

## **Bylaws**

**Chapter 5****ALARM SYSTEMS**

**[HISTORY: Adopted by the Town Meeting of the Town of Barre 6-22-2009 ATM, Art. 18. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Noncriminal disposition of violations — See Ch. 67.**

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**§ 5-1. Title and purpose.**

- A. This chapter shall be known as the "Alarm System Bylaw" and shall regulate alarms which cause a message to be transmitted to the Police or Fire Departments.
- B. The purpose of this chapter is to encourage alarm users to maintain the operational reliability of their alarm systems, to reduce or eliminate false alarm dispatch requests, to establish a system of regulations and fees with respect to alarm systems, and to provide for penalties for violations of this chapter.

**§ 5-2. Permit requirements; fee.**

No alarm user shall operate, or cause to be operated, an alarm system without a valid permit issued in accordance with this chapter. A separate permit is required for each alarm site. There will be a one-time fee of \$25 for a permit of an alarm site.

**§ 5-3. Alarm system operation and maintenance.**

- A. The alarm user shall maintain the alarm site and alarm system in a manner that will minimize or eliminate false alarm dispatches.
- B. The alarm user shall make every reasonable effort to respond or cause a representative to respond within one-half hour, when notified, to deactivate a malfunctioning alarm system or to provide access to the alarm site.
- C. The alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than 15 minutes after being activated.
- D. The alarm business performing monitoring services shall attempt to verify every alarm signal, except a duress or hold-up alarm activation, before requesting a police response to an alarm signal.
- E. An alarm system does not include an alarm installed in a vehicle or an alarm designed to alert only the inhabitants of a premises that does not have a sound device which can be heard on the exterior of the alarm site.
- F. Automatic dialers to the Police or Fire Departments are prohibited.
- G. The Police or Fire Departments shall not serve as alarm monitors.

**§ 5-4. Fines.**

- A. Effective July 1, 2009, an alarm user shall be subject to warnings and fines depending on the number of false alarm dispatches emitted from an alarm system within the fiscal year, based on the following schedule:

<b>Number of False Alarm Dispatches</b>	<b>Action Taken</b>	<b>Fine</b>
1	Warning	None
2	Warning	None
3	3 <sup>rd</sup> offense	\$50
4	4 <sup>th</sup> offense	\$75
5	5 <sup>th</sup> and subsequent	\$100

- B. Any persons operating an alarm system without a permit issued in accordance with this chapter shall be subject to an additional fine of \$100 for each false alarm dispatch.
- C. An alarm dispatch request caused by a criminal offense, a fire or other emergency, or an alarm resulting solely from power outages or extreme weather conditions shall not be counted as a false alarm dispatch.
- D. All fines and fees resulting from the enforcement of the provisions of this chapter shall be collected in the form of a personal check, money order or registered check, made payable to the Town of Barre and forwarded to the Police Department.
- E. State and municipal entities and nonprofit organizations shall be exempt from the provisions of this chapter.
- F. All fines shall be paid within 21 days of receipt of a noncriminal violation notice.

**§ 5-5. General provisions.**

- A. Except as otherwise required by law, the information furnished and secured pursuant to this chapter shall be confidential in character and shall not be subject to public inspection.
- B. The alarm user may appeal the decision of the alarm administrator to the Town Administrator or designee by filing a written request for a review within 10 days after receipt of a noncriminal violation notice. The Town Administrator or designee shall conduct a hearing and render a written decision within 30 days. The decision of the Town Administrator or designee shall be final.
- C. The Chief of Police shall serve as the alarm administrator to: administer, control and review alarm applications, permits, and alarm dispatch requests, develop a procedure to accept verified cancellation of alarm dispatch requests, promulgate such regulations as may be necessary or required to implement this chapter.

BARRE CODE

**Chapter 7**

**ALCOHOLIC BEVERAGES**

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

**GENERAL REFERENCES**

**Alcohol use on the job (just cause standard) — See Ch. 84.**

## ARTICLE I

**Consumption or Possession in Public**  
**[Adopted 12-30-1974 STM, Art. 1]****§ 7-1. Public ways and vehicles; fine. [Amended 6-18-1983 ATM, Art. 22]**

Whoever shall, within the limits of any public way located within the town, whether that public way be a town way, county highway, state highway, or a private way open to the public, consume intoxicating beverages or has in possession an open container thereof shall be punished by a fine not exceeding \$50. This section shall also be construed so as to prohibit the following: the consumption of intoxicating beverages or the possession of an open container thereof by any person while such person is standing, sitting, walking, running or otherwise present within such way or is within any vehicle, whether parked or moving, which is within the limits of such public way.

**§ 7-2. Public and school property; fine. [Amended 6-18-1983 ATM, Art. 22]**

Whoever shall consume any intoxicating beverage or has in possession an open container thereof in any public building, or on any public property, including parks, cemeteries, school houses and school grounds, and public squares, or in any private way or parking area regulated under the provisions of MGL c. 90, § 18, shall be punished by a fine not exceeding \$50.

**§ 7-3. Exceptions. [Amended 6-15-2021 ATM, Art. 20]**

The foregoing §§ 7-1 and 7-2 shall not apply to any activity duly licensed by the Select Board under the applicable provisions of the Massachusetts General Laws.

**§ 7-4. Arrest of violators. [Added 10-11-1978 STM, Art. 4]**

Any person who consumes intoxicating beverages, or has in possession an open container thereof as prohibited by § 7-1 or 7-2 shall be subject to arrest, without a warrant, by a Sheriff, Deputy Sheriff, town police officer, or state police officer.



**Chapter 11****ANIMALS**

**[HISTORY: Adopted by the Town Meeting of the Town of Barre 6-13-1994 ATM, Art. 41; amended in its entirety 6-9-2003 ATM, Art. 36. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Animals — See Ch. 401.**

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**§ 11-1. Definitions. [Amended 6-17-2014 ATM, Art. 18]**

Definitions of "animals," "keeper," "owner," and "run at large" are defined in MGL c. 140, § 136A.

**§ 11-2. Running at large prohibited; exception for sporting events.**

No owner or keeper of a dog shall permit such dog, whether licensed or unlicensed, to run at large within the Town of Barre, except that a dog may, for the purpose of sporting events such as hunting, field trials or training purposes, be exempt from the restraining order during such period of time as the dog is actually engaged in the event or sport.

**§ 11-3. Leashing required; length of leash.**

Dogs may be taken from the owner's premises, provided that such dogs are on a leash or under the control of the owner or keeper. Said leash shall not be more than 15 feet long.

**§ 11-3.a. Removal of nuisances.**

The owner or keeper of dogs shall immediately remove any defecation from any street, public place and property of another.

**§ 11-4. Impoundment of unrestrained dogs.**

It shall be the duty of the Animal Control Officer to apprehend any dog found unrestrained and running at large and to impound such dog or other animal in a suitable place or to order the owner or keeper thereof to restrain said dog or other animal.

**§ 11-5. Notice to owner of impounded animal; reclamation fee.**

- A. If such dog or other animal so impounded has upon it the name and address of the owner thereof, or if the name of said owner is otherwise known, then the Animal Control Officer shall attempt to immediately notify the owner, and if the owner is not known, then no notice shall be necessary.  
**[Amended 6-17-2014 ATM, Art. 18]**
- B. The owner of any dog or other animal so impounded may reclaim such dog or other animal upon the payment of the impoundment fee as set by the Select Board and in accordance with Chapter 46, Article III in the Town of Barre Code. Such payment shall include day in and day out and any part thereof that the dog or other animal is held thereafter. However, if the dog is not licensed or is not up

to date on its rabies vaccination, these violations must be brought into compliance before the dog is released to any person. Any and all violations shall be paid by the owner or keeper before the dog is returned. [Amended 6-18-2013 ATM, Art. 25; 6-15-2021 ATM, Art. 20]

**§ 11-6. Disposition of funds. [Amended 6-18-2013 ATM, Art. 25; 6-17-2014 ATM, Art. 18]**

The sums collected pursuant to the provisions of this bylaw shall be accounted for and paid to the Town Treasurer with the exception of the pickup and impoundment fees which are paid directly to the Town of Rutland as outlined in the Regional Animal Control Agreement until the termination of that agreement.

**§ 11-7. Disposition of unclaimed animals. [Amended 6-18-2013 ATM, Art. 25]**

Any dog or other animal which has been impounded and has not been redeemed by the owner within seven days shall be disposed of as provided by MGL c. 140, § 151A, and any amendments thereto.

**§ 11-8. Violations and penalties. [Amended 6-18-2013 ATM, Art. 25; 6-15-2021 ATM, Art. 20]**

Any owner or keeper found in violation of any of the provisions of the bylaw shall be subject to the fines and fees as established by the Select Board and in accordance with Chapter 46, Article III of the Barre Code. 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 bylaw. Owners of dogs or other animals who receive five or more notices of violation of this bylaw shall be subject to a hearing before the Select Board.

**§ 11-9. Enforcement. [Amended 6-12-2006 ATM, Art. 32]**

The Animal Control Officer or officers duly appointed shall enforce the provisions of this bylaw relating to dogs, cats or other animals and shall attend to all complaints or other matters pertaining to dogs, cats or other animals in the Town of Barre.

**§ 11-10. Alternative enforcement procedure. [Amended 6-12-2006 ATM, Art. 32; 6-18-2013 ATM, Art. 25; 6-17-2014 ATM, Art. 18]**

A. Notwithstanding any provisions of the general laws to the contrary, any Animal Control Officer who takes cognizance of a violation of:

- (1) This bylaw;
- (2) Failure to license dogs (pursuant to MGL c. 140, § 137, and amendments thereof) failure to acquire a kennel license (pursuant to MGL c. 140, § 137-A – 137D, and amendments thereof); or
- (3) Failure to vaccinate dogs, cats or other animals that are required to be vaccinated against rabies (pursuant to MGL c. 140, § 145-B, and amendments thereof);

May issue or mail a notice of complaint of violation of the above-mentioned procedure to the owner or keeper. If the owner or keeper of such dog(s), cat(s) or other animal as defined by MGL c. 140, § 145B, is a minor, the parent or guardian of such minor shall be held liable for any violation of the bylaw.

B. Any owner or keeper of a dog(s), cat(s) or other animal as defined by MGL c. 140, § 145B, found in violation of the above-mentioned procedure shall be subject to fines as established by the Select Board and in accordance with Chapter 46, Article III, of the Barre Code. If the owner or keeper of a



dog or dogs or cat or cats is a minor, the parent or guardian of such minor shall be held liable for any violation of the bylaw. **[Amended 6-15-2021 ATM, Art. 20]**

C. The procedure set forth above shall also include the provisions of MGL c. 140, § 173-A, as amended.

**§ 11-11. "Kennel" defined; kennel licenses.**

- A. The definition of "kennel" shall be as per MGL c. 140, § 136A, and amendments thereof.
- B. All kennel locations and any change in kennel locations are subject to approval by the Zoning Enforcement Officer and licensed by the Town Clerk in accordance with the Clerk's requirements. All kennels shall be in accordance with MGL c. 140, § 137A-D. **[Amended 6-17-2014 ATM, Art. 18]**

**§ 11-12. Wildlife control.**

- A. Whenever there is a call for a problem involving wildlife, the Animal Control Officer will respond and make an evaluation of the situation and make a determination as to whether or not there is, in his/her opinion, a threat to health or public safety.
- B. If it appears there may be a threat to public health or to the safety of a person or persons, at the time, then the Animal Control Officer shall exercise his authority and attempt to resolve the problem.
- C. If there is no apparent, immediate health or safety problem, then it shall be the responsibility of the homeowner, landlord, or other person in control of the property to remove the problem animal or to seek out a private individual(s) who works in this area, to assist them, at their own personal expense.
- D. If the problem involves the capture and disposal of a wild animal, there will be a charge to the homeowner, landlord, or person in control of the property. This fee will be established by the Select Board and in accordance with Chapter 46, Article III of the Barre Code. **[Amended 6-18-2013 ATM, Art. 25; 6-15-2021 ATM, Art. 20]**

**§ 11-13. Dangerous and potentially dangerous dogs.**

Definitions. As used in this section, the following terms shall have the meanings indicated:

COMPANION ANIMAL OR PET — Any dog or cat, and also any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal. "Pet" or "companion animal" shall not include a "farm animal" as defined in this section.

DANGEROUS DOG —

- (1) Any dog which, unprovoked, in an aggressive manner, inflicts severe injury upon or kills a human being.
- (2) Any dog previously determined to be and currently listed as a potentially dangerous dog which, after its owner or keeper has been notified of this determination, continues the behavior that caused it to be listed as a potentially dangerous dog, or is found to be in violation of orders placed upon it in a previous hearing.

- (3) Any dog that has been used for the purpose of dog fighting or is a dog trained for dogfighting.

FARM ANIMAL — Any poultry, ungulate, species of cattle, sheep, swine, goats, llamas, equine, or other fur-bearing animal which are raised for commercial or subsistence purposes.

OWNER — Any person possessing, harboring, keeping, having an interest in, or having control or custody of a dog. If the animal is owned by a person under the age of 18, that person's custodial parents or legal guardian shall be responsible for complying with all requirements of this bylaw.

POTENTIALLY DANGEROUS DOG —

- (1) Any dog which, unprovoked, chases or approaches a person in a menacing fashion or apparent attitude of attack upon the streets, sidewalks or any public or private property.
- (2) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals.
- (3) Any dog which, unprovoked, on two separate occasions within the prior thirty-six-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off of the property of the owner of the dog.
- (4) Any dog which, unprovoked, on two separate occasions within the prior thirty-six-month period has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner of the dog.
- (5) Any dog which, unprovoked, bites a person causing a less than severe injury.

SEVERE INJURY — Any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or corrective or cosmetic surgery. **[Amended 6-15-2021 ATM, Art. 20]**

Exemptions:

No dog may be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog, or has in the past been observed or reported to have teased, tormented, abused or assaulted the dog, or was committing or attempting to commit a crime.

The provisions of this section shall not apply to dogs owned by law enforcement agencies or law enforcement officers in the performance of police work.

Procedure for determining a "potentially dangerous or dangerous" dog.

Based upon receipt of a written complaint by a citizen requesting a determination that a dog is potentially dangerous or dangerous, or on the initiative of an Animal Control Officer based on information received by such Officer, the Select Board may make an investigation and determination that a dog is potentially dangerous or dangerous. The investigation and determination shall be in accordance with the provisions of this ordinance and shall be consistent with the procedures delineated in MGL c.140, § 157.

When a dog is determined to be potentially dangerous or dangerous, the Select Board may order any or all of the following:

- (a) Spaying or neutering within 30 days.
- (b) Microchip identification, tattooing or other means of permanent identification.
- (c) Behavior training.
- (d) Any other order concerning the keeping, restraint, removal from the Town, humane euthanasia, or disposal of such dog, as may be deemed necessary, in accordance with MGL c. 140, § 157.

Such orders may include:

Requirements at home for dogs that have been determined to be potentially dangerous or dangerous: While on the owner's or keeper's property, a dog that has been determined to be potentially dangerous or dangerous may be ordered securely confined indoors or in a securely enclosed and locked pen or structure of a type meeting standards established by the Animal Control Officer, suitable to prevent the entry of young children and designed to prevent the dog from escaping. Such pen or structure must have a minimum dimension of 12 feet by 12 feet by six feet high, with a solid floor to prevent the dog from digging out and a top to prevent the dog from climbing out. If the pen has no solid floor secured to the sides, the sides must be embedded into the ground no less than two feet to prevent digging out. The enclosure must provide the dog with adequate shelter from the elements of nature. The owner shall conspicuously display a sign with a symbol warning children who cannot read of the presence of a dangerous dog.

Requirements outside of the home for dogs that have been determined to be potentially dangerous or dangerous:

While off of the owner's or keeper's premises, a dog that has been determined to be potentially dangerous or dangerous must be restrained by a lead approved by the Animal Control Officer not exceeding six feet in length and must be under the direct control of a responsible, able-bodied adult. No dog designated as a potentially dangerous or dangerous dog shall be permitted at public festivals, carnivals, parades or similar events. The dog may be required while at large to wear a muzzle designed to prevent the dog from biting. The muzzle must prevent injury to the dog and must not interfere with the dog's vision or respiration.

The owner or keeper of a dog that has been determined to be potentially dangerous or dangerous must immediately notify the Animal Control Officer if the dog (a) is loose or unconfined; (b) bites a person or attacks another animal; (c) is sold, given away or dies; (d) has been moved to another address, and the location of the new address.

Penalties.

If said animal is found on property not owned or controlled its owner or keeper, or is found to be not restrained in a secure area, or is found to be in violation of any order issued by the Select Board, said dog may be subject to further restriction, including an order of removal from the Town of Barre or humane euthanasia.

Each day there exists a violation of any of the provisions of this ordinance shall constitute and be punishable as a separate offense.

A dog that has been determined to be potentially dangerous or dangerous shall not be considered legally licensed, pursuant to MGL c.140 §§ 137; 147 unless the owner is in full compliance with this ordinance.

**§ 11-14. Fees and penalties.**

- A. All licensing fees and fines and penalties shall be established by the Select Board and in accordance with Chapter 46, Article III of the Barre Code. [**Amended 6-9-2008 ATM, Art. 23; 6-18-2013 ATM, Art. 25; 6-15-2021 ATM, Art. 20**]
- B. All fees collected by the Town Clerk will be deposited into the Town Treasury in accordance with MGL c. 140, § 147 and amendments thereof.
- C. Anyone renewing a dog license after the deadline date of June 1 must pay a late licensing penalty as indicated above in addition to the cost of the dog license.

BARRE CODE

**Chapter 15**

**UNREGISTERED MOTOR VEHICLES**

**[HISTORY: Adopted by the Town Meeting of the Town of Barre 11-21-2005 STM, Art. 6.  
Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Vehicles and traffic — See Ch. 128.**

**Zoning — See Ch. 140.**

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**§ 15-1. Unregistered motor vehicle bylaw.**

- A. It shall be unlawful for the keeping of more than 10 unregistered motor vehicles stored outside on any single premise. Farm and industrial vehicles are excluded, except by a person otherwise governed under the provisions of Massachusetts General Laws. Two of the 10 unregistered motor vehicles may be visible from a public way, eight of these vehicles may not be visible from a public way or within 10 feet from a property line.

**§ 15-2. Enforcement.**

- A. Any person storing any motor vehicles(s) in violation of this bylaw or being in control of premises on which one or more vehicle(s) is/are stored in violation of this section, who fails to remove any such motor vehicles within 30 days after having received a certified written notice from the Building Commissioner to do so, shall be penalized by a fine not to exceed \$25 per day starting on the 31st day and for every day thereafter.
- B. Any person wishing to register a complaint must do so in writing to the Office of the Building Commissioner.

BOARDS, COMMITTEES AND COMMISSIONS

**Chapter 18**

**BOARDS, COMMITTEES AND COMMISSIONS**

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

GENERAL REFERENCES

Personnel — See Ch. 84.

## ARTICLE I

**Finance Committee****[Adopted 3-6-1954 ATM, Art. 35]****§ 18-1. Establishment; eligibility. [Amended 3-13-1978 ATM, Art. 4; 2-6-2012 STM, Art. 13]**

There shall be a Finance Committee consisting of seven legal voters of the Town who shall be appointed by the Moderator as hereafter provided. No elected or appointed Town officer or Town employee shall be eligible to serve on such Committee, except that a member of the Finance Committee may be a member of the Capital Planning Committee, Landfill Study Committee, or any other advisory committee that does not have a budget reviewed by the Finance Committee.

**§ 18-2. Appointment of members; term of office; records. [Amended 3-13-1978 ATM, Art. 4]**

The Moderator of the Town Meeting shall, at the conclusion of the Annual Town Meeting at which this amendment is adopted or at the first Annual Town Meeting following adoption of this bylaw, if at a Special Town Meeting, and each third year thereafter appoint three members of said Committee for terms of three years. In all other years he shall appoint two members for terms of three years. If this amendment is adopted at a Special Town Meeting, the then-serving Finance Committee shall appoint a seventh member to serve from that time until the next Annual Town Meeting. The term of office of said member shall commence immediately upon qualification and shall expire at the close or final adjournment of the annual Town meeting at which their successors are appointed. Said Committee shall choose its own officers, shall serve without pay, and shall cause to be kept a true record of its proceedings.

**§ 18-3. Filling of vacancies. [Amended 6-11-2007 ATM, Art. 19]**

Whenever any vacancy shall occur in said Committee by resignation, removal from Town, death, failing to qualify or otherwise, said vacancy shall be filled by the Moderator.

**§ 18-4. Referral of warrant articles. [Amended 6-15-2021 ATM, Art. 20]**

To this Committee shall be referred all articles in any warrant for a Town Meeting hereafter issued. The Select Board, after drawing any warrant for a Town Meeting, shall transmit immediately a copy thereof to each member of the Finance Committee, and said Committee shall consider all such articles. A public hearing may be held upon all articles unless a public hearing by some other tribunal is required by law, and a notice of such hearing shall be given by posting a copy thereof in at least four public places in the Town. After due consideration of the subject matter in such articles, said Committee shall report thereon to the Town Meeting such recommendations as it deems best for the interests of the Town.

**§ 18-5. Examination of statements of expenditures; explanations and suggestions.**

It shall be the duty of the Finance Committee annually to consider the expenditures of previous years and the estimated requirements for the ensuing year of the several boards, officers and committees of the Town as prepared by them in such form and detail as may be prescribed by said Committee. Said Committee shall add to said statement of expenditures and estimates another column giving the amounts which, in its opinion, should be appropriated for the ensuing year and shall further add thereto such explanations and suggestions relating to the proposed appropriations as it may deem expedient and report thereon as provided in § 18-4.



**§ 18-6. Annual report.**

It shall be the duty of the Finance Committee to make an annual report of its doings with the recommendations relative to financial matters to be printed with the annual reports of the other Town officers.

## ARTICLE II

**Civilian Law Enforcement Review and Advisory Board  
[Adopted 6-17-1991 STM, Art. 7]****§ 18-7. Purpose; establishment.**

- A. The purpose of this bylaw is three-fold:
- (1) To provide a vehicle by which any person may have any complaints or concerns regarding law enforcement in Barre promptly reviewed by an impartial and fair investigating body.
  - (2) To protect the Police Department from unwarranted and unjustified accusations concerning law enforcement practices.
  - (3) To minimize the possibility of law suits being brought against the Town of Barre concerning law enforcement procedures.
- B. To accomplish these objectives there is established a Civilian Law Enforcement Review and Advisory Board (hereinafter referred to as The Board).

**§ 18-8. Membership; terms; compensation.**

- A. The Select Board shall appoint three regular members and two alternate members from the Town of Barre. Both regular and alternate members are to serve staggered terms. Alternate members may sit on the Board in case of absence, inability to act, or conflict of interest on the part of any regular member or in the event of an unfilled vacancy on the Board. Both regular and alternate members shall serve in a voluntary unpaid capacity. **[Amended 6-15-2021 ATM, Art. 20]**
- B. Prior to appointing any person to the Board, the Select Board shall advertise in a local newspaper for individual candidates who are residents of Barre who desire appointment to the Board. The Select Board shall make every effort to ensure that persons appointed are qualified to serve on the Board. **[Amended 6-15-2021 ATM, Art. 20]**
- C. The terms of members of the Board shall be three years. Members of the Board may be removed only for just cause by written charges after a public hearing.
- D. Members of the Board may not hold any other office in the Town of Barre for which he or she is paid by the Town of Barre. No member of the Police Department or any former member of the Police Department who have served on the Police Department for the five preceding years may serve on the Board.
- E. The Board shall elect a Chairman annually. The Board shall meet at the call of the Chairman but shall meet at least once every six months. The Board may elect a member to serve as Clerk. Meetings of the Board shall be opened to the public except when the Board meets in executive session in private as regulated by Massachusetts General Laws. All meetings of the Board shall be conducted in accordance with the Open Meeting Law of Massachusetts.<sup>1</sup> **[Amended 2-6-2012 STM, Art. 7]**
- F. The Board shall submit a proposed annual budget to cover anticipated expenses.
- G. Members of the Board shall receive no compensation for their services but shall receive reasonable expenses incurred as a result of their duties as members of the Board.

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1. Editor's Note: See MGL c. 39, § 23B.

**§ 18-9. Duties and power of the Board.**

- A. The Board shall receive, investigate, and resolve any complaint concerning the operation of the Police Department.
- B. The Board with the assistance of Town Counsel shall have the power to subpoena witnesses, administer oaths, take testimony and require the production of records and evidence.
- C. The Board is empowered to hire clerical help when needed.
- D. After a thorough review of each complaint received, the Board will make a written report detailing its handling and resolution of the problem as the facts and circumstances may require, and send the report to both the Select Board and to the Chief of Police. **[Amended 6-15-2021 ATM, Art. 20]**

**§ 18-10. Complaints.**

- A. A complaint by a member of the public or a complaint by a police officer may be filed with the Board. Copies of the complaint shall be made available immediately to each member of the Board, and at the Chairman's discretion, a copy may be sent to the Select Board and to the Chief of Police. **[Amended 6-15-2021 ATM, Art. 20]**
- B. When a copy is sent to the Chief of Police, he shall promptly investigate the complaint and file a report of findings with the Board within 15 days. Complaints filed with the Board shall be promptly investigated. If the evidence does not exist to warrant a full investigation by the Board, it may be summarily dismissed. The Board shall maintain a docket of complaints and the disposition of each complaint, and this shall become a part of the permanent record. The Board shall submit a report to be included in the annual Town report. The Board shall issue a written response to all complaints, and it shall deliver a copy of its response and/or findings to all parties.

**§ 18-11. Resolution of complaints. [Amended 6-15-2021 ATM, Art. 20]**

If a complaint is not resolved as a result of an initial investigation and preliminary consultation with the Chief of Police as appropriate, the full Board may convene to review and investigate the matter. The Board shall within 30 days recommend to the Chief of Police and/or to the Select Board any discipline that it deems appropriate to impose. The recommendations of the Board are advisory. Any report of findings involving a civilian complaint shall be made a matter of public record. In the event the complaint is against the Police Department or any employee of the Police Department, the person(s) shall be presumed innocent and shall not forfeit any pay or seniority rights pending final action by the Board. All pleadings filed and all hearings before the Board shall be public. Each party has a right to counsel. The complainant's case may be presented by the complainant or by the complainant's counsel. Any probative evidence may be admitted.

**§ 18-12. Special meetings; notice.**

Special meetings may be called by the Chairman or by any two members of the Board upon personal notice being given to all members of the Board or written notice being mailed to each member and received at least 48 hours prior to such meeting unless notice is waived by said members. In the absence of an emergency any special meeting shall be posted in the office of the Town Clerk at least 48 hours in advance of such meeting.

**§ 18-13. Hearing by petition. [Amended 6-15-2021 ATM, Art. 20]**

On the written petition by 10 or more residents of the Town of Barre filed with the Board, the Board

shall hold a special hearing for the purpose of responding to said petition. Copies of the petition shall be delivered to the Select Board. Notice of said hearing shall be given in the same manner as provided for other hearings of the Board. The Board shall conduct said hearing upon the subject matter within 30 days of the filing of said petition with the Board.

## ARTICLE III

**Postings, Record of Meetings****[Adopted 6-9-2003 ATM, Art. 32; amended in its entirety 6-15-2021 ATM, Art. 35<sup>2</sup>]****§ 18-14. Conduct of meetings; recordings and minutes.**

- A. Every board, commission, committee or subcommittee established in the Town of Barre shall conduct all meetings in accordance with the Open Meeting Law of Massachusetts. Furthermore, the clerk of every board, commission, committee or subcommittee shall file with the Town Clerk a written copy of minutes from every posted meeting. Such minutes shall be read at the beginning of or prior to each meeting and approved by a majority of the board, commission, committee or subcommittee. Final minutes shall be signed by the clerk of said board, commission, committee or subcommittee, reflect the acceptance of the previous meeting minutes and be filed with the Town Clerk within 10 days of acceptance. In addition, these minutes shall be filed electronically, using a means determined by the Town Clerk.
- B. Every board, commission, and committee shall record (video and audio) every meeting, with the exception of Executive Session agenda items, and make said recording available to the public within one week of the meeting date: Board of Health, Conservation Commission, DPW Commission, Finance Committee, Planning Board, and Select Board. All recordings shall be made available from a single location on the internet and any links to said recordings shall be found on the Town website in a clearly identifiable location. The Town Administrator, under the direction of the Select Board, shall be responsible for creating a uniform process for each board, commission, committee, and subcommittee to use to record each meeting and post the meetings for public access. Any complaints about the quality or availability of any recording required within this bylaw shall be sent to the Chair of such board, committee or commission to review and validate, or invalidate, the complaint within seven calendar days and provide a written determination on the validity of the complaint and a recommendation on improvement. All complaints will be filed with the board, commission or committee when received and will subsequently be filed with the written determination once completed to maintain a record that will be available to the public, when requested.

This bylaw will not go into effect until April of 2022 or when approved by the Attorney General or whichever comes last to the April 1, 2022, start date.

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2. Editor's Note: Previously amended 6-20-2011 ATM, Art. 13

ARTICLE IV  
**Agricultural Commission**  
**[Adopted 6-12-2006 ATM, Art. 28]**

**§ 18-15. Intent.**

To create an Agricultural Commission to address and represent agricultural and forestry issues and interests in the Town of Barre.

**§ 18-16. Mission.**

The mission of the Commission shall be to:

- A. Represent the Town's farming and forestry community internally and externally;
- B. Encourage, promote and support the pursuit of farming and forestry in the Town both as a business and as a community resource; and
- C. Promote the protection, preservation and economic use of farmland and forestland within the Town.

**§ 18-17. Duties and responsibilities of the Commission.**

The duties and responsibilities of the Commission shall include, but not be limited to:

- A. Serving as representatives, advocates, educators, facilitators and/or mediators on farming and forestry issues both within the Town and externally;
- B. Advising the Select Board, Conservation Commission, Board of Assessors, Board of Health, Planning Board, Zoning Board of Appeals and other Town bodies on all matters pertaining to farming or forestry activities in Town;
- C. Engaging in projects and activities, including educational programs and community events, to promote the business, activities and traditions of farming and forestry, as well as farm and forest land protection in Town;
- D. Developing warrant articles, policies and procedures advocating and promoting agriculture and forestry; and
- E. Reporting to the Annual Town Report on its projects and activities.

**§ 18-18. Membership.**

The Commission shall consist of three members appointed by the Select Board. At least two members shall be actively engaged in farming or forestry related activities, with one of those members actively engaged in the business of agriculture or forestry as his or her principal occupation. The members shall serve staggered three-year terms each, with two of the initial members serving two-year terms and one of the initial members serving a one-year term. Up to two voting alternates may be appointed by the Select Board, each with a one-year term. Any vacancies shall be filled by appointment by the Select Board, based on the recommendations of the Commission, for the unexpired term of the vacancy in order to maintain a staggered cycle of appointments.



BARRE CODE

**Chapter 21**

**BUILDING CONSTRUCTION**

**[HISTORY: Adopted by the Town Meeting of the Town of Barre 6-10-1996 ATM, Arts. 48, 56, 57 and 58. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Zoning — See Ch. 140.**

**Review of subdivision plans — See Ch. 303.**

**Subdivision of land — See Ch. 202.**

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**§ 21-1. Chapter II of State Sanitary Code.**

The Town of Barre adopts Chapter II of the State Sanitary Code, 105 CMR 400.00 - 419.00, Minimum Standards of Fitness for Human Habitation, as a general bylaw.

**§ 21-2. Electrical Code.**

The Town of Barre adopts as a general bylaw the 1996 Massachusetts Electrical Code as adopted by 527 CMR 12.00 with changes and amendments as adopted from time to time.

**§ 21-3. Stretch Energy Code. [Added 6-20-2011 ATM, Art. 16]**

**A. Definitions.**

INTERNATIONAL ENERGY CONSERVATION CODE (IECC) 2009 — The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model 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. Commencing on July 1, 2010, the baseline energy conservation requirements of the Massachusetts State Building Code will default to IECC 2009 and Massachusetts amendments.

STRETCH ENERGY CODE — Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

- B. Purpose.** The purpose of 780 CMR 120 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.
- C. Applicability.** The Stretch Energy Code applies to residential and commercial buildings. Buildings not included in the scope of this code shall comply with 780 CMR 13, 34, 61, or 93, as applicable.
- D. Stretch Code.** The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications thereto, is herein incorporated by reference into this chapter.
- E. Enforcement.** The Stretch Code shall be enforced by the Building Inspector/Commissioner.



BUILDINGS, NUMBERING OF

**Chapter 25**

BUILDINGS, NUMBERING OF

**[HISTORY: Adopted by the Town Meeting of the Town of Barre 5-18-1992 ATM, Art. 50. Amendments noted where applicable.]**

GENERAL REFERENCES

Noncriminal disposition of bylaw violations — See Ch. 67.

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**§ 25-1. Number to be provided for each building.**

Street numbers shall be provided for each dwelling, industry and other buildings in the Town of Barre.

**§ 25-2. Materials and size of numbers.**

The numbers shall be made of permanent, weatherproof materials, shall be at least three inches in height and shall be clearly visible from the street or roadway upon which the structure fronts.

**§ 25-3. Placement.**

The numbers shall be placed on each structure or a suitable support near the main entrance to the structure so as to be visible.

**§ 25-4. Assignment of numbers and filing by Street Listing Committee.**

The numbers shall be assigned to each structure by the Street Listing Committee and be filed in the office of the Town Clerk.

**§ 25-5. Responsibility of property owner.**

It shall be the responsibility of the property owner in the town to obtain and display the appropriate street number within 90 days of the assignment of numbers as provided in § 25-4.

**§ 25-6. Enforcement authority.**

This bylaw shall be enforced by the Zoning Enforcement Officer through the Department of Inspectional Services, Division of Code Enforcement.

**§ 25-7. Violations and penalties.**

Failure to comply with this bylaw shall subject the property owner to fine of \$25. Each day shall constitute a separate offense.

**Chapter 33****CROSS-CONNECTION CONTROL**

**[HISTORY: Adopted by the Town Meeting of the Town of Barre 6-12-1995 ATM, Art. 19. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Surface water drainage control — See Ch. 112, Art. I.

Water — See Ch. 134.

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**§ 33-1. Purpose.**

The purpose of this bylaw shall be:

- A. To protect the public potable water supply served by the Barre Water Commission from the possibility of contamination or pollution by isolating such contaminants or pollutants which could backflow or backsiphon into the public water system.
- B. To promote the elimination or control of existing cross-connections, actual or potential, between its customers in-plant potable water system and nonpotable systems.
- C. To provide for the maintenance of a continuing program of cross-connection control which will effectively prevent the contamination or pollution of all potable water systems by cross-connection.

**§ 33-2. Responsibility of Water Purveyor; rules and regulations.**

- A. As provided in the Federal Safe Drinking Water Act of 1974 (Public Law 93-523), and the Commonwealth of Massachusetts Drinking Water Regulations, 310 CMR 22.22, the Water Purveyor has the primary responsibility for preventing water from unapproved sources or any other substances from entering the public potable water system.
- B. Barre Water Commission Rules and Regulations are hereby adopted.

**§ 33-3. Installation of backflow prevention device by owner; discontinuance of water service for failure to comply.**

The Water Commission shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollutants. If, as a result of a survey of the premises, the Commission determines that an approved backflow prevention device is required at the town's water service connection or as in-plant protection on any customer's premises, the Commission, or its delegated agent, shall issue a cross-connection violation form to said customer to install approved backflow prevention devices. The customer shall, within a time frame determined by the Commission, install such approved device or devices at his own expense, and failure or refusal or inability on the part of the customer to install said device or devices within the specified time frame shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.

**§ 33-4. Definitions.**

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

**AIR GAP SEPARATION** — The method of preventing backflow through the use of an unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle.

**APPROVED** — Accepted by the reviewing authority as meeting an applicable specification stated or cited in this regulation or as suitable for the proposed use.

**APPROVED BACKFLOW PREVENTION DEVICE or DEVICES** — A method to prevent backflow approved by the Department for use in Massachusetts.

**ATMOSPHERIC VACUUM BREAKER** — An approved backflow device used to prevent backsiphonage which is not designed for use under static line pressure.

**AUXILIARY WATER SUPPLY** — Any water supply of unknown or questionable quality on or available to the premises other than the supplier's approved public potable water supply.

**BACKFLOW** — The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than the intended source.

**BACKFLOW PREVENTER WITH INTERMEDIATE ATMOSPHERIC VENT** — A device having two independently operating check valves separated by an intermediate chamber with a means for automatically venting it to the atmosphere, in which the check valves are force loaded to a normally closed position and venting means is force loaded to a normally open position.

**BACK PRESSURE** — Pressure created by mechanical means or other means which causes water or other liquids or substances to flow or move in a direction opposite to that which is intended.

**BACKSIPHONAGE** — A form of backflow due to reduced or subatmospheric pressure within a water system.

**BAROMETRIC LOOP** — A loop of pipe rising at least 35 feet, at its topmost point, above the highest fixture it supplies.

**COMMISSION** — The Town of Barre Water Commission or the owner or operator of a public water supply system.

**CONTAMINANT** — Any physical, chemical, biological or radiological substance or matter in water.

**CROSS-CONNECTION** — Any actual or potential connection between a distribution pipe of potable water from a public water system and any waste pipe, soil pipe, sewer, drain, or other unapproved source.

**CROSS-CONNECTION VIOLATION FORM** — A violation form designated by the Department, Plumbing Inspectors and the Board of Health delineating cross-connection violations found on the owner's premises and a procedure for corrective action.

**DEPARTMENT** — The Massachusetts Department of Environmental Protection.

**DOUBLE CHECK VALVE ASSEMBLY** — A backflow preventing device which incorporates an assembly of check valves, with shutoff valves at each end and appurtenances for testing.

**IN-PLANT PROTECTION** — The location of approved backflow prevention devices in a manner which provides simultaneous protection of the public water system and the potable water system within the premises.

**OWNER** — Any person maintaining a cross-connection installation or owning or occupying premises on

which cross-connections can or do exist.

**PERMIT** — A document issued by the Department which allows a cross-connection installation.

**PERSON** — Any individual, corporation, company, association, trust, partnership, the commonwealth, a municipality, district, or other subdivision or instrumentality of the United States except that nothing herein shall be construed to refer to or to include any American Indian tribe or the United States Secretary of the Interior in his capacity as trustee of Indian lands.

**PRESSURE VACUUM BREAKER** — An approved backflow prevention device designed to prevent only backsiphonage and which is designed for use under static line pressure and which has necessary appurtenances for testing.

**REDUCED PRESSURE BACKFLOW PREVENTER** — An approved backflow prevention device incorporating two more check valves, an automatically operating differential relief valve located between the two checks, two shut-off valves, and necessary appurtenances for testing.

**RESIDENTIAL DUAL CHECK** — An assembly of two spring-loaded, independently operating check valves without tightly closing shutoff valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.

**REVIEWING AUTHORITY** — The Department, its designer, or the local Plumbing Inspector, authorized by MGL c. 142 and licensed by the Board of State Examiners of Plumbers and Gas Fitters, whichever is responsible for the review and approval of the installation of an approved backflow prevention device.

#### **§ 33-5. Compliance with program and regulations.**

- A. The Commission will operate an active cross-connection control program, to include the keeping of necessary records, which fulfills the requirements of the State DEP's Cross-Connection Regulations and is approved by the Department.
- B. The owner shall allow his property to be inspected for possible cross-connections and shall follow the provisions of the Commission's program and the Department regulations.

#### **§ 33-6. Responsibilities of Commission and owners.**

- A. Commission.
  - (1) On new installations the Commission will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required, and notify the owner of plan approval requirements by the appropriate reviewing authority.
  - (2) For premises existing prior to the start of this program, the Commission will perform surveys of the premises and reviews of as-built plans and issue a cross-connection violation form to the owner detailing any corrective action required, the method of achieving the correction, and the time allowed for the correction to be made. The time period allowed shall depend upon the degree of hazard involved.
  - (3) The Commission will not allow any cross-connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to ensure satisfactory operation.
  - (4) If the Commission determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

- (5) The Commission shall have on its staff, or shall have a delegated representative, who is a backflow prevention device tester certified by the Commonwealth of Massachusetts.
- (6) The Commission will begin initial premises inspections to determine the nature of existing or potential hazards, following the approval of this program by the Department, during calendar year 1996. Initial focus will be on high-hazard industries and commercial premises.

**B. Owner.**

- (1) The owner shall be responsible for the elimination or protection of all cross-connections on his premises.
- (2) The owner shall be responsible for applying for and obtaining all necessary approvals and permits for the maintenance of cross-connections and installation of backflow prevention devices, and applying annually for the renewal of each permit.
- (3) The owner shall have any device that fails an inspection or test repaired by a licensed plumber.
- (4) The owner shall inform the Commission of any proposed or modified cross-connection and also any existing cross-connections of which the owner is aware but has not been found by the Commission.
- (5) The owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to take place.
- (6) The owner shall install backflow preventers in a manner approved by the Department and by the Commission.
- (7) The owner shall install only reduced-pressure backflow preventers and double check valve assemblies approved by the Department.
- (8) The owner of any residential premises having a private well or other private water source will not be allowed a physical connection with the public water supply system.
- (9) The owner shall be responsible for the payment of all fees for permits, device testings, retesting in the case that the device fails to operate correctly, and second reinspections for noncompliance with Commission or Department requirements.

**§ 33-7. Containment devices for unprotected cross-connections.**

The Commission recognizes the threat to the public water system arising from cross-connections. As such, the Commission, whereas it is responsible for the quality of the public water supply, may require a containment device on the water service entrance to any customer who, as a result of unprotected cross-connections, could contaminate the public water supply system.

**§ 33-8. Increase in degree of hazard.**

Any existing backflow preventer shall be allowed by the Commission to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer or results in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to a reduced-pressure backflow preventer, or a reduced-pressure backflow preventer must be

installed in the event that no backflow device was present.

**§ 33-9. Periodic testing.**

- A. Reduced-pressure backflow preventers and double check valve assemblies shall be tested and inspected at least semiannually by the Commission.
- B. Periodic testing shall be performed by the Commission's certified tester or his delegated representative, who shall be a certified tester.
- C. The testing shall be conducted during the Commission's regular business hours. Exceptions to this, when at the request of the owner, may require additional charges to cover the increased costs to the Commission.
- D. Reduced-pressure backflow preventers and double check valve assemblies must be tested annually by the owner independent of the semiannual test by the water supplier, and said test must be conducted by a certified tester.
- E. Any backflow preventer which fails during a periodic test must be repaired or replaced by a licensed plumber. When repairs are necessary, upon completion of the repair, the device will be retested at the owner's expense to ensure proper operation. High-hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than 14 days after the test date will be established. The owner is responsible for spare parts, repair tools or a replacement device. Parallel installation of two devices is an effective means of the owner ensuring that uninterrupted water service remains during testing or repair of devices and is strongly recommended when the owner desires such continuity.
- F. Backflow prevention devices will be tested more frequently than specified above in Subsection A in cases where there is a history of test failures and the Commission feels that, due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be born by the owner.

**§ 33-10. Records and reports.**

- A. Records. The Commission will initiate and maintain the following:
  - (1) Master files on customer cross-connection tests and/or inspections.
  - (2) Master files on approved cross-connection installations.
  - (3) Copies of lists and summaries supplied to the Massachusetts Department of Environmental Protection.
- B. Reports. The Commission will submit the following to the DEP:
  - (1) Initial listing of high-hazard cross-connections.
  - (2) Initial listing of low-hazard cross-connections.
  - (3) Annual update lists of Items (1) and (2) above.
  - (4) Annual summary of cross-connection inspections and surveys.

Addendum

## ENVIRONMENTAL EVALUATION

### Chapter 42

## ENVIRONMENTAL EVALUATION

**[HISTORY: Adopted by the Town Meeting of the Town of Barre 6-8-1998 ATM, Art. 21; amended in its entirety 6-15-2021 ATM, Art. 20. Subsequent amendments noted where applicable.]**

**§ 42-1. Evaluation prior to acquisition of property.**

Prior to acquisition of any parcel of real estate for any purpose, whether by purchase or gift, the Select Board may, in its discretion, require that a so-called Chapter 21E and/or other environmental evaluation be performed.

**§ 42-2. Determination to be in writing; filing.**

The determination of the Select Board shall be made in writing prior to any Town Meeting vote to purchase or accept a gift of any such real estate and will be filed with the Town Clerk and included in any such vote.

BARRE CODE

**Chapter 44**

**FARMING**

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

GENERAL REFERENCES

Agricultural Commission — See Ch. 18, Art. IV.



## ARTICLE I

**Right To Farm****[Adopted 10-22-2008 STM, Art. 7]****§ 44-1. Legislative purpose and intent.**

The purpose and intent of this bylaw/ordinance 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 there under including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9; Chapter 111; Section 125A and Chapter 128, Section 1A. We the citizens of Barre restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment"). This general bylaw/ordinance encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town/City of Barre by allowing agricultural uses and related activities to function with minimal conflict with abutters and local agencies. This bylaw/ordinance shall apply to all jurisdictional areas within the Town of Barre.

**§ 44-2. Definitions.**

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

- Farming in all its branches and the cultivation and tillage of the soil; dairying; production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities; growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations; raising of livestock including horses; keeping of horses; and keeping and raising of poultry, swine, cattle, sheep, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals. "Farming" shall encompass activities including, but not limited to, the following:
- Operation and transportation of slow-moving farm equipment over roads within the Town; control of pests, including, but not limited to, insects, weeds, predators and disease organisms of plants and animals; application of manure, fertilizers and pesticides; conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm; processing, slaughtering and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto; maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and on-farm relocation of earth and the clearing of ground for farming operations.

### **§ 44-3. Right to farm Declaration.**

The right to farm is hereby recognized to exist within the Town/City of Barre. The above described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant 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/ordinance 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/ordinance shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

**§ 44-4. Disclosure notification. [Amended 6-15-2021 ATM, Art. 20]**

Not later than 21 days after the purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessor interest in real property, located in the Town of Barre, the landowner shall present the buyer or occupant with a disclosure notification which states the following:

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

A copy of the disclosure notification shall be given on a form prepared by the Town Collector and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Select Board or its designee prior to the sale, purchase, exchange or occupancy of such real property. In addition to the above, a copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by report to the Annual Report or Town website.

The Town of Barre shall cause signage to be posted and maintained on major thoroughfares informing entering motorists that the Town of Barre is a right to farm community, pending available funds.

**§ 44-5. Resolution of disputes.**

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

**§ 44-6. Severability clause.**

If any part of this bylaw/ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this bylaw/ordinance. The Town of Barre hereby declares the provisions of this bylaw/ordinance to be severable.

**§ 44-7. Precedence.**

In the event of conflict between this bylaw and all other Town regulations, this bylaw shall take precedence. In the event of conflict between this bylaw and federal or state law, federal or state law shall take precedence respectively.



FEES AND CHARGES

**Chapter 46**

**FEES AND CHARGES**

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

ARTICLE I  
(Reserved)<sup>3</sup>

§ 46-1. (Reserved)

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3. Editor's Note: Former Art. I, Tax Collector Fees, adopted 8-17-1981 STM, Art. 5, was repealed 1-31-2011 STM, Art. 14, effective the earlier of 7-1-2011 or the date a Treasurer-Collector is appointed by the Select Board.

ARTICLE II  
**Reporting and Accounting of Collected Fees**  
**[Adopted 6-18-1983 ATM, Art. 31]**

**§ 46-2. Accounting to Town Accountant.**

All fees collected by Town representatives on behalf of the Town of Barre shall be systematically accounted for to the Town Accountant with cooperation from these Town representatives.

**§ 46-3. Deadline for submission of reports. [Amended 6-15-2021 ATM, Art. 20]**

A report of all fees collected will be submitted to the Select Board, Personnel Board, and the Finance Committee by the 10th of each month for the preceding month.

ARTICLE III  
**Public Notice of Rates and Fees**  
**[Adopted 5-14-1990 ATM, Art. 29]**

**§ 46-4. Notification of Townspeople.**

The Townspeople shall be provided notice of any proposed rate or fee (or increase therein).

**§ 46-5. Public hearing required; notice.**

Prior to any Town board, commission, committee, official or other Town body establishing a rate or fee (or increase therein) to be imposed upon residents or taxpayers of the Town, a public hearing shall be held. Notice of the public hearing to be published at least one time not less than seven days prior to the hearing in a newspaper having general circulation in the Town.

**§ 46-6. Construal of provisions.**

This bylaw shall not interfere with the authority of such board, commission, committee, official or Town body to establish or increase any such rate or fee.

**§ 46-7. Purpose.**

The purpose of this bylaw is to ensure that notice be provided to the residents and taxpayers prior to the establishment or increase of any such rate or fee and an opportunity be provided for public input.





BARRE CODE

**Chapter 48**

**FINANCE**

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

## ARTICLE I

**Revolving Funds****[Adopted 6-18-2019ATM, Art. 5; amended in its entirety 6-13-2023ATM by Art. 12<sup>4</sup>]****§ 48-1. Authorized revolving funds.**

This bylaw authorizes revolving funds for the Library, Board of Health, Electrical Inspector, Plumbing Inspector, Gas Inspector, Police Department, Fire Department, Council on Aging, and Town Departments utilizing permitting software pursuant to MGL 44 Section 53E 1/2 for the fiscal year beginning July 1, 2021.

Revolving Fund	Authorization to Spend Fund	Revenue Source	Use of Fund	FY24 Spending Limit	Other Restriction
Library	Library Director	Library printing and photocopying fees and charges	To be used on operation and/or maintenance of the library copier and printers	\$2,000	
Board of Health	Board of Health Members	Percolation test fees and disposal work construction permits, food permits, pool permits	To be used to pay one of its members or designated agent for inspections associated with said tests and permits	\$11,000	
Electrical Inspector	Building Inspector	Electrical Inspector charges and fees	To be used on payment of all charges and fees related to electrical expenses and Electrical Inspector fees	\$50,000	
Plumbing Inspector	Building Inspector	Plumbing Inspector charges and fees	To be used on payment of all charges and fees related to plumbing expenses and Plumbing Inspector fees	\$7,000	

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4. Editor's Note: Prior amendments include 6-15-2021 ATM, Art. 9 and 6-14-2022 ATM, Art. 10.

Revolving Fund	Authorization to Spend Fund	Revenue Source	Use of Fund	FY24 Spending Limit	Other Restriction
Gas Inspector	Building Inspector	Gas Inspector charges and fees	To be used on payment of all charges and fees related to gas expenses and Gas Inspector fees	\$4,000	
Police Department	Police Chief	Civilian Firearms Safety Class fees	To be used on administrative costs (instructor pay) and expense-related cost	\$10,000	
Police Department	Police Chief	Barre Falls Dam contractual revenue	To be used for an administrative cruiser replacement	\$70,000	
Police Department	Police Chief	Detail administrative fees and cruiser	To be used on payment of administrative costs and cruiser repair/replacement costs	\$16,000	
Fire Department	Fire Chief	Burning permit fees	To be used on the purchase of replacement brush fire/forest fire equipment	\$3,000	
Council on Aging	Council on Aging	Program fees and event fees	To be used for programs and events	\$2,000	



**Chapter 59****LICENSES AND PERMITS**

**[HISTORY: Adopted by the Town Meeting of the Town of Barre 6-10-1996 ATM, Art. 64.**

**Amendments noted where applicable.]**

**§ 59-1. List of parties failing to pay taxes and fees.**

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

**§ 59-2. Denial, revocation or suspension of licenses and permits.**

- A. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than 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.
- B. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension.
- C. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension.
- D. 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 Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

**§ 59-3. Payment agreement.**

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.

**§ 59-4. Waiver of denial by Select Board. [Amended 6-15-2021 ATM, Art. 20]**

The Select Board 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.

**§ 59-5. Exceptions.**

This bylaw shall not apply to the following licenses and permits:

- A. Open burning, MGL c. 48, § 13.
- B. Bicycle permits, MGL c. 85, § 11A.
- C. Sales of articles for charitable purposes, MGL c. 101, § 33.
- D. Children work permits, MGL c. 149, § 69.
- E. Clubs, associations dispensing food or beverage licenses, MGL c. 140, § 21E.
- F. Dog licenses, MGL c. 140, § 137.
- G. Fishing, hunting, trapping license, MGL c. 131, § 12.
- H. Marriage licenses, MGL c. 207, § 28.
- I. Theatrical events, public exhibition permits, MGL c. 140, § 181.

**§ 59-6. Criminal history checks. [Added 6-25-2012 ATM, Art. 17]**

- A. Criminal history check authorization.

- (1) The Police Department shall, as authorized by MGL c. 6, § 172B 1/2, conduct state and federal fingerprint-based criminal history checks for individuals applying for the following licenses:  
**[Amended 6-15-2021 ATM, Art. 20]**

- (a) Hawking and peddling or other door-to-door salespeople (police).
    - (b) Manager of alcoholic beverage license (Select Board).
    - (c) Owner or operator of public conveyance (Select Board).
    - (d) Dealer of secondhand articles (Select Board).
    - (e) Pawn dealers (Select Board, Police).
    - (f) Ice cream truck vendors (Select Board).

- (2) Fingerprinting.

- (a) At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's criminal history records. The Police Chief shall periodically check with the Executive Office of Public Safety and Security ("EOPSS") which has issued an informational bulletin which explains the requirements for Town bylaws and the procedures for obtaining criminal history information, to see if there have been any updates to be sure the Town remains in compliance.
    - (b) Upon receipt of the fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this bylaw to the Identification Section

of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services (DCJIS), and/or the Federal Bureau of Investigation (FBI) or the successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in this bylaw. The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this bylaw. The Town authorizes the Police Department to receive and utilize state and FBI records in connection with such background checks, consistent with this bylaw. The state and FBI criminal history will not be disseminated to unauthorized entities.

- (c) Upon receipt of a report from the FBI or other appropriate criminal justice agency, a record subject may request and receive a copy of his/her criminal history record from the Police Department. Should the record subject seek to amend or correct his/her record, he/she must take appropriate action to correct said record, which action currently includes contacting the Massachusetts Department of Criminal Justice Information Services (DCJIS) for a state record or the FBI for records from other jurisdictions maintained in its file. An applicant that wants to challenge the accuracy or completeness of the record shall be advised that the procedures to change, correct, or update the record are set forth in 28 CFR 16.34. The Police Department shall not utilize and/or transmit the results of the fingerprint-based criminal record background check to any licensing authority pursuant to this bylaw until it has taken the steps detailed in this subsection. Municipal officials should not deny an applicant the license based on information in the record until the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so.
- (d) The Police Department shall communicate the results of fingerprint-based criminal record background checks to the appropriate governmental licensing authority within the Town as listed. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his or her suitability, or any felony or misdemeanor that involved force or threat of force, controlled substances or a sex-related offense.
- (e) The Select Board is authorized to promulgate regulations for the implementation of the proposed bylaw, but in doing so it is recommended that they consult with the Chief of Police, Town Counsel and the Massachusetts Executive Office of Public Safety and Security (or its successor agency) to ensure that such regulations are consistent with the statute, the FBI's requirements for access to the national database, and other applicable state laws. **[Amended 6-15-2021 ATM, Art. 20]**

B. Use of criminal record by licensing authorities.

- (1) Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this bylaw. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.



- (2) The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application for, including renewals and transfers thereof, for any person who is determined unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this bylaw.

C. Fees.

- (1) The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be \$0.
- (2) The Town Treasurer shall periodically consult with Town Counsel and the Department of Revenue, Division of Local Services regarding the proper municipal accounting of those fees.
- (3) A portion of the fee, as specified in MGL c. 6, § 172B 1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

- D. Effective date. This bylaw shall take effect September 1, 2012, so long as the requirements of MGL c. 40, § 32 are satisfied.

BARRE CODE

**Chapter 63**

**MARIJUANA**

**[HISTORY: Adopted by the Town Meeting of the Town of Barre 6-22-2009 ATM, Art. 19.  
Amendments noted where applicable.]**

GENERAL REFERENCES

Alcoholic beverages — See Ch. 7.

Peace and good order — See Ch. 80.

Noncriminal disposition of violations — See Ch. 67.

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**§ 63-1. Public use or consumption prohibited.**

No person, whether in or upon a vehicle, motor vehicle, conveyance, or on foot, shall burn, smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in MGL c. 94C, § 1, as amended) while in or upon any area owned by or under the control of the Town, including, but not limited to, any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, school, school grounds, cemetery, or parking lot; or in or upon any place to which the public has a right of access as invitees or licensees.

**§ 63-2. Seizure and disposal.**

Any marijuana or tetrahydrocannabinol burned, smoked, ingested, or otherwise used or consumed in violation of this chapter shall be seized, held, and disposed of in accordance with MGL c. 94C, § 47A.

**§ 63-3. Information to be disclosed to enforcement officials.**

Whoever is found in violation of this chapter shall, when requested by an official authorized to enforce this chapter, state his true name and address to said official.

**§ 63-4. Enforcement. [Amended 6-15-2021 ATM, Art. 20]**

This chapter may be enforced through any lawful means in law or in equity, including, but not limited to, enforcement by criminal indictment or complaint pursuant to MGL c. 40, § 21, or by noncriminal disposition pursuant to MGL c. 40, § 21D, by the Select Board, the Town Administrator, or their duly authorized agents, or any police officer.

**§ 63-5. Violations and penalties.**

The fine for a violation of this chapter shall be \$300 for each offense. A penalty imposed under this chapter shall be in addition to any civil penalty imposed under MGL c. 94C, § 32L.

MARIJUANA RETAILERS AND SOCIAL

**Chapter 66**

**MARIJUANA RETAILERS AND SOCIAL CONSUMPTION ESTABLISHMENTS**

**[HISTORY: Adopted by the Town Meeting of the Town of Barre 6-19-2018 ATM, Art. 15.**

**Amendments noted where applicable.]**

**§ 66-1. Establishment prohibited.**

Prohibit the establishment of marijuana retailer, marijuana social consumption establishment within the Town of Barre as described in the State of Massachusetts draft regulations, 935 CMR 500.000, Adult Use of Marijuana.

**Chapter 67****NONCRIMINAL DISPOSITION OF BYLAW VIOLATIONS**

**[HISTORY: Adopted by the Town Meeting of the Town of Barre 6-13-1994 ATM, Art. 20.**

**Amendments noted where applicable.]**

**§ 67-1. Statutory authority.**

The Town hereby adopts the following bylaw providing for the noncriminal disposition of violations of any Town bylaw, or zoning bylaw, as authorized by MGL c. 40, § 21D.

**§ 67-2. Scope and authority.**

This bylaw provides for a noncriminal disposition of a violation of a Town bylaw, zoning bylaw, or any rule or regulation of any Town officer, board, or department, the violation of which is subject to a specific penalty. This bylaw is enacted in accordance with MGL c. 40, § 21D.

**§ 67-3. Enforcing person. [Amended 6-14-2004 ATM, Art. 44; 6-15-2021 ATM, Art. 20]**

" Enforcing person" as used in this bylaw shall mean any regular police officer of the Town of Barre, the Building Commissioner, Zoning Officer, Local Inspector, Board of Health Officer, Board of Health Agent, Animal Control Officer, Dog Officer, or any such other official as the Select Board may from time to time designate, each with respect to violations of bylaws, zoning bylaws, or rules and regulations within their respective jurisdictions. If more than one Town department or official has jurisdiction over a given matter any such Town department or official may be an enforcing person with respect thereto. Each Town department or official who is or may be an enforcing person is hereby given the authority to adopt rules and regulations for the enforcement of this bylaw within the respective areas of their jurisdiction.

**§ 67-4. Notice to appear in court.**

An enforcing person taking cognizance of a violation of any bylaw, rule or regulation may, as an alternative to instituting criminal proceedings, give the offender a written notice to appear before the Clerk of the Worcester Central District Court or such other court that may have jurisdiction for complaints issued within the Town of Barre for a noncriminal disposition of the violation, in accordance with MGL c. 40, § 21-D. The provisions of § 21-D are incorporated by reference herein.

**§ 67-5. Proceedings not considered criminal.**

Proceedings pursuant to this bylaw and § 21-D shall not be deemed to be criminal proceedings.

**§ 67-6. Noncriminal disposition of certain violations. [Amended 3-13-1995 STM, Art. 3; 6-10-1996 ATM, Arts. 49 and 59; 6-8-1998 ATM, Art. 42; 6-12-2000 ATM, Arts. 48 and 49; 6-17-2002 ATM, Art. 31; 6-9-2003 ATM, Art. 37; 6-14-2004 ATM, Arts. 35 and 44; 6-17-2014 ATM, Art. 18; 6-17-2014 ATM, Art. 19]**

Violation of the following bylaw sections may be enforced in the manner provided in MGL C. 40, § 21D. For the purpose of this bylaw, the specific penalty which is to apply to a violation of each such bylaw section shall be as listed below, and the municipal officers or employees whose titles are listed shall be deemed to be enforcing officers for each such section.

<b>Chapter</b>	<b>Subject</b>	<b>Fine</b>	<b>Enforcement</b>
Ch. 11, Animals	Animal Control Bylaw	1st offense: \$0 2nd offense: \$50 3rd offense: \$60 4th offense or more: \$100	Animal Control Officer
Ch. 21, Building Construction	Building, plumbing, electrical and gas	\$100 per violation per day	Building Commissioner, Inspector of Buildings, Local Inspector, Inspector of Wires, Inspector of Plumbing and Gas
Ch. 25, Buildings, Numbering of	Building numbering	\$50 per offense	Building Commissioner, Local Inspector, and Zoning Official
Ch. 81	Littering	1st offense: \$50 Subsequent offenses: \$100	Police, DPW, Board of Health
Ch. 134, Water	Restrictions on water use	1st offense: \$50 Each subsequent offense: \$100	Board of Water Commissioners
Ch. 140, Zoning	Zoning Bylaw	\$100 for each violation for each day	Building Commissioner, Local Inspector, and Zoning Official
Ch. 201, Earth Removal	Earth removal regulations	\$300 per day for each day violation continues	Building Commissioner, Local Inspector, and Zoning Official
Ch. 304, Floor Drains	Floor drain regulations	1st offense: \$200	Board of Health
Ch. 306, Smoking	Public places	1st offense: warning 2nd offense within 1 year: \$100 3rd offense within 1 year: \$200 4th or subsequent offense within 1 year: \$300	Board of Health or designee
	School property	\$25	Board of Health or designee
Ch. 307, Tobacco	Sale of tobacco	1st offense: \$100 or suspension of permit for 1 day	

Chapter	Subject	Fine	Enforcement
		2nd offense within 2-year period: \$300 or suspension of permit for 30 days	
		Subsequent offenses: \$300 or revocation of tobacco permit	
	Minors possessing or using tobacco	\$25 or community service	
Not in Code	Minimum standards for fitness for human habitation	1st offense: \$25	Health Officer or Health Agent
		2nd offense: \$50	
		3rd offense: \$100	
		Subsequent violation: \$100 each day	

**Chapter 70****TOWN ADMINISTRATOR**

**[HISTORY: Adopted by the Town Meeting of the Town of Barre 11-29-2023STM by Art. 4. Amendments noted where applicable.]**

**§ 70-1. Appointment; annual review; other activities.**

- A. Appointment; term of office. The Select Board shall appoint and enter into an employment agreement with a Town Administrator to serve for a term of not more than three years; provided, however, that the first six months of any individual's first appointment to the office shall be considered a probationary period. The Town Administrator shall be appointed solely on the basis of their executive and administrative qualifications. They shall be a person especially fitted by education, training and previous experience in business or public administration to perform the duties of the office of Town Administrator.
- B. Review of performance. The Select Board shall annually provide for a review of the job performance of the Town Administrator which shall, at least be in summary form, be a public record.
- C. Restriction on other activities. The Town Administrator shall devote their full time to the duties of their office and will not hold any other public office, elective or appointive, nor shall they engage in any other business, occupation or profession during their term unless such action is approved, in advance, in writing, by the Select Board.

**§ 70-2. Powers and duties.**

The Town Administrator shall be the chief administrative officer of the Town and shall be responsible to the Select Board for the proper administration of all Town affairs placed under their charge by the Board or under Town bylaws. Acting by and for the Select Board, the powers and duties of the Town Administrator shall include, but are not intended to be limited to, the following:

- A. They shall supervise, direct and be responsible for the efficient administration of all functions placed under their control by bylaw, by Town Meeting vote, by vote of the Select Board, or otherwise, including all officers appointed by them.
- B. They shall coordinate the activities of all Town departments under their control with those under the control of officers and multiple-member bodies who are elected directly by the voters of Barre appointed by the Select Board, or provided for under any special act, including, without limitation, Chapter 56 of the Acts of 1988.
- C. They shall recommend the appointment, and may recommend the removal, subject to the civil service law and any collective bargaining agreements as may be applicable, of all department heads, all officers, subordinates and employees for whom no other method of selection is provided by bylaws, unless otherwise provided by state law. Appointments made by the Town Administrator shall become effective at their discretion, unless the Select Board shall within such period by majority vote of the Board vote to reject such appointment or has sooner voted to affirm it.
- D. They shall be entrusted with the administration of a Town personnel system and personnel policy manual adopted by the Select Board, including but not limited to personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, personnel bylaw and all collective bargaining agreements entered into on behalf of the Town. They shall

prepare, maintain and keep current a classification and compensation plan establishing the personnel staffing requirement of each Town agency, subject to Select Board approval.

- E. They shall attend all regular and special meetings of the Select Board and Finance Committee, and unless excused at their own request, and shall have a voice, but no vote in all of its proceedings.
- F. They shall attend all sessions of the Town Meeting and shall answer all questions addressed to them related to warrant articles and which are related to matters under their general supervision.
- G. They shall assure that all provisions of state laws, the bylaws and other votes of the Town Meeting, votes of the Select Board and of other Town agencies which require enforcement by them or by officers or employees subject to their general supervision and direction are faithfully carried out, performed and enforced.
- H. They shall prepare, propose and submit the fiscal documents pertaining to the annual operating budget and proposed capital outlay program for all municipal departments.
- I. They shall keep the Select Board fully informed as to the fiscal condition and needs of the Town and shall make such recommendations to the Board and to other elected and appointive officers as they may deem to be necessary or desirable.
- J. They shall assure that full and complete records of the financial and administrative activities of the Town are kept and shall render full reports to the Select Board at the end of each fiscal year and at such other periods as it may reasonably require or as required by law.
- K. They shall have full jurisdiction over the rental and use of all Town facilities. They shall be responsible for the maintenance and repair of all Town facilities, subject to the agreement between the Select Board and the Barre Library Association and all applicable laws and bylaws.
- L. They may at any time inquire into the conduct of office or performance of duty of any Town officer, Town employee or Town agency under their general supervision. The Town Administrator may impose progressive discipline for any infractions subject to disciplinary actions, including verbal warning, written warning, performance improvement plans, suspension or administrative leave, and may recommend termination or any other action to the Select Board as may be necessary in accordance with the Town's personnel policy manual.
- M. They shall assure that a full and complete inventory of all Town-owned property, both real and personal, is kept consistent with generally accepted accounting principles.
- N. Under the guidance of the Select Board, they shall be responsible for the negotiation of all contracts with Town employees over wages, hours, and other conditions of employment.
- O. They shall serve as chief procurement officer pursuant to MGL Chapter 30B and be responsible for the purchase of all supplies, materials and equipment, and shall award all contracts for supplies, materials and equipment for all departments and activities of the Town. They shall examine and inspect, or cause to be examined and inspected, the quality and the condition of all supplies, materials and equipment delivered to or received by any Town department. They shall, in addition, be responsible for the disposal of all surplus supplies, materials and equipment for all departments and activities of the Town.
- P. They shall be in charge of all technology, including hardware and software, and shall allocate the use thereof among the several Town agencies.



- Q. They may authorize any subordinate officer or employee to exercise any power or duty which they are authorized to perform; provided, however, that all acts which are performed under any such delegation shall be deemed to be their acts.
- R. They shall be responsible to implement and maintain general security and public safety procedures in the Henry Woods Municipal Center and extend and review policies and procedures to all buildings and properties controlled or owned by the Town. This includes but is not limited to IT and network security.
- S. (Reserved)
- T. They shall also serve as the ADA Coordinator, Records Access Officer, Parking Clerk and Municipal Hearings Officer pursuant to MGL Ch. 148A.
- U. They shall perform such other duties as may be required by bylaw, by Town Meeting vote, by vote of the Select Board, or otherwise.

**§ 70-3. Acting and Interim Town Administrator.**

- A. Temporary absence. The Town Administrator shall, by letter filed with the Select Board and a copy filed with the Town Clerk, designate a qualified Town officer or employee to exercise the powers and perform the duties of their office during their temporary absence. During the temporary absence of the Town Administrator, the Select Board may vote to appoint another qualified Town officer or employee to serve as acting Town Administrator until they return and assume their duties.
- B. Vacancy. Any vacancy in the office of Town Administrator shall be filled as soon as possible by the Select Board, but pending such permanent appointment the Board shall designate a qualified Town officer or employee or other qualified individual to perform the duties of the Town Administrator on an interim basis. The appointment of an acting Town Administrator shall be for a term not to exceed six months; provided, however, that a renewal, not to exceed an additional three months, may be provided.
- C. Powers and duties. The powers of an interim or acting Town Administrator, under Subsection B above, shall be limited to matters not admitting of delay and shall include authority to make appointments or designations to Town office or employment to the same extent and the same conditions as the Town Administrator, except that, for positions reporting directly to the Town Administrator, only an acting appointment or designation may be made.

**§ 70-4. Removal and suspension.**

- A. The Select Board, by a majority vote taken with the full Board present, may terminate the Town Administrator from their office in accordance with the following procedure:
  - (1) During probationary period: notice in writing of termination.
  - (2) After probationary period, the Town Administrator shall not be dismissed except for inefficiency, incapacity, conduct unbecoming the office, insubordination or other cause; nor shall the Town Administrator be dismissed without notice and an opportunity to be heard.
- B. Anything contained in this provision to the contrary notwithstanding, the nonrenewal of the term of appointment of the Town Administrator shall not be considered to be a dismissal and the provisions of Subsection A(1) and A(2) shall not apply to the nonrenewal of the Town Administrator's employment.

- C. The Town Administrator may be suspended from office by a procedure following the same steps outlined above for a removal.

OFFICERS AND EMPLOYEES

**Chapter 73**

OFFICERS AND EMPLOYEES

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

GENERAL REFERENCES

Uniform Plumbing and Gas Code — See Ch. 21.

Noncriminal disposition of violations — See Ch. 67.

ARTICLE I

**Town Counsel**

**[Adopted 3-6-1954 ATM, Art. 34; amended in its entirety 6-15-2021 ATM, Art. 20]**

**§ 73-1. Appointment.**

The Select Board shall annually at some time following the annual election of Town officials appoint a member of the bar in good standing to serve as Town Counsel for the term of one year from the first day of April following and until a successor is appointed and enters upon the performance of his duties.

**§ 73-2. Vacancy in office; special counsel.**

The Select Board shall likewise fill any vacancy in said office for the unexpired term, and may employ special counsel to assist the said Town Counsel in the prosecution and defense of any and all claims, actions and proceedings to which the Town is a party or in which the interests of the Town are or may be involved whenever, in their judgment, necessity therefor arises.

## ARTICLE II

**Inspector of Gas Piping and Appliances; Inspector of Plumbing****[Adopted 9-14-1964 STM, Art. 5; amended in its entirety 6-15-2021 ATM, Art. 20<sup>5</sup>]****§ 73-3. Hiring and duties of Inspector of Gas Piping and Appliances.**

The Building Commissioner shall hire and the Select Board shall approve an Inspector of Gas Piping and Gas Appliances, who shall be either a licensed Master or Journeyman Gasfitter or Master or Journeyman Plumber, whose duty shall be the enforcement of rules and revaluation of CMR 248, the Massachusetts State Gas Code.

**§ 73-4. Hiring and duties of Inspector of Plumbing.**

The Building Commissioner shall hire and the Select Board shall approve an Inspector of Plumbing, who shall be either a licensed Master or Journeyman Plumber, whose duty shall be the enforcement of rules and regulations of CMR 248, the Massachusetts State Plumbing Code.

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5. Editor's Note: Previously amended 6-17-2002 ATM, Art. 31; 6-14-2004 ATM, Art. 45.



**Chapter 80****PEACE AND GOOD ORDER**

**[HISTORY: Adopted by the Town Meeting of the Town of Barre 3-6-1899 ATM, Art. 13.  
Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Animals — See Chs. 11 and 401.**

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**§ 80-1. Animal regulations.**

No person shall permit any goat, sheep, swine, horse, cow, or any other neat cattle or fowl of any kind or description belonging to him or her, or under his or her control, to go at large in any of the streets, lanes or avenues in this town; but this bylaw shall not affect the right to use the lands within the limits of the highway adjoining his or her deeded property.

**§ 80-2. Disorderly conduct; writing obscenities in public places; destruction of property; committing nuisances.**

No person shall behave in a rude or disorderly manner, or use any indecent, profane or insulting language in any of the public streets, or other public places in the town, or near any dwelling house therein, or be or remain on any sidewalk or near any doorstep, portico or other projection from any such buildings to the annoyance of other persons. And no person shall make any indecent figure nor write any indecent or obscene word or words upon any building, structure or public place in this town, nor deface, break or injure in any manner any fence, post, sign, street lantern or lamppost, building, or structure, or commit any nuisance upon any sidewalk or any other place resorted to by the public, or against any tree, shrub or structure adjoining a sidewalk.

**§ 80-3. Obstruction of free passage prohibited.**

Three or more persons shall not continue to stand or lounge near to each other on any sidewalk, street or street crossing, or in any public place in this town, in such manner as to obstruct a free passageway for passengers, or to discommode them in passing by, nor shall they conduct themselves in a rude or disorderly manner.

**§ 80-4. Ball playing; throwing stones.**

No person shall play at ball or fly any kite or balloon or throw stones or other missiles in or upon any public street in the center village of the town.

**§ 80-5. Sledding. [Amended 6-15-2021 ATM, Art. 20]**

No person shall coast, course or slide on any sled or sleigh in any of the public streets without permission of the Select Board, and in granting such permission they shall designate such streets or parts of a street, and such hours of the day or evening in which such sliding or coasting shall be allowed.

**§ 80-6. Fourth of July celebration. [Amended 6-15-2021 ATM, Art. 20]**

In the observance of the anniversary of our national independence the bells of the churches in the central village shall not be rung before sunrise on the fourth day of July, or on the following day when the observance comes on that day, nor after 8:00 in the evening of said days. And in such observance, except by special permission of the Select Board, no person shall during the hours of either night fire any cannon or cannon cracker or other loud explosive; nor shall anyone, in such observance, behave himself in a rude and disorderly manner, or mutilate or deface or destroy any sign, sign post, guideboard, or other structure.

**§ 80-7. Violations and penalties. [Amended 6-15-2021 ATM, Art. 20]**

Any citizen may and the Select Board and Constables shall prosecute every violation of the foregoing bylaws before any Trial Justice in the County of Worcester or before any other court having jurisdiction, and each violation of these bylaws shall, upon conviction of the party or parties violating them, be punished by a fine of not less than \$2 nor more than \$20.



LITTERING

**Chapter 81**

**LITTERING**

**[HISTORY: Adopted by the Town Meeting of the Town of Barre 6-17-2014 ATM by Art. 19. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Peace and good order — See Ch. 80.

Woodwaste policy — See Ch. 309.

Recycling — See Ch. 302.

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**§ 81-1. Littering on public property prohibited.**

No person shall place, throw, or deposit refuse or debris (including recyclable and depositable material and containers), on a public roadway, sidewalk, park, grounds, or school property.

**§ 81-2. Violations and penalties.**

Any person violating this bylaw will be subject to a fine of up to \$100.

BARRE CODE

**Chapter 84**

**(RESERVED)**

**[Former Ch. 84, Personnel, adopted 6-8-1998 ATM, Art. 8, as amended, was repealed 5-13-2014 STM, Art. 11. This bylaw also authorized the Board of Selectmen to adopt a Personnel Policy Manual.]**

PROPERTY, SALE OF

**Chapter 90**

PROPERTY, SALE OF

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

ARTICLE I

**Property Taken Under Tax Title Procedure**

**[Adopted 5-15-1982 ATM, Art. 5; amended in its entirety 6-15-2021 ATM, Art. 20]**

**§ 90-1. Authority of Select Board; posting of property.**

The Select Board is authorized to sell, after first giving notice of the time and place by posting at least 14 days before the sale, property taken by the town under the tax title procedure, provided that the Select Board or whomever they may authorize to hold public auction may reject any bid which they deem inadequate.

ARTICLE II

**Obsolete Equipment and Property**

**[Adopted 5-15-1982 ATM, Art. 6; amended in its entirety 6-15-2021 ATM, Art. 20<sup>6</sup>]**

**§ 90-2. Authority of Select Board; notice of sale.**

The Select Board is authorized to sell at public auction or by bid, after first giving notice of the time and place of sale in some convenient newspaper or the Town website and Cable Access Channel, at least 14 days before the sale, any old or obsolete equipment or personal property, provided that the Select Board or whomever they may authorize to hold such auction or sale may reject any bid which they deem inadequate.

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**6. Editor's Note: Previously amended 6-11-2007 ATM, Art. 21.**



SEX OFFENDERS

**Chapter 98**

**SEX OFFENDERS**

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

ARTICLE I  
**Residency Restrictions**  
**[Adopted 6-25-2012 ATM, Art. 16]**

**§ 98-1. Restriction established; exceptions; violations and penalties.**

A. Prohibitions.

- (1) No sex offender designated as a Level 2 or Level 3 convicted of a sex offense involving a child shall establish a permanent or temporary residence in the Town of Barre within 1,000 feet of the property on which any public or private school, elderly housing facility, Town Library, park, playground, licensed day-care center, or any other child-care facility is located.
- (2) It is unlawful to let, lease or rent any place, structure, or part thereof or to cause other conveyance of real property, as a permanent residence or temporary residence by any person who is prohibited from establishing such permanent residence or temporary residence pursuant to § 98-1A(1) above, if such place, structure, or part thereof or other conveyance is located within 1,000 feet of any public or private school, elderly housing facility, Town Library, park, playground, licensed day-care center, or any other child-care facility.
- (3) It shall be unlawful for a Level 2 or 3 sex offender who has been convicted of a sex offense involving a child to loiter within 150 feet of a park.
- (4) A person classified as a Level 3 sex offender, who has been convicted of a sex offense involving a child, is prohibited from entering upon the premises of a school or day-care unless previously authorized, in writing, by the school administration or day care center owner.
- (5) A person classified as a Level 3 sex offender, for so long as such person is so classified, is prohibited from entering upon the premises of an elderly housing facility unless previously authorized, in writing, by the on-site manager of the elderly housing facility.

B. Evidentiary matters; measurements. For purposes of determining the minimum distance requirement, the measurement shall be measured by following a straight line from the nearest property line of the permanent or temporary residence to the nearest property line of any public or private school, elderly housing facility, Town Library, park, playground, licensed day-care center, or any other child-care facility.

C. Exceptions. It shall not be a violation of this section if:

- (1) The registered sex offender established the permanent residence prior to the effective date of this section, and:
  - (a) Where the permanent residence was established by purchasing the real property where the residence was established; or
  - (b) Such permanent residence was established via a valid, fixed-term, written lease or rental agreement, executed prior to the effective date of this section, whose term has not yet expired; or
  - (c) Any public or private school, park, playground, licensed day-care center, or any other child-care facility was opened after such offender established permanent residency.
- (2) The registered sex offender was a minor when the relevant crime was committed and the



offender was not convicted as an adult.

- (3) The registered sex offender is a minor.

D. Penalties. Violations of § 98-1 of this Code will be treated under this subsection.

- (1) Criminal complaint. Whoever violates any provision of § 98-1 is subject to a criminal complaint filed by the Barre Police in the East Brookfield District Court, or any other court of competent jurisdiction, and shall be fined \$300 for each violation.
- (2) Noncriminal disposition. Any violation of this section may, in the discretion of the police officer who is the enforcing person, be enforced in the manner provided in MGL c. 40, § 21D by the issuance of a noncriminal complaint filed in the East Brookfield District Court. The noncriminal fine for each such violation, if not otherwise specified, shall be \$100 for the first violation; \$200 for the second violation; and \$300 for any subsequent violation. Property owners who violate § 98-1A(2) shall be subject to a fine of \$100 per violation.
- (3) Subsequent offense by a registered sex offender shall allow the Police Chief or his/her designee to also make notification to the offender's landlord, parole officer and/or probation officer, and the Commonwealth's Sex Offender Registry Board that the sex offender has violated a municipal bylaw/ordinance.

E. Enforcement.

- (1) This section shall be enforced by the Barre Police Department. If an officer reasonably believes that a sex offender who has been convicted of a sex offense involving a child is in a park or loitering within 150 feet of a park, in violation of this bylaw, the officer shall require said sex offender to provide his/her name, address, and telephone number. If it is established that the individual is a sex offender who has been convicted of a sex offense involving a child, then the officer shall notify said sex offender that he/she is in violation of this bylaw.
- (2) A map depicting the prohibited areas shall be created by the Town and maintained by the Barre Police Department. The Barre Police shall review the map annually for changes. Said map will be available to the public at the Barre Police Department.

F. Forfeiture of exception for establishing residents.

- (1) If, after the effective date of this bylaw a conviction of another sex offense is issued by a court against an adult criminal Level 3 sex offender, who was otherwise enjoying an exception to this bylaw under § 98-1C, the adult criminal Level 3 sex offender shall immediately forfeit the exception afforded by § 98-1C and be required to comply with § 98-1A.
- (2) After a conviction of another sex offense as listed in § 98-1F(1), the offender will be in violation of the bylaw and shall, within 60 days of receipt of written notice of the sex offender's noncompliance with this bylaw, move from said location to a new location, but said location may not be within 1,000 feet of the Town Library or any school, day-care center, park, elderly housing facility or place of worship. It shall constitute a separate violation for each day beyond the 60 days the sex offender continues to reside within 1,000 feet of the Town Library, or any school, day-care center, park, elderly housing facility or place of worship. Furthermore it shall be a separate violation each day that a sex offender shall move from one location in the Town of Barre to another that is within 1,000 feet of the Town Library, any school, day-care center, park, elderly housing facility or place of worship.

G. Severability. If any portion of this section is deemed by a court of competent jurisdiction to be unconstitutional or otherwise invalid or unenforceable, such judgment shall not impair or invalidate or render unenforceable the remaining portion of this section.

H. Definitions:

DAY-CARE CENTER — An establishment, whether public or private, which provides care for children and is registered with and licensed pursuant to the laws of the Commonwealth of Massachusetts by the Office of Child Care Services.

ELDERLY HOUSING FACILITY — A building or buildings on the same lot containing four or more dwelling units restricted to occupancy by households having one or more members 55 years of age or older.

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

LEVEL 2 OFFENDER — The designation given to a sex offender when it has been determined that the individual's risk of re-offense is moderate and the degree of dangerousness posed to the public is such that a public safety interest is served by public access to sex offender registry information.

LEVEL 3 OFFENDER — The designation given to a sex offender when it has been determined that the individual's risk of re-offense is high and the degree of dangerousness posed to the public is such that a substantial public safety interest is served by active dissemination (community notification) of sex offender registry information.

LOITER — Remaining in or around park property for more than 15 minutes.

PARK — Land owned or controlled by a unit of local government, and located within the Town of Barre, that is designated by the unit of local government for use solely or primarily for children's recreation, including recreation areas but not limited to jogging trails, hiking trails, water parks, swimming pools, soccer fields, baseball fields, football fields, or any other field or improved area under the jurisdiction of a unit of local government.

PERMANENT RESIDENCE — A place where a person lives, abides, lodges, or resides for five or more consecutive days or 14 or more days in the aggregate during any calendar year.

PLACE OF WORSHIP — A structure used for religious worship or religious education purposes on land owned by, or held in trust for the use of, any religious organization.

SCHOOL — Any public or private educational facility that provides services to children in grades Kindergarten through 12.

SEX OFFENDER — As defined in MGL c. 6, § 178C, a person who resides, works or attends an institution of higher learning in the commonwealth and who has been convicted of a sex offense or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense or a person released from incarceration or parole or probation supervision or custody with the Department of Youth Services for such a conviction or adjudication or a person who has been adjudicated a sexually dangerous person under MGL c. 123A, § 14, as in force at the time of adjudication, or a person released from civil commitment pursuant to MGL c. 123A, § 9A, whichever last occurs, on or after August 1, 1981.

SEX OFFENDER REGISTRY — Means the collected information and data that is received by

the Criminal History Systems Board pursuant to MGL c. 6, §§ 178C to 178P, inclusive, as such information and data is modified or amended by the sex offender registry board or a court of competent jurisdiction pursuant to said §§ 178C to 178P, inclusive.

**SEX OFFENSE INVOLVING A CHILD** — An indecent assault and battery on a child under 14 under MGL c. 265, § 13B; rape of a child under 16 with force under MGL c. 265, § 22A; rape and abuse of a child under MGL c. 265, § 23; assault of a child with intent to commit rape under MGL c. 265, § 24B; kidnapping of a child under the age of 16 under MGL c. 265, § 26; enticing a child under the age of 16 for purposes of committing a crime under MGL c. 265, § 26C; inducing a minor into prostitution under MGL c. 272, § 4A; living off or sharing earnings of a minor prostitute under MGL c. 272, § 4B; posing or exhibiting a child in the state of nudity under MGL c. 272, § 29A; dissemination of visual material of a child in a state of nudity or sexual conduct under MGL c. 272, § 29B; unnatural and lascivious acts with a child under 16 under MGL c. 272, § 35A; aggravated rape under MGL c. 277, § 39; and any attempt to commit a violation of any of the aforementioned sections pursuant to MGL c. 274, § 6 or a like violation of the laws of another state, the United States military, territorial or Indian tribal authority.

**TEMPORARY RESIDENCE** — A place where a person lives, abides, lodges, or resides for a period of less than five consecutive days or 14 days in the aggregate during any calendar year, which is not the person's permanent address or place where the person routinely lives, abides, lodges, or resides and which is not the person's permanent residence.

**TOWN LIBRARY** — The structure in which the Barre Public Library is located.



SLUDGE AND HAZARDOUS WASTE

**Chapter 101**

**SLUDGE AND HAZARDOUS WASTE**

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

**GENERAL REFERENCES**

**Zoning — See Ch. 140.**

**Floor drains — See Ch. 304.**

**Siting of commercial operations — See Ch. 305.**

ARTICLE I  
**From Any Source**  
**[Adopted 6-30-1980 STM, Art. 8]**

**§ 101-1. Prohibition.**

No sewerage sludge or hazardous wastes from any source shall be brought into Barre for the purpose of disposal or processing.

**§ 101-2. Violations and penalties.**

The penalty for the violation of this bylaw shall be \$200 for each violation, or any penalties according to state law.

ARTICLE II  
**Transport Into Town**  
**[Adopted 12-29-1980 STM, Art. 8]**

**§ 101-3. Prohibition.**

The importation, treatment, storage or disposal of sludge, including Zimpro sludge, but specifically excluding sludge which is generated within the town limits of Barre, or which qualifies as "hazardous waste" as defined in MGL c. 21c § 2, is hereby prohibited at facilities, including sanitary landfills, within the Town of Barre.

**§ 101-4. Violations and penalties.**

The penalty for violating this bylaw shall be \$50 for each violation. A violation shall occur each time any amount of sludge is transported into the town limits and deposited or unloaded at a facility or sanitary landfill.





SOIL DISTURBANCE

**Chapter 104**

SOIL DISTURBANCE

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

GENERAL REFERENCES

Earth removal — See Ch. 201.

ARTICLE I

**Digging and Exploration on Town Property**  
**[Adopted 6-20-2017 ATM, Art. 19]**

**§ 104-1. Permission required. [Amended 6-15-2021 ATM, Art. 20]**

No person may dig or disturb the soil on any Town property, including but not limited to commons, parks and cemeteries, that is owned or controlled by the Town of Barre, without specific written permission from the body, board, committee or commission that has control over the property; then the Select Board may grant such permission.

**§ 104-2. Definitions.**

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

DIG or DISTURB — To include, but not limited to, the intentional act of penetrating the soil surface with any tool or instrument in order to locate and remove an object. This includes use of a metal detector to locate a coin or other object and use of a tool or instrument to remove said coin or object.



BARRE CODE

**Chapter 108**

**STREETS AND SIDEWALKS**

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

## ARTICLE I

**Street Openings****[Adopted 4-29-1985 STM, Art. 6]****§ 108-1. License required.**

Prior to any excavation or commencement of any project involving work within any public way within the Town of Barre the board, commission or other public body or private individual or corporation involved shall make application to the Highway Superintendent for a street opening license. A copy of the form or such license and related documents are attached hereto and incorporated as a part hereof.<sup>7</sup>

**§ 108-2. Violations and penalties.**

In the event any such excavation or work is commenced prior to obtaining such permit, the person or entity involved shall be subject to a fine of not more than \$25 for each such offense. Each day such permit has not been obtained shall be considered a separate offense.

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7. Editor's Note: The documents are on file in the office of the Department of Public Works.

ARTICLE II  
**Snow From Private Property**  
**[Adopted 5-14-1990 ATM, Art. 28]**

**§ 108-3. Prohibited actions.**

Plowing, pushing or removing snow from private property and placing said snow onto or upon a public way is not permitted.

**§ 108-4. Violations and penalties.**

Any person plowing, pushing, or removing snow from private property and placing said snow onto or upon a public way shall be subject to a fine of \$50. Each day snow is so placed onto or upon a public way shall constitute a separate offense.



BARRE CODE

**Chapter 112**

**SURFACE WATER CONTROL**

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

**GENERAL REFERENCES**

**Cross-connection control — See Ch. 33.**

**Subdivision of land — See Ch. 202.**

**Earth removal — See Ch. 201.**

**Floor drains — See Ch. 304.**



## ARTICLE I

**Surface Water Drainage Control****[Adopted 3-18-1985 STM, Art. 6; amended in its entirety 6-12-2006 ATM, Art. 14]****§ 112-1. Definitions.**

The following words used in this bylaw shall have the following meanings:

IMPROVEMENT — Includes, but not limited to, a driveway, a building, or other structure. In addition includes alteration to the land.

PERMIT — Drainage permit.

PERSON — Includes a corporation, society, association, partnership or individual.

SUPERINTENDENT — The Department of Public Works Superintendent.

WAY — Any way within the town, including but not limited to, a public way, private way or way within a subdivision.

**§ 112-2. Drainage permit required; release form.**

- A. Permit. No person shall construct an improvement on any land abutting a way which may increase the volume of surface water draining from the land onto the way unless the owner of the land has first obtained a drainage permit from the Superintendent.
- B. Land lower than way. No person shall construct an improvement on any land abutting a way, where the surface of the portion of said land abutting said way is lower than the surface of the way, unless the owner of the land shall first have:
  - (1) Obtained a drainage permit from the Superintendent; and
  - (2) Delivered to the Superintendent an executed release on a form approved by the Town Counsel suitable for recording in the Worcester Registry of Deeds releasing the town from all claims for damage to the land or improvement thereon resulting from surface water drainage from the way onto the land.
- C. Land higher than way. No person shall construct an improvement on any land abutting a way, where the surface of the portion of said land abutting said way is higher than the surface of the way, unless the owner of the land shall first have:
  - (1) Obtained a drainage permit from the Superintendent; and
  - (2) Delivered to the Superintendent an executed release on a form approved by the Town Counsel suitable for recording in the Worcester Registry of Deeds holding the town harmless for all claims for damage to the way or damage or injuries resulting from surface water drainage from the land onto the way.
- D. Determination. The Superintendent shall determine whether the way is higher than the land, or the land is higher than the way. It may be that both situations exist thereby requiring both releases.

**§ 112-3. Application and fees.**

- A. Applications for drainage permits shall be made by the owner of the land to the Superintendent.

- B. Each application shall include and be accompanied by the following information and supporting documentation:
- (1) The complete name and residential address of the owner of the land, together with a copy of the deed.
  - (2) A plan of the land showing, among other features, each proposed improvement, all existing structures and the abutting way. The plan shall also indicate terrain features and elevations sufficient to determine surface water flow.
  - (3) The complete address of the land.
  - (4) Such other relevant information as may be required by the Superintendent.
- C. Each application shall be accompanied by the sum of \$100 for the permit fee which the Superintendent shall pay over on receipt to the Treasurer of Barre.
- D. A performance deposit of \$2,000 to be deposited with the Treasurer of Barre. In the event the Superintendent finds that the applicant is not completing the work required pursuant to said permit, in a timely fashion, funds may be withdrawn from said performance deposit to complete the required work. Upon satisfactory completion of all work required by the Superintendent pursuant to the permit any balance remaining shall be refunded to applicant.
- E. An agreement to prepay for any engineering or consultant services required by Superintendent to determine work, including drainage facilities, to be required pursuant to the permit.

**§ 112-4. Installation of facilities; notice prior to commencement of construction.**

- A. The applicant of the land shall install such drainage facilities as the Superintendent deems reasonably necessary to prevent an undue volume of surface water draining from the land onto the way or from the way onto the land, as the case may be. The permit shall contain a description of the drainage facilities to be installed.
- B. The Building Department shall include the requirement to obtain a drainage permit in any building packages issued.
- C. The owner shall give notice to the Superintendent and Building Department prior to commencing the construction of an improvement.

**§ 112-5. Rules and regulations.**

The Department of Public Works may adopt reasonable rules and regulations, to carry out the purpose of this bylaw.

**§ 112-6. Enforcement; violations and penalties.**

- A. The Superintendent and Building Department shall enforce the provisions of this bylaw.
- B. Any person who violates any provisions of this bylaw or of any permit issued hereunder after written notice of such violation by the Superintendent, or Building Department, to such person shall be liable to a penalty of \$50. Each day that such violation continues shall constitute a separate violation.

## ARTICLE II

**Drain Line Tie-In****[Adopted 6-12-1995 ATM, Art. 41]****§ 112-7. Permit and approval required. [Amended 6-15-2021 ATM, Art. 20]**

No person, company or other entity shall make any connection to a surface water drain, line culvert or catch basin, in or on any public way within the town, no matter what the purpose may be, without first obtaining approval and a permit from the Select Board.

**§ 112-8. Fees and charges.**

Each applicant shall pay a one-time application fee of \$100 for such permit. In addition the applicant shall pay the cost of such connection including but not limited to any expense incurred regarding digging up, replacing or resurfacing any town way involved.

**§ 112-9. Hold-harmless agreement. [Amended 6-15-2021 ATM, Art. 20]**

Each applicant shall provide the Select Board with a recordable agreement holding the town harmless regarding any damage to the applicant's property as a result of any overflow, backup or other incident resulting from tie in.

**§ 112-10. Tie-in without permit considered violation.**

It shall be considered a violation of this bylaw in the event any tie in is made without such permit.

**§ 112-11. Violations and penalties.**

Every violation of this bylaw shall be subject to a fine of \$300. Each day the offense continues shall constitute a separate violation.



TOWN MEETINGS

**Chapter 119**

**TOWN MEETINGS**

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

ARTICLE I

**Quorum**

**[Adopted 3-6-1954 ATM, Art. 31; amended 5-20-1978 ATM, Art. 38]**

**§ 119-1. Number constituting quorum; adjournment.**

Fifty voters present shall constitute a quorum; provided, however, that a number less than a quorum may from time to time adjourn the same.

**§ 119-2. Exception for election of officers.**

This action shall not apply to such meetings as are devoted exclusively to the election of Town officers.

ARTICLE II

**Election and Appropriations Meeting**

**[Adopted 4-26-1975 ATM, Art. 30; amended in its entirety 6-18-2013 ATM, Art. 24]**

**§ 119-3. Call on separate warrants.**

- A. Pursuant to MGL c. 39, §§ 9 and 9A, as amended, the annual election and appropriations meeting shall be called on separate warrants. The election of Town officers and other matters to be determined by ballot shall be held on the first Monday in April.
- B. All Town officers whose positions are elected by ballot must qualify by taking an oath before the Town Clerk and completing any necessary paperwork relating to the state conflict of interest and open meeting laws within 30 days of the date of the election.

ARTICLE III

**Annual Town Meeting**

**[Adopted 5-18-1987 ATM, Art. 26; amended in its entirety 6-15-2021 ATM, Art. 20]**

**§ 119-4. Determination of date by Select Board.**

The Select Board shall determine which day in May or June the Annual Town Meeting shall be held.



ARTICLE IV  
**Voting on Bylaws**  
**[Adopted 5-20-1978 ATM, Art. 31]**

**§ 119-5. Affirmative vote required.**

Any proposed bylaw which is submitted to any Town Meeting for approval or any proposed amendment to any existing Town bylaw will require an affirmative vote to be accepted as a bylaw of the Town of Barre.

ARTICLE V  
**Rules of Procedure**  
**[Adopted 3-13-1978 ATM, Art. 6]**

**§ 119-6. Adoption of rules. [Amended 6-15-2021 ATM, Art. 21]**

The rules contained in the current edition of Town Meeting Time: A Handbook of Parliamentary Law shall be the parliamentary rules of procedure governing all the Town Meetings in the Town of Barre in all cases to which they are applicable, and in which they are not inconsistent with the bylaws, if any, or the special rules of order, if any, previously adopted by the Town of Barre in Town Meeting assembled.

**§ 119-6.1. Ballot votes. [Added 11-23-2009 STM, Art. 10]**

- A. If requested by a vote of 10% or more of the voters then present and voting at any Town Meeting, the vote that records the position of each registered vote on a particular motion shall be by ballot vote. Request for this ballot method of voting shall be made by a motion duly made and seconded, at any time prior to the vote taken by the Moderator, and shall not be debated, amended or reconsidered.
- B. In the event of a ballot vote, all voters will be directed by the Moderator and/or the Town Clerk regarding the process to cast their ballot.

## ARTICLE VI

**Town Meeting Warrants****[Adopted 6-9-2008 ATM, Art. 25; amended in its entirety 6-15-2021 ATM, Art. 22]****§ 119-7. Posting of warrants.**

All warrants for Annual and Special Town Meetings shall be served, by a Constable, on the inhabitants of the Town by having an attested copy thereof posted at a minimum of five public places within the Town, with at least one being in each precinct. The exact number and locations for such postings shall be determined by the Select Board. All of the foregoing to be accomplished a sufficient number of days prior to the Town Meeting to satisfy Massachusetts General Laws.

The Select Board may, in addition, cause a brief notice of such Town Meeting to be published in the Barre Gazette or such other newspaper with normal circulation in the Town. The Select Board may also cause a notice to be included in the Town's official web site.

The term of office for the Moderator shall be three years instead of one year.



TREES

**Chapter 122**

**TREES**

TREES

§ 119-7

ARTICLE I  
Tree Warden

**[At the Annual Town Election of 4-7-2008, the Town voted to have the elected Tree Warden become an appointed Tree Warden.]**

## TREES

BARRE CODE

**Chapter 128**

**VEHICLES AND TRAFFIC**

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



ARTICLE I

**Stop Signs and Speed Limits**

**[Adopted 3-6-1954 ATM, Art. 31; amended in its entirety 6-15-2021 ATM, Art. 20]**

**§ 128-1. Power of Select Board.**

The Select Board shall have the power to adopt regulations concerning stop signs and speed limits.

ARTICLE II  
**Winter Parking Ban**  
**[Adopted 6-10-1996 ATM, Art. 42]**

**§ 128-2. When effective.**

The winter parking ban goes into effect with the first snow/ice storm until March 15 or later if snow or ice storms occur.<sup>8</sup>

**§ 128-3. Parking prohibited. [Amended 6-18-2013 ATM, Art. 23]**

There shall be no parking upon any roadway in such a manner as to impede the removal of snow or ice either during or after a storm.

**§ 128-4. Parking in business district.**

There shall be no parking in any business district during periods of four inches or more of snow.

**§ 128-5. Available parking areas during storms. [Amended 6-18-2013 ATM, Art. 23]**

Parking is available during storms at the Municipal Parking lot located off of Mechanic Street, at 40 West Street and the Municipal Parking lot adjacent to the South Barre Common on Main Street.

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8. Editor's Note: Former § 128-3, Streets designated, which immediately followed, was repealed 6-18-2013 ATM, Art. 23. This article also renumbered former §§ 128-4 through 128-6 as §§ 128-3 through 128-5, respectively.



BARRE CODE

**Chapter 134**

**WATER**

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

GENERAL REFERENCES

Noncriminal disposition of bylaw violations — See Ch. 67.

ARTICLE I  
**Restrictions on Use**  
**[Adopted 6-12-2000 ATM, Art. 22]**

**§ 134-1. Authority.**

The Town of Barre adopts this bylaw under its police powers to protect public health and welfare and its powers under MGL c. 40, § 21 et seq. And implements the town's authority to regulate water use pursuant to MGL c. 41, § 69B. This bylaw also implements the Town of Barre's authority under MGL c. 40, § 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

**§ 134-2. Purpose.**

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a state of water supply conservation or state of water supply emergency by providing for enforcement of any duly imposed restriction, requirements, provisions or conditions imposed by the Town of Barre or by the Department of Environmental Protection.

**§ 134-3. Definitions.**

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

PERSON — Any individual, corporation trust, partnership or association, or other entity.

STATE OF WATER SUPPLY CONSERVATION — A state of water supply conservation declared by the town pursuant to § 134-4 of this bylaw.

STATE OF WATER SUPPLY EMERGENCY — A state of water supply emergency declared by the Department of Environmental Protection under MGL c. 21G, § 15-17.

WATER USERS or WATER CONSUMERS — All public and private users of the Town of Barre's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

**§ 134-4. Declaration of state of water supply conservation.**

The Town of Barre, through its Board of Water Commissioners, may declare a state of water supply conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of state of water conservation shall be given under § 134-6 of this bylaw before it may be enforced.

**§ 134-5. Restricted water uses.**

A declaration of a state of water supply conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restriction, conditions or requirements shall be included in the public notice required under § 134-6.

- A. Odd/even day outdoor watering. Outdoor watering by water users with odd-numbered addresses is restricted to odd-numbered days.
- B. Outdoor watering ban. Outdoor watering is prohibited.

- C. Outdoor watering hours. Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a state of water supply conservation and public notice thereof.
- D. Filling swimming pools. Filling of swimming pools is prohibited.
- E. Automatic sprinkler use. The use of automatic sprinkler systems is prohibited.

**§ 134-6. Public notification of state water supply conservation; notification of DEP.**

Notification of any provision, restriction, requirement or condition imposed by the Town of Barre as part of a state of water supply conservation shall be published in a newspaper of general circulation with the Town of Barre, or by such other means reasonably calculated to reach and inform all users of water of the state of water supply conservation. Any restriction imposed under § 134-5 shall not be effective until such notification is provided. Notification of state of water supply conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

**§ 134-7. Termination of state of water supply conservation: notice.**

A state of water supply conservation may be terminated by a majority vote of the Board of Water Commissioners, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a state of water supply conservation shall be given in the same manner required by § 134-6.

**§ 134-8. State of water supply emergency; compliance with DEP orders.**

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

**§ 134-9. Violations and penalties.**

Any person violating this bylaw shall be liable to the Town of Barre in the amount of \$50 for the first violation and \$100 for each subsequent violation which shall inure to the town. Fines shall be recovered by indictment, or on complaint before the District Court, or by noncriminal disposition in accordance with MGL c. 40, § 21D. Each day of violation shall constitute a separate offense.

**§ 134-10. Severability.**

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



BARRE CODE

**Chapter 140**

**ZONING**

**[HISTORY: Adopted by the Town Meeting of the Town of Barre 6-16-1972 STM, Art. 7.  
Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Building construction — See Ch. 21.**

**Sewer use and construction — See Chs. 304, 402 and 403.**

**Environmental evaluation — See Ch. 42.**

**Siting of commercial operations — See Ch. 305.**

**Subdivision of land — See Ch. 202.**

**Wells — See Ch. 308.**

**Review of subdivision plans — See Ch. 303.**



ARTICLE I

**Purpose**

**§ 140-1. Purpose stated.**

To promote the health, safety, convenience and general welfare of its inhabitants; to protect the community and to promote sound growth, the Town of Barre is hereby divided into districts in which the use of land and the construction, alteration, height, location and use of buildings and structures are hereby regulated as provided under the authority of Chapter 40-A of the General Laws.

ARTICLE II  
**Definitions**

**§ 140-2. Terms defined.**

In this bylaw the following terms shall have the meanings described below:

**ACCESSORY USE** — A use which, in the Town of Barre, is customarily subordinate or incidental to the principal use of land or buildings.

**APARTMENT HOUSE** — A building designed as a dwelling for three or more families.

**BOARDINGHOUSE** — A dwelling in which the family resident therein provides eating and/or sleeping accommodations for not more than six paying guests who use only the cooking facility ordinarily used by the resident family. **[Amended 6-12-2000 ATM, Art. 42]**

**BUILDING** — A roofed structure forming a shelter for persons, animals or property, and permanently located on the land.

**DWELLING** — A building or portion thereof designed for residential occupancy on a year-round or seasonal basis, but not including apartment house, boardinghouse, hotel or motel.

**FARM** — A parcel of land used principally for raising crops, or for the raising of livestock and poultry, dairy cattle, plant or tree nurseries or for greenhouses. Includes necessary personnel, structures, buildings, vehicles and equipment, but not residential or commercial structures other than those directly related to farm operation.

**FRONTAGE** — The dimension of a lot along the street that the lot abuts. Said dimension is not necessarily a straight line. **[Added 2-28-2005 STM, Art. 4]**

**HOME OCCUPATION** — One use customarily conducted within a dwelling, such as dressmaking, teaching of not more than two students simultaneously, office of medical doctor, dentist, attorney, architect or certified public accountant, carried on by the owner/occupant thereof with not more than two nonresident employees, provided that such use is secondary to the use of the dwelling for residential purposes by the owner and does not change the residential character thereof. **[Amended 6-12-2000 ATM, Art. 42]**

**JUNKYARD** — Land or structures used commercially for collecting, storing or selling wastepaper, rags, scrap metal, or discarded material; or for collecting, dismantling, storing, salvaging or selling inoperative machinery or vehicles or parts thereof.

**LOT** — A tract of land under separate ownership, occupied or intended to be occupied by a principal building and the structures accessory to it and including such open spaces as are required.

**MOTEL** — A building or group of buildings on a single lot, detached or in connected units, desired for transients and providing for accessory off-street parking facilities for each room or suite.

**NONCONFORMING USE** — Use of a building or land, existing at the time of the enactment or subsequent amendment of the Zoning Bylaw, which does not conform to the regulations of the district in which it is situated.

**PROFESSIONAL OFFICE** — The office of recognized professionals, such as a doctor, dentist, lawyer, architect, engineer, artist, musician, designer, or teacher, as distinguished from an office of a business nature.

**SMALL SPECIALTY RETAIL BUSINESS** — A use allowed in residential districts with a special permit not to require more than two employees not including the owner occupant, provided that such use is

secondary to the use of the dwelling for residential purposes by the owner and does not change the residential character thereof.[**Added 6-13-2005 ATM, Art. 28**]

**SOLAR ENERGY FACILITY** — A structure that is designed, constructed and intended to convert solar energy to electricity generated for residential or commercial use. "Solar energy facility" shall include and not be limited to: solar energy facilities, whether referred to as "solar energy facility," "photovoltaic facility," "solar photovoltaic system," or otherwise.[**Added 6-21-2016 ATM, Art. 47**]

**SPECIAL PERMIT** — A permit approved by the special permit granting authority as designated at § 140-30, for uses that require a special permit in this bylaw, MGL c. 40A, § 9, and any other provision of MGL following a public hearing process as required by MGL c. 40A, § 11, and any other requirement of MGL.[**Added 2-26-1979 STM, Art. 6; amended 6-21-2016, Art. 44**]

**STREET** — A public or private vehicular thoroughfare which affords the principal means of access to abutting property and which, as defined, includes the entire right-of-way. If no right-of-way has been established, it shall be deemed to extend 25 feet on each side of the center of the traveled way and parallel thereto.

**STRUCTURE** — A combination of materials assembled at a fixed location to give support or shelter or for other purposes, shall include buildings, framework, sheds, platforms, towers and the like.

**TOURIST OR GUESTHOUSE** — A dwelling in which overnight accommodations are provided for paid transient guests.

**TRAILER COURT or TRAILER PARK** — A group of at least two trailers or mobile homes.

**TRAILER OR MOBILE HOME** — A vehicle, with or without motive power, used or intended to be used for human habitation or for office or business use.

**TRAVEL/CAMPING TYPE TRAILER** — A vehicular, portable unit designed for travel, camping or recreational use.[**Added 6-12-2000 ATM, Art. 42**]

**USE** — The purpose for which a building or land is arranged or intended, or for which a building or tract of land is or may be occupied.

**VARIANCE** — Administrative permission to use land or structures for a use prohibited by the applicable zoning regulations as provided under criteria in other sections of this bylaw. Variances may be granted for relief from use and/or area requirements of the bylaw.[**Amended 2-26-1979 STM, Art. 6**]

ARTICLE III  
Establishment of Districts

**§ 140-3. Zoning districts. [Amended 6-9-1997 ATM, Art. 49; 6-17-2002 ATM, Art. 31; 6-14-2004 ATM, Art. 43]**

The Town of Barre is hereby divided into the following districts for the purposes of this bylaw. (See table on page 14031<sup>9</sup> for detailed dimensional requirements.)

Basic Lot Size		
Residence Districts	Area	Frontage
R-80 Rural Residence	80,000 square feet	200 feet
R-20 Open Residence	20,000 square feet	120 feet
R-15 General Residence	15,000 square feet	110 feet
Business Districts		
B-L Limited Business	30,000 square feet	130 feet
B-C Business and Commercial	No minimum	100 feet
Industrial Districts		
IND Industrial	40,000 square feet	130 feet

**§ 140-4. Location of districts. [Amended 11-21-2005 STM, Art. 4; 6-22-2009 ATM, Art. 20]**

- A. The location and boundaries of these districts shall be as shown on the Zoning Map of Barre dated October 28, 2019, being the most recent revision of prior Town of Barre Zoning Maps, which shall be on file in the office of the Town Clerk. **[Amended 6-15-2021 ATM, Art. 28]**
- B. The additional information shown on the map is for informational purposes only and is not to be used as reflecting any Town Meeting action or approval as to the Town boundaries, road gates, roads, discontinued roads, scenic roads, railroads, Commonwealth of Massachusetts lands, cemeteries, mass Audubon land, landfill, water bodies, streams, or public water supply wells.
- C. In order to determine the status of roads, within the Town, it would require independent research.

**§ 140-5. Interpretation of district boundaries.**

- A. Where a right-of-way, street or watercourse is shown on the map as a district boundary, the center line thereof is the actual boundary.
- B. Where a district boundary is shown approximately parallel to a street, it shall be deemed parallel to the exterior line of the right-of-way of the street and at such distance therefrom as indicated on the Zoning Map.
- C. Where district boundary lines specifically follow private, public or institutional property lines, said boundaries shall be considered to be fixed as of the date said districts were established.

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9. Editor's Note: See 140 Attachment 1 included at the end of this chapter.

ARTICLE IV  
Use Regulations

**§ 140-6. Compliance required.**

Except as hereinafter provided, no building or structure shall be constructed, altered or maintained and no building, structure or land shall be used for any purpose or in any manner other than as indicated for the district in which it is situated.

**§ 140-7. Residence Districts.**

A. Permitted uses.

- (1) Single detached one-family dwelling.
- (2) Municipal, educational, religious or other nonprofit institutional use.
- (3) Farm, provided that no barn or stable sheltering animals on such farm be closer than 100 feet from property line, orchard, greenhouse, tree nursery, truck garden or wood lot. May include sale of agricultural or horticultural products primarily raised on the premises. One or more signs with an aggregate total maximum area of 32 square feet may be displayed during seasons when such products are for sale.
- (4) Accessory uses, including the following, provided that they are customarily incidental to a permitted main use on the same premises and not detrimental to a residential neighborhood. Except as indicated, there shall be no exterior indication of the accessory use and no exterior display of merchandise. No more than two persons not residents on the premises are to be employed. One sign, not over four feet square in area, may be displayed.
  - (a) Use of space in a dwelling for a customary home occupation, office or studio maintained by resident occupants.
  - (b) Use of property in connection with his trade by a resident carpenter, electrician, painter, plumber or other artisan, provided that no manufacturing or business requiring substantially continuous employment shall be carried on and that all storage of materials and equipment shall be within the principal building or within suitable accessory buildings.
  - (c) Renting space to lodgers, boarders or tourists, provided that no separate cooking facilities are maintained, and provided that no more than three rooms are rented. Accommodations shall be limited to a maximum of six persons in addition to the resident family.
- (5) Two-family dwellings, with the exception that in the Residence Districts R-20 and R-15, the same must be serviced by Town water and sewer. **[Amended 6-13-2023ATM by Art. 15]**
- (6) One travel/camping type trailer for storage purposes and not to be used as the principal residence on said property. **[Added 5-21-1977 ATM, Art. 20]**
- (7) Animals or birds as customary household pets may be kept in all districts. **[Added 2-26-1979 STM, Art. 7]**
- (8) Livestock and poultry kept for the pleasure of residents are permitted in R-80 Districts provided livestock do not exceed four adult animals and poultry do not exceed 20 in number, if such

livestock are quartered a minimum of 50 feet from all property lines, and such quarters provided for keeping of such livestock are maintained at least 100 feet from any dwellings on adjacent property. **[Added 2-26-1979 STM, Art. 7]**

- B. Uses which may be allowed only by special permit, if the Planning Board, after a public hearing and subject to appropriate regulations, shall determine that the use contemplated is in harmony with the general purpose and intent of this bylaw and will not be in conflict with the public safety, convenience or welfare and will not be detrimental to property values nor offensive to people in adjacent properties or districts. The Planning Board may make the permit subject to general or specific provisions set forth therein and further such permits may also impose conditions, safeguards and limitation in time and use. **[Amended 5-21-1977 ATM, Art. 19; 2-26-1979 STM, Art. 7; 6-12-2000 ATM, Art. 42; 6-14-2004 ATM, Art. 43; 6-13-2005 ATM, Art. 28; 6-22-2009 ATM, Art. 22; 11-26-2012 STM, Art. 18; 6-21-2016 ATM, Arts. 41, 42, and 46]**
- (1) Cemetery, golf course, riding stable, boat livery or camp for children or adults (in R-80 District only).
  - (2) Nursing home, sanitarium, orphanage or similar use.
  - (3) Dog kennel or veterinary hospital (in R-80 District only).
  - (4) Private school or college, kindergarten, trade or professional school.
  - (5) Telephone exchange, hydro power facility, railroad or bus station.
  - (6) Commercial raising of swine, goats or fur-bearing animals or commercial slaughterhouses (in R-80 District only).
  - (7) Private club not conducted for profit.
  - (8) Golf club, hunting or fishing area or other extensive outdoor recreation use, whether or not conducted for profit. May include commercial recreational area for camping, tents, cabins or cottages, for seasonal or part-time occupancy only. Under these provisions, such sites, facilities or buildings as are used or occupied for limited periods for recreational purposes shall not be subject to the lot area and yard requirements which pertain to residence districts. No recreational unit, building or site may be occupied, whether on a temporary or permanent basis, during the period from December 1, in any year, to April 1, of the following year, except for supervisory or maintenance personnel, provided that prior approval for any such occupancy has been obtained from the Board of Health. Commercial uses shall be strictly limited to meet the needs of persons using the land for camping purposes. Use of land for such recreational uses shall be subject to the granting of an appropriate license by the Board of Health under the provisions of MGL c. 140, §§ 32A to 32E. Before the issuance of a permit, a site plan showing all the camping or tenting areas, buildings, water supply and sanitary facilities shall be presented.
  - (9) Removal of gravel, loam, sand or rock for commercial purposes (in R-80 District only).
  - (10) Conversion of a one-family dwelling, existing at the time of the adoption of this bylaw, into a two-family dwelling, provided that the lot is at least 20,000 square feet in area and that all sewage disposal and yard requirements can be met.
  - (11) Antique or gift shop or small specialty retail business or retail sale of products of home occupation, provided items for sale are not displayed outdoors. Any limitations or conditions may be included in the special permit as required to maintain the character of the neighborhood.

- (12) Undertaker, provided that lot is at least 20,000 square feet in area and that adequate off-street parking can be provided.
- (13) Mobile homes not situated in mobile home parks shall be allowed to be placed upon the property only under the following circumstances:
  - (a) For use as a temporary dwelling by a person who intends to construct or reconstruct his or her dwelling for a period of time, not to exceed one year; an additional one-year extension may be granted by the Planning Board.
  - (b) By any contractor engaged in the construction of a major building such as a school or office, for use as an office, but not as a dwelling, for a period of time, not to exceed one year; an additional one-year extension may be granted by the Planning Board.
- (14) Apartment houses with adequate off-street parking facilities (but not permissible in R-80 District).
- (15) Single detached two-family dwellings (in R-80 District only).
- (16) Sawmill operations and accessory uses (in R-80 District only).
- (17) As an accessory use, animals, birds, livestock or poultry in greater numbers than as provided for in § 140-7A(8) above in the R-80 District or other residential districts may be allowed.
- (18) Wind-powered generators.
- (19) Studio/or galleries for the instruction and practice of visual arts, photography, sewing, ceramics, knitting, jewelry making, and other similar arts and crafts related use and practice of musical instruments and voice lessons provided that such and all work is not detrimental to the neighborhood causing noise or undue commotion only in R-15 Districts.

#### **§ 140-8. Limited Business Districts.**

##### **A. Permitted uses:**

- (1) Any use permitted, or allowed by special permit, under § 140-7A and B, except those listed at § 140-7B(3), (6), (9), (10), (13) and (18). **[Amended 6-14-2004 ATM, Art. 43; 6-22-2009 ATM, Art. 22]**
- (2) Financial, medical, professional or business office.
- (3) Retail business, consumer service, newspaper or job printer. A maximum of four employees may be engaged in repair or service work (except automotive, vehicular or large farm equipment maintenance) or in making articles to be sold at retail, on the premises only.
- (4) Hotel, motel or restaurant.
- (5) Signs or other advertising devices indicating the name of the firm or goods or services available on the premises, provided such signs or devices are located flat against a wall of the principal building and do not exceed two square feet in total combined area per linear foot of building frontage along the highway. One sign indicating the name of the firm, and marquee which is an integral part of the building. Total sign area may not exceed 100 square feet without approval of the Zoning Board of Appeals. **[Amended 6-17-2002 ATM, Art. 31]**

- (6) One sign or other advertising device of a freestanding nature indicating the name of the firm or goods or services available on the premises, provided that such sign or device is located at least 10 feet from the highway and does not exceed 25 square feet in total area per business establishment.
- B. Uses which may be allowed only by special permit, if the Planning Board, after a public hearing and subject to appropriate regulations, shall determine that the use contemplated is in harmony with the general purpose and intent of this bylaw and will not be in conflict with the public safety, convenience or welfare and will not be detrimental to property values nor offensive to people in adjacent properties or districts. The Planning Board may make the permit subject to general or specific provisions set forth therein and further such permits may also impose conditions, safeguards and limitation in time and use. **[Amended 6-14-2004 ATM, Art. 43; 6-22-2009 ATM, Art. 22; 6-21-2016 ATM, Art. 45]**
- (1) Automobile service or gasoline station, sales establishment or repair garage.
  - (2) Service of sales establishment for farm machinery or other heavy equipment.
  - (3) Contractor's yard or similar use. Adequate screening from public ways will be required for such uses.
  - (4) Sale or storage of feed, fuel, lumber or building supplies. Adequate screening from public ways will be required for such uses.
  - (5) Place of amusement or assembly or club conducted for profit.
  - (6) Trucking depot or warehouse.
  - (7) Dog kennel or veterinary hospital.
  - (8) Wind-powered generators.

#### **§ 140-9. Business and Commercial Districts.**

A. Permitted uses:

- (1) Any use permitted, or allowed by special permit, under § 140-8A and B, except those listed at § 140-7B(3), (6), (9), (13) and (18), and § 140-8B(5). **[Amended 6-12-2000 ATM, Art. 42; 6-14-2004 ATM, Art. 43; 6-22-2009 ATM, Art. 22]**
  - (2) Any lawful sales, manufacturing or industrial use including processing, fabrication, assembly or storage, except those listed in § 140-10B below. **[Amended 6-12-2000 ATM, Art. 42]**
  - (3) General office use.
  - (4) Wholesale establishment.
  - (5) Signs or other advertising devices as permitted under § 140-8A.
  - (6) A car wash and directly related activities. **[Added 6-11-2007 ATM, Art. 27]**
- B. Uses which may be allowed only by special permit, if the Planning Board, after a public hearing and subject to appropriate regulations, shall determine that the use contemplated is in harmony with the general purpose and intent of this bylaw and will not be in conflict with the public safety, convenience or welfare and will not be detrimental to property values nor offensive to people in adjacent properties or districts. The Planning Board may make the permit subject to general or specific provisions set



forth therein and further such permits may also impose conditions, safeguards and limitation in time and use **[Amended 6-14-2004 ATM, Art. 43; 6-22-2009 ATM, Art. 22; 6-21-2016 ATM, Art. 45]**

- (1) Activities conducted for scientific research or development or related scientific production. **[Amended 2-26-1979 STM, Art. 6]**
- (2) Light manufacturing or processing activity where the major portion of the product is to be sold to the consumer on the premises.
- (3) Junkyard or outdoor storage of more than one unregistered automobile or truck, provided they are not visible from the public way.
- (4) Place of amusement or assembly or club conducted for profit.
- (5) Dog kennel or veterinary hospital.
- (6) The rental of individual storage units.
- (7) Wind-powered generators.

#### **§ 140-10. Industrial Districts.**

##### **A. Permitted uses:**

- (1) Any use permitted, or allowed by special permit, under § 140-9A and B, except those listed at § 140-7B(3), (6), (9), (13) and (18), and § 140-8B(5). **[Amended 6-12-2000 ATM, Art. 42; 6-14-2004 ATM, Art. 43; 6-22-2009 ATM, Art. 22]**
- (2) Any lawful sales, manufacturing or industrial use, including processing, fabrication, assembly or storage, except those listed in Subsection B below.
- (3) One or two signs or displays advertising the name of the firm or goods or services available or produced on the premises and not exceeding 200 square feet in total combined area, provided such signs are not within 50 feet of the highway. The top of any sign may be no higher than the height of the building with which it is associated.
- (4) One or two signs or displays advertising the name of the firm or goods or services available or produced on the premises and not exceeding 40 square feet in total combined area, provided that such sign or display is located at least 15 feet from the street.

##### **B. Uses which may be allowed only by special permit, if the Planning Board, after a public hearing and subject to appropriate regulations, shall determine that the use contemplated is in harmony with the general purpose and intent of this bylaw and will not be in conflict with the public safety, convenience or welfare and will not be detrimental to property values nor offensive to people in adjacent properties or districts. The Planning Board may make the permit subject to general or specific provisions set forth therein and further such permits may also impose conditions, safeguards and limitation in time and use. **[Amended 6-12-2000 ATM, Art. 42; 6-14-2004 ATM, Art. 43; 6-22-2009 ATM, Art. 22; 6-21-2016 ATM, Art. 45]****

- (1) Industrial use where the product or process constitutes an explosion or fire hazard of sufficient magnitude to be subject to regulation (excluding regulations on power transmission, steam or electrical) by any statute of the Commonwealth of Massachusetts or the federal government dealing specifically with such hazard and such product or process.

- (2) Industrial use where the product or process constitutes a chemical poison hazard of sufficient magnitude to be subject to regulation by any statute of the Commonwealth of Massachusetts or the federal government dealing specifically with such hazard and such product or process.
- (3) Dog kennel or veterinary hospital.
- (4) Wind-powered generators.

**§ 140-10.1. Solar energy facilities special permit and site plan review. [Added 6-21-2016 ATM, Art. 48; amended 12-11-2018 STM, Art. 10]**

**A. Purpose.**

- (1) The purpose of this bylaw is to regulate the development of solar energy facilities by providing standards for the placement, design, construction, operation, monitoring, modification, and removal of such facilities. The prime purpose shall be to protect the public health, safety, and welfare. In considering a proposed facility, the Planning Board shall minimize impacts on scenic views, agricultural, natural and historic resources of Barre. In the event a facility is approved, a further purpose of this bylaw is to provide adequate financial assurance for the timely decommissioning and removal of such facilities, including the restoration of the site.
- (2) The Planning Board shall be the Special Permit Granting Authority for those installations that require a special permit. The Planning Board shall consider all effects that the proposed facility may have upon the site, the neighborhood and the community as a whole. In the event the proposed site is presently in agricultural use, the continued agricultural use shall be encouraged. The Planning Board may recommend that the facility be located on other portions of the site where the soil does not have prime agricultural use potential.
- (3) The initial term of any special permit will be 20 years, or such other time as determined by the Planning Board. The permit may be extended for up to two five-year terms. Any further extension shall require a new application.

**B. Applicability.** This bylaw applies to all solar energy facilities, either existing, or proposed, in the Town of Barre. In addition this bylaw shall apply to any and all alterations, changes, improvements and modifications, including, but not limited to, upgrades or physical modifications, regardless of whether the modification materially alters the type, configuration, or size of these facilities or related equipment. The Planning Board shall follow the procedural requirements for processing special permit applications as set forth in Massachusetts General Laws, including but not limited to MGL c. 40A, § 9.

**C. Definitions and use regulations.**

**AGRICULTURAL SOLAR PHOTOVOLTAIC FACILITY** — A solar photovoltaic system that is for the exclusive purpose of providing electricity for a property that is primarily in agricultural use as defined under MGL c. 40A, § 3. The electricity produced to be used solely for the benefit of the agricultural property. Allowed as a matter of right in all zoning districts.

**COMMERCIAL LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC FACILITY** — A commercial solar photovoltaic system that is structurally mounted on the ground and has a minimum nameplate output capacity of 250 kw DC. Only allowed by special permit in the following zoning districts: Limited Business, Business and Commercial and Industrial. Commercial large-scale ground-mounted solar photovoltaic facilities may be allowed by special permit on agricultural lands which are zoned R-80 in limited numbers and limited circumstances as determined by the Planning

Board and under special conditions as stated in Subsections D and E. New commercial large-scale ground-mounted solar photovoltaic facilities shall not exceed 25 megawatts (DC) of total capacity for all newly permitted facilities in aggregate beginning on the date of adoption of this revised bylaw.

**COMMERCIAL ROOF-MOUNTED SOLAR PHOTOVOLTAIC FACILITY** — A commercial solar photovoltaic system that is structurally mounted on the roof of a building zoned and actively used for an allowed commercial use. Allowed as a matter of right in the following zoning districts: Limited Business, Business and Commercial and Industrial.

**COMMERCIAL SMALL-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC FACILITY** — A commercial solar photovoltaic system that is structurally mounted on the ground and has a nameplate output capacity of less than 250 kw DC. Only allowed by special permit in the following zoning districts: Limited Business, Business and Commercial and Industrial.

**COMMERCIAL USE** — Where the electricity generated by a solar energy facility is produced, distributed and utilized for use on site or sale or resale off site which allows a monetary gain directly or indirectly to the owner of the property.

**PRIME AGRICULTURAL SOILS** — Agricultural land with soils designed as prime or of the statewide significance by the U.S. Natural Resources Soil Services soil surveys.

**RATED NAMEPLATE CAPACITY** — The maximum rated output of electric power production equipment, such as solar energy facilities or solar photovoltaic facilities. The manufacturer typically specifies this output with a "nameplate" on the equipment.

**RESIDENTIAL GROUND-MOUNTED SOLAR PHOTOVOLTAIC FACILITY** — A residential solar photovoltaic system that is structurally mounted on the ground where the electricity generated by the solar facility is produced and solely utilized, on the residential site, by the owner of the residential property. The output to not exceed 110% of the residential unit's electrical consumption. Requires a special permit in all districts.

**RESIDENTIAL ROOF-MOUNTED SOLAR PHOTOVOLTAIC FACILITY** — A residential solar photovoltaic system that is structurally mounted on the roof of a residential structure where the electricity generated by the solar facility is produced and solely utilized, on the residential site, by the owner of the residential property. The output to not exceed 110% of the residential unit's electrical consumption. Allowed as a matter of right in all districts.

**RESIDENTIAL USE** — Where the electricity generated by a solar energy facility is produced solely, on a residential site, for the use and benefit of the owner of the residential property.

**SOLAR ENERGY FACILITY** — A structure that is designed, constructed and intended to convert solar energy to electricity generated for residential or commercial use. In this bylaw, "solar energy facility" shall include and the bylaw shall apply and not be limited to solar energy facilities, whether referred to as "solar energy facility," "photovoltaic facility," "solar photovoltaic system," or otherwise.

**D. Location/lot/siting preferences.**

- (1) It is strongly recommended that proposals not select locations that would result in significant loss of land and natural resources such as farm and forest land. Preference is that rooftop siting(s) and locations in industrial or commercial districts be used. As an alternative vacant, previously disturbed land should be considered. Placement of facilities in front yards will not be permitted without specific approval of the Planning Board. For agricultural facilities rooftops are preferable. In the event an agricultural facility does not have adequate roof space, nonproductive, nonarable land should be selected.

- (2) Commercial large-scale ground-mounted solar photovoltaic facilities that are proposed for agricultural lands in areas zoned R-80 shall have a minimum overall lot size of 800,000 square feet and no more than 60% of this area may be used for the solar facility. The maximum size of a single solar facility shall be five megawatts DC. The lot must be contiguous. Minimum road frontage for the applicable zoning classification shall be required. Access to solar facility shall be limited to one driveway unless site layout requires a second driveway and the Planning Board approves. The solar facility shall be the sole use on the proposed lot with sole use of the applicable driveway. An existing right-of-way, whether in use or not, may not be used as the new access. No below-grade foundation(s) or structures shall be used without the specific approval of the Planning Board. No material, including topsoil, may be removed from the site without prior specific approval of the Planning Board.

E. Visual impact.

- (1) All solar energy facilities shall be positioned to provide a visual buffer in order to reduce the visual impact the facility has upon all abutting properties in residential use, whether occupied or not, or potentially in residential use, or which have a view of the proposed project, including houses across a street. In addition, a visual buffer shall be provided for roadways which have a view of the proposed project. Note: Additional conditions for visual impact mitigation apply to commercial large-scale ground-mounted solar photovoltaic facilities located on agricultural land in areas zoned R-80.
- (2) The applicant shall incorporate methods to eliminate or minimize the visual impact of the solar facility such as earthen berms, vegetation and fencing/screening or reducing the height of facility components. The retention of existing natural growth is encouraged. The applicant shall indicate any existing vegetation the applicant plans to remove or alter. The required visual buffer will be determined on a case-by-case basis and site-specific at the sole discretion of the Planning Board. The documents submitted pursuant to Subsection F(3) below will be used but will not be the only source of information used by the Planning Board regarding this matter.
- (3) Commercial large-scale ground-mounted solar photovoltaic facilities located on agricultural land in areas zones R-80 shall not be visible from any roadway or from any residential abutters.
- (4) Commercial large-scale ground-mounted solar photovoltaic facilities located on agricultural land in areas zones R-80 shall not be located along or be visible from a scenic highway.
- (5) Commercial large-scale ground-mounted solar photovoltaic facilities located on agricultural land in areas zones R-80 shall be evaluated in accordance with dual use agriculture/energy guidelines as described in Massachusetts Department of Agricultural Resources regulations.
- (6) Solar energy facilities shall not be located within 1/4 mile of the Town Commons of the Town of Barre, South Barre, or Barre Plains.
- (7) Solar energy facilities shall not be located on unfragmented open land as identified as a priority for protection in the Town's Open Space and Recreation Plan, Master Plan or the Community Development Plan.
- (8) Solar energy facilities shall not be located on agricultural land with soils designed as prime or of statewide significance by the U.S. Natural Resource Conservation Service Soil Surveys.
- (9) Solar energy facilities shall not be located in areas that contain rare, threatened, or endangered species or exemplary natural communities according to the Massachusetts BioMap Project

developed by the Massachusetts Natural Heritage & Endangered Species Program and the Massachusetts Department of Environmental Protection (DEP).

- (10) Solar energy facilities shall not be located in areas that contain unique natural, culture, and/or historical features as intended in the Master Plan or Community Development Plan.
- F. Site plan review procedure. A site plan review shall be conducted as a part of the special permit process. Site plan documents: The applicant shall submit plans and documents to the Planning Board, which shall be the site plan review authority. The site plans shall show:
- (1) Property lines and physical features, including roads and topographical contour lines for the project site. Also the applicant shall indicate the location of existing, proposed or potential agricultural uses.
  - (2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures. A planting plan where a visual buffer is required shall be presented.
  - (3) Views of the site from all off-site abutting properties (and where the site is abutting a street, from the street) indicating what will be seen, prior to construction, immediately after construction is completed with no plantings in place, after construction with all plantings in place and at two, five and 10 years after construction with all plantings still in place (indicating normal anticipated growth). The view may be a sketch or computer-generated from photographs or drawings. The views should indicate both existing conditions and proposed modifications with particular attention as to how each modification is intended to reduce the visual impact of the proposed facility. The Planning Board may request additional views. Note: Commercial large-scale ground-mounted solar photovoltaic facilities located on agricultural land in areas zoned R-80 must meet alternate requirements for visual impact as specified in Subsection E, Visual impact, Parts (1) through (6).
  - (4) In addition to the abutter notification requirements for special permits as contained in Subsection G, the applicant for a commercial large-scale ground-mounted solar photovoltaic facility shall notify all property owners located within 1/2 mile of the boundaries of the property on which the solar facility will be located. This notification shall include a description of the project, a site plan showing the location of the solar facility and any additional information that the Planning Board determines. Then notification shall be mailed via certified mail with a return receipt. Any comments received from local property owners shall be included in the permit application. The property owner shall erect a sign beside the major frontage road within 30 days of submitting an application for a special permit for the solar facility. The sign shall state the name of the solar contractor, the size in acres of the solar facility, and the total megawatt output of the facility. The sign shall include a site plan showing the location and extent of the solar facility and all nearby roads and highways. The sign lettering shall be of sufficient size to be read by someone driving along the road.
  - (5) The Planning Board may require, as a part of the review, on-site visits by the Planning Board during the application process. In addition the Planning Board may require on-site visits during the construction phase and from time to time, as determined by the Planning Board, following the date of completion. In the event the Planning Board receives a signed written complaint, the Planning Board will notify the applicant, owner and operator and schedule an on-site visit to resolve the matter. The purpose of such visits to be to confirm that the visual impact of the project has been minimized. In the event that the Planning Board finds that further steps are required to minimize the visual impact, the applicant, owner and/or operator shall take such

steps as are required by the Planning Board, including replacing dead or unhealthy vegetation.

G. Special permit solar energy system plans and documents.

- (1) All applicants shall submit to the Planning Board the following plans and documents that fully describe the nature of the proposed solar energy system.
  - (a) Plans and drawings of the solar facility signed and stamped by a professional engineer licensed to practice in Massachusetts showing the proposed layout of the system and any potential shading from nearby structures or trees.
  - (b) One- or three-line electrical diagram detailing the solar facility, associated components, and electrical interconnection methods, with the Massachusetts Electrical Code, 527 CMR 12.00.
  - (c) Technical specifications of the major system components, such as solar arrays, mounting system, transformers, and inverters. The information shall include what materials are used in the manufacture of the components.
  - (d) The name, physical address, mailing address, telephone number(s) and e-mail address of the owner(s), lessor(s), contact person(s), design engineer(s), and contractor(s). If any of the aforesaid named entities change during the construction, operation, or decommissioning of the solar facility, the Planning Board shall be notified within 30 days of the change.
  - (e) Proof that the project site has the necessary frontage and area to satisfy Town of Barre zoning requirements to qualify as a separate lot. In addition proof that the site has sufficient area to allow for installation and use of the proposed facility.
  - (f) An operation and maintenance plan.
  - (g) General liability insurance; proof of \$1,000,000 by occurrence; \$2,000,000 in aggregate; or \$5,000,000 excess liability (umbrella policy).
  - (h) Agreement to make deposits to Barre Treasurer for financial surety that satisfies Subsection O(4) of this bylaw.
  - (i) List of all chemicals, including cleaners, that will be used on the solar facility site. All chemicals proposed to be used on site shall be approved by the Planning Board prior to being used on the site. No hazardous materials shall be used on the solar facility site.
  - (j) No pesticides or defoliants may be used on the site.
  - (k) As a part of the application, small-scale ground-mounted solar photovoltaic facilities may submit a written request to waive any of the above requirements, which may be granted at the Planning Board's discretion.
- (2) Fees: The applicant shall pay the special permit and site plan review fee as set forth in the Planning Board Fee Schedule at the time of submission of the application. In addition, all engineering fees, legal fees, publication fees, etc., incurred by the Planning Board during the application process and site plan review shall be paid for by the applicant, in full, prior to issuance of any permit.
- (3) Operation and maintenance plan: The applicant shall submit a plan for the operation and

maintenance of the solar facility, which shall include measures for maintaining safe access, stormwater controls, and general procedures for operating and maintaining the facility.

- (4) Utility notification: The applicant shall submit evidence that the utility company has been informed of applicant's intent to install a solar energy facility and that the utility company has favorably responded, in writing, to the notice. Off-grid systems are exempt from this requirement.
- (5) Locations of wetlands, floodplains, and priority habitats as described by the Massachusetts Natural Heritage & Endangered Species Program, and the Massachusetts DEP.
- (6) A written description including manufacturer's documentation of all major system components to be installed, including photovoltaic panels, inverters, transformers, mounting systems, etc.
- (7) The height of any structure associated with the solar facility shall be approved by the Planning Board.
- (8) Procedures: The applicant shall submit five copies of the required plans and documents. The applicant shall also submit the required fee(s).

H. (Reserved)<sup>10</sup>

I. Public hearing. The Planning Board shall hold a public hearing in accordance with Massachusetts General Laws. The time for acting may be extended upon written request of the applicant and/or Planning Board. Such request shall not be unreasonably denied. The Planning Board's final action may consist of either:

- (1) Approval of the site plan based on a determination that the proposed project will constitute a suitable development. The Planning Board shall include a finding that the proposal will be neither detrimental nor offensive to the neighborhood. Further, the Planning Board shall include a finding that there are no modifications or changes required to protect the public health, safety or welfare.
- (2) Disapproval of the site plan with an explanation of the reasons for such disapproval, including the elements of the proposal the Planning Board finds are not capable of revision. The Planning Board shall include a finding as to how the proposal is either detrimental or offensive to the neighborhood. In addition or in the alternative, the Planning Board shall include a finding that there are no modifications or changes the applicant could make to the proposal that would modify the proposal in order that the public health, safety or welfare would be protected. The Planning Board may also include a finding as to the elements of the proposal that are so deficient in important elements and intrusive on the interests of the public that they warrant disapproval.
- (3) Approval of the site plan subject to such reasonable conditions, modifications, and restrictions as the Planning Board may deem necessary to insure that the proposal will be neither detrimental nor offensive to the neighborhood. Further, the Planning Board shall indicate that the conditions, modifications and or restrictions will protect the public health, safety or welfare and that the project will then constitute a suitable development and will not result in substantial detriment to the neighborhood.

J. Dimension and density requirements.

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10. Editor's Note: Former Subsection H, Waiver of requirements, was repealed 6-18-2019 ATM by Art. 31.

- (1) Setbacks: All facilities shall have front, side and rear yard setbacks of at least 50 feet, for any fencing that is required by the Planning Board. Fencing shall be required to fully enclose the project. Solar arrays and related equipment shall have front, side and rear setbacks of a minimum of 100 feet. In the event a front, side or rear lot line abuts one or more residences, that front, rear or side setback shall be a minimum of 200 feet. Setback from a roadway shall be at least 200 feet. A fifty-foot minimum setback shall be used when the abutting parcel has the same owner and the same proposed use. No trees shall be removed outside the limit of work boundary. The Planning Board may allow a lesser setback along a property line where, in its judgment, the proposed facility is not likely to negatively affect an existing or permitted land use on the abutting property. The Planning Board may require a greater setback along a property line where, in its judgment, the proposed facility is likely to negatively affect an existing or permitted land use on the abutting property. All invertors, transformers, or other equipment that have the potential to exceed allowable noise levels shall be located no less than 250 feet from property lines.
- (2) Appurtenant structures: All appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers, and substations shall be subject to bylaws concerning bulk and height, setbacks, parking, building coverage, and vegetative screening to avoid adverse impacts on the neighborhood or abutting properties.

K. Design standards.

- (1) Lighting: Lighting shall be limited to that required for safety and operational purposes, and shall not be intrusive in any way on abutting properties. Lighting shall incorporate full cutoff fixtures to reduce light pollution.
- (2) Signage: The solar facility shall provide a sign that identifies the operator and provides a twenty-four-hour emergency contact phone number. Solar facilities shall not display any advertising except for reasonable identification of the manufacturer or operator of the facility. The site may have a secondary sign providing educational information about the facility and the benefits of renewable energy. Applicant to obtain permits for all signs. Applicant shall provide ongoing and up-to-date educational website information, in an acceptable format, for viewing at the Town Library, schools and Town's website.
- (3) Utility connections: The applicant shall place all utility connections underground except in unique cases where the Planning Board finds that soil conditions, topographic constraints, or utility company requirements make underground connections unfeasible.
- (4) In the event the proposed site includes land that is active or potentially active agricultural or forest land and applicant excludes such land from the area to be used by the solar facility, the Planning Board may consider reducing some of the setback requirements in consideration of such exclusion. In the alternative, the Planning Board may increase setbacks for any project that fails to make a reasonable effort to exclude active or potentially active agricultural or forest land from the site.

L. Building permit and building inspection: No solar photovoltaic installation shall be constructed, installed, or modified without first obtaining a building permit. The application for building permit must be accompanied by the fee required for a building permit.

- (1) Exemptions: The following solar energy facilities are exempt from Planning Board action under this bylaw but require a building permit prior to installation. The Building Inspector shall review the application for building permit to determine that the facility does not impose an



objectionable visual impact on abutting properties. In the event the Building Inspector is not satisfied that the visual impact is acceptable, he shall refer the application to the Planning Board for review:

- (a) Agricultural solar photovoltaic facility for which all electrical power generated is used for the farm operations.
  - (b) Commercial roof-mounted solar photovoltaic facility.
  - (c) Residential roof-mounted solar photovoltaic facility.
- (2) The Planning Board shall conduct a site plan review, as to visual impact. The Planning Board may require submission of such documentation as it deems reasonable.
- M. Emergency services: The operator shall provide a copy of the operation and maintenance plan, electrical schematic, and site plan to the Fire Chief, Police Chief, EMS (emergency medical service). The operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the facility shall be clearly marked. The premises shall identify a qualified contact person available 24 hours per day/seven days per week to provide assistance during an emergency; the operator shall change the contact information immediately whenever a change in personnel occurs.
- N. Monitoring and maintenance.
- (1) Maintenance: The operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. The operator shall be responsible for maintaining adequate access for emergency vehicles and maintenance equipment.
  - (2) An operation and maintenance manual is to be filed annually with the Planning Board confirming that the operation is ongoing and has not been abandoned. The owner and operator to provide the Planning Board with access to a computer/internet link in order that the Planning Board may view real-time operation data to confirm ongoing operation.
  - (3) Modifications: No modifications to the plans submitted with the application and approved by the Planning Board may be made without written approval by the Planning Board. All modifications to the facility proposed after issuance of the special use permit and building permit require approval of the Planning Board and Inspector of Buildings.
  - (4) The applicant shall comply with any and all federal, Massachusetts or local requirements in existence at the time application is filed or adopted after approval.
  - (5) Noise: Noise generated by a solar facility and its associated equipment shall not produce any vibration, harmonics, or other interference which would be perceived or negatively impact people, animals or the normal functions of electronic equipment off site. Prior to the issuance of a building permit, the applicant shall conduct a test of ambient noise conditions during startup operations and provide a written report of noise decibel levels. The solar facility and its associated equipment shall not produce a noise level that exceeds the Massachusetts DEP's Division of Air Quality noise regulations (310 CMR 7.10). The ambient noise level shall be evaluated at the property line and at the nearest inhabited residence or other sensitive land use boundary. "Ambient" shall mean the background A-weighted sound level that is exceeded 90% of the time as measured during equipment operating hours.

O. Decommissioning, removal, restoration, abandonment.

- (1) Removal requirements: Any solar facility that has reached the end of its useful life (estimated to be 20 years), has been abandoned or has discontinued operation shall be physically removed from the parcel within 150 days after the date of discontinued operations; otherwise the Planning Board may proceed as set forth below. The owner or operator shall include in the application the anticipated date of discontinued operations together with plans for removal. As an ongoing obligation, the owner or operator shall notify the Planning Board by certified mail, annually, as to the proposed date of discontinued operations and plans for removal.
- (2) Decommissioning/removal/restoration: Decommissioning/removal/restoration shall consist of at least the following:
  - (a) Physical removal of the solar arrays, structures, equipment, security barriers, and electrical transmission lines from the site and from the Town of Barre.
  - (b) The site to be restored as near as reasonably possible to its condition prior to the commencement of construction.
  - (c) Stabilization or revegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or below-grade foundations in order to minimize erosion and disruption of vegetation.
  - (d) Disposal of all solid and hazardous waste in accordance with local, state and federal bylaws.
- (3) Abandonment: Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar facility shall be considered abandoned when in the Planning Board's discretion it fails to operate for more than six months. If the solar facility is deemed abandoned by the Planning Board, the Town shall give the owner and operator 30 days' written notice to remove the facility. In the event that the owner and operator have not completed the removal at the conclusion of 90 days from the date of written notice, the Town may proceed, without taking any legal action, to enter the property to decommission, physically remove the facility and restore the property. The Town may recover any costs from the financial surety provided by the applicant. In the event there are insufficient funds to complete the decommissioning, removal and restoration, the applicant, owner and operator (including such other parties or entities as appropriate) shall be jointly and severally liable to pay any excess costs incurred in order to do so.
- (4) Financial surety: As a part of the application, the applicant shall provide the Planning Board with a fully inclusive estimate of the costs associated with the decommissioning and removal of the facility and site restoration. The estimate shall be prepared by a qualified engineer selected by the Planning Board, and the cost of the engineer preparing the estimate shall be paid by the applicant prior to issuance of any permit. At or before the second anniversary of the approval of the special permit, the applicant, owner or operator shall deposit with the Barre Treasurer United States dollars in an amount equal to 25% of the estimated cost of decommissioning, removal and site restoration. The applicant, owner or operator shall deposit additional sums equal to 25% of said estimate on the third, fourth and fifth anniversaries, resulting in the Barre Treasurer having a sum equal to 100% of the estimate on deposit by the fifth anniversary of the approval of the special permit. On said fifth, and on the 10th, 15th and 20th anniversaries (and 25th if appropriate), the applicant, owner or operator shall provide the Planning Board with an updated estimate from the same engineer (or such other engineer as may be selected by the Planning

Board), the cost to be paid by the applicant, owner or operator. In addition the applicant, owner or operator shall deposit any additional funds with the Barre Treasurer in order that the funds on deposit are equal to 100% of the most recent estimate. In the event that the funds on deposit exceed 100% of the most recent estimate, the Planning Board shall authorize the Barre Treasurer to release any excess to the applicant, owner and operator. Such surety will not be required for municipal facilities owned and operated by the Town.

P. Prior to execution and delivery of special permit.

(1) Prior to the Planning Board signing and delivering any special permit approved hereunder, the applicant shall deliver to the Planning Board the following:

- (a) Written confirmation that the Conservation Commission has reviewed the facility plan, inspected the site as to wetlands and other issues within the Conservation Commission's jurisdiction and approved the site for the work shown on the facility plan.
- (b) Written confirmation that the Barre Board of Health has reviewed the facility plan and approved a site assignment for the facility; or in the alternative a vote indicating that the Barre Board of Health has determined that a site assignment is not required.
- (c) Written confirmation that the Barre Board of Assessors has determined that the parcel(s) involved are not subject to special real estate tax assessment such as Chapter 61, 61A or 61B.<sup>11</sup> In the event the Board of Assessors has determined that all or part of the parcel(s) are subject to special real estate tax assessment, written confirmation shall be required from the Barre Tax Collector of the payment of any rollback tax, or other payment that is required to remove the parcel(s) from such special real estate tax assessment status.
- (d) Written approval by the Barre Board of Health for the use of all chemicals listed on the document submitted pursuant to Subsection G(1)(i).
- (e) Evidence of payment for the engineer to prepare estimate of cost of decommissioning [Subsection O(4)].

(2) Any approval voted by the Planning Board prior to receipt of the foregoing shall be provisional.

Q. Severability. In the event any section or portion of this bylaw is determined to be invalid or unenforceable, such determination shall not affect the validity and enforceability of the remaining sections and portions of this bylaw.

**§ 140-11. Prohibited uses in all districts.**

- A. The development or operation, on a single recorded lot, of more than one of the principal uses described above is prohibited except where the principal uses are clearly complementary to each other or except as specifically provided in this bylaw. Retail stores with common walls shall be considered to be complementary to each other.
- B. Trailer or mobile home park or court.
- C. Dwelling unit in which more than 50% of the livable area is located in a basement.
- D. Signs or other advertising devices which project over a way customarily used for pedestrian or

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11. Editor's Note: See MGL c. 61, MGL c. 61A, and MGL c. 61B.

vehicular access, unless securely attached to a marquee which is an integral part of the building.

- E. Signs, floodlights or other advertising devices which constitute a hazard to pedestrian or vehicular traffic because of the intensity or direction of their illumination.<sup>12</sup>

**§ 140-11.1. Temporary moratorium on recreational marijuana establishments. [Added 6-20-2017 ATM, Art. 20]**

- A. Purpose. On November 8, 2016 the voters of the commonwealth approved a law regulating the cultivation, processing, distribution, possession, and use of marijuana for recreational purposes (new MGL c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016, and (as amended on December 30, 2016: Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018, and to begin accepting applications for licenses on April 1, 2018. Currently under the Zoning Bylaw, a nonmedical marijuana establishment (hereafter, a "recreational marijuana establishment") as defined in MGL c. 94G, § 1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of recreational marijuana establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of recreational marijuana establishments and address issues, as well as to address the potential impact of the state regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of recreational marijuana establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for recreational marijuana establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.
- B. Definition. "Recreational marijuana establishment" shall mean a "marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business not including medical marijuana facilities as defined by the Commonwealth of Massachusetts."
- C. Temporary moratorium. For the reasons set forth above and notwithstanding any other provisions of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a recreational marijuana establishment and other uses related to recreational marijuana. The moratorium shall be in effect through December 30, 2018,<sup>13</sup> or until such time as the Town adopts Zoning Bylaw amendments that regulate recreational marijuana establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in Town, and to consider the Cannabis Control Commission regulations regarding recreational marijuana establishments, and shall consider adopting new zoning bylaws in response to these new issues.
- D. Exception. Notwithstanding any provision of this Zoning Bylaw or any general bylaw to the contrary, nothing therein shall be deemed to prohibit, require a special permit or site plan approval for or otherwise regulate, nor shall they apply to, the development or operation of a marijuana establishment, as defined by MGL c. 94G, § 1, which shall be permitted by right if the following prerequisites are satisfied: said marijuana establishment is situated in the Industrial District; said

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12. Editor's Note: Original Section IVE6, which immediately followed this section, concerning a moratorium on issuance of cell towers permits, which was adopted 6-12-2000 ATM, Art. 42, was repealed 11-13-2000 STM, Art. 4.

13. Editor's Note: Article 12 from the 12-11-2018 Special Town Meeting extended the moratorium through 6-30-2019.

marijuana establishment is not located within 500 feet of a preexisting public or private school providing education in kindergarten or any of grades 1 through 12; and, prior to the date of adoption hereof, the owner and/or operator of said marijuana establishment has applied for and received a provisional certificate of registration for a registered marijuana dispensary in the Town of Barre. [Added 6-19-2018 ATM, Art. 34; amended 12-11-2018 STM, Art. 13]

**§ 140-11.2. Adult and medical marijuana and marijuana establishments. [Added 6-18-2019 ATM, Art. 27]**

**A. Authority, purpose and intent.**

- (1) These provisions are enacted pursuant to General Laws, Chapter 40A, Section 9, and pursuant to the Town's authority under the Home Rule Amendment to the Massachusetts Constitution. It is recognized that the nature of the substance cultivated, processed, and/or sold by marijuana establishments may have unforeseen impacts and should be located in such a way as to ensure the health, safety, and general well-being of the Barre residents, the general public, patients seeking treatment, and customers seeking to purchase marijuana for recreational use. The Planning Board shall consider the effects that the proposed facility may have upon the site, the neighborhood, and the community. The Adult Marijuana and Marijuana Establishments Bylaw is therefore necessary to advance these purposes.
- (2) Subject to the provisions of this Zoning Bylaw, Chapter 40A of the Massachusetts General Laws, 935 CMR 500.000, 935 CMR 501.000, and MGL Chapter 94G, marijuana establishments will be permitted to provide medical support, security, and physician oversight that meet or exceed state regulation as established by the Massachusetts Department of Health (DPH) and to provide retail sales of marijuana for nonmedical use in a manner that meets or exceeds state regulations.
- (3) Any marijuana establishment that has applied for and received a provisional certificate of registration for a marijuana establishment, as defined by MGL c. 94G, § 1, shall be permitted by right if the following prerequisites are satisfied: said marijuana establishment is situated in the Industrial District and said marijuana establishment is not located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.

**B. Definitions. For the purpose of this bylaw, the following definitions shall apply:**

- (1) **ALLOWED MARIJUANA USE (AMU)** — Craft marijuana cultivator cooperative, independent marijuana testing laboratory, marijuana cultivator, marijuana establishment, marijuana product manufacturer, marijuana products, adult marijuana retailer, medical marijuana treatment center, registered medical marijuana dispensary (RMD), off-site medical marijuana dispensary (OMMD).
- (2) **OUTDOOR CULTIVATOR** — Cultivation within any location that is not within a fully enclosed and permanent building. Cultivators proposing both indoor and outdoor cultivation on a site shall follow the regulations established for outdoor cultivators for the outdoor portion of their cultivation.
- (3) **INDOOR CULTIVATOR** — Cultivation within any location that is within a fully enclosed and permanent building. Cultivators proposing both indoor and outdoor cultivation on a site shall follow the regulations established for indoor cultivators for the indoor portion of their cultivation.

- (4) **PERMANENT BUILDING** — A standalone building that has solid roof and solid walls, especially a permanent structure that is supported by columns or permanent walls and is located on a permanent slab or foundation. It can be any structure that is designed or intended for support, enclosure, shelter or protection of person, animals or property having a permanent roof that is supported by columns or walls. A building designed, planned, and constructed so as to remain at one location. The building not to be made of plastic, fabric and/or other materials that can be penetrated with knife, machete, or other sharp and similar objects.
- (5) **NONPERMANENT STRUCTURE** — All other structures that do not meet the definition of a permanent building.
- (6) **ABUTTERS** — Owners/residents of property within 500-foot perimeter of marijuana business parcel.
- (7) **CRAFT MARIJUANA CULTIVATOR COOPERATIVE** — A marijuana cultivator comprised of residents of the commonwealth as a limited liability company or limited liability partnership under the laws of the commonwealth, or an appropriate business structure as determined by the Cannabis Control Commission (hereafter, "the Commission"), and that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products to deliver marijuana to marijuana establishments but not to the consumer.
- (8) **INDEPENDENT MARIJUANA TESTING LABORATORY** — A laboratory that is licensed by the Commission and is: (a) accredited to the most current version of the International Organization for Standardization 17025 by a third-party accrediting body that is a signatory of the International Laboratory Accreditation Cooperation with a mutual recognition arrangement, or that is otherwise approved by the Commission; (b) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and (c) qualified to test marijuana in compliance with regulations promulgated by the Commission pursuant to this chapter.
- (9) **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 to consumers.
- (10) **MARIJUANA ESTABLISHMENT** — A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, RMD (registered marijuana dispensary) or any other type of licensed marijuana-related businesses.
- (11) **MARIJUANA PRODUCT MANUFACTURER** — An entity licensed to obtain, manufacture, process, and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments, and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.
- (12) **MARIJUANA PRODUCTS** — Products that have been manufactured and contain marijuana or an extract of marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including without limitation edible products, beverages, topical products, ointments, oils, and tinctures.
- (13) **ADULT MARIJUANA RETAILER (AMR)** — An entity licensed to purchase and deliver marijuana and products from marijuana establishments and to deliver, sell, or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

- (14) MEDICAL MARIJUANA TREATMENT CENTER — Also known as registered marijuana dispensary as defined by 935 CMR 501.000.
  - (15) REGISTERED MEDICAL MARIJUANA DISPENSARY (RMD) — A use registered and approved by the MA Department of Public Health in accordance with 935 CMR 501.000, and pursuant to all other applicable state laws and regulations, also to be known as a medical marijuana treatment center, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. A RMD shall explicitly include facilities which cultivate and process medical marijuana, and which may also dispense and deliver medical marijuana and related products. The cultivation and processing of medical marijuana in accordance with these regulations is considered to be a manufacturing use and is not agriculturally exempt from zoning.
  - (16) OFF-SITE MEDICAL MARIJUANA DISPENSARY (OMMD) — A registered marijuana dispensary that is located off-site from the cultivation/processing facility (and controlled and operated by the same registered and approved entity which operates an affiliated RMD) but which serves only to dispense the processed marijuana, related supplies and educational materials to registered qualifying patients or their personal caregivers in accordance with the provisions of 935 CMR 501.000.
  - (17) SPGA — Special Permit Granting Authority - Planning Board of the Town of Barre.
  - (18) PRIME AGRICULTURAL SOILS — Agricultural land with soils designed as prime or of statewide significance by the U.S. Natural Resources Soil Services soil surveys.
  - (19) RESIDENCE — Single-family home, two- and four-family homes, as well as group homes.
  - (20) ADULT — 21 years of age or older.
- C. Application requirements. No special permit will be granted by the Planning Board for recreational marijuana and/or a marijuana establishment unless an application containing the following is submitted:
- (1) Marijuana establishments shall only be allowed by special permit. The Planning Board shall be the Special Permit Granting Authority (SPGA). The following items are required submittals for a special permit application:
    - (a) The name and address of each owner of the business entity;
    - (b) Copies of all documentation demonstrating appropriate application status under state law, or registration or license, issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the facility;
    - (c) Evidence that the applicant has site control and the right to use the site for a facility in the form of a deed or valid purchase and sale agreement, or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement;
    - (d) A notarized statement signed by the organization's Chief Executive Officer disclosing all of its designated representatives, including officers and directors, shareholders, partners, members, managers, directors, officers, or other similarly situated individuals and entities

and their addresses. If any of the above is entities rather than persons, the applicant must disclose the identity of all individual persons associated with the entity as set forth above;

- (e) A management plan as required under the Rules and Regulations of the Cannabis Control Commission including a description of all activities to occur on site, including all provisions for the delivery of marijuana and related products to marijuana establishments, OMMD's, RMD's, and AMR's or off-site direct delivery;
- (f) Community impact statement: an analysis of the impact on the Town, including but not limited to, the surrounding neighborhood in terms of use, architectural consistency, pedestrian movement and overall character, impacts on nearby historic structures, if any exist; the impact on the interests noted in Section 1 of the Zoning Bylaw, and an evaluation of the proposed project's consistency and compatibility with existing local and regional plans. The Planning Board may employ a third party consultant to evaluate whether or not the project has been designed in such a manner to minimize impact on the community at the expense of the applicant/owner.
- (g) Water use study (for projects using Town of Barre water): a detailed analysis and data regarding the proposed water use for any AMU. The analysis shall include details regarding the adequacy of water supply, and information regarding how the application complies with all regulations promulgated pursuant to MGL c. 94C, App. 1, 94G, and any other laws or regulations promulgated regarding commercial or medical marijuana. All controls on water use and discharge by an AMU but in any event shall be no less restrictive than those promulgated pursuant to MGL c. 94C, App. 1, and any other relevant regulation or law. The Planning Board will submit the water use study plan to the Water Commissioners for review and/or they may employ a third-party consultant to review the water use study at the expense of the applicant/owner.
- (h) Security measure report: The applicant shall submit a copy of the security plan as required by the Cannabis Control Commission. Security measures proposed by an AMU must at least meet the standard set by MGL c. 94C, App. 1. Security measures proposed by the AMU should be designed in accordance with the best management practices of the industry. The Police Chief will review and approve the proposed security measures.
- (i) Transfer of ownership: The applicant shall submit a copy of the transfer of ownership policies as required by the Cannabis Control Commission. The policies and procedures for the transfer, acquisition, or sale of marijuana shall comply with the regulations promulgated pursuant to MGL c. 94C, App. 1, and 94G and any other laws or regulations promulgated regarding commercial or medical marijuana. Policies and procedures for the transfer of marijuana must at least meet the standards set by MGL c. 94C, App. 1, 94G and any regulations established by the Town which shall be no less restrictive than those promulgated by the general laws and regulations.
- (j) Waste management report: The applicant shall submit a copy of the proposed waste management plan as required by the Cannabis Control Commission. A copy of proposed waste management procedures. Such proposal shall ensure safe disposal of waste, promote recycling and comply with the regulations promulgated pursuant to MGL c. 94C, App. 1, and 94G and any other laws or regulations promulgated regarding commercial or medical marijuana. Policies and procedures for waste management must at least meet the standards set by MGL c. 94C, App. 1, and 94G and any regulations established by the Town which shall be no less restrictive than those promulgated by the general laws and regulations. The



Planning Board will submit the waste management report to the Board of Health and/or Sewer Commissioners for review and/or they may employ a third-party consultant to review the water use study at the expense of the applicant/owner.

- (k) Energy and environmental standards report: The applicant shall submit a detailed analysis of how the project meets the energy and environmental standards approved by the state regulatory authority which shall comply with the regulations promulgated pursuant to MGL c. 94C, App. 1, and 94G and any other laws or regulations promulgated regarding commercial or medical marijuana. Policies and procedures for energy and environmental standards must at least meet the standards set by MGL c. 94C, App. 1, and 94G and any regulations established by the Town which shall be no less restrictive than those promulgated by the general laws and regulations. The Planning Board may employ a third-party consultant to review the proposed policies and procedures regarding the energy and environmental at the expense of the applicant/owner.
- (l) Odor and ventilation abatement plan: The applicant shall submit an odor abatement plan which shall meet the requirements set forth:
  - [1] Indoor cultivation of marijuana establishments shall be ventilated in such a manner that no odor from marijuana or its processing can be detected by a person with an unimpaired or otherwise normal sense of smell. The Planning Board may employ a third-party consultant to review the proposed policies and proceed regarding odor control;
  - [2] Outdoor cultivation of marijuana will implement industry best practices to eliminate any noticeable trace of marijuana odor at the perimeter of property of the cultivator site. Marijuana establishments shall be ventilated in such a manner that no odor from marijuana or its processing can be detected by a person with an unimpaired or otherwise normal sense of smell at the at perimeter of property and any properties within in 500 feet of the perimeter of property. The Planning Board may employ a third-party consultant to review the proposed policies and proceed regarding odor control;
  - [3] No pesticides, insecticides or other chemicals or products used in the cultivation or processing are to be dispersed into the outside atmosphere;
  - [4] Abutters and properties within 500 feet of the perimeter of the marijuana property may file a written odor complaint if odor is detected beyond the property boundary of the cultivation site;
  - [5] The Planning Board along with the Board of Health will investigate after receiving one complaint. The Planning Board will implement industry best practices to eliminate any noticeable trace cannabis odor at the property boundaries of the cultivation site;
  - [6] Each subsequent day the odor is present a violation will be issued per Subsection G(11), Violation.
- (m) Construction management plan: The applicant shall submit a plan which describes the project construction management plan. The Planning Board will submit the construction management plan to the Building Department for review and/or they may employ a third-party consultant to review the construction management plan.

- (n) Regulatory waivers: a description of any waivers or variances of the requirements of the state licensing and registration authorities granted to or sought by the marijuana establishments.
  - (o) A traffic impact study for retail establishments: identification of existing traffic levels, along with the expected traffic impacts to occur based upon the proposed project. The Police Department will review the proposed traffic study.
  - (p) Visual impact: Outdoor cultivation of marijuana facilities located in R-80 zoning areas shall be positioned to provide a visual buffer of the facility in order to reduce the visual impact the facility may have upon all abutting and affected residential properties. A visual buffer shall be provided for roadways from which the facility can be seen. Trees located in the setback shall not be removed and remain as a visual buffer. The applicant may incorporate methods to reduce the visual impact such as earthen berms, vegetation, and/or fencing and screening. The adequacy of the visual buffer will be determined on a case-by-case basis as determined by the Planning Board.
  - (q) A site plan shall be submitted that contains the following information:
    - [1] Property lines and physical features, including roads and topographical contour lines for the project site. Also the applicant shall indicate the location of existing, proposed or potential agricultural.
    - [2] Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures. A planting plan where a visual buffer is required shall be presented.
    - [3] Views of the site from all off-site abutting properties (and where the site is abutting a street, from the street) indicating what will be seen, prior to construction, immediately after construction is completed with no plantings in place, after construction with all plantings in place and at two, five and 10 years after construction with all plantings still in place (indicating normal anticipated growth).
    - [4] The Planning Board may require, as a part of the review, on-site visits by the Planning Board during the application process.
    - [5] Plans and drawings of the facility signed and stamped by a professional engineer licensed to practice in Massachusetts showing the proposed layout of the facility.
    - [6] The names, addresses, telephone numbers, e-mail addresses and any other contact information of the property owner, applicant, general contractor and facility owner, operator or leasee.
  - (2) The SPGA shall submit copies of the application to the Building Department, Fire Department, Police Department, Board of Health, the Conservation Commission, Board of Assessors, and the Department of Public Works. These Boards/Departments may be asked to review the application in accordance with their applicable laws and regulations and make a determination as to whether or not the proposed project complies with the same. They shall submit their written comments and/or recommendations within 35 days of receipt of the application.
- D. Use regulations: The following regulations shall apply to uses under this section:
- (1) No marijuana shall be smoked, eaten or otherwise consumed or ingested on the premises.

- (2) The hours of operation shall be determined by the Select Board and the Planning Board and made a part of the Host Community Agreement. **[Amended 6-15-2021 ATM, Art. 20]**

E. Location, physical requirements, and allowed uses:

- (1) All aspects of marijuana establishments, with the exception of outdoor cultivation, relative to the acquisition, indoor cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed permanent building and shall not be visible from the exterior of the business.

- (2) No outside storage of marijuana, related supplies, or advertising materials is permitted.

- (3) Allowed uses:

(a) Marijuana establishments:

- [1] Are allowed in Business/Commercial and Industrial Zones;
- [2] Shall be located in a fully enclosed, permanent building and may not be located in a trailer, cargo container, motor vehicle or other similar nonpermanent enclosure (Note: Outdoor cultivators may use nonpermanent structures for processing, storage and other support activities);
- [3] Shall not have a drive-through service;
- [4] Shall not be within a building containing residential units;
- [5] Must be the sole use of said premises;
- [6] No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises with the exception of product testing performed at an independent testing laboratory;
- [7] Sale of marijuana and marijuana products will be the sole use of said premises/building. Cannot be combined with any other food, beverages or items sold within the Town of Barre.
- [8] No marijuana retailers shall be located within 500 feet of another marijuana retailer. Distance shall be measured by a straight line from the nearest point of the property line in question to the nearest point of the property line where the marijuana establishment is or will be located.
- [9] No marijuana retailers shall be permitted to operate from a movable, mobile or transitory location.
- [10] Marijuana retailers are not permitted as a home occupation.

(b) Marijuana cultivator; outdoor cultivation of marijuana:

- [1] Is allowed on existing in areas zoned R-80 Residential and Industrial. No other types of marijuana establishments are allowed in areas zoned R-80 Residential. Applies only to outdoor cultivation.
- [2] A minimum lot size of 20 acres is required in the R-80 Zone and three acres in the

Industrial Zone.

- [3] If property is taxed under MGL c. 61A, 61B, or 61C, the size requirement will need to be removed.
  - [4] The lot to be one contiguous parcel.
  - [5] Minimum road frontage for the applicable zoning classification shall be required.
  - [6] No more than 60% of this area may be used for the marijuana cultivation.
  - [7] Residential dwelling of licensed outdoor cultivation is allowed on the parcel.
  - [8] Setbacks shall have front, side and rear setbacks of a minimum of 100 feet. In the event a front, side or rear lot line abuts one or more residential parcel, that front, rear or side setback shall be a minimum of 200 feet. Setback from a roadway shall be at least 200 feet. A fifty-foot minimum setback shall be used when the abutting parcel has the same owner and the same proposed use. The Planning Board may allow a lesser setback along a property line where, in its judgment, the proposed facility is not likely to negatively affect an existing or permitted land use on the abutting property. The Planning Board may require a greater setback along a property line where, in its judgment, the proposed facility is likely to negatively affect an existing or permitted land use on the abutting property.
  - [9] Tree removal shall be a condition of the special permit.
  - [10] Access to facility shall be limited to one driveway unless site layout requires a second driveway and the Planning Board approves. The facility shall be the sole use on the proposed lot with sole use of the applicable driveway. An existing right-of-way, whether in use or not, may not be used as a new access.
  - [11] No below-grade foundation(s) or structures shall be used without the specific approval of the Planning Board.
  - [12] No material, including topsoil, may be removed from the site without prior specific approval of the Planning Board.
- (c) Marijuana cultivator; indoor cultivator of marijuana:
- [1] Indoor cultivation of marijuana is allowed in areas zoned Business/Commercial and Industrial. Applies only to indoor cultivation.
  - [2] A minimum lot size of three acres is required with minimum road frontage for the applicable zoning classification as required.
  - [3] The lot to be one continuous parcel. All other conditions for marijuana establishments in the bylaw apply to commercial indoor cultivation of marijuana.
  - [4] Setbacks shall have front, side and rear setbacks of a minimum of 100 feet. In the event a front, side or rear lot line abuts one or more residences, that front, rear or side setback shall be a minimum of 200 feet. Setback from a roadway shall be at least 200 feet. A fifty-foot minimum setback shall be used when the abutting parcel has the same owner and the same proposed use. No trees shall be removed outside the limit of work boundary. The Planning Board may allow a lesser setback along a property

line where, in its judgment, the proposed facility is not likely to negatively affect an existing or permitted land use on the abutting property. Lesser setbacks may be allowed down to the minimum of the applicable zoning requirement but no less. The Planning Board may require a greater setback along a property line where, in its judgment, the proposed facility is likely to negatively affect an existing or permitted land use on the abutting property.

- [5] Access to facility shall be limited to one driveway unless site layout requires a second driveway and the Planning Board approves.
  - [6] The facility shall be the sole use on the proposed lot with sole use of the applicable driveway. An existing right-of-way, whether in use or not, may not be used as a new access.
  - [7] No below-grade foundation(s) or structures shall be used without the specific approval of the Planning Board.
  - [8] No material, including topsoil, may be removed from the site without prior specific approval of the Planning Board. Indoor cultivation of marijuana requires approval through a special permit by the SPGA.
  - [9] All other conditions for marijuana establishments in this bylaw apply to commercial indoor cultivation of marijuana.
- (d) Adult marijuana retailer (AMR) and registered medical marijuana dispensary (RMD):
- [1] AMR and RMD facilities are only allowed in areas zoned Business/Commercial and Industrial.
  - [2] Minimum yard dimensions shall conform to the requirements for Business Commercial as specified in § 140-14, Table of Dimensional Requirements, in the Town of Barre Zoning Code.
- (e) Marijuana retailer delivery:
- [1] Allowed in areas zoned Business/Commercial and Industrial.

F. Annual reporting.

- (1) Each facility permitted under this bylaw shall submit a copy of the annual report as required by the Cannabis Control Commission.

G. Restrictions and prohibitions.

- (1) Marijuana social consumption establishments: Marijuana social consumption establishments as described in the State of Massachusetts draft regulations 935 CMR 500.000 Adult Use of Marijuana, are prohibited within the Town of Barre.
- (2) Proposed uses shall not be located within 500 feet of the following, as measured from the building and/or area actively used to the perimeter of abutting property boundary.
  - (a) A public or private preschool, elementary school, middle school, secondary school, preparatory school, licensed daycare center, youth center or any other facility in which children commonly congregate in an organized ongoing formal basis;

- (b) A playground, park or Town common;
  - (c) Building containing another marijuana establishment, RMD, OMMD, or AMR, except for facilities that are owned or leased by the same operator;
  - (d) Public library;
  - (e) Public swimming area or pool;
  - (f) Residential programs or group homes;
  - (g) Structures used for religious purposes.
  - (h) No marijuana retailer shall be located next to another marijuana retailer.
  - (i) Except for residential dwellings which setback shall be 100 feet.
- (3) The proposed use shall not display on-premises signage or other marketing on the exterior of the building or in any manner visible from the public way, which may promote or encourage the use of marijuana or other drugs by minors.
  - (4) All marijuana establishments must minimize adverse impacts on abutters and other parties of interest.
  - (5) All marijuana establishments are not allowed on unfragmented open land as identified as a priority for protection in the Town's Open Space and Recreation Plan, Master Plan or the Community Development Plan.
  - (6) All marijuana establishments are not allowed on agricultural land with soils designated as prime or statewide significance by the U.S. Natural Resource Conservation Service soil survey. Outdoor marijuana cultivators are exempt from this requirement.
  - (7) All marijuana establishments are not allowed on lots containing rare, threatened, or endangered species or exemplar natural communities according to the Massachusetts BioMap Project development by the Massachusetts Natural Heritage & Endangered Species Program.
  - (8) All marijuana establishments are not allowed on unique natural, cultural, and/or historical features as identified in the Master Plan or Community Development Plan.
  - (9) All indoor marijuana cultivation is to be located in a fully enclosed, permanent building and may not be located in a trailer, cargo container, motor vehicle or other similar nonpermanent enclosure.
  - (10) Prohibition against nuisances: No use shall be allowed in any marijuana establishments, indoor or outdoor, that creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.
  - (11) Violation: In the event of any violation of the terms and conditions of a special permit issued pursuant to this Zoning Bylaw, after proper notice and demand, the Building Inspector shall institute appropriate action or proceedings in the name of the Town of Barre to prevent, correct, restrain, or abate any violation. The violator shall be subject to a fine of \$300 a day from each

day the violation continues.

- (12) This bylaw applies to all marijuana facilities proposed in the Town of Barre. In addition this bylaw shall apply to any and all alterations, changes, improvements and modifications, including, but not limited to upgrades or physical modifications, regardless of whether the modification materially alters the type, configuration, or size of these facilities or related equipment. The Planning Board shall follow the procedural requirements for processing special permit applications as set forth in Massachusetts General Laws, including but not limited to MGL c. 40A, § 9.
  - (13) Number of marijuana retailer establishments: The number of licensed marijuana retailer establishments in the Town of Barre shall not exceed 20% of the number of licenses issued for the sale of alcohol not to be consumed on the premises under the Massachusetts General Laws Chapter 138, Section 15.
  - (14) Not more than three indoor marijuana cultivation facilities are allowed by special permit in the Town of Barre.
  - (15) Not more than three outdoor marijuana cultivation facilities are allowed by special permit in the Town of Barre.
- H. Findings: In addition to the findings required under all other applicable sections of this bylaw, the Special Permit Granting Authority shall find that the proposed use:
- (1) Meets all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will as proposed be in compliance with all applicable state laws and regulations.
  - (2) Complies with 935 CMR 501.000 and approved regulations of the MA Department of Public Health, if the proposed use is a registered medical marijuana dispensary (RMD) or an off-site medical marijuana dispensary (OMMD).
- I. Prior to issuance of special permit:
- (1) The applicant shall provide proof that they have executed a Host Community Agreement with the Town of Barre.
- J. Transfer of ownership/discontinuance of use.
- (1) A special permit granted under this section shall not run with the land but shall be specific to the applicant and shall be nontransferable to another owner or operator without an amendment to the special permit following a noticed public hearing in accordance with MGL c. 40A and the Barre Zoning Bylaws.
  - (2) The special permit shall lapse upon the expiration or termination of the special permit holder's license from the state Cannabis Control Commission. The special permit holder shall notify the Building Commissioner and the SPGA in writing within 48 hours of the cessation of operation or expiration or termination of the special permit holder's state license.
  - (3) Any marijuana establishment permitted under this section shall be required to remove all materials, plants, equipment or other paraphernalia in compliance with 935 CMR 500.00 prior to the expiration, or immediately following the expiration, revocation or voiding of its license issued by the Cannabis Control Commission.

- K. Outside consultants and review fees: The SPGA may retain third-party consultants to review the applicant's submittals and provide advice and technical assistance to the SPGA for its review. An outside consultant review escrow deposit shall be submitted to the SPGA if requested. The escrow for review fees is intended to cover the SPGA's cost of hiring consultants to review the applicant's compliance with the special permit requirements under this bylaw and may include legal counsel. The initial escrow deposit amount shall be set by the SPGA. Any unexpended monies in the escrow account will be returned to the applicant after all obligations are satisfied.
- L. Insurance: The applicant shall submit documentation demonstrating that they have obtained general liability insurance as required by regulations of the Cannabis Control Commission.
- M. Planning Board review process.
- (1) The applicant shall submit five copies of the required plans and documents. The applicant shall also submit the required fee(s).
  - (2) Public hearing. The Planning Board shall hold a public hearing in accordance with Massachusetts General Laws. The time for acting may be extended upon written request of the applicant and/or Planning Board. Such request shall not be unreasonably denied.
  - (3) The Planning Board's final action may consist of either:
    - (a) Approval of the application based on a determination that the proposed project complies with the conditions contained in this bylaw. The Planning Board shall include a finding that the proposal will be neither detrimental nor offensive to the neighborhood.
    - (b) Disapproval of the application with an explanation of the reasons for such disapproval including the elements of the proposal the Planning Board finds are not capable of revision. The Planning Board shall include a finding as to how the proposal is either detrimental or offensive to the neighborhood. In addition or in the alternative, the Planning Board shall include a finding that there are no modifications or changes the applicant could make to the proposal that would modify the proposal in order that the public health, safety or welfare would be protected. The Planning Board may also include a finding as to the elements of the proposal that are so deficient in important elements and intrusive on the interests of the public that they warrant disapproval.
- N. Building permit and building inspection:
- (1) No installation shall be constructed, installed, or modified without first obtaining a building permit and shall not be issued until the Planning Board has issued a special permit. No modifications shall be made without obtaining Planning Board approval.
- O. Emergency services:
- (1) The operator shall provide a copy of the operation and maintenance plan, electrical schematic, and site plan to the Fire Chief, Police Chief, and EMS (emergency medical service).
  - (2) The operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the facility shall be clearly marked.
  - (3) The premises shall identify a qualified contact person available 24 hours per day/seven days per week to provide assistance during an emergency; the operator shall change the contact information immediately whenever a change in personnel occurs.



P. Maintenance and modifications.

- (1) Maintenance: The operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. The operator shall be responsible for maintaining adequate access for emergency vehicles.
- (2) Modifications: No modifications to the plans submitted with the application and approved by the Planning Board may be made without written approval by the Planning Board. All material modifications to the facility proposed after issuance of the building permit require approval of the Planning Board and Inspector of Buildings.

Q. Decommissioning.

- (1) The owner/operator shall notify the Planning Board a minimum of 90 days prior to beginning decommissioning. Decommissioning activities shall begin two weeks after the expiration, revocation, or voiding of the license issued by the Cannabis Control Commission.
- (2) The owner/operator shall do the following:
  - (a) Remove all plants, marijuana products, and all other marijuana-related paraphernalia from the facility.
  - (b) Buildings that are part of the facility shall be cleaned and all disposable materials removed.
  - (c) The site shall be restored, as near as reasonably possible, to its condition prior to the beginning of construction of the facility. Buildings and other permanent structures which have a potential for future use may remain. All other equipment, vans, containers and other paraphernalia shall be removed and properly disposed of.
  - (d) The site shall be assessed for stability and erosion potential and stabilized and/or revegetated as required to minimize erosion.
- (3) If the facility fails to operate for more than three months, the Town of Barre shall consider the facility to be abandoned and shall provide written notice to the owner/operator to require them to conduct the decommissioning activities as described above. If the owner/operator fails to complete the decommissioning activities within an agreed-upon time period, the Town of Barre may engage a third-party contractor to conduct the decommissioning activities and charge the decommissioning costs to the owner/operator.

R. Financial surety:

- (1) The applicant shall submit to the Planning Board a copy of the financial surety documentation submitted to the Cannabis Control Commission.

S. Severability:

- (1) In the event any section or portion of this bylaw is determined to be invalid or unenforceable by a court of competent jurisdiction such determination/ruling shall not affect the validity and enforceability of the remaining sections and portions of this bylaw.

ARTICLE V  
**Overlay Districts**

**§ 140-12. Floodplain District. [Added 9-5-1985 STM, Art. 2]**

- A. Purpose. The purpose of the Floodplain District is to protect human life and property from the hazards of periodic flooding.
- B. District delineation.
- (1) The Floodplain District is delineated on Flood Insurance Rate Map (FIRM), dated June 15, 1982, as Zones A, A1-30 to indicate the one-hundred-year floodplain. The precise boundaries of the district are defined by the one-hundred-year flood elevations shown on the FIRM and further defined by the flood profiles contained in the Flood Insurance Study, dated December 15, 1981.
  - (2) The floodway boundaries are delineated on the Flood Boundary Floodway Map (FBFM), and further defined by the Floodway Data Tables contained in the Flood Insurance Study.
  - (3) The Town and property owners may appeal the flood levels to the Federal Emergency Management Agency by submitting evidence to FEMA for review.
- C. Floodplain management.
- (1) "Floodplain management" means the operation of an overall community program of corrective and preventive measures for reducing flood damage.
  - (2) Flood control for the floodplain started in the early forties when a flood channel was dug through the floodplain, parallel to the Ware River, from South Barre to Barre Plains. The channel measured 100 feet wide, with banking of 20 feet or more, in height.
  - (3) In 1958, the Barre Falls Dam was completed. A full-time engineer resides at the dam and monitors the water flow each day.
  - (4) Additional flood control measure can be effected by the Metropolitan District Commission's Shaft No. 8, which intakes all spring excess water. This water is sent either to the Quabbin Reservoir or the Wachusett Reservoir. The MDC monitors and regulates the water flow daily.
  - (5) About one mile south of the Intake Shaft is the White Valley Dam. About two miles south of the Intake Shaft is the Barre Wool Combing Company Dam, presently owned by a hydroelectric company. Both dams check and harness water flow. The hydroelectric company controls and monitors water flow daily.
- D. Requirements. In the one-hundred-year floodplain [as delineated by the effective Flood Insurance Rate Map (FIRM)], the following are required: **[Amended 5-14-1990 ATM, Art. 30; 5-20-1991 ATM, Art. 43]**
- (1) Proper anchoring of structures.
  - (2) The use of construction materials and methods that will minimize flood damage.
  - (3) Adequate drainage for new subdivisions.
  - (4) The location and design of new or replacement utility systems to prevent flood loss.

- (5) All new construction and substantial improvements to existing structures in the FEMA-identified floodprone areas must be elevated or floodproofed to the level of the base flood.
- (6) All encroachment and other development are allowed in the floodplain upon certification by a registered professional engineer provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood.
- (7) In the event that a stream or watercourse is altered causing the base flood elevations on the Barre Flood Insurance Rate Map (FIRM) to be changed, notification of such alteration shall be provided to NFIP Massachusetts Coordinator and Massachusetts Division of Water Resources.

E. Clarifications.

- (1) This Zoning Bylaw does not apply retroactively to existing structures in the floodplains.
- (2) This Zoning Bylaw acknowledges the Subdivision Control and Zoning Bylaws of the Town of Barre, Massachusetts. This Zoning Bylaw acknowledges all other pertinent state and federal laws.
- (3) This Zoning Bylaw applies only to the floodplain areas.
- (4) The Building Inspector is to issue all permits for any construction in the one-hundred-year flood areas.
- (5) The Floodplain District established herein is an overlay district. The underlying uses are allowed provided that such uses meet the additional requirements of this Zoning Bylaw.

**§ 140-13. Wellhead Protection District. [Added 6-14-1999 ATM, Art. 44]**

A. Purpose. The purposes of the Wellhead Protection District are:

- (1) To promote the health, safety and general welfare of the Town by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses of Barre.
- (2) To preserve and protect existing and potential sources of drinking water supplies;
- (3) To conserve the natural resources of the Town; and
- (4) To prevent temporary and permanent contamination of the environment.

B. Scope of authority. The Wellhead Protection District is an overlay district and shall be superimposed on other zoning districts established by this bylaw. This overlay district shall apply to all new construction, reconstruction or expansion of existing buildings, and new or expanded uses. Applicable activities or uses which fall within the Wellhead Protection District must additionally comply with the requirements of this district. Uses that are prohibited in the underlying districts shall not be permitted in the Wellhead Protection District.

C. Definitions. For purposes of this section, the following terms are defined below:

AQUIFER — Geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.

IMPERVIOUS SURFACE — Materials or structures on, above or below the ground that do not allow precipitation or surface water to penetrate directly in the soil.

**INTERIM WELLHEAD PROTECTION AREA (IWPA)** — Where the Zone II has not yet been delineated and approved by the Massachusetts Department of Environmental Protection (DEP), an interim wellhead protection area shall consist of the area within a one-half-mile radius (2,640 feet) measured from the well or wellfield for sources whose approved pumping rate is 100,000 gpd or greater. Regulations applying to a Zone II shall apply equally to an interim wellhead protection area.

**MINING** — The removal or relocation of geologic materials such as topsoil, sand, gravel, metallic ores or bedrock.

**POTENTIAL DRINKING WATER SOURCES** — Areas which could provide significant potable water in the future.

**RECHARGE AREAS** — Areas that collect precipitation or surface water and carry it to aquifers. Recharge areas may include areas designated as Zone I, Zone II or Zone III.

**TOXIC OR HAZARDOUS MATERIAL** — Any substance or mixture of physical, chemical or infectious characteristics posing a significant, actual or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water of the Town of Barre. Toxic or hazardous material include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids or alkalis, and all substances defined as toxic or hazardous under MGL c. 21C and 21E and 310CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use.

**WELLHEAD PROTECTION DISTRICT** — The zoning district defined to overlay other zoning districts in the Town. The Wellhead Protection District may include specifically designated recharge areas.

**ZONE I** — The protective radius required around a public water supply well or wellfield. For purposes of this bylaw, the required radius is 400 feet.

**ZONE II** — That area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield, with no recharge from precipitation). It is bounded by the groundwater divides which result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases, Zone II shall extend up gradient to its point of intersection with prevailing hydro-geologic boundaries (a groundwater flow divide in contact with till or bedrock, or a recharge boundary).

- D. Establishment and delineation of Groundwater Protection District. The Wellhead Protection District includes the Zone I and interim wellhead protection area for the Barre municipal wells. These areas are delineated on a map entitled "Wellhead Protection District." This map is hereby made a part of the Zoning Bylaw and is on file in the office of the Town Clerk.
- E. District boundary disputes.
  - (1) If the location of the district boundary in relation to a particular parcel is in doubt, resolution of boundary disputes shall be through a special permit application to the Special Permit Granting Authority (SPGA). Any application for a special permit for this purpose shall be accompanied by adequate documentation.
  - (2) The burden of proof shall be upon the owner(s) of the land to show where the bounds should be located. At the request of the owner(s) the Town may engage a professional engineer, hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the district with respect to individual parcels of land, and may charge the owner(s) for the cost of

the investigation.

F. Use regulations.

- (1) Permitted uses. Unless prohibited or restricted by the regulations of the Wellhead Protection District or other state or local regulations, uses or activities permitted in the underlying district are controlled by the requirements of the underlying district.
- (2) Prohibited uses. The following uses are prohibited within the Wellhead Protection District:
  - (a) Landfills and open dumps as defined in 310CMR 19.006.
  - (b) Automobile graveyards and junkyards, as defined in MGL c. 140B, § 1.
  - (c) Landfills receiving only wastewater and/or septage residuals including those approved by the Department pursuant to MGL c. 21 §§ 26 through 53; MGL c. 83, §§ 6 and 7, and regulations promulgated thereunder.
  - (d) Facilities that generate, treat, store or dispose of hazardous waste subject to MGL c. 21C and 310 CMR 30.00, except the following:
    - [1] Very small quantity generators as defined under 310 CMR 30.00;
    - [2] Household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390;
    - [3] Waste oil retention facilities required by MGL c. 21, § 52A;
    - [4] Water remediation treatment works approved by the Mass. DEP for the treatment of contaminated ground or surface waters;
  - (e) Storage of liquid hazardous materials, as defined in MGL c. 21E, and liquid petroleum products, unless such storage is:
    - [1] Above ground level, and
    - [2] On an impervious surface, and
    - [3] In aboveground containers within a building; or outdoors in covered containers designed to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater.
  - (f) Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31.
  - (g) Storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
  - (h) Storage of animal manure, unless covered or contained in accordance with the specifications of the United States Natural Resources Conservation Service.
  - (i) Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) to within four feet of the historical high groundwater table as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building

foundations, roads, or utility works.

- (j) Nonsanitary treatment or disposal works subject to 314 CMR 5.00, except for the following:
  - [1] The replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;
  - [2] Treatment works approved by the Department designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13);
  - [3] Publicly owned treatment works.
- (k) Stockpiling and disposal of snow and ice containing deicing chemicals if brought in from outside the district:
  - [1] Storage of commercial fertilizers as defined in MGL c. 120, § 64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
- (3) Uses and activities requiring a special permit. The following uses and activities are permitted only upon the issuance of special permit by the Special Permit Granting Authority (SPGA) under such conditions as it may require:
  - (a) Enlargement or alteration of existing uses that do not conform to the Wellhead Protection District.
  - (b) Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying district [except as prohibited under Subsection F(2)]. Such activities shall require a special permit to prevent contamination of groundwater.
  - (c) Any use that will render impervious more than 15% or 2,500 square feet of any lot, whichever is greater. A system for groundwater recharge must be provided which does not degrade groundwater quality. For nonresidential uses, recharge shall be by stormwater infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are infeasible. For all nonresidential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.

G. Procedures for issuance of special permits.

- (1) The Special Permit Granting Authority (SPGA) under this bylaw shall be the Planning Board (the Board). A special permit shall be granted if the Board determines, in conjunction with the Board of Health, the Conservation Commission and DPW Superintendent that the intent of the bylaw, as well as its specific criteria, are met. The Board shall not grant a special permit under this section unless the petitioner's application materials include, in the Board's opinion, sufficiently detailed, definite and credible information to support positive findings in relation to the standards given in this section. The Board shall document the basis for any departures from the recommendations of the other Town boards or agencies in its decision.

- (2) Upon receipt of the special permit application, the Board shall transmit one copy of the Board of Health, Conservation Commission and DPW Superintendent for their written recommendations. Failure to respond in writing within 35 days shall indicate approval or no desire to comment by said Board or official. The necessary copies of the application shall be furnished by the applicant.
- (3) The Board may grant the required special permit only upon finding that the proposed use meets the following standards, those specified in § 140-13F of this bylaw, and any regulations or guidelines adopted by the Board. The proposed use must:
  - (a) In no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Wellhead Protection District;
  - (b) Be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.
- (4) The Board may adopt regulations to govern design features of projects. Such regulations shall be consistent with subdivision regulations adopted by the Board.<sup>14</sup>
- (5) The applicant shall file 10 copies of a site plan and attachments. The site plan shall meet the requirements for site plan review and approval established by § 140-23D of this Zoning Bylaw. Additional submittals shall include the following information where pertinent:
  - (a) A complete list of chemicals, pesticides, herbicides, fertilizers, fuels and other potentially hazardous material to be used or stored on the premises in quantities greater than those associated with normal household use.
  - (b) For those activities using or storing such hazardous materials, a hazardous materials management plan shall be prepared and filed with the Hazardous Materials Coordinator, Fire Chief and Board of Health. The plan shall include:
    - [1] Provisions to protect against the discharge of hazardous material or wastes to the environment due to spillage, accidental damage, corrosion, leakage or vandalism, including spill containment and cleanup procedures;
    - [2] Provision for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces;
    - [3] Evidence of compliance with the Regulations of the Mass. Hazardous Waste Management Act 310 CMR 30, including obtaining an EPA identification number from Mass. DEP.
  - (c) Proposed down-gradient location(s) for groundwater monitoring well(s), should the Board deem the activity a potential groundwater threat.
- (6) The Board shall hold a hearing, in conformity with the provisions of MGL c. 40A, § 9, within 65 days after the filing of the application and after the review by the Town boards, departments and commissions. Notice of the public hearing shall be given by publication and posting and by first-class mailings to "parties interest" as defined by MGL c. 40A, § 11. The decision of the Board and any extension, modification, or renewal thereof shall be filed with the Board and Town Clerk within 90 days following the closing of the public hearing. Failure of the Board to

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14. Editor's Note: See Ch. 202, Subdivision of Land.

act within 90 days shall be deemed as a granting of the permit. However, no work shall commence until a certification is recorded as required.

- H. Enforcement. Written notice of any violations of this section shall be given by the Building Inspector to the responsible person as soon as possible after detection of a violation or continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the nature of the violation and may also identify the actions necessary to remove or remedy the violation, measures required for avoiding future violations and schedule of compliance. A copy of such notice shall be submitted to the Board, Board of Health, Conservation Commission and DPW Superintendent and Water Department. The cost of containment, cleanup or other action for compliance shall be borne by the owner and operator of the premises.
- I. Severability. A determination that any portion or provision of this overlay district is invalid shall not invalidate any other portion or provision thereof, nor shall it invalidate any special permit previously issued thereunder.



ARTICLE VI  
**Dimensional Requirements**

**§ 140-14. Table of Dimensional Requirements.**

No land shall hereafter be used, occupied or changed and no building or structure shall hereafter be erected, altered, moved or used unless it complies with the provisions of the Zoning Bylaw set forth in the Table of Dimensional Requirements or is expressly excepted in this or other sections.<sup>15</sup>

**§ 140-15. Lots or parcels not meeting requirements.**

A lot or parcel of land having an area or frontage of lesser amount than required in this table shall be considered as meeting the requirements of this article provided it was shown on a plan or described in a deed duly recorded or registered at the time of the adoption or amendment of this bylaw and did not, at the time, adjoin other land of the same owner available for use in connection with such lot or parcel.

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**15. Editor's Note: The Table of Dimensional Requirements is included at the end of this chapter.**

ARTICLE VII  
**General Regulations**

**§ 140-16. Nonconforming uses.**

- A. The lawful use of any structure or land existing at the time of the enactment or subsequent amendment of this bylaw may be continued although such structure or use of land does not conform with the provisions of the bylaw.
- B. A nonconforming use of land or of a structure shall not be changed to another use, except on special permit from the Special Permit Granting Authority. **[Amended 2-26-1979 STM, Art. 6]**
- C. A nonconforming use which has been discontinued for two years shall not be reestablished without a special permit from the Special Permit Granting Authority. **[Amended 2-26-1979 STM, Art. 6]**
- D. A nonconforming structure damaged by fire or other causes beyond 80% of its assessed valuation shall not be rebuilt except in conformity with the bylaw, unless said work is completed within two years following the damage.
- E. A nonconforming use which has been changed to a more restricted or conforming use shall not revert to a nonconforming use.

**§ 140-17. Parking requirements.**

- A. It is intended, under this bylaw, that suitable off-street motor vehicle parking spaces shall be provided to meet the needs of all persons using buildings or land. As a guide to what is suitable, the following will apply:

Type of Use	Minimum Parking Spaces Required
Medical offices	3 spaces per doctor
Apartments	1 space per dwelling unit
Public assembly	1 space per classroom and office
Retail stores	1 space per 150 square feet of floor area
Motel	1 space per room accommodation plus 1 space per employee
Industrial	1 space per two employees
Restaurants and bars	1 space per 2-seat capacity

- B. Two hundred twenty-five square feet of net standing and maneuvering area is the minimum required per space.
- C. This section shall apply to new buildings or uses of land, but shall not apply to existing uses except where they are enlarged.

**§ 140-18. Earth removal.**

The removal of earth, including soil, loam, sand, gravel, clay, stone or other subsurface products, except water, from land in the Town of Barre is prohibited except as follows:

- A. Excavations required for the construction of structures for which all permits have been issued, or for the installation of walks, driveways, septic systems, swimming pools, landscaping or other accessory uses to such buildings and expansions thereto, provided the quantity of material removed shall not exceed that displaced by the portion of the buildings or accessory use below finished grade. **[Amended 6-14-1999 ATM, Art. 45]**
- B. When a permit for earth removal has been granted by the Planning Board after a public hearing has been held. Said permit shall require as a condition that: **[Amended 6-12-2000 ATM, Art. 42]**
  - (1) No loam be removed from the Town;
  - (2) Each applicant shall file with the Planning Board a map or plan, prepared at the expense of the applicant, showing present contours and future contours of the area to be excavated.
  - (3) A permit granted shall state the predetermined grade or grades to which the site shall be brought at the completion of the operations, and the amount of topsoil to be placed over the cuts.

**§ 140-19. Wireless communication facilities. [Added 11-13-2000 STM, Art. 5]**

- A. Objectives. This section permits the use of wireless communication facilities within the Town, regulates their impacts, and accommodates their location and use in a manner intended to:
  - (1) Protect the scenic, historic, environmental and natural, or man-made resources of the Town,
  - (2) Protect property values,
  - (3) Minimize any adverse impact on the residents of the Town (such as, but not limited to, attractive nuisance, noise and falling objects) with regard to the general safety, welfare and quality of life in the community,
  - (4) Provide standards and requirements for regulation, placement, construction, monitoring, design, modification and removal of wireless communications facilities,
  - (5) Provide a procedural basis for action within a reasonable period of time for requests for authorization to place, construct, operate or modify wireless communication facilities,
  - (6) Encourage the use of certain existing structures and towers,
  - (7) Minimize the total number and height of towers located within the community,
  - (8) Require tower sharing and clustering of wireless communications facilities where they reinforce the other objectives in this section, and
  - (9) Be in compliance with the Federal Telecommunications Act of 1996.
- B. Applicability.
  - (1) The requirements of this section shall apply to all wireless communications facilities, except where federal or state law or regulations exempt certain users or uses from all or portions of the provisions of this section.

- (2) No wireless communication facility shall be considered exempt from this section by sharing a tower or other structure with such exempt uses.

C. Definitions. The following words, which are technical terms applying to wireless communication facilities, shall have the meaning indicated below.

ACT — The Federal Telecommunications Act of 1996.

ADEQUATE COVERAGE — The geographic area in which the carrier provides a level of service expected by the Federal Communications Commission under its license or authority.

ANTENNA — A device by which electromagnetic waves are sent or received (whether a dish, rod, mast, pole, set of wires, plate, panel, line, cable or other arrangement serving such purpose).

AVAILABLE SPACE — The space on a tower or other structure to which antennas of a wireless communication service provider are able to fit structurally and are able to provide adequate coverage.

CAMOUFLAGED — A wireless service facility that is placed within an existing or proposed structure disguised, painted, colored, or hidden by a compatible part of an existing or proposed structure, or made to resemble an architectural feature of the buildings or structure on which it is placed.

CARRIER — A company, authorized by the FCC, that provides wireless communications services.

CHANNEL — One of the assigned bands of radio frequencies as defined in the Act, licensed to the service provider for wireless service use.

CO-LOCATION — The use of a single mount by more than one carrier and/or several mounts on a building or structure by more than one carrier. Each service on a co-location is a separate wireless service facility.

COMMUNICATION EQUIPMENT SHELTER — A structure designed principally to enclose equipment used in connection with wireless communication transmission, and/or reception.

CONCEALED — A wireless service facility within a building or other structure, which is not visible from outside the structure.

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

FACILITY SITE — A lot or parcel, or any part thereof, which is owned or leased by one or more personal communication wireless service providers and upon which one or more wireless communication facility(ies) and required landscaping are located.

FACILITY — Wireless communication facility.

MAJOR MODIFICATION OF AN EXISTING FACILITY — Any significant material change or proposed change to a facility, whether built or permitted that will or has the potential to impact the Town, neighborhood or adjacent properties, either with respect to appearance of the site, noise, traffic or public safety.**[Added 6-13-2005 ATM, Art. 29]**

MINOR MODIFICATION OF AN EXISTING FACILITY — Any minor change whether material or administrative that does not have the potential to impact the Town, neighborhood, or adjacent properties, either with respect to appearance of the site, noise traffic or public safety.**[Added 6-13-2005 ATM, Art. 29]**

MONITORING — The measurement, by the use of instruments away from the antenna, of the electromagnetic radiation from a site as a whole, or from individual wireless communication

facilities, towers, antennas, repeaters or associated power supplies and generators.

**MONOPOLE** — A single self-supporting vertical pole with no guy-wire anchors, usually consisting of a galvanized or other unpainted metal, or a wooden pole with below-grade foundations.

**RADIO FREQUENCY RADIATION (RFR)** — The electromagnetic emissions from wireless service facilities.

**REPEATER** — A small receiver/relay transmitter of not more than 20 watts output designed to provide service to areas which are not able to receive adequate coverage from the primary sending and receiving site in a wireless communications network.

**SPGA** — The Special Permit Granting Authority.

**TOWER** — A structure or framework, or monopole, that is designed to support wireless communications transmitting, receiving, and/or relaying, antennas and/or equipment. Components of the wireless communication facility used only to attach or support other elements of that facility are excluded provided such components are relatively less substantial than those other elements and do not materially affect a dimension of that facility.

**WIRELESS COMMUNICATION SERVICES** — Commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange access services as defined in the Act.

**WIRELESS COMMUNICATION FACILITY** — All equipment buildings, and structures with which a wireless communication service carrier broadcasts and receives the radio-frequency waves which carry their services and all locations of said equipment or any part thereof.

**WIRELESS COMMUNICATION SERVICE PROVIDER** — An entity licensed by the Federal Communication Commission (FCC) to provide wireless communication services to individuals, businesses or institutions.

D. Location of facilities.

- (1) No wireless communications facility shall be erected, constructed or installed without a special permit from the Planning Board; wireless communication facilities shall be allowed in all zoning districts by special permit.
- (2) Other sections of the Town of Barre bylaw notwithstanding, wireless communication facilities may be allowed as an additional use and/or structure on a lot which already has a principal use and/or structure thereon.

E. Criteria, priority for location of facilities.

- (1) Wireless communication facilities shall be located according to the following priorities:
  - (a) Within an existing structure concealed,
  - (b) Within an existing structure and camouflaged,
  - (c) Camouflaged on an existing structure, such as but not limited to an existing electric transmission tower or an existing radio antenna, a water tower, or building, and of compatible design,
  - (d) Co-located with existing wireless communication service facilities,
  - (e) If adequately demonstrated to the SPGA in the special permit process that each of the five types of locations is not feasible, erection of a new facility which complies with the other

requirements of this section and where visual impact can be minimized and mitigated.

- (2) Applicants shall demonstrate that they have investigated locations higher in priority ranking than the one for which they are applying and whether sites are available and, if applicable, under what conditions.

F. Dimensional screening and other site development requirements.

- (1) Shelters and accessory buildings. Any communication equipment shelter or accessory building shall be designed to be architecturally similar and compatible with the surrounding area, or constructed underground, or camouflaged by planting of an evergreen hedge not less than 75% of the height of the structure at the time of planting.
- (2) Setbacks.
  - (a) Any new tower shall be set back at least 120% of the height of the tower from each lot line and each residential dwelling of the site on which the tower is located.
  - (b) Any nonconcealed antenna shall be set back at least one time the height of the antenna, as measured from the ground level, from each lot line of the site on which the antenna is located. However, if the antenna is being attached to an existing tower whose setback is already approved either by right, by special permit or by variance and, if the SPGA determines that the addition of the antenna does not materially alter the basis of that prior approval, then no new, independent, setback requirement shall be created by the addition of the antenna.
  - (c) In nonresidential districts the SPGA may grant a special permit to allow a lesser setback if it makes a finding that such lesser setback provides adequate safety, promotes co-location or improves design, and will not negatively impact the appearance and character of the neighborhood.
- (3) Security, signs. The area around the wireless communication facility shall be completely secure from trespass or vandalism. A sign not larger than one square foot shall be posted adjacent to the entry gate indicating the name of the facility owner(s) and a twenty-four-hour emergency telephone number. Advertising on any antenna, tower, fencing, accessory building or communication equipment shelter is prohibited.
- (4) Lighting. Unless required by the Federal Aviation Administration, no exterior night lighting of towers or the wireless communication facility is permitted except for manually operated emergency lights for use when operating personnel are on site.
- (5) New towers. Any new freestanding tower shall be of a monopole construction. New towers shall not exceed the minimum height necessary to provide adequate coverage within the Town of Barre.
- (6) Height. The maximum height for an antenna is 10 feet and for a tower is 190 feet unless the applicant demonstrates that a greater height is required to allow for provision of service or unless the Planning Board finds that co-location on said tower is practical and preferable.
- (7) Vegetation.
  - (a) Existing on-site vegetation shall be presented to the maximum extent possible.
  - (b) Vegetative screening shall be used to screen abutting residential properties and roadways.

Plants that fit in with the surrounding natural vegetation shall be used.

(8) Access and parking.

- (a) There shall be a maximum of one parking space for each tower to be in connection with maintenance or the site and not to be used for the storage of vehicles or other equipment.
- (b) The access road and parking area surface shall be constructed of gravel or other nonbituminous material to maintain a rural character.

(9) Noise. The wireless communications facility shall not generate noise in excess of 35 dB at the property line.

(10) Connections. All network interconnections and utility connections shall be via underground lines.

(11) Acceptable antenna types. Only sector and whip-type antennas will be accepted. No dish-type antennas will be allowed.

(12) Tower coatings. The visual impact of new towers shall be minimized by use of the appropriate paint or covering.

G. Justification of need.

- (1) Coverage area. The applicant shall provide a map of the geographic area in which the proposed facility will provide adequate coverage.
- (2) Adequacy of other facility sites controlled by the applicant. The applicant shall provide written documentation of any facility sites in the Town and in abutting towns or cities in which it has a legal or equitable interest, whether by ownership, leasehold, or otherwise. Said documentation shall demonstrate that these facility sites do not already provide, or do not have the potential to provide by site adjustment, adequate coverage.
- (3) Capacity of existing facility sites. The applicant shall provide written documentation that it has examined all facility sites located in the Town and in abutting towns in which the applicant has no legal or equitable interest to determine whether those existing facility sites can be used to provide adequate coverage.
- (4) Adequate coverage through the least intrusive means. The applicant shall provide written documentation including radio propagation maps, that the proposed facility uses the least intrusive means by which it can provide adequate coverage in conjunction with all facility sites listed above.

H. Application, permits and special permits.

(1) Special permit granting authority.

- (a) The Planning Board shall be the SPGA for permits under this section.
- (b) The SPGA shall maintain a set of regulations that contain the necessary policies, procedures and standards to implement the provisions of this section.

(2) Permits.

- (a) Each application for a permit must contain site plans with sufficient detail that would

enable the Town to determine whether the proposed facility meets the requirements of § 140-23. Each applicant must include a Town-wide map showing the locations of all existing wireless communication facilities and proposed wireless communication facilities in the Town and within three miles of the Town boundaries. Each application must include a plan at a scale of one inch equals 40 feet showing all property lines, streets, landscape features, and all buildings within 500 feet of the proposed facility. The plan shall show the exact location of the proposed facilities including antennas (designed maximum), equipment shelters, security barriers, and parking. The plan shall show all proposed changes to the existing property including grading, vegetation removal and temporary and permanent roads and driveways.

- (b) To demonstrate the visual impact of a proposed tower, the applicant shall fly a three-foot diameter balloon or place a crane at the proposed site at the maximum height of the proposed tower. This demonstration shall be conducted on a weekend day. The date and location of the demonstration shall be advertised at least seven days, but not more than 21 days, before the demonstration in a newspaper of general circulation in the Town. Abutters shall be notified by certified mail. Photographs of the demonstration showing the visual impact of the proposed tower on abutting streets, adjacent property and residential neighborhoods shall be submitted.
- (3) Fee. In addition to the Town special permit fees, the applicant shall pay any cost of retaining professional services if such services are deemed necessary by the Planning Board. The applicant may be required to pay reasonable fees for professional review of, and professional advice regarding, the applicant's proposal by a professional or radio frequency engineer, attorney or other qualified professional. The applicant shall pay said fees regardless of whether the application is approved.
- (4) Approval criteria.
  - (a) A special permit shall be granted under this section only if the SPGA shall find that the project is in harmony with the general purpose and intent of this section of the Town of Barre Zoning Bylaw and the SPGA's regulations. In addition, the SPGA shall make all the applicable findings before granting the special permit, as follows:
    - [1] That the applicant is not already providing adequate coverage or is unable to maintain adequate coverage without the special permit,
    - [2] That the applicant is not able to use existing facility sites or higher priority sites either with or without the use of repeaters to provide adequate coverage,
    - [3] That the proposed wireless service facility minimizes any adverse impact on historic resources, scenic views, residential property values, natural or man-made resources,
    - [4] That the applicant has agreed to implement all reasonable measures to mitigate the potential adverse impacts of the facilities,
    - [5] That the facility shall comply with the appropriate FCC regulations regarding emissions of electromagnetic radiation and that the required monitoring program is in place and shall be paid for by the applicant,
    - [6] That the applicant has agreed to rent or lease available space on any tower it controls within Barre or its contiguous towns, under the terms of a fair-market lease, without



discrimination to other wireless service providers, and

[7] That there is a substantial gap in telecommunication service and the proposal is the least intrusive means to fill the gap.

- (b) If a special permit is granted, in addition to such terms and conditions as may be authorized by this bylaw, the SPGA may impose such additional conditions and safeguards as public safety, welfare and convenience may require.
- (c) Any decision by the SPGA to deny a special permit under this section shall be in conformance with the Act, in that it shall be in writing and supported by substantial evidence contained in a written record.

(5) Term of permit.

- (a) Each special permit shall be valid for a fixed or conditional period of time, not less than five years, as determined by the Special Permit Granting Authority. At the end of the approved time period, the facility shall be removed by the carrier or a new special permit shall be required.
  - (b) Any major modification of an existing facility or a permitted proposed facility, as defined in this bylaw, will require a new special permit application. Minimum liability insurance of \$1,000,000 is required. Minor modification may be approved by the Planning Board without additional hearings. **[Amended 6-13-2005 ATM, Art. 29]**
  - (c) All permitted and special permitted wireless communications facility carriers shall periodically file a report with the Town, every five years (or sooner if specified in the special permit), on operational aspects of the facility including: power consumption; power radiation; frequency transmission; the number, location, and orientation of antennas; and types of services provided.
- I. Removal requirements. Any wireless communication 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 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 restored such that all wireless communication facilities that have ceased to operate are removed. If all facilities on a tower have ceased to operate, the tower (including the foundation) shall also be removed and the site shall be revegetated by the owner. Existing trees shall only be removed if necessary to complete the required removal. The applicant shall, as a condition of the special permit, provide a financial surety or other form of financial guarantee acceptable to the SPGA, to cover the cost of removal of the facility and the restoration of the landscape, should the facility cease to operate.
- J. Severability clause. If any provision or section of this bylaw is determined to be invalid or unconstitutional by any authority, every other provision and section shall continue in full force and effect.

ARTICLE VIII  
**Administration and Enforcement**

**§ 140-20. Enforcement; rate of development.**

- A. This bylaw shall be enforced by the Building Inspector under the authority of the Select Board. **[Amended 6-15-2021 ATM, Art. 20]**
- B. If the Building Inspector charged with the enforcement of the Zoning Bylaw is requested in writing to enforce the bylaw against any person allegedly in violation of the same and the Building Inspector declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reason therefor, within 14 days of receipt of such request. **[Added 2-26-1979 STM, Art. 6]**
- C. Rate of development. **[Added 6-11-2007 ATM, Art. 18]**
- (1) Purpose. The purposes of this subsection, Rate of development, are to (a) promote orderly residential growth in the Town of Barre, consistent with the rate of growth over the last 10 years (expressed herein as building permits issued for new dwelling units); (b) phase growth so that it will not unduly strain the community's ability to plan for and provide basic public facilities and services; (c) provide the Town and its boards and agencies the information and reasonable time necessary to preserve and enhance existing community character, safety, health, and the value of property; (d) ensure the greatest degree of fairness and equal opportunity to all in the distribution of available building permits, and (e) allow time for the Town to initiate and complete a master planning process and make associated revisions to its zoning bylaws, subdivision control regulations, and other local land use laws.
  - (2) General. Beginning on the date of the adoption of this bylaw, building permits (hereinafter, "permits") for no more than 35 new dwelling units shall be issued in calendar years 2007, 2008, 2009, 2010 and 2011. More than 35 permits may be issued in one year if Subsection C(3)(e) below applies. For the purposes of this subsection, a one-family structure shall constitute one dwelling unit, a two-family structure (duplex) shall constitute two dwelling units, an accessory apartment shall constitute one dwelling unit, and a one-family structure with an accessory apartment shall constitute two dwelling units.
  - (3) Procedures. Any permits shall be issued in accordance with the following procedures:
    - (a) Any natural person, partnership, corporation, realty trust or legal entity may apply for no more than two permits in any given month. In the case of an application constituting greater than two dwelling units, the aforesaid interval shall be two months. For the purposes of this subsection, subsequent applications in the same one-month or two-month period, as the case may be, by any natural person, partnership, corporation, realty trust or legal entity which in any way may be construed as having a common ownership, interest or control with previous applications in the same month or months are prohibited, and shall be returned to the applicant.
    - (b) Permits shall be issued on or before Friday (or, in case of a holiday, on whatever day is the last day of the week that the offices of the Building Inspector are open for business) of each week by the Building Inspector (following approval by the Building Inspector). The Building Inspector shall act on each permit in order of submission. Any permit application that is incomplete or inaccurate shall be returned to the applicant and shall require a new submission.

- (c) From the first Friday in January through the 15th Friday of the year, either no (0) permit if there are no approved applications awaiting issuance, or two permits if there is one or more approved applications awaiting issuance, shall be issued in any given week. If all 35 permits have not been issued by the 15th Friday of the year, the remaining permits shall be issued for approved applications at the rate of one or more per week until 35 permits are issued for that year. Should the Building Inspector issue 29 permits and subsequently receive a permit application for a two-family or multifamily structure, the application shall be passed over and retained by the Building Inspector. [See Subsection C(3)(g) below.] In circumstances where Subsection C(3)(e) below, applies, there may be more than 35 permits available for issuance.
  - (d) The Building Inspector shall mark each application with the time and the date of submission, and shall act on each application in a timely manner. He/she shall issue approved permits in accordance with the schedule in Subsection C(3)(c) above. If the Building Inspector has more approved permits in any given week, than he/she is authorized to issue, the Building Inspector shall retain said permits to be issued in the order in which the applications were submitted.
  - (e) If any permit is deemed abandoned or invalid in the same calendar year in which it was issued, then it shall be returned and counted as an additional permit available for issuance during that same calendar year. A permit which is deemed abandoned or invalid in a calendar year different from the year in which it was issued shall be returned and counted as an additional permit to be issued during the calendar year in which it is deemed abandoned or invalid only if 1) there were more approved applications for permits than were issued in the year when the said permit was issued, and 2) if there are any intervening years between the calendar year of issuance and calendar year in which said permit is deemed abandoned or invalid, there were also more approved applications for permits than were issued during all of those intervening years.
  - (f) Permits not issued in any calendar year shall not be available for issuance in any subsequent year.
  - (g) By the first Friday of January during any calendar year in which this subsection of this bylaw is in effect, the Building Inspector shall determine whether or not each approved application for which a permit has not been issued during the previous calendar year shall be retained. Upon being informed in writing by the applicant before said first Friday in January that the applicant desires the application to remain in effect, the Building Inspector shall continue to treat said application as an approved but not issued application in accordance with this section. All approved applications for which a permit has not been issued, and for which the applicant has not informed the Building Inspector in writing by the said first Friday in January of the applicant's desire for the application to remain in effect shall not be retained, and the application shall be returned to the applicant.
  - (h) The maximum number of permits to be issued for the remainder of calendar year 2007 shall be 35. All provisions of this subsection shall apply to said issuance except that the period of permit issuance may commence on the first Friday following adoption of this bylaw.
- (4) Affordable housing. Except as provided herein and upon a determination by the Planning Board under a special permit, dwelling units which meet special needs in affordable housing provision shall be exempt from the provisions of this subsection. Such special permit shall be granted if

said dwelling units are housing units that are eligible for inclusion in the Town's "Subsidized Housing Inventory" for purposes of G.L. Chapter 40B as determined by the Massachusetts Department of Housing and Community Development. Affordable dwelling units exempted under this Subsection C(4) shall nevertheless be counted toward the 35 permit yearly maximum established in Subsection C(2), above.

- (5) Exemptions. The provisions of this section shall not apply to, nor limit in any way, the granting of building or occupancy permits required for enlargement, restoration, rehabilitation, or reconstruction of dwellings existing on lots as of the date of passage of this bylaw.
- (6) Relation to real estate assessment. Any land owner denied the issuance of an approved permit because of the provisions in sections may appeal to the Board of Assessors, in conformity with the General Laws of Massachusetts Chapter 59, Section 59, for a determination as to the extent to which the temporary restriction on development of such land shall affect the assessed valuation placed on such land for purposes of real estate taxation, and for abatement as determined to be appropriate.
- (7) Severability. If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be effected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the Barre Zoning Bylaw.

#### **§ 140-21. Building permit; application information.**

No building permit shall be issued until the construction or alteration of a building or structure, as proposed, shall comply in all respects with the provisions of the bylaw or with a decision rendered by the Board of Appeals. Any application for such a permit shall be accompanied by a plan, accurately drawn, showing the actual shape and dimensions of the lot to be built upon, the exact location and size of all buildings or structures already on the lot, the location of new buildings and structures to be erected, the existing and intended use of each building or structure and such other information as may be necessary to provide for the execution and enforcement of this bylaw.

#### **§ 140-22. Certificate of occupancy.**

No land shall be occupied or used, and no building or structure which was erected or structurally altered after the first passage of applicable provisions of this or any prior bylaw or any amendment thereto shall be occupied or used in whole or in part for any purpose unless a certificate of occupancy has been issued by the Building Inspector. Such certificate shall state that the structure and use of structure and land comply in every respect with the provisions of this bylaw in effect at the time of issuance.

#### **§ 140-23. Board of Appeals.**

- A. There is hereby established a Board of Appeals, also known as "Zoning Board of Appeals," of three members and two associate members to be appointed by the Select Board as provided in the General Laws, Chapter 40A. The Board of Appeals shall establish procedures consistent with the provisions of this bylaw and with the provisions of Chapter 40A or other applicable provisions of the General Laws, and shall file a copy thereof with the Town Clerk. The Board of Appeals shall have the following powers and duties: **[Amended 6-17-2002 ATM, Art. 31; 6-15-2021 ATM, Art. 20]**
  - (1) Appeals. To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit from the Building Inspector under the provision of General Laws, Chapter 40A,

or by any officer or board of the Town of Barre or by any person aggrieved by any order or decision of the Building Inspector in violation of any provision of General Laws, Chapter 40A, or of this bylaw.

B. Variances. A variance may be granted, after public hearing, by the Zoning Board of Appeals where the Board finds that: **[Amended 2-26-1979 STM, Art. 6]**

- (1) Special circumstances relating to soil conditions, shape or topography of the land or structures exist on the particular parcel, and
- (2) These special circumstances specifically affect the particular parcel involved and do not generally affect other parcels in the same zoning district in which the parcel is located, and
- (3) A literal interpretation of the provisions of the zoning bylaw would involve substantial hardship to the petitioner either financial or otherwise, and
- (4) Desirable relief might be granted to the petitioner without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the bylaw.

**§ 140-24. Violations and penalties. [Amended 6-12-2000 ATM, Art. 42]**

Any person, firm or corporation violating any section or provision of this bylaw shall be fined not more than \$300 for each offense. Each day that willful violation continues shall constitute a separate offense.

**§ 140-25. Amendment. [Amended 2-26-1979 STM, Art. 6]**

This bylaw may be amended from time to time in accordance with the provisions of MGL, c. 40A, § 5.

**§ 140-26. Repetitive petitions.**

No proposed change in this bylaw which has been unfavorably acted upon by the Town Meeting shall be considered on its merits by the Town Meeting within two years after the date of such unfavorable action unless adoption of the proposed change is recommended in the final report of the Planning Board. No application for a special permit and no appeal or petition for a variance which has been unfavorably acted upon by the Board of Appeals shall be considered on its merits by said Board within two years after the vote of such unfavorable action except with unanimous consent of the Planning Board.

**§ 140-27. Validity.**

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

**§ 140-28. Other regulations.**

This bylaw shall not interfere with or annul any other Town bylaw, rule, regulation, or permit provided that, unless specifically excepted, where this bylaw is more stringent, it shall control.

**§ 140-29. (Reserved)**

**§ 140-30. Designation of Special Permit Granting Authority. [Added 2-26-1979 STM, Art. 7]**

- A. The Planning Board shall be designated as the Special Permit Granting Authority.
- B. The Planning Board shall hear and decide applications for special permits for exceptions as provided in this bylaw, subject to any general or specific rules therein contained and subject to any appropriate conditions and safeguards imposed by the Board. **[Amended 6-12-2000 ATM, Art. 42]**
- C. A special permit shall be issued only after a public hearing. Any application for a special permit shall be forwarded by written notification from the Special Permit Granting Authority to the Board of Health, Conservation Commission, and Select Board, who shall have an opportunity, within 35 days of such notification, to report its recommendations in writing to the Special Permit Granting Authority. That a special permit shall lapse if substantial use of said permit has not commenced within two years. **[Added 2-26-1979 STM, Art. 6; amended 6-13-2005 ATM, Art. 30; 6-15-2021 ATM, Art. 20]**

**§ 140-31. Associate member of Planning Board. [Added 6-14-1999 ATM, Art. 47]**

The Planning Board shall have an associate member to be elected annually at the annual Town election for a term of one year pursuant to MGL c. 40A, § 9.

**§ 140-32. Cost of legal notices. [Added 6-14-1999 ATM, Art. 47]**

The cost of legal notices shall be borne by the applicant with a deposit required from the applicant at time of application.

**§ 140-33. through § 140-35. (Reserved)**

ARTICLE IX  
**Accessory Apartments**  
**[Added 6-15-2021 ATM, Art. 26]**

**Accessory Apartment:** A separate, second dwelling unit occupying a maximum of 1,000 square feet of floor area on an owner-occupied lot. For purposes of this definition, "owner" shall mean any person holding an ownership interest of 10% or more in the property.

**§ 140-36. Accessory apartments.**

To help the Town meet its housing needs without detracting from its rural character, one accessory apartment per lot may be allowed by special permit by the Planning Board, provided that all of the conditions below are satisfied. Conditions A through J below shall be ongoing conditions listed on the approved special permit.

- A. The lot must have an area of at least 45,000 square feet in total and contain a single-family dwelling.
- B. The principal single-family dwelling, including the accessory apartment, must satisfy all side and rear yard requirements for single-family dwellings in effect at the time the application for a special permit is submitted.
- C. Either the principal single-family dwelling or the accessory apartment must be occupied by an owner of the property. The owner must be an owner of the entire lot, any structures thereon, and both dwelling units. Prior to conclusion of a special permit review, the owner(s) must submit a notarized letter to the Building Inspector stating that they will occupy one of the dwelling units as their permanent or primary residence, except for bona fide temporary absences. Upon sale or transfer of the property to a new owner, the new owner must submit a substantially identical notarized letter to the Building Inspector. If such a letter is not submitted within 30 days of the recording of the deed, the special permit shall lapse.
- D. In addition to the accessory apartment, the lot may contain no more than one single-family dwelling and uses accessory to such dwelling that are permitted by this Zoning Bylaw.
- E. No more than one curb cut or driveway access shall be permitted, unless the lot already had multiple access points on the date of passage of this § 140-36, or the Planning Board determines that a second curb cut will improve public safety and not detract from the rural character of the road.
- F. The lot must have a minimum of three off-street parking spaces, which may include internal garage bays.
- G. The accessory apartment shall contain no more than 1,000 square feet of floor area and no more than two bedrooms.
- H. An accessory apartment shall be a complete dwelling unit with a separate entry; kitchen facilities; at least one bedroom; and a bathroom with sink, toilet and bathing facilities.
- I. The creation and maintenance of the accessory apartment in an existing structure shall be accomplished in a manner that does not detract from its architectural character.
- J. An accessory apartment may be located within or attached to the principal dwelling, within a garage or barn that was in existence on the date of passage of this § 140-36, or within a new accessory

structure located no more than 100 feet from the principal single-family dwelling.

- K. A special permit for an accessory apartment may only be acted upon subject to obtaining any required approvals from the Board of Health.
- L. An application for special permit for an accessory apartment shall include, in addition to information required for a building permit, any information necessary to show proposed interior and exterior changes and to determine compliance with the conditions of this subsection, including a plot plan, floor plans, and exterior building elevations for any existing facade that will be altered. To ensure compliance with the requirements of this § 140-36, the approving board may require such plans to be prepared and stamped by qualified professionals.
- M. An accessory apartment shall count as a full dwelling unit for the purposes of § 140-35B, Common Driveways.<sup>16</sup> No accessory apartment shall be approved if it will result in an exceedance of the four-dwelling-unit limit thereunder (Examples: Only one accessory apartment may be built on an approved shared driveway serving three lots; whereas, no accessory apartments may be built on a shared driveway serving four lots). Approvals for accessory apartments on shared driveways shall be on first-come, first-served basis.
- N. Nothing in this § 140-36 shall be construed to change or reduce any dimensional or area requirements of this Zoning Bylaw relative to single-family dwellings and accessory structures thereto or to allow any uses not otherwise permitted by this Zoning Bylaw, other than accessory apartments as allowed herein.

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16. Editor's Note: So in original.





**Chapter 160****MARIJUANA ESTABLISHMENT LICENSING**

**[HISTORY: Adopted by the Town Meeting of the Town of Barre 6-18-2019 ATM, Art. 26.**

**Amendments noted where applicable.]**

**§ 160-1. Purpose.**

The intent of this chapter is to permit marijuana establishments to operate pursuant to local requirements to ensure safe and appropriate implementation of Chapter 334 of the Acts of 2016 (Question #4 on the November 8, 2016 ballot), legalizing recreational marijuana, within the community. If any provisions of this chapter shall be held to be invalid, those provisions shall be severable and the remaining sections shall be valid.

**§ 160-2. Definitions.**

See also Massachusetts General Laws Chapter 94G, Section 1, Chapter 94I, Section 1, and the regulations promulgated thereunder, as they may be amended. In the event of a conflict between the following definitions and those contained in the foregoing state laws and regulations, the definitions contained in the foregoing state laws and regulations shall govern.

- A. CANNABIS CONTROL COMMISSION — The Massachusetts Cannabis Control Commission.
- B. DELIVERY-ONLY MARIJUANA RETAILER — A marijuana retailer that does not provide a retail location accessible to the public, but is authorized to deliver directly from a marijuana cultivator facility, craft marijuana cultivator cooperative facility, marijuana product manufacturer facility, or marijuana micro-business.
- C. HEMP — The plant of the genus cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus cannabis, or per volume or weight of marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.
- D. HOST COMMUNITY AGREEMENT — Agreement between the Town and marijuana establishment which shall include, but not be limited to, all stipulations of responsibilities between the host community and the marijuana establishment or a medical marijuana treatment center in accordance with MGL c. 94G, § 3(d).
- E. MANUFACTURE — To compound, blend, extract, infuse or otherwise make or prepare a marijuana product.
- F. MARIJUANA — All parts of any plant of the genus cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in Section 1 of Chapter 94C; provided, however, that "marijuana" shall not include (1) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt derivative, mixture or preparation of the mature stalks, fiber, oil or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (2) hemp; or (3) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products. Marijuana

also includes marijuana products except where the context clearly indicates otherwise.

- G. **MARIJUANA CULTIVATOR** — An entity licensed by the Cannabis Control Commission to cultivate, process, and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.
- H. **MARIJUANA ESTABLISHMENT** — A marijuana retailer, marijuana product manufacturer, marijuana cultivator, marijuana independent testing laboratory, or any other type of Cannabis Control Commission-licensed marijuana-related business or entity.
- I. **MARIJUANA ESTABLISHMENT AGENT** — A board member, director, employee, executive, manager, or volunteer of a marijuana establishment, who is 21 years of age or older. Employee includes a consultant who provides on-site services to a marijuana establishment related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.
- J. **MARIJUANA INDEPENDENT TESTING LABORATORY** — An entity licensed by the Cannabis Control Commission that is (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement or that is otherwise approved by the Cannabis Control Commission; (ii) independent financially from any medical marijuana treatment center or any Cannabis Control Commission licensee or marijuana establishment of which it conducts a test; and (iii) qualified to test marijuana in compliance with 935 CMR 500.160 and MGL c. 94C, § 34.
- K. **MARIJUANA PRODUCT MANUFACTURER** — An entity licensed by the Cannabis Control Commission to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.
- L. **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.
- M. **MARIJUANA RETAILER** — An entity licensed by the Cannabis Control Commission to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.
- N. **MEDICAL MARIJUANA TREATMENT CENTER** — An entity that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal care givers for medical use.
- O. **MIXED USE SOCIAL CONSUMPTION MARIJUANA RETAILER** — A marijuana retailer that is in possession of a Cannabis Control Commission Mixed Use Social Consumption Marijuana Retailer License (as may be further provided by 935 CMR, any commercial enterprise for which 50% or less of average monthly revenue shall be derived from the sale of marijuana products to be consumed on the premises).
- P. **SOCIAL CONSUMPTION MARIJUANA RETAILER** — A marijuana retailer licensed by the Cannabis Control Commission to purchase marijuana and marijuana products from marijuana

establishments and to sell marijuana and marijuana products on its premises only to consumers or allow consumers to consume marijuana and marijuana products on its premises only.

- Q. PRIMARY USE SOCIAL CONSUMPTION MARIJUANA RETAILER — A marijuana retailer that is in possession of a Cannabis Control Commission Primary Use Social Consumption Marijuana Retailer License (as may be further provided by 935 CMR, any commercial enterprise for which 51% or more of average monthly revenue shall be derived from the sale of marijuana products to be consumed on the premises).
- R. STOREFRONT MARIJUANA RETAILER — A marijuana retailer providing a retail location accessible to consumers 21 years of age or older or in possession of a registration card demonstrating that the individual is a registered qualifying patient with the Massachusetts Medical Use of Marijuana Program.

**§ 160-3. License application requirements.**

- A. The name and address of the business entity;
- B. Copies of all documentation demonstrating appropriate application status under state law, or registration or license, issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the facility;
- C. Evidence that the applicant has site control and the right to use the site for a facility in the form of a deed or valid purchase and sale agreement, or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement;
- D. A notarized statement signed by the organization's Chief Executive Officer disclosing all of its designated representatives, including officers and directors, shareholders, partners, members, managers, directors, officers, or other similarly situated individuals and entities and their addresses. If any of the above are entities rather than persons, the applicant must disclose the identity of all individual persons associated with the entity as set forth above.

**§ 160-4. Cap on number of Select Board licenses for marijuana. [Amended 6-15-2021 ATM, Art. 20]**

The Select Board shall not issue more marijuana retailer licenses than the number that is 20% of the number of liquor licenses for off-premises alcohol consumption that have been issued by the Select Board pursuant to MGL c. 138, § 15, as rounded up to the nearest whole number in the event the number is a fraction.

**§ 160-5. General requirements for marijuana establishments.**

Marijuana establishments shall comply with the following requirements:

- A. General.
- (1) Marijuana establishments shall comply with applicable state and local laws, regulations, bylaws, codes, conditions and agreements with the Town, including, but not limited to, MGL c. 94G, MGL c. 94I, 935 CMR 500, the Town of Barre's General Bylaws, the Town of Barre's Zoning Bylaws, all applicable Town building, fire prevention, police, and health codes, regulations and standards, any conditions imposed on licenses and permits held by the marijuana establishment (including, but not limited to, the Town's Zoning Board of Appeals special permit).
  - (2) Marijuana establishments shall execute and maintain a Host Community Agreement with the Town which shall include the conditions for having the marijuana establishment within the

Town in conformity with applicable law and as per the policies and procedures established by the Select Board. As part of the Host Community Agreement, the Board may consider impacts related to proximity to a public library; playground or park; youth center; daycare/childcare facility; public swimming area or pool; residential dwellings or group homes; or structure used for religious purposes. **[Amended 6-15-2021 ATM, Art. 20]**

- (3) Before completion of Host Community Agreement negotiations, the Select Board shall hold two joint public hearings on the proposed agreement. At minimum, 14 days prior to the first public hearing, the applicant shall erect a three-foot-high by four-foot-wide sign clearly visible from the right-of-way, no more than 25 feet from the legal frontage stating the name of the proposed business, type of license being sought, and location where information related to the project may be found. Following the two public hearings, the Host Community Agreement shall be adopted by a majority vote of the Select Board. A tie of the voting members shall constitute a failed vote. **[Amended 6-15-2021 ATM, Art. 20]**
- (4) Marijuana establishments shall maintain all permits and licenses required by state and local laws, including, but not limited to, a valid, current license in good standing from the Cannabis Control Commission. Any voiding of the Cannabis Control Commission's license by operation of law (including due to cessation of operations, failure to become operational within the permitted time, or relocation without Cannabis Control Commission approval), and any revocation or suspension of the marijuana establishment's Cannabis Control Commission license, shall result in an automatic suspension of the Select Board license pending hearing or the opportunity therefor afforded to the marijuana establishment. **[Amended 6-15-2021 ATM, Art. 20]**
- (5) All taxes and charges owed to the Town must be paid on a current basis. The Town may place a lien on the property of any person who has an outstanding balance due the Town from any fee, charge or tax, which balance is at least six months past due.
- (6) Any marijuana establishment wishing to temporarily close, either voluntarily or as required by law, must submit to the BOS a written request, within 30 days of closing, stating the reason for, and the length of, such closing or inactivity. Failure to provide such notice may result in the cancellation of the marijuana establishment license and revocation of the HCA. Additionally, closings of six months or longer may result in the BOS, at their sole discretion, revoking the license and HCA of the closed entity. Consideration for the seasonal nature of outdoor cultivation will be made.

B. Operational requirements.

- (1) All marijuana retail, processing and/or manufacturing establishments' licensed operations shall be conducted within a building or fixed structure. Marijuana cultivation establishments' operations may be licensed for indoor or outdoor operations in accordance with MGL c. 94G, MGL c. 94I, 935 CMR 500, the Town of Barre's General Bylaws and the Town of Barre's Zoning Bylaws.
- (2) No marijuana establishment shall allow cultivation, processing, manufacture, sale or display of marijuana or marijuana products to be visible from a public place without the use of binoculars, aircraft or other optical aids.
- (3) Marijuana establishments may cultivate, process, test, store and manufacture marijuana or marijuana products only within an area that is enclosed and secured in a manner that prevents access by persons not permitted by the marijuana establishment to access the area.

- (4) No marijuana establishment shall allow any person under 21 years of age to volunteer or work for the marijuana establishment.
- (5) The hours of operation of marijuana establishments shall be set in the Host Community Agreement. The licensee shall not change its hours of operation without Board approval.
- (6) Marijuana establishments shall ensure that their hours and methods of transportation of product shall not be a detriment to the surrounding area and nearby uses.
- (7) Marijuana establishments shall equip the premises and otherwise conduct their operations in such a manner that pesticides or other chemicals or products will be applied by a state licensed applicator.
- (8) A marijuana establishment shall be required to remove all marijuana and marijuana products by the earlier of:
  - (a) Prior to surrendering its state-issued license; or
  - (b) Within six months of ceasing operations.
- (9) Marijuana establishments shall comply with 527 CMR and with Chapter 38 of the NFPA 1 (2018), as they may be amended, and as applicable.
- (10) Marijuana retailers are required to engage in patron age verification using legally acceptable proof of age in compliance with 935 CMR 500.140(2).
- (11) Marijuana retailers shall not sell or offer for sale marijuana or marijuana products in a quantity that exceeds the limits established by 935 CMR 500.
- (12) Marijuana establishments shall not supply marijuana or marijuana products free of charge or in connection with a commercial or promotional endeavor within the Town of Barre. Such endeavors include, but are not limited to, product "giveaways," use of gift cards, distribution of marijuana or marijuana products as an incentive, prize or bonus in a game, contest or tournament involving skill or chance.
- (13) Marijuana retailers are prohibited from use of on-site self-service displays. Self-service displays are defined to mean displays from which customers may select marijuana or marijuana products without assistance from an employee or store personnel, and include vending machines.
- (14) Smoking and/or consumption of marijuana in the interior or exterior of the premises is not permitted. Social consumption marijuana retailers are banned in the Town of Barre in accordance with Town of Barre Bylaws Chapter 66.
- (15) Marijuana establishment odor requirements.
  - (a) Indoor marijuana establishments shall be ventilated in such a manner that no odor from marijuana or its processing can be detected by a person with an unimpaired or otherwise normal sense of smell at the exterior of the facility or at any adjoining use or property.
  - (b) Cannabis outdoor cultivators will implement industry best practices to eliminate any noticeable trace cannabis odor at the property boundaries of the cultivation site. Adjacent abutters may file a written odor complaint if odor is detected beyond the property boundary of the cultivation site. The Select Board will investigate complaints as they deem appropriate and follow up with the business owner regarding all complaints received. The

Select Board may involve outside agencies as they see appropriate in odor investigations.  
**[Amended 6-15-2021 ATM, Art. 20]**

C. Security-specific requirements.

- (1) Marijuana establishments shall maintain compliance with any Town Police Department-approved security and public safety plan as the Police Department may require; the plan may include measures relating to alarms, fencing, gates, limited access areas, delivery procedures, police details, specification of video and lighting locations, notifications to the Police Department in the event of any known or suspected violation of criminal law that has taken place on or near the location of the establishment (related or unrelated to the business or the establishments), a requirement to connect an alarm system to a third-party monitoring system and to notify the Town's Chief of Police about said third-party monitoring system, and any other notifications and security-related measures as may be required by the Police Department.
- (2) Marijuana establishments shall secure every entrance to the marijuana establishment so that access to areas containing marijuana is restricted to employees and others permitted by the marijuana establishment to access the area and to agents of the Cannabis Control Commission or state and local law enforcement officers and emergency personnel.
- (3) Marijuana establishments shall secure their inventory and equipment during and after operating hours to deter and prevent theft of marijuana, marijuana products and marijuana accessories.
- (4) Marijuana establishments shall file an emergency response plan with the Town's Fire, Police and Health Departments and share with these departments their security plan and procedures and any updates to them in the event they are modified.

D. Access to premises and information/reporting/recordkeeping.

- (1) Marijuana establishments shall consent to unannounced, unscheduled, periodic inspections of its premises agents of the Select Board from the Building, Health, and Fire Departments on weekdays during normal business hours to determine the marijuana establishment's compliance with the requirements of applicable state and local laws, regulations, codes, license and permit conditions, and this section. In addition, routine inspections may be made on weekdays during regular Town business hours by authorized inspectional departments to determine compliance with applicable state and local laws, regulations, codes and license and permit conditions. Inspections by the authorized inspectional departments may be made at other times to investigate complaints or suspected noncompliance issues. Inspections may include all areas occupied, used or controlled by the marijuana establishment. Facilities requiring re-inspection are subject to applicable re-inspection fees. Inspections shall be conducted in conformity with applicable federal, state and local law. **[Amended 6-15-2021 ATM, Art. 20]**
- (2) Marijuana establishments shall cooperate and comply with requests for information made by the Select Board and its agents from the Planning, Building, Health, Police, Fire and Public Works Departments. **[Amended 6-15-2021 ATM, Art. 20]**
- (3) Within 24 hours of receipt of notice of it, a marijuana establishment shall file with the Town Administrator, Board of Health and the Building Commissioner any cease-and-desist order, quarantine order, suspension order, revocation order, order limiting sales, deficiency statement, plan of correction, notice of a hearing, notice of any other administrative process or legal action, denial of a license, denial of a renewal of a license, or final action issued by a state or federal agency [including, but not limited to, the Cannabis Control Commission and Massachusetts

Department of Public Health (DPH)] regarding the marijuana establishment, the Cannabis Control Commission license, the DPH Certificate of Registration, or Drug Enforcement Agency.

**§ 160-6. Select Board marijuana establishment licenses. [Amended 6-15-2021 ATM, Art. 20]**

- A. No person shall operate a marijuana establishment or sell marijuana within the Town unless licensed to do so by the Select Board. Unless the Select Board license states a different duration, a marijuana establishment license shall be valid for a term of one year from the first day of January. Each day of operation without a Select Board license shall constitute a separate violation.
- B. A Select Board license shall be subject to the marijuana establishment's compliance with this chapter and with any conditions placed on the marijuana establishment's license. An applicant's or licensee's violation of this chapter and applicable state and local law shall be good cause for and may result in the Select Board's denial of an application or sanction of a license to the extent permitted by law, including, but not limited to, the imposition of additional conditions on a license, a reduction or modification of the licensee's approved hours of operations, or a suspension, nonrenewal, revocation, forfeiture, or cancellation of a license. No sanction shall be made except after notice and opportunity for hearing.
- C. The Select Board may issue regulations for the implementation of this bylaw.
- D. The Select Board shall specify the process and forms to be used by applicants for new and renewed licenses.
- E. The Select Board may institute a fee schedule for the issuance of new and renewed licenses.
- F. All license applications must contain complete and truthful information. Submission of an application containing false information may be cause for refusing the application or for suspending, canceling or revoking a license already granted. No application will be accepted for filing by the Select Board until it is fully complete. Annual license fees shall be payable immediately upon approval of the license by the Select Board. License fees shall not be prorated and are not refundable. Application and license fees shall be in an amount established by the Select Board pursuant to MGL c. 40, § 22F.
- G. No Select Board licensee may transfer a license to another person or entity, or transfer the license or operations to another location, without Select Board approval. A Select Board licensee must notify the Select Board of a change to or addition of Board member, executive, director and/or managers. Any transfer shall be subject to the terms and conditions of the original license, unless otherwise stipulated by the Board.
- H. The Select Board licensee shall display its license on the premises in a conspicuous place where it can be easily read.
- I. The Select Board or its designee may inspect a marijuana establishment and affiliated vehicles prior to the issuance of a marijuana establishment license or renewal of a license.
- J. The Select Board may, to the extent permitted under applicable law, consider whether an applicant for a license is a suitable and responsible license candidate and other aspects of the application as may be necessary to implement the purposes of this bylaw. An applicant's noncompliance with applicable Massachusetts laws and regulations (including 935 CMR 500), Town Bylaws (including this chapter and applicable sections of the Town's Zoning Bylaw), Town regulations and codes, and any conditions on a license may be cause for denial of an application for a new or renewed marijuana



establishment license.

**§ 160-7. Fines.**

Any person violating this bylaw shall be fined in the amount of \$300 for each violation. Each day of a continuing violation shall count as a separate violation.

**§ 160-8. Implementation.**

This bylaw shall not be implemented in a manner that conflicts or interferes with the Massachusetts General Laws Chapter 94G or Chapter 94I, or with the regulations promulgated thereunder, including 935 CMR 500.

**Planning Board Regulations**

**Chapter 201****EARTH REMOVAL**

**[HISTORY: Adopted by the Town of Barre Planning Board 12-19-2000. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Building construction — See Ch. 21.**

**Subdivision of land — See Ch. 202.**

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**§ 201-1. Permit information and documentation; renewal fee.**

- A. Earth removal special permits shall include the following specific information and supporting documentation:
- (1) The location of the proposed excavation;
  - (2) The name and address of the property owner/mortgagee;
  - (3) The name and address of the applicant;
  - (4) A site plan as prescribed below;
  - (5) A filing fee in the amount established by the Planning Board sufficient to cover the costs of advertisement, notification to abutters and review expenses;
- B. Renewal of the special permit shall require a fee established by the Planning Board.

**§ 201-2. Application submission requirements.**

Any person who desires to remove and/or process earth products shall submit a written application for a special permit to the Planning Board. Each application shall be accompanied by plans and specifications prepared by a registered professional engineer or registered professional land surveyor as follows:

- A. A plan of the area from which removal is proposed and a strip at least 150 feet wide surrounding said area, showing all man-made features, lot lines, names of abutters, zoning boundaries, vegetation cover, soil characteristics and existing topography;
- B. A plan of the area showing the finished grade and treatment of the site after the proposed completion of the excavation hereinafter called the restoration plan;
- C. All adjacent roads, public or private, their elevations and established grades;
- D. Natural features, including:
- (1) All wetlands on the locus and their respective elevations;
  - (2) One-hundred-year floodplain boundaries, if within the site locus;
  - (3) Water table elevations as determined by soil evaluation, test pits and soil borings;

- E. Existing and proposed contours at maximum ten-foot intervals;
- F. The estimated quantity of materials to be removed and topsoil to be stripped and replaced;
- G. Distance to all public water supply wells within 1/2 mile;
- H. Stock pile areas and locations for stumps and slash.

**§ 201-3. Surety bond.**

- A. Before approval of any plan, the Planning Board requires of the applicant a surety bond or a deposit of money (which may take the form of an assignment of a savings account assented to by the depository bank) of \$1,000 per acre or as calculated by using Richardson Engineering Services Estimating Standards (latest edition) or R. S. Means (latest edition) in order to ensure the fulfillment of the requirements of this special permit and of the particular conditions. Said bond or other security shall not be released until the applicant has filed a written certificate stamped by the applicant's professional engineer or professional land surveyor, which certifies that site restoration has been completed in compliance with the special permit and filed plan, and the Board has voted to accept.
- B. Supervisory expenses and any additional expenses incurred by the Town of Barre as a result of any violation of this special permit by an applicant and deemed necessary by the Planning Board to monitor the applicant's performance shall be paid by the applicant.

**§ 201-4. Specifications.**

- A. All trees shall be cut not bulldozed. Stumps and slash shall be removed to specific locations within the excavation area as shown on the plans, but not within 100 feet of any property line or public way. All trees, brush and stumps shall be disposed of in accordance with state laws and regulations and the Board of Health.
- B. Earth shall be removed to contours set forth in the approved site plan.
- C. The active excavation area shall not exceed a total six acres at one time. One hundred feet of natural vegetation shall be left and maintained on undisturbed land for screening and noise reduction purposes. Where no trees or natural vegetation are present, a berm or fencing may be required for screening and noise reduction purposes.
- D. Restoration shall be carried on simultaneously with the excavation so that no more than a maximum of six acres shall be excavated (unrestored) at any time. Final restoration in accordance with the restoration plan is required to be completed within the special permit time frame or within 60 days of cessation of operation whichever occurs first.
- E. All topsoil and subsoil stripped from operation areas shall be stockpiled (not to be removed from the site) and used in restoring the area. Topsoil and subsoil shall be spread over all disturbed areas to a minimum depth of four inches and successfully seeded with a high quality perennial grass seed. Areas where permanent erosion-controlling vegetation fails to become established shall be required to be reseeded.
- F. The finished leveling and grading shall be indicated on the plans submitted to the Planning Board for approval. If grading occurs below the grade of any abutting and established way open to public or private use, a minimum of a twenty-foot horizontal shelf must be left from the edge of said way or from the property line of said way whichever is greater before beginning sloping at a maximum of 3:1 (three-foot horizontal to one-foot vertical).

§ 201-4

BARRE CODE

- G. No area shall be excavated so as to cause accumulation of freestanding water. Permanent drainage shall be provided in accordance with United States Conservation Service Guidelines.
- H. No working slope shall be steeper than 2:1 (two-foot horizontal to one-foot vertical); no finished slope shall be steeper than 3:1; 4:1 is preferred for property at the original natural drainage points; and so that the total discharge at peak flow and the area of drainage to any one point is not increased.
- I. All access roads leading to public ways shall be treated with suitable material (bituminous concrete pavement or crushed stone) for a minimum distance of 100 feet so as to avoid tracking dust and mud onto public ways. The operator shall be responsible for cleaning up any spillage on public ways as it occurs.
- J. The Planning Board, Zoning Enforcement Officer or their agents reserve the right to make visits (reasonable efforts should be made to notify the owner) to the permit area for the purpose of inspection and/or for conformance with the requirements and conditions of the permit.
- K. The permit may be issued for an initial period of up to five years and may be extended up to five years, provided that the applicant has conformed to the requirements and conditions of the permit. The Board may revoke or suspend any permit which it has issued for good cause following a hearing.
- L. The permit is nontransferable.
- M. Hours of operation shall not extend beyond the hours of 7:00 a.m. to 5:00 p.m. Monday through Saturday. No Sunday or holiday hours are permitted. There shall be no exceptions beyond these hours. However, the Planning Board may further limit hours of operation if, after weighing factors, including impact on traffic flow, safety, or that such hours would be detrimental or offensive to the neighborhood, it determines the public good will be served. Trucks may enter and leave the premises only within said hours.
- N. A gate must be installed at the entrance and be kept locked except during hours of operation. Fencing may be required where slopes are steeper than 2:1 (two-foot horizontal to one-foot vertical) for public safety.

**§ 201-5. Limited earth removal special permit.**

A limited earth removal special permit may be granted for a period of up to one year with reduced requirements. The amount of earth removal is not to exceed 500 cubic yards and the area of land disturbed cannot exceed 1/2 acre. The requirement for bonding may be waived or reduced though the applicant still is required to restore the area.

**§ 201-6. Authority of Planning Board.**

Adoption of these regulations by the Planning Board shall not diminish any of the authority given to said Board by state statute, or by the bylaws or Zoning Bylaws of the Town of Barre.

**§ 201-7. Modification of regulations.**

The Board reserves the right to modify any and all of the above regulations.

SUBDIVISION OF LAND

**Chapter 202**

**SUBDIVISION OF LAND**

**[HISTORY: Adopted by the Town of Barre Planning Board 5-18-1987 under the Subdivision Control Law (MGL c. 41, §§ 81-K to 81-GG, inclusive). Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Environmental evaluation — See Ch. 42.**

**Review of subdivision plans — See Ch. 303.**

**Surface water control — See Ch. 112.**

**Sewer construction standards — See Ch. 402.**

**Zoning — See Ch. 140.**

## ARTICLE I

**Purpose and Authority****§ 202-1. Purpose. (MGL c. 41, § 81-M)**

" The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a planning board and of a board of appeal under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning ordinances or bylaws; for securing adequate provision for water, sewerage, drainage and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions."

**§ 202-2. Authority.**

Under the authority vested in the Planning Board of the Town of Barre by MGL c. 41, § 81-Q, said Board hereby amends those rules and regulations governing the subdivision of land in the Town of Barre which took effect on the first day of March 1963. Such amended rules and regulations shall be effective on and after the day of 18 May 1987.

ARTICLE II  
**General Provisions**

**§ 202-3. Definitions.**

For the purposes of these regulations, the terms and words defined in the Subdivision Control Law shall have the meaning given herein, unless a contrary intention clearly appears in these definitions. The following other terms and words are defined as follows:

**APPLICANT** — Person applying for approval of a plan hereunder, including owner, agent or assigns of the owner.

**ARTERIAL** — A major street in the city's street system that serves as an avenue for the circulation of traffic onto, out, or around the city and carries high volumes of traffic.

**BENCH MARK** — Mark made in durable object of known position and elevation as a reference point.

**BOARD** — The Planning Board of Barre.

**CERTIFICATION/ENDORSEMENT BY THE PLANNING BOARD** — As applied to an instrument required or authorized by the Subdivision Control Law to be recorded, shall mean certification/endorsement signed by a majority of the members of the Board, or by any other person authorized by it to certify/endorse, and named by a written statement to the register of deeds and recorder of the Land Court, signed by a majority of the Board. (MGL c. 41, § 81-L)

**EASEMENT** — A right in land acquired by public authority or other person to use or control property for a utility or other purpose.

**ENGINEER or SURVEYOR** — Person registered by the Commonwealth of Massachusetts to perform professional civil engineering or land surveying services.

**LOT** — Area of land in one ownership with definite boundaries used, or available for use, as the site of one or more buildings. Areas endorsed by the Board upon a plan as "not available for building purposes" shall not be considered lots.

**MINOR ROAD** — A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine dwelling units and is expected or does handle up to 90 trips per day.

**PRIMARY COLLECTOR** — A street whose principal function is to carry traffic between minor and secondary collector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than 100 dwelling units and is designed to be used or is used to carry more than 1,000 trips per day.

**RECORDED** — Recording in the Registry of Deeds for Worcester County and, where registered land is affected, filing with the recorder of the Land Court. (MGL c. 41, § 81-L)

**SECONDARY COLLECTOR** — A street whose principal function is to provide access to abutting properties but is also designed to be used to connect minor roads with primary collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least 10 but not more than 100 dwelling units and is expected to or does handle between 100 and 1,000 trips per day.

**SIDEWALK** — A way within the right-of-way of a street normally parallel to the street designed primarily for pedestrian use.

**SUBDIVISION** — Division of a tract of land into two or more lots, including resubdivision, provided that such division shall not be deemed to constitute a subdivision under the Subdivision Control Law (MGL c.

41, §§ 81-K and 81-GG) if at the time it is made, every lot within the tract has frontage on a public way, a way which the Town Clerk certifies as maintained and used as a public way, a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or a way in existence as of March 1, 1963, meeting the standards of the Board as set out in § III-A, 3. (ref) Such frontage shall be of at least such distance as is then required by the Zoning Bylaw<sup>17</sup> of the Town of Barre for erection of a building on such lot. Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots in such a 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 when the Subdivision Control Law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

UTILITIES — Private or municipal services to be furnished within the subdivision, including telephone, cable TV, electric light and power, gaslines, sanitary sewers, water drains, water pipes and appurtenances.

WAY, PUBLIC — Any road which has been accepted as a public way pursuant to MGL c.82, or any way established by court decree to be a public way by dedication, prescription or otherwise.<sup>18</sup>

WAY IN EXISTENCE WHEN SUBDIVISION CONTROL LAW BECAME EFFECTIVE IN THE TOWN — For purposes of determining whether a proposed division of lots is a subdivision, a way in existence as of March 1, 1963, shall not be deemed adequate by the Board except if it meets standards in § 111-A, 3.(ref)

WAY MAINTAINED AND USED AS A PUBLIC WAY — For purposes of determining whether a proposed division of lots is a subdivision, a way shall be certified as used and maintained as a public way only if it meets the standards of § III-A, 3.(ref)

#### **§ 202-4. General requirements.**

- A. Basic requirement. No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the town, or proceed with the improvements or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, unless and until a plan has been endorsed "Planning Board Approval Not Required," or a definitive plan of such subdivision has been submitted to and approved by the Board.
- B. Effect of prior recording. The recording of a plan of subdivision within the town in the Registry of Deeds of Worcester County prior to the effective date of the Subdivision Control Law in the Town of Barre shall not exempt the land within such subdivision from the application and operation of these rules and regulations except as specifically exempt by MGL c. 41, § 81-FF.
- C. Waivers. The Board may waive strict compliance with any of these rules and regulations if it deems it in the public interest, and if written record is kept of such waivers, and the reasons for them.

#### **§ 202-5. Effect of zoning at certain times. [Added 2-26-1979 STM, Art. 6]**

Land on a definitive plan, or preliminary plan followed within seven months by a definitive plan, shall be governed by the zoning in effect at the time of first submission, for five years from approval. The use of land on a plan "approval not required" shall be governed by zoning in effect at the time of filing for three years.

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17. Editor's Note: See Ch. 140, Zoning.

18. Editor's Note: See Ch. A602, Road Lists.



ARTICLE III  
**Procedure for Submission and Approval of Plans**

**§ 202-6. Plan believed not to require approval.**

A. Submission.

- (1) Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law may submit his plan, a description of the land and Application Form A<sup>19</sup> to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval.
- (2) The original plan and five copies shall be submitted by delivery at a regularly scheduled meeting of the Board, or by certified mail, postage prepaid, to the Board. If so mailed, the date of mailing shall be the date of submission of the plan. In addition, written notice of such submission using Application Form A shall be given by the applicant to the Town Clerk by delivery, or by registered mail, postage prepaid. If notice is given by delivery, the Town Clerk shall, if requested, give a written receipt to the person who delivered such notice.

B. Upon submission of a Form A a filing fee is required. Refer to the Appendix A for the fee.<sup>20</sup>

C. Contents. The original of the drawn plan shall contain the following information:

- (1) Title, boundaries, North point, date and scale;
- (2) Name and address of record owner and engineer or surveyor, if any;
- (3) Frontage and area of any remaining adjoining land owned by the applicant;
- (4) Suitable space to record the action of the Board and the signatures of the members of the Board;
- (5) Sufficient data to determine existing lines of every street and way line;
- (6) Proposed lot boundaries, with areas of lots and lot frontage; and
- (7) Evidence that each building lot on the plan, or altered by it, meets one of the following four criteria:
  - (a) Has all the frontage required under zoning on:
    - [1] A public way, or
    - [2] A way which the Town Clerk certifies is maintained and used as a public way;
    - [3] A way shown on a plan approved and endorsed earlier by the Planning Board under this law;
    - [4] A way existing before 18 May 1987, which the Board finds adequate for the way's proposed use;
    - [5] A way shown on a plan of a subdivision registered in the Land Court prior to 18 May

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19. Editor's Note: Application Form A is on file in the office of the Planning Board.

20. Editor's Note: Appendix A is included at the end of this chapter.

1987.

(b) Has been clearly marked on the plan to be either joined to and made a part of an adjacent lot or "not a building lot"; or

(c) Constitutes an existing parcel with no new lot divisions.

D. Determination.

(1) In determining whether an existing way is adequate to qualify a subdivision plan not requiring approval of the Board, the Board shall consider the following conditions, among others:

(a) The right-of-way is to be at least 25 feet wide and of reasonable horizontal alignment;

(b) That the existing horizontal and vertical alignment of the roadway provide safe visibility;

(c) The roadway be constructed at least 18 feet wide, with at least eight feet of gravel, and with adequate provisions for drainage;

(d) If the road could ever service more than six dwelling units, it be bituminous surfaced, or have provisions made for such surfacing without cost to the town;

(e) That provisions are made for public utilities without cost to the town.

(2) In determining whether a way has been used and maintained as a public way, the Clerk shall submit to the Board written evidence of public maintenance under vote of the town, and of continued substantial use by the general public without permission of the landowners along the way, continuous for at least 20 years. Sporadic use, use by a few persons, or use by agreement of the abutters shall not suffice.

E. Board action.

(1) If the Board determines that the plan does not require approval, it shall forthwith, without hearing and within 14 days of submission, endorse on the plan by a majority of the Board, or by a person authorized by the Board, the words "Planning Board approval under Subdivision Control Law not required." Such endorsement shall not be withheld unless such plan shows a subdivision. Such plan shall be returned to the applicant, and the Board shall notify the Town Clerk of its action in writing.

(2) If the Board determines that the plan does require approval under the Subdivision Control Law, it shall, within 14 days of submission of said plan, give written notice of its determination to the Town Clerk and to the applicant. Said plan shall be returned to the applicant.

(3) The applicant may then submit the plan as provided for by the rules and regulations of the Board, or he may appeal from the determination of the Board in the manner provided in MGL c. 41, § 81-BB.

(4) If the Board fails to act upon the plan, or fails to notify the Town Clerk and the applicant of its action within 14 days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and the Board shall forthwith make such endorsement on said plan, and on its failure to do so forthwith, the Town Clerk shall issue a certificate to the same effect. The plan bearing such endorsement or the plan and such certificate, as the case may be, shall be delivered by the Board, as in the case of the certificate, by the Town Clerk, to the applicant.

- F. Administration. One print of the plan shall be retained in the files of the Planning Board and one print each shall go to the Town Clerk, Select Board, Assessors and Conservation Commission. **[Amended 6-15-2021 ATM, Art. 20]**

**§ 202-7. Preliminary plan.**

- A. General. A preliminary plan of a subdivision may be submitted by the applicant to the Board of Health and to the Board for discussion and approval by the Board. The submission of such a preliminary plan will enable the subdivider, the Board, and other municipal agencies to discuss and clarify the problems of such subdivision before a definitive plan is prepared. Therefore, it is strongly recommended that a preliminary plan be filed in every case.
- B. Submission. If such review and approval are desired, a properly executed Application Form B<sup>21</sup> shall be filed with the filing fee with the preliminary plan submitted to the Board. The preliminary plan shall be submitted by delivery at a regularly scheduled meeting of the Board, or by registered mail, postage prepaid, to the Board. If so mailed, the date of mailing shall be the date of submission of the plan. In addition, written notice of such submission using Application Form B shall be given by the applicant to the Town Clerk by delivery or by certified mail, postage prepaid. If notice is given by delivery, the Town Clerk shall, if requested, give a written receipt to the person who delivered such notice.
- C. Contents. The preliminary plan shall be drawn on tracing paper 24 inches by 36 inches with pencil at a scale of one inch equals 40 feet, and two prints shall be filed at the office of the Board. Said preliminary plan shall show sufficient information about the subdivision to form a clear basis for discussion of its problems and for the preparation of the definitive plan. Such information shall include the following:
- (1) Proposed subdivision name or identifying title, boundaries, North point, date, scale, legend and title "preliminary plan," and block for approval;
  - (2) Name and address of record owner or owners, applicant, engineer or surveyor or other designer of the preliminary plan layout, with professional stamp, if any;
  - (3) Names of all abutters as they appear in the most recent tax list, including names of owners of land separated from the subdivision only by a street;
  - (4) Existing or proposed lines of streets, sidewalks, ways, lots, easements and public or common areas within the subdivision in a general manner;
  - (5) Easements and rights-of-way appurtenant to the land;
  - (6) Names, approximate location and widths of streets adjacent to the subdivision;
  - (7) Approximate boundary lines of all proposed lots or divisions of land with their approximate areas and dimensions; lots to be numbered in sequence;
  - (8) Topography of the land in a general manner at contour interval based on five-foot intervals, including major features such as wooded areas, ditches, wetland water bodies;
  - (9) Proposed system of drainage, including the location of all swamp, marsh and lowland, water bodies, streams, open drains and ditches, natural or man-made, and flowage rights, public and

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21. Editor's Note: Application Form B is on file in the office of the Planning Board.

private, adjacent to or within the proposed subdivision, in a general manner;

(10) Soil types based on the latest applicable report of the USDA Soil Conservation Service.

(11) Zoning classification of all land shown on the plan, including any land lying within the floodplain.<sup>22</sup>

D. Action by Board.

(1) The preliminary plan will be studied by the Board, and within 45 days after submission, the Board shall approve, approve with modifications suggested by the Board, or agreed upon by the person submitting the plan, or disapprove the preliminary plan. A disapproval by the Board will be accompanied by a detailed statement of reasons for the action.

(2) Notice of its action must be given by the Board to the applicant and the Town Clerk within 45 days of the date of submission.

E. Relation of preliminary plan to definitive plan. Approval of a preliminary plan does not constitute approval of a subdivision, and a preliminary plan cannot be recorded in the Registry of Deeds. If a definitive plan is duly submitted within seven months from the date of submission of the preliminary plan, and if the definitive plan is duly approved by the Board, the subdivision rules and regulations in effect at the time of submission of the preliminary plan shall govern approval of the definitive plan.

**§ 202-8. Definitive plan.**

A. Application procedure.

(1) Any person who submits a definitive plan of a subdivision to the Planning Board for approval shall file with the Board the following:

(a) An original drawing of the definitive plan and at least five contact prints thereof, dark line on white background.

(b) A properly executed Application Form C<sup>23</sup>.

(c) A deposit per the fee schedule in Appendix A to cover the cost of advertising, notices, and secretarial costs.<sup>24</sup>

(d) Drainage calculations certified by the engineer who prepared them;

(e) A list of names and mailing addresses for all abutters as they appear on the most recent local tax list, including property owners on the opposite side of any streets abutting the subdivision;

(f) Five copies of the proposed street plans and profiles, and the relationship to existing streets.

(g) Upon submission of the definitive plan, a filing fee is required by the Board. Refer to Appendix A for the fee.

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22. Editor's Note: See Ch. 140, Zoning, § 140-12.

23. Editor's Note: Application Form C is on file in the office of the Planning Board.

24. Editor's Note: The fees schedule is included at the end of this chapter.

- (2) Submit to the Town Clerk by delivery or certified mail:
  - (a) A notice stating the date of definitive plan submission to the Planning Board; and
  - (b) A copy of the completed Application Form C.
- (3) Submit to the Board of Health:
  - (a) Two copies of the definitive plan; and
  - (b) A copy of the completed Application Form C.
- B. Contents. The definitive plan shall be prepared by a registered engineer or registered land surveyor, and shall be clearly and legibly drawn in an indelible ink on Mylar. The plan shall be at a scale of one inch equals 40 feet, or such other scale as the Board may accept to show details clearly and adequately. Sheet sizes shall not exceed 24 inches by 36 inches. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The definitive plan shall contain the following information:
  - (1) Subdivision name, boundaries, North point, legend, date and scale;
  - (2) Name and address of record owner and of subdivider, stamp and signature of registered land surveyor and any other professionals engaged in the design, in each case certifying that elements of the plan for which they are responsible have been prepared in accordance with these regulations; additionally a revision block is required in the title block;
  - (3) Location and names of all abutters as they appear on the most recent tax list, including property owners on the opposite side of any streets abutting the subdivision;
  - (4) Existing and proposed lines of streets, ways, 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 Board;
  - (5) Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground;
  - (6) Location of all permanent monuments properly identified as to whether existing or proposed;
  - (7) Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision;
  - (8) The area of each lot in square feet.
  - (9) Lot numbers shown enclosed in a circle and street numbers enclosed in a square;
  - (10) Existing and proposed watercourses and ponds;
  - (11) Reference identifying applicable street plans and profiles, covenants, or other relevant documents, whether right-of-way is recorded or not;
  - (12) At two-foot contour intervals, existing topography and topography resulting from development of streets, drainage, and other required improvements;
  - (13) Existing and proposed drainage facilities, and the route, for all existing and proposed drainage discharging from the subdivision, to the primary receiving watercourse or other body of water.

Cross sections of each drainage ditch or pond shall be included. If surface water drains will discharge onto adjacent existing streets, or onto adjacent properties not owned by the applicant, the applicant shall clearly indicate what course the discharge will take, and shall present to the Board evidence from his engineer that such discharge is satisfactory;

- (14) Proposed layout of water supply and sewage disposal systems. Size and location of existing and proposed water supply mains and their appurtenances, hydrants, sewer pipes and their appurtenances and/or sewage disposal systems, storm drains and their appurtenances, and easements pertinent thereto, and curbs and curb dimensions;
  - (15) Location of base flood elevation if encountered within 100 feet of the subdivision;
  - (16) Suitable space for endorsement by the Planning Board, with spaces for annotating date of approval and date of endorsement.
  - (17) Major site features such as existing stone walls, fences, buildings, large trees, rock outcroppings, and wetlands.
  - (18) Zoning boundaries.
  - (19) Existing and proposed easements and rights-of-way applying to the land and their purpose. (Requirements for assessments are later discussed in Section IV.B.)(ref)
  - (20) Approximate groundwater level and location and results of soil percolation and other subsurface tests.
- C. Street plans and profiles. For each street, there shall be a separate plan at one inch equals 40 feet, and profile at one inch equals 40 feet horizontal, one inch equals 40 feet vertical, elevations referenced to the town datum, drawn in ink on polyester film, showing the following data. One copy of this shall be submitted to the Town Highway Department.
- (1) The plan shall show bearings and distances, radii and arcs, central angle and tangent distances on all curves with stationing on the center line.
  - (2) The profile shall show the existing ground on the center line in a solid black line, the existing right side in a short dashed line, and the existing left side in a long dashed line; the proposed grade shall be shown in a heavy black line with the elevation shown at each fifty-foot station, with the rate of grade indicated.
  - (3) The grade of all streets intersecting the proposed streets shall be shown for at least 100 feet each side of the intersection of the street center line.
  - (4) The proposed drainage, catch basins, manholes, pipes and any other drainage facilities shall be shown on both plan and profile.
  - (5) Existing and proposed sidewalks, bikeways and walkways shall be shown with widths and grade elevations.
  - (6) All plans and profiles shall include a notation on each drawing that the same is one of an indicated total number of sheets.
  - (7) Proposed sewers and manholes shall be shown in plan and profile.
  - (8) Necessary construction details for curbings, sidewalks, roadways, etc.

- (9) The proposed erosion and sediment control methods for handling storm runoff water during construction.
- (10) As well, a prepared Environmental Impact Statement at the applicant's expense, may be required if the Board deems it necessary.
- (11) Such additional information as the Board may deem necessary.

D. Review procedures.

(1) Board of Health.

- (a) The Board of Health shall within 45 days of filing report to the Planning Board in writing with signatures of a majority of its members its approval or disapproval of the plan, as required by MGL c. 41, § 81-U. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plans cannot be used for building sites without injury to the public health, and include such specific findings and the reason 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 provided that the applicant documents having reviewed his plan with the Board of Health, and only 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 on which said conditions apply. In the event approval by the Board of Health is by failure to make a report within 45 days, the Planning Board shall note on the plan that health approval is by failure to report.
  - (b) Any lot so located that it cannot be served by a connection to the municipal sewer system shall be provided with an on-site system satisfactory to the Board of Health.
- (2) Conservation Commission. The Conservation Commission within 45 days of the applicant's filing with the Planning Board shall review the plan for applicability under the Wetlands Protection Act<sup>25</sup> and issue a set of conditions for said plan, if necessary.
  - (3) Highway Department. The Highway Department within 45 days of the applicant's filing with the Planning Board shall review the plan and make recommendations if required.

E. Action by the Planning Board.

- (1) Public hearing. Before approval of the definitive plan is given, a public hearing shall be held by the Planning Board. Notice of such hearing shall be given by the Board at the expense of the applicant by advertisement in a newspaper of general circulation in the Town of Barre in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing. A copy of said notice shall be mailed by the Board to the applicant and to all owners of land abutting upon the subdivision as appearing in the most recent tax list.
- (2) Decision.
  - (a) Within 60 days of the public hearing, the Board will approve, modify and approve, or disapprove the definitive subdivision plan submitted. Criteria for action by the Board shall be the following:

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25. Editor's Note: See MGL c. 131, §§ 40 and 40A.

- [1] Completeness and technical adequacy of all submissions;
  - [2] Conformity with all applicable zoning requirements;
  - [3] Consistency with the purposes of the Subdivision Control Law;
  - [4] Conformity with the Board's design and construction standards;
  - [5] Conformance with the recommendations of the Board of Health and Conservation Commission.
- (b) Following such action, the Board shall file a certificate of its action with the Town Clerk, and shall send notice of its action by registered mail to the applicant at his address stated in the application.
- F. Performance guarantee. Final approval, if granted, shall be endorsed on the original drawing of the definitive plan by the signature of the person officially authorized by 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 said Clerk has notified the Board that no appeal has been filed. Before the Board endorses its approval on the plan, the applicant shall provide assurances as set out below:
- (1) Final approval with bonds or surety. The applicant shall either file a surety company performance bond or a deposit of money or negotiable securities in an amount determined by the Board to be sufficient to cover the cost of all or any part of the improvements as shown on the definitive plan, and as specified in the rules and regulations. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the Town Counsel and as to sureties by the Town Treasurer, and shall be contingent on the completion of such improvements within two years of the date of the bond. At the discretion of the Board, a time extension may be granted for a period not to exceed one year, provided that such an extension may be conditioned upon an increase in the amount of such bond or security as determined by the Board (further one-year extensions may also be granted at the Board's discretion).
  - (2) Final approval with covenant. Alternatively, the owner may execute an appropriate covenant, which shall be recorded with the subdivision plan, stipulating that no lot of the land shown on the plan shall be sold, or buildings or other structures erected or placed on, or application for a building permit made with respect to, any such lot until:
    - (a) The streets shown on the subdivision plan and the streets and any sidewalks, bikeways, walkways or footpaths required by the Board shown on the plans and profiles have been brought to subgrade throughout in accordance with the requirements of these rules and regulations, including the installation of required catch basins, culverts and other drainage facilities.
    - (b) Facilities for water in accordance with the requirement of the Board of Water Commissioners have been installed throughout the streets shown on the plan.
    - (c) The subdivision plan, bearing the Board's signed endorsement thereon, and a signed copy of such agreement have been recorded in the Registry of Deeds or with the Recorder of the Land Court.
    - (d) The approval shall be contingent on the completion of such improvements within two years of the date of the covenant. At the discretion of the Board, a time extension may be



granted for a period not to exceed one year. (Further one-year extensions may also be granted at the discretion of the Board).

- (3) Nothing in this section shall be construed as a limitation on the authority of the Board to condition its approval of any plan upon the satisfaction of additional conditions, which shall be endorsed on the plan or in a separate document to be recorded.
- (4) Following plan approval, endorsement, and recording, the applicant shall provide the Board with five prints of the definitive plan, and one copy of final covenants and restrictions, noting book, page number, and date of recording for each; and five prints of the street plan and profiles. One copy of the definitive plan shall be transmitted to the Inspector of Buildings by the Planning Board.

G. Release of performance guarantee.

- (1) Upon completion of improvements required by this regulation, the subdivider may request either partial or full release of his bond, deposit or covenant, by sending a statement of completion and request for release by registered mail to the Planning Board and to the Town Clerk. Release will be granted only following written approval by the Planning Board and any other town officials concerned with the work performed. Copies of release from covenants or agreements regarding building or use and occupancy permits shall be sent by the Planning Board to the Inspector of Buildings, the Town Clerk and the subdivider.
- (2) Partial release. 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, and provided that appropriate arrangements have been made for later disposition of such interim facilities as temporary turnarounds.
- (3) Escrow. The applicant may propose as an alternative an agreement whereby a lender retains sufficient funds for the completion of ways and utilities as provided for by MGL c. 41, § 81U, Paragraph 9.
- (4) Refusal of release. If the Planning Board determines that said construction or installation has not been completed, it shall specify in a notice sent by registered mail to the applicant and to the Town Clerk the details wherein said construction and installation fails to comply with the requirements of the regulation. Failure of the Board to notify the applicant within 45 days after receipt by the Town Clerk of a request for release shall terminate all obligations under a bond, and any deposit shall be returned and any covenant shall become void. The Town Clerk shall issue a certificate releasing all interests should the Board fail to act within such 45 days.
- (5) Recision. Failure of the developer to comply with the construction schedule incorporated into the performance agreement, or to comply with the subdivision rules and regulations, or any unauthorized departure from any agreements made or plans submitted and approved, shall constitute reason for the Planning Board to consider recision of such approval, in accordance with the requirements and procedures of MGL c. 41, § 81-W.

H. Certificate of completion. Upon final completion of the construction of ways, and the installation of municipal services in accordance with the subdivision rules and regulations, approval, conditions, and approved plans, the Board shall issue a certificate of completion which may be recorded. Such certificate shall not be issued until the developer satisfies the following conditions:

- (1) Ownership of ways and easements.

- (a) The subdivider shall retain title to the fee of each street, path, or easement in or appurtenant to the subdivision until conveyed to the town. Prior to final release of security, the developer shall submit all necessary documentation for street acceptance, including plans in form acceptable to the Registry of Deeds, legal description, easements, list of owners and mortgages of lots having rights in the street, and any grants of rights necessary.
  - (b) Approval by the Board of a definitive subdivision plan shall not constitute the laying out or acceptance by the Town of any streets, bikeways, or footpaths within a subdivision.
- (2) As-built plans.
  - (a) Upon completion of construction, and before release of the performance guarantee, the subdivider shall have prepared and submitted as-built plans at the same scale as the street plans, which shall indicate the actual location of all the following:
    - [1] Street lines;
    - [2] Traveled way edges;
    - [3] Path locations;
    - [4] Permanent monuments;
    - [5] Location and inverts of the required utilities and drainage;
    - [6] Locations of any other underground utilities, such as electricity, telephone lines and street lighting.
  - (b) The accuracy of such as-built plans shall be certified by a registered land surveyor or registered professional engineer retained by the subdivider.

ARTICLE IV  
**Design Standards**

**§ 202-9. Minimum standards; waiver.**

All standards in these regulations shall be considered minimum standards, and may be varied from or waived where the Board considers that alternate conditions will serve substantially the same objective. A written explanation of all waivers shall be maintained in the files, with the reasons therefor.

**§ 202-10. Streets.**

A. Location and alignment.

- (1) All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular travel. Due consideration shall also be given to the following features:
  - (a) Volume of cut and fill;
  - (b) Area over which existing vegetation will be disturbed, especially if within 200 feet of a river, wetland or water body, or in areas having a slope of more than 15%;
  - (c) Extent of waterways or wetlands altered or relocated;
  - (d) Dimensions of paved areas (including streets) except as necessary for safety and convenience, especially in aquifer/recharge areas;
  - (e) Use of collector streets to avoid traffic on streets providing house frontages;
  - (f) Visual prominence of natural features of the landscape;
  - (g) Maintenance within the subdivision of runoff and vegetative cover equivalent to conditions before development.
- (2) The proposed streets shall conform to the Master Plan as adopted by the Board.
- (3) Provision satisfactory to the Board shall be made for the proper projection of streets, or for access to adjoining property which is not yet subdivided.
- (4) Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.
- (5) Access to arterial street. Intersections of collector and residential streets with arterial streets will not normally be allowed at intervals of less than 450 feet. Subdivisions of 50 or more lots will be required to have more than one access to an existing arterial street or to a proposed arterial street which is to be built in conjunction with the proposed subdivision.
- (6) Street jogs. Street jogs in arterial and collector streets with center-line offsets of less than 500 feet shall not be allowed. Street jogs in minor roads with center-line offsets of less than 125 feet should be avoided.
- (7) The minimum center-line radii of curved streets shall be 100 feet for minor roads. One hundred and fifty feet shall be required for collector streets.
- (8) 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°.

- (9) Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than 25 feet.
- (10) Visibility from center line of a street shall never be less than 200 feet or as dedicated by a posted speed limit.
- (11) Access through another municipality. In case access to a subdivision crosses land in another municipality, the Board may require certification by the appropriate officials that such access is in accordance with the zoning and subdivision requirements of such municipality, and that a legally adequate performance bond has been duly posted, and that such access is adequately improved to handle prospective traffic. As well, lot lines should be laid out so as not to crowd municipal boundary lines.
- (12) Streets shall be continuous and in alignment with existing streets and shall be at least 200 feet apart at intersection with collector.

**B. Width.**

- (1) The minimum width for two-way, paved residential streets shall be as follows:

Streets	Street Pavement Width	Right-of-Way Width
Minor roads and streets	20 feet	40 feet
Secondary collector	26 feet	50 feet
Primary collector	36 feet	50 feet
Arterial	As per State Highway Department design standards	As per State Highway design standards

- (2) Greater width shall be required by the Board when deemed necessary for present and future vehicular travel or on-street parking.
- (3) The minimum width may be reduced if approved by the Town Planning Board for the following reasons:
  - (a) The reduction in width is complemented by enforceable parking regulations for streets where widths are reduced.
    - [1] On culs-de-sac and lanes with no on-street parking, the width may be reduced to 18 feet.
    - [2] On a secondary street with on-street parking permitted on one side only, the width may be reduced to 24 feet.
    - [3] On a collector with no on-street parking, the width may be reduced to 26 feet.
  - (b) Reductions which are a part of an overall drainage plan to reduce the impervious surfaces in the subdivision and reduce runoff from the parcel shall be permitted if plans for safety, parking, pedestrian circulation and other factors are deemed adequate by the Planning Board to accommodate the requested reductions.

- (4) The minimum one-way width for each direction of a paired system shall be 18 feet. The minimum width for a one-way loop street shall be 18 feet.
- C. Grade. Grades of streets shall not be less than 1%. Grades shall not be more than 6.0% for primary collector streets, nor more than 12.0% for secondary collector streets, minor roads or streets.
- D. Dead-end streets/culs-de-sac.
  - (1) The length of a cul-de-sac shall not exceed 500 feet unless a greater length is deemed desirable by the Planning Board because of topography or other local conditions;
  - (2) Every dead-end street shall have a turnaround designed to accommodate vehicles. A circular turnaround shall have an outside roadway diameter of at least 100 feet, and a property line diameter of 130 feet.

#### **§ 202-11. Easements.**

- A. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary.
- B. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, the Board may require that there be provided a stormwater easement or drainage right-of-way of adequate width to conform substantially to the lines of such watercourse, drainageway, channel or stream, and to provide for construction or other necessary purposes. In no case shall the width be less than 20 feet, or the side slope be steeper than two horizontal, or one vertical.
- C. Access easements or parcels to adjacent property shall be provided, if required by the Board, for use by emergency vehicles and for the benefit of the town. They shall be a minimum width of 20 feet. Bikeways or walkways may satisfy this requirement.
- D. Slopes adjacent to roadways, natural or man-made, may be placed within easements on individual properties rather than acquired as rights-of-way.
- E. Lots shall be prepared and graded consistent with drainage into the subdivision, and in such manner that development of one shall not cause detrimental drainage on another or on areas outside the subdivision, to the extent permitted by law. If provision is necessary to carry drainage to or across a lot, an easement or drainage right-of-way of a minimum width of 20 feet and proper slope shall be provided.

#### **§ 202-12. Open spaces.**

The Board may require the plan to show a park or parks, suitably located for playground or recreation purposes, or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided, and to the prospective uses of such land, and shall be at least equal to one acre of land for each 20 single-family dwelling units or fraction thereof shown on the plan, but not less than 6% of the gross area of the subdivision. Each area reserved for such purpose shall be of suitable area, dimensions, topography and natural character for the purpose of a park and/or playground. The area or areas shall be so located as to serve adequately all parts of the subdivision as approved by the Board. The Board may require that the area or areas reserved shall be located and laid out so as to be used in conjunction with similar areas of adjoining subdivisions or of probable subdivisions.

**§ 202-13. Protection of natural features.**

All natural features, such as trees, wooded areas, watercourses, scenic points and historic spots, shall be preserved as much as possible. Any clearance, backfilling, cutting, thinning or other disturbance to trees six inches or over in diameter, measured four feet above finished ground level (dbh), located within the unpaved portions of the right-of-way, or other natural vegetation shall be prohibited unless deemed proper by the Board after a site inspection. Any such proposed clearance shall be shown on the plan, and written reasons therefor may be requested by the Board. Tree wells or retaining walls shall be of such design to meet the standards as set forth in the Tree Experts Manual, or some similar publication.

**§ 202-14. Sediment control.**

In order to reduce erosion accompanying the installation of ways, utilities and drainage, and the resultant pollution of streams, wetlands and natural drainage areas, the applicant shall submit a sediment control plan, including control methods such as berms, dikes, detention ponds, mulching and temporary sodding.

**§ 202-15. Street drainage.**

- A. Street drainage utilizing curbs and gutters shall be designed to keep the velocity of the flow of water in the gutter below levels which are hazardous to pedestrian safety.
- B. Storm drains, culverts, and related facilities shall be designed to permit the unimpeded flow of all natural watercourses, to ensure adequate drainage at 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 being drained. To the maximum extent feasible, stormwater shall be recharged rather than piped to surface water.
- C. New drainage systems shall be properly connected to any existing drains in adjacent streets or easements which may exist. Where no adequate drainage system exists, or where it is inadequate, it shall be the responsibility of the subdivider to extend his system outside the subdivision in a manner specified or approved by the Board to dispose properly of all the drainage from the proposed subdivision.
- D. When the subdivision causes a requirement for drainage improvements outside its area, the subdivider shall be required to secure the necessary approvals and provide such improvements in the public interest.
- E. Where the adjacent property is not subdivided, adequate provision shall be made for the extension of the drainage system beyond the boundaries of the subdivision, and for it to carry the additional load that may be placed on the system. This shall be done by providing drains of adequate size and at proper slopes as specified by the Planning Board in order to permit their extension to the boundaries, and the proper connection of those of future subdivisions in the adjacent area.
- F. Storm drains and culverts shall be a minimum of 12 inches inside diameter, and shall be greater when required by the Board. The proper drain size may be calculated by using Manning's Formula with a kutter's "n" value of .013 for concrete pipe and .024 for corrugated metal pipe.
- G. All storm drains shall be reinforced concrete of adequate strength except that in off-street locations bituminous coated, galvanized, corrugated metal pipe or pipe arch may be used if approved by the Board. Concrete pipe shall conform to the State of Massachusetts' Standard Specifications for Highways and Bridges, as amended.

- H. Water velocities in pipes and gutters shall be between two and 10 feet per second, and not more than five feet per second on ground surfaces. All undeveloped tributary areas shall be assumed to be fully developed in accordance with the Zoning Bylaw.<sup>26</sup> Consideration will be given to flatter slopes if adequate provisions are made for cleaning the pipes. All plans having drains with slopes which will produce pipe velocities less than two feet per second, flowing full, shall be accompanied by a letter stating the reason for the flat slope. The letter shall have a space for approval by the Planning Board or its agent, and the drain shall not be constructed until the letter has been approved.
- I. Catch basins shall be installed on both sides of the roadway on continuous grades at intervals not to exceed 300 feet, at low points and sags in the roadway, near the corners of the roadway at intersecting streets, and at other locations as required by the Board. Such catch basins shall be provided with granite headers with storm inlets. Drain pipes may extend through an adjacent catch basin and, thereafter, through manholes to the point of discharge, with a manhole being required at every change in direction, slope or diameter in the drain pipes. All catch basins, except for the first two, shall discharge into the drain through a manhole. Any catch basins and manholes used shall be at least six feet deep and four feet in diameter (inside measurements), with a thirty-inch or greater sump below pipe invert, and shall be constructed of concrete blocks or precast concrete units. Manhole covers and grates shall be in conformance with Massachusetts DPW Specifications, designed and placed so as to cause no hazard to bicycles.
- J. Inlets shall have an adequate waterway opening to pass the design storm with not more than 0.2 feet of surcharge. Grates and frames shall be cast iron suitable for the loads which can occur either during the construction or afterward. Inlets shall be constructed either of brick and mortar with eight-inch-thick walls, precast segmental concrete blocks not less than six-inch-thick mortared in place, or of precast pipe sections. Inlets shall be set on a base of either poured concrete eight inches in thickness, or precast segmental base blocks not less than four inches in thickness. Inlets shall be used in off-street locations, and the grate frame shall be mortared in position with the top 0.2 feet below the grade of the finished ground surface. Side openings may be used in lieu of a grate if the quantity of runoff exceeds the capacity of a grate of reasonable size, as approved by the Planning Board or its agent. Inlets shall be 4.0 feet inside diameter below the corbelling, and shall not be used on drains greater than 30 inches in diameter. A shaped invert is not required, but the bottom of the inlet shall be finished at the same grade as the lowest pipe invert. At inlets where the outlet pipe is larger than the inlet pipe, the crown of the outlet pipe shall be at the same elevation or lower than the crown of the inlet pipe.
- K. A design analysis shall be submitted with each definitive plan submitted for approval. The design analysis shall include at least the following information:
- (1) Storm drainage system. The data shall include consideration of the entire watershed, and the calculations used in designing the drainage system including area calculations, intensity of rainfall, coefficient of runoff, time of concentration, discharge, pipe coefficients of roughness and quantity and velocity of flow under design conditions.
  - (2) Storm sewers shall be based on a ten-year frequency storm, retention basins on twenty-five-year, and culverts shall be based on a fifty-year frequency storm, with consideration given to damage avoidance for a one-hundred-year storm.
  - (3) Any areas designated as drainage areas shall be tested for adequate percolation.
- L. Retention basins or other means shall be provided to control the rate of runoff at the property lines from a twenty-five-year storm after development to the predevelopment level.

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26. Editor's Note: See Ch. 140, Zoning.

**§ 202-16. Curbing.**

- A. Curbing shall be installed as required by the Planning Board, and may consist of granite bituminous concrete, Portland cement or other materials, depending upon factors of safety, convenience and cost.
- B. Curbs and gutters.
  - (1) Curbs and gutters will be required when they are:
    - (a) Necessary to handle runoff for the section of the roadway to which they are applied.
    - (b) Necessary for the maintenance of the pavement and the prevention of pavement edge reveling.
    - (c) Necessary for safety.
  - (2) Curb and gutter may be eliminated along certain roadways when drainage is provided in swales which are designed to reduce the rate of runoff, restore and/or supply needed water to vegetation in the street right-of-way.

**§ 202-17. Utilities and municipal services.**

- A. Where adjacent property is not subdivided, or where all the property of the applicant is not being subdivided at the same time, and the expense is deemed reasonable by the Board, provision shall be made for the extension of the utility system by continuing the mains the full length of streets and to the exterior limits of the subdivision at such grade and size which will, in the opinion of the Board, permit their proper extension at a later date.
- B. Sanitary sewers.
  - (1) No portion of sewerage system shall be approved if it requires a connection to municipal system over land of other owners unless appropriate easements are first obtained.
  - (2) The calculations used in designing the sewerage system including the method of estimating average flows (including infiltration allowances), the peaking factor used, the hydraulic design of the system including quantity and velocity of flow under both average and peak flow conditions shall be included.
  - (3) Sanitary sewers, including all appurtenances, shall be designed to serve as many lots in a subdivision as possible, and to provide connection to municipal sewerage system, as approved by the Sewer Commissioners.
  - (4) Minimum sewer pipe size shall be eight inches, and sanitary sewers shall be such as to ensure the flow of not less than two feet per second, nor more than 10 feet per second, except that house connections shall be at least six inches in diameter and shall pitch up towards the lot at least 3/16 inches per foot.
  - (5) Manholes shall be no more than 300 feet apart.
- C. Water supply.
  - (1) Water mains, laterals and appurtenances shall be of the size, material and location as directed by the Water Commissioners.
  - (2) Hydrants, with valves of a type approved by the Chief of the Fire Department and the Water



Commissioners, shall be installed on all water mains at a spacing of not more than 500 feet. In addition, there shall be a hydrant or blowoff and valve placed at the end of every water main, as directed by the Chief of the Fire Department or the Water Commissioners.

- D. Streetlighting shall be installed as required by the Board.
- E. Fire alarm boxes shall be installed as directed by the Chief of the Fire Department. The applicant shall furnish and install the necessary ducts, fire alarm boxes, and electric cable.

**§ 202-18. Pedestrian and bicycle circulation systems.**

- A. Sidewalks shall be placed parallel to the roadway(s) providing direct access to:
  - (1) Commercial/retail facilities;
  - (2) Schools;
  - (3) Public recreational facilities; and
  - (4) Elsewhere in accordance with the pedestrian circulation system as necessary.
- B. Sidewalks may also be eliminated along one or both sides of a primary street if the subdivision provides an alternative pedestrian circulation system. Ordinarily, one sidewalk will be required.
- C. Pedestrian-vehicular separation shall be considered where possible. Design solutions which achieve this separation shall receive priority consideration. Planting strips shall be a minimum of two feet.
- D. Walkways connecting existing trails should be created wherever reasonable, and developed in new locations.
- E. Paths or sidewalks shall be located within the street right-of-way. However, horizontal alignment may be varied to minimize disturbance of land vegetation. If necessary, a sidewalk easement shall be obtained when the sidewalk goes outside the minimum street right-of-way.
- F. Sidewalks shall be pitched or sloped towards the roadway to maximize runoff of water.
- G. Sidewalks shall have a minimum width of four feet.
- H. Sidewalks shall have a maximum grade of 6%, and a minimum grade of .5%.

**§ 202-19. Compliance with zoning.**

Lots, buildings and structures involved in subdivision shall comply with the Town Zoning Bylaw<sup>27</sup> then in effect as varied thereunder.

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27. Editor's Note: See Ch. 140, Zoning.

## ARTICLE V

**Required Improvements for Approved Subdivision****§ 202-20. Street and roadway.**

- A. Excavation, clearing. The entire areas within each right-of-way or easement for future extension, and as far beyond as necessary to provide firm support or protection for the street, shall be cleared and excavated and/or filled as necessary, and graded as shown on the approved definitive plans. All loam and other yielding material shall be removed from the roadway area of each street or way.
- B. Municipal services.
- (1) All drains, public utilities, water mains and sewers including individual service laterals shall be installed and the roadway inspected as provided in these rules and regulations prior to any further construction of the roadway. Water service to be inspected by the Water Department, and public sewer service to be inspected by the Sewer Department. These specifications are a minimum and do not preclude the contractor from taking additional measures as necessary for safety and the completion of a satisfactory installation.
- (a) Excavation. The trench for the pipe shall be excavated to the required line and grade including earth boulders and ledge. Trenches for storm drains shall be no wider than the outside diameter of the pipe plus 16 inches for pipes through 18 inches nominal diameter, and the outside diameter plus 24 inches for pipe larger than 18 inches. This trench width shall apply from the top of the pipe to the bottom of the trench. Above the top of the pipe, the trench may be as necessary to properly install the pipe. Trenches with side slopes steeper than the natural angle of repose of the soil shall be sheeted in an approved manner, as necessary, to avoid cave-ins and sloughing. All excavations shall be properly barricaded and lighted at night where they are closed to pedestrian or vehicular traffic. Said barricade will be at least four feet high and solid so that a child cannot pass through it. All objects placed by the contractor near said barricade that could be used to break such barricade shall be removed or locked. Before any pipe is placed in a newly constructed fill, the contractor shall, as directed, place the filling two feet above the top grade of the pipe after which the pipe trench may be excavated. If any cross pipes, conduits, drains or other unforeseen obstacles are encountered in the excavation which cannot be relocated, the drain shall be redesigned to avoid the obstruction in a manner suitable to the Planning Board or its agent. Possible obstructions to the line shall be investigated prior to the construction of the drain in its immediate vicinity.
- (b) Bedding. Trenches may be excavated with a flat bottom, but the full length of the pipe, except the bell, must rest upon undisturbed soil except as hereinafter specified. Where trenches have been over-excavated, a selected earth or gravel foundation, thoroughly compacted, shall be provided for proper pipe bedding. Soil, which is considered to be unstable by the Planning Board or its agent, shall be removed to a depth of not less than two feet below the bottom of the pipe and replaced with compacted sand and gravel to the bottom of the pipe. Unstable soil or other excavated material shall be disposed of off site as directed by the Planning Board or its agent.
- (c) Pipe laying. Pipe shall be laid starting with the downstream end. Grade board or other approved devices shall be provided to ensure that the pipe is laid true to line and grade. Reference bench marks shall be clearly marked to enable the inspector to quickly check the grade and invert elevations. The joints of all pipes shall be filled with mortar composed

of one part Portland cement to three parts clean, sharp sand. Lime may be added up to 25% of the cement and enough water to make a workable mix. The downstream pipe shall be laid with groove or bell and facing upstream in the proper position, and a dab of mortar shall be placed in the bell or groove. The spigot or tongue end shall be placed in the bell or groove, such that the inverts match, and the peripheral space shall be filled with stiff mortar. All mortar squeezed out on the inside of the pipe shall be removed before it sets.

- (d) Backfilling. After the pipe has been laid and inspected, the trench shall be backfilled. The space under the pipe haunches shall be carefully filled with selected material, free from stones or frozen earth, and compacted carefully to prevent the pipe from moving. The layer of backfill up to 12 inches over the top of the pipe shall also be of selected material free from stones and frozen earth, well compacted. The remainder of the trench shall be backfilled in twelve-inch layers except as noted below, and each layer shall be fully compacted in an approved manner. Under roads or other traffic areas, the trench shall be backfilled in six-inch layers with each layer compacted to the density of the surrounding soil. Pavement and base course materials removed during the excavation process shall be replaced with pavement and base course to match those removed. When, in the opinion of the Planning Board or its agent, the excavation is deep enough to warrant it, temporary pavement shall be provided as directed. Trenches not in pavement shall be left in a mounded condition as directed by the Planning Board or its agent.
- (2) Security bars shall be provided at the entrance to all culverts or open pipe drains over 18 inches in diameter. The grate shall be constructed of steel bars not less than 1/2 inch diameter welded together to provide a grate not smaller than the pipe opening. The vertical bars shall be placed with two-inch clear openings between them, and the horizontal bars shall be placed 12 inches on center. The grate shall be installed not closer than one pipe diameter upstream from the entrance in a manner approved by the Planning Board or its agent. A suitable sketch of the grate and method of installation shall be submitted for approval with the plans for the drains and appurtenances.
- (3) Concrete or field stone masonry headwalls or "flared end" pipe sections with riprap shall be provided at both ends of culverts and discharge ends of storm drains.
- (4) The discharge ends of all drains with flowing full velocities of four feet per second or more shall be protected with a riprap apron of a width not less than three times the nominal diameter of the pipe. The riprap apron shall extend for a distance of not less than 10 times the nominal pipe diameter from the end of the discharge pipe. The riprap for exit velocities of 10 feet per second or less shall be composed of a layer of stones 12 inches in thickness or more, placed upon a bed of sand and gravel six inches in thickness. The stones shall be sized so that not less than 60% shall have one dimension 12 inches or more. The stones, after being laid, shall be carefully chinked by hand to make a reasonably smooth and shaped surface. Exit velocities greater than 10 feet per second are not permitted.

#### **(Second Inspection)**

- C. Subbase. At least eight inches of good, clean bank gravel with no stones larger than six inches in diameter shall be placed and rolled with at least a ten-ton roller. The surface shall be wet during rolling to bind the material. Thereafter, the roadway shall receive a layer of select gravel of at least 4 1/2 inches in thickness, free of all stone over 1 1/2 inches in diameter and free from loam or other foreign material. This layer shall also be wet and rolled with said roller. Prior to any further construction, the roadway shall be inspected as provided in the rules and regulations.

- (1) Bank gravel. Bank gravel shall consist of inert material that is hard durable stone and coarse sand free from loam and clay and having no stones larger than six inches. The grading of the material shall conform to the following:

Passing 1/2-inch sieve	50-85% maximum
Passing No. 4 sieve	40-75% maximum
Passing No. 40 sieve	10-35% maximum
Passing No. 200 sieve	0-10% maximum

- (2) Select gravel. Material gravel base course material shall consist of approved, hard, durable stone and course sand, bank-run or blended, practically free from loam and clay, uniformly graded and containing no stone having any dimension greater than 1 1/2 inches. When spread and rolled, it shall form a firm foundation. The grading of the material shall conform to the following requirements:

Passing 3/8-inch sieve	70% maximum
Passing No. 10 sieve	50% maximum
Passing No. 200 sieve	5% maximum

**(Third Inspection)**

- D. Pavement. The roadway shall be paved to a thickness of 2 1/2 inches measured after compaction with two coats of Class One bituminous concrete pavement, Type I-1 or F-1. The aggregate shall be composed, mixed and laid hot in two courses as specified in the "Massachusetts Public Works Specifications Section 460 for Class I Bituminous Concrete Pavement" as specifically set forth in Sections 460.20 to 460.82, or as amended. Upon completion of the surface treatment, said roadway shall be again inspected as provided in these rules and regulations.

**(Fourth Inspection)**

- E. Finish center line. The center of said traveled way shall coincide with the center of the full right-of-way insofar as possible, and in no event shall it vary by more than four feet in either direction (except as necessary to "blend" with existing paving).

- F. Curbing.

- (1) Curbing is required on both sides of all roadways and shall be one of the types specified under Subsection F(2) below, except that granite or precast concrete curbing shall be used for:

- (a) All finished grades over 6%.
- (b) All headers for catch basins.
- (c) All street intersections on the curve and extending six feet tangential from the point of tangency along the side of each roadway.

- (2) Approved types of curbing:

- (a) Vertical or sloped granite curb.

- (b) Precast concrete curb.
  - (c) Cape Cod Berm.
- (3) Specifications for curbing, workmanship and method of setting shall conform to the requirements of these rules and regulations and to the requirements of the Town Highway Department.
- G. Street signs. The developer shall furnish and erect necessary street signs to designate the name of each street in his development, said signs to conform with those used by the town. Street names shall be approved by the Planning Board to prevent duplication, and to provide names in keeping with the character of the town.
- H. Streetlights.
  - (1) Streetlights shall be installed at each intersection, unless waived by the Board in writing.
  - (2) Street lights may be required and shall be located at such other intervals as required by the Board in the grass plot, and shall be installed in accord with procedures recommended by the Town of Barre and the electric company.

**§ 202-21. Sidewalks and grass plots.**

- A. Preparation.
  - (1) All materials shall be removed for the full width of the sidewalk to subgrade eight inches below the finished grade as shown on cross section; and all soft spots and other undesirable material below such subgrade shall be replaced with a good binding material and rolled. This excavated area then shall be filled with six inches of a good quality gravel, and rolled with a pitch toward the curb of not less than 1/4 inch, nor greater than 3/8 inch to the foot.
  - (2) Sidewalks shall be paved with two inches of compacted butuminous concrete; provided, however, that if a concrete surface is desired, specifications of the Massachusetts Department of Public Works shall be complied with.
- B. Slopes behind sidewalks.
  - (1) The area in back of the sidewalk shall be sloped at the rate of three to one (maximum) to a point where it precisely coincides with the finished grade of abutting lots.
  - (2) Except as otherwise provided, all cut bankings shall be planted with a low-growing shrub or vine, covered with wood chip or bank mulch to a minimum depth of six inches, or seeded with a deep-rooted perennial grass to prevent erosion.
  - (3) Wherever the approved street grade differs from the grade of adjacent land, or where otherwise necessary for public safety, the developer shall be required to erect retaining walls and guardrail fences, or provide slopes no steeper than two feet horizontal to one foot vertical in fill, 1 1/2 feet horizontal to one foot vertical in cut to ensure proper protection and lateral support. Such walls, fences and slopes shall be subject to the Board's approval as to location, design and dimensions, and shall be constructed in a manner satisfactory to the Board.
- C. Grass plots.
  - (1) A grass plot shall be provided on each side of all roadways between the edge of the roadway

and the sidewalk.

- (2) No utility poles shall be placed within the grass plot so as to be closer than two feet from the edge of the roadway.
- (3) The top six inches of grass plots and side slopes (cut or fill) shall be good quality loam as approved by the Engineer, and shall be screened, raked and rolled with a hand roller to finished grade. The loam shall be seeded with a deep-rooted perennial grass applied in sufficient quantity to assure adequate coverage, and rolled when the loam is moist, or be covered with wood chip or bark mulch to a minimum depth of six inches.
- (4) Street trees, not less than 12 feet in height and of a species approved by the Tree Warden, shall be planted on each side of every street in the subdivision wherever, in the opinion of the Planning Board, existing woodlands or individual trees are not retained. Trees shall be located outside the exterior roadway lines and at such distance therefrom and spaced as the Planning Board shall specify in accordance with general practice in the town.

#### **§ 202-22. Utilities.**

- A. All required utilities, exclusive of transformers, shall be placed underground at the time of initial construction. Required utilities may include water, sewer, storm drainage, telephone, electricity, gas, wiring for streetlights, fire alarm systems and cable TV less otherwise specified by the Board.
- B. Connections for sewer, drain, water, gas, oil, electric and telephone service from the main structure in the way to the exterior line of the way shall be constructed for each lot whether or not there is a building thereon, except that the Board may waive such requirement, in whole or in part, in the case of a lot to be used for a park, playground, or for any other purpose for which, in the opinion of the Board, such connections shall not be required. The location of all said service connections shall be accurately located on as-built plans as applicable, unless otherwise specified by the Board.

#### **§ 202-23. Monuments.**

- A. Monuments 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 monuments are necessary. Such monuments shall be at least four inches by four inches reinforced concrete or granite posts, and must extend from 3 1/2 feet below finished grade to not more than six inches above ground unless otherwise specifically authorized by the Board in writing.
- B. No permanent monuments shall be installed until all construction which would destroy or disturb the monuments is completed.

#### **§ 202-24. Cleaning up.**

The entire area must be so as to leave a neat and orderly appearance free from debris and other objectionable materials.

#### **(Fifth Inspection)**

#### **§ 202-25. Road salt.**

The Board may limit the use of deicing chemicals on ways located over aquifer and recharge areas for existing or potential drinking water supplies, or where runoff may affect drinking water reservoirs or wells.

**§ 202-26. Acceptable alternatives.**

If in the opinion of the applicant, proven and superior products and methods exist for the construction of roads and utilities, he may use them in the subdivision but with Board approval. A technical review, by a consulting engineer, of the alternatives may be required, and the expense will be billed to the applicant.

ARTICLE VI  
**Administration**

**§ 202-27. Inspections.**

- A. Purpose. All work performed as a consequence of these rules and regulations shall be subject to the review of the Board which shall approve and accept, or disapprove and reject, each phase or portion of such work, and at completion shall recommend the acceptance of all work or disapproval of the work with reasons therefor. The Board may employ a registered professional engineer to act as its agent in the inspection of the work to ensure compliance with these rules and regulations, and to report to the Board his recommendations as to approval or disapproval of the work. Such engineer will make certain inspections as prescribed herein in order to check the adequacy of the work at various stages prior to such work being covered by subsequent work. However, the Board, its engineer, and such other persons as the Board may designate shall have the right to inspect the work at any time.
- B. Access. The applicant will provide safe and convenient access to all parts of the subdivision, for the purposes of inspection, to representatives of the Board or other town agencies and boards.
- C. Notification.
- (1) After approval of the definitive plan, the Board will notify the applicant of the name and address of the engineer designated as its representative to perform the inspections as required herein, and otherwise act as the Board's agent to ensure compliance with these rules and regulations. The applicant shall keep the engineer fully informed as to the status and progress of the work, and shall notify the engineer directly (by mail or in person by telephone) at least 48 hours in advance that the work has progressed to a stage that an inspection is required.
  - (2) In the event that the engineer is unable for 48 hours after the work is ready to make such inspection or examination, the applicant shall notify the Chairman or Clerk of the Board to such effect, who will designate an alternate to make such inspection, and shall so notify the applicant.
  - (3) In the event the engineer makes an inspection of the work at the time designated and finds that such work is not at the proper stage of completion, or that the work has been covered or otherwise obscured, the engineer shall notify the applicant and the Board as to the additional steps the applicant shall take to complete the work to the point required, or to the extent the work shall be uncovered or exposed to full view. The applicant shall notify the engineer again when the work is ready as prescribed in Subsection C(1) and (2) above.
  - (4) The applicant shall notify all applicable town agencies and boards when prepared for other inspections not within the jurisdiction of the Planning Board. Such inspections shall include waterline and sewer line tests and inspections.
- D. Inspection schedule. Inspection shall be for the following purposes:



Inspection	Timing	Purpose
One	Prepared site Open trenches	Correct materials Proper site preparation
Two	Installed drains, water mains, sewers and utilities Open trenches	Correct installation of lines
Three	After compaction of roadway before paving	For correct placement of fill and compacting
Four	After street construction	For correct construction of pavement, curb, and sidewalk
Five	After cleaning up	For installation of grass plots, street signs, and for cleaning up

- E. Disapproval. All work which has been disapproved, or is not acceptable to the Board, shall be removed and replaced or otherwise corrected to the point of complying with the requirements of the Board for acceptance. Any work which has been covered by subsequent work prior to acceptance, or is otherwise not available or obscured to the point of rendering inspection of the work difficult, shall be considered to be not acceptable to the Board. Such subsequent guarantee shall depend upon the acceptance of all work prescribed herein and on the definitive plan, and as directed by the Board.
- F. Inspection deposit and fee.
- (1) Fees. For fee schedule see Appendix A.<sup>28</sup>
  - (2) Deposit. Prior to the return to the applicant of the definitive plan as approved and endorsed, the applicant shall deposit a fee with the Board equal to \$1 for each foot of roadway to be constructed or any part thereof. Such fee shall cover inspections of all construction.
  - (3) Return of deposit. Upon satisfactory completion of all improvements the Board shall refund to the applicant any deposit remaining; however, the Board reserves the right to retain a suitable portion of the deposit to correct hidden faults for up to two years, or until accepted at a Town Meeting.

#### **§ 202-28. Permission to proceed.**

Prior to the issuance of the first building permit for a dwelling in a subdivision, the Planning Board will give the Building Inspector a letter stating that all affairs are in order, and the applicant may proceed building.

#### **§ 202-29. Variation.**

Strict compliance with the requirements of these rules and regulations 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.

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28. Editor's Note: Appendix A is included at the end of this chapter.

**§ 202-30. Matters not covered.**

For matters not covered by these rules and regulations, reference is made to MGL c. 41, §§ 81-K to 81-GG, inclusive.



BARRE CODE

**Chapter 203**

**WIND-ENERGY FACILITIES**

**[HISTORY: Adopted by the Town of Barre Planning Board as indicated in article histories.  
Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Environmental evaluation — See Ch. 42.**

**Subdivision of land — See Ch. 202.**

**Zoning — See Ch. 140.**

**Review of subdivision plans — See Ch. 303.**

**Earth removal — See Ch. 201.**

## ARTICLE I

**Regulations for Construction and Operation; Special Permits  
[Adopted 2-2-2010]****§ 203-1. Purpose; applicability; special permit required.**

A. Purpose. The purpose of this regulation is to provide:

- (1) The procedure and requirements for obtaining a special permit for the construction and operation of wind-energy facilities;
- (2) Standards for the placement, design, construction, monitoring, modification and removal of wind-energy facilities that address public safety, minimize impacts on scenic, natural and historic resources of the Town; and
- (3) Adequate financial assurance for removal of discontinued facilities.

B. Applicability. This regulation applies to all wind-energy facilities proposed to be constructed after the effective date of this regulation, and to modifications of existing wind-energy facilities that materially alter the type, configuration, or size of such facilities or other related equipment.

C. Special permit.

- (1) A special permit is required for all small wind-energy facilities, large wind-energy facilities and utility-scale wind-energy facilities in all zoning districts. The special permit may be issued by the Planning Board.
- (2) A special permit may be granted if the Planning Board (Special Permit Granting Authority) finds in writing that:
  - (a) The specific site is an appropriate location for such use;
  - (b) The wind-energy facility will not pose a hazard to persons, animals, buildings or vehicles;
  - (c) The wind-energy facility will not create a nuisance or otherwise adversely affect the surrounding neighborhood;
  - (d) Adequate and appropriate facilities will be provided for the proper operation and maintenance of the use;
  - (e) The proposed design is adequate and appropriate for the site.
- (3) The Special Permit Granting Authority may impose reasonable conditions, safeguards and limitations on time and use and may require the applicant to implement reasonable measures to mitigate or eliminate potential adverse impacts caused by construction and/or use of the wind-energy facility.

**§ 203-2. Definitions.**

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

**BUILDING-INTEGRATED WIND-ENERGY FACILITY** — A wind-energy facility permanently mounted on a building or other structure. This definition applies to wind turbines of any capacity that are designed to be operated in direct contact with a building.

BYLAW — The Town of Barre Zoning Bylaw.<sup>29</sup>

HEIGHT — The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.

LARGE WIND-ENERGY FACILITY — A wind-energy facility with a rated nameplate capacity of greater than 100 kW/0.1 MW.

ON-SITE WIND-ENERGY FACILITY — A large wind-energy facility located at a commercial, industrial, agricultural, institutional, or public facility that will generate electricity primarily for on-site use.

RATED NAMEPLATE CAPACITY — The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a nameplate on the equipment.

SHADOW FLICKER — Shadow flicker is caused by sunlight passing through the swept area of the wind turbine's blades, creating a stroboscopic effect.

SITE (or PROJECT SITE) — The lot or lots on which a wind-energy facility is located, together with all mandatory setback areas, if any, extending beyond the boundaries of such lot or lots.

SMALL WIND-ENERGY FACILITY — A wind-energy facility with a rated nameplate capacity of not more than 100 kW/ 0.1 MW.

UTILITY-SCALE WIND-ENERGY FACILITY — A commercial wind-energy facility, where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets.

WIND-ENERGY FACILITY — All equipment, machinery and structures utilized on a single site in connection with the conversion of wind to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.

WIND MONITORING OR METEOROLOGICAL TOWER — A temporary tower equipped with devices to measure wind speeds and direction. A meteorological tower is used to determine how much wind power a site can be expected to generate.

WIND TURBINE — A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

### **§ 203-3. Requirements for construction and operation.**

The following requirements are common to all wind-energy facilities and must be followed in addition to the technology or class-specific requirements. All wind-energy facilities shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts.

- A. Compliance with laws, ordinances and regulations. The construction and operation of all wind-energy facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and Federal Aviation Administration aviation requirements. Prior to approval of a special permit, the applicant shall obtain a building permit from the appropriate authority.
- B. Proof of liability insurance. The applicant shall be required to provide evidence of liability insurance in an amount and for a duration sufficient to cover loss or damage to persons and property occasioned by the construction and use of any wind-energy facility, including negligence and acts of God.

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29. Editor's Note: See Ch. 140, Zoning.

- C. Site control. The applicant shall submit proof of control of the project site sufficient to allow for installation and use of the proposed wind-energy facility. Documentation shall include proof of control over setback areas and adequate access to the wind-energy facility from a public way. Control shall include the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.
- D. Utility notification. No wind-energy facility shall be installed until evidence has been given that the applicable utility company has been informed of its customer's intent to install such facility, and has approved such installation as necessary. Off-grid systems shall be exempt from this requirement.
- E. Utility connections. To the extent reasonably possible, depending on soil conditions, shape, and topography of the site and the requirements of the utility provider, utility connections from the wind-energy facility shall be located underground. Electrical transformers for utility interconnections may be above the ground if required by the utility provider.
- F. Accessory structures. All structures accessory to a wind-energy facility, including, but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and shall be contained within the turbine tower whenever technically and economically feasible. Whenever reasonable, such structures should be shaded from view by vegetation and/or located in an underground vault and joined or clustered to avoid adverse visual impacts.
- G. Meteorological towers (met towers). Met towers shall be permitted under the same standards applicable to small wind-energy facilities, except that a permit for a temporary met tower shall be valid for only three years.

#### **§ 203-4. Siting standards.**

- A. Setbacks.
  - (1) Wind turbines shall be set back a distance equal to 120% of the total height of the wind turbine from all inhabited structures, overhead utility lines, public or private ways or access easements, property boundaries and other wind turbines. No wind-energy facility may be installed in a front yard or between a way or access easement and the front of an inhabited building.
  - (2) The Special Permit Granting Authority may reduce the minimum setback distance as appropriate, based on site-specific considerations, or written consent of the affected abutter(s), if the project satisfies all other criteria for the granting of a special permit.
- B. Height.
  - (1) The height of wind-energy facilities in all zoning districts will be limited to the setback requirement for wind turbines or 300 feet, whichever is less.
  - (2) The Special Permit Granting Authority may allow wind-energy facilities of greater height than set forth herein only upon the applicant's demonstration that such greater height is necessary for operation of the facility, and the facility satisfies all other criteria for the granting of a special permit.
- C. Multiple turbines. A wind-energy facility may have multiple turbines. Each turbine on a site must meet all requirements applicable to the type of wind-energy facility approved for the site.

#### **§ 203-5. Design standards.**

- A. Appearance, color and finish. The wind generator and tower shall remain painted or finished with the nonreflective color or finish that was originally applied by the manufacturer, unless approved otherwise in the special permit. Federal Aviation Administration safety considerations concerning color and appearance must be adhered to as applicable.
- B. Lighting and signage.
  - (1) Lighting. Wind turbines shall be lighted only as required by the Federal Aviation Administration. Lighting of other parts of the wind-energy facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.
  - (2) Signage. Signage on the wind-energy facility shall comply with the requirements of the Town's sign regulations and shall be limited to that necessary to reasonably identify the owner and manufacturer, provide twenty-four-hour emergency contact information, and warn of any danger.
  - (3) Advertising. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer and/or operator of the wind-energy facility.

**§ 203-6. Safety, aesthetic and environmental standards.**

- A. Emergency services. The applicant shall provide a copy of the project summary, an electrical schematic, and plot or site plan to the local emergency services entity, as designated by the Special Permit Granting Authority. Upon request, the applicant shall cooperate with local emergency services in developing an emergency response plan. All means of disconnecting the wind-energy facility shall be clearly indicated on the materials provided, and marked on each wind-energy facility. The applicant or facility owner shall maintain a phone number and identify a responsible person for the public, police, fire, emergency medical services and Zoning Enforcement Officer to contact throughout the life of the facility.
- B. Unauthorized access. Wind turbines or other structures that are part of a wind-energy facility shall be designed to prevent unauthorized access. For instance, the tower shall be designed and installed so as to not provide step bolts or other climbing means readily accessible to the public for a minimum height of eight feet above the ground. Electrical equipment shall be locked where possible.
- C. Shadow flicker. Wind-energy facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses.
- D. Land clearing, soil erosion and habitat impacts. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind-energy facility and is otherwise prescribed by applicable laws, regulations, and ordinances.
- E. Noise.
  - (1) The wind-energy facility shall conform to the provisions of the Department of Environmental Protection's Division of Air Quality Noise Regulations (310 CMR 7.10).
  - (2) A wind-energy facility will be considered to be in violation of these regulations if it increases the broadband sound level by more than 10 dB(A) above ambient, or produces a pure tone condition: when any octave band center frequency sound-pressure level exceeds the two adjacent center frequency sound-pressure levels by three decibels or more. These criteria are



measured both at the property line and at the nearest inhabited structure. "Ambient" is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment operating hours. An analysis prepared by a qualified engineer shall be presented to demonstrate compliance with these noise standards if required by the Special Permit Granting Authority incidental to its consideration of a special permit application.

**§ 203-7. Maintenance; discontinuance and removal; permit expiration.**

- A. Facility conditions. The applicant shall maintain the wind-energy facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The project owner shall be responsible for the cost of maintaining the wind-energy facility and adequate access to the facility from a public way, and the cost of repairing any damage occurring as a result of operation and construction.
- B. Discontinuance and removal.
- (1) Any wind-energy facility not used for a period of 18 months or more without written permission from the Special Permit Granting Authority, or that has reached the end of its useful life, shall be considered discontinued, and shall be removed. When an applicant intends to decommission and/or remove a wind-energy facility, the applicant shall notify the Zoning Enforcement Officer and Building Inspector by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the wind-energy facility no more than 150 days after the date of discontinued operations. At the time of removal, the affected portion of the site shall be restored as near as possible to the state it was in before the facility was constructed, unless put to another legally authorized, active use. Decommissioning and removal shall consist of:
    - (a) Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site;
    - (b) Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations;
    - (c) Stabilization or revegetation of the site as necessary to minimize erosion. The Zoning Enforcement Officer may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
  - (2) Upon request, the applicant shall provide evidence to the Zoning Enforcement Officer demonstrating continued use of the wind-energy facility. Failure to provide such evidence within 30 days of a written request from the Zoning Enforcement Officer addressed to the contact address provided and maintained by the applicant as required above shall be conclusive evidence that the wind-energy facility has been discontinued.
  - (3) If the applicant fails to remove the wind-energy facility in accordance with the requirements of this section, the Town shall have the right, to the extent it is otherwise duly authorized by law, to enter the property and remove the facility at the expense of the facility owner and the owner(s) of the site on which the facility is located.
- C. Expiration. A special permit shall automatically expire if:
- (1) The wind-energy facility is not installed and functioning within 24 months from the date the

permit is issued; or

- (2) The wind-energy facility is discontinued.

**§ 203-8. Application documentation requirements; financial surety; independent consultants.**

- A. Wind-energy systems permit submission requirements. An application for a wind-energy facility special permit shall be accompanied by detailed documentation referenced in § 203-8B below and shall also meet the submission requirements set forth in § 203-8B(3).
- B. General required documents.
- (1) A plot plan showing:
- (a) Property lines and physical dimensions of the wind-energy facility site;
  - (b) Location, dimensions, and types of existing structures on the site;
  - (c) Location of the proposed wind-energy facility tower(s), foundations, guy anchors and associated equipment;
  - (d) Public and private ways and access easements contiguous with or passing through the site;
  - (e) Overhead utility lines on the site;
  - (f) Location and approximate height of tree cover on the site.
- (2) Technical documentation:
- (a) Wind-energy facility technical specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed);
  - (b) Tower blueprint or drawing signed by a professional engineer;
  - (c) Electrical diagram detailing wind turbine, associated components, and electrical interconnection methods including all National Electrical Code compliant disconnect and over-current devices;
  - (d) Foundations for towers less than or equal to 100 feet must have blueprints or drawings signed by a professional engineer;
  - (e) Foundations for towers greater than 100 feet must have blueprints or drawings signed by a professional engineer licensed by the Commonwealth of Massachusetts;
  - (f) A maintenance plan.
- (3) General:
- (a) Documentation of the legal right to use the wind-energy facility site;
  - (b) The name, contact information and signature of any agents representing the applicant;
  - (c) Name, address, phone number and signature of the applicant, as well as all co-applicants or property owners.
- C. Additional submission requirements for large- and utility-scale wind-energy facilities.

- (1) Location map. The applicant shall submit to the Special Permit Granting Authority a copy of a portion of the most recent United States Geological Survey Quadrangle Map, at a scale of 1:25,000, showing the proposed wind-energy facility site, including turbine sites, and the area within at least two miles from the facility. Zoning district designation for the subject parcel should be included; however, a copy of a Zoning Map with the parcel identified is suitable.
- (2) Site plan. A one-inch-equals-two-hundred-feet plan of the proposed wind-energy facility site, with contour intervals of no more than 10 feet, showing the following:
  - (a) Property lines for the site parcel and adjacent parcels within 300 feet;
  - (b) Outline of all existing structures, including purpose (e.g., residence, garage, etc.), on the site parcel and all adjacent parcels within 500 feet. Include distances from the wind-energy facility to each structure shown;
  - (c) Location of all roads and access easements, public and private, on the site parcel and adjacent parcels within the setback distance of 1.2 times the blade-tip height, and proposed roads or driveways, either temporary or permanent;
  - (d) Existing areas of tree cover, and average height of trees within the setback distance of 1.2 times the blade-tip height;
  - (e) Proposed location and design of the wind-energy facility, including all turbines, ground equipment, appurtenant structures, transmission infrastructure, access, fencing, exterior lighting, etc.;
  - (f) Location of view representations, as defined herein.
- (3) View representations for large- and utility-scale wind-energy facilities. The applicant shall provide, upon the request of the Special Permit Granting Authority, up to three view representations for large wind-energy facilities and four view representations for utility-scale wind-energy facilities. View representations shall be in color and shall include actual preconstruction photographs and accurate post-construction simulations of the height and breadth of the wind facility (e.g., superimpositions of the wind facility onto photographs of existing views) as taken or seen from fixed points selected by the Special Permit Granting Authority within populated areas or on public ways within a two-mile radius of the proposed wind-energy facility. Such fixed points shall include the nearest building with a view of the wind-energy facility. All view representations will include existing and proposed structures, plus tree coverage, and shall further include a description of the technical procedures followed in producing the view representation (distances, angles, lens, etc.).
- (4) Operation and maintenance plan. The applicant shall submit a plan for maintenance of site access and stormwater drainage facilities serving the site, as well as general procedures for operational maintenance of the wind-energy facility.
- (5) Compliance documents. The applicant will provide with the application:
  - (a) Proof of adequate financial surety, as set forth below;
  - (b) Proof of liability insurance;
  - (c) Certification of height approval from the Federal Aviation Administration, as required;
  - (d) Evidence of existing site sound levels and maximum sound levels for the proposed wind-

energy facility demonstrating compliance with this regulation.

- (6) Required supporting documentation for building-integrated wind-energy facilities. A special permit application for a building-integrated wind-energy facility shall include:
  - (a) Analysis and design documents, completed by a licensed structural engineer, demonstrating that the proposed building is structurally sufficient to support the permanent installation of the proposed building-integrated wind-energy facility. At a minimum, the analysis should address vibration, wind load, and ice load;
  - (b) Elevation drawings of the building with building-integrated wind-energy facility installed, viewed from north, south, east, and west;
  - (c) Building schematic detailing point(s) of connection and associated supports for the building-integrated wind-energy facility;
  - (d) Schematic of attachment method for connecting the building-integrated wind-energy facility to the building;
  - (e) Specification sheets for wind turbine and all related components (inverters, controllers, disconnects, etc.);
  - (f) Electrical diagram detailing wind turbine, associated components, and electrical interconnection methods and showing all National Electrical Code compliant disconnects and over-current devices.
- (7) Landscape plan for utility-scale projects. A special permit application for a utility-scale project shall include a plan indicating all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting other than Federal Aviation Administration lights, screening vegetation or structures. Lighting shall be designed to minimize glare on abutting properties and except as required by the Federal Aviation Administration be directed downward with full cut-off fixtures to reduce light pollution.
- (8) Financial surety for large wind-energy and utility-scale projects. An applicant for a large wind-energy or utility-scale wind-energy facility special permit must provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the facility, of an amount and form determined to be reasonable by the Special Permit Granting Authority. Such surety will not be required for municipally owned or state-owned facilities. Provision and continued maintenance of the bond shall be a condition of the special permit. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for cost-of-living adjustment.

D. Independent consultants.

- (1) Upon submission of an application for a wind-energy facility special permit, the Special Permit Granting Authority may engage, at the applicant's cost, professional and technical consultants, including legal counsel, to assist the Authority with its review of the application, in accordance with the requirements of MGL c. 44, § 53G.
- (2) The applicant shall pay to the Special Permit Granting Authority an initial deposit of \$500 for small wind-energy facilities, \$1,000 for large wind-energy facilities and \$1,500 for utility-scale

wind-energy facilities for such review at the time of submission of the permit application, which shall be deposited into a special account established by the Town Treasurer under MGL c. 44, § 53G. The balance of this account shall at no time be less than 1/2 the initial deposit, and the applicant shall deposit with the Treasurer such additional funds as are required to restore the account to the amount of the initial deposit upon notice from the Special Permit Granting Authority, by first-class mail, that the amount on deposit has been decreased by the expenditures described herein to an amount at or below 1/2 of the initial deposit. If the applicant fails to restore the account balance and the balance is insufficient to pay incurred professional and technical review fees, the Special Permit Granting Authority shall send the invoice directly to the applicant for immediate payment. Failure to comply with this section shall be good grounds for denying the special permit application. Upon approval of the special permit application, any excess amount in the account attributable to that project, including any interest accrued, shall be repaid to the applicant or the applicant's successor in interest.



(RESERVED)

**Chapter 204**

(RESERVED)

**[Former Ch. 204, Solar Energy Facilities, adopted by the Planning Board 1-15-2013, was superseded 6-21-2016 ATM, Art. 48, and removed from the Code at the direction of the Town. See now § 140-10.1.]**

**Chapter 205****FEE SCHEDULE**

**[HISTORY: Adopted by the Town of Barre Planning Board 1-15-2013]**

**§ 205-1. Planning Board fee schedule.**

<b>Type</b>	<b>Cost</b>
ANR plan	\$100 plus \$25 additional/buildable lot
Determination	\$75
Earth/Gravel	\$250
Kennel, noncommercial	\$100
Kennel, commercial	\$200
Solar energy facility, residential	\$200 plus \$3/kw dc
Solar energy facility – business/commercial/ industrial	\$200 plus \$3/kw dc
Stonewall break – scenic road	\$100 per opening
Subdivision – See "Subdivision of Land," Chapter 202, Appendix A	
Wind powered generator	\$200 plus \$3/kw dc
Wireless communication facilities/cell tower	\$250
Any other not listed	\$100

**Board of Health Regulations**



**Chapter 301****MASSAGE AND MUSCULAR THERAPY**

**[HISTORY: Adopted by the Town of Barre Board of Health 11-10-1997. Amendments noted where applicable.]**

**§ 301-1. Statutory authority.**

Under the authority of MGL, c. 111, § 31, and c. 140, §§ 51 through 53, the Board of Health of the Town of Barre hereby establishes the following terms, conditions, rules, and regulations for the practice of massage and muscular therapy.

**§ 301-2. Definitions.**

As used in these regulations, the following terms shall have the meanings indicated:

**ESTABLISHMENT** — The room or group of rooms, office, building, place of business, or premises where massage is practiced.

**MASSAGE AND/OR MUSCULAR THERAPIST** — Any person who has been trained in and practices the art of massage and muscular therapy.

**MASSAGE AND/OR MUSCULAR THERAPY** — A method or technique of treating the body by rubbing, kneading or the like, by manual or mechanical means, to stimulate circulation, increase suppleness, or for the purpose of invigoration, pleasure, or for purported health treatment.

**§ 301-3. Exceptions and exclusions.**

A. These regulations shall not apply to the following individuals while engaged in the regular performance of the duties of their respective professions:

- (1) Physicians, chiropractors, osteopaths, or physical therapists who are duly licensed to practice their respective professions in the Commonwealth of Massachusetts.
- (2) School athletic trainers acting within the scope of their employment at educational facilities and those facilities are excluded from licensing.
- (3) Nurses who are registered or licensed under the laws of the Commonwealth of Massachusetts.
- (4) Barbers and beauticians who are duly registered under the laws of the Commonwealth of Massachusetts, except that this exemption shall apply solely to the massaging of the neck, face, scalp, and hair of the customer or client for cosmetic or beautifying purposes.
- (5) Any person licensed to practice massage by any city or town in the commonwealth may, at the request of a physician, attend patients in the Town of Barre without taking out an additional license, provided the Board of Health has been notified in writing.

B. These regulations shall not apply to medical facilities.

**§ 301-4. Licensing.**

A. No person shall practice massage and muscular therapy for commercial purposes within the Town of Barre without a current license to do so from the Board of Health.

- B. An applicant for a license to practice massage and muscular therapy must:
- (1) Submit a completed application to the Barre Board of Health, containing all information therein requested.
  - (2) Submit a certified copy of:
    - (a) Proof of graduation from a school of massage therapy, approved by the American Massage Therapy Association and the Commonwealth of Massachusetts Department of Education; or
    - (b) Proof of graduation from a school of massage therapy, which requires at least 500 hours and at least six months of instruction and practical training, certified by the Board of Education in the state in which the school is located.
    - (c) A certificate of basic CPR and first aid training.
  - (3) Submit a copy of the results of a physical examination, performed within one year prior to application, which includes a statement that the applicant is free of communicable disease.
- C. The Board of Health shall evaluate each individual application prior to the issuance of any license to practice massage and muscular therapy. Any statements made by the applicant to the Board at any public meeting may also be considered in the evaluation of that application.
- D. The fee for an individual license to practice massage and muscular therapy shall be established annually by the Board of Health.
- E. No application shall be accepted from a minor.
- F. All massage and muscular therapy licenses shall expire on May 31 of each year.
- G. Any individual holding a current license to practice massage and/or muscular therapy shall notify the Board of Health of any change in name or address.

**§ 301-5. Massage therapy establishment requirements.**

Every establishment used for the purpose of performing massage and/or muscular therapy shall operate under the following requirements and guidelines:

- A. Each establishment must be in compliance with all zoning bylaws and requirements in the Town of Barre.<sup>30</sup>
- B. Each massage therapist practicing on the premises must hold a current certificate of registration in massage and muscular therapy in the Town of Barre.
- C. All rooms used for the purpose of massage and/or muscular therapy shall be well lighted, well ventilated, and properly heated.
- D. No room used for the purpose of massage and/or muscular therapy shall be used as a bedroom; provided, however, that this section shall not be construed to prevent the massage of any person in his/her own home or at any medical facility used for the treatment of the sick.
- E. There shall be a safe, adequate supply of hot and cold running water at all times.

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30. Editor's Note: See Ch. 140, Zoning.

- F. Every room used for the purpose of massage and/or muscular therapy shall be kept clean at all times, as shall all furniture and equipment therein.
- G. Every room used for the purpose of massage and/or muscular therapy shall be so located to afford adequate fire protection and means of escape in case of fire.
- H. All robes, sheets, towels, etc., which may come in direct contact with the body shall be properly cleaned.
- I. All instruments and devices, as well as hands, utilized in performing massage and/or muscular therapy shall not be used on more than one patron unless they have been sterilized, disinfected, and/or sanitized using approved methods.
- J. The establishment shall be open to the officer or agent of the Board of Health for the purpose of conducting reasonable, unscheduled inspections to observe and enforce compliance with these regulations.
- K. The establishment is not to be open between the hours of 10:00 p.m. and 7:00 a.m., unless specifically authorized in writing by the Board of Health.
- L. If food is served, the establishment must be in compliance with Article X of the State Sanitary Code, and a food service permit must be obtained from the Board of Health.
- M. No person shall treat or be treated if afflicted with a communicable disease. However, they may treat or be treated when a written statement is received from a physician.
- N. The hands of every person practicing massage shall be thoroughly cleaned by washing with soap and hot water immediately before and after treating a patron.

**§ 301-6. Denial of application for license or renewal; hearing.**

Any person or establishment whose application for a license or license renewal is denied may, within ten days of said denial, request in writing, a hearing upon the cause or causes of said denial. The Board of Health may set a time and place for said hearing within a reasonable time, not to exceed 14 days.

**§ 301-7. Suspension/revocation of license.**

- A. No license granted under these regulations, whether for individual practitioners or for establishments, may be suspended or revoked without a hearing.
- B. Such license may be suspended or revoked if, after a hearing, the Barre Board of Health finds that there is satisfactory proof that the license has:
  - (1) Made a material false statement on the application form.
  - (2) Violated or permitted a violation of any of these regulations or of any conditions of the license.
  - (3) Violated or permitted a violation of any law of the commonwealth.

**§ 301-8. Violations and penalties.**

Whoever violates any provisions of these regulations shall be subject to fines in accordance with MGL c. 140, § 53, as amended.

**§ 301-9. Severability.**

If any portion of these regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provisions and such holding shall not affect the validity of the remaining portions thereof.

**Chapter 302****RECYCLING**

**[HISTORY: Adopted by the Town of Barre Board of Health 3-13-1998. Amendments noted where applicable.]**

**§ 302-1. Statutory authority.**

In accordance with the policymaking authority vested in the Board of Health by MGL c. 111, § 31, and in keeping with the Massachusetts Solid Waste Master Plan, the following regulations are hereby adopted.

**§ 302-2. Separation of recyclables required.**

A. In an effort to protect the town's environment and its resources, and to better preserve the capacity of our local solid waste facility, all residents, schools, and businesses within the Town of Barre shall separate recyclable items, as designated below, from nonrecyclable waste.

(1) Paper and cardboard.

- (a) Newspaper.
- (b) Mixed/office paper.
- (c) Boxboard (cereal boxes, paper towel rolls, etc.)
- (d) Corrugated cardboard.
- (e) Brown paper bags.
- (f) Magazines.
- (g) Telephone and paperback books.

(2) Mixed containers.

- (a) All plastic bottles.
- (b) All plastic jars/tubs.
- (c) All plastic microwave trays/containers.
- (d) Aluminum cans.
- (e) Tin/steel cans.
- (f) Aluminum foil.
- (g) Milk and juice cartons (tent tops).
- (h) Drink boxes.
- (i) Glass bottles/jars.

(3) White goods. White metal goods including, but not limited to:

- (a) Washing machines.

- (b) Dryers.
  - (c) Hot water heaters.
  - (d) Stoves.
  - (4) Scrap metal.
    - (a) Boilers.
    - (b) Radiators.
    - (c) Copper pipe.
  - (5) Leaves and yard waste.
  - (6) Tires.
  - (7) Lead acid batteries.
- B. These materials shall be separated by category, as listed above, and deposited in designated containers at the recycling facility.

**§ 302-3. Licensed rubbish hauler required.**

Residents contracting for curbside rubbish removal must do so with a solid waste hauler who holds a valid rubbish hauler's permit from the Board of Health.

**§ 302-4. Enforcement; revocation of landfill permit.**

This regulation shall be administered and enforced by the Board of Health and its agents. Violators of this regulation may face revocation of their landfill permit. Any person whose landfill permit has been revoked as a result of violation of this regulation may request a hearing before the Board of Health for reinstatement of their permit, which the Board may allow at its discretion.

**Chapter 303****REVIEW OF SUBDIVISION PLANS**

**[HISTORY: Adopted by the Town of Barre Board of Health 5-24-1988; reaffirmed 8-11-1997. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Environmental evaluation — See Ch. 42.

Sewer construction standards — See Ch. 402.

Subdivision of land — See Ch. 202.

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**§ 303-1. Statutory authority.**

The Board of Health, Town of Barre, Massachusetts, has adopted the following regulations on May 24, 1988, to govern review of subdivision plans filed in accordance with MGL c. 41, § 81U.

**§ 303-2. Filing requirements.**

The filing of subdivision plans with the Board of Health shall be simultaneous with the filing of the plans with the Town Clerk. The following requirements must be included:

- A. Accurate locations of wetlands, brooks, streams, and surface water bodies must be shown in conformance with the current Title 5. (Septic system must be 100 feet from a wetland.)
- B. High water level and percolation tests on each of the proposed lots must satisfy the Board of Health that the area in general and each lot in the proposed subdivision is composed of soil, the water level and ground permeability of which are adequate for waste and sewage purposes.
- C. For a preliminary plan, the Board requires that two percolation and two soil evaluations be conducted on 50% of the proposed lots. These tests must be distributed on a representative basis across the subdivision in order to assure a reasonable estimate of the ability of the soils to handle a subdivision. Lacking a representative testing site distribution, the Board will recommend the denial of the preliminary plan.
- D. For a definitive plan, the Board will require two soil evaluations and two percolation tests carried out on each and every lot proposed for the subdivision. The number of completed tests will determine the number of proposed housing units for consideration.
- E. Accurate location of sewage disposal system and reserve leach areas, as determined by field testing.
- F. A location of the dwelling in relation to the well, septic system and leach area, including reserve area.
- G. The well location.
- H. Woodwaste disposal: the location, if any, to be used for the disposal of woodwastes, tree stumps, or wood debris. (See Board of Health Woodwaste Policy.<sup>31</sup>) The filing of subdivision plans with the Board of Health shall include a notarized statement signed by the owner/developer, as part of the

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31. Editor's Note: See Ch. 309, Woodwaste Policy.

application, which notifies the Board as to the manner in which the woodwaste generated by the proposed subdivision will be disposed of in accordance with MGL c. 111, § 150A, and 310 CMR 19.01 (2).

- I. Additional requirements for plan development as stipulated by the Barre Planning Board.



**Chapter 304****FLOOR DRAINS**

**[HISTORY: Adopted by the Town of Barre Board of Health 5-8-2000. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Environmental evaluation — See Ch. 42.

Sewer construction standards — See Ch. 402.

Surface water control — See Ch. 112.

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**§ 304-1. Scope of authority.**

The Town of Barre Board of Health adopts the following regulation pursuant to authorization granted by MGL c. 111 §§ 31 and 122. The regulation shall apply, as specified herein, to all applicable facilities, existing and new, within the Town of Barre.

**§ 304-2. Purpose of regulation.****A. Whereas:**

- (1) Floor drains in industrial and commercial facilities are often tied to a system leading to a leaching structure (e.g. dry well, cesspool, leach field) or a septic system; and
- (2) Poor management practices and accidental and/or intentional discharges may lead petroleum and other toxic or hazardous materials into these drainage systems in facilities managing these products; and
- (3) Improper maintenance or inappropriate use of these systems may allow the passage of contaminants or pollutants entering the drain to discharge from the leaching structure or septic system to the ground; and
- (4) Discharges of hazardous materials and other pollutants to floor drains leading to leaching structures and septic systems have repeatedly threatened surface and ground water quality throughout Massachusetts; and
- (5) Surface and ground water resources in the Town of Barre contribute to the town's drinking water supplies.

**B.** The Town of Barre adopts the following regulation, under its authority as specified in § 304-1, as a preventative measure for the purposes of preserving and protecting the Town of Barre's drinking water resources from discharges of pollutants to the ground via floor drains.

**§ 304-3. Definitions.**

For the purposes of this regulation, the following words and phrases shall have the following meanings:

**COMMERCIAL AND INDUSTRIAL FACILITY** — A public or private establishment where the principal use is the supply, sale, and/or manufacture of services, products, or information, including but

not limited to: manufacturing, processing, or other industrial operations; service or retail establishments; printing or publishing establishments; research and development facilities; small or large quantity generators of hazardous material; laboratories; hospitals.

DEPARTMENT — The Massachusetts Department of Environmental Protection.

DISCHARGE — The accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, incineration, or placing of toxic or hazardous material upon or into any land or water so that such hazardous material or any constituent thereof may enter the land or waters of the commonwealth. Discharge includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site leaching structure or sewage disposal system.

FLOOR DRAIN — An intended drainage point on a floor constructed to be otherwise impervious which serves as the point of entry into any subsurface drainage, treatment, disposal, containment, or other plumbing system.

LEACHING STRUCTURE — Any subsurface structure through which a fluid that is introduced will pass and enter the environment, including, but not limited to, dry wells, leaching catch basins, cesspools, leach fields, and oil/water separators that are not watertight.

OIL/WATER SEPARATOR — A device designed and installed so as to separate and retain petroleum-based oil or grease, flammable materials as well as sand and particles from normal wastes while permitting normal sewage or liquid wastes to discharge into the drainage system by gravity. Other common names for such systems include MDC traps, gasoline and sand traps, grit and oil separators, grease traps, and interceptors.

TOXIC OR HAZARDOUS MATERIAL — Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water of the Town of Barre. Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious materials, acids and alkalis, and all substances defined as toxic or hazardous under MGL c. 21C and c. 21E or Massachusetts hazardous waste regulations (304 CMR 30.000), and also include such products as solvents, thinners, pesticides, and herbicides.

USE OF TOXIC OR HAZARDOUS MATERIAL — The handling, generation, treatment, storage, or management of toxic or hazardous materials.

#### **§ 304-4. Prohibitions.**

With the exception of discharges that have received (or have applied and will receive) a Department-issued permit prior to the effective date of this regulation, no floor drain(s) shall be allowed to discharge, with or without pretreatment (such as an oil/water separator), to the ground, a leaching structure, or septic system in any industrial or commercial facility if such floor drain is located in either:

- A. An industrial or commercial process area,
- B. A petroleum, toxic, or hazardous materials and/or waste storage area, or
- C. A leased facility without either A or B of this section, but in which the potential for a change of use of the property to a use which does have either A or B is, in the opinion of the Board of Health or its agent, sufficient to warrant the elimination of the ground discharge at the present.

#### **§ 304-5. Requirements for existing facilities.**

- A. The owner of a facility in operation prior to the effective date of this regulation with a prohibited (as

stated in § 304-4) floor drain system shall:

- (1) Disconnect and plug all applicable inlets to and outlets from (where possible) applicable leaching structures, oil/water separators, and/or septic systems;
  - (2) Remove all existing sludge in oil/water separators, septic systems and, where accessible, leaching structures. Any sludge determined to be a hazardous material shall be disposed of in accordance with state hazardous waste regulations (304 CMR 30.000). Remedial activity involving any excavation and/or soil or groundwater sampling must be performed in accordance with appropriate Department policies;
  - (3) Alter the floor drain system so that the floor drain shall be either:
    - (a) Connected to a holding tank that meets all applicable requirements of Department policies and regulations, with hauling records submitted to the Barre Board of Health at the time of hauling;
    - (b) Connected to a municipal sanitary sewer line, if available, with all applicable Department and local permits; or
    - (c) Permanently sealed. Any facility sealing a drain shall be required to submit for approval to the Board of Health a hazardous materials management plan detailing the means of collecting, storing, and disposing of any hazardous material generated by the facility, including any spill or other discharge of hazardous materials.
- B. Any oil/water separator remaining in use shall be monitored (by periodic inspections conducted by the Board of Health or by agents for the Board of Health), cleaned not less than every 90 days, and restored to proper conditions after cleaning so as to ensure proper functioning. Records of the hauling of the removed contents of the separator shall be submitted to the Board of Health at the time of hauling.
- C. Compliance with all provisions of this regulation must be accomplished in a manner consistent with Massachusetts Plumbing, Building, and Fire Code requirements.
- D. Upon complying with one of the options listed under Subsection A(3), the owner/operator of the facility shall notify the Department of the closure of said system by filing the Department's UIC Notification Form, which may be obtained by calling 617/292-5770, with the Department, and sending a copy to the Barre Board of Health.

#### **§ 304-6. Effective dates for all facilities.**

The effective date of this regulation is indicated in § 304-10 of the regulation, which shall be identical to the date of adoption of the regulation.

A. Existing facilities:

- (1) Owners/operators of a facility affected by this regulation shall comply with all of its provisions within 90 days of the effective date.
- (2) All applicable discharges to the leaching structures and septic systems shall be discontinued immediately through temporary isolation or sealing of the floor drain.

B. New facilities:

§ 304-6

BARRE CODE

- (1) As of the effective date of the regulation, all new construction and/or applicable change of use within the Town of Barre shall comply with the provisions of this regulation.
- (2) Certification of conformance with the provisions of this regulation by the Board of Health shall be required prior to issuance of construction and occupancy permits.
- (3) The use of any new oil/water separator shall comply with the same requirements as for existing systems, as specified above in § 304-5B.

**§ 304-7. Enforcement.**

Enforcement of these regulations shall be implemented by the Board of Health, its staff, or other persons who may be designated by the Board as its agents. The Board will enforce these regulations through Chapter 67, Noncriminal Disposition of Bylaw Violations.

**§ 304-8. Violations and penalties.**

Noncriminal disposition is a progressive ticketing fine process, which allows for a hearing, and only becomes criminal if the ticket is not paid. First offense is a fine of \$200. Second offense is a fine of \$500. Third offense is a fine of \$1,000. Failure to comply with any provision of this regulation once ordered to do so shall result in a noncriminal disposition fine. Each day of noncompliance shall constitute a separate offense.

**§ 304-9. Severability.**

Each provision of this regulation shall be construed as separate to the end that if any provision, or sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that section and all other sections shall continue in full force and effect.

**§ 304-10. Effective date.**

These regulations are signed on the eighth day of May in the year 2000, and are effective on the first day of July in the year 2000.

## SITING OF COMMERCIAL OPERATIONS

### Chapter 305

## SITING OF COMMERCIAL OPERATIONS

**[HISTORY: Adopted by the Town of Barre Board of Health 10-26-1998. Amendments noted where applicable.]**

#### GENERAL REFERENCES

**Building construction** — See Ch. 21.

**Zoning** — See Ch. 140.

**Environmental evaluation** — See Ch. 42.

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#### **§ 305-1. Statutory authority.**

Pursuant to the regulatory authority vested in the Board of Health by MGL c. 111, § 31, the Board of Health has adopted the following regulation in regard to the siting of land for the operation of commercial operations.

#### **§ 305-2. Location assignment; public hearing.**

In keeping with MGL c. 111, §§ 143 through 150, no trade or employment which may result in a nuisance, be harmful to the inhabitants, injurious to their estates, dangerous to public health, or may be attended by noisome and injurious odors shall be established in the Town of Barre unless the Board of Health, after a public hearing, has assigned a location for such trade or occupation.

#### **§ 305-3. Hazardous waste facilities.<sup>32</sup>**

Hazardous waste facilities governed by MGL c. 111, § 150B and refuse treatment or disposal facilities governed by § 150A are not exempt from this regulation, and must request site assignment from the local Board of Health prior to operation.

#### **§ 305-4. Application requirements; fee.**

Application for site assignment must be submitted, in writing, to the Board of Health, along with an application fee of \$100. The application shall include the name of the person or company requesting site assignment, adequate identification of the proposed facility location, including street address and Assessors map and lot number, a description of the operation, and proposed hours of operation. After receipt of the application and fee, the Board of Health shall conduct a public hearing in accordance with the requirements set forth in MGL c. 40A, § 11.

#### **§ 305-5. Decision deadline.**

The Board of Health shall make a decision no later than 30 days following the date of the public hearing.

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**32. Editor's Note: See Ch. 101, Sludge and Hazardous Waste.**

**Chapter 306****SMOKING**

**[HISTORY: Adopted by the Town Meeting of the Town of Barre 6-14-2004 ATM, Art. 34. (This article superseded former Ch. 306, Smoking, adopted by the Board of Health 11-13-2000, amended in its entirety 8-12-2002.) Amendments noted where applicable.]**

**GENERAL REFERENCES**

Noncriminal disposition of bylaw violation — See Ch. 67.

Tobacco product distribution — See Ch. 307.

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**§ 306-1. Statement of purpose.**

Whereas conclusive evidence exists that tobacco smoke causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose, and throat; and whereas the harmful effects of tobacco smoke are not confined to smokers but also cause severe discomfort and illness to nonsmokers; and whereas environmental tobacco smoke (hereinafter E.T.S.), which includes both exhaled smoke and the side stream smoke from burning cigarettes, causes the death of 53,000 Americans each year (McGinnis JM, Foege W, "Actual Causes of Death in the United States," JAMA 1993 270:2207-2212); and whereas in 2000, the Public Health Service's National Toxicology Program listed environmental tobacco as a known human carcinogen (U.S. DHHS, 2000, citing Cal. EPA, 1997) similar to radon and asbestos with no known safe levels of exposure; now, therefore, the Board of Health of the Town of Barre recognizes the right of those who wish to breathe smoke-free air and establishes this regulation to protect and improve the public health and welfare by prohibiting smoking in public places.

**§ 306-2. Authority.**

This regulation is promulgated under the authority granted to the Barre Board of Health under MGL c. 111, § 31, that "Boards of Health may make reasonable health regulations."

**§ 306-3. Definitions.**

For the purpose of this regulation, the following words shall have the meanings respectively ascribed to them by this section:

**BAR** — An adult-only establishment whose business is devoted to the serving of alcoholic beverages for the consumption by guests on the premises and is not within a restaurant.

**BOARD** — The Board of Health of the Town of Barre.

**BUSINESS** — Any sole proprietorship, partnership, joint venture, corporation, or other business entity, including retail establishments where goods or services are sold.

**BUSINESS AGENT** — An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

**EMPLOYEE** — Any person who performs services for an employer.

**EMPLOYER** — A person, partnership, association, corporation, trust, or other organized group of individuals, including the Town of Barre or any agency thereof, which utilizes the services of one or more

employees.

**ENCLOSED AREA** — A space bounded by walls (with or without windows) continuous from the floor to the ceiling and enclosed by doors, including, but not limited to, offices, rooms and halls.

**MUNICIPAL BUILDING** — Any building that is owned by or under the control of the Town of Barre, including but not limited to schools, fire stations, police stations, DPW buildings, and the Town Hall.

**MUNICIPAL VEHICLE** — Any vehicle that is owned by or under the control of the Town of Barre, including but not limited to police, fire, DPW vehicles, and vehicles that are assigned to departments that work out of the Town Hall.

**PERSON** — Any individual, firm, partnership, association, corporation, company or organization of any kind including, but not limited to, an owner, operator, manager proprietor or person in charge of any building, establishment, business, or restaurant or retail store, or the agents or designees of any of the foregoing.

**PLACE OF EMPLOYMENT** — Any establishment which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference and classrooms, employee cafeterias, and hallways.

**PRIVATE CLUB** — A not-for-profit establishment created and organized pursuant to MGL c. 180 as a charitable corporation with a defined membership. A private club is not a place of public accommodation but rather distinctly private. Criteria used to determine whether a club is distinctly private include, but are not limited to, those factors identified in 204 CMR 10.02. If the private club holds an alcoholic beverage license, said license shall be a "club license" or a "war veterans club license" as defined in MGL c. 138, § 12, and by the Massachusetts Alcohol Beverage Commission. Said license is subject to the terms set forth by local licensing authority.

**PRIVATE SOCIAL FUNCTION** — A social gathering associated with a single purpose that is not opened to the public and is under the control of the host/hostess rather than the proprietor/manager, such as a wedding reception.

**PUBLIC PLACE** — Any building or facility owned, leased, operated or occupied by the municipality, including school building, or grounds; any enclosed area open to the general public, including, but not limited to, retail stores, retail food stores, libraries, museums, theaters, banks, Laundromats, indoor sports arenas, auditoriums, inn/hotel/motel lobbies, private and public educational facilities, shopping malls, common areas of residential buildings, public restrooms, lobbies, staircases, halls, exits, entranceways, elevators accessible to the public and licensed child-care locations.

**PUBLIC SOCIAL FUNCTION** — A social gathering that is open to the general public and is not associated with membership.

**PUBLIC TRANSPORTATION VEHICLE** — Buses, taxis, and other means of transportation available to the general public while such means of transportation is operating within the boundaries of the Town, including indoor platforms by which such means of transportation may be accessed.

**RESTAURANT** — Any coffee shop, cafeteria, sandwich stand, and any other eating establishment which gives or offers for sale food to the public, guests, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere; including catering facilities.

**SMOKING** — Inhaling, exhaling, burning, or carrying any lighted tobacco product in any form.

**TOBACCO PRODUCT** — Any product containing tobacco, including but not limited to cigarettes, cigars, chewing tobacco, snuff, pipe tobacco and smokeless tobacco.

**TOWN** — The Town of Barre.

**§ 306-4. Application of this regulation to public places.**

- A. No person shall smoke nor shall any person, employer, or business agent having control of the premises upon which smoking is prohibited by this regulation, or the business agent or designees of such person, permit a person to smoke in any of the following places as defined herein:
- (1) Any municipal building or vehicles, including but not limited to police, fire and DPW vehicles owned by or under the control of the Town of Barre, and vehicles that are assigned to departments in the Town Hall. Smoking is also prohibited within 10 feet of any entrance of a public building.
  - (2) Buses, taxicabs, and other means of public transit under the authority of the Town, and ticket, boarding, and waiting areas of public transit depots.
  - (3) Elevators and restrooms under the control of the Town of Barre.
  - (4) Indoor service lines such as any indoor line at which one or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.
  - (5) Retail stores.
  - (6) Laundromats, hairdressing, barbershop and beauty salon facilities, and gas stations.
  - (7) Public areas of aquariums, galleries, libraries, sports arenas, bowling alleys, arcades and museums that are open to the public.
  - (8) Any facility that is primarily used for exhibiting any motion picture, stage, drama, lecture, or musical except where smoking is part of the production.
  - (9) Every room, chamber, place of meeting or public assembly, including public school buildings and public school grounds, under the control of any board, council, commission, committee, including joint committees, or agencies of the Town or any political subdivision of the commonwealth during such time as public meeting is in progress, to the extent such place is subject to the jurisdiction of the Town.
  - (10) Waiting rooms, hallways, wards, and semiprivate rooms of health-care facilities, including but not limited to hospitals, clinics, physical therapy facilities, massage therapy, doctors' offices, and dentists' offices.
  - (11) Lobbies, hallways, and other common areas in retirement facilities and nursing homes. Smoking is only permitted in specially designated areas that are not the common areas listed above.
  - (12) Polling places.
  - (13) All day-care and child-care facilities including private residences during hours of operation when being used as day-care or child-care facilities.
  - (14) Public and common areas of hotels, motels and bed-and-breakfasts. Hotels, motels, and bed-and-breakfasts must set aside permanent nonsmoking guest rooms.
  - (15) Public areas of places of employment.
  - (16) Private clubs when being used for a function to which the general public is invited.
  - (17) Houses of worship.



(18) Restaurants.

(19) Bars.

(20) Schools. (MGL c. 71, § 2A)

- B. Notwithstanding any other provision of this section, any owner, operator, manager, or other person who controls any establishment or facility may declare the entire establishment or facility and grounds as a nonsmoking establishment.

**§ 306-5. Places where smoking is not regulated.**

- A. Notwithstanding any other provision of this chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this regulation:
- (1) Private clubs, except when such clubs are being used for a function to which the general public is invited.
  - (2) Private residences, except during the time when used as child-care or health-care facilities, as regulated by the State of Massachusetts and the Barre Board of Health.
  - (3) Nonenclosed outdoor spaces such as sidewalks, streets, and parks.
  - (4) Private businesses and worksites that are not open to the general public.
- B. Unless prohibited elsewhere, this prohibition does not apply in cases in which an entire facility or hall is used for a private social function or when the establishment is in use and persons under 18 years of age are not permitted. If a party requests a nonsmoking environment, the proprietor of the facility must assure that the air be filtered sufficiently between private social functions by utilizing existing means of ventilation.
- C. Notwithstanding any other provision of this section, any owner, operator, manager, or other person who controls any establishment described in this section may declare that entire establishment as a nonsmoking establishment.

**§ 306-6. Posting of signs.**

"No Smoking" signs, or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently, and conspicuously posted in every building or other place where smoking is regulated, by the owner, operator, manager, or other person having control of such building or other place. One sign must appear at each public entrance.

**§ 306-7. School property.**

Students, faculty, staff and visitors are prohibited from smoking on school grounds and property.

**§ 306-8. Violations and penalties.**

- A. No person shall allow another individual or individuals to smoke in any area where smoking is prohibited by these regulations.
- B. Any person who violates this regulation shall be subject to a warning for the first offense within one

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year, a fine of \$100 for a second violation within one year of the date of the current offense, a fine of \$200 for a third violation within one year of the date of the current offense, and a fine of \$300 for a fourth or subsequent offense within one year of the date of the current offense.

- C. Violations of the prohibition of smoking on school property in § 306-7 shall be punishable of a fine of \$25.

**§ 306-9. Enforcement.**

- A. The Board of Health and/or its designee shall enforce this regulation. One method of enforcement shall be periodic unannounced inspections of those establishments subject to this regulation.
- B. Any citizen who desires to register a complaint of noncompliance with these regulations may do so with the Board of Health.

**Chapter 307****TOBACCO PRODUCT DISTRIBUTION**

**[HISTORY: Adopted by the Town of Barre Board of Health 12-23-1991; revised 4-28-1997; 5-12-1997. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Noncriminal disposition of bylaw violations — See Ch. 67.

Smoking — See Ch. 306.

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**§ 307-1. Findings and purposes.**

- A. There exists substantial evidence that tobacco is the major cause of preventable deaths in the United States.
- B. Nicotine is an addictive drug and addiction to nicotine usually begins during childhood and adolescence.
- C. The free distribution of tobacco products and the availability of self service tobacco products have been demonstrated to result in the unlawful distribution of tobacco to minors.
- D. The Barre Board of Health adopts these regulations pursuant to MGL c. 111, §§ 31 and 31A, to protect and improve the health of the residents of the Town of Barre and to prevent violations of Massachusetts state law prohibiting the provision of tobacco products to minors.

**§ 307-2. Definitions.**

As used in these regulations, the following terms shall have the meanings indicated:

MINOR — Any individual under 18 years of age.

PERSON — Any natural person or any firm, partnership, company, corporation or other entity.

TOBACCO PRODUCT — Any product containing tobacco, including, but not limited to, cigarettes, cigars, chewing tobacco, snuff, pipe tobacco, and smokeless tobacco.

VENDING MACHINE — Any self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses tobacco, cigarettes, or any other tobacco product.

**§ 307-3. Retail tobacco permit; exception for vending machines; fees.**

- A. No person shall sell any tobacco product unless that person holds a valid retail tobacco permit obtained from the Barre Board of Health. Such permit shall be renewed annually at a cost of \$5. Before a tobacco permit is issued to an individual, that individual must first read and understand all of the provisions of these regulations. A separate permit shall be required for each place of business.
- B. A permit is not required to sell tobacco products from a vending machine; however, all operators of tobacco vending machines shall be required to pay an annual registration fee of \$5 for each machine from which tobacco products are sold.
- C. All tobacco vendors shall additionally be required to pay an annual inspection fee of \$20 for each

location at which tobacco is sold. This fee will be waived when the Barre Board of Health is not conducting its own inspections.

**§ 307-4. Sale to minors prohibited.**

It shall be unlawful to sell, give, or furnish tobacco in any form to any individual under 18 years of age.

**§ 307-5. Distribution of free samples.**

No free samples of tobacco or tobacco products shall be distributed in Barre. This restriction does not apply to "buy one get one free" offers or to the redemption of coupons in stores.

**§ 307-6. Regulations for sale of tobacco through vending machines.**

No person shall sell tobacco by use of a vending machine, or install or maintain a tobacco vending machine with the intent of making such sales, except as provided in the following subsections:

- A. Vending machines are permitted if they are equipped with a lockout device which prevents the machine from being operated until the person responsible for monitoring sales from the machine disables the lock. The locking device must be of a design which prevents it from being left in an unlocked condition, and which will allow only a single sale when it is unlocked.
- B. In addition, a vending machine is allowed only in establishments where a responsible person will be present to monitor the machine when the establishment is open.
- C. Any vending machine permissible under Subsections A and B must be placed in a location approved by the Board of Health. Such machines shall be located well within a premises and close enough to the person controlling the machine that such person can determine the age of any person requesting permission to use the machine.
- D. No sales of tobacco are permitted from a vending machine which also offers for sale any nontobacco product.

**§ 307-7. Proof of age required.**

Any person who sells tobacco products, or who is responsible for monitoring sales from a tobacco vending machine, shall request of any customer who is not obviously 18 years of age or older a photographic identification establishing their age. Positive proof of age must be established before any sale of tobacco is made.

**§ 307-8. Display of certain notices at cash registers.**

- A. Tobacco retailers shall conspicuously post and reasonably maintain the following notices as described in this section at each cash register where tobacco products are sold:
  - (1) A notice facing the cashier stating that tobacco sales to minors are illegal.
  - (2) A notice facing the customer stating that the store refuses to sell tobacco to minors.
- B. Signs shall be available from the Board of Health at no charge, from a tobacco trade industry or from the Tobacco Alliance.

**§ 307-9. Sale to persons with note from adult prohibited.**

No person shall sell tobacco products to a person under 18 years of age who has a note from an adult requesting such a sale.

**§ 307-10. Displays; sale in original packaging.**

All tobacco products must be issued by the clerk on duty. Freestanding displays must be enclosed from public access. Broken pack sales of cigarettes are prohibited. Cigarettes must be sold in their original sealed packaging.

**§ 307-11. Training of employees; acknowledgment of regulations.**

Tobacco permit holders shall be responsible for training all employees regarding their responsibilities under these regulations. Each employee involved with tobacco sales shall read these regulations. Permit holders may obtain a written statement from each employee acknowledging that the employee has been given and has read and understands these regulations.

**§ 307-12. Enforcement through inspections and attempted purchases by minors.**

These regulations shall be enforced through periodic inspections conducted by the Health Department, the Police Department, constables, or agents thereof, including the Tobacco Alliance. These inspections shall include attempted purchases of tobacco products by individuals under 18 years of age under the supervision of an agent of the enforcing agency. Such inspections shall not be considered "entrapment." Inspections will be conducted a minimum of three times each year. Inspections may be conducted more frequently at the discretion of the enforcing agency. The results of these inspections shall be presented to the Board of Health on a regular basis.

**§ 307-13. Violations of §§ 307-3, 307-4, 307-5, 307-6 and 307-9.**

Violations of §§ 307-3, 307-4, 307-5, 307-6, and 307-9, shall be punishable by a fine and/or a suspension or revocation of the violator's tobacco sales permit. A first offense is punishable by a fine of \$100 or a suspension of the tobacco permit for a period of one day; a second offense within a two-year period shall be punishable by a fine of \$200 or a one-week suspension; a third offense within a two year period shall be punishable by a fine of \$300 or a permit suspension of 30 days. Any subsequent offenses may be punishable by a fine of \$300 or the revocation of the tobacco permit. A revoked permit may not be reinstated for a period of one year. The Board of Health may, at its discretion, issue a warning in lieu of either a fine or permit suspension for a first offense. Violations of § 307-6 shall be assessed against the owner of the vending machine. Any fine will be assessed against the person who holds the tobacco permit, unless that person can demonstrate that the employee who violated these regulations was properly trained as per § 307-12. If such evidence is presented to the Board of Health, the Board may, at its discretion, require that the employee pay up to 1/2 of the fine, with the remainder to be paid by the permit holder.

**§ 307-14. Violations of §§ 307-8 and 307-9.**

Violations of §§ 307-8 and 307-9 shall be punishable by a fine of \$50. The Board of Health may, at its discretion, issue a warning in lieu of a fine for a first offense.

**§ 307-15. Enforcement authority.**

The Health Department and the Police Department shall have jurisdiction to enforce these regulations.

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Such authority may be delegated to agents working under their authority in either a paid or voluntary capacity.

**§ 307-16. Requests for assistance in training employees.**

The Health Department shall respond to any requests from tobacco retailers for assistance in training sales personnel. The Health Officer shall provide copies of these regulations to tobacco retailers for the purpose of training their employees.

**§ 307-17. Violations by minors.**

Minors are forbidden from using or possessing tobacco on school property, on school buses and in public places as stated in Chapter 306, § 306-3, Definitions, including public ways. School personnel may confiscate any tobacco possessed by a minor in the school locations and may report violations to the Board of Health. The Board of Health (and members and agent) and the Police Department officers may confiscate any tobacco possessed by a minor in these locations. Minors under the age of 18 are forbidden from purchasing or attempting to purchase cigarettes or tobacco products. Merchants may report violators to the Board of Health. Violations of this section shall be punishable by a fine of \$25 or a requirement to perform five hours of community service. The Board of Health members at a regularly scheduled Board of Health meeting will determine the type of community service that is acceptable. Both the fine and community service will be waived for a first offense if the minor completes a smoking cessation course approved by the Board of Health.

**§ 307-18. Severability.**

If any provision of these regulations is declared invalid, the other provisions shall not be affected thereby, but shall continue in full force and effect.

**§ 307-19. When effective.**

These regulations will go into effect 30 days after being approved by the Board of Health, with the exception of § 307-6, which shall go into effect 90 days after being approved.

**Chapter 308****WELLS**

**[HISTORY: Adopted by the Town of Barre Board of Health 10-28-1996. Amendments noted where applicable.]**

**§ 308-1. Background and findings**

- A. Water supply from a private well is a regulatory area with multiple enforcement in the State of Massachusetts. There are state statutes enforceable by the Select Board (MGL c. 40, § 54) and by the Massachusetts Department of Environmental Management (Well Completion Report). **[Amended 6-15-2021 ATM, Art. 20]**
- B. These regulations, hereby adopted by the Barre Board of Health in accordance with MGL, c. 111, § 31, serve as a summary of existing laws.
- C. Since a private source of water is not supervised by anyone other than an individual homeowner, it is imperative that a homeowner be aware of the factors which govern approval of a water supply as fit for human consumption.

**§ 308-2. Areas of joint jurisdiction and source of water.**

- A. MGL c. 40, § 54, states that a building permit for a residential dwelling shall not be issued unless there is a potable (approvable) source of water. This law is enforceable by the Select Board through the Building Inspector. **[Amended 6-15-2021 ATM, Art. 20]**
- B. Department of Environmental Management regulations, 313 CMR 3.00, require that a Well Completion Report be submitted to the state, the local Board of Health, and the landowner.
- C. MGL c. 21, § 16, requires that all well drillers must be registered with the state, which includes meeting state qualification requirements. The local Board of Health requires that only licensed well drillers fill out applications for well installation. The Board of Health also requires that, prior to any well driller being given approval for well installation, a copy of his/her well driller's license must be on file at the Board of Health office.

**§ 308-3. Construction of drilled artesian wells.**

- A. Drilled artesian wells must be constructed according to guidelines detailed by the Department of Environmental Management. The guidelines, basically, state the following:
  - (1) The well casing must be sealed off into ledge.
  - (2) The well cap must be at ground level and visible.
  - (3) The soil around the capped well casing must be sloped to shed runoff water.
- B. The water should be chlorinated after drilling and then pumped off.

**§ 308-4. Water testing and quality.**

- A. The water must be tested by a state-approved lab for bacteriological quality. A test result of 0 coliform/100 ml is the minimum acceptable test result.

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- B. The Barre Board of Health does not require that water be tested for chemical quality. The Board does have information available concerning the primary and secondary water quality standards, which are both Federal EPA and Massachusetts DEP standards.

**§ 308-5. Water yield to well depth.**

- A. The Barre Board of Health does not require that pump testing be completed on all water supplies. However, to ensure an adequate water supply, the following water yield to well depth table is suggested:

Well Depth (feet)	Minimum Recommended Yield (gallons per minute)
100 – 300	5 or greater
300 – 600	3 or greater
600 – 900	1 or greater

- B. If the yield is not adequate according to the above chart, it may be necessary to incorporate a larger storage tank into the home system to ensure adequate storage capacity.

**§ 308-6. Severability.**

If any provision of these rules and regulations, or their application, is deemed to be invalid, such invalidity shall not affect any provisions of the rules and regulations not specifically deemed to be invalid.



## WOODWASTE POLICY

### Chapter 309

## WOODWASTE POLICY

**[HISTORY: Adopted by the Town of Barre Board of Health 2-9-1988; amended 8-9-1988.**

**Amendments noted where applicable.]**

#### **§ 309-1. Closing of landfill; reliance on state policy.**

In light of the recent directive from the Department of Environmental Quality Engineering (DEQE) dated August 14, 1987, our Board has been forced to reevaluate our policy regarding the Town Farm Landfill. The Barre Board of Health has decided to close the Town Farm Landfill and to rely on the DEQE policy as the official means for handling woodwaste in our town.

#### **§ 309-2. Summary of DEQE policy.**

The DEQE policy of August 14, 1987 calls for the following:

- A. Woodwaste burial of up to 200 cubic yards is permitted without DEQE review, provided it is from the same property, does not pose an environmental threat (ex. burial in wetlands), and that a plan is filed with the local Board of Health.
- B. If the area poses an environmental threat as determined by the Board of Health, regardless of quantity of disposal, a DEQE review will be required.
- C. Woodwaste burial of larger than 200 cubic yards of waste will require DEQE review.
- D. It is important to note that the DEQE policy statement specifically says, "It is not the intent of this policy to regulate small quantities of woodwastes generated by private citizens on their own property."

#### **§ 309-3. Procedure.**

- A. Obtain and complete a Town of Barre Woodwaste Disposal Application, including site plan and application fee, and submit application to the Board of Health.
- B. Board of Health will review application and take action.
- C. If the Board of Health approves the application, the applicant will be notified and required to schedule an inspection date and time to determine applicant compliance regarding woodwaste disposal.
- D. The applicant or the owner of the property shall cause an affidavit to be recorded with the Registry of Deeds attesting to the fact that the premises have been used for woodwaste burial of less than 200 cubic yards and that a plan showing the location of the woodwaste burial is on file with the Barre Board of Health. The affidavit shall be indexed to the owner's deed, and proof of recording in the Registry of Deeds shall be provided to the Board of Health.

#### **§ 309-4. Fee.**

The fee is \$25 per lot.

**Chapter 310****OUTDOOR WOOD-BURNING BOILERS**

**[HISTORY: Adopted by the Town of Barre Board of Health 9-15-2008. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Noncriminal disposition of bylaw violations — See Ch. 67.

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**§ 310-1. Statutory authority.**

This regulation is adopted under MGL c. 111, §§ 31 and 31C, 142B, 142D, and 310 CMR 7.00, 310 CMR 7.09, and 310 CMR 7.52, which gives the Barre Board of Health authority to make reasonable health regulations. This regulation is also adopted under MGL c. 111, § 122, which directs the Board of Health to examine all nuisances, sources of filth, and causes of sickness within its town, which may, in its opinion, be injurious to the public health and to destroy, remove, or prevent the same.

**§ 310-2. Purpose.**

- A. Recognizing that people have a right to and should be ensured an environment free from excessive air pollution capable of jeopardizing their health or safety or welfare or of degrading their quality of life, this regulation is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of Barre, Massachusetts, through the reduction, control and prevention of air pollution.
- B. Outdoor wood boilers, also known as "outdoor water stoves" and "outdoor wood furnaces," are generally composed of a wood-burning firebox surrounded by a water jacket or reservoir vented by a chimney stack. The heated water is then pumped via insulated underground pipes to the residence or business. Emissions from outdoor wood-burning boilers drift across property lines raising health concerns for neighbors who inadvertently breathe the smoke-filled air.
- C. Wood smoke is a complex mixture of chemicals and particulates. It contains carbon monoxide and other organic gases, particulate matter, chemicals, and some inorganic gases. Some of these compounds are toxic, aldehydes and phenols, and some are carcinogens, benzoprene, and cresols. The particulate matter is mostly made up of elemental carbon, soot and organic ash.

**§ 310-3. Definitions.**

When used in these regulations or in communications, notices, or orders relative thereto, the following words and phrases shall have the meanings ascribed to them below.

CFR — The Code of Federal Regulations.

CLEAN WOOD — Seasoned wood that has no paint, stains, or other types of coatings, and wood that has not been treated with any chemical, including but not limited to copper chromium arsenate, creosote, or pentachlorophenol.

DEPARTMENT or DEP — The Massachusetts Department of Environmental Protection.

EPA — The United States Environmental Protection Agency.

OUTDOOR WOOD BOILER or OWB — A wood-fired boiler located outside of the building, surrounded by a water jacket in an insulated freestanding shed with a smokestack and used to heat water that is carried by underground pipes to provide heat to a building.

PERSON — Any individual, partnership, association, firm, syndicate, company, trust, corporation, department, authority, bureau, agency, political subdivision of the commonwealth, law enforcement agency, fire-fighting agency, or any other entity recognized by law as the subject of rights and duties.

REFUSE — Any animal, vegetable, or mineral, solid, liquid, or gaseous waste. It includes, but is not limited to, rubbish, garbage, ashes, construction waste, industrial waste, commercial waste, demolition waste, agricultural waste, abandoned vehicles, and any unwanted or discarded material. It does not include hazardous waste.

SEASONED WOOD — Wood that has been dried for at least six months.

WOOD FUEL — All wood intended to be used as fuel, including but not limited to trees, cordwood, logs, lumber, sawdust, and wood from manufacturing processes (butt offs, shavings, turnings, sander dust) wood pellets, slabs, bark, chips, waste pallets. This definition does not include wood chemically treated with any preservative, paint, or oil.

#### **§ 310-4. Requirements for existing units; new units.**

A. Existing units. Any person that wishes to continue using an OWB installed prior to the effective date of this regulation must register his/her OWB at the Board of Health within six months of the Effective Date of this Regulation. Where the OWB owner already possesses an existing permit from the Town of Barre Building Department, a copy must be brought to the Board of Health to be placed in its file. The Board of Health permitting fee will be waived for existing OWB owners, but the applicant must comply with the following process. Said application shall include:

- (1) Submission of a written application on a form provided by the Barre Board of Health.
- (2) An informal plan depicting the location of the OWB in relation to the facility that it serves and all other occupied structures within close proximity to the OWB.
- (3) Any existing OWB must have a permanent stack height extending five feet higher than the peak of any roof structure located within 150 feet of the OWB with exception of the structure it is serving.
- (4) A secondary source of heat for dwelling and/or any other heated buildings is required.

B. New units.

- (1) No person shall install or cause to be installed an OWB after the effective date of this regulation without a permit from the Board of Health. The permit process shall include submission of a written application on a form provided by the Barre Board of Health; a suitable plan meeting the requirements set forth below; and, payment of the permit application fee established by the Barre Board of Health as well as an electrical permit with the Barre Building Department.
- (2) Board-of-Health-approved plans for the location and installation of any outdoor wood boiler to be installed after the effective date of this regulation shall be shown in the form of a plot plan detailing the boiler component(s) and shall include depiction of:
  - (a) The legal boundaries of the lot to be served;

- (b) The location of all dwelling(s) and building(s) existing and proposed on the lot to be served by the outdoor wood boiler and identification of those to be served by the boiler;
  - (c) The locations of all known easements and rights-of-way on the lot to be served;
  - (d) The location of all components of the outdoor wood boiler, including underground electric lines, fluid lines or ductwork;
  - (e) The proposed wood burner stack height;
  - (f) The location of all roads, pass ways and rights-of-way within 100 feet of the proposed outdoor wood boiler;
  - (g) The location of all buildings existing within 300 feet of the proposed outdoor wood boiler, whether or not on the lot to be served by the outdoor wood-burning boiler;
  - (h) The roof heights of all buildings within 300 feet of the proposed outdoor wood boiler;
  - (i) Proposed wood storage area.
  - (j) A secondary source of heat for dwelling and/or any other heated buildings is required.
- (3) Installation must be completed within six months of issuance of the permit.

#### **§ 310-5. Installation and use.**

The requirements set forth in this section are intended to set forth the minimum criteria that the Board of Health presently believes is required to protect public health, safety and the environment, based on information reviewed by the Board as of the effective date of this regulation. Nothing in this regulation is intended to limit the powers of the Board of Health, and the Board expressly reserves its right to take further action with respect to any individual case pursuant to its authority as set forth in MGL c. 111, § 122 through 125 (regarding nuisances), or any other applicable law.

- A. All new and existing outdoor wood boilers shall be installed and operated according to the manufacturer's specifications. Any EPA-approved outdoor wood boiler which has been altered, installed, or disassembled in anyway not specified by the manufacturer shall be considered a non-EPA-compliant boiler. Some common examples of what manufacturers prohibit burning are:
- (1) Any wood that does not meet the definition of "clean wood" or "wood fuel."
  - (2) Refuse.
  - (3) Treated wood.
  - (4) Plastic products.
  - (5) Rubber products.
  - (6) Waste petroleum products.
  - (7) Paints and paint solvents.
  - (8) Chemicals.
  - (9) Coal.

- (10) Manure.
  - (11) Animal carcasses.
  - (12) Glossy or colored paper.
  - (13) Plywood, saltwater driftwood, particle board, construction/demolition debris.
  - (14) Asphalt products.
  - (15) Any other material not intended by a manufacturer for use as fuel in a solid fuel-burning device.
- B. Retailers selling or offering for sale new outdoor wood boilers in the Town of Barre shall supply public education information with each sale of an outdoor wood boiler in the form of pamphlets, brochures or fact sheets on the following topics:
- (1) Proper installation, operation, and maintenance of the outdoor wood boiler;
  - (2) Proper fuel selection and use;
  - (3) Health effects from wood smoke; and
  - (4) Proper sizing of outdoor wood boiler.
- C. No person shall install or cause to be installed any outdoor wood boiler after the effective date of this regulation within 50 feet of the house it is serving or within 300 feet of any other occupied structure. This requirement will not apply to outdoor wood boilers installed prior to the effective date of this regulation.
- D. Any new OWB must have a permanent stack height extending five feet higher than the peak of any roof structure located within 300 feet of the OWB with the exception of the structure it is serving.
- E. The operation of any new or existing outdoor wood burning boiler may not occur between the dates of May 15 and September 15 of each calendar year. A variance may be granted if the OWB owner exceeds the distances required within these regulations.
- F. An outdoor wood boiler shall be located no less than 100 feet from any property line.

#### **§ 310-6. Variances.**

The Board of Health may vary any provision of these regulations with respect to any particular case, when in its opinion, the enforcement thereof would do manifest injustice, and the applicant has proved that the same degree of protection can be achieved without strict application of the particular provision. All variances shall be considered at a hearing by the Board of Health.

#### **§ 310-7. Enforcement; violations and penalties.**

- A. Permit suspension or revocation. The Board of Health may suspend or revoke any permit issued pursuant to these regulations for any violation of these regulations, or any other applicable General Law, regulation or bylaw.
- B. Penalties. The owner of any OWB operated in violation of these regulations shall be penalized.
- (1) First offense: A written warning to correct a violation of these regulations shall be issued after a verification of a complaint.

- (2) Second offense: Automatic fine of \$100 issued by the Board of Health or Board of Health Agent. The OWB owner has option to appeal an order to correct a violation of these regulations, provided that a written request for a hearing is filed with the Board of Health within seven days of receipt of the violation notice.
- (3) Any subsequent offense: If an inspection or examination reveals that an OWB is installed or operated in a manner that is not compliant with these regulations, the Board of Health, the Health Agent or the Town of Barre Fire Department shall issue an order to cease operation of the OWB until it has been restored to compliance so as to not be deemed a nuisance under the public health laws. Such revocation or suspension may take place after a hearing held by the Board of Health of which the permit holder is given seven days' written notice. Such notice shall be deemed given upon certified mail and return receipt requested to the address listed on the permit application.

C. Noncriminal disposition.

- (1) This regulation may be enforced by any Barre Police Officer, Barre Fire Department, the Barre Board of Health or the Barre Health Agent.
- (2) Whoever violates any provision of this regulation may be penalized by a noncriminal disposition process as provided in MGL c. 40, § 21D and the Town's noncriminal disposition bylaw.<sup>33</sup> If noncriminal disposition is elected, then any person who violates any provision of this regulation shall be subject to a penalty in the amount of \$100 per day for each day of violation, commencing 10 days following day of receipt of written notice from the Board of Health. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

D. Other.

- (1) Whoever violates any provision of this regulation may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be \$1,000. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- (2) The Barre Board of Health may enforce these Regulations or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Health shall not preclude enforcement through any other lawful means.

- E. An owner may appeal an order to correct a violation of these regulations, provided that a written request for a hearing is filed with the Board of Health within seven days of receipt of the violation notice.

**§ 310-8. When effective.**

The provisions of this Chapter shall be effective upon adoption by the Barre Board of Health, approval by DEP and publication pursuant to MGL c. 111, § 31C.

**Miscellaneous Regulations**

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33. Editor's Note: See Ch. 67, Noncriminal Disposition of Bylaw Violations.

**Chapter 401****ANIMALS**

**[HISTORY: Adopted by the Town of Barre Board of Selectmen 12-7-1998. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Animals — See Ch. 11.**

**Zoning — See Ch. 140.**

**Animal regulations — See Ch. 80.**

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**§ 401-1. Effect on Animal Bylaw.**

This policy shall not be confused with or conflict with any portion the Town of Barre Animal Control Bylaw previously adopted by Town Meeting.<sup>34</sup>

**§ 401-2. Road-injured animals complaint procedure.**

Calls or complaints received regarding road injured or killed animals are to be handled in the following manner:

- A. The Police Department shall notify the Animal Control Officer also known as the "Dog Officer" whenever a report is received regarding injured dogs or cats on a public way. The Animal Control Officer or her designee shall retrieve the animal and provide for its treatment until the owner may be determined.
- B. If the dog or cat has been killed, and the incident occurs during normal business hours, the dispatcher on duty shall notify the Barre Department of Public Works which shall remove the animal from the roadway and dispose of it properly. If the incident occurs at times when the Department of Public Works is not working, the police officer on duty shall remove the carcass to the side of the roadway so it will not interfere with motor vehicle traffic. The carcass will remain to the side of the roadway until the Department of Public Works can remove the carcass and dispose of it properly during its normal workday. It shall be the responsibility of the dispatcher to see to it that the Department of Public Works is notified of the incident in a manner consistent with other notification procedures during off hours.
- C. To help identify owners of dogs and cats, the Town Clerk shall provide the Police Department with a list of all licensed dogs and cats.
- D. At the time the injured or killed dog or cat is retrieved, the dispatcher on duty shall be provided with a detailed description of the dog or cat, the location of the incident, and tag information, if any.

**§ 401-3. Other wildlife injured or killed in roadways.**

- A. If the injured or killed animal is not a dog or cat, the Wildlife Animal Control Officer shall be notified. The Wildlife Animal Control Officer shall be responsible for the capture, removal, euthanization and

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**34. Editor's Note: See Ch. 11, Animals.**

quarantine of wild and domestic animals.

- B. The Wildlife Animal Control Officer has the authority to destroy skunks, raccoons, bats, foxes, opossums or woodchucks in certain cases. Other wildlife shall be the responsibility of the Division of Fisheries and Wildlife or a licensed problem animal control person.
- C. Injured or killed deer shall be reported to the Wildlife Control Officer who shall follow procedures set forth by the Division of Fisheries and Wildlife. In the event the Wildlife Control Officer cannot be reached, the Massachusetts Environmental Police shall be notified.



**Chapter 402****SEWER CONSTRUCTION STANDARD SPECIFICATIONS**

**[HISTORY: Adopted by the the Town of Barre Board of Sewer Commissioners March 4-11-1988. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Cross-connection control — See Ch. 33.

Subdivision of land — See Ch. 202.

Street openings — See Ch. 108, Art. II.

Sewer use rules and regulations — See Ch. 403.

Surface water control — See Ch. 112.

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**§ 402-1. General provisions, definitions and regulations.**

- A. Definitions: As used in these regulations, the following terms shall have the meanings indicated:

BOARD — The Board of Sewer Commissioners of the Town of Barre, Massachusetts.

CONTRACTOR — A person, partnership or corporation which has demonstrated experience in the construction of sanitary sewers and appurtenances and which has sufficient equipment, labor and resources to construct the proposed project. The contractor shall be employed by the developer and shall be responsible to the developer for the construction of the sanitary sewers and appurtenances.

DEVELOPER — The legal entity which owns the property to be developed and which desires to design and construct sanitary sewers and appurtenances in the Town of Barre, Massachusetts.

ENGINEER — The Engineer of record.

- B. Plans and profiles: The developer shall submit three copies of all plans, profiles and details of the proposed project to the Board for review and approval. All plans, profiles and details, hereinafter referred to as "plans," shall be prepared by a registered professional engineer and shall be drawn using a scale of 40 feet to the inch horizontal and four feet to the inch vertical.
- C. Conformity with plans: The developer shall construct the sanitary sewers and appurtenances in accordance with the approved plans, the Sewer Use Rules and Regulations of the Board<sup>35</sup> and these standard specifications for sewer construction. No changes in the approved plans will be permitted without prior approval of the Board. All work on the project shall be performed under the observation of the Engineer. The Engineer may request a pre-construction meeting with the developer and the contractor.
- D. Materials and workmanship: All materials and workmanship utilized on the project shall be subject to the review and approval of the Engineer, acting on behalf of the Board. The developer shall submit three copies of all shop drawings, details and the like which are requested by the Engineer.
- E. Defective workmanship or materials: Any portion of the work which is found to be defective or not in complete conformance with the approved plans or these specifications shall be corrected by the developer, at his expense, before the project is accepted by the Board.
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35. Editor's Note: See Ch. 403, Sewer Use Rules and Regulations.

- F. Permits: The developer, and his contractor, shall conform to all federal, state and local laws, rules, and regulations in the conduct of their work. The developer shall obtain all permits and licenses required by all federal, state, or local authorities.
- G. Engineering services: All engineering services required by the Board on the project shall be performed under the "agreement for engineering services" between the developer, the Board and the Engineer. The Engineer shall be given 48 hours notice of the initiation of work on the project. If the work on the project is interrupted, the Engineer shall be given additional notice of 48 hours for each subsequent starting of the work. All fees for engineering services required by the Board on the project will be established in the agreement for engineering services, and all fees for field services will be based on a four-hour minimum charge per day.
- H. Insurance:
- (1) The developer shall purchase and maintain such comprehensive general liability and other insurance as is appropriate for the work being performed. The specific coverages and limits of liability shall be as required by law. The minimum amount of comprehensive general liability insurance coverage shall be as follows:
    - (a) Bodily injury:
      - [1] \$1,000,000 each person.
      - [2] \$2,000,000 each occurrence.
    - (b) Property damage:
      - [1] \$1,000,000 each occurrence.
      - [2] \$2,000,000 annual aggregate.
  - (2) Certificates of insurance, which are acceptable to the Board, shall be submitted to the Board prior to the commencement of the work. These certificates shall contain a provision to the effect that coverages afforded under the policies will not be canceled unless at least 30 days prior written notice has been given to the Board.
- I. Record drawings: The developer shall furnish all data, which the Engineer determines is necessary, to prepare record drawings of the completed project for the Board.
- J. Notification: The developer shall be fully responsible for the proper notification of all underground utility locating services and any utilities which may be affected by the work.
- K. Grades and layout: All roads and easements, through which any sewer or appurtenances are to be constructed, shall be at the proposed subgrade elevation before the sewer construction begins. The developer shall be responsible for and shall furnish all engineering design, field layout, grades and supervision, which is necessary for the project.
- L. Testing: The developer shall conduct all tests which are required by these specifications and which may be required by the Engineer. All tests shall be conducted in the presence of the Engineer and at such time as is acceptable to the Engineer. The developer shall also provide all manpower which is necessary to assist the Engineer in any visual inspections or tests which the Engineer may perform.
- M. Supervision by developer: The developer will supervise and direct all the work on the project, including the work of any contractor employed by the developer. The developer expressly accepts all

responsibility for the construction means, methods, techniques, sequences and procedures and for safety precautions and programs. The developer shall employ and maintain a qualified supervisor or superintendent on the project who shall have been designated in writing by the developer as the developer's representative at the site. The supervisor shall have full authority to act on behalf of the developer, and all communications given to the supervisor shall be as binding as if given to the developer. The supervisor shall be present on the site at all times as required to perform adequate supervision and coordination of the work.

- N. Rules and regulations: The developer shall be responsible for complete adherence to the Sewer Use Rules and Regulations of the Board,<sup>36</sup> particularly with regard to the requirements for obtaining all permits and licenses. The developer shall also be responsible for obtaining all other federal, state and local permits, which are required, before the work begins. The developer shall present evidence which is satisfactory to the Board that all permits have been obtained, before the work begins.
- O. Tripartite bond agreement: The developer shall be required to execute a tripartate bond agreement with the Board and an escrow agent, which is approved by the Board. The tripartate bond agreement shall secure the performance of the developer's obligation to complete the installation and testing of the sanitary sewers and appurtenances and the restoration of all areas affected by the developer's operations. A copy of a sample of a tripartate bond agreement is attached to these specifications.
- P. Agreement for engineering services: The developer shall be required to execute an agreement for engineering services with the Board and the Engineer. The agreement shall outline the engineering services which will be provided by the Engineer for the Board. These engineering services will generally consist of the review of the developer's project plans for the Board; the observation on behalf of the Board of the construction by the developer of sanitary sewers and appurtenances; and the preparation of record drawings of the completed sanitary sewer and appurtenances for the Board. The developer shall be responsible for payment of the Engineer's fee for performance of these services.

#### **§ 402-2. Excavation and backfill.**

##### **A. Excavation:**

- (1) General: The developer shall make all excavations in earth and rock necessary or incidental to construct the proposed work as shown on the approved plans. All excavations shall be by open cut, except as otherwise permitted by the Engineer, and shall be of sufficient width to allow for thorough compaction of the refill material and for the inspection of the work.
- (2) Sheet piling and bracing: The developer shall furnish and place such sheet piling and bracing as may be required to properly perform the work. Sheet piling and bracing shall be permanently left in place, if requested by the Engineer.
- (3) Depth of trench - earth: Bottom of earth trenches shall be excavated four inches below the barrel of the pipe to provide for granular bedding of the pipe, as specified under § 402-3.
- (4) Depth and width of trench - rock: The bottom of rock trenches shall be excavated a minimum of six inches below the barrel of the pipe and a minimum of nine inches clear on each side of the pipe.
- (5) Blasting: The removal of rock by blasting shall be accomplished by licensed individuals, and

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36. Editor's Note: See Ch. 403, Sewer Use Rules and Regulations.

the developer shall obtain all necessary permits before the blasting occurs. All handling, storage and use of explosives shall be in accordance with the requirements of MGL c. 148, §§ 10 to 27 inclusive, latest revisions or additions thereto. Where ledge rock is encountered, the developer shall take accurate measurements from the top surface of the ledge to the proposed invert of the pipe. This information shall be recorded and made available to the Engineer.

(6) Excavation in public ways:

- (a) All trench excavation in existing public ways shall be subject to the requirements of the rules and regulations of the Town of Barre Highway Department and the Massachusetts Department of Public Works. The developer shall be responsible for obtaining all street opening permits and licenses which are required.
- (b) Excavation in streets having an improved pavement shall be preceded by cutting the existing pavement so that pavement beyond the trench limits will not be disturbed. Before resurfacing, the edges of the pavement shall be inspected and recut if found to be broken or ragged. The developer shall furnish all materials and do all the work necessary to restore the street to its original condition and pavement depth. All work shall be subject to inspection and approval of the Barre Highway Department and the Massachusetts Department of Public Works.

(7) Unsuitable foundation material: The developer shall remove all material that is determined to be unsuitable foundation material and refill the excavation with bank gravel, screened gravel or concrete, as determined by the Engineer.

(8) Dewatering: The developer shall dewater the area in which work will be performed to allow the construction to proceed in conformance with these specifications. All water from dewatering operations shall be disposed of by the developer in a manner which is acceptable to the Engineer.

B. Backfilling:

(1) General: The trenches and other excavations shall be backfilled as soon as possible after completion of the work. No backfilling shall be done until the Engineer has completed his observations.

(2) Materials and placement:

- (a) The area below the pipe, and extending to a point six inches above crown of PVC pipe and to the side limits of the trench as excavated, shall be backfilled with screened gravel and compacted. The area below the pipe, and extending to a point half way up the barrel of ductile iron pipe and to the side limits of the trench as excavated, shall be backfilled with screened gravel and compacted.
- (b) The remaining volume of the trench above the screened gravel to a point 12 inches below the ground surface shall be backfilled with ordinary borrow, which has been approved by the Engineer. No rock fragment weighing more than 50 pounds will be permitted in the ordinary borrow. The ordinary borrow shall be placed in twelve-inch layers and thoroughly compacted, using mechanical compacting equipment.
- (c) The final 12 inches of the trench which is directly beneath the finished grade on paved surfaces shall be backfilled with bank gravel and compacted in six-inch layers, using mechanical compacting equipment.

- (d) The developer shall be fully responsible for the proper backfilling and compaction of all trench bedding and refill material. Alternate methods of compaction shall be submitted to the Engineer for approval before the work begins.
- (e) The final 12 inches of the trench which is directly beneath the finished grade on unpaved surfaces shall be backfilled with eight inches of bank gravel and four inches of loam. The bank gravel shall be thoroughly compacted with mechanical compacting equipment. All loam shall be approved by the Engineer. Final restoration of disturbed areas by seeding, sodding, mulching or other method shall be approved by the Engineer.

### **§ 402-3. Pipe and fittings.**

#### **A. PVC pipe and fittings:**

- (1) PVC main sewers: Pipe and fittings for main sewer shall be polyvinyl chloride (PVC), which meets the requirements of ASTM-D-3033 or D-3034-77 (latest revision) and which has a pipe diameter to wall thickness ratio (SDR) of 35. Maximum pipe length shall be 13.0 feet, and the elastometric ring, bell and spigot style joint shall meet the requirements of ASTM D3212-76 (latest revision).
- (2) PVC lateral sewers: Pipe and fittings for lateral sewers shall be polyvinyl chloride (PVC) meeting the same requirements as the main pipe. Fittings shall be molded, one-piece construction, and a PVC cap, designed for use on a bell end of a pipe, shall be installed on each lateral sewer.

#### **B. Ductile iron pipe and fittings:**

- (1) Ductile iron pipe force mains: Force mains shall be constructed using ductile iron pipe and fittings. Ductile iron pipe shall meet the requirements of ANSI A21.51-76 (latest revision), fittings shall meet the requirements of ANSI A21.10-71 (latest revision), and mechanical joints shall meet the requirements of ANSI A21.11 (latest revision).
- (2) Ductile iron gravity sewers: In areas where ductile iron gravity sewer pipe is required by regulation or as directed by the Engineer (such as in shallow trenches; when passing through existing drainage structures or manholes; and in proximity to water supplies or recreational areas) the developer shall furnish and install Class 52 ductile iron pipe and fittings. Tees or wyes with mechanical joints shall be furnished and installed for lateral sewers. A mechanical joint plug or cap shall be furnished and installed on the lateral inside the property line to allow air testing of the system.

#### **C. Pipe laying:**

- (1) Lines and grades: The developer shall provide all engineering services which may be required to ensure that the pipelines are constructed in accordance with the approved plans and these specifications. Laser beam aligning equipment will be permitted if the developer demonstrates that the equipment and operators can produce the required line and grade of the sewer to be constructed.
- (2) Handling and storage:
  - (a) All pipe shall be handled carefully to avoid injury to persons, other structures, or to the pipe itself. Only equipment or methods approved by the Engineer shall be employed in handling pipe. Pipe or fittings damaged, for whatever reason, shall be removed from the

job site immediately.

- (b) Care shall be taken to stack and store all PVC pipe properly and in accordance with the pipe manufacturer's recommendations. All PVC pipe shall have a straight barrel. The deflection of the pipe prior to installation shall not exceed 1/16 inch per two-foot length.
- (3) Foundation: All pipe shall be laid on a stable foundation to prevent settlement. All material which is determined to be unsuitable by the Engineer shall be removed and replaced with suitable material as described in these specifications.
- (4) Bottom of trench and bedding:
  - (a) In general, the bottom of the trench shall be excavated to a depth of four inches below the bottom of the pipe barrel and a compacted granular bedding placed for pipe laying. The granular bedding shall be washed screened gravel or crushed stone, ranging in size from 1/2 to one inch. After the pipe has been set to line and grade, additional granular material, of the same size and characteristics as that which has been placed below the pipe, shall be lightly tamped in place to a point six inches above the barrel of the pipe. This material, and the granular material beneath the pipe, shall be placed to the full width of the trench, as excavated, or to the inside surfaces of the sheeting.
  - (b) Similar bedding shall be provided in rock trenches except that there shall be six inches clear under the pipe to the rock surface and nine inches clear on each side. Under no circumstance will the pipe be permitted to bear directly on the rock. All backfilling shall be performed in accordance with § 402-2 of these specifications.
- (5) Exclusion of mud or dirt: Care shall be taken by the developer to exclude mud and/or water containing dirt from entering the pipelines. Temporary plugs shall be installed and the developer shall weight the pipes or backfill to prevent flotation from water in the trench.
- (6) Concrete cradles and envelopes: The developer shall install a half section, or full envelope section, of concrete around the pipe when called for by design or if determined by the Engineer. All concrete cradles or envelopes shall be approved by the Engineer.
- (7) Jointing:
  - (a) Polyvinyl chloride (PVC) pipe shall be bell-and-spigot-type joint, with elastometric ring supplied by pipe manufacturer. Immediately prior to jointing, the spigot, bell and gasket shall be thoroughly cleaned and a lubricant applied, as supplied by the pipe manufacturer. Extreme care shall be exercised during the jointing process, to ensure that the pipe is in the correct position within the bell. Pullers, or other types of mechanical equipment which may damage the pipe or joint, shall not be allowed.
  - (b) Ductile iron pipe joints shall be mechanical. The bell and spigot shall be washed clean and, after installing the rubber ring and gland, the bolts shall be tightened, in alternating sequence, with a torque wrench set at 75 foot pounds.
- (8) House service connections:
  - (a) House service connections (lateral sewers) shall be six-inch diameter polyvinyl chloride (PVC) SDR 35, with corresponding wye branch, sweep, and cap. Connections to the main sewer shall be made at a wye branch which has been installed during installation of the main sewer.

- (b) House service connections shall be installed to a point beyond the sideline of the roadway layout and capped to allow testing prior to connection to a building. Laterals shall be laid in granular bedding, as specified for main sewer pipe, and the same backfilling procedures shall be followed throughout the installation.
  - (c) Lateral sewers may be connected to existing main sewers with cast-iron saddles. Saddles shall be cast iron with a rubber ring at the joint to the main. The joint to the lateral pipe shall be rubber ring or boot with stainless steel clamps. Mortar joints will not be acceptable. The saddle shall be attached to the main by the use of a wide-band stainless steel strap and stainless steel bolts. The opening in the main sewer for installation of the saddle shall be machine cut, using a six-inch diameter shell cutter. The use of a hammer and chisel or hand tools to make the opening will not be permitted.
  - (d) A lateral shall not be connected to a building until a permit to connect has been issued by the Board. Permits to connect laterals to buildings shall not be issued until mains and laterals have been tested and accepted by the Board. All connections from house sewers to the main sewer shall be performed in accordance with these specifications and by licensed drainlayers.
  - (e) In locations where ductile iron pipe main sewers and laterals are required, the developer shall furnish and install six-inch diameter branch wyes with mechanical joints and six-inch diameter Class 52 ductile iron pipe with mechanical joint fittings and end caps.
  - (f) At such time as the building sewer has been connected to the town's sewer system, any existing septic tanks, cesspools and similar private wastewater disposal facilities shall be abandoned and filled with sand, gravel or other suitable material which is acceptable to the Board and the Engineer.
- (9) Chimneys: Chimneys shall be furnished and installed as required by the depth of the sewer main and as determined by the Engineer. Chimneys shall be precast concrete sections which are specifically manufactured for this purpose. Alternate methods of construction shall be approved by the Engineer.
- (10) Force mains:
- (a) Force mains shall be ductile iron mechanical joint pipe, furnished and installed by the developer, from the lift station to the point of discharge. Ductile iron pipe shall be Class 52, cement lined, tar coated and sealed, with compatible fittings. All fittings shall be installed with concrete thrust blocks.
  - (b) In combination trenches, which contain both the gravity sewer and the force main, the force main shall be laid on a shelf excavated in the side of the trench. A minimum of four to six inches of cover material shall be maintained in all cases.
- (11) Testing:
- (a) Gravity sewers, including laterals, shall be air tested for leakage after backfilling and compaction has been completed, and the base course of bituminous concrete has been installed. The equipment and method used to conduct the air test will be subject to the approval of the Engineer. The developer shall furnish all labor and equipment for testing. No sewers will be accepted by the Board until all testing is completed to the satisfaction of the Engineer.

- (b) In general, a section between two manholes shall be isolated by inflatable plugs. Air shall be introduced into the pipeline to an internal pressure 4 psig greater than the average back pressure of the groundwater, or an increase of .434 psi for each foot of water above the top of the pipe. After stabilizing the pressure at 3.5 psig minimum, the air line shall be disconnected, and the pressure drop, if any, observed. The line shall be termed acceptable if the time required, in minutes, for the pressure to decrease to 2.5 psig is not less than one minute per inch of diameter.
  - (c) The developer shall submit to the Engineer a record of the location and cause of each leak encountered, along with his method for replacement or repair, for approval, prior to completion of the work. A second test shall be made to determine the acceptability of the work. Any pipe which fails the air test shall be replaced or repaired to the satisfaction of the Engineer.
- (12) Cleaning and visual inspection:
- (a) After laying of the pipe is completed between manhole sections, the interior of the sewer pipeline shall be thoroughly cleaned of construction debris or other foreign matter. The section shall then be closed off by bulkheads at the outlet side of the manholes. All bulkheads shall be sufficient to prevent the wash of mud or dirt into the completed section of pipeline. Upon completion of the entire line, the bulkheads shall be removed, and any debris shall be cleared from the pipes and manholes.
  - (b) Prior to acceptance, the Engineer shall conduct a visual inspection of the pipeline, and the developer shall supply all materials and labor necessary for this inspection.
- (13) Deflection test - PVC pipe: All PVC pipe shall be checked for deflection after backfilling and compaction is complete. The pipeline to be checked shall be thoroughly cleaned prior to testing. A mandrel shall then be pulled through the pipe to check overall deflection. The mandrel shall have an OD 5% less than the pipe ID. A pipe through which a mandrel can not be pulled without extreme force shall be considered to have failed the test. Pipe which has failed the test shall be excavated and replaced. The pipe shall be retested after backfilling and compaction is complete.
- (14) Leakage test - force mains: Force main pipes shall be tested with water pressure. The pipe shall be slowly filled with water, and all the air shall be expelled at the discharge end of the force main. The discharge end shall then be plugged and blocked and the pressure inside the force main raised to 150 pounds per square inch. The amount of water added to the pipeline, to maintain this pressure, shall be metered, and if the amount added exceeds one gallon the pipe shall be considered to have failed the test. The developer shall locate the leak or leaks and shall make all necessary repairs. The pipes shall then be retested.

#### **§ 402-4. Miscellaneous structures.**

The developer shall submit to the Engineer four copies of materials and method of construction of all miscellaneous structures which shall include, but not be limited to, the following: pump stations, inverted siphons, culvert or stream crossings, railroad crossings, state highway encroachment, and drain sump manholes.

#### **§ 402-5. Bank gravel; screened gravel; ordinary borrow.**

- A. Bank gravel: Bank gravel shall be furnished and placed by the developer as trench refill for roadway subbase and for all other disturbed areas. Bank gravel shall consist of hard, durable stone and coarse



sand free from loam, clay, mud or other unacceptable materials.

- B. Screened gravel: Screened gravel shall be furnished and placed by the developer as granular bedding material for the pipelines and may be washed and graded bank-run gravel or crushed stone ranging in size from 1/2 inch to one inch.
- C. Ordinary borrow: Ordinary borrow shall be furnished and placed by the developer as trench refill material. It shall not contain any rock fragment weighing more than 50 pounds, and it shall be free of loam, clay, vegetation or other unacceptable material.
- D. Approval: All bank gravel, screened gravel and ordinary borrow shall be approved by the Engineer before incorporation into the work.

#### **§ 402-6. Manholes.**

A. General description:

- (1) Precast structures: Manholes shall be constructed of reinforced precast concrete in monolithic sections and shall meet the applicable requirements of ASTM Spec. C 478-70T (latest revision). Manholes shall generally consist of a base section, barrel sections and a dome or flat top section. All precast manhole sections shall be designed for H-20 loading.
- (2) Pipe connector: Pipe-to-manhole connections shall be made with a flexible rubber boot and stainless steel clamp. The flexible rubber boot shall be installed during manufacture of precast manhole sections and shall include a stainless steel screw clamp designed specifically for use on the size and type of pipe utilized on the project. A continuous bead of silicone shall be applied to the inside of the boot at the clamp location, prior to installation of the pipe.
- (3) Section joints: Joints between manhole sections shall be sealed with butyl rubber sealant compound.
- (4) Brick: Red clay brick for constructing the table and the invert, and for adjusting castings to grade, shall be hard burned, and shall conform to ASTM C32 (latest revision). Cement bricks or blocks will not be allowed.
- (5) Steps: Manhole steps shall be aluminum alloy 6061 T6, extruded, safety type, cast in place, 12 inches on center, in the barrel and dome sections. The portion of step imbedded in concrete, plus an additional two inches, shall be coated with aluminum oxide.
- (6) Frames and covers:
  - (a) Cast-iron frames and covers shall meet the requirements of ASTM Specification of Grey Iron Castings, Cast Iron Class 20. All castings shall be clean and without blow holes or sand holes or defects of any kind. Plugging or other stopping of holes will be cause for rejection. Castings shall not vary more than 5% from the specified weight.
  - (b) All manhole frames and covers shall be carefully cleaned of all rust, dirt, and scale, and then shall be given a full coat of coal-tar pitch varnish which is applied hot. The finish of the castings shall be satisfactory to the Engineer. Any rusted or uncoated surfaces shall be cause for rejection of the castings.
  - (c) Manhole covers shall closely fit the frames. The underside of the cover and upper side of the lip of the frame must present parallel plane surfaces. These points of contact shall be

machined to prevent the covers from rocking in the frames. Covers shall bear evenly on the frames for the entire circumference and shall be interchangeable with other frames.

- (d) Manhole frames and covers shall be the Massachusetts Department of Public Works Standard (Plate 201.6.0) and, in general, shall be eight inches in height with a twenty-four-inch clear opening. The total weight of the frame plus the cover shall be a minimum of 475 pounds. The manhole cover shall have three-inch high letters ("SEWER") cast into the top.
  - (e) Watertight frames and covers shall be as manufactured by LeBaron Foundry Co., Model LBW 268-2, C.M. White Iron Works, or Mechanics Iron Foundry Co., or equal. In general, frame shall be eight inches high with a twenty-two-inch clear opening, complete with interior cover, locking bar and sealed seating surfaces. Watertight frames and covers shall be used where indicated on the approved drawings or as determined by the Engineer.
- (7) Grade adjustment: Red clay brick shall be used for grade adjustment, with all joints completely filled with mortar. The inside and outside faces of the brick shall also be covered with mortar and troweled smooth. The maximum height allowable for grade adjustment with brick masonry shall be 12 inches.

**B. Installation:**

- (1) Base: The developer shall excavate to a depth of six inches below the bottom of the manhole base, compact and fine grade, and install washed screened gravel subbase material. Base section shall be installed at the correct grade and leveled. Pipes shall be installed and shall extend approximately one inch inside the interior wall. The clamps on the rubber boot shall be tightened and mortar shall be troweled on the inside face of the manhole at the pipe connection.
- (2) Joints: Joint between the base section and the barrel section shall be brushed clean, and a strip of butyl rubber shall be placed completely around the joint prior to placement of the barrel section. Once the barrel section has been placed, a timber shall be placed across the top of the dome, and a controlled downward pressure shall be applied with the hydraulic excavating machine to complete the joint. The same method shall be used in making the joints between the remaining barrel sections and dome section. A precast concrete flat slab top section shall be used if height limitations prohibit the use of a dome section, or as determined by the Engineer.
- (3) Grout: All lift holes and interior manhole joints shall be filled with nonshrink grout and smoothed.
- (4) Brick and mortar:
  - (a) Inverts and table shall be constructed of red clay brick with mortar joints. Care shall be taken in construction of brick inverts that the width of the invert shall be slightly larger than the ID of the larger of the pipes entering the manhole wall. Bricks shall be laid in a full bed of mortar with push joints, and all brick shall be thoroughly wet immediately before laying.
  - (b) Mortar shall be made of one part of Portland cement and two parts of clean fine sand, well mixed and tempered. Water shall be clean and free from impurities affecting its value. Sand and cement shall be first thoroughly mixed dry and only enough water added to make the mortar uniform and workable. No greater quantity of mortar is to be prepared than is required for immediate use, and it shall be constantly worked until used. Any mortar that has once set shall not be retempered and used in the work.

- (c) The table shall be constructed at an elevation even with the top of the pipe, and shall slope up toward sidewalls. Inverts shall be constructed in a manner to provide smooth flow through manholes, with no sharp turns or projecting portions of brick. Brick for inverts shall be laid on edge. Brick for the table shall be laid flat.
- (d) Frames shall be set upon a full bed of mortar, and mortar shall be brought up alongside of the frame to provide a watertight joint.
- (5) Dimensional restrictions: Maximum allowable distance between manholes shall be not greater than 300 feet.

C. Drop inlets:

- (1) In general, the use of a drop inlet will not be approved unless a direct inlet is shown to be impractical.
- (2) If approved, drop inlets shall be constructed using tees and a section of pipe, which are the same size as the main, and all encased within Class B concrete. Concrete shall be placed upon the same subbase material as the manhole. A brick masonry dam shall be constructed in the outlet of the upper pipe at the interior face of the manhole, and extend from the invert to 3/4 pipe.

D. Approval and testing:

- (1) All manholes delivered to the site shall be subject to the approval of the Engineer. Any rejected manholes shall be immediately removed from the site by the developer.
- (2) All manholes shall be vacuum tested by the developer. All testing shall be performed under the observation of the Engineer. The developer shall be responsible for providing all labor and equipment required to complete the tests. Individual manholes shall be tested by plugging all inlet and outlet piping and placing an approved vacuum base at the top of the manhole cone section. An initial vacuum of 10 inches Hg shall be drawn. The test time shall be that time allowed for the pressure to drop from 10 inches Hg to nine inches Hg. Maximum allowable test times shall be as follows:

<b>Manhole Depth</b>	<b>Maximum Test Time</b>
0 to 10 feet	1 minute
10.1 to 15 feet	1 minute 15 seconds
15.1 to 25 feet	1 minute 30 seconds

- (3) Manholes which fail to meet the above allowable test times shall be repaired using methods approved by the Engineer. Manholes shall then be retested using the vacuum test. Following a second vacuum test failure, the manhole shall be repaired and tested using a water exfiltration method, as determined by the Engineer.

**§ 402-7. Concrete masonry.**

- A. Concrete masonry: Concrete masonry shall be used for thrust blocking, foundation material, pipe cradles (half section or full section), manhole drop inlets, chimney encasement or as otherwise determined by the Engineer.
- B. Concrete: Concrete shall be mixed using Portland cement, crushed stone and clean, hard sand with

enough clean water to ensure proper mixing. Concrete may be job mixed or ready mixed, a nominal 1:2.5:5 mix, and shall contain not less than 4.5 bags of cement per cubic yard.

- C. Steel reinforcement: Steel reinforcement shall be deformed bars of approved type and structural quality free from dirt or rust and shall be bent as required and accurately placed with depth of cover not less than two inches.

**§ 402-8. Bituminous concrete resurfacing.**

Type I-1 bituminous concrete shall be used to resurface trenches in existing public ways in accordance with the rules and regulations of the Town of Barre Highway Department or the Massachusetts Department of Public Works, whichever governs. Specific depths and details of composition of materials are to be as agreed upon in the application for the permit to open the public way. The developer shall recut the edges of the trench in approximately parallel lines; the edges shall be brushed clean, and a coat of RS-1 shall be applied to act as a bonding agent, prior to resurfacing.

## SEWER USE RULES AND REGULATIONS

### Chapter 403

## SEWER USE RULES AND REGULATIONS

**[HISTORY: Adopted 4-11-1988 STM, Art. 15; amended 6-17-1991; 10-21-1991; 6-21-1993. Subsequent amendments noted where applicable.]**

#### GENERAL REFERENCES

Cross-connection control — See Ch. 33.

Sewer construction standard specifications — See Ch. 402.

Surface water control — See Ch. 112.

## ARTICLE I

**Purpose; Applicability; Revenue****§ 403-1. Principal objectives.**

The principal objectives of these rules and regulations are:

- A. To prevent the introduction of pollutants into the public sewer and treatment works system which will interfere with the operation of the system or contaminate the resulting sludge;
- B. To prevent the introduction of pollutants into the public sewer and treatment works system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- C. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

**§ 403-2. Applicability; enforcement authority.**

These rules and regulations shall apply to the Town of Barre and to persons outside the town who are, by contract or agreement with the town, users of the town's public sewer and treatment works system. Except as otherwise provided herein, the Board of Sewer Commissioners of the Town of Barre shall administer, implement, and enforce the provisions of these rules and regulations.

**§ 403-3. Designated fund for revenues.**

The revenues collected, as a result of the user charges levied, shall be deposited in a separate nonlapsing fund known as the "Operation, Maintenance and Replacement Fund." Fiscal year-end balances in the Operation, Maintenance and Replacement Fund shall be used for no other purposes than those designated.

ARTICLE II  
Assessments

**§ 403-4. Establishment of user charge system by Board of Sewer Commissioners.**

The Board of Sewer Commissioners (BSC), established by the Town of Barre under the provisions of MGL c. 83, § 16, shall establish the sewer user charge system for the operation, maintenance, replacement and use of treatment works.

**§ 403-5. Computation of assessments.**

- A. The following definitions apply to the determination and levying of assessments for sewer betterments under the user charge policy.

ASSESSMENTS — An amount assessed to a property owner to provide an equitable distribution of the costs of construction of the treatment works.

PROPERTY — A parcel(s) of real estate owned by an individual(s) or other legal entity, as shown on the Assessor's map with a designation for reference to the property owner(s).

SEWER BETTERMENTS — The value of the treatment works to the property owner.

UNIT — Each sewer unit shall be equal to a single-family residence.

- B. The assessment to property owners for sewer betterments shall be computed by the BSC, and a predetermined amount shall be charged per unit adjacent to the public sewer in a public or private right-of-way or sewer easement.
- C. A uniform unit method is based upon sewerage construction costs divided among the total number of existing and potential sewer units to be served, after having proportioned the cost of special and general benefit facilities.
- D. Each sewer unit shall be equal to a single-family residence. Potential sewer shall be calculated on the basis of zoning then in effect. Existing and potential multifamily, commercial, industrial and semipublic uses shall be converted into sewer units on the basis of residential equivalents. (MGL c. 83, § 15)
- E. Potential units may apply for a deferral in payment of the betterment until such property is actually sold or construction is completed. This deferral in payment shall not exceed five years. It should be calculated on the basis of zoning then in effect.
- F. Any units not identified as actual or potential at the time of construction, and wish to connect at a later date, will be assessed a betterment determined by the Board of Sewer Commissioners.
- G. Betterment equivalent fees.
- (1) In the event that a unit(s) is added to a parcel or that a unit(s) is added to a subdivided parcel, at any time after the July 31, 1991, assessment and billing of the betterment lien or liens, the additional unit(s) shall be charged a unit betterment equivalent fee, according to the following schedule:
    - (a) \$1,200 per unit.
    - (b) \$600 per 1/2 unit. The 1/2 unit would be an addition to a full unit. The minimum assessment is for one unit, 500 square feet or less.

- (2) Said unit betterment equivalent fees, as applicable, shall be paid prior to the issuance of the connection permit by the BSC for the connection to the sewer main line/sewer line. When a new/additional connection to the sewer main line/sewer line is made an administrative connection fee shall also be charged. This administrative connection fee shall be paid prior to the issuance of the connection permit.
- H. In the event that an additional unit(s) and/or 1/2 unit(s) is constructed on an existing structure, which has been already assessed and billed a betterment lien(s), the unit betterment equivalent fee shall be paid at the time the building application is submitted to the Building Department for the construction of the unit(s) or 1/2 unit(s).
- I. Determination of units for assessments shall be obtained to the extent possible from the appropriate official maps of the Board of Assessors (hereinafter called "Assessor's maps") which are current at the time of original assessment; and Zoning Bylaws which are in effect.<sup>37</sup>
- J. When a property is not adjacent to a public sewer, but access to the public sewer may be by easement, the assessment for sewer betterments shall be at the time of connection to the public sewer.
- K. Assessments to be made under this regulation shall be determined by the BSC, who shall file with the Board of Assessors a certificate designating the way on which the property lies, the amount of assessment, and the person or persons liable to assessment therefor as of the preceding January 1. A copy or duplicate of said certificate shall, within 30 days, be recorded in the Registry of Deeds for the County of Worcester, or, in the case of registered land, filed in the office of the Assistant Recorder for the Worcester County Registry District. The Board of Assessors shall, upon receipt of such certificate, forthwith commit such assessment with their warrant to the Collector of Taxes who shall forthwith serve notice upon the person or persons designated as the owner of each parcel assessed, and shall collect the assessment in accordance with MGL c. 80.

#### **§ 403-6. Abatement and exemptions.**

- A. The owner of any real estate upon which sewer betterments have been assessed may, within 30 days after notice of such assessment has been sent out by the Tax Collector, file with the BSC a petition for an abatement thereof. The Board shall thereupon process and act upon said petition in the manner prescribed in MGL c. 83.
- B. The owner of any real estate upon which betterments have been assessed shall have available to him all rights of abatement, appeal, apportionment and reapportionments provided by MGL c. 80 or by c.83.
- C. The owner of any real estate upon which existing and/or potential betterments have been assessed may, within 30 days after notice of such assessment has been sent out by the Tax Collector, file with the BSC a petition for a deferral thereof.

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37. Editor's Note: See Ch. 140, Zoning.



ARTICLE III  
**Connections**

**§ 403-7. Deadline for connection; exemption.**

All sewer service lateral connections must be connected by September 20, 1993. The only exemptions will be those commercial, industrial and residential buildings which are declared uninhabitable by the Building Inspector, in written documentation, after an on-site inspection.

**§ 403-8. Penalty for failure to connect by deadline.**

The per-day penalty for failure to connect by September 20, 1993, will be \$200 for the first day and \$10 for each additional day. The Board of Health may require service lateral connections prior to September 20, 1993.

ARTICLE IV  
**Definitions and Abbreviations**

**§ 403-9. Copy on file.**

A copy of the definitions and abbreviations adopted by the Board of Sewer Commissioners is on file at the Henry Woods Building.

ARTICLE V  
**Regulations**

**§ 403-10. General discharge prohibitions.**

- A. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the public sewer or treatment works (PSTW). These general prohibitions apply to all such users of a PSTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, commonwealth, or local pretreatment standards or requirements. A user may not contribute the following substances to any PSTW:
- (1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the PSTW or the operation of the PSTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Town of Barre, the commonwealth or EPA has notified the user as a fire hazard or a hazard to the system.
  - (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to grease, garbage with particles greater than 1/2 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grain, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
  - (3) Any wastewater having a pH less than 6.0 or in excess of 9.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the PSTW.
  - (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the PSTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not limited to, any pollutant identified pursuant to Section 307(a) of the Act.<sup>38</sup>
  - (5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
  - (6) Any substance which may cause the PSTW's effluent or any other product of the PSTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the PSTW cause the PSTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed

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38. Editor's Note: The "Act" refers to the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), also known as the "Clean Water Act," as amended.

under Section 405 of the Act; any criteria, guideline, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or commonwealth criteria applicable to the sludge management method being used.

- (7) Any substance which will cause the PSTW to violate its National Pollution Discharge Elimination System (NPDES) permit or the receiving water quality standards.
  - (8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye and vegetable tanning solutions.
  - (9) Any wastewater having a temperature which will inhibit biological activity in the PSTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the PSTW which exceeds 40° C. (104° F.), unless the PSTW treatment plant is designed to accommodate such temperatures.
  - (10) Any pollutants, including oxygen-demanding pollutants released at a flow rate and/or pollutant concentration which will cause interference to the PSTW. In no case shall slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than 15 minutes more than five times the average twenty-four-hour concentration, quantities, or flow during normal operation.
  - (11) Any wastewater containing any radioactive wastes or isotopes or such half-life or concentration as may exceed limits established by the Plant and Systems Manager (PSM) in compliance with applicable commonwealth or federal regulations.
  - (12) Any wastewater which causes a hazard to human life or creates a public nuisance.
  - (13) Any water from pools, reservoirs, or cellars.
  - (14) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
  - (15) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Sewer Commission in compliance with applicable commonwealth or federal regulations.
- B. When the PSM determines that a user is contributing to the PSTW any of the above-enumerated substances in such amounts as to interfere with the operation of the PSTW, the PSM shall advise the user of the impact of the contribution on the PSTW and develop effluent limitation(s) for such user to correct the interference with the PSTW.
- C. If any water or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 404-10A of this article, and which in the judgment of the Sewer Commission may have a deleterious effect upon the treatment works, processes, equipment, or receiving water, or which otherwise create a hazard to life or constitute a public nuisance, the Sewer Commission 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; and/or

- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

**§ 403-11. Use of public sewers required.**

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Barre any human or animal excrement, garbage, or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the Town of Barre any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these rules and regulations.
- C. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town of Barre and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer, shall at his own expense install suitable toilet facilities therein, and connect such facilities to the public sewer in accordance with the provisions of these rules and regulations, within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of the property line.
- D. In any new subdivision, the cost of the sewer connection to the existing sewer shall be borne by the developer.
- E. 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 Sewer Commission that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Sewer Commission will give consideration to such factors as the quantities of subject wastes in relations 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. The substances prohibited are:
  - (1) Any liquid or vapor having a temperature higher than 140° F.
  - (2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150° F. (0° and 65° C.).
  - (3) 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 Sewer Commission.

**§ 403-12. Federal Categorical Pretreatment Standards.**

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under these rules and regulations for sources in that subcategory, shall immediately supersede the limitations imposed under these rules and regulations. The PSM shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

**§ 403-13. Modification of Federal Categorical Pretreatment Standards.**

Where the Town of Barre's treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the Sewer Commission may apply to EPA for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to less toxic or harmless state in the effluent which is achieved by the system 95% of the samples taken when measured according to the procedures set forth in Section 403.7c(2) of Title 40 of the Code of Federal Regulations, Part 403, "General Pretreatment Regulations for Existing and New Sources of Pollution," promulgated pursuant to the Act. The Town may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR Part 403, Section 403.7, are fulfilled and prior approval from EPA is obtained.

**§ 403-14. Specific pollutant limitations.**

- A. No person shall discharge or convey, or permit or allow to be discharged or conveyed, to a public sewer any wastewater containing pollutants of such character or quantity that will:
  - (1) Not be susceptible to treatment or interference with the process of efficiency of the treatment system.
  - (2) Constitute a hazard to humans, or to the stream or watercourse receiving the treatment effluent.
  - (3) Violate pretreatment standards.
  - (4) Cause the treatment plant to violate its NPDES permit or applicable receiving water standards.
  - (5) Result in degradation of water quality, from dischargers using dilution methods to comply with concentration limitations rather than installing and operating pretreatment facilities.
- B. If wastewaters contain any substance of such character or quality that will cause the aforementioned and are discharged or proposed to be discharged into the sewer system, the Sewer Commission may take any action necessary to:
  - (1) Prohibit the discharge of such wastewater.
  - (2) Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with these rules and regulations.
  - (3) Require pretreatment, including storage facilities, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations.
  - (4) Require the person making, causing or allowing the discharge to pay any additional cost or expense incurred by the handling and treating of excess loads imposed on the treatment system.
  - (5) Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of these rules and regulations.

**§ 403-15. Commonwealth requirements.**

Commonwealth requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in these rules and regulations.

**§ 403-16. Right of revision.**

The Board of Sewer Commission reserves the right to amend, by rules and regulations, more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Article I of these rules and regulations.<sup>39</sup>

**§ 403-17. Excessive discharge.**

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Town of Barre or the commonwealth.

**§ 403-18. Accidental discharges.**

- A. Each user shall provide protection from accidental discharge of prohibited material or other substances regulated by these rules and regulations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Sewer Commission for review and shall be approved by the Commission before construction of the facility. No user who commences contribution to the PSTW after the effective date of these rules and regulations shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Sewer Commission. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of these rules and regulations. In the case of an accidental discharge, it is the responsibility of the user to immediately notify the PSM of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
- B. Within five days following an accidental discharge, the user shall submit to the PSM a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the PD/STW, fish kills, sludge contamination so as to prevent its intended disposal or use, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by these rules and regulations or other applicable law.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees when to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer a dangerous discharge to occur are advised of the emergency notification procedure.

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39. Editor's Note: At the Special Town Meeting on June 17, 1991, Art. 9, the Town Meeting authorized the Sewer Commission to adopt amendments to the Sewer Use Rules and Regulations without further Town Meeting action, upon a public hearing, a majority vote of the Sewer Commission and publication in a newspaper of local circulation.

## ARTICLE VI

**General Requirements for Building Sewers and Connections****§ 403-19. Connection permit.**

No unauthorized person shall uncover, make any connection with or openings into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Sewer Commission as explained in Article VII; and such person shall make good any defects which may appear in any sewer, street, drain or work done by him and remunerate the commonwealth or town or any person for loss or damage occurring in consequence of any work done under any permit granted him.

**§ 403-20. Indemnity.**

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owners. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer from the inside foundation wall to the public sewer.

**§ 403-21. Independent connections; use of old building sewers.**

A separate and independent building sewer shall be provided for each building which connects to the public sewer. The Sewer Commission may allow an exception to the requirement for separate connections if, in its opinion, there is no alternative method of making a connection from the building to the public sewer. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Sewer Commission, to meet all requirements of these rules and regulations.

**§ 403-22. Licensed drainlayers.**

A. Licenses to connect particular sewers to the public sewers will be issued to experienced and competent contractors. Licensed drainlayers shall procure and maintain minimum insurance in types and amounts as follows;

- (1) Workman's compensation and employer's liability insurance as required by Laws of the Commonwealth of Massachusetts.
- (2) Limits of liability insurance for personal bodily insurance; including comprehensive general liability including explosion, collapse and underground exposures.
  - (a) Each occurrence limit: \$1,000,000.
  - (b) Products and completed operations: \$1,000,000.
  - (c) General aggregate limit: \$1,000,000.
- (3) Limits of liability insurance for property damage; including comprehensive general liability including explosion, collapse and underground exposures.
  - (a) Each occurrence limit: \$1,000,000.
  - (b) Products and completed operations: \$1,000,000.
  - (c) General aggregate limit: \$1,000,000.
- (4) Motor vehicle insurance:



- (a) Bodily injury per person: \$500,000.
  - (b) Bodily injury per accident: \$1,000,000.
  - (c) Property damage per accident: \$300,000.
- B. All insurance shall be obtained from companies satisfactory to the Sewer Commission. Licensed drainlayers shall file a certificate of same with the Sewer Commission prior to any work.
- C. Licensed drainlayers shall post a bond in the amount of \$10,000 to guarantee the satisfactory completion of the work. No subcontractors shall be allowed. This bond is for the work performed by a drainlayer making a connection from the existing sewer lateral at the town property line to a single-family residential structure on private property; or the work performed by a drainlayer making a connection from the sewer main line to a single-family residential structure on private property.
- D. The bond shall remain in full effect for a period of one year after the satisfactory completion of the most recent work performed by the drainlayer. The drainlayers shall repair or replace without cost to the property owner or the town any defects in the work or parts of the work furnished or built by him and any damage due to faulty workmanship on his part or due to faulty or imperfect material or equipment furnished by him, which defects or damage may appear within one year from the date of completion of the work. Violation of the requirements of these rules and regulations shall be cause for revocation of the license.
- E. Any other type of work performed by the drainlayer in relationship to the connection to the wastewater municipal system shall require bonding and insurance satisfactory to the Sewer Commission.

**§ 403-23. Materials and methods of construction.**

- A. The Board of Sewer Commissioners has adopted Standard Specifications for Sewer Construction.<sup>40</sup> Copies may be obtained at the DPW building.
- B. All work on sewer lines shall be performed only by qualified licensed drainlayers. Road permits shall be required of every installer of a sewer service in public or private way before any work is started. These permits are issued by the Town of Barre Highway Department or the Commonwealth of Massachusetts, Department of Public Works, depending upon the location of the work. In the case of a state highway, the town will obtain the permit.
- C. The size, slope, alignment, 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 Standard Specifications for Sewer Construction adopted or amended from time to time, by the Board of Sewer Commissioners; Building and Plumbing Codes and other applicable rules and regulations of the town and the commonwealth. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Sewer Commission before installation.
- D. All excavations for building sewer installation shall be adequately guarded with barricades and lights so far 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 of Barre or the Commonwealth of Massachusetts depending on the location of the work.

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<sup>40</sup>. Editor's Note: See Ch. 402, Sewer Construction Standard Specifications.

- E. At such time as a public sewer becomes available to the property served by a private wastewater disposal system, a direct connection shall be made to the public sewer in compliance with these rules and regulations, and any septic tank, cesspools and similar private wastewater disposal facilities shall be abandoned and filled with suitable materials, to the satisfaction of the Sewer Commission.
- F. All connections made to the building plumbing system shall be upstream of any septic tanks or cesspools.

**§ 403-24. Excavations in public ways.**

All excavations in existing public ways shall be subject to the requirements of the rules and regulations of the Town of Barre Highway Department or the Commonwealth of Massachusetts depending on the location of the work.

**§ 403-25. Inspections.**

- A. The applicant should first seek a permit and be given the Board of Sewer Commissioners specifications for construction. Then the applicant for the building sewer permit shall notify the Sewer Commission when the building sewer is ready for inspection and connection to the public sewer.
- B. The building sewer service shall not be accepted until the pipe has been tested, cleaned and inspected as directed by the Sewer Commission.
- C. The connection of the building sewer to the public sewer shall be made under the supervision of the Sewer Commission.
- D. The initial inspection will be granted by virtue of the permit; a fee for each subsequent inspection will be paid for by the contractor.
- E. An additional charge per inspection shall be assessed for any inspection made outside the normal working hours of the Sewer Department.

**§ 403-26. Tripartite Bond Agreement.**

Any legal entity which desire to connect to the public sewer from a property or properties which require approval by the Planning Board or subdivision of the property shall be required to execute a Tripartite Bond Agreement with the Board and an escrow agent, who is approved by the Board. The Tripartite Bond Agreement shall secure the performance of the developer's obligation to complete the installation and testing of the sanitary sewers and appurtenances and the restoration of all areas affected by the developer's operations.

ARTICLE VII  
**Administration**

**§ 403-27. Permit required to discharge wastewater.**

It shall be unlawful to discharge without a Sewer Commission permit to any natural outlet with the Town of Barre, or in any area under the jurisdiction of said town, and/or to the PSTW, any wastewater, except as authorized by the PSM in accordance with the provisions of these rules and regulations.

**§ 403-28. Wastewater contribution permits.**

- A. There shall be two classes of wastewater contribution permits for the town: Class A shall refer to residential and commercial users; Class B shall refer to users producing industrial waste or wastewater or users deemed to be significant by the Sewer Commission. For both classes, the user 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 Sewer Commission.
- B. The permit application and the supplemental information submitted shall be required to show proper engineering design for any sewer connections and/or extensions by a registered professional engineer in the Commonwealth of Massachusetts.
- C. Prior to any person constructing, erecting, maintaining or using a sewer system extension or connection for the discharge of industrial wastewater or for discharge of domestic water in excess of 2,000 gallons, he must also obtain a permit from the Department of Environmental Quality Engineering Division of Water Pollution Control by filing an appropriate application form and obtaining a completed permit from the Division's Permit Section as specified in the Commonwealth of Massachusetts Regulations Controlling the Extension of Sewer Systems and Connections of Wastewater Discharges and as published in Title 314 of the Code of Massachusetts Regulations.
- D. Class A permits will be issued only to drainlayers licensed to lay drains in the Town of Barre and are not transferable. Users required to obtain a Class A wastewater contribution permit shall complete and file with the Sewer Commission an application in the form prescribed by the Sewer Commission and accompanied by a fee determined by the Sewer Commission. Class A users shall apply at least 30 days prior to connecting to or contributing to the PSTW.
- E. No person permitted by the Sewer Commission to make connections with sewers shall allow his name to be used by any other person either for the purpose of obtaining permits or doing any other work under his permit.
- F. Permits shall be subject to revocation when any of the rules and regulations contained herein are not followed.
- G. If the work is not completed within 30 days, a new permit must be obtained.
- H. Permits must be obtained for repair work to existing sewer services.
- I. Permits will not be issued until the Sewer Commission has received and approved the applicant's layout plan showing location of existing service connection, house location, and route of sewer service.
- J. In the case of sewer extension on or to a new development, the owner of the property or the developer shall install and construct the sewer main and services in accordance with the rules pertaining to the

subdivision of land<sup>41</sup> as required by the Planning Board, and all materials and procedures shall conform to the specifications of the Barre Sewer Department. Prior to any work a plotted plan and profile must be filed with the Sewer Commission for approval.

K. Users required to obtain a Class B wastewater contribution permit shall complete and file with the Sewer Commission an application in the form prescribed by the Sewer Commission, and accompanied by a fee determined by the Sewer Commission, required for the Commonwealth of Massachusetts water pollution control connection/extension permit application. Proposed Class B users shall apply at least 90 days prior to connecting to or contributing to the PSTW. In support of the application, the Class B user shall submit in units and terms appropriate for evaluation the following information:

- (1) Name, address, and location (if different from the address).
- (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- (3) Wastewater constituent and characteristics, including but not limited to those mentioned in Article V of these rules and regulations as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended.
- (4) Time and duration of contribution.
- (5) Average daily and peak wastewater flow rates, including daily, monthly and seasonal variations if any.
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by size, location and elevation.
- (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged.
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Town of Barre, commonwealth or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards.
- (9) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standards. The following conditions shall apply to this schedule:
  - (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans executing contract for major components, commencing construction, completing construction.)

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41. Editor's Note: See Ch. 202, Subdivision of Land.

- (b) No increment referred to in Subsection K(9)(a) shall exceed nine months.
  - (c) Not later than 14 days following each date in the schedule and the final date for compliance, the Class B user shall submit a progress report to the PSM including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Class B user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Superintendent.
- (10) Each product produced by type, amount, process or processes and rate of production.
  - (11) Type and amount of raw materials processed (average and maximum per day).
  - (12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system.
  - (13) Any other information, certifications and/or assurances as may be deemed by the Sewer Commission to be necessary to evaluate the permit application.
- L. The Sewer Commission will evaluate the data furnished by the Class B user and may require additional information. After evaluation and acceptance of the data furnished, the Sewer Commission may issue a Class B wastewater contribution permit subject to terms and conditions provided herein.
- M. Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater contribution permit, the user shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater contribution permit shall submit to the PSM within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard information on the nature and concentration of pollutants limited by applicable pretreatment standards and required pretreatment and/or O&M to meet said standards.
- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.
  - (2) Limits on the average and maximum wastewater constituents and characteristics.
  - (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
  - (4) Requirements for installation and maintenance of inspection and sampling facilities.
  - (5) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types for standards for testing and reporting schedule.
  - (6) Compliance schedules.
  - (7) Requirements for submission of technical reports or discharge reports.
  - (8) Requirements for maintaining and retaining plant records relating to wastewater discharge, as specified by the Sewer Commission, and affording access thereto.

- (9) Requirements for notification of the Sewer Commission for any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
  - (10) Requirements for notification of slug discharges.
  - (11) Other conditions as deemed appropriate by the Sewer Commission to ensure compliance with these rules and regulations.
- N. Class B permits shall be issued for a specific time period, not to exceed three years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 120 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Sewer Commission during the term of the permit as limitations or requirements as identified in Article IV are modified or other just cause exists. The Class B user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- O. Class B wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the prior approval of the Sewer Commission. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

**§ 403-29. Monitoring facilities.**

- A. The Sewer Commission may require to be provided and operated at the industrial user's own expense monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the industrial user's premises, but the Sewer Commission may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such monitoring facilities to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.
- B. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Sewer Commission's requirements and all applicable local construction standards and specifications. Construction shall be completed within 120 days following written notification by the Sewer Commission.

**§ 403-30. Inspection and sampling.**

- A. The Sewer Commission shall inspect the facilities of any user to ascertain whether the purpose of these rules and regulations are being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Sewer Commission or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of its duties. The Sewer Commission shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into

their premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

- B. All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in these rules and regulations shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association, and shall be determined at the monitoring facility or 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 the constituents' hazards to life, limb and property.
- C. The Plant and Systems Manager bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of these rules and regulations. This PSM or his representative shall have no authority to inquire into any proprietary processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries, beyond that point having a direct bearing on the kind and source of the discharge to the sewers or waterways or facilities for waste treatment.
- D. While performing the necessary work on private properties, the Plant and Systems Manager shall observe all safety rules applicable to the premises established by the company and the company shall be harmless for injury or death to 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 monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.
- E. The Plant and Systems Manager bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement sampling, repair, and maintenance of any portion of the treatment works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

#### **§ 403-31. Pretreatment.**

- A. Users shall provide necessary wastewater treatment as required to comply with these rules and regulations and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the Sewer Commission shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Sewer Commission for review, and shall be acceptable to the Sewer Commission before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Sewer Commission on a consistent basis and, if not, what additional operation and maintenance (O&M) and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified by a qualified professional.

- B. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or in the case of a new source, after commencement of the discharge into the PSTW, shall submit to the PSM, unless required more frequently in the pretreatment standard or by the PSM, a biannual report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows, which during the reporting period exceeded the average daily flows previously reported.
- C. The PSM may impose mass limitations on users which are using dilution to meet applicable pretreatment standards of requirements or, in other cases, where the imposition of mass limitations are appropriate. In such cases, the compliance report required shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass, where requested by PSM, of pollutants contained therein which are limited by the applicable pretreatment standards.
- D. If the Sewer Commission permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Sewer Commission and subject to the requirements of all applicable codes, regulations and laws.
- E. 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 user at his expense.
- F. Grease, oil and sand interceptors shall be provided when, in the opinion of the Sewer Commission, 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 Sewer Commission, and shall be located as to be readily and easily accessible for cleaning and inspection.
- G. Any changes in the pretreatment facilities or methods of operation shall be reported to and be acceptable to the Sewer Commission prior to the user's initiation of the changes.

**§ 403-32. Confidential information.**

- A. Information and data on a user obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the Sewer Commission that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.
- B. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to these rules and regulations, the National Pollutant Discharge Elimination Systems (NPDES) Permit, and/or the pretreatment programs; provided, however, that such portions of the report shall be available for use by the commonwealth in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
- C. Information accepted by the Town Board of Sewer Commissioners as confidential shall not be transmitted to any governmental agency or to the general public until and unless a fourteen-day notification is given to the user.



## ARTICLE VIII

**Fees****§ 403-33. Purpose.**

It is the purpose of this article to provide for the recovery of costs from users of the Town of Barre's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the town's Schedule of Charges and Fees.

**§ 403-34. Charges and fees.**

- A. The Board of Sewer Commissioners may adopt charges and fees which may include:
- (1) Fees for reimbursement of costs of setting up and operating the pretreatment program.
  - (2) Fees for monitoring, inspections and surveillance procedures.
  - (3) Fees for reviewing accidental discharge procedures and construction.
  - (4) Fees for permit application.
  - (5) Fees for filing appeals.
  - (6) Fees for consistent removal of pollutants otherwise subject to federal pretreatment standards.
  - (7) Other fees as the Town of Barre may deem necessary to carry out the requirements contained herein.
- B. These fees relate solely to the matters covered by these rules and regulations and are separate from all other fees chargeable by the Town of Barre.

ARTICLE IX  
**Protection from Damage**

**§ 403-35. Tampering with structures and equipment.**

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 treatment works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE X  
**Enforcement**

**§ 403-36. Harmful contributions.**

- A. The Sewer Commission may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the Sewer Commission in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the PSTW or causes the Town of Barre to violate any condition of the NPDES permit.
- B. Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Sewer Commission may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the PSTW system or endangerment to any individuals. The Sewer Commission may reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Sewer Commission within 15 days of the date of occurrence.

**§ 403-37. Revocation of permit.**

Any user who violates the following conditions of these rules and regulations, or applicable commonwealth or federal regulations, is subject to having his permit revoked in accordance with the procedures of Article VII of these rules and regulations:

- A. Failure of a user to factually report the wastewater constituents and characteristics of his discharge.
- B. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics.
- C. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.
- D. Violation of conditions of the permit.

**§ 403-38. Notification of violation.**

Whenever the Sewer Commission finds that any user has violated or is violating these rules and regulations, wastewater contribution permit, or any prohibition, limitation of requirements contained herein, the Sewer Commission may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Sewer Commission by the user.

**§ 403-39. Show-cause hearing.**

- A. The Sewer Commission may order the user who causes or allows an unauthorized discharge to enter the PSTW to show cause before the Sewer Commission and reason why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Sewer Commission regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Sewer Commission why the proposed enforcement action should not be taken. The notice of the hearing

shall be served by registered or certified mail (return receipt requested) at least 10 days before the hearing. Service may be made on any agent or officer of a corporation.

- B. The Sewer Commission may conduct the hearing and take the evidence, or may designate any of its members or any officer or employee to:
- (1) Issue in the name of the Sewer Commission notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
  - (2) Take the evidence; or
  - (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations for action thereon.
- C. After the Sewer Commission has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

**§ 403-40. Legal action.**

If any person discharges sewage, industrial wastes or other wastes into PSTW contrary to the provisions of these rules and regulations, federal or commonwealth pretreatment requirements, or any order of the Sewer Commission, the Town Counsel may commence an action for appropriate legal and/or equitable relief.

## ARTICLE XI

**Penalties****§ 403-41. Violations and penalties.**

- A. Any person found to be violating any provision of these rules and regulations shall be served by the town with notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. A city, town or sewer district may, from time to time, prescribe rules and regulations regarding the use of common sewers (MGL c.83, § 10, as amended by St. 1987, c. 174, § 7A) to prevent the entrance or discharge therein of any substance which may tend to interfere with the flow of sewage or the proper operation of the sewerage system and the treatment and disposal works, for the connection of estates and buildings with sewers, for the construction, alteration, and use of all connections entering into such sewers, and for the inspection of all materials used therein; and may prescribe civil penalties, not exceeding \$5,000 for each day of violation of any such rule or regulation.
- C. In addition to the penalties provided herein, the Town of Barre may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated these rules and regulations or the orders, rules, regulations, and permits issued hereunder.

**§ 403-42. Falsifying information.**

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to these rules and regulations, or wastewater contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these rules and regulations, shall, upon conviction, be punished by a fine of not less than \$100 or more than \$1,000.

ARTICLE XII  
**Miscellaneous**

**§ 403-43. Severability.**

If any provision, paragraph, word, section or article of these rules and regulations is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

**§ 403-44. Validity.**

The invalidity of any section, clause, sentence, or provision of these rules and regulations shall not effect the validity of any other part of this regulation which can be given effect without such valid part or parts.

**§ 403-45. Town not responsible.**

The Town of Barre shall not be held responsible for any inconvenience or damage due to breakdowns or stoppages.



BARRE CODE

**Chapter 404**

**WATER DEPARTMENT RULES AND REGULATIONS**

**[HISTORY: Adopted by the Board of Water Commissioners of the Town of Barre 7-1-1907, as amended through 8-1-2012. Subsequent amendments noted where applicable.]**

**GENERAL REFERENCES**

**Cross-connection control — See Ch. 33.**

**Water — See Ch. 134.**

**Surface water drainage control — See Ch. 112, Art. I.**



## ARTICLE I

**Connection to Municipal Water System****§ 404-1. Permission required; fee.**

- A. No person shall be permitted to connect or cause to be connected any service pipe for conveying water from any of the main or distributing pipes to any house, building, or factory, for any purposes whatsoever, without the written permission of the Water Commission or its designee. Nor shall any addition to, or alteration of, any water pipe be made without such written permission. A connection fee will be charged.
- B. Water connection and related fee as of April 2006 = \$2,000 per unit. No service connection will be made until the applicant has paid the required connection fee.

**§ 404-2. Connection requirements.**

- A. Connection requirements: domestic service (one inch).
  - (1) All applicable forms must be filled out by the property owner and/or contractor and returned to the Department of Public Works before any work or inspection will be allowed.
  - (2) The applicant shall arrange with a private contractor to complete all excavation (minimum five-foot depth), tap the street main (road opening permit will be required), installation of tapping strap (saddle), corporation stop, tubing, curb stop, curb box to and through the basement of the building.
  - (3) The applicant shall bear all costs for labor and materials not specifically provided by the Department.
  - (4) The Water Department will provide the water meter and associated materials, installation of the water meter and inspection of all work prior to backfilling the trench.
  - (5) Backfill material will be approved by the Water Department.
  - (6) All work must be guaranteed for a minimum of one year after completion.
  - (7) Replacement of pavement shall be done with bituminous blacktop or with matching material approved by the DPW Superintendent or his/her designee.
  - (8) Any damage to the drains or other Town property shall be the responsibility of the property owner.
  - (9) All water lines must be a minimum of 10 feet apart from a sewer main and 20 feet from a septic system.
  - (10) Any contractor working on Town of Barre property is required to have a minimum of \$500,000 in general liability insurance. This must include comprehensive premises-operations, underground and completed operation hazard. A certificate of insurance must be on file with the Water Department.
  - (11) If digging on Town of Barre property, the contractor is required to contract Dig Safe and file such findings (with Dig Safe number) to the Water Department prior to excavation.
  - (12) All plumbing must be done in accordance with the State of Massachusetts Plumbing Codes.

B. Connection requirements: commercial and industrial service (one inch or larger).

- (1) Services larger than one inch will be handled on an individual basis.
- (2) Any contractor working on Town of Barre property is required to have a minimum of \$500,000 in general liability insurance. This must include comprehensive premises-operations, underground and completed operation hazard. A certificate of insurance must be on file with the Water Department.

**§ 404-3. Term of permit.**

The permit is valid for one year from date of issuance (copy of Chapter 165, Section 1C, attached).<sup>42</sup>

**§ 404-4. Domestic service.**

A. A one-inch connection fee will be charged.

B. The applicant shall arrange with a private contractor to:

- (1) Complete all excavation (minimum five-foot depth).
- (2) Tap the street main (road opening permit will be required).
- (3) Install tapping strap (saddle), corporation stop, tubing, curb stop, curb box to and through the basement of the building.
- (4) Any and/or all other requirements set forth by the Department.
- (5) The applicant shall bear all costs for labor and materials not specifically provided by the Department.

C. The Water Department will provide the following:

- (1) Water meter and associated materials.
- (2) Installation of the water meter.
- (3) Inspection of all completed work before the trench is backfilled.

**§ 404-5. Commercial and industrial service over one inch.**

Services larger than one inch will be handled on an individual basis. A meeting with the Water Commissioners, DPW Superintendent and/or the Chief Operator is required.

**§ 404-6. Water connection approved materials list.**

A. Single-family home.

- (1) Saddle: double strapped.
  - (a) Body: ductile Iron, meeting ASTM A-536.
  - (b) CC (AWWA).

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42. Editor's Note: Said Ch. 165, Section 1C, is on file in the Town offices.

- (c) Ten mils of fusion applied nylon.
  - (d) Straps/bolts, washers: stainless steel type 304 (18-8).
  - (e) Gaskets: virgin NBR compounded for water.
- (2) The following fittings must be McDonald's brass or equivalent (300 psi working):
  - (a) Tapping corporation.
  - (b) Street curb.
  - (c) Inside ball valve.
- B. Approved materials:
  - (1) All CPPJ connections must have a one-inch stainless steel insert.
  - (2) Service box: Erie style with plug cover and extension rod.
  - (3) Plastic tubing: must be HDPE, 200 psi.
  - (4) Marking tape: must be one foot above pipe.
- C. Multifamily dwelling: Each unit must have its own connection meeting the requirements.

ARTICLE II  
**Water Emergencies**

**§ 404-7. Shutoff of water supply.**

The Water Department reserves the right at any time, without notice, to shut off the water supply for purposes of making alterations, repairs or for other purposes. Whenever possible, every attempt will be made to notify our customers in advance.

**§ 404-8. Water conservation measures.**

To protect, preserve and maintain the public health, safety and welfare, and upon the declaration of the need for water supply conservation, by a majority vote of the Water Commission, the following restrictions will be put forth limiting the use of water as necessary to protect the water supply.

- A. Odd/even day outdoor watering. Outdoor watering by water users with odd-numbered addresses is restricted to odd-numbered days. Outdoor watering by water users with even-numbered addresses is restricted to even-numbered days.
- B. Outdoor watering ban. Outdoor watering is prohibited.
- C. Outdoor watering hours. Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a state of water supply conservation and public notice thereof.
- D. Filling swimming pools. Filling of swimming pools is prohibited.
- E. Automatic sprinkler use. The use of automatic sprinkler systems is prohibited.

**§ 404-9. Notification.**

Notifications of water supply conservation or a water emergency may be by publication in a newspaper of general circulation within the Town or such other means reasonably calculated to reach and inform all users.

ARTICLE III  
**Water Charges**

**§ 404-10. Owner of property to be billed.**

The owner of property supplied shall be charged, and held responsible, for all water passing through the meter until such time as the Water Department is notified in writing that public water is no longer desired. In case of the sale of the property, the owner shall request a final meter reading, and the Water Department shall be notified of the name and mailing address of the new owner.

**§ 404-11. User fees established.**

- A. All fees are subject to change after a vote of the Water Commission and a public hearing.
- B. Water user fee rates (as of July 1, 2011):
  - (1) Residential/nonprofit: \$0.055 per cubic foot; minimum bill: \$55.
  - (2) Commercial: \$0.057 per cubic foot; minimum bill: \$57.
  - (3) Industrial: \$0.059 per cubic foot; minimum bill: \$59.
  - (4) Unmetered flat rate: \$60 per quarter.

**§ 404-12. Billing.**

The Water Commission will establish water rates after three consecutive votes of the Commission and a public hearing.

- A. Water billing will be conducted quarterly (four times per year).
- B. A minimum charge shall be assessed to the owner for active water services whether or not water is used.
- C. Requests for abatement of your water bill must be made within 30 days of the billing date.
- D. All bills for water use must be paid within 30 days of the billing date. Overdue bills will immediately become delinquent. Delinquent accounts will be charged interest calculated on a per-diem basis based on a fourteen-percent annual percentage rate.
- E. Unpaid and delinquent customers will be subject to termination of their water service if the balance remains unpaid. The Water Department shall notify the owner regarding overdue bills and issue a shutoff notice. If payment is not received within 15 days from the date the shutoff notice is rendered, the Department may shut off the service without further notice in accordance with MGL c. 40, §§ 42A through 42F (accepted at the Annual Town Meeting of (June 10, 1996, Article 44). All charges and additional fees associated with the collection of payments, including but not limited to legal fees, demand fees, and turn-on fees, shall be paid in full prior to the water service being turned back on.
- F. Imposition of liens against delinquent accounts. Accounts delinquent over 60 days may be turned over to the Town Collector and placed into lien against your property tax.
- G. Property owners are responsible for water use and charges for rental properties.

ARTICLE IV  
**Miscellaneous Provisions**

**§ 404-13. Right to entry.**

Owners and/or occupants of commercial, industrial or residential properties serviced by the Water Department shall, upon presentation by Water Department personnel of their credentials, authorize entry to inspect the water service or to remove, repair, or replace a water meter at any time the Water Department deems necessary. Water service apparatus shall be readily accessible. Should access be refused, water service may be shut off and may not be turned on until such access has been allowed and appropriate fees paid.

**§ 404-14. Loss of water supply.**

- A. The Water Department shall have the right to interrupt water supply as necessary for maintenance, repair or other cause beyond the Water Departments control. No user shall be entitled to damages or to payment of a refund for any interruption of supply or water quality. Users having appliances dependent on routine pressure for proper operations are cautioned that they should provide, at their own expense, safety features to protect the appliances.
- B. The Water Department will make every attempt to give proper notice to our customers when it may become necessary to shut off the flow of water from the system to make repairs or changes to the water mains.

**§ 404-15. Water meters.**

- A. If an owner requests the meter servicing the property to be tested or replaced, and such meter is found to be defective, the Water Department shall pay costs associated with the work. If the meter is found not to be defective, a fee shall be paid by the owner to cover the cost of testing, labor, materials and reinstallation of the meter.
- B. Tampering with water meters by any person shall be subject to a fine. Necessary repairs and/or replacement shall be at the owner's expense.
- C. Should a meter fail to register the consumption used, or if an actual meter reading cannot be obtained, the quantity of water used shall be estimated, and the charge made shall be based on its average for the prior four billing periods.
- D. All water passing through the meter will be charged for, whether it is used or wasted.
- E. Any meter damaged or lost due to any cause shall be repaired or replaced by the Water Department at the expense of the owner.
- F. The water service can be shut off from any taker for noncompliance with the rules and regulations and for any violations of the Massachusetts General Laws relating to water supply.

ARTICLE V  
**Cross-Connection Controls**<sup>43</sup>

**§ 404-16. Purpose.**

The purpose of this article shall be:

- A. To protect the public potable water supply served by the Barre Water Commission from the possibility of contamination or pollution by isolating such contaminants or pollutants which could backflow or backsiphon into the public water system.
- B. To promote the elimination or control of existing cross-connection, actual or potential, between its customers' in-plant potable water system and nonpotable systems.
- C. To provide for the maintenance of a continuing program of cross-connection control which will effectively prevent the contamination or pollution of all potable water systems by cross-connection.

**§ 404-17. Authority.**

- A. As provided in the Federal Safe Drinking Water Act of 1974 (Public Law 93-523), and the Commonwealth of Massachusetts Drinking Water Regulations, 310 CMR 22.22, the water purveyor has the primary responsibility for preventing water from unapproved sources or any other substances from entering the public potable water system.
- B. Barre Water Commission Rules and Regulations are hereby adopted.

**§ 404-18. Responsibility.**

The Water Commission shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollutants. If, as a result of a survey of the premises, the Commission determines that an approved backflow prevention device is required at the Town's water service connection or as in-plant protection on any customer's premises, the Commission, or its delegated agent, shall issue a cross-connection violation form to said customer to install approved backflow prevention devices. The customer shall, within a time frame determined by the Commission, install such approved device or devices at his own expense, and failure or refusal or inability on the part of the customer to install said device or devices within the specified time frame shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.

**§ 404-19. Definitions.**

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

**AIR GAP SEPARATION** — The method of preventing backflow through the use of an unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle.

**APPROVED** — Accepted by the reviewing authority as meeting an applicable specification stated or cited in this regulation or as suitable for the proposed use.

**APPROVED BACKFLOW PREVENTION DEVICE OR DEVICES** — A method to prevent backflow

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43. Editor's Note: See also Ch. 33, Cross-Connection Control.

approved by the Department for use in Massachusetts.

**ATMOSPHERIC VACUUM BREAKER** — An approved backflow device used to prevent backsiphonage, which is not designed for use under static line pressure.

**AUXILIARY WATER SUPPLY** — Any water supply of unknown or questionable quality on or available to the premises other than the supplier's approved public potable water supply.

**BACKFLOW** — The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than the intended source.

**BACKFLOW PREVENTER WITH INTERMEDIATE ATMOSPHERIC VENT** — A device having two independently operating check valves separated by an intermediate chamber with a means for automatically venting it to the atmosphere, in which the check valves are force loaded to a normally closed position and venting means is force loaded to a normally open position.

**BACK PRESSURE** — Pressure created by mechanical means or other means which causes water or other liquids or substances to flow or move in a direction opposite to that which is intended.

**BACKSIPHONAGE** — A form of backflow due to reduced or subatmospheric pressure within a water system.

**BAROMETRIC LOOP** — A loop of pipe raising at least 35 feet, at its topmost point, above the highest fixture it supplies.

**COMMISSION** — The Town of Barre Water Commission or owner or operator of a public water supply system.

**CONTAMINANT** — Any physical, chemical, biological or radiological substance or matter in the water.

**CROSS-CONNECTION** — Any actual or potential connection between a distribution pipe of potable water from a public water system and any waste pipe, soil pipe, sewer, drain, or other unapproved source.

**CROSS-CONNECTION VIOLATION FORM** — A violation form designated by the Department, Plumbing Inspectors and Board of Health delineating cross-connection violations found on the owner's premises and a procedure for corrective action.

**DEPARTMENT** — The Massachusetts Department of Environmental Protection.

**DOUBLE CHECK VALVE ASSEMBLY** — A backflow-preventing device which incorporates an assembly of check valves, with shutoff valves at each end and appurtenances for testing.

**IN-PLANT PROTECTION** — The location of approved backflow prevention devices in a manner which provides simultaneous protection of the public water system and the potable water system within the premises.

**OWNER** — Any person maintaining a cross-connection installation or owning or occupying premises on which cross-connections can or do exist.

**PERMIT** — A document issued by the Department which allows a cross-connection installation.

**PERSON** — Any individual, corporation, company, association, trust, partnership, the Commonwealth, a municipality, district, or other subdivision or instrumentality of the United States except that nothing herein shall be constructed to refer to or to include any American Indian tribe or the United States Secretary of the Interior in his capacity as trustee of Indian lands.

**PRESSURE VACUUM BREAKER** — An approved backflow prevention device designed to prevent only backsiphonage and which is designed for use under static line pressure and which has necessary appurtenances for testing.



**REDUCED PRESSURE BACKFLOW PREVENTER** — An approved backflow prevention device incorporating (1) two more check valves, (2) an automatically operating differential relief valve located between the two checks, (3) two shutoff valves, and (4) necessary appurtenances for testing.

**RESIDENTIAL DUAL CHECK** — An assembly of two spring-loaded, independently operating check valves without tightly closing shutoff valves and test cocks. Generally employs immediately downstream of the water meter to act as a containment device.

**REVIEWING AUTHORITY** — The Department, its designer, or the local Plumbing Inspector, authorized by MGL c. 142 and licensed by the Board of State Examiners of Plumbers and Gas Fitters, whichever is responsible for the review and approval of the installation of an approved backflow prevention device.

#### **§ 404-20. Administration.**

- A. The Commission will operate an active cross-connection control program, to include the keeping of necessary records, which fulfills the requirements of the State DEP's Cross-Connection Regulations and is approved by the Department.
- B. The owner shall allow his property to be inspected for possible cross-connections and shall follow the provisions of the Commission's program in the Department regulations.

#### **§ 404-21. Requirements.**

##### **A. Commission.**

- (1) On new installations the Commission will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required, and notify the owner of plan approval requirements by the appropriate reviewing authority.
- (2) For premises existing prior to the start of this program, the Commission will perform surveys of the premises and reviews of as-built plans and issue a cross-connection violation form to the owner detailing any corrective action required, the method of achieving the correction, and the time allowed for the correction to be made. The time period allowed shall depend upon the degree of hazard involved.
- (3) The Commission will not allow any cross-connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to insure satisfactory operation.
- (4) If the Commission determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.
- (5) The Commission shall have on its staff, or shall have a delegated representative who is, a backflow prevention device tester certified by the Commonwealth of Massachusetts.
- (6) The Commission will begin initial premises inspections to determine the nature of existing or potential hazard, following the approval of this program by the Department. Initial focus will be on high hazard industries and commercial premises.

##### **B. Owner.**

- (1) The owner shall be responsible for the elimination or protection of all cross-connections on his premises.

- (2) The owner shall be responsible for applying for and obtaining all necessary approvals and permits for the maintenance of cross-connections and installation of backflow prevention devices, and applying annually for the renewal of each permit.
- (3) The owner shall have any device that fails an inspection or test repaired by a licensed plumber.
- (4) The owner shall inform the Commission of any proposed or modified cross-connection and also any existing cross-connections of which the owner is aware but has not been found by the Commission.
- (5) The owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to take place.
- (6) The owner shall install backflow preventers in a manner approved by the Department and by the Commission.
- (7) The owner shall install only reduced-pressure backflow preventers and double check valve assemblies approved by the Department.
- (8) The owner of any residential premises having a private well or other private water source will not be allowed a physical connection with the public water supply system.
- (9) The owner shall be responsible for the payment of all fees for permits, device testing, retesting in the case that the device fails to operate correctly, and second reinspections for noncompliance with the Commission or Department requirements.

#### **§ 404-22. Degree of hazard.**

The Commission recognized the threat to the public water system arising from cross-connections. As such, the Commission, whereas it is responsible for the quality of the public water supply, may require a containment device on the water service entrance to any customer who, as a result of unprotected cross-connections, could contaminate the public water supply system.

#### **§ 404-23. Enforcement.**

Any existing backflow preventer shall be allowed by the Commission to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to a reduced pressure backflow preventer, or a reduced pressure backflow preventer must be installed in the event that no backflow device was present.

#### **§ 404-24. Periodic testing.**

- A. Reduced pressure backflow preventers and double check valve assemblies shall be tested and inspected at least semiannually by the Commission.
- B. The Commission's certified tester or his delegated representative, who shall be a certified tester, shall perform periodic testing.
- C. The testing shall be conducted during the Commission's regular business hours. Exceptions to this, when at the request of the owner, may require additional charges to cover the increased costs of the

Commission.

- D. Reduced pressure backflow preventers and double check valve assemblies must be tested annually by the owner independent of the semiannual test by the water supplier, and said test must be conducted by a certified tester.
- E. Any backflow preventer which fails during a periodic test must be repaired or replaced by a licensed plumber. When repairs are necessary, upon completion of the repair, the device will be retested at the owner's expense to insure proper operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than 14 days after the test date will be established. The owner is responsible for spare parts, repair tools or a replacement device. Parallel installation of two devices is an effective means of the owner insuring that uninterrupted water service remains during testing or repair of devices and is strongly recommended when the owner desires such continuity.
- F. Backflow prevention devices will be tested more frequently than specified above in Subsection A in cases where there is a history of test failures and the Commission feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be born by the owner.

**§ 404-25. Records and reports.**

- A. Records: The Commission will initiate and maintain the following:
  - (1) Master files on customer cross-connection tests and/or inspections.
  - (2) Master files on approved cross-connection installations.
  - (3) Copies of lists and summaries supplied to the Massachusetts Department of Environmental Protection.
- B. Reports: The Commission will submit the following to DEP:
  - (1) Initial listing of high hazard cross-connections.
  - (2) Initial listing of low hazard cross-connections.
  - (3) Annual updated lists of the items in Subsection B(1) and (2) above.
  - (4) Annual summary of cross-connection inspections and surveys.

**§ 404-26. Addendum.**

- A. Residential dual check.
  - (1) Effective the date of the acceptance of the Cross-Connection Control Program for the Town of Barre, Massachusetts, all new residential buildings on the public water supply will be required to install a residential dual check device immediately downstream of the water meter. This device will be provided by the Water Commission at a scheduled cost to the homeowner. Installation of this residential dual check device on a retrofit basis on existing service lines will be instituted at a time and at a potential cost to the homeowner as deemed necessary by the Commission.
  - (2) The owner must be aware that installation of a residential dual check valve results in a potential closed plumbing system within his residence. As such, provisions may have to be made by the

owner to provide for thermal expansion within his closed loop system, i.e., the installation of thermal expansion devices and/or pressure relief valves.

- B. Strainers. The Commission strongly recommends that all new and retrofit installations of reduced pressure backflow preventers and double check valve assemblies include the installation of strainers located immediately upstream of the backflow device. The installation of strainers will preclude the fouling of backflow devices due to both foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs, water main breaks, fires, periodic cleaning and flushing of mains, etc. These occurrences may "stir up" debris within the water main that will cause fouling of backflow devices installed with the benefit of strainers.
- C. Right to establish further regulations. The Water Commission reserves the right to establish such further regulations, from time to time, as it may deem expedient for the introduction and use of the water.



**Chapter 405****COUNCIL ON AGING BYLAWS**

**[HISTORY: Adopted by the Town of Barre Council on Aging as amended through 1-14-2009. Subsequent amendments noted where applicable.]**

**§ 405-1. Establishment; statutory authority.**

The name of the organization shall be the Barre Council on Aging, hereinafter referred to as the "Council," as established by the Town of Barre, April 1974, pursuant to MGL c. 40, § 8B.

**§ 405-2. Purposes.**

The basic purposes of the Council are to:

- A. Identify the needs of elders in the community.
- B. Educate the community and enlist the support and participation of all citizens to meet the needs of elders.
- C. Design, advocate, and/or implement services to fill these needs, or to coordinate existing services.
- D. Cooperate with the Massachusetts Executive Office of Elder Affairs, and the Central Mass Agency on Aging, and to be cognizant of state and federal legislation and programs regarding elders.

**§ 405-3. Location of offices.**

The principal office of the Council shall be located at the Barre Senior Center, 557 South Barre Road, Barre, Massachusetts. All mail shall be delivered to Post Office Box 433, unless another shall be specified by the Director or officers of the Council.

**§ 405-4. Membership.**

- A. The Council shall consist of nine members (who are residents of the Town of Barre).
- B. Council members shall be appointed by the Select Board. **[Amended 6-15-2021 ATM, Art. 20; 6-13-2023 ATM by Art. 24]**
- C. No person shall serve as an elected officer in the same position for more than three years in succession.
- D. Council membership shall reflect the make-up of the community-at-large and shall be composed of at least 51% of elders (persons 60 and over).
- E. All members shall be sworn in by the Town Clerk before assuming their duties.

**§ 405-5. Voting rights of members.**

All voting rights shall be vested in the members, and each individual member shall be entitled to one vote with respect to any question or matter that may come before a meeting of the members of the Council. Council members and employees are subject to the state's Conflict of Interest Law [MGL c. 268A; see especially §§ 1 through 3, 8 through 10, 17 through 23, (not 23A), 24, 25].

**§ 405-6. Meetings of members.****A. Regular meetings.**

- (1) Regular meetings of the members of the Council shall be held once a month on the first Wednesday unless otherwise posted.
- (2) The Council shall distribute to its members minutes of the previous meeting and an agenda for the upcoming meeting at least seven days prior to each regular meeting.

**B. Special meetings.**

- (1) Special meetings of the Council may be called at any time by the Chair or at the request of at least three other members of the Council.
- (2) Due notice (written or verbal) must be sent to each member of the Council at least 24 hours prior to the scheduled meeting time.

**C. Annual meeting.** The annual meeting of the Council shall be held on the first Wednesday in September for the purpose of electing officers.**D. Meeting notices.** All meetings shall be in accordance with the provisions of the Open Meeting Law (MGL c. 39, § 23B).**E. Quorum.** At all meetings of the Council, the presence of a simple majority of the total membership shall be necessary and sufficient to constitute a quorum for the transaction of any business. Votes shall be cast only by members in attendance.**F. Conduct of meetings.** All meetings shall be conducted in accordance with Robert's Rules of Order.**§ 405-7. Resignation; attendance requirements. [Amended 6-15-2021 ATM, Art. 20]****A. Resignation.** In the event that a member wishes to resign from the Council, he/she shall notify the Select Board and the Council in writing (through the Town Clerk).**B. Attendance.** As a matter of policy, regular attendance is expected of all members. In the event of absence of any member for three consecutive meetings, except for reasons of health or extenuating circumstances as duly reported to the Chair in advance of Council meetings, the Council shall request resignation of that member through the Select Board. Six absences during any calendar year shall constitute an automatic dismissal from the Council.**§ 405-8. Officers.****A. Background.**

- (1) The officers shall consist of a Chair (Chairperson), a Vice Chair, and Secretary.
- (2) Officers of the Council shall be elected at the annual meeting of the Council and shall take office upon election.
- (3) Election of officers to fill vacancies created by death, resignation, or other cause, may take place at any regular or special/emergency meeting and shall be for the unexpired term of the previous incumbent; however, the office of the Chair, if vacated, shall be filled by the Vice Chair for the unexpired term of the Chair's normal term of office. The position of Vice Chair will then be

filled by election.

- B. Chair. The Chair shall be the Chief Executive Officer of the Council, subject to the direction of members of the Council. He/She shall prepare an agenda in conjunction with the Director, preside at all meetings of the members, appoint all committees and their chairs, and be an ex-officio member of all committees.
- C. Vice Chair. During the absence, or disability of the Chair, the Vice Chair shall exercise all the functions of the Chair and, when so acting, shall have all the powers and be subject to all the restrictions of the Chair.
- D. Secretary. The Secretary shall:
  - (1) Accurately record all the proceedings of the meetings of members; and
  - (2) Forward to the director within seven days.
- E. Representation. No member of the Council or its staff shall make written or oral representations for the Council, unless authorized by Council vote.

#### **§ 405-9. Amendments.**

Amendments or alterations of these bylaws may be considered at either a regular or special meeting of the Council called for such purpose. In either case, notification of the meeting and its purpose shall be given at least 14 days prior to assembly. Accompanying this notification shall be a summary of the proposed action, the full text of the proposed amendment or alteration, and a statement of the purpose of the proposed changes. The proposed amendment or alteration of the bylaws must be approved by a vote of 2/3 (six) members of the Council.

#### **§ 405-10. Relationship with staff.**

- A. The Council shall recommend candidates for the position of Director to the Select Board. **[Amended 6-15-2021 ATM, Art. 20]**
- B. The Director shall recommend for hire all subordinate staff positions, including temporary positions.
- C. Council on Aging boards are primarily advisory.
  - (1) Board members shall refrain from supervisory and (day-to-day) management activities.
  - (2) The Board shall consult with the Director and other staff (if appropriate) in policy matters.
  - (3) Staff and Council members shall ensure the confidentiality of individual client records.
  - (4) The Council shall fill all vacant and new positions in accordance with local personnel practices and procedures.

#### **§ 405-11. Service on committees.**

Council members shall be available to serve on one or more committees as appointed by the Chair.

#### **§ 405-12. Effective date.**

The effective date of the bylaws shall be the date of that meeting at which the bylaws shall have been



approved by an affirmative vote of not less than 2/3 of the members present. The date on which this approval is voted is July 7, 1999.

BARRE CODE

**Chapter 406**

**CONSERVATION COMMISSION**

**[HISTORY: Adopted by the Town of Barre Conservation Commission as indicated in article histories. Amendments noted where applicable.]**

ARTICLE I  
**Hiring Outside Consultants**  
**[Adopted 5-12-2009]**

**§ 406-1. Imposition of fees.**

Conservation Commission may impose reasonable fees for the employment of outside consultants engaged by the Conservation Commission for specific expert services. Such services shall be deemed necessary by the Commission to come to a final decision on an application submitted to the Conservation Commission pursuant to the requirement of the Wetlands Protection Act (MGL c. 131, § 40), the Town's non-zoning wetlands bylaw, in the event it applies, Conservation Commission Act (MGL c. 40, § 8C), or any other state or municipal statute, bylaw or regulation, as they may be amended or enacted from time to time. The Conservation Commission may also impose fees for other consultant services, related to application review, or permit conditioning or monitoring, under any of the above-referenced laws or regulations.

**§ 406-2. Special account.**

Funds received pursuant to these rules shall be deposited with the Town Treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Conservation Commission without further appropriation as provided in MGL c. 44 § 53G. Expenditures from this account shall be made only in connection with a specific project or projects for which a consultant fee has been collected from the applicant. Expenditures of accrued interest may also be made for these purposes.

**§ 406-3. Consultant services.**

Specific consultant services may include but are not limited to resource area survey and delineation analysis of resource area values, hydrogeologic and drainage analysis, impacts on municipal conservation lands, and environmental or land use law. Services may also include on-site monitoring during construction, or other services related to the project deemed necessary by the Commission. The consultant shall be chosen by and report only to the Commission and/or its administrator.

**§ 406-4. Notice to applicant.**

The Conservation Commission shall be given written notice to the applicant of the selection of an outside consultant. Such notices shall state the identity of the consultant, the amount of the fee to be charged to the applicant, and a request for payment of said fee in its entirety. Such notice shall be deemed to have been given on the date it is mailed or delivered. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five days of the date notice is given.

**§ 406-5. Payment of fee required.**

The fee must be received prior to the initiation of consulting services. The Commission may request additional consultant fees if necessary review requires a larger expenditure than originally anticipated or new information requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Commission within 10 business days of the request for payment, or refusal of payment, shall be cause for the Commission to deny the application based on lack of sufficient information to evaluate whether the project meets applicable performance standards in 310 CMR 10.00 and the Town's Wetlands Bylaw or its regulations, in the event it applies. An appeal stops the clock on the above deadline; the countdown resumes on the first business day after the appeal is either denied or upheld. A denial for

lack of information may be based solely on the lack of the third party consultant review identified as necessary by the Commission. The Commission shall specify in its denial the nature of the information lacking which its chosen consultant would provide, e.g. the questions it needs answered. Failure by the applicant to pay the consultant fee specified by the Commission within 10 business days of the request for payment shall be cause for the Commission to deny the permit application.

**§ 406-6. Appeals. [Amended 6-15-2021 ATM, Art. 20]**

The applicant may appeal the selection of the outside consultant to the Select Board, who may only disqualify the outside consultant selected on the grounds that the consultant has a conflict of interest or does not possess minimum required qualifications. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue or related field. Such an appeal must be in writing and received by the Select Board and a copy received by the Conservation Commission, so as to be received within 10 days of the date consultant fees were requested by the Conservation Commission. The required time limits for action upon the application shall be extended by the duration of the administrative appeal.

**§ 406-7. Return of unspent fees.**

When the Commission's review of a project is completed and an order of conditions issued, any balance in the special account attributable to that project shall be returned within 30 days. The excess amount, including interest, shall be repaid to the applicant or the applicant's successor in interest. For the purpose of this regulation any person or entity claiming to be an applicant's successor in interest shall provide the Commission with appropriate documentation. A final report of said account shall be made available to the applicant or applicant's successor in interest.

## **Appendix**

**Chapter A601****ACCEPTANCES OF GENERAL LAWS AND ACTS****§ A601-1. Acceptances of General Laws [From 1892 to the present]**

<b>MGL Reference</b>	<b>Date/Art. No.</b>	<b>Subject</b>
c. 32, § 85H 1/2	6-12-2000/34	Pension rights; indemnification for injuries; widow's allowance
c. 32B (certain portions) <sup>44</sup>	3-4-1968 Election/Ques. 1	Contributory group life insurance, accidental death, hospital and medical insurance
c. 32B, § 18A	2-6-2012/8	Transfer of retiree, spouse or dependent to Medicare health plan
c. 32B, § 20	6-21-2010/15	Post-Employment Benefits Liability Trust Fund
c. 39, § 23D	6-18-2013/20	The Mullin Rule
c. 40, § 22D	2-22-1982/5	Towing of illegally parked vehicles impeding snow removal
c. 40, § 39K	5-30-1989/32	Drinking water protection district
c. 40, § 42-A	3-7-1936/35	Collection of water rates
c. 40, § 42A-E	6-10-1996/44	Collection of water fees
c. 40, § 4G	5-18-1985/15	Increase bidding limit from \$2,000 to \$4,000 ( <b>Rescinded 5-14-1990/32</b> )
c. 40, § 57	6-10-1996/64	Licenses and permits of delinquent taxpayers
c. 40, § 6B	3-9-1963/20	Authorize money for purchase uniforms for members of Police and Fire Departments
c. 40, § 8a (Ch. 297, Acts of 1954, amended by Ch. 102, Acts of 1955)	5-22-1971/10	Establish a Development and Industrial Commission
c. 40, § 8C	7-9-1973/12	Establish Conservation Commission
c. 40, § 8E	6-14-1999/49	Establishment of Youth Commission

44. Editor's Note: Article 11 adopted at the 1-31-2011 STM provided that all retirees retiring after acceptance of MGL c. 32B, § 18A, their spouses and dependents who are enrolled in Medicare Part A at no cost to retirees, their spouses or dependents, or eligible for coverage hereunder at no cost to retirees, their spouses or dependents, be required to enroll in a Medicare health benefits supplement plan offered by the Town.

<b>MGL Reference</b>	<b>Date/Art. No.</b>	<b>Subject</b>
c. 40, § 8G	5-17-1980/26	Mutual police aid agreements
c. 40, § 22F	6-13-1994/19	Fixing of reasonable charges for service performed by boards and officers issuing licenses, etc.
c. 41, §§ 19K and 108P	6-17-2002/35	Allow additional compensation for the Town Treasurer, Town Clerk and Town Collector upon certification
c. 41, § 110A	6-11-2007/17	Closing of Town offices on Saturdays permitted
c. 41, § 110I	5-15-1976/28	Indemnification of municipal officers
c. 41, § 112A	6-22-1976/8	Separation from service of war veterans holding unclassified positions
c. 41, § 41B	6-14-1999/48	Authorize Treasurer to directly deposit compensation of any employee who authorizes such direct deposit
c. 41, § 97A	3-11-1961/23	Establishment of Police Department by Selectmen
c. 43D, as amended by Ch. 205, § 11, Acts of 2006	1-31-2011/12	Expedited permitting
c. 44, § 53C	3-10-1973/21	Establish fund for control of off-duty police fees
c. 44, § 53E (Ch. 339, Acts of 1981)	2-7-1983/9	Offsetting of appropriations for operating costs of agencies by estimated receipts from user fees charged by agency
c. 44, § 54(b)	11-29-2023/7	Allowing Town trust funds to be invested in accordance with MGL c. 203C
c. 48, §§ 42, 43 and 44	3-8-1952/27	Establishment of Fire Department
c. 53, § 9A	6-9-2003/33	Relative to the deadline to obtain nomination papers for elective office
c. 54, § 16A	6-9-2008/24	Filling election worker vacancies by Town Clerk

<b>MGL Reference</b>	<b>Date/Art. No.</b>	<b>Subject</b>
c. 54, § 103A	3-7-1964/16	Absentee voting in town elections
c. 59, § 5, Cl. 17 1/2 as amended by Ch. 73, Acts of 1986	5-30-1989/26	Property tax exemption
c. 59, § 5, Cl. 17C (amended by Ch. 653, Acts of 1982)	6-18-1983/13	Property tax exemption
c. 59, § 5, Cl. 17D	6-14-2004/27	Relative to elderly tax abatements for fiscal 2005 and thereafter
c. 59, § 5, Cl. 41C as amended by Ch. 73, Acts of 1986	5-30-1989/27	Property tax exemption
c. 59, § 5, Cl. 54	6-9-2008/21	Establish a minimum value of \$10,000 for personal property subject to taxation, the so-called "Small Personal Property Account Exemption," beginning in FY 2010
c. 59, § 5K	6-11-2007/20	Establishment of senior tax work-off program beginning in FY 2008
c. 59, § 57B (Ch. 402, Acts of 1987)	5-14-1990/35	Interest on unpaid real estate and personal property taxes effective in FY 91
c. 59, § 57C	11-5-2007/4	Establishment of quarterly tax payment system beginning in FY 2009
c. 64N, § 3 (as amended by Section 13 of Chapter 55 of the Acts of 2017)	12-11-2018/8	Impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment at the rate of 3% of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products
c. 71, § 16 through 16I	2-2-1963/1	Establishment of Regional School District
c. 80, § 13B	4-11-1988/17	Deferral and recovery agreements (betterments)
c. 83, §§ 16A and 16B-F	6-17-1991/10	Sewer rates and charges



<b>MGL Reference</b>	<b>Date/Art. No.</b>	<b>Subject</b>
c. 90, § 20A	11-2-1981/10	Parking violations and fines <b>(Rescinded 2-22-1982/3)</b>
c. 90, § 20A1/2	2-22-1982/4	Parking violations and fines
c. 90, § 20C	4-7-1975/32	Outstanding unpaid parking violations
c. 90, § 22B	6-17-2014/20	Abandoned vehicles
c. 131, § 105C	8-30-1934/10	Suspend operation of statute regulating use of traps to capture fur-bearing animals
c. 136, § 4B, as amended by Ch. 207, Acts of 1946	10-18-1946/1	Authorize Selectmen to grant licenses for operation of bowling alleys on Lord's day
c. 139, §§ 1, 2 and 3	11-28-1966/11	Disposal of burned or dangerous buildings
c. 140, § 147A	6-13-1994/40	Enactment of bylaws and setting of fees relative to dogs
c. 147, §§ 32 through 51	3-7-1936/34	Legalization of boxing
c. 148, § 26C	6-18-1983/11	Smoke and heat detectors in apartment houses, hotels and boardinghouses
c. 148, § 26E	6-12-2000/35	Smoke detectors in residential buildings
c. 148, § 26G	6-18-1983/12	Automatic sprinkler systems in new buildings of more than 7,500 gross square feet
c. 148, § 26I	5-20-1991/22	Installation of automatic sprinklers in buildings containing four or more dwelling units
c. 149, § 33C	3-10-1973/14	Overtime compensation of permanent employees
c. 258, § 13	4-7-1980 Election/Ques. 3	Indemnification of town officers

**§ A601-2. Acceptances of Acts [From 1892 to the present]**

<b>Chapter/Acts of</b>	<b>Date/Art. No.</b>	<b>Subject</b>
Ch. 27, §§ 64 through 68	3-5-1894/14	
Ch. 417, §§ 267 and 268, Acts of 1893	3-2-1896/17	Australian ballot system

Chapter/Acts of	Date/Art. No.	Subject
Ch. 264, Acts of 1890	4-4-1898/3	Cemetery Commission <b>(Rescinded 11-18-2014/4)</b>
Ch. 11, § 335	3-3-1902/16	Election of Clerk for three-year term
Ch. 209, Acts of 1908	3-1-1909/11	Protection of forests and sprout lands from fire
Ch. 560, Acts of 1907, § 364	3-6-1911/14	Election of Highway Surveyor
Ch. 560, Acts of 1907, § 359	1-11-1912/3	Elect Moderator for three-year term
Ch. 807, Acts of 1913	3-1-1915/19	Compensation of certain public employees for injuries
Ch. 293, Acts of 1916	3-5-1917/16	Licensing of motor vehicles carrying passengers for hire
Ch. 240, Acts of 1920	3-7-1921/Ques. 2	Sports and games on Lord's day
Ch. 240, Acts of 1920	3-6-1922/Ques. 2	Sports and games on Lord's day
Ch. 248, Acts of 1934	8-30-1934/6	Felton Field Commission
Ch. 723, Acts of 1945	12-19-1945/7	Establish and maintain departments and districts for furnishing advice and assistance to veterans
Ch. 403, Acts of 1936	9-29-1950/7	Workmen's compensation
Ch. 820, Acts of 1950	3-10-1951/25	
Ch. 624, Acts of 1952	11-29-1952/1	Increase retirement allowance and pensions to persons separated from town service prior to 4-1-1951
Ch. 434, Acts of 1953	8-24-1953/4	Rent control
Ch. 568, Acts of 1964, as amended by Ch. 543, Acts of 1965	11-2-1965/2	Establishment of Regional School District
Ch. 835, Acts of 1970	3-11-1972/15	Career incentive pay program for police officers; partial reimbursement by commonwealth
1979 Act of General Court	4-7-1980 Election/Ques. 2	Recall and removal elections
Ch. 477, Acts of 1984	4-29-1985/7	Exemption from public bidding laws when purchasing materials from other governmental agencies

<b>Chapter/Acts of</b>	<b>Date/Art. No.</b>	<b>Subject</b>
Ch. 188, § 13, Acts of 1985	10-28-1985/9	Professional development grant program for Montachusett Regional Vocational Technical School
Ch. 188, § 12, Acts of 1985	10-28-1985/10	Equal education opportunity grant for Montachusett Regional Vocational Technical School
Ch. 188, § 12, Acts of 1985	5-16-1987/24	Equal education opportunity grant for Montachusett Regional Vocational Technical School
Ch. 640, Acts of 1985	5-16-1987/28	
Ch. 188, § 12, Acts of 1985	6-22-1987/9	Equal education opportunity grant for Montachusett Regional Vocational Technical School
Ch. 188, § 12, Acts of 1985	4-11-1988/14	Equal education opportunity grant for Montachusett Regional Vocational Technical School for FY89
Ch. 56, Acts of 1988	6-27-1988/6	Authorize Town of Barre to establish a Department of Public Works
Ch. 188, Acts of 1985	4-11-1988/14	Equal education opportunity grant for FY90 to be expended by Quabbin Regional School District
Ch. 188, § 12, Acts of 1985	5-30-1989/31	Equal education opportunity grant for Montachusett Regional Vocational Technical School
Ch. 188, § 12, Acts of 1985	5-14-1990/33 (no final vote indicated)	Equal education opportunity grant for FY91 Montachusett Regional Vocational Technical School
Ch. 291, Acts of 1990	5-20-1991/8	Enhanced 911 service
Ch. 188, § 12, Acts of 1985	5-20-1991/38	Equal education opportunity grant for FY92 for Montachusett Regional Vocational Technical School
Ch. 188, § 12, Acts of 1985	5-18-1992/48	Equal education opportunity grant for FY93 for Montachusett Regional Vocational Technical School

<b>Chapter/Acts of</b>	<b>Date/Art. No.</b>	<b>Subject</b>
Ch. 188, § 12, Acts of 1985	6-14-1993/29	Equal education opportunity grant for FY94 for Montachusett Regional Vocational Technical School
Ch. 324, Acts of 1993	6-13-1994/37	Regulating employment of certain building officials
Ch. 481, Acts of 1993	6-13-1994/43	Permit common victualers licensed to sell wine and malt beverages to also sell liquors and cordials
Ch. 46, § 12, Acts of 2003	6-14-2004/12	Further defines definition of "employee" in MGL c. 32B, § 12, pertaining to members of a call fire department
Ch. 7, Acts of 2011	1-31-2011/15	Appointment of a Treasurer-Collector

**Chapter A602****STREET ACCEPTANCES AND DISCONTINUANCES****§ A602-1. ACCEPTANCES AND DISCONTINUANCES**

<b>Name of Street</b>	<b>Date/Art. No.</b>	<b>Action</b>	<b>Description</b>
The cross road	3-2-1908/13	Discontinue	Leading to and past building on farm know as the Cutler place
	3-5-1917/17	Discontinue	Road leading from highway near C.A. Verges house
	3-10-1923/21	Discontinue	Highway leading from bridge over canal in White Valley
	3-10-1923/22	Discontinue	Road near residence of Irving Wood
	3-10-1945/23	Accept	Road that leads to residence of Joseph Glancy from Pleasant Street
A portion of land	7-19-1954/3	Accept	Consisting of approximately 250 feet to extend Elm Street to residence of Robert T. Flint
A town road	3-6-1943/37	Discontinue	From Farrington Road northeasterly about 2,300 feet to Gilbert Road
Adams Road	3-6-1943/37	Discontinue	From Gilwee Road easterly about 1,200 feet to Granger Road
Austin Road	3-10-1934/29	Accept	In Barre Plains
Beech Street	3-10-1956/20	Accept	Plans on file with Clerk
Blake Road	3-6-1943/37	Discontinue	From Coldbrook Road southeasterly about 2,600 feet to Rutland line

<b>Name of Street</b>	<b>Date/Art. No.</b>	<b>Action</b>	<b>Description</b>
Brigham Road	3-9-1946/30	Discontinue and abandon	In east part of town and lying within land owned and controlled by Metropolitan Water Authority Supply Commission
Broad Street	3-12-1949/29	Accept	An extension north from residence of Dr. G. Percy Brown approximately 525 feet in length and 49 1/2 feet in width
Broad Street	5-13-2014/12	Accept	A portion, as shown on a plan entitled "Layout Plan of Barre Town Common" prepared for the Town by Chappell Engineering Associates, LLC, dated 4-1-2014, and recorded in the Worcester District Registry of Deeds in Book 906, Plan 61, as laid out by the Board of Selectmen 4-22-2014
Butterworth Road	6-12-1994/40	Accept	According to a description on file with Clerk and on page 126 of 1995 ATM minutes
Cathy Lane	3-6-1971/19	Accept	Portion which is 200 feet long being part of Wildwood Heights Development
Cathy Lane	9-17-1979/11	Accept	Portion outlined in red on plan filed with Clerk entitled "Wildwood Height July 30, 1969
Cathy Lane	11-23-1987/15	Accept	Approximately 400 feet, to be added to the approximately 350 feet previously accepted, that extends southeasterly from Wildwood Drive and includes entire Cathy Lane

<b>Name of Street</b>	<b>Date/Art. No.</b>	<b>Action</b>	<b>Description</b>
Cedar Street	3-10-1956/20	Accept	Plans on file with Clerk
Clem Court Road	3-9-1946/22	Accept	In South Bane leading off from South Barre Road and extending some 900 feet to residence of Annie Savickas
Coldbrook Road	3-6-1943/37	Discontinue	From Oakham line northeasterly about 13,000 feet to the Cemetery
Cole Road	3-6-1948/13	Discontinue	
Cole Place Road	2-6-2012/12	Accept	Written description on file with Clerk
Common Street	5-13-2014/12	Accept	As shown on a plan entitled "Layout Plan of Barre Town Common" prepared for the Town by Chappell Engineering Associates, LLC, dated 4-1-2014, and recorded in the Worcester District Registry of Deeds in Book 906, Plan 61, as laid out by the Board of Selectmen 4-22-2014
Covered Bridge Road	3-6-1943/37	Discontinue	From Riverside Cemetery easterly about 1,800 feet to Harding Hill Road
Cummings Road	3-6-1943/37	Discontinue	From Cutoff Road southeasterly about 2,300 feet to Granger Road

Name of Street	Date/Art. No.	Action	Description
Cutler Road	6-21-2016/39	Accept	As accepted by Article 2 of the December 13, 1894, Town Meeting, to include adjacent property shown as Parcels A and B on a "Plan of Land in Barre, Massachusetts, owned by Frank J. LaTulippe, prepared for the Town of Barre, dated April 6, 2000, and recorded with the Worcester District Registry of Deeds in Plan Book 759 Plan 2"
Daunt Road	6-14-1999/22	Discontinue	Portion as accepted in August 1856: Beginning at a point 800 feet from Hardwick Road, thence southerly a distance of 203 feet to its present end
Debra Lane	3-11-1961/13	Accept	Running for a distance of 280.0 feet from Town Farm Road near residence of John Hinchliffe
Debra Lane Extension	6-11-2001/18	Accept	
Deer Run	11-29-1993/1	Accept	In its entirety (description in minutes of 11-29-1993, p. 70)
Elm Street	3-12-1949/35	Accept	An extension a distance of 250 feet and 39 feet wide by residence of J.L. Higgins
Elm Street	3-10-1956/20	Accept	Plans on file with Clerk



<b>Name of Street</b>	<b>Date/Art. No.</b>	<b>Action</b>	<b>Description</b>
Exchange Street	5-13-2014/12	Accept	As shown on a plan entitled "Layout Plan of Barre Town Common" prepared for the Town by Chappell Engineering Associates, LLC, dated 4-1-2014, and recorded in the Worcester District Registry of Deeds in Book 906, Plan 61, as laid out by the Board of Selectmen 4-22-2014
Farrington Road	3-6-1943/37	Discontinue	From a point on the road northerly about 1,300 feet to Gilbert Road
Fir Street	3-10-1956/20	Accept	Plans on file with Clerk
Fisher Road	3-6-1943/37	Discontinue	SB #109 easterly about 2,100 feet to Gilbert Road
Fritscher Road	3-9-1946/22	Accept	At Barre Plains leading off from Old Furnace Road and extending to the residence of Harry Fritscher some 325 feet
Gilbert Road	3-6-1943/37	Discontinue	From northerly bank of Steep Gutter Brook southeasterly about 9,500 feet to Hubbardston Road
Gilwee Road	3-6-1943/37	Discontinue	From Cutoff Road southerly about 4,200 feet to Adams Road
Granger Road	3-6-1943/37	Discontinue	From Old Worcester Road northeasterly about 8,300 feet to Covered Bridge Road
Grove Street	3-10-1956/20	Accept	Plans on file with Clerk
Grove Street Extension	10-27-2003/15	Discontinue	From the easterly line of Common Street to the westerly line of Concert Mall (Rt. 122/Rt. 321) Street

<b>Name of Street</b>	<b>Date/Art. No.</b>	<b>Action</b>	<b>Description</b>
Grove Street (North) Extension (rescinded 5-20-1991/41)	8-22-1988/8	Discontinue	From Common Street to the confluence of South Street and Main (North) Street
Grove Street North	5-13-2014/12	Accept	A portion, as shown on a plan entitled "Layout Plan of Barre Town Common" prepared for the Town by Chappell Engineering Associates, LLC, dated 4-1-2014, and recorded in the Worcester District Registry of Deeds in Book 906, Plan 61, as laid out by the Board of Selectmen 4-22-2014
Harding Hill Road	3-6-1943/37	Discontinue	From Coldbrook Road northerly about 6,100 feet and northeasterly about 5,200 feet to Coldbrook Road
Hurst Road	3-6-1948/14	Accept	
Jackson Lane	3-10-1945/36	Reopen	A portion
James Street	5-13-2014/12	Accept	As shown on a plan entitled "Layout Plan of Barre Town Common" prepared for the Town by Chappell Engineering Associates, LLC, dated 4-1-2014, and recorded in the Worcester District Registry of Deeds in Book 906, Plan 61, as laid out by the Board of Selectmen 4-22-2014
Jim Barry Road	6-12-1995/38	Discontinue	In its entirety
Lackey Road	3-6-1943/37	Discontinue	From Granger Road easterly about 2,500 feet to end of road

<b>Name of Street</b>	<b>Date/Art. No.</b>	<b>Action</b>	<b>Description</b>
Marsh Road	7-19-1954/15	Accept	Running from Farrington Road to driveway of Christian Hill Nursing home, a distance of 0.31 miles
Mechanic Street	5-13-2014/12	Accept	A portion, as shown on a plan entitled "Layout Plan of Barre Town Common" prepared for the Town by Chappell Engineering Associates, LLC, dated 4-1-2014, and recorded in the Worcester District Registry of Deeds in Book 906, Plan 61, as laid out by the Board of Selectmen 4-22-2014
Moulton Street	5-13-2014/12	Accept	As shown on a plan entitled "Layout Plan of Barre Town Common" prepared for the Town by Chappell Engineering Associates, LLC, dated 4-1-2014, and recorded in the Worcester District Registry of Deeds in Book 906, Plan 61, as laid out by the Board of Selectmen 4-22-2014
Murphy Road	4-25-1955/1	Discontinue	220 feet of road at northerly end of Murphy Road
Nelson Street	3-10-1956/20	Accept	Plans on file with Clerk
Nichols Road	3-10-1956/20	Accept	That part not previously a town highway
Oak Street	3-10-1956/20	Accept	Plans on file with Clerk
Oakham Road	6-13-2005/24	Accept	Description on file with Town Clerk
Old Coach Road	12-28-1964/6	Accept	As shown on map on file with Clerk
Old Coldbrook — Hubbardston Road	3-19-1945/36	Discontinue	To Hubbardston line

<b>Name of Street</b>	<b>Date/Art. No.</b>	<b>Action</b>	<b>Description</b>
Pine Tree Terrace	5-30-1989/13	Accept	Starting at Vernon Avenue, called Main Street in South Barre proceeding southeasterly 488 feet to a cul-de-sac, with a roadway length of 300 feet
Pleasant Street	5-13-2014/12	Accept	A portion, as shown on a plan entitled "Layout Plan of Barre Town Common" prepared for the Town by Chappell Engineering Associates, LLC, dated 4-1-2014, and recorded in the Worcester District Registry of Deeds in Book 906, Plan 61, as laid out by the Board of Selectmen 4-22-2014
Rees Road	3-6-1943/37	Discontinue	From Hubbardston Road northerly about 800 feet to end of road
Rice Road	3-6-1943/37	Discontinue	From Gilbert Road northeasterly about 1,800 feet to end of road
Ruggles Lane	4-10-1952/3	Accept	
Rutland Road	3-6-1943/37	Discontinue	From Coldbrook Road southerly about 1,500 feet to Rutland line
Sam's Way	6-21-2016/40	Accept	As shown on a plan described as "Definitive Subdivision Sam's Way, located on Oakham Road, Barre, Massachusetts, and recorded with the Worcester District Registry of Deeds in Plan Book 850 Plan 76"

<b>Name of Street</b>	<b>Date/Art. No.</b>	<b>Action</b>	<b>Description</b>
School Street North	5-13-2014/12	Accept	A portion, as shown on a plan entitled "Layout Plan of Barre Town Common" prepared for the Town by Chappell Engineering Associates, LLC, dated 4-1-2014, and recorded in the Worcester District Registry of Deeds in Book 906, Plan 61, as laid out by the Board of Selectmen 4-22-2014
School Street (North) Extension	8-22-1988/7	Discontinue	From Main Street (North) to Exchange Street
Sibley Road	6-17-2002/34	Accept	Beginning at a point 312.80 feet northwest from the intersection of Wauwinet Road and Sibley Road and extending an additional 500 feet
Skelly Road	6-12-1995/39	Discontinue	Beginning at the intersection of Skelly Cut Off Road and proceeding westerly for a distance of 1,763 feet
South Street	5-13-2014/12	Accept	A portion, as shown on a plan entitled "Layout Plan of Barre Town Common" prepared for the Town by Chappell Engineering Associates, LLC, dated 4-1-2014, and recorded in the Worcester District Registry of Deeds in Book 906, Plan 61, as laid out by the Board of Selectmen 4-22-2014

<b>Name of Street</b>	<b>Date/Art. No.</b>	<b>Action</b>	<b>Description</b>
Station Road	3-9-1946/22	Accept	At Barre Plains, leading off from New Braintree Road near railroad crossing and extending to the residence of William Kudzma some 1,000 feet
Station Road	3-6-1948/14	Accept	
Stove Road	3-6-1943/37	Discontinue	From Hubbardston Road easterly about 3,500 feet to Hubbardston line
Summer Street	5-13-2014/12	Accept	A portion, as shown on a plan entitled "Layout Plan of Barre Town Common" prepared for the Town by Chappell Engineering Associates, LLC, dated 4-1-2014, and recorded in the Worcester District Registry of Deeds in Book 906, Plan 61, as laid out by the Board of Selectmen 4-22-2014
Terry Lane	1-18-1990/8	Accept	As indicated on plan entitled "Oak Hills Subdivision, Phase I, Definitive Plan of Terry Lane" dated 9-25-1987
Thrasher Road	3-6-1943/37	Discontinue	From Coldbrook Road easterly about 2,300 feet to Rutland line
Town Farm Road	6-3-1957/10	Accept	In accordance with map and plan made by Worcester County Engineer and recorded with Town Clerk
Town Farm Road	3-11-1961/13	Accept	Running from Worcester Road to Valley Road
Trafalgar Square	3-10-1956/20	Accept	Plans on file with Clerk

## STREET ACCEPTANCES AND DISCONTINUANCES

<b>Name of Street</b>	<b>Date/Art. No.</b>	<b>Action</b>	<b>Description</b>
Wildwood Drive	3-6-1971/19	Accept	Portion which is 440 feet long being part of Wildwood Heights Development
Wilton Street	3-6-1954/19	Accept	As show on map on file with Clerk
Wilton Street	3-6-1965/15	Accept	Extension of about 200 feet, as shown on map on file with Clerk

BARRE CODE

**Chapter A603**

**ROAD LISTS**



## ARTICLE I

**Barre Roads****§ A603-1. Road lists.**

- |                           |   |
|---------------------------|---|
| 1. Adams Road             | Fruitland Road to MDC   |
| 2. Adams Street           | South Street to Wheelwright Road  |
| 3. Airport Road           | North Brookfield Road to end  |
| 4. Allen Road             | Old Stage Road to Washburn Road (not passable all the way)  |
| 5. Almon Thrasher Road    | Old Hardwick Road to Sheldon Road   |
| 6. Austin Street          | Wheelwright Road to end   |
| 7. Baldwin Road           | Hawes Hill Road to end  |
| 8. Barre Depot Road       | Vernon Avenue to Oakham Town line   |
| 9. Barre Plains Street    | Wheelwright Road to junction of Main Street and North Brookfield Road   |
| 10. Beech Street          | Cedar Street to Oak Street  |
| 11. Bentley Road          | Winter Street to Ruggles Lane (Accepted as Bentley Street in 1955. Sign reads "Bentley Street." Selectmen changed to Bentley Road.) |
| 12. Blair Road            | Sheldon Road to Spring Hill Road  |
| 13. Britton Road East     | Oakham Road to end to Oakham Road   |
| 14. Britton Road West     | North Brookfield Road to end (never closed in between but impassable)   |
| 15. Broad Street          | Junction of School Street North and Exchange Street to Ruggles Lane   |
| 16. Butterworth Road      | West Street to Petersham Town line  |
| 17. Cathy Lane            | Junction of Wildwood Drive and Terry Lane to end  |
| 18. Cedar Street          | South Barre Road to end   |
| 19. Chamberlain Hill Road | Junction of Wheelwright Road and South Street to Root Road  |
| 20. Chapman Road          | Old Coldbrook Road to Worcester Road  |
| 21. Church Lane           | Dana Road to Petersham Town line  |
| 22. Church Street         | Trafalgar Square to Vernon Avenue   |
| 23. Circle Road           | Mechanic Street to Mechanic Street  |
| 24. Clem Court            | South Barre Road to end   |
| 25. Company Farm Road     | Woods Road to end   |
| 26. Common Street         | Junction of Concert Mall, Pleasant Street and School Street North to South Street   |

27. Concert Mall	Junction of James Street, Exchange Street and Summer Street to junction of Common Street, Pleasant Street and School Street North
28. Covered Bridge Road	Granger Road to second gate of Riverside Cemetery
29. Cummings Road	Hubbardston Road to end
30. Cutler Road	Chamberlain Hill Road to junction of Jewett, Hardwick and Wauwinet Roads
31. Cut-Off Road	Walnut Hill Road to Cummings Road
32. Dana Road	West Street to Petersham Town line
33. Daunt Road	Hardwick Road to end
34. Debra Lane	Town Farm Road to end
35. Elm Street North	West Street to end
36. Elm Street South	South Barre Road to end
37. Everett Road	Hubbardston Road to Sunrise Avenue
38. Exchange Street	Town Hall to junction of Summer Street, James Street and Concert Mall (even numbers). Town Hall to junction of School Street North and Broad Street (odd numbers).
39. Farrington Road	Williamsville Road to end
40. Fellows Road	Sheldon Road to end
41. Fir Street	South Barre Road to end
42. Fisher Road	Sunrise Avenue to MDC
43. Flaherty Road	Williamsville Road to end
44. Fritscher Road	Wheelwright Road to end
45. Fruitland Road	Worcester Road to Walnut Hill Road (now called Fruitland Road West from Bradley Brown's to Walnut Hill Road because a section is almost impassable)
46. Fuller Road	Jewett Road to end
47. Gilbert Road	Old Petersham Road to MDC (Emergency personnel must take note that this road is numbered from Old Petersham Road, the point farthest from the Town Hall. Gilbert Road crosses Williamsville Road and the three houses with largest numbers, Elliott White, 585, Ladeau, and Theodore Kelley 685, are east of or to the right of Williamsville Road coming from the center of town.)
48. Glancy Road	Pleasant Street to end
49. Glazier Road	Wheelwright Road to Hardwick Town Line

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## ROAD LISTS

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50. Granger Road	Hubbardston Road to Covered Bridge Road
51. Grogan Road	South Street to Wauwinet Road
52. Grove Street	North Concert Mall to Newton Street
53. Grove Street	South Barre Road to junction of Nichols Road and Oak Street
54. Hancock Road	West Street to end
55. Hardwick Road	Junction of Jewett, Wauwinet and Cutler Roads to Hardwick Town line
56. Harty Road	Phillipston Road to end
57. Hawes Hill Road	Pleasant Street to Eiben house
58. High Street North	Pleasant Street to Broad Street
59. High Street Street	Peach Street to cul-de-sac
60. High Plains Street	Main Street to High Street South
61. Hinkley Road	Hardwick Road to end
62. Hubbardston Road	Junction of Valley Road and Mechanic Street to Hubbardston Town line
63. Hurst Road	Wheelwright Road to end
64. Jackson Lane	West Street to end
65. James Street	Junction of Summer Street, Concert Mall and Exchange Street to junction of Valley and Old Coldbrook Roads
66. Jewett Road	Junction of Cutler, Hardwick and Wauwinet Roads to Hardwick Town line
67. Jim Barry Road	Old Stage Road to end
68. Kendall Street	James Street to South Street
69. Lane Road	Chamberlain Hill Road to Glazier Road (Part of this road is impassable beyond Matukaitis farm.)
70. Lockwood Road	Pleasant Street to end
71. Lovers Lane	Pleasant Street to Old Stage Road
72. Loring Road	Stetson Road to South Street
73. Main Street	Junction of South Barre Road and Vernon Avenue to junction of North Brookfield Road and Barre Plains Street
74. Maple Lane	Wheelwright Road to end
75. Marsh Road	Farrington Road to end
76. Mechanic Street	Exchange Street to junction of Valley and Hubbardston Roads
77. Mill Road	Pleasant Street to Old Stage Road

## § A603-1

## BARRE CODE

## § A603-1

78. Moulton Street	South Street to James Street
79. Murphy Road	Williamsville Road to end
80. Nelson Street	Vernon Avenue to Trafalgar Square
81. Newton Street	Grove Street North to West Street
82. Nichewaug Road	West Street to Petersham Town line
83. Nichols Road	Worcester Road to junction of Oak Street and Grove Street South
84. North Brookfield Road	Junction of Barre Plains Street and Main Street to New Braintree Town line
85. Nourse Lane	School Street North to end
86. Oak Street	Junction of Nichols Road and Grove Street South to Beech Street
87. Oakham Road	North Brookfield Road to Oakham Town line
88. Old Coach Road	Root Road to end
89. Old Colderook Road	Junction of Valley Road and James Street to MDC
90. Old Dana Road	West Street to Dana Road
91. Old Hardwick Road	West Street to Hardwick Road
92. Old Petersham Road	Williamsville Road to Petersham Town line (Emergency personnel should note that residences of Mark Cummings, 50, and Conrad Rivard, 81, are reached from Williamsville Road. From Rivards' to the junction with Phillipston Road, the road is presently impassable.)
93. Old Stage Road	Pleasant Street to Petersham Town line
94. Osgood Road	Washburn Road to end (not really passable now)
95. Park Street	Broad Street to Pleasant Street
96. Peach Street	Junction of Main Street and Wheelwright Road to High Street South
97. Phillipston Road	Gilbert Road to Hubbardston Town line.
98. Pine Tree Terrace	Main Street to cul-de-sac
99. Pleasant Street	Junction of Common Street, School Street North and Concert Mall to Petersham Town line
100. Quinn Road	North Brookfield Road to end
101. Rocking Stone Road	West Street to Old Dana Road
102. Root Road	South Street to Cutler Road
103. Ruggles Lane	Pleasant Street to Bentley Road
104. Sanderson Road	Pleasant Street to end

105. School Street North	Junction of Pleasant Street, Concert Mall and Common Street to junction of Williamsville and Valley Roads
106. School Street South	Peach Street to High Street South
107. Sheldon Road	Old Dana Road to Hardwick Road
108. Sibley Road	Wauwinet Road to end
109. Sibley Road	Wauwinet Road to end
110. Silver Brook Road	Dana Road to Old Dana Road
111. Skelley Road	Old Petersham Road to Warren house
112. South Street	Junction of School Street North and Exchange Street to Wheelwright Road
113. South Barre Road	Junction of Worcester Road, Summer Street and Valley Road to junction of Vernon Avenue and Main Street
114. Spooner Road	Spring Hill Road to Hardwick Town line
115. Spring Hill Road	Old Dana Road to Hardwick Town line
116. Station Road	North Brookfield Road to end
117. Stetson Road	South Street to South Barre Road
118. Stevens Road	Barre Plains Street to Austin Street
119. Summer Street	Junction of Exchange Street, James Street and Concert Mall to junction of Valley, Worcester and South Barre Roads
120. Sunrise Avenue	Hubbardston Road to Farrington Road
121. Terry Lane	Junction of Wildwood Drive and Cathy Lane to end
122. Town Farm Road	South Barre Road to Worcester Road
123. Trafalgar Square	Nelson Street to Church Street
124. Union Street	Broad Street to West Street
125. Valley Road	Junction of Summer Street and Worcester and South Barre Roads to junction of School Street North and Williamsville Road
126. Vernon Avenue	Worcester Road to junction of Main Street and South Barre Road
127. Walnut Hill Road	Old Coldbrook Road to Hubbardston Road
128. Washburn Road	Pleasant Street to West Street
129. Wauwinet Road	South Street to junction of Cutler, Jewett and Hardwick Roads
130. West Street	Pleasant Street to Petersham Town line

131. Wheelwright Road	Junction of Main and Peach Streets to Hardwick Town line
132. Wildwood Drive	Worcester Road to junction of Terry and Cathy Lanes
133. Williamsville Road	Junction of Valley Road and School Street North to Hubbardston Town line
134. Wilton Street	Ruggles Lane to end
135. Winship Road	West Street to end
136. Winter Street	Broad Street to School Street North
137. Woods Road	Oakham Road to Oakham Town line
138. Worcester Road	Junction of Valley and South Barre Roads and Summer Street to Oakham Town line

## ARTICLE II

**Scenic Roads****[Adopted 4-27-1974 ATM, Art. 33]****§ A603-2. Road lists.**

The following roads in Barre were designated as scenic roads according to MGL c. 40, § 15C:

- |                          |   |
|--------------------------|---|
| 1. Adams Road            | Fruitland Road to MDC taking  |
| 2. Allen Road            | Old Stage Road westerly to Washburn Road  |
| 3. Almon Thrasher Road   | Cleveland Road across Hardwick Road along discontinued section to Wauwinet Road             |
| 4. Baldwin Road          | Hawes Hill Road to Petersham Skelly Lane  |
| 5. Blair Road            | Cleveland Road to Spring Hill Road  |
| 6. Britton Road          | New Braintree Road to end (also includes that section or sections not already discontinued) |
| 7. Butterworth Road      | Rte. 122 northerly to Petersham Town line   |
| 8. Chamberlain Hill Road | Old Furnace Road to junction Root and Cole Road   |
| 9. Chapman Road          | Rte. 122 to Old Worcester Road  |
| 10. Cleveland Road       | Old Dana Road southerly to Hardwick Road  |
| 11. Cole Place           | White Cemetery Road to Jewett Road  |
| 12. Covered Bridge Road  | Granger Road to cemetery  |
| 13. Cummings Road        | Hubbardston Road to MDC taking (Junction Cut-Off and Cummings)                              |
| 14. Cut-off Road         | Walnut Hill Road to Cummings Road   |
| 15. Dana Road            | Rte. 122 west to Petersham Town line  |
| 16. Daunt Road           | Hardwick Road to farmhouse  |
| 17. Everett Road         | Sunrise Avenue to MDC taking  |
| 18. Farrington Road      | Williamsville Road to MDC taking  |
| 19. Fisher Road          | Sunrise Avenue to MDC taking  |
| 20. Fruitland Road       | Old Worcester Road to Walnut Hill Road  |
| 21. Gilbert Road         | Petersham-Hubbardston Road to MDC taking  |
| 22. Granger Road         | Hubbardston Road to MDC taking (listed as far as Covered Bridge Road)                       |
| 23. Grogan Road          | South Street to Wauwinet Road   |
| 24. Hancock Road         | Rte. 122 to end   |
| 25. Hawes Hill Road      | Pleasant Street to Petersham Town line  |
| 26. Jackson Lane         | Rte. 122 to end   |

27. James Street	Common to Valley Road
28. Jim Barry Road	Old Stage Road westerly to end
29. Lockwood Road	Pleasant Street to end
30. Loring Road	South Barre Road to South Street
31. Lovers Lane	Pleasant Street westerly to Old Stage Road
32. Marsh Road	Williams or Farrington Road southerly to end
33. Mill Road	Pleasant Street westerly to Old Stage Road
34. Murphy Lane	Williamsville Road to end
35. Nichewaug Road	Rte. 122 westerly to Petersham Town line
36. Nichols Road	South Barre Road to Rte. 122
37. Nourse Lane	School Street to end
38. Oakham Road	New Braintree Road to Oakham Town line
39. Old Coach Road	Root Road to end
40. Old Dana Road	Rte. 122 westerly to Dana Road
41. Old Stage Road	Pleasant Street to Petersham Town line
42. Old Worcester Road	Valley Road to Rte. 122 in Coldbrook
43. Osgood Road	Washburn Road to end
44. Peter Klem Road	White Cemetery Road (formerly known as Cole Road to cellar hole)
45. Petersham-Hubbardston Road	Petersham Town line easterly to Hubbardston Town line
46. Phillipston Road	Petersham-Hubbardston Road
47. Raccoon Hill Road	Dana Road southerly to Spring Hill Road
48. Rockingstone Road	Old Dana Road to Rte. 122
49. Root Road	South Street to Junction Cole and Chamberlain Hill Road
50. Silver Spring Road	Old Dana Road to Dana Road
51. Skelly Road	Petersham Town line to Junction Gilbert and Petersham-Hubbardston Roads
52. Skelly Cut-Off	Skelly Lane northerly to Petersham- Hubbardston Road
53. Spooner Road	Spring Hill Road to Hardwick Town line
54. Spring Hill Road	Old Dana Road southerly to Hardwick Town line
55. Stetson Road	Loring Road to South Street
56. Sunrise Avenue	Hubbardston Road to Williams or formerly Farrington Road
57. Town Farm Road	South Barre Road to Rte. 122



§ A603-2

ROAD LISTS

§ A603-2

58. Walnut Hill Road

59. Washburn Road

60. White Cemetery Road

61. Woods Road

Old Worcester Road to Hubbardston Road

Pleasant Street to Rte. 122

(Formerly known as Cole Road) from now Cole  
and Davis Roads across to Jewett Road

Oakham Rd to Oakham Town line

ARTICLE III  
**Precinct Roads**

**§ A603-3. Road lists.**

**PRECINCT 1 ROADS**

1. Allen Drive
2. Allen Hill
3. Almond Thrasher
4. Baldwin Road
5. Barre Mobile Park
6. Bentley Road
7. Blair Road
8. Broad Street
9. Butterworth
10. Cat Alley
11. Circle Road
12. Common Street
13. Dana Road
14. Deer Run Circle
15. Eagle Drive
16. Elm Street North
17. Everett Road
18. Exchange Street
19. Farrington Road
20. Fellows Road
21. Flaherty Road
22. Fisher Road
23. Gilbert Road
24. Glancy Road
25. Grandview Terrace
26. Grove Street North
27. Hancock Road
28. Hardwick Road (even numbers only)
29. Harty Road
30. Hawes Hill

**PRECINCT 1 ROADS**

- |     |   |
|-----|---|
| 31. | High Street North                               |
| 32. | Hubbardston Road (odd numbers only)             |
| 33. | Jackson Lane                                    |
| 34. | James Street                                    |
| 35. | Kendall Street                                  |
| 36. | Lockwood Road                                   |
| 37. | Marsh Road                                      |
| 38. | Mechanic Street                                 |
| 39. | Mill Road                                       |
| 40. | Moulton Street                                  |
| 41. | Murphy Road                                     |
| 42. | Newton Street                                   |
| 43. | Nourse Lane                                     |
| 44. | Old Dana  |
| 45. | Old Hardwick                                    |
| 46. | Old Petersham                                   |
| 47. | Old Stage                                       |
| 48. | Park Street                                     |
| 49. | Phillipston Road                                |
| 50. | Pleasant Street                                 |
| 51. | Rockingstone                                    |
| 52. | Ruggles Lane                                    |
| 53. | School Street North                             |
| 54. | Sheldon Road                                    |
| 55. | Sibley Road                                     |
| 56. | Skelly Road                                     |
| 57. | South Street (all houses numbers 581 and lower) |
| 58. | Silver Brook Road                               |
| 59. | Spooner Road                                    |
| 60. | Springhill Road                                 |
| 61. | Stetson Road                                    |
| 62. | Summer Street                                   |
| 63. | Sunrise Avenue                                  |
| 64. | Union Street                                    |

**PRECINCT 1 ROADS**

- |     |                              |
|-----|------------------------------|
| 65. | Valley Road (odd numbers)    |
| 66. | Washburn Road                |
| 67. | Wauwinet Road (even numbers) |
| 68. | West Street                  |
| 69. | Williamsville Road           |
| 70. | Wilton Street                |
| 71. | Winship Road                 |
| 72. | Winter Street                |

**PRECINCT 2 ROADS**

- |     |                     |
|-----|---------------------|
| 1.  | Adams Street        |
| 2.  | Austin Street       |
| 3.  | Beech Street        |
| 4.  | Bradford Apartments |
| 5.  | Britton Road East   |
| 6.  | Britton Road West   |
| 7.  | Cathy Lane          |
| 8.  | Cedar Street        |
| 9.  | Chapman Road        |
| 10. | Chamberlain Hill    |
| 11. | Church Street       |
| 12. | Clem Court          |
| 13. | Company Farm Road   |
| 14. | Cummings Road       |
| 15. | Cutler Road         |
| 16. | Cutler Road         |
| 17. | Cutoff Road         |
| 18. | Daunt Road          |
| 19. | Debra Lane          |
| 20. | Elm Street South    |
| 21. | Fir Street          |
| 22. | Fritscher Road      |
| 23. | Fruitland Road      |
| 24. | Fuller Road         |

**PRECINCT 2 ROADS**

25.	Glazier Road
26.	Granger Road
27.	Grogan Road
28.	Grove Street South
29.	Hardwick Road (odd numbers)
30.	High Street South
31.	Hinckley Road
32.	Hubbardston (even numbers)
33.	Hurst Road
34.	Jewett Road
35.	Lane Road
36.	Loring Road
37.	Main Street
38.	Maple Lane
39.	Nelson Street
40.	Nichols Road
41.	North Brookfield Road
42.	Oak Street
43.	Oakham Road
44.	Old Coach Road
45.	Old Coldbrook
46.	Peach Street
47.	Pine Tree Terrace
48.	Quinn Road
49.	Root Road
50.	School Street South
51.	South Street (all house numbers 611 and higher)
52.	South Barre Road
53.	Station Road
54.	Terry Lane
55.	Town Farm Road
56.	Trafalgar Square
57.	Valley Road (even numbers)
58.	Vernon Avenue

**PRECINCT 2 ROADS**

- |     |                             |
|-----|-----------------------------|
| 59. | Walnut Hill Road            |
| 60. | Wauwinet Road (odd numbers) |
| 61. | Wheelwright Road            |
| 62. | Wildwood                    |
| 63. | Woods Road                  |
| 64. | Worcester Road              |

**Disposition List**

**Chapter DL****DISPOSITION LIST**

**The following is a chronological listing of legislation of the Town of Barre 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).] Information regarding legislation which is not included in the Code nor on this list is available from the office of the Town Clerk. The last legislation reviewed for the original publication of the Code was legislation adopted at the Annual Town Meeting of June 11, 2001, Art. 46.**

**§ DL-1. Disposition of legislation.**

<b>Enactment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
ATM, Art. 31	6-17-2002	Noncriminal disposition of bylaw violations amendment; Inspector of Gas Piping and Appliances amendment; zoning amendment	Chs. 67; 73, Art. II; 140
ATM, Art. 34	6-17-2002	Street acceptance	Ch. A602
ATM, Art. 35	6-17-2002	Acceptance of General Law	Ch. A601
STM, Art. 4	7-29-2002	Wellhead Protection Map	Ch. 140
Board of Health	8-12-2002	Smoking amendment	Ch. 306
Board of Water Commissioners	11-6-2002	Rules and regulations amendment	Ch. 404
ATM, Art. 32	6-9-2003	Meetings of boards, committees and commissions	Ch. 18, Art. III
ATM, Art. 33	6-9-2003	Acceptance of General Law	Ch. A601
ATM, Art. 36	6-9-2003	Animals amendment	Ch. 11
ATM, Art. 37	6-9-2003	Noncriminal disposition of bylaw violations amendment	Ch. 67
ATM, Art. 38	6-9-2003	Zoning Map amendment	Ch. 140
STM, Art. 14	10-27-2003	Zoning Map amendment	Ch. 140
STM, Art. 15	10-27-2003	Street vacation	Ch. A602
ATM, Art. 12	6-14-2004	Acceptance of General Law	Ch. A601



<b>Enactment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
ATM, Art. 27	6-14-2004	Acceptance of General Law	Ch. A601
ATM, Art. 34	6-14-2004	Smoking	Ch. 306
ATM, Art. 35	6-14-2004	Noncriminal disposition of bylaw violations amendment	Ch. 67
ATM, Art. 41	6-14-2004	Zoning Map amendment	Ch. 140
ATM, Art. 43	6-14-2004	Zoning amendment	Ch. 140
ATM, Art. 44	6-14-2004	Noncriminal disposition of bylaw violations amendment	Ch. 67
ATM, Art. 45	6-14-2004	Inspector of Gas Piping and Appliances amendment	Ch. 73, Art. II
STM, Art. 5	7-26-2004	Zoning Map amendment	Ch. 140
STM, Art. 4	2-28-2005	Zoning amendment; Zoning Map amendment	Ch. 140
ATM, Art. 24	6-13-2005	Street acceptance	Ch. A602
ATM, Art. 28	6-13-2005	Zoning amendment	Ch. 140
ATM, Art. 29	6-13-2005	Zoning amendment	Ch. 140
ATM, Art. 30	6-13-2005	Zoning amendment	Ch. 140
STM, Art. 4	11-21-2005	Zoning amendment	Ch. 140
STM, Art. 6	11-21-2005	Unregistered motor vehicles	Ch. 15
Board of Water Commissioners	4-5-2006	Water Department rules and regulations amendment	Ch. 404
ATM, Art. 14	6-12-2006	Surface water control	Ch. 112
ATM, Art. 28	6-12-2006	Agricultural Commission	Ch. 18, Art. IV
ATM, Art. 32	6-12-2006	Animals amendment	Ch. 11
Board of Health	3-12-2007	Tobacco product distribution amendment	Ch. 307
ATM, Art. 17	6-11-2007	Acceptance of General Law	Ch. A601
ATM, Art. 18	6-11-2007	Zoning amendment	Ch. 140
ATM, Art. 19	6-11-2007	Finance Committee amendment	Ch. 18, Art. I

<b>Enactment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
ATM, Art. 20	6-11-2007	Acceptance of General Law	Ch. A601
ATM, Art. 21	6-11-2007	Obsolete equipment and property amendment	Ch. 90, Art. II
ATM, Art. 27	6-11-2007	Zoning amendment	Ch. 140
STM, Art. 4	11-5-2007	Acceptance of General Law	Ch. A601
Board of Water Commissioners	3-5-2008	Water Department rules and regulations amendment	Ch. 404
ATE, Question 2	4-7-2008	Tree Warden	Ch. 122, Art. I
ATM, Art. 21	6-9-2008	Acceptance of General Law	Ch. A601
ATM, Art. 23	6-9-2008	Animals amendment	Ch. 11
ATM, Art. 24	6-9-2008	Acceptance of General Law	Ch. A601
ATM, Art. 25	6-9-2008	Town Meeting warrants	Ch. 119, Art. VI
Board of Health	9-15-2008	Outdoor wood-burning boilers	Ch. 310
STM, Art. 7	10-22-2008	Right to farm	Ch. 44, Art. I
Council on Aging	1-14-2009	Bylaws of the Council on Aging amendment	Ch. 405
Conservation Commission	5-12-2009	Employment of outside consultants	Ch. 406
ATM, Art. 18	6-22-2009	Alarm systems	Ch. 5
ATM, Art. 19	6-22-2009	Public use of marijuana or tetrahydrocannabinol	Ch. 63
ATM, Art. 20	6-22-2009	Zoning amendment	Ch. 140
ATM, Art. 22	6-22-2009	Zoning amendment	Ch. 140
STM, Art. 10	11-23-2009	Town Meetings: rules of procedure amendment	Ch. 119, Art. V
Planning Board	2-2-2010	Wind-energy facilities: regulations for construction and operation; special permits	Ch. 203, Art. I
ATM, Art. 15	6-21-2010	Acceptance of General Law	Ch. A601

<b>Enactment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
STM, Art. 11	1-31-2011	Acceptance of General Law	Ch. A601 (footnote only)
STM, Art. 12	1-31-2011	Acceptance of General Law	Ch. A601
STM, Art. 14	1-31-2011	Tax Collector fees repealer	Ch. 46, Art. I (footnote only)
STM, Art. 15	1-31-2011	Acceptances of General Laws and Acts	Ch. A601
ATM, Art. 13	6-20-2011	Boards, committees and commissions: postings, record of meetings amendment	Ch. 18, Art. III
ATM, Art. 16	6-20-2011	Building construction amendment	Ch. 21
STM, Art. 5	2-6-2012	Zoning Map amendment	Ch. 180 (table only)
STM, Art. 7	2-6-2012	Boards, committees and commissions: Civilian Law Enforcement Review and Advisory Board amendment	Ch. 18, Art. II
STM, Art. 8	2-6-2012	Acceptances of General Laws and Acts	Ch. A601
STM, Art. 12	2-6-2012	Street acceptances and discontinuances	Ch. A602
STM, Art. 13	2-6-2012	Boards, committees and commissions: Finance Committee amendment	Ch. 18, Art. I
ATM, Art. 16	6-25-2012	Sex offenders: residency restrictions	Ch. 98, Art. I
ATM, Art. 17	6-25-2012	Licenses and permits amendment	Ch. 59
Board of Water Commissioners	8-1-2012	Water Department rules and regulations amendment	Ch. 404
STM, Art. 18	11-26-2012	Zoning amendment	Ch. 140
Planning Board	1-15-2013	Subdivision of land amendment	Ch. 202
Planning Board	1-15-2013	Solar energy facilities	Ch. 204
Planning Board	1-15-2013	Fee schedule	Ch. 205
ATM, Art. 20	6-18-2013	General Law acceptance	Ch. A601

<b>Enactment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
ATM, Art. 23	6-18-2013	Vehicles and traffic: winter parking ban amendment	Ch. 128, Art. II
ATM, Art. 24	6-18-2013	Town meetings: elections and appropriations meeting	Ch. 119, Art. II
ATM, Art. 25	6-18-2013	Animals amendment	Ch. 11
STM, Art. 11	5-13-2014	Personnel repealer	Ch. 84, reference only
STM, Art. 12	5-13-2014	Street acceptances	Ch. A602
ATM, Art. 18	6-17-2014	Animals amendment; noncriminal disposition of bylaw violations amendment	Ch. 11; Ch. 67
ATM, Art. 19	6-17-2014	Noncriminal disposition of bylaw violations amendment; littering	Ch. 67; Ch. 81
ATM, Art. 20	6-17-2014	General Law acceptance	Ch. A601
STM, Art. 4	11-18-2014	General Law acceptance	Ch. A601
ATM, Art. 39	6-21-2016	Street acceptances and discontinuances	Ch. A602
ATM, Art. 40	6-21-2016	Street acceptances and discontinuances	Ch. A602
ATM, Art. 41	6-21-2016	Zoning amendment	Ch. 140
ATM, Art. 44	6-21-2016	Zoning amendment	Ch. 140
ATM, Art. 45	6-21-2016	Zoning amendment	Ch. 140
ATM, Art. 46	6-21-2016	Zoning amendment	Ch. 140
ATM, Art. 47	6-21-2016	Zoning amendment	Ch. 140
ATM, Art. 48	6-21-2016	Zoning amendment	Ch. 140
ATM, Art. 5	6-20-2017	Finance: revolving funds	Pending approval by Attorney General
ATM, Art. 19	6-20-2017	Soil disturbance: digging and exploration on Town properties	Ch. 104, Art. I
ATM, Art. 20	6-20-2017	Zoning amendment	Ch. 140
ATM, Art. 24	6-20-2017	Zoning Map amendment	Ch. 140, table only
ATM, Art. 15	6-19-2018	Marijuana Retailers and Social Consumption Establishments	Ch. 66
ATM, Art. 34	6-19-2018	Zoning Amendment	Ch. 140

<b>Enactment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
STM, Art. 8	12-11-2018	General Law Acceptance	Ch. A601
STM, Art. 10	12-11-2018	Zoning Amendment	Ch. 140
STM, Art. 12	12-11-2018	Zoning Amendment	Ch. 140, footnote only
STM, Art. 13	12-11-2018	Zoning Amendment	Ch. 140

<b>Enactment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>	<b>Supp. No.</b>
ATM, Art. 5	6-18-2019	Finance: Revolving Funds	Ch. 48, Art. I	16
ATM, Art. 26	6-18-2019	Marijuana Establishment Licensing	Ch. 160	16
ATM, Art. 27	6-18-2019	Zoning Amendment	Ch. 140	16
ATM, Art. 31	6-18-2019	Zoning Amendment	Ch. 140	16
ATM, Art. 33	6-18-2019	Zoning Map Amendment	Ch. 140, table only	16
ATM, Art. 34	6-18-2019	Zoning Map Amendment	Ch. 140, table only	16
ATM, Art. 35	6-18-2019	Zoning Map Amendment	Ch. 140, table only	16
ATM, Art. 9	6-15-2021	Finance: Revolving Funds Amendment	Ch. 48, Art. I	17
ATM, Art. 20	6-15-2021	Nomenclature Change ("Board of Selectmen" to "Select Board")	Various Chapters	17
ATM, Art. 21	6-15-2021	Town Meetings: Rules of Procedure Amendment	Ch. 119, Art. V	17
ATM, Art. 22	6-15-2021	Town Meetings: Town Meeting Warrants Amendment	Ch. 119, Art. VI	17
ATM, Art. 26	6-15-2021	Zoning Amendment	Ch. 140	17
ATM, Art. 28	6-15-2021	Zoning Amendment	Ch. 140	17

Enactment	Adoption Date	Subject	Disposition	Supp. No.
ATM, Art. 35	6-15-2021	Boards, Committees and Commissions: Finance Committee Amendment	Ch. 18, Art. I	17
ATM, Art. 10	6-14-2022	Finance: Revolving Funds Amendment	Ch. 48, Art. I	18
ATM, Art. 25	6-14-2022	Zoning Map Amendment	Ch. 140, table only	18
ATM, Art. 12	6-13-2023	Finance Amendment	Ch. 48	19
ATM, Art. 15	6-13-2023	Zoning Amendment	Ch. 140	19
ATM, Art. 24	6-13-2023	Council on Aging Bylaws Amendment	Ch. 405	19
STM, Art. 4	11-29-2023	Town Administrator	Ch. 70	19
STM, Art. 7	11-29-2023	Acceptances of General Laws and Acts	Ch. A601	19