet of street side line may be required. Trees to be retained shall not have grade changed over their root areas more than 12 inches.
 - (3) All unpaved areas within the street layout shall be stabilized with retained vegetation, topsoil and plot grass, well rooted low-growing plantings, bark, or other organic materials acceptable to the Board.
- D. Cleaning up. Before sale of a lot, the subdivider shall clean up any debris thereon caused by street

construction and installation of utilities.

- E. Fee (title) to ways. The following shall be observed unless waived by the Planning Board for subdivisions where the public interest is served by retention of private ways and means of assuring such retention have been agreed upon. The subdivider shall retain title to the fee of each street or path in the subdivision until conveyed to the Town or for three years, whichever is the lesser. Notation that this is to be done shall be placed upon the definitive plan.
- F. Record plans.
 - (1) Upon completion of construction, and before release of the performance guarantee, the subdivider shall have prepared and shall submit record plans, which shall indicate the actual location of the following:
 - (a) Street lines.
 - (b) Edge of traveled way and path locations.
 - (c) All permanent monuments.
 - (d) Location and grades of inverts of utilities and drainage required to be installed by the developer.
 - (e) Location and grade of any other underground utilities, such as electricity and telephone.
 - (2) The accuracy of such record plan shall be certified by a registered professional land surveyor.
- G. Certification. A professional civil engineer retained by the developer shall certify that all construction was executed in conformance with the subdivision regulations and with all requirements agreed upon as a condition to plan approval.

ARTICLE V
Administration

§ 201-23. Schedule of work.

- A. The work connected with the items mentioned in Article IV shall proceed in the following order, each item to be accomplished so as not to interfere with previous work:
- (1) The roadway shall be brought to subgrade.
 - (2) Water, gas lines, cable utilities, and drains shall be placed with related equipment. All service connections shall be installed to the lot lines unless jacking across the street is feasible without breaking or weakening road pavement.
 - (3) Base gravel shall be placed.
 - (4) Surfacing shall be placed with sidewalks and curbs.
 - (5) Monuments and street signs shall be placed.
- B. The work shall proceed as above with exceptions only by order of the Planning Board.
- C. Inspections shall be arranged for by the developer as outlined on Form H, Inspection Form.

§ 201-24. Waiver.

Strict compliance with the requirements of this chapter may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

§ 201-25. One residential structure per lot.

Not more than one building designed or available for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision or elsewhere within the Town without the consent of the Planning Board. Consent shall be granted only for structures in compliance with zoning restrictions and only upon the Board finding that adequate ways servicing such site for each building have been provided in the same manner as otherwise required for lots within a subdivision.

§ 201-26. Statutory requirements.

For matters not covered by this chapter, reference is made to MGL c. 41, §§ 81K to 81GG, inclusive.

TRAFFIC REGULATIONS

Chapter 202

TRAFFIC REGULATIONS

[The traffic regulations of the Town of Adams are being revised and updated. Upon final adoption, they will be included in this chapter.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 105.

Vehicles and traffic — See Ch. 121.

Appendix

Chapter A500**ACCEPTANCES OF GENERAL LAWS****§ A500-1. List of acceptances.**

The following are laws of the commonwealth accepted by the Town:

Subject	Reference	Date	Where Located
Adoption of code concerning truant children	Acts 1873, c. 262	April 14, 1879	Bk. 1, Pg. 49, Art. 12
Ballots, printing and distributing	Acts 1890, c. 386	February 14, 1891	Bk. 1, Pg. 490, Art. 2
Assessors of taxes, election and term	Public Statutes c. 27, § 65; amended by Acts 1883, c. 203 and amended by 3 other acts	March 28, 1892 (took effect 1893)	Bk. 1, Pg. 538, Art. 23
Plumbing and drainage of buildings, rules and regulations for	Acts 1893, c. 477	March 26, 1894	Bk. 2, Pg. 13, Art. 13
Eight-hour day for certain Town employees	Revised Laws c. 106, § 20	April 12, 1902	Bk. 2, Pg. 257, Art. 14
Public playgrounds, provide and maintain	Acts 1908, c. 513	April 5, 1909	Bk. 2, Pg. 417, Art. 13
Relating to watering of public streets	Revised Laws c. 25, § 22 and amendments	April 4, 1910	Bk. 2, Pg. 444, Art. 11
Compensation for injuries sustained by certain public employees	Acts 1913, c. 807	March 2, 1914	Bk. 2, Pg. 583, Art. 6
Promotion of call men in Fire Department	Acts 1913, c. 487	March 2, 1914	Bk. 2, Pg. 584, Art. 7
Eight-hour day for Town employees	Acts 1909, c. 514, § 42 as affected by Acts 1911, c. 494	March 2, 1914	Bk. 2, Pg. 584, Art. 8
Licensing of motor vehicles carrying passengers for hire	Acts 1916, c. 293	September 6, 1919	Bk. 3, Pg. 209, Art. 2
Regulating and controlling certain sports and games on Sunday	Acts 1920, c. 240	May 20, 1920	Bk. 3, Pg. 241, Art. 2
Boxing laws	MGL c. 147 §§ 32 to 47	April 26, 1924	Bk. 3, Pg. 391, Art. 10
Sunday sports	MGL c. 136, §§ 21 to 25	March 4, 1929	Bk. 4, Pg. 62

Subject	Reference	Date	Where Located
Town Moderator, election and duties of	MGL c. 39, § 14	March 1931	Bk. 4, Pg. 149, Art. 28
Paying wages and salaries to Town militia	Acts and Resolves 1930, c. 157	March 14, 1931	Bk. 4, Pg. 156, Art. 17
Taking of fur-bearing mammals by use of traps-suspended	MGL c. 131, § 105C	March 1935	Bk. 4, Pg. 332, Art. 20
Town Accountant, appointment, and office of Auditor abolished	MGL c. 41, § 55	March 16, 1935	Bk. 4, Pg. 338, Art. 18
An act establishing in the Town of Adams representative town government by limited town meetings	Acts 1935, c. 235	March 2, 1936	Bk. 4, Pg. 363
Cemetery Commission to manage cemeteries	MGL c. 114, §§ 22 to 25, as amended by Acts 1934, c. 85	June 29, 1937	Bk. 4, Pg. 453, Art. 1
Sexton, appointment	MGL c. 41, § 4A	March 26, 1938	Bk. 5, Pg. 38, Art. 32
Permanent police force under civil service	MGL c. 31, § 48	April 1, 1939	Bk. 5, Pg. 139, Art. 48
Chairman of Board of Cemetery Commissioners, to be Town Meeting member at large	Acts 1939, c. 202	March 4, 1940	Bk. 5, Pg. 169
Nomination of candidates for Town officers by Town caucus	MGL c. 53, § 121	March 30, 1940	Bk. 5, Pg. 192, Art. 41
Police Department, members excused from duty without loss of pay	MGL c. 147, §§ 16B and 17	March 22, 1941	Bk. 5, Pg. 306, Art. 26
Janitors of schools, inclusion within classified civil service	MGL c. 31, § 4	March 22, 1941	Bk. 5, Pg. 306, Art. 27
Permitting certain places of business to keep open on Sunday	MGL c. 136, §§ 7 and 8 as amended	March 22, 1941	Bk. 5, Pg. 306, Art. 31
Reserve police force, establishment and appointments thereto subject to civil service	MGL c. 147, §§ 13A and 13C	October 14, 1941	Bk. 5, Pg. 327, Art. 15

Subject	Reference	Date	Where Located
An act authorizing the Town of Adams to reduce the number of Town Meeting members required for doing business in said Town	Acts 1941, c. 560	March 2, 1942	Bk. 5, Pg. 353
Town Constables, appointment by Board of Selectmen	MGL c. 41	March 1946	Bk. 6, Pg. 44, Art. 38
Board of Park Commissioners, election	MGL c. 45, § 14	March 17, 1947	Bk. 6, Pg. 145, Art. 46
Increase pension allowances certain retired Town employees	Acts 1947, c. 615	March 15, 1948	Bk. 6, Pg. 230, Art. 31
Increase pension or retirement allowances former Town employees	Acts 1948, c. 588	March 7, 1949	Bk. 6, Pg. 296
Town Wire Inspector, salary and appointment by Board of Selectmen	Acts 1949, c. 529	March 20, 1950	Bk. 6, Pg. 405, Art. 39
Provide permanent tenure for I. Audrey Louison, the present Town Clerk	MGL c. 41, § 19B	March 5, 1951	Bk. 6, Pg. 498
Providing certain increases in retirement pensions	Acts 1951, c. 781	March 17, 1952	Bk. 6, Pg. 587, Art. 35
Police force: five-day week	Acts 1951, c. 346	March 17, 1952	Bk. 6, Pg. 589, Art. 46
Relating to assessment for construction, maintenance and repair of domestic sewers installed in streets not presently containing such sewers	MGL c. 83	March 17, 1952	Bk. 6, Pg. 589, Art. 48
Personnel Board, appointment and classification and pay plan for certain positions	Acts 1948, c. 351	March 15, 1954	Bk. 7, Pg. 152, Art. 39
Civil service sec.	MGL c. 31, § 49A	March 7, 1955	Bk. 7, Pg. 279

Subject	Reference	Date	Where Located
Contribute to payment of premiums on group life insurance policies for certain Town employees	MGL c. 40, § 5, cl. 44	March 21, 1955	Bk. 7, Pg. 301, Art. 39
Authorizing Town to provide insurance for certain persons in service of Town and their dependents	MGL c. 32B	March 5, 1956	Bk. 7, Pg. 398
Provide unlimited tenure for Joseph T. Satko, present Town Accountant	Acts 1937, c. 5, §§ 1 and 2	March 4, 1957	Bk. 8, Pg. 38
Snow removal from private ways	MGL c. 40, § 6C	March 4, 1957	Bk. 8, Pg. 39
Bicycle registration and operation	MGL c. 85, § 11A	March 18, 1957	Bk. 8, Pg. 99, Art. 67
Stabilization fund established	MGL c. 40, § 5B	March 17, 1958	Bk. 8, Pg. 223, Art. 17
Planning Board established	MGL c. 41, § 81A	March 17, 1958	Bk. 8, Pg. 231, Art. 51
Providing for establishment of a regional school district by the City of North Adams and the Towns of Adams, Williamstown, Clarksburg, Florida, Savoy, Monroe, Heath and Charlemont	Act of General Court, 1958	November 3, 1959	Bk. 8, Pg. 479
Dancing school licenses	Acts 1939, c. 253; MGL c. 140, § 185H	November 14, 1960	Bk. 9, Pg. 278, Art. 11
Purchasing uniforms for Police Department	MGL c. 40, § 6B	March 20, 1961	Bk. 9, Pg. 363, Art. 29
Inspector of Gas Piping and Gas Appliances, appointment and term by legislature	MGL c. 143, § 30 enacted in 1960	March 20, 1961	Bk. 9, Pg. 383, Art. 2
Urban renewal program needed	MGL c. 12K, § 26XX	March 1962	Bk. 10, Pg. 29, Art. 38
Redevelopment authority needed	MGL c. 121, § 26QQ	March 1962	Bk. 10, Pg. 29, Art. 39

Subject	Reference	Date	Where Located
Subdivision Control Law	MGL c. 41 §§ 81K to 81GG	March 1963	Bk. 10, Pg. 238, Art. 33
Permit purchase of certain items of footwear and clothing	Acts 1964, c. 90, amending MGL c. 40	March 22, 1965	Bk. 11, Pg. 109, Art. 82
Establishment of regional school district together with Town of Cheshire	MGL c. 71, §§ 16 to 16I	March 7, 1966	Bk. 11, Pg. 178
Membership in Berkshire County Planning District	MGL c. 40B	March 28, 1966	Bk. 11, Pg. 231, Art. 54
Chief of Police, compensation for holiday service	Acts 1965, c. 786	March 28, 1966	Bk. 11, Pg. 232, Art. 57
Authority of Board of Selectmen to issue winter seasonal liquor licenses	MGL c. 138, § 17	March 28, 1966	Bk. 11, Pg. 233, Art. 61
Council on Aging	MGL c. 40, § 8B	July 25, 1966	Bk. 11, Pg. 256, Art. 2
Common sewers, rules and regulations for use	MGL c. 83, § 10	October 31, 1967	Bk. 11, Pg. 434, Art. 5
Housing Authority established	MGL c. 121, § 26K as amended	March 25, 1968	Bk. 12, Pg. 114, Art. 45
Industrial development financing authority established	Acts 1967, c. 772	March 25, 1968	Bk. 12, Pg. 115, Art. 46
Permit Board of Selectmen to establish certain traffic regulations relative to clearing of streets during snow plowing operations	MGL c. 40, § 22D	December 8, 1969	Bk. 12, Pg. 123, Art. 1
Traffic regulations	MGL c. 90, § 18A	May 27, 1970	Bk. 12, Pg. 111, Art. 4
Parking regulations	MGL c. 90, § 20C	June 4, 1973	Bk. 13, Pg. 512, Art. 8
Transfer of railroad bridge at Grove Street to commonwealth	Acts 1971, c. 634	June 4, 1973	Bk. 13, Pg. 512, Art. 7
Advanced vacation pay	MGL c. 44, § 65	June 10, 1974	Bk. 14, Pg. 141, Art. 2
Insurance	MGL c. 32B, § 7A	January 3, 1978	Bk. 15, Pg. 104, Art. 4
Insurance	MGL c. 32B, § 9E	January 3, 1978	Bk. 15, Pg. 105, Art. 5

Subject	Reference	Date	Where Located
Educational incentive, Police Department	MGL c. 41, § 108L	September 10, 1979	Bk. 15, Pg. 407, Art. 48
Selectmen - Administrator form of government	Acts 1983, c. 31	May 2, 1983	Bk. 16, Pg. 94, Q. 1
Establishment of Department of Public Works	Acts 1983, c. 34	May 2, 1983	Bk. 16, Pg. 94, Q. 2
To advertise Adams	MGL c. 40, § 6A	September 10, 1984	Bk. 16, Pg. 275, Art. 4
Equal education grant, professional development grant, minimum teacher salaries	Acts 1985, c. 188, §§ 12, 13 and 16	October 7, 1985	Bk. 16, Pg. 392, Arts. 1, 2 and 3
Property tax reduction (low income/elderly)	MGL c. 59, § 5, cl. 17C	May 27, 1986	Bk. 16, Pg. 474, Art. 49
Equal education opportunity grant	Acts 1985, c. 188	May 27, 1986	Bk. 16, Pg. 474, Art. 46
Improving public schools of the commonwealth	Acts 1985, c. 188, § 12	May 26, 1987	Bk. 16, Pg. 658, Art. 45
Establishment of Town scholarship fund	Acts 1986, c. 194	May 26, 1987	Bk. 16, Pg. 659, Art. 46
Regulating the payment of certain taxes in certain districts	Acts 1985, c. 59, § 57A	May 26, 1987	Bk. 16, Pg. 659, Art. 47
Granting or renewing certain licenses and permits	MGL c. 40, § 57 as amended by Acts 1985, c. 640	May 26, 1987	Bk. 16, Pg. 659, Art. 48
Improving public schools of the commonwealth	Acts 1985, c. 188, § 12	May 31, 1988	Bk. 17, Pg. 59, Art. 40
Payment of property taxes	MGL c. 59, § 57B as amended by Acts 1987, c. 402	May 31, 1988	Bk. 17, Pg. 60, Art. 41
Enhancing the teaching profession and recognizing educational achievement	MGL c. 71, § 40 as amended by Acts 1987, c. 727, § 10	October 3, 1988	Bk. 17, Pg. 107, Art. 8
Improving public schools of the commonwealth	Acts 1985, c. 188, § 12	May 30, 1989	Bk. 17, Pg. 181, Art. 47

Subject	Reference	Date	Where Located
Payment of public employees by direct bank credit	MGL c. 41, § 41B as amended	May 30, 1989	Bk. 17, Pg. 181, Art. 48
Workmen's compensation of certain elected and appointed officials	MGL c. 152, § 69 as amended	May 30, 1989	Bk. 17, Pg. 181, Art. 50
Establishing a stabilization fund by regional school districts	Acts 1988, c. 225, adding MGL c. 71, § 16G 1/2	May 30, 1989	Bk. 17, Pg. 181, Art. 51
Changes in assessment dates for new growth	Acts 1989, c. 653, § 40	Feb. 20, 1990	Bk. 17, Pg. 232, Art. 2
Compensation of certain local retirement system officials	MGL c. 32, § 20(4)(d 1/2) and (h)	May 29, 1990	Bk. 17, Pg. 309, Art. 19
Elderly tax exemptions	MGL c. 59, § 5 (17C 1/2)	May 29, 1990	Bk. 17, Pg. 309, Art. 20
Retirement system calculation	Acts 1987, c. 697, § 64	May 28, 1991	Bk. 17, Pg. 442, Art. 20
Retirement, service after age 70	Acts 1987, c. 697, § 107	May 28, 1991	Bk. 17, Pg. 442, Art. 21
Enhanced 911 emergency telephone service	Acts 1990, c. 291	May 28, 1991	Bk. 17, Pg. 443, Art. 22
Added credible service after age 70	MGL c. 32, § 90G 3/4, as amended by § 3 of c. 254, Acts 1990	May 26, 1992	Bk. 17, Pg. 531, Art. 20
Noncriminal disposition of bylaw violations	MGL c. 40, § 21D	May 26, 1992	Bk. 17, Pg. 531, Art. 21
Town officers to establish fees	MGL c. 40, § 22F	May 26, 1992	Bk. 17, Pg. 532, Art. 22
Benefits to part-time elected officials	Acts 1993, c. 58	September 2, 1992	Bk. 17, Pg. 562, Art. 4
Elderly property tax exemption	MGL c. 59, § 5 (41C)	May 30, 1995	Bk. 18, Pg. 257, Art. 23
Busing of school age children	Acts 1987, c. 767	May 30, 1995	Bk. 18, Pg. 257, Art. 24
Retirement Board compensation	MGL c. 32, § 20(6)	June 10, 1996	Bk. 18, Pg. 357, Art. 22
Establishment of various revolving funds	MGL c. 44, § 53E 1/2	May 27, 1997	Bk. 18, Pg. 474, Art. 20

Subject	Reference	Date	Where Located
Employee disability, dental, vision care without mandatory contributions	MGL c. 32B, § 15(a) as amended by Acts 1996	May 27, 1997	Bk. 18, Pg. 478, Art. 28
Creditable retirement service for military duty	MGL c. 32, § 4(1)(h) as amended by Acts 1996	May 26, 1998	Bk. 19, Pg. 54, Art. 24
Annual cost of living adjustments for retirees	MGL c. 32, § 103 as amended by Acts 1997	May 26, 1998	Bk. 19, Pg. 54, Art. 25
Bylaws and ordinances relative to the regulation of dogs	MGL c. 140, § 147A as amended	June 28, 1999	Bk. 19, Pg. 170, Art. 2
Excise rate of 4% of rent for each occupancy	MGL c. 64G, § 3A	May 22, 2000	Bk. 19, Pg. 373, Art. 26
Allows for senior citizens to volunteer to reduce tax bill	Acts 1999, c. 127, § 59	May 22, 2000	Bk. 19, Pg. 373, Art. 28
Allows for 3% cost of living increase for retirees	Acts 1999, c. 127, § 51	Oct. 10, 2000	Bk. 19, Pg. 401, Art. 15
Credible service for veterans	Acts 2002, c. 116, § 6	Nov. 18, 2002	Bk. 19, Pg. 729, Art. 13
Permit common victualers licensed to sell wine and malt beverages to also sell liqueurs and cordials	Acts of 1993, c. 481	June 21, 2005	Bk. 20, Pg. 280, Art. 32
Mutual aid agreements	MGL c. 40, § 4A; c. 48, § 59A; c. 40, § 8G	June 26, 2006	Bk. 20, Pg. 352, Art. 30
Hazardous waste agreements	MGL c. 59, § 59A (see also Ch. 32 of Town Code)	June 18, 2007	Bk. 20, Pg. 451, Art. 29
Medicare for retirees	MGL c. 32B, § 18	June 18, 2007	Bk. 20, Pg. 451, Art. 30
Application for Greylock Glen	MGL c. 43D, as amended, pursuant to § 11 of Chapter 205 of the Acts of 2006	June 18, 2007	Bk. 20, Pg. 452, Art. 31
Intermittent or reserve police members	MGL c. 31, § 60A	September 3, 2008	Selectmen's minutes for September 3, 2008
Automatic amusement devices license	MGL c. 140, § 177A-(4)	June 16, 2009	Bk. 21, Pg. 246, Art. 27

Subject	Reference	Date	Where Located
Commercial above and underground storage tank license	MGL c. 148	June 16, 2009	Bk. 21, Pg. 246, Art. 28
Economic opportunity area (EOA)	MGL c. 23A, § 3A-3H	June 16, 2009	Bk. 21, Pg. 246, Art. 29
Expedited permitting	MGL c. 43D, § 11; Chapter 205 of the Acts of 2006	June 16, 2009	Bk. 21, Pg. 247, Art. 30
Establishment of various revolving funds	MGL c. 44, § 53D	June 24, 2010	Bk. 21, Pg. 311, Art. 22
Local room occupancy tax of 2%	MGL c. 64G, § 3A	April 26, 2011	Bk. 21, Pg. 376, Art. 3
Local meals excise tax	MGL c. 64L, § 2A	June 27, 2011	Bk. 21, Pg. 430, Art. 24
Adams Retirement Board cost of living adjustment base	MGL c. 188; § 19 of the Acts of 2010	June 26, 2012	Bk. 21, Pg. 509, Art. 25
Increase minimum retirement allowance	Acts of 2011, c. 176	October 29, 2012	Bk. 21, Pg. 525, Art. 2
Surviving spouse benefits of disability retirees	Acts of 2012, c. 139	October 29, 2012	Bk. 21, Pg. 525, Art. 3
Establishment of Compensated Absence Fund	MGL c. 40, § 13D	June 17, 2013	Bk. 22, Pg. 56, Art. 14
Renfrew Park	Removal of Article 97 Protection	March 24, 2014	Bk. 22, Pg. 90, Art. 6
Initiate the process to aggregate electrical load resolution	MGL c. 164, § 134	April 30, 2015	Bk. 22, Pg. 196, Art. 3
Establishment of Other Post Employee Benefit (OPEB) Trust Fund	MGL c. 32B, § 20	June 23, 2015	Bk. 22, Pg. 264, Art. 23
Local room occupancy tax from 2% to 6%	MGL c. 64G, § 3A	June 23, 2015	Bk. 22, Pg. 264, Art. 24
Establishment of Economic Development Fund	MGL c. 44, § 53	June 23, 2015	Bk. 22, Pg. 264, Art. 25
Imposition of local sales tax upon the sale of restaurant meals of 0.75%	MGL c. 64L, § 2	June 23, 2015	Bk. 22, Pg. 264, Art. 26

Subject	Reference	Date	Where Located
Sale of alcoholic beverages between 10 a.m. and noon on Sundays	MGL c. 138, § 33B	June 20, 2016	Bk. 22, Pg. 347, Art. 23
Rescind Acceptance of Civil Service Law	MGL c. 31	June 19, 2017	Bk. 22, Pg. 438, Art. 23
Establishment of various revolving funds	MGL c. 44, § 53E 1/2, amended by the Acts of 2016	March 5, 2018	Bk. 22, Pg. 464, Art. 1
Establishment of expenditure limits on various revolving funds	MGL c. 44, § 53E 1/2, amended by § 86 of Chapter 218 of the Acts of 2016	March 5, 2018	Bk. 22, Pg. 465, Art. 2
Local acceptance of parking meter funds	MGL c. 40, § 22C, Chapter 218 of the Acts of 2016	March 5, 2018	Bk. 22, Pg. 471, Art. 6
Establishment of speed limit of 25 miles per hour	MGL c. 90, § 17C	March 5, 2018	Bk. 22, Pg. 471, Art. 7
Impose local excise tax on sale of marijuana	MGL c. 64N, § 3	June 18, 2018	Bk. 22, Pg. 529, Art. 23

Disposition List

Chapter DL**DISPOSITION LIST**

The following is a chronological listing of legislation of the Town of Adams adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).]

§ DL-1. Disposition of legislation.

Enactment	Adoption Date	Subject	Disposition
Board of Selectmen	4-6-2005	Smoking amendment	Ch. 200
ATM Art. 24	6-21-2005	Animals amendment	Ch. 14
ATM Art. 25	6-21-2005	Delinquent taxpayers amendment	Ch. 62, Art. I
ATM Art. 26	6-21-2005	Peace and good order amendment	Ch. 76
ATM Art. 27	6-21-2005	Vehicles and traffic amendment	Ch. 121
ATM Art. 28	6-21-2005	Vehicles and traffic amendment	Ch. 121
ATM Art. 32	6-21-2005	General Law acceptance	Ch. A500
ATM Art. 30	6-26-2006	General Law acceptance	Ch. A500
ATM Art. 24	6-18-2007	Administration amendment	Ch. 4
ATM Art. 25	6-18-2007	Right to farm	Ch. 89
ATM Art. 29	6-18-2007	Contaminated properties; General Law acceptance	Ch. 32; Ch. A500
ATM Art. 30	6-18-2007	General Law acceptance	Ch. A500
ATM Art. 31	6-18-2007	General Law acceptance	Ch. A500
ATM Art. 26	6-16-2008	Sewers amendment	Ch. 93
ATM Art. 29	6-16-2008	Property maintenance: abandoned and foreclosing properties	Ch. 87, Art. II
Board of Selectmen	9-3-2008	General Law acceptance	Ch. A500
ATM Art. 25	6-16-2009	Public consumption of marihuana or tetrahydrocannabinol	Ch. 11
ATM Art. 26	6-16-2009	Personnel amendment	Ch. 80

Enactment	Adoption Date	Subject	Disposition
ATM Art. 23	6-24-2010	Pawnbrokers and secondhand dealers	Ch. 12
STM Art. 8	3-24-2014	Zoning amendment	Ch. 125
ATM Art. 28	6-23-2015	Building construction amendment	Ch. 22
ATM Art. 24	6-20-2016	Building construction amendment	Ch. 22
ATM Art. 25	6-20-2016	Plastic bag reduction	Ch. 102
ATM Art. 19	6-19-2017	Ice Cream Truck Vendor's Permit	Ch. 60
STM Art. 1	3-5-2018	Revolving Funds	Ch. 50
STM Art. 3	3-5-2018	Licenses and Permits: Delinquent Taxpayers Amendment	Ch. 62, Art. I
STM Art. 4	3-5-2018	Streets and Sidewalks Amendment	Ch. 105
STM Art. 5	3-5-2018	Zoning Amendment	Ch. 125
ATM Art. 19	6-18-2018	Revolving Funds Amendment	Ch. 50

Enactment	Adoption Date	Subject	Disposition	Supp. No.
ATM Art. 20	9-24-2020	Zoning Amendment	Ch. 125	11
ATM, Art. 20	6-21-2021	Zoning Amendment	Ch. 125	12
ATM, Art. 20	6-21-2022	Zoning Amendment	Ch. 125	12
ATM, Art. 26	6-21-2022	Building Construction Amendment	Ch. 22	12
ATM, Art. 20	6-7-2023	Police Department Amendment	Ch. 86	13
ATM, Art. 21	6-7-2023	Finance Committee Amendment	Ch. 46	13
ATM, Art. 22	6-3-2024	Animals Amendment	Ch. 14	14
ATM, Art. 23	6-3-2024	Revolving Funds Amendment	Ch. 50	14

Enactment	Adoption Date	Subject	Disposition	Supp. No.
STM, Art. 1	12-10-2024	Zoning Amendment	Ch. 125	14
STM, Art. 2	12-10-2024	Zoning Amendment	Ch. 125	14
STM, Art. 3	12-10-2024	Stormwater Management	Ch. 104	14