Part I: Administrative Legislation

CHARLTON BYLAWS

Chapter 1

GENERAL PROVISIONS

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

The General Bylaws and Zoning Bylaw of the Town of Charlton were recodified and adopted 5-19-2014 ATM by Arts. 27, 28 and 29 (General Bylaws) and Arts. 31, 32 and 33 (Zoning Bylaw).

ARTICLE I
Amendment of Bylaws
[Adopted as Art. XLVII of the 2005 Bylaws]

§ 1-1. Amendments.

These Town of Charlton General Bylaws may be altered, amended or annulled at an Annual or Special Town Meeting, by a majority of the popular vote present and voting.

ARTICLE II
Interpretation

§ 1-2. Gender-neutrality of terms.

All male or female pronouns and other references herein which are gender-specific are intended, and shall be deemed, to refer to both female and male genders, except where the context clearly indicates that the term refers to a specific gender. By way of example, the term "his" and "hers" shall be deemed to mean "his/hers"; the term "he" or "she" shall be deemed to mean "he/she," etc.

CHARLTON BYLAWS

Chapter 5

FINANCES

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

ARTICLE I
Fiscal Year
[Adopted as Art. XI of the 2005 Bylaws]

§ 5-1. Fiscal year.

The fiscal year shall begin with the first (1st) day of July and end with the last day of June of each year.

ARTICLE II
Audit
[Adopted as Art. XII of the 2005 Bylaws]

§ 5-2. Process.

The Town shall hire or contract with an independent certified public accountant or accounting firm to conduct an annual audit, with the written report due not more than nine (9) months after the close of the fiscal year. Such audit will be in accordance with the Massachusetts General Laws and generally accepted accounting practices. This document shall become public upon its voted acceptance by the Board of Selectmen.

ARTICLE III
Tax Increment Financing
[Adopted as Art. XLII of the 2005 Bylaws]

§ 5-3. Authority to enter into agreements.

The Board of Selectmen is authorized to negotiate and execute tax increment financing ("TIF") agreements and subsequent modifications thereto on behalf of the Town, pursuant to MGL c. 23A, §§ 3A through 3H, MGL c. 40, § 59, and MGL c. 59, § 5, their successors, and the regulations promulgated thereunder.

ARTICLE IV
Payment of Fees
[Adopted as Art. XLV of the 2005 Bylaws]

§ 5-4. Payment into treasury; reporting.

All Town officers shall pay all fees received by them by virtue of their office into the Town treasury, and shall report the amount thereof from time to time to the Selectmen, who shall publish the same in the Annual Town Report.

ARTICLE V
Departmental Revolving Funds
[Adopted 5-15-2017 ATM by Art. 13]

§ 5-5. Purpose.

This bylaw establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by MGL c. 44, § 53E1/2.

§ 5-6. Expenditure limitations.

A Department or Agency Head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this bylaw without further appropriation, subject to the following limitations:

A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.

B. No liability shall be incurred in excess of the available balance of the fund.

C. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Select Board and Finance Committee.

§ 5-7. Interest.

Interest earned on monies credited to a revolving fund established by this bylaw shall be credited to the general fund.

§ 5-8. Procedures and reports.

Except as provided in MGL c. 44, § 53E1/2 and this bylaw, the laws, Charter provisions, bylaws, rules, regulations, policies and procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this bylaw. The Town Accountant shall include a statement on the collections credited to the fund, the encumbrances and expenditures charged to each fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

§ 5-9. Authorized revolving funds.

The table below establishes:

A. Each revolving fund authorized for use by a Town department, board, committee, agency or officer;

B. The department or agency head, board, committee or officer authorized to spend from each fund;

C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant;

D. The expenses of the program or activity for which each fund may be used;

E. Any restrictions or conditions on expenditures from each fund;

F. Any reporting or other requirements that apply to each fund; and

G. The fiscal years each fund shall operate under this bylaw.

Revolving Fund	Department, Board, or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Fiscal Years
Wire Inspector Revolving Fund	Inspectional Services	Fees charged for the Wire Inspector's services	Wire Inspector's fee per inspection	Unencumbered balance above $20,000 at the end of the fiscal year reverts to general fund	Fiscal Year 2018 and subsequent years
Gas Inspector Revolving Fund	Inspectional Services	Fees charged for the Gas Inspector's services	Gas Inspector's fee per inspection	Unencumbered balance above $15,000 at the end of the fiscal year reverts to general fund	Fiscal Year 2018 and subsequent years
Plumbing Inspector Revolving Fund	Inspectional Services	Fees charged for the Plumbing Inspector's services	Plumbing Inspector's fee per inspection	Unencumbered balance above $15,000 at the end of the fiscal year reverts to general fund	Fiscal Year 2018 and subsequent years
Cemetery Commission Revolving Fund	Cemetery Department	Interment fee equal to cost of grave opening	Grave opening fee	Unencumbered balance above $5,000 at the end of the fiscal year reverts to general fund	Fiscal Year 2018 and subsequent years

Revolving Fund	Department, Board, or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Fiscal Years
Recreation Commission Revolving Fund	Recreation Commission	Fees charged to individuals participating in a program, donations and gifts, private sponsorship of a program and fees charged for the use of recreation facilities	Funds will be used in direct support of the listed programs for the following items: supplies for the programs, contractual services required to present a program, administrative expenses required to run the program, repair of the equipment used in a program and the repair and maintenance of facilities used for a program.	Unencumbered balance above $15,000 at the end of the fiscal year reverts to general fund	Fiscal Year 2018 and subsequent years
Fire Department Hazardous Waste Revolving Fund	Fire Chief	Fees charged for hazardous waste services and supplies	Payments for hazardous waste training and for replacement supplies	Unencumbered balance above $15,000 at the end of the fiscal year reverts to general fund	Fiscal Year 2018 and subsequent years
Planning Board Revolving Fund	Planning Board	Fees for engineering review and other consultants as well as advertising and mailing	Payments to engineers and other consultants, as well as advertising and mailing	Unencumbered balance above $20,000 at the end of the fiscal year reverts to general fund	Fiscal Year 2018 and subsequent years
Recycling Revolving Fund	Recycling Committee	Fees from sales of rain barrels and/ or compost units	Purchase additional rain barrels and/ or compost bins	Unencumbered balance above $1,000 at the end of the fiscal year reverts to general fund	Fiscal Year 2018 and subsequent years
Assistant Building Inspector Revolving Fund	Inspectional Services	Fees charged for part-time Assistant Building Inspector's services	Part-time Assistant Building Inspector's fees per inspection	Unencumbered balance at the end of the fiscal year reverts to general fund	Fiscal Year 2018 and subsequent years

Revolving Fund	Department, Board, or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Fiscal Years
Conservation Commission – Daniels/ Colburn Road Fund	Conservation Commission	Fees from existing timber products and wildlife improvement incentive programs	1) Timber improvement 2) Wildlife habitat improvement 3) Ecological education and studies 4) Passive recreation, i.e., establish trails/ access/ parking 5) Site evaluation and planning	Unencumbered balance above $10,000 at the end of the fiscal year reverts to general fund	Fiscal Year 2018 and subsequent years
Building Department – Permitting Revolving Fund	Inspectional Services	Fees from online permits	To pay 3% fee charged by online company	Unencumbered balance above $10,000 at the end of the fiscal year reverts to general fund	Fiscal Year 2018 and subsequent years

CHARLTON BYLAWS

Chapter 10

PENALTIES

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

ARTICLE I
Noncriminal Disposition
[Adopted as Art. XLIV of the 2005 Bylaws]

§ 10-1. Noncriminal disposition procedure.

A. Any person designated below as the enforcing person for a particular bylaw, rule or regulation, or portion thereof, taking cognizance of a violation of same which he/she is empowered to enforce, hereinafter referred to as the "enforcing person," as an alternative to initiating criminal proceedings may give to the offender a written notice to appear before the Clerk of the Dudley District Court or such other court, if any, having jurisdiction thereof at any time during office hours, not later than twenty-one (21) days after the date of such notice. Such notice shall be in triplicate and shall contain the name and address, if known, of the offender, the specific offense charged, and the time and place for his, her or its required appearance. Such notice shall be signed by the enforcing person, and shall be signed by the offender whenever practicable in acknowledgment that such notice has been received. The enforcing person shall, if possible, deliver to the offender a copy of said notice at the time and place of the violation. If it is not possible to deliver a copy of said notice to the offender at the time and place of the violation, said copy shall be mailed or delivered by the enforcing person, or by his/her commanding officer or the head of his/her department or by any person authorized by such commanding officer, department or head, to the offender's last known address, within fifteen (15) days after said violation. Such notice as so mailed shall be deemed a sufficient notice, and a certificate of the person so mailing such notice that it has been mailed in accordance with this section shall be prima facie evidence thereof.

B. At or before the completion of each tour of duty, or at the beginning of the first subsequent tour of duty, the enforcing person shall give to his/her commanding officer or department head those copies of each notice of such a violation he/she has taken cognizance of during such tour which have not already been delivered or mailed by him/her as aforesaid. Said commanding officer or department head shall retain and safely preserve one copy and shall, at a time not later than the next court day after such delivery or mailing, deliver the other copy to the Clerk of the Court before which the offender has been notified to appear.

C. As provided in MGL c. 40, § 21D (hereinafter "the statute"), any person notified to appear before the Clerk of a District Court as hereinbefore provided may so appear and confess the offense charged, either personally or through a duly authorized agent or by mailing to the Charlton Town Clerk together with the notice such specific sum of money not exceeding three hundred dollars ($300) as the Town shall fix as penalty for violation of the bylaw, rule or regulation. Such payment shall, if mailed, be made only by postal note, money order or check.

D. Upon receipt of such notice, the Town Clerk shall forthwith notify the District Court Clerk of such payment and the receipt by the District Court Clerk of such notification shall operate as a final disposition of the case. An appearance under the statute or this subsection shall not be deemed to be a criminal proceeding. No person so notified to appear before the Clerk of a District Court shall be required to report to any probation officer, and no record of the case shall be entered in any probation records.

E. If any person so notified to appear desires to contest the violation alleged in the notice to appear and also to avail himself/herself of the procedure established pursuant to the statute and this section, he/she may, within twenty-one (21) days after the date of the notice, request a hearing in writing. Such hearing shall be held before a District Court Judge, Clerk, or Assistant Clerk, as the Court shall direct, and if the Judge, Clerk, or Assistant Clerk shall, after hearing, find that the violation occurred and

that it was committed by the person so notified to appear, the person so notified shall be permitted to dispose of the case by paying the specific sum of money fixed as a penalty as aforesaid, or such lesser amount as the Judge, Clerk or Assistant Clerk shall order, which payment shall operate as a final disposition of the case. If the Judge, Clerk, or Assistant Clerk shall, after hearing, find that violation alleged did not occur or was not committed by the person notified to appear, that finding shall be entered in the docket, which shall operate as a final disposition of the case. Proceedings held pursuant to the statute or this subsection shall not be deemed to be criminal proceedings. No person disposing of a case by payment of such a penalty shall be required to report to any probation office as a result of such violation, nor shall any record of the case be entered in the probation records.

F. If any person so notified to appear before the Clerk of a District Court fails to pay the fine provided hereunder within the time specified or, having appeared, does not confess the offense before the Clerk or pay the sum of money fixed as a penalty after a hearing and finding as provided in the preceding subsection, the Clerk, in accordance with the statute, shall notify the enforcing person who issued the original notice, who shall determine whether to apply for the issuance of a complaint for the violation of the appropriate bylaw, rule or regulation.

G. As used in the statute and this section, the term "District Court" shall include, within the limits of their jurisdiction, the Municipal Court of the City of Boston and the divisions of the Housing Court Department of the Trial Court.

H. The notice to appear provided for herein shall be printed in such form as the Chief Justice of the District Courts shall prescribe for the District Courts. Any fines imposed under the provisions of this section shall enure to the Town for such use as the Town may direct. This procedure shall not be used for the enforcement of municipal traffic rules and regulations. Chapter 90C shall be the exclusive method of enforcement of municipal traffic rules and regulations.

§ 10-2. Enforcing persons and fine schedule.

The enforcing person and fine schedule as to each bylaw, rule or regulation hereby made enforceable hereunder are as follows, such fines to take effect on the tenth (10th) day following receipt by the violator of written notice of such violation from the enforcing person, and each day that such violation continues after said ten-day period shall constitute a separate offense:

Violation	Enforcing Person	Fine Schedule
Storage of unregistered Motor Vehicles Zoning Bylaw adopted under Article 15 of the warrant for the Annual Town Meeting held April 21, 1984, which is presently § 200-5.3 et seq. of the Charlton Zoning Bylaw	Zoning Enforcement Officer or Assistant ZEO or the Alternate ZEO appointed by the Selectmen where the ZEO is absent or unable to act due to a conflict of interest	$50 for each offense, or such other fine as may be provided by said bylaw as same may be amended from time to time.
Abandonment of a motor vehicle, registered or unregistered, upon any public or private way, or upon the property of another, without the permission of the owner or lessee of said property **[Added 10-16-2017STM by Art. 7]**	Parking Clerk	First offense: civil penalty of $250; each additional offense: civil penalty of $500, plus costs incurred by the Town in removing or disposing of such motor vehicle

Violation	Enforcing Person	Fine Schedule
Any other violation of the Charlton Zoning Bylaw or of any rule, regulation, restriction, condition or order duly adopted or issued by any board or official thereunder	Zoning Enforcement Officer or Assistant ZEO or the Alternate ZEO appointed by the Selectmen where the ZEO is absent or unable to act due to a conflict of interest	$50 for each offense as presently provided by § 200-7.1G(3) of the Charlton Zoning Bylaw, or such other fine as may be provided by said bylaw as same may be amended from time to time
Chapter 100, Alarm Systems, of the Town of Charlton General Bylaws	Alarm Administrator as defined in said bylaw	First and second offense: warning
		Third offense: $50
		Fourth offense: $75
		Fifth and any subsequent offenses: $100
		$25 per system alarm dispatch without permit per § 100-14B of said bylaw; or such other fines as may be provided by said bylaw as same may be amended from time to time
Chapter 105, Alcoholic Beverages of the Town of Charlton General Bylaws	Police officer(s)	$100 or such other fine as may be provided by said bylaw as same may be amended from time to time
Chapter 110, Animal Control, of the Town of Charlton General Bylaws **[Amended 5-20-2013 ATM by Art. 19]**	Animal Control Officer(s), such Officer's designee, the Police Chief and/or Charlton police officer	The specific penalties set forth in various sections of said Animal Control Bylaw as same may be amended from time to time, and any such as may be established by applicable Massachusetts General Laws
Chapter 120, Cemeteries, of the Town of Charlton General Bylaws, or any rule, regulation or order duly adopted or issued thereunder	Board of Cemetery Commissioners or its designee	$25 for each offense continuing 10 days after violator's receipt of written notice of the first offense, as provided in § 120-2 of such bylaw, or such other fine as may be provided by said bylaw as same may be amended from time to time
Chapter 123, Docks, Piers, Berths and Mooring **[Added 5-19-2014 ATM by Art. 21]**	Police Chief; any Charlton police officer	First offense: $50
		Second offense: $75

Violation	Enforcing Person	Fine Schedule
		Third and subsequent offenses: $100
		Or such other fines as art set forth in said Chapter 123, as same may be amended from time to time
Chapter 130, Earth Removal, of the Town of Charlton General Bylaws, or any rule, regulation, permit provision or order duly adopted or issued by the Board of Selectmen thereunder	Board of Selectmen or its designee, including but not limited to any constable or police officer of the Town	First offense: $50
		Second offense: $100
		Third and each subsequent offense: $200 as provided in § 130-10 of said bylaw, or such other fine as may be provided by said bylaw as same may be amended from time to time in accordance with applicable law
Chapter 145, Hazardous Waste, of the Town of Charlton General Bylaws	Hazardous Waste Coordinator or his/her designee	$200 for each offense, as provided in § 145-3 of such bylaw, or such other fine as may be provided by said bylaw as same may be amended from time to time
Chapter 150, Junk, Old Metal and Secondhand Articles and Pawn Shops, of the Town of Charlton General Bylaws, or any rule, regulation, order or restriction duly adopted or issued by the Selectmen thereunder **[Amended 5-20-2013 ATM by Art. 20]**	Board of Selectmen or its designee; Police Chief and/or any Charlton police officer	The fines specified in the Junk, Old Metal, Secondhand Articles and Pawn Shops Bylaw as same may be amended from time to time
Chapter 157, Public Consumption of Marijuana Bylaw **[Added 5-19-2014 ATM by Art. 24]**	Board of Selectmen, Town Administrator, or their duly authorized agents, or Police Chief or any Charlton police officer	$300, or such other fines as are set forth in said Public Consumption of Marijuana Bylaw, as same may be amended from time to time
Chapter 160, Peddling and Soliciting, of the Town of Charlton General Bylaws	Chief of Police or his/her designee	$50 for each offense, as provided in § 160-7 of such bylaw, or such other fine as may be provided by said bylaw as same may be amended from time to time

Violation	Enforcing Person	Fine Schedule
Chapter 165, Sewer Use, of the Town of Charlton General Bylaws, as amended by vote under Article 7 of the warrant for the Special Town Meeting held December 18, 1995, and as same may have been or may be amended from time to time thereafter, or any rule or regulation or order duly adopted or issued thereunder or under any applicable statutory authority with respect to public sewers	Sewer Superintendent or Commissioners or their successors or designee	$300 for each offense as provided in Article VII of said bylaw; any fine or penalty in excess thereof for any separate offense to be enforced through means other than the noncriminal disposition procedure as required by the $300 limit set forth in the statute, the intent of this bylaw being to make said procedure available as a means of enforcement to the maximum extent allowable by law
Chapter 170, Article II, Solid Waste: Collection and Disposal, of the Town of Charlton General Bylaws, or any rule, regulation or order duly adopted or issued by the Board of Health thereunder	Board of Health or Health Agent or its, his or her designee	$100 for each offense, as provided in § 170-10 of such bylaw, or such other fine as may be provided by said bylaw as same may be amended from time to time
Chapter 180, Article III, Removal of Snow and Ice from Sidewalks, of the Town of Charlton General Bylaws **[Amended 5-20-2019 ATM by Art. 12]**	Department of Public Works Superintendent or person performing duties of the Superintendent or his/her designee	$50 for each offense continuing 24 hours after violator's receipt of written notice of the first offense, as provided in § 180-8 of such bylaw, or such other fine as may be provided by said bylaw as same may be amended from time to time
Chapter 190, Water Use, of the General Town Bylaws, adopted under Article 24 of the warrant for the March 1, 1999 Special Town Meeting, and as same may have been or may be amended from time to time thereafter, or any rule or regulation or order duly adopted or issued thereunder, or referenced therein, or under any applicable statutory authority with respect to public water	Sewer, or Water and Sewer, Superintendent or Commissioners or their successors or designee	$50 for the first offense and $100 for each subsequent offense as provided in § 190-12 of said bylaw, or such greater fine as may be enacted or adopted from time to time, each day any violation continues to constitute a separate offense as provided in said section
All provisions of the Town of Charlton General Bylaws not otherwise specified above and any rule, regulation, condition or order of the Board of Selectmen duly adopted or issued thereunder	Board of Selectmen or its designee	$20 as provided in Article II, General Penalty, of this chapter, or such other fine as may be provided by said bylaw as same may be amended from time to time in accordance with applicable law

§ 10-3. Severability.

If any portion of any provision of the within bylaw is held invalid by a court of competent jurisdiction or by the Attorney General, the remainder of such provision and of such bylaw shall take effect to the maximum extent permitted by applicable ruling.

ARTICLE II
General Penalty
[Adopted as Art. XLVI of the 2005 Bylaws]

§ 10-4. Penalties and enforcement.

Except as otherwise provided by law or by this bylaw, whoever violates any provision of the General Bylaws of the Town or refuses or neglects to obey any order of the Board of Selectmen or its designee issued hereunder and directed to and properly served upon said violator shall, in cases not otherwise specifically provided for hereunder, forfeit and pay for each offense a fine of twenty dollars ($20), each day such violation continues following such service to constitute a separate offense, which fine may be recovered by indictment or on complaint before a District Court prosecuted by any constable or police officer of the Town or by the Board of Selectmen or its designee, or, at the election of the Board of Selectmen or its designee, through the noncriminal disposition procedure provided by MGL c. 40, § 21D, the proceeds of any such fine(s) to enure to the Town or to such uses as it may direct.

Chapter 15

TOWN MEETINGS

[HISTORY: Adopted by the Town Meeting of the Town of Charlton as Art. I of the 2005 Bylaws. Amendments noted where applicable.]

§ 15-1. Dates and times of meetings.

The Annual Election of Town officers shall be held on the first (1st) Saturday in May; polls will be open from 8:00 a.m. to 8:00 p.m. The Annual Town Meeting for the transaction of other business shall be held on the third (3rd) Monday in May, commencing at 7:00 p.m. and adjournment shall be at 11:00 p.m. unless voted otherwise by the registered voters present.

§ 15-2. Posting of notice.

Notice of Town Meetings shall be given by posting attested copies of the warrant calling the meeting at each of the Post Offices, in the Charlton Municipal Offices/George C. McKinstry Building, and in Dexter Memorial Hall in the Town, at least seven (7) days before an Annual Town Meeting and at least 14 days before a Special Town Meeting.

§ 15-3. Warrant; calling of Special Town Meetings.

The Selectmen shall insert in the warrant for the Annual Meeting all subjects the insertion of which shall be requested of them in writing by ten (10) or more registered voters of the Town and in the warrant for every Special Town Meeting all subjects the insertion of which shall be requested of them in writing by one hundred (100) registered voters of the Town. The Selectmen shall call a Special Town Meeting upon request in writing, upon a form approved by the State Secretary, of two hundred (200) registered voters of the Town; such meeting to be held not later than forty-five (45) days after the receipt of such request, and shall insert in the warrant therefor all subjects the insertion of which shall be requested by said petition. No action shall be valid unless the subject matter thereof is contained in the warrant. Two (2) or more distinct Town Meetings for distinct purposes may be called by the same warrant.

§ 15-4. Conduct.

In Town Meetings, all persons present shall, as far as practicable, be seated.

§ 15-5. Written motions and amendments.

All motions and amendments shall be in writing when requested by the Moderator or Town Clerk.

§ 15-6. Speaking from floor.

A. When one is recognized by the Moderator, he/she shall rise, if able, and be given the floor to speak.

B. A person who is neither a registered voter of the Town, nor the Town Administrator, Town Counsel, a Town department head, or the superintendent of a regional school district of which the Town is a member, or such superintendent's designee, may not address the Town Meeting unless so authorized by majority vote of the registered voters present and voting at such meeting. **[Amended 5-17-2010 ATM by Art. 26]**

§ 15-7. Moderator; methods of voting.

The duties of the Moderator, or in his/her absence the person authorized by MGL c. 39, § 14, not specifically provided for by law, shall be determined by rules of parliamentary law contained in *Town Meeting Time, A Handbook of Parliamentary Law*, so far as they are adapted to Town Meeting. The Moderator shall preside and regulate the proceedings, make public declaration of all votes, and may administer in open meeting the oath of office to any Town officer chosen thereat. If a vote so declared is immediately questioned by seven (7) or more voters, he/she shall verify it by polling the voters or by dividing the meeting unless the Town has by previous order or bylaw provided another method. If a two-thirds (2/3), four-fifths (4/5) or nine-tenths (9/10) vote of a Town Meeting is required by statute, the count shall be taken, and the vote shall be recorded in the records by the Clerk; provided, however, that where a two-thirds (2/3) vote is required by statute, notwithstanding the foregoing, a counted vote need neither be taken nor recorded unless questioned in the manner specified in the immediately preceding sentence or unless the Moderator is in doubt with respect to whether a motion has passed by the required two-thirds (2/3) vote; but if any vote is unanimous, a count need not be taken, and the Clerk shall record the vote as unanimous.

§ 15-8. Accommodation of all voters.

Whenever the Moderator determines that voters are being excluded from the Town Meeting because there is no room for them in the places provided or that voters in attendance are being deprived of the opportunity to participate for any reason, he/she shall either, on his/her own motion, recess the meeting for any period during the day of the meeting or, after consultation with the members of the Board of Selectmen then present, adjourn the same to another date, not later than fourteen (14) days following the date of said meeting, when places and facilities sufficient to accommodate all voters attending and to enable them to participate in shall be available.

Chapter 20

CONTRACTS AND PURCHASING

[HISTORY: Adopted by the Town Meeting of the Town of Charlton as Art. X of the 2005 Bylaws. Amendments noted where applicable.]

§ 20-1. Conflicts of interest.

No board or officers of the Town of Charlton, elected or appointed, nor any committee or member thereof nor any agent or employee of such member, shall directly or indirectly be interested in any contract with the Town for the employment of labor, expenditure of public money, the purchase of material or supplies, the construction, alteration, or repair of any public works or other property belonging to the Town, nor the care, custody, and management thereof if said board, committee or member is in any way entrusted or charged with any duty or authority in connection therewith.

§ 20-2. Compliance with state law.

Prior to the making of any contract for the furnishing of labor, materials or supplies, or any or all of them, for or on behalf of the Town, the Board of Selectmen, the Chief Procurement Officer or other appropriate officials shall comply with all applicable provisions of the Massachusetts General Laws.

§ 20-3. Sale of surplus property. [Added 5-18-2015 ATM by Art. 4]

Once the Board of Selectmen (and any other board, commission or committee, if any, which has been vested by vote with control, care and custody of any particular property) has determined that personal property owned by the Town is surplus or obsolete, the Town's Chief Procurement Officer is authorized to sell or otherwise dispose of same: (a) after first having advertised the same for sale in a daily newspaper of general circulation in the Town at least seven (7) days before the date of such sale and by posting a notice thereof in the Charlton Municipal Offices (George C. McKinstry, III Building); or (b) where the estimated net value is $10,000 or more by following the procedures required by MGL c. 30B, § 15.

§ 20-4. Authority to contract. [Added 5-15-2017 ATM by Art. 18]

Unless otherwise provided by a vote of Town Meeting, and subject to the provisions below, the Board of Selectmen ("Board") or Procurement Officer appointed by the Board pursuant to § 50-2 of these Bylaws and Massachusetts General Laws Chapter 30B shall have full authority to enter into and sign all contracts, leases and other agreements for the exercise of the Town's corporate powers, on such terms and conditions as the Board or Procurement Officer deems appropriate.

§ 20-5. Duration of contracts. [Added 5-15-2017 ATM by Art. 18]

The term of any such contract, lease or other agreement which the Procurement Officer enters into may exceed three years, including renewals, extensions or options, provided any such contract exceeding said three years' duration is approved in advance by the Board.

§ 20-6. Adherence to law. [Added 5-15-2017 ATM by Art. 18]

Any such contract, lease or other agreement and the procedure followed in awarding same must be consistent in all respects with applicable provisions of Massachusetts General Laws and other applicable statutes and Town bylaws.

§ 20-7. Procurement Officer responsibility and authority; Board approval. [Added 5-15-2017 ATM by Art. 18]

The Procurement Officer, consistent with Massachusetts General Laws Chapter 30B, shall be responsible for and exercise full authority as to procurement and purchase of all supplies, materials, services and equipment, and the Procurement Officer shall have authority to award and sign all contracts up to fifty thousand dollars ($50,000), in addition to all Mass Highway contracts and state and federal grants. Any contract exceeding fifty thousand dollars ($50,000) shall require approval of the Board, and the Procurement Officer shall have the authority to sign any contract approved by the Board. The Procurement Officer shall report in writing to the Board, no later than its next regular meeting, each contract and grant signed by the Procurement Officer.

§ 20-8. Signing of deeds, contracts, etc., requiring notarization/recording. [Added 5-15-2017 ATM by Art. 18; amended 5-21-2018 ATM by Art. 20]

All deeds, conveyances, leases, discharges of mortgages, bonds, agreements, contracts or other instruments, which shall be given by the Town and which by law in order to be valid must be sealed or notarized and acknowledged in addition to being signed, unless otherwise provided by law or by vote of Town Meeting shall be signed and acknowledged by a majority of a quorum of the Board or by the Procurement Officer on behalf of the Town, provided that in the case of any such instrument to be recorded at a registry of deeds a majority of the Board must sign same unless a majority of a quorum votes to authorize the Procurement Officer or another Town official, board or commission to do so and a certificate of such vote is recorded along with the instrument. The Board of Selectmen is hereby vested with authority to convey to public utilities such easements as in its opinion are deemed necessary or appropriate in the best interest of the Town, and to sign any deeds or other instruments required to make such conveyances. The provisions with respect to § 20-9, immediately below, with respect to other Town boards, commissions and committees, shall apply to such easements, deeds and instruments as well.

§ 20-9. Contracts by other Town boards, commissions, and committees. [Added 5-15-2017 ATM by Art. 18; amended 5-21-2018 ATM by Art. 20]

If the Procurement Officer has handled the procurement process and has confirmed in writing, in advance, that a contract, lease or other agreement in the Procurement Officer's opinion satisfies all legal requirements, or has approved any conveyance of an easement to a public utility and a deed therefor, another Town board, commission or committee, provided it has legal responsibility for and authority with respect to the subject matter of the contract, deed, lease or agreement (for example, the Water and Sewer Commission for water and sewer contracts), may on behalf of the Town enter into and sign same, in which case the provisions above with respect to the Board of Selectmen, such as voting approval and signing, shall apply to such other board, commission or committee in all respects rather than to the Board.

§ 20-10. Contractual obligations subject to funding/appropriation. [Added 5-15-2017 ATM by Art. 18]

As specified in Massachusetts General Laws Chapter 30B, the Procurement Officer shall not enter into a contract, lease or other agreement unless funds have been appropriated and at the time of contracting are available for the first fiscal year of the term of the contract, lease or agreement. Unless full funding for the entire contract is appropriated in advance, payment and performance obligations of each succeeding fiscal year shall depend on the availability and appropriation of funds for same, and the Procurement Officer shall cancel the contract, lease or other agreement if funds are not appropriated or otherwise made available to support continuation of performance in any fiscal year succeeding the first year.

§ 20-11. Town Clerk custody of contracts; availability to public. [Added 5-15-2017 ATM by Art. 18]

Except as otherwise provided by law, all bonds, contracts, leases and other agreements imposing financial obligations on the Town, or on another for the Town's benefit, exceeding twenty-five thousand dollars ($25,000) shall be placed for safekeeping in the custody of the Town Clerk, who shall keep same in a locked safe or other secure arrangement to protect them from damage or loss due to flood or other natural or man-made calamity or theft. To the extent not exempt from the Massachusetts Public Records Law, upon request the Town Clerk shall make all such available for review in accordance with that law.

§ 20-12. Procurement Officer and Town Accountant; copies. [Added 5-15-2017 ATM by Art. 18]

Where the compensation to be paid pursuant to a contract, lease or other agreement exceeds twenty-five thousand dollars ($25,000), the Procurement Officer or such Officer's designee shall furnish a true and complete copy of same to the Town Accountant within seven (7) business days of signing by the last party to such contract, provided that in the case of a construction or other contract with lengthy technical specifications the latter need not be included in such copy; provided further that where pursuant to the above such contract, lease or other agreement is signed by a board, commission or committee other than the Board of Selectmen, such board, commission or committee shall so furnish true and complete copies to the Town Accountant and to the Procurement Officer.

§ 20-13. Exemptions; effect on prior contracts. [Added 5-15-2017 ATM by Art. 18]

A. Contracts for public construction shall be governed by Massachusetts statutes applicable to same, for example Chapter 30, § 39M, and Chapter 149; contracts for public architectural or design contracts shall be governed by statutes applicable to same. No provision of this bylaw shall apply to such a contract to the extent such provision is inconsistent with a provision of any such applicable statute.

B. Nothing in this bylaw is intended to make any contract, lease or agreement which by the terms of Chapter 30B is exempt from Chapter 30B subject to the bidding or proposal provisions or procedures of Chapter 30B, nor shall this bylaw affect in any way any contract approved by Town Meeting before the effective date of this bylaw or legally entered into before such effective date.

CHARLTON BYLAWS

Chapter 25

RECORDS

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

ARTICLE I
Inventory
[Adopted 5-15-2006 ATM by Art. 33 (Art. XLVIII of the 2005 Bylaws)]

§ 25-1. Required information.

Effective July 1, 2006, each Town officer, department head and committee shall maintain an inventory of all text books and other substantial reference or resource materials in book form, tools, equipment and furniture which are under his, her or its jurisdiction. This requirement shall not include expendable property such as photocopy or typing paper, paper clips, etc. This list shall include the brand name, type of equipment, serial number and color. Whenever possession of such property is transferred from one Town office or department to another, the person responsible for maintaining the inventory in the receiving office or department shall check the condition of and sign for the property, and both that person and the person responsible for the inventory in the office or department from which the property is being transferred shall note such transfer on their respective inventories.

§ 25-2. Filing with Clerk.

A signed copy of the inventory will be kept on file with the Town Clerk and updated on July 1 of each year.

Chapter 30

MUNICIPAL CHARGES LIENS

[HISTORY: Adopted by the Town Meeting of the Town of Charlton 5-15-2023ATM by Art. 14. Amendments noted where applicable.]

§ 30-1. Authority.

This bylaw is adopted pursuant to the authority of MGL c. 40, §§ 21 and 58 and any other relevant statutes and regulations.

§ 30-2. Purpose.

The purpose of the establishment of a municipal charges lien is to provide a cost effective method of collecting a charge, fine, penalty and/or fee assessed against an owner of real property in the Town who fails and/or refuses to pay said charge or charges, fine or fines, penalty or penalties and/or fee or fees when due, by placing a lien upon real estate owned by the property owner.

§ 30-3. Charge and/or fee.

The Municipal Charges Lien shall apply to the following municipal charges, penalties, fines and fees, including interest and all costs to record said lien(s) in the Worcester District Registry of Deeds, for violations of the following unpaid by the due date:

A. Charlton Zoning Bylaw.

B. Building permit fees inspections, failure to obtain permits as set by the Board of Selectmen in accordance with the Massachusetts State Building Code 780 CMR 109.1.

C. Wiring permit fees, inspections, failure to obtain permits as set by the Board of Selectmen in accordance with the Massachusetts State Board of Fire Prevention Regulations 527 CMR 12.00.

D. Plumbing permit fees, inspections, failure to obtain permits as set by the Board of Selectmen in accordance with the Massachusetts State Examiners of Plumbers and Gas Fitters, 248 CMR 3.05(1)(g)4.

E. Gas fitting permit fees, inspections, failure to obtain permits as set by the Board of Selectmen in accordance with the Massachusetts State Examiners of Plumbers and Gas Fitters, 248 CMR 3.05(1)(g)4.

F. Inspection fees issued by the Sealer of Weights & Measures in accordance with MGL c. 98, § 56.

G. Fines issued in accordance with 527 CMR 1.00 - Massachusetts Comprehensive Fire Safety Code.

H. Fines issued in accordance with MGL c. 40, § 21D, and General Bylaws Chapter 10 - Penalties.

I. Fines issued under MGL c. 148A, § 2. **[Added 10-11-2023ATM by Art. 8]**

§ 30-4. Lien takes effect.

The municipal charges lien will take effect upon the recording of a statement of unpaid municipal charges, fines, penalties and fees, setting forth the amount due, including recording costs, the address(es) of the land to which the lien is to apply and the name of the assessed owner.

§ 30-5. Collection of the lien.

Collection of the lien shall be enforced in accordance with MGL c. 40, § 58 and c. 41, § 38A.

§ 30-6. Unpaid municipal charges liens.

A. If a charge, fine, penalty or fee secured by the lien is unpaid when the Assessors are preparing the real estate tax list and warrant, the Tax Collector shall certify the charge or penalty to the Assessors' Department and the Assessors shall add the charge or fee to the next property tax bill to which it relates, and commit it with the warrant to the collector as part of the tax.

B. If the property to which the charge, fine, penalty and/or fee relates is tax exempt, the charge or fee shall be committed as a tax on said property.

§ 30-7. Release of lien.

The municipal charges lien may be discharged pursuant to MGL c. 40, § 58.

Part II: Officials, Boards, Committees and Councils

Chapter 50

OFFICIALS, ELECTED AND APPOINTED

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

ARTICLE I
Town Officials
[Adopted as Art. II, §§ 1 and 5, of the 2005 Bylaws]

§ 50-1. Elected officials.

A. Annual elections.

(1) Every year at its Annual Meeting the Town of Charlton shall choose by ballot from its registered voters the following Town officials for the designated term of office of any incumbent whose term has expired; all terms are for three (3) years unless otherwise specified. All officials who hold office at the time of adoption of this bylaw shall continue to serve their term of office:

(a) Five (5) Selectmen.

(b) One (1) Town Clerk.

(c) One (1) Moderator.[1]

(2) All of these offices shall be compensated in such manner and amount as the Town Meeting shall determine.

B. Other elected officials are as follows:

Official	Number/Members
Assessors	Three (3) members
Board of Health	Three (3) members
Cemetery Commissioners	Three (3) members
Charlton Housing Authority	Five (5) members
Constables	Two (2)
Dudley Charlton Regional School Committee	Four (4) members
Planning Board	Five (5) members, five-year term
Recreation Commission	Three (3) members
Southern Worcester County Regional Vocational School District	Two (2) members
Trustees of the Free Public Library	Six (6) members
Water and Sewer Commissioners	Five (5) members

C. Each elected official shall have all powers and duties conferred upon him/her by statutes and by these bylaws.

§ 50-2. Appointed officials. [Amended 5-15-2005ATM by Art. 30; 10-16-2007 STM by Art. 11]

1. **Editor's Note: Former Subsection A(1)(d), One (1) Tree Warden, which immediately followed this subsection, was repealed 10-11-2023ATM by Art. 7.**

A. All other Town officials shall be appointed by the Board of Selectman, and each such official's term of appointment by the Board of Selectmen shall be from July 1 to June 30. Appointed officials include the following: **[Amended 10-11-2023ATM by Art. 7]**

Animal Control Officer

Bylaw Advisory Committee

Cable TV Advisory Committee

Central Massachusetts Regional Planning Commission

Conservation Commission

Council on Aging

Cultural Council

Dam Monitors

Economic Development Commission

Emergency Management Director

Emergency Medical Services Coordinator

Fire Chief

Forest Warden

Gas Inspector

Historical Commission

Insect and Pest Control Superintendent

Inspector of Buildings/Zoning Enforcement Officer

Lakes and Ponds Task Force

Local Inspector/Fence Viewer

Memorial Day Committee

Northside Historic District Commission

Old Home Day Committee

Personnel Board

Plumbing Inspector

Police Chief

Police Department

Procurement Officer

Registrars of Voters

Sealer of Weights and Measures

Surveyors of Wood and Lumber

Town Accountant/Financial Services Coordinator

Town Counsel

Tree Warden

Veterans Agent

Veteran's Grave Marker

Wiring Inspector

Zoning Board of Appeals

B. Other appointed officials within the Town of Charlton include the following positions and appointing authority:

Position	Appointed By
Animal Inspector	Board of Health
Member of Fire Department	Fire Chief[2]
Finance Committee	Moderator
Health Agent	Board of Health
Town Collector	Town Administrator[1]
Treasurer	Town Administrator[1]

NOTES:

1 Or Board of Selectmen in the absence of the Town Administrator.

2 Fire Chief (who shall be the head of the Fire Department, which shall include personnel of and services previously performed by the Ambulance Department).

§ 50-3. Vacancies.

Any elected or appointed office which becomes vacant due to recall vote, death or resignation may be filled as per procedure listed in MGL c. 41, §§ 10 and 11.

ARTICLE II
Moderator
[Adopted as Art. II, § 2, of the 2005 Bylaws]

§ 50-4. Election; compensation; powers and duties.

A Moderator shall be elected for a three-year term. He/She shall be compensated in such manner and amount as the Town Meeting shall determine. The Moderator shall have all powers and duties conferred upon by him/her by statute and by these bylaws. He/She shall designate the personnel required for proper conduct of Town Meetings, and shall appoint the members of the Finance Committee. He/She shall utilize *Town Meeting Time, a Handbook of Parliamentary Law* for all Town Meetings.

ARTICLE III
Selectmen
[Adopted as Art. III of the 2005 Bylaws]

§ 50-5. Membership and terms.

There shall be a Board of Selectmen, consisting of five (5) members elected by the voters for three-year terms, so arranged that the term of office of at least one (1) member, but not more than two (2) members, shall expire each year. As the terms of office of the incumbent members of the Selectmen thereafter expire, candidates shall run for the office of Selectman by the number assigned to a specific "seat." No person may be a candidate for more than one (1) numbered "seat" at any one (1) election. A Selectman may not hold any other elective or compensated office under government of the Town of Charlton during the term for which he/she is elected, nor any compensated appointive Town office or employment for one (1) year thereafter.

§ 50-6. Powers and duties.

The Selectmen shall have all powers and duties conferred upon them by the Constitution and General Laws of the Commonwealth and by this bylaw. The Board of Selectmen shall exercise a general supervision over all matters affecting the interests or welfare of the Town, which are not otherwise provided for. It shall have full authority as agent of the Town to institute and prosecute suits in the name of the Town, to appear and defend suits brought against the Town, and to appear on behalf of the Town in proceedings before any committee or tribunal, unless it is otherwise specifically ordered by vote of the Town or provided by law.

§ 50-7. Organization.

The Selectmen, within seven (7) days after each Annual Election, shall meet, elect a Chairperson and otherwise organize, and fix the time and place of their regular meetings. They shall adopt their own rules of procedure.

§ 50-8. Quorum.

Three (3) members of the Board shall constitute a quorum, but no resolution or vote except a vote to adjourn or to fix the time and place of the next meeting shall be adopted by less than two (2) affirmative votes.

§ 50-9. Authority over Town property; reports.

The Selectmen shall have the general care and custody, direction and management of all the property of the Town in all matters not otherwise provided for. They shall cause their annual reports, together with the reports of all other Town officers or boards of officers that are required to make annual reports, to be printed and distributed at least three (3) days before the time for the Annual Meeting.

§ 50-10. Bond notes and records.

At least a majority of the Board of Selectmen shall sign all Town notes given by the Treasurer for money borrowed for the Town. They shall endorse their written approval and acceptance on the bond of the Town Treasurer and on the bond of the Town Collector before said bonds are delivered to the Town Clerk, for his/her custody, preservation and safekeeping. They shall keep all books, documents, and valuable papers belonging to the Town, relating to their department in a fireproof safe.

§ 50-11. Warrant.

The Board of Selectmen shall limit their orders upon the Town Treasurer to the amount of the respective appropriations for each attachment, and shall draw no order for the payment of a bill which has not been previously audited by the Town Accountant/Financial Services Coordinator.

ARTICLE IV
Town Administrator
[Adopted as Art. II, § 3, of the 2005 Bylaws]

§ 50-12. Appointment, term and compensation.

The Board of Selectmen shall appoint a Town Administrator for a term of one (1) year or three (3) years and fix his/her compensation within the amount appropriated by the Town Meeting.

§ 50-13. Residency.

He/She need not be a resident of the Town or of the Commonwealth of Massachusetts, but shall become a resident of the Town within one (1) year of his/her appointment if the Board of Selectmen deems it is in the best interest of the Town.

§ 50-14. Qualifications.

He/She shall be a person especially fitted by education, training and/or previous experience in management or administration to perform the duties of the office, and shall meet such other requirements as the Board of Selectmen may specify.

§ 50-15. Termination, suspension or removal.

A. The Board of Selectmen may, by affirmative vote of four (4) members of the five-member Board, or if the Board were to be reduced to three (3) members, by affirmative vote of two (2) members, terminate and remove or suspend the Town Administrator from his/her office.

B. Before the Town Administrator may be removed, if he/she so demands, he/she shall be given a written statement of the reasons alleged for his/her removal and shall have a right to be heard publicly thereon at a meeting of the Board of Selectmen prior to a final vote on his/her removal, but pending and during such hearing and vote the Board of Selectmen may suspend him/her from his/her office.

C. The action of the Board of Selectmen in suspending or removing the Town Administrator from office shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely in the Board of Selectmen.

D. The Town Administrator shall continue to receive his/her salary until the effective date of a final vote of removal unless the Board of Selectmen, in a manner consistent with MGL c. 268A, § 25, and/or other applicable law, makes a preliminary determination, after informing the Town Administrator of the cause for consideration of possible termination and removal or suspension and after hearing any preliminary response or information which the Town Administrator wishes to provide as to such cause, determines that it would be in the public interest to suspend the Town Administrator without pay pending such final vote, on condition that the Town Administrator shall be restored to his/her position and made whole for any loss of compensation in the event that the final vote is not to terminate and remove or suspend the Town Administrator from office.

§ 50-16. Duties.

A. It shall be the duty of the Town Administrator to see that the orders and policies of the Board of Selectmen are carried out.

B. The Town Administrator shall act by and for the Board of Selectmen in any matter which they may

assign to the Town Administrator relating to the administration of the affairs of the Town or of any Town office or department under the Board of Selectmen's supervision and control, or, with the approval of the Board of Selectmen, may perform such duties as may be requested of the Town Administrator by any other Town officer, board, committee or commission.

C. The Town Administrator, to the extent consistent with the duties as mentioned immediately above in Subsection B, and with other applicable law, shall act as the agent of the Board of Selectmen in supervising and directing other boards, committees, department heads and commissions of the Town. His/Her responsibilities in this regard shall include, but not be limited to, establishing and maintaining the efficient organization and operation of the Board of Selectmen's office and coordination of effective communication between and among such office and those of other boards, commissions, committees, officers and department heads of the Town.

D. The Town Administrator shall oversee the general operations of the Board of Selectmen's office, shall directly supervise those employees, department heads, officials, boards commissions and committees who are subject to the direct supervision of the Board of Selectmen, shall serve as the intermediate administrative authority between the Board of Selectmen and the department heads and the other boards, committees and commissions of the Town referenced in Subsection C, immediately above, with respect to all matters, including those involving Town employees, to the extent not inconsistent with applicable collective bargaining agreements and the Town's Personnel Bylaw,[2] and shall serve as an advisor to all such department heads, boards, committees and commissions as to employment, and other, matters.

E. The Town Administrator shall make investigations, reports and recommendations on such matters as the Board of Selectmen may require, and shall initiate, coordinate, supervise and bear primary responsibility for the preparation of an Annual Town Report.

F. The Town Administrator shall receive, investigate and answer complaints directed to the Board of Selectmen or refer them to the proper department or departments for attention and, to the extent appropriate as determined by the Board of Selectmen, shall keep the Board apprised of such complaints and of the action which the Town Administrator has taken with respect to same.

G. The Town Administrator shall participate in the preparation of the Town's annual budget with the assistance of department heads for those departments, boards, committees or commissions and any Town office under the Board of Selectmen's supervision and control. He/She shall recommend the Town's annual budget to the Board of Selectmen, and with its approval present such proposed budget to the Finance Committee. He/She shall also be responsible for the development and annual updating of the capital improvement program.

H. The Town Administrator, on behalf of the Board of Selectmen, as the employer under Massachusetts General Laws, Chapter 150E, and subject to the Board's ratification, shall negotiate all collective bargaining agreements with the exclusive representatives (i.e., unions) of all organized employee bargaining units in the Town. The Town Administrator shall seek and shall receive direction from the Board of Selectmen prior to the commencement of any such negotiations, and shall provide advice to the Board with respect to any and all issues relating to the negotiations which in his/her opinion are important to protect the best interests of the Town. The Town Administrator shall also keep the Board advised in timely fashion with respect to all issues discussed in the negotiations in timely fashion, which obligation shall include, but shall not be limited to, the provision of reports to the Board after the conclusion of each bargaining session and prior to the next such session. No agreement shall bind

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2. Editor's Note: See Ch. 220, Personnel Policies and Procedures.

the Town until and unless ratified by majority vote of the Board of Selectmen, and no agreement as to any cost item of same shall bind the Town until and unless a Town Meeting has approved a request for an appropriation necessary to fund the cost items of the contract, if any, all in accordance with MGL c. 150E, § 7, and other applicable law.

I. The Town Administrator may make recommendations to the Board of Selectmen, and subject to confirmation by the Board of Selectmen as to whom should be appointed to each of the appointive positions listed in Article I of this chapter. Subject to confirmation by vote of the Board of Selectmen, he/she shall have the power to rescind for cause, including excessive and unexcused absenteeism, any appointment made by the Board of Selectmen upon his/her recommendation to any board, commission, committee or position under authority of this bylaw, provided that the appointee shall first have been served with a written notice of the Town administrator's intention, specifying the reasons for the proposed removal, and informing the appointee of his/her right to be heard, if requested in writing, at a public meeting of the Board of Selectmen.

J. The Town Administrator shall recommend to the Board of Selectmen, after securing information from and the opinion of the department head, as well as that of the Personnel Board, the compensation of all Town officers and employees appointed by the Board of Selectmen within the limits established by existing appropriations and Town bylaws.

K. The Town Administrator shall attend all regular meetings of the Board of Selectmen unless excused, and shall have a voice but no vote in all of its deliberations.

L. The Town Administrator shall keep full and complete records of the office of the Town Administrator and shall render, as often as may be required by the Board of Selectmen, a full report of all operations.

M. The Town Administrator shall keep the Board of Selectmen fully advised as to the needs of the Town and shall recommend to the Board of Selectmen for adoption such measures requiring action by them or by Town Meeting as he/she may deem necessary or expedient.

N. The Town Administrator shall see that the provisions of the General Laws, the bylaws, votes of the Town Meeting and votes of the Board of Selectmen which require enforcement by him/her or officers subject to his/her direction and supervision are faithfully carried out.

O. The Town Administrator may at any time inquire into the conduct of any officer or employee or department, board or commission under his/her jurisdiction.

P. The Town Administrator shall attend all Special and Annual Town Meetings unless excused from doing so by the Board of Selectmen and shall answer all questions directed to him/her by the voters of the Town which relate to his/her office or to any subject matter encompassed by, arising out of or connected with his/her duties.

Q. The Town Administrator shall also perform any and all other duties and services required by the bylaws or assigned by the Board of Selectmen.

ARTICLE V
Assessors
[Adopted as Art. IV of the 2005 Bylaws]

§ 50-17. Annual tax list.

The Assessors of Taxes shall commit the annual tax list with their warrant to the Town Collector and they shall commit such list to the Town Collector on or before the first day of September in each year, but not until said Town Collector, and also the Town Treasurer, shall each have delivered his/her bond required by law to the Town Clerk, for their custody and safekeeping with the Selectmen's written approval and acceptance of said bonds endorsed thereon.

§ 50-18. Certificates of abatement.

Every certificate of abatement of a tax shall be signed by at least a majority of the Assessors.

§ 50-19. Annual audit.

It shall be their duty to audit the accounts of the Town Collector at the close of each fiscal year, and file their certificate to that effect with the Selectmen in time to be published in the Selectmen's annual report. Said certificates shall state the amount of taxes collected and the amount paid into the treasury on taxes overdue. This inspection of the accounts of the Town Collector shall not be considered as taking the place of such exhibits of his/her accounts as are now required of him/her by law.

ARTICLE VI
Town Collector
[Adopted as Art. V of the 2005 Bylaws]

§ 50-20. Bond and powers.

The Town Collector shall give a bond to the Town in such sum as the Selectmen may require, with sureties to their satisfaction, as shown by their written approval and acceptance on said bond, signed by at least a majority of the Board of Selectmen. The Town Collector shall have all the powers vested in Town Collectors by the Massachusetts General Laws (see, e.g., MGL c. 41, § 38). (As to appointment of the Town Collector in the Town of Charlton, see Chapter 153 of the Acts of 2003.)

§ 50-21. Collection of taxes.

The Collector, when he/she shall receive each year from the Assessors of Taxes the tax list, showing the amount assessed on each person liable to taxation on his/her property, shall proceed to collect the same as follows: He/She shall immediately proceed to collect such taxes as are designated in said warrant as then due or payable. All real estate and personal property taxes shall be due and payable in accordance with MGL c. 59, § 57C, as same may be amended from time to time.

ARTICLE VII
Treasurer
[Adopted as Art. VI of the 2005 Bylaws]

§ 50-22. Bond and powers.

The Town Treasurer shall give bond to the Town in such sum as the Selectmen may require, with sureties to their satisfaction, as shown by their written approval and acceptance on said bond signed by at least a majority of the Board of Selectmen. Said bond shall be upon condition that said Town Treasurer shall faithfully discharge the duties of his/her said office during any and every period of his/her incumbency therefor. The Selectmen may require from the Town Treasurer a new bond with like sureties after each appointment to said office.

§ 50-23. Use of funds.

The Town Treasurer shall not use any money or funds belonging to the Town in the payment of any of his/her own or any other person's private bills or obligations, nor for any purposes, except for paying Town notes, interest on Town notes, state and military aid, and the state and county taxes, except on orders signed by at least a majority of the Board of Selectmen, or in matters where they are authorized by law in the premises, the orders of the School Committee, or a majority of them, or other officers having lawful authority to draw such orders. He/She shall give no Town notes except the same are approved and countersigned by at least a majority of the Selectmen. He/She shall prepare and deliver to the Board of Selectmen, in time for publication in the Town Report of each year, a full statement in detail of all receipts and payment of money by him/her as Town Treasurer, showing the balance of his/her account on the first day of January of each year. He/She shall place his/her bond within ten (10) days after his/her appointment in the hands of the Town Clerk for custody and safekeeping.

ARTICLE VIII
Town Accountant
[Adopted as Art. IX of the 2005 Bylaws]

§ 50-24. Powers and duties.

It shall be the duty of the Town Accountant to examine all original bills and vouchers in which money may be paid prior to the issuance of an order by the Selectmen, the Library Trustees, or such other officers as are authorized and empowered by law to draw such orders on the Treasurer therefor for payment of the same; and he/she shall keep an accurate record of such bills or vouchers audited by him/her. He/She shall have unrestricted access to all books and accounts of all officers and committees entrusted with the receipt, custody and expenditure of money as often as once a month, and may make examination thereof.

ARTICLE IX
Town Clerk
[Adopted as Art. XIII of the 2005 Bylaws]

§ 50-25. Custody of bonds.

The Town Clerk shall not permit anyone to take from his/her care and custody the Tax Collector's bond, nor the Town Treasurer's bond; but he/she shall furnish a certified copy of the bond of the Tax Collector or of the Town Treasurer, or both, with a full copy of the Selectmen's written approval and acceptance, and a copy of the oath thereon, to the Selectmen, or to the Assessors whenever requested so to do in writing by any member of the Board of Selectmen or Assessors.

§ 50-26. Custody of records.

He/She shall keep the Town records and all deeds and other valuable documents and papers properly in his/her charge in the Town's fireproof safe, but always subject to inspection and examination by the Selectmen.

ARTICLE X
Building Inspector and Zoning Enforcement Officer
[Adopted as Art. XXIX of the 2005 Bylaws]

§ 50-27. Enforcement of State Building Code.

The Inspector of Buildings/Zoning Enforcement Officer may enforce the rules and regulations adopted by the provisions of the Massachusetts Building Code.

ARTICLE XI
Gas Inspector
[Adopted as Art. XXVII of the 2005 Bylaws]

§ 50-28. Duties.

The Gas Inspector shall enforce the rules and regulations adopted by the Gas Regulatory Board established under MGL c. 25, § 12H, and as later amended.[3]

3. Editor's Note: Former MGL c. 25, § 12H, related to the creation of the Gas Fitting Board, was repealed 12-23-1977 by St. 1977, c. 843, § 2.

ARTICLE XII
Plumbing Inspector
[Adopted as Art. XXVIII of the 2005 Bylaws]

§ 50-29. Duties.

The Plumbing Inspector shall enforce the rules and regulations adopted by MGL and as later amended.

CHARLTON BYLAWS

Chapter 55

COMMITTEES AND COUNCILS

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

ARTICLE I
Finance Committee
[Adopted as Art. VIII of the 2005 Bylaws]

§ 55-1. Membership and terms.

A. There shall be a Finance Committee consisting of seven (7) registered voters of the Town appointed by the Moderator at the Annual Town Meeting. The term of office of each member shall be for three (3) years, and the terms of office of the members shall be so arranged that as nearly an equal number of terms as is possible shall expire each year. Whenever a vacancy occurs on the Committee, the Moderator shall fill the vacancy for the unexpired term. No member shall hold any other elective or appointive Town office or be employed by the Town.

B. In addition to the aforementioned seven (7) regular members of the Finance Committee, the Moderator shall appoint at each Annual Town Meeting a registered voter of the Town as an alternate member for a term of one (1) year. Such alternate member shall hold no other appointed, nor any elected, Town office, nor be employed by the Town. In the event of a vacancy in such alternate member position, the Moderator shall appoint another person meeting all of the foregoing requirements for the remainder of the unexpired term. The alternate member is expected to attend Committee meetings regularly. In the event that one (1) of the regular members does not attend a meeting, or recuses herself or himself from voting due to a possible conflict of interest, that alternate member may be counted for purposes of determining a quorum and may vote on any matter, such vote to have the same weight as that of any regular member. **[Added 5-2-2009 ATM by Art. 13]**

§ 55-2. Rules and regulations; minutes.

The Finance Committee shall meet, choose its own officers, and adopt such rules and orders affecting its government as may from time to time be necessary. Minutes of all meetings shall be kept and retained for public inspection.

§ 55-3. Duties.

The Finance Committee shall consider matters relating to the appropriation and expenditure of money by the Town, its indebtedness, the administration of its various departments, other municipal affairs of the Town and make reports and recommendations to the Town; and shall submit a budget at each Annual Town Meeting.

ARTICLE II
Council on Aging
[Adopted as Art. XV of the 2005 Bylaws]

§ 55-4. Composition.

There shall be a Council on Aging consisting of seven (7) registered voters of the Town, at least five (5) of whom shall be sixty (60) years of age or older, appointed by the Selectmen for the following terms: three (3) of the terms of three (3) years, two (2) for the term of two (2) years, and two (2) for the term of one (1) year, and upon the expiration of said initial terms, subsequent appointments to be for a term of three (3) years. The term of office for any member shall expire on the day of the Annual Town Meeting in the last year of his/her term. The Selectmen shall fill any vacancies that may occur.

§ 55-5. Powers and duties.

The Council shall have all the powers and duties conferred and imposed upon councils on aging by MGL c. 40, § 8B, and any amendments thereof now or hereafter enacted.

§ 55-6. Quorum.

The quorum for the transaction of business shall be a majority of the Council, but a number less than the majority may adjourn.

Chapter 60

LIBRARY TRUSTEES

[HISTORY: Adopted by the Town Meeting of the Town of Charlton as Art. XIV of the 2005 Bylaws. Amendments noted where applicable.]

§ 60-1. Powers and duties.

The Board of Trustees of the Public Library shall have charge of the library and all matters pertaining thereto. They are authorized to obtain and pay for out of the money appropriated by the Town for the purpose of the library, the services of a library staff, and make such rules and regulations for the proper management and government of the library and the use of the books and materials therein as they may deem best for the public good. They shall have the entire custody and management of the library and reading room, and all money raised or appropriated by the Town for its support and maintenance, and may draw orders signed by a majority of the Board of Trustees on the Town Treasurer for such money or any part thereof.

§ 60-2. Annual report.

The Trustees, as provided in Chapter 50 of these Bylaws, shall annually make a report to the Town of all the receipts and expenditures and of all property in their care and custody, including a statement of any unexpended balance of money, with such recommendations, if any, as they may deem necessary.

Part III: General Legislation

Chapter 100

ALARM SYSTEMS

[HISTORY: Adopted by the Town Meeting of the Town of Charlton as Art. XXXIV of the 2005 Bylaws. Amendments noted where applicable.]

§ 100-1. Title and purpose.

A. This bylaw shall be known as the "Alarm System Bylaw" and shall regulate alarms which cause a message to be transmitted to the Charlton Police or Fire Departments.

B. The purpose of this bylaw 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 bylaw.

§ 100-2. Permit requirements.

A. No alarm user shall operate, or cause to be operated, an alarm system or device without a valid permit issued in accordance with this bylaw. A separate permit is required for each alarm site. No alarm permit shall be required for any motor vehicle equipped with an alarm system or device.

B. Each alarm user shall register his/her alarm system or device with the Chief of Police prior to use.

C. Alarm system applications shall be available at the Charlton Police Department or via the Charlton Police Department's web site.

D. There shall be no fees implemented or charged in the registering and/or in obtaining a permit for an alarm system.

§ 100-3. 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 thirty (30) minutes, 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 twenty (20) minutes after being activated.

D. The alarm business performing monitoring services shall attempt to verify every alarm signal, except for a duress or hold-up alarm activation, or fire alarm before requesting a police or emergency response to an alarm signal.

E. An alarm system does not include an alarm designed to alert only the inhabitants of a premises and which does not have a sound device which can be heard on the exterior of the alarm site.

F. No alarm system or device designed to transmit emergency messages directly to the Police or Fire Department or that emits an audible signal that would require a response by either police or fire

personnel shall be worked on, tested or demonstrated without obtaining permission from the Police Department Communications Section. Permission is not required to test or demonstrate an alarm system or devices that do not transmit emergency messages or signals directly to the Police or Fire Department.

§ 100-4. Fines.

A. An alarm user may be subject to warnings and fines for false alarm dispatches emitted from an alarm system within a three-hundred-sixty-five-day period, based on the following schedule:

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

B. Any alarm user operating an alarm system without a permit as prescribed under § 100-2A of this bylaw shall be subject to an additional fine of twenty-five dollars ($25) 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.

D. All fines resulting from the enforcement of the provisions of this bylaw pertaining to alarms shall be collected in the form of a personal check, money order or registered check, made payable to the Town of Charlton and forwarded to the Charlton Police Department. All funds collected shall be added to the Town's general treasury in accordance with MGL c. 44, § 53.

E. State, federal, county and municipal entities shall be exempt from the provisions of this bylaw.

F. All fines shall be paid within twenty-one (21) days of receipt of a noncriminal violation notice.

§ 100-5. General provisions.

A. Except as otherwise required by law, including the Commonwealth's Public Records Act,[4] the information furnished and secured pursuant to this bylaw shall be confidential in character and shall not be subject to public inspection.

B. This bylaw shall be enforced by the alarm administrator as defined in Subsection C immediately below and the definition of "Town Administrator" in § 100-6 below. Penalties for violations may be enforced by a noncriminal disposition pursuant to MGL c. 40, § 21D, and Chapter 10, Penalties, Article I, of the Charlton General Bylaws. 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 twenty (20) days after receipt of a noncriminal violation notice. The Town Administrator or designee shall conduct a hearing and render a written decision within thirty (30) days following receipt of such

4. **Editor's Note: See MGL c. 66, § 1 et seq.**

request for review. The decision of the Town Administrator or designee shall be final. Nothing in the three (3) immediately preceding sentences shall affect the time limits, penalties, procedures or remedies applicable under the aforementioned noncriminal disposition statute and bylaw, the administrative appeal to the Town Administrator being intended to be a separate, additional process, provided that if the Town Administrator should decide in favor of the alarm user, the Town shall not proceed any further with the noncriminal disposition procedure and no fine shall be enforced hereunder.

C. The Chief of Police or designee 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 bylaw and enforce the provisions hereof.

§ 100-6. Definitions.

For the purpose of this bylaw, the following terms, phrases, words and their derivations shall have the following meanings. The word "shall" is always mandatory and not merely directory.

ALARM ADMINISTRATOR — The Chief of Police of the Town of Charlton or his/her designated representative.

ALARM SYSTEM — An assembly of equipment and devices or a single device such as a solid state unit which plugs directly into a 110-volt AC line, arranged to signal the presence of a hazard requiring urgent attention and to which police or fire personnel are expected to respond. In addition, any device which when activated calling for a response by police or fire personnel: (a) transmits a signal to the Charlton Police or Fire Departments; (b) transmits a signal to a person who relays information to the Charlton Police or Fire Departments; or (c) produces an audible or visible signal to which police or fire personnel are expected to respond. Excluded from this definition and the scope of this bylaw are devices which are designed to alert or signal only persons within the premises in which the device is installed.

ALARM USER — Any person on whose premises an alarm system is maintained within the Town. The owner of any premises on which an alarm device is used, provided that an occupant that expressly accepts responsibility for an alarm device by registration pursuant to § 100-2B of this bylaw shall be deemed the alarm user. Excluded from this definition are:

A. State, federal, county and municipal agencies;

B. Persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt. However, if such an alarm system employs an audible signal or flashing light outside the premises, the user of such an alarm system shall be within the definition of "alarm user" and shall be subject to this bylaw.

BOARD OF SELECTMEN — The Selectmen of the Town of Charlton.

CHIEF OF POLICE — The Chief of Police of the Town of Charlton or his/her designated representative.

FALSE ALARM — (a) The activation of an alarm system or device through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or his/her employees or agents; (b) any signal or oral communication transmitted to the Charlton Police Department requesting, or requiring, or resulting in a response on the part of the Police Department when in fact there has been no unauthorized intrusion or attempted unauthorized intrusion into a premises or no attempted robbery or burglary at a premises; (c) any signal or oral communication transmitted to the Charlton Fire Department requesting, or requiring, or resulting in a response on the part of the Fire Department when in fact there has been no fire, or potential hazardous or life-threatening situation or circumstance at a premises. Excluded

from the definition is activation of alarm systems caused solely by criminal offense, a fire, or other emergency, power outages or extreme weather conditions.

FIRE DEPARTMENT — The Town of Charlton Fire Department or any authorized agent thereof.

POLICE or POLICE DEPARTMENT — The Town of Charlton Police Department or any authorized agent thereof.

TOWN — The Town of Charlton.

TOWN ADMINISTRATOR — The Town Administrator of Charlton or his/her designated representative.

§ 100-7. Enforcement.

The Town, upon authorization by the Board of Selectmen, may institute civil proceedings to enforce the provisions of this bylaw. The provision of this bylaw may be enforced with the prior approval of the Board of Selectmen under Massachusetts General Laws and Chapter 10, Penalties, Article I, of the Charlton General Bylaws as provided in § 100-5B above.

§ 100-8. Severability.

The invalidity of any part or parts of this bylaw shall not affect the validity of the remaining parts.

Chapter 105

ALCOHOLIC BEVERAGES

[HISTORY: Adopted by the Town Meeting of the Town of Charlton as Art. XXIV of the 2005 Bylaws. Amendments noted where applicable.]

§ 105-1. Consumption or possession of open container on Town property.

No person shall consume any alcoholic beverage, nor shall he/she possess or have under his/her control any open alcoholic beverage container, on any Town-owned or -controlled place or public way, unless a permit therefor has previously been secured from the Board of Selectmen.

§ 105-2. Violations and penalties.

Any person violating this bylaw may be fined one hundred dollars ($100) for each violation and may be arrested without a warrant by a police officer.

Chapter 110

ANIMAL CONTROL

[HISTORY: Adopted by the Town Meeting of the Town of Charlton 5-20-2013 ATM by Art. 19 (Art. XXIII of the 2005 Bylaws). Amendments noted where applicable.]

§ 110-1. Authority and purpose.

This bylaw is adopted pursuant to the authority of MGL c. 140, §§ 136A to 137A, inclusive, § 173, and any other relevant statutes and regulations promulgated pursuant thereto. The purpose of this bylaw is to establish regulations for the keeping of dogs and cats in the Town of Charlton in a manner consistent with such statutes. All references in this bylaw to any statute shall mean such statute as such may be amended from time to time and any successor statute to same. Nothing in this bylaw is intended to, nor shall, preclude or limit any enforcement officer or agent, nor any Town board or official, from utilizing any procedure or exercising any right provided by any such statute. This bylaw does not purport to set forth or reference all such statutes, and anyone reading the bylaw is also bound by all applicable statutes and should consult same, including but not limited to: MGL c. 140, §§ 136A, 137A through 137D, 138, 139, 139A, 140,[5] 141, 141A and 141B, 145, 145A and 145B, 146, 147, 147A,[6] 148[7] through 151, 151A and 151B, 152, 153, 155, 155A, 156 through 161, 161A, 163 through 169, 171, 173, 173A, 174, 174A and 174B, 174D and 174E and 176; MGL c. 209A, § 11; MGL c. 272, § 77; and MGL c. 129, § 39G.

§ 110-2. Licenses and tags; fees; penalty.

A. The owner or keeper of a dog six (6) months old or over shall purchase a license from the Town Clerk and shall attach the license to a collar or harness of said dog. If any such tag is lost, the owner or keeper of such dog shall secure a substitute tag from the Town Clerk.

B. Any person residing in the Town of Charlton, who at the beginning of the license period (January 1 to December 31) is, or who during the license period becomes, the owner or keeper of a dog six (6) months old or over, shall cause the dog to be licensed within thirty (30) days.

C. Any owner or keeper of a dog who moves into the Town of Charlton and has a valid dog license for his/her dog from another city or town in the Commonwealth shall, within thirty (30) days, obtain a transfer license and a tag for such dog in accordance with MGL c. 140, § 146, for a fee of one dollar ($1) upon producing evidence of the previous license.

D. Per MGL c. 140, § 137(a) and § 137A, the above licensing provisions shall not apply to any dog or cat housed in a research institution or kept under a valid kennel license.

E. The annual fee for every dog license, except as otherwise provided for by law, shall be as follows:

Male	$20
Female	$20
Senior citizen (65 and over)	$17
Neutered male	$10

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5. **Editor's Note: MGL c. 140, § 140, relating to dog breeder's licenses, was repealed by St. 1934, c. 320, Sec. 8.**
6. **Editor's Note: MGL c. 140, § 147A, relating to bylaws relative to the regulation of dogs, was repealed by St. 2012, c. 193, Sec. 19.**
7. **Editor's Note: MGL c. 140, § 148, was repealed by St. 1932, c. 289. Sec. 6.**

Spayed female	$10
Senior citizen (65 and over)	$8
Substitute tag	$1
Transfer license	$1

F. Per MGL c. 140, § 139(c), no fee shall be charged for a license issued for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder.

G. Any person seventy (70) years of age or older, upon proof of age, shall be exempt from the annual fee for one (1) dog, per household, per year. The owner of a kennel license, age seventy (70) years of age or older, shall be excluded from this exemption. These exemptions shall take effect upon the Town's acceptance of the provision of MGL c. 140, § 139(c) reading as follows: "No fee shall be charged for a license for a dog owned by a person aged 70 years or over in a city or town that accepts this provision." All other fees and fines as otherwise provided for in the Animal Control Bylaws or Massachusetts General Laws will apply.

H. When applying for a dog license the applicant must show proof, by a licensed veterinarian's certificate, that the dog has been vaccinated against rabies, as required by MGL c. 140, §§ 137 and 145B, or must provide certification per said statutes that such animal is exempt from this requirement.

I. The fee for each kennel license shall be as follows:

Four dogs or less	$35
Kennel with 5 to 10 dogs	$75
Kennel with 11 to 25 dogs	$100
Kennel with 26 or more dogs	$200

(1) Per MGL c. 140, § 137A(b), to determine the amount of the license fee for a kennel, a dog under the age of six (6) months shall not be counted in the number of dogs kept in a kennel. Per MGL c. 140, § 137A(c), there shall be no kennel fee charged a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse or for the relief of suffering.

(2) Per MGL c. 140, § 137C, any person maintaining a kennel after the license to maintain a kennel has been so revoked, or while such a license is suspended, shall be punished by a fine of two hundred fifty dollars ($250).

J. Per MGL c. 140, § 139(c), no license fee or any part thereof shall be refunded because of subsequent death, loss, spaying, neutering or removal from the Commonwealth or other disposal of the dog.

K. Any owner or keeper of a dog failing to license it before March 1 shall pay a late fee of ten dollars ($10) per dog. Any person required to obtain a kennel license (or any person eligible and electing to do so in lieu of a dog license or licenses) who falls to obtain same before March 1 shall pay a late fee of fifty dollars ($50).

L. In accordance with MGL c. 140, § 141, any person failing to license a dog as prescribed by this section or otherwise violating MGL c. 140, § 137, 137A, 137B or 138, shall be assessed a penalty of fifty dollars ($50) per dog.

§ 110-3. Definitions.

A. To the extent that MGL c. 140, §§ 136A to 137A, contain definitions of words used herein, all words and terms as used herein shall be as set forth in said statutes.

B. Unless otherwise defined by such statutes, the terms as used in this bylaw shall mean the following unless the context otherwise indicates:

CAT — Any domestic animal of the feline species, both male and female.

DOG — Any domestic animal of the canine species, both male and female.

KENNEL — Is used as that term is defined in MGL c. 140, § 136A. See that statute for definitions of various types of kennels.

NUISANCE DOG — As defined in MGL c. 140, § 136A, shall mean a dog that:

(1) By excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or

(2) By excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or

(3) Has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

OWNER — Any person or persons, firm, association, or corporation owning, keeping or harboring a dog, as herein defined.

RESTRAINT — The dog will be on a leash or a substantial chain and under the control of a person competent to restrain it so that it shall not be a threat to public safety. The mere muzzling of a dog shall not prevent it from being deemed a nuisance dog.

RUN-AT-LARGE — Any dog which is permitted to wander on private property of others or on public ways without proper restraint.

§ 110-4. Prohibitions.

A. No owner or keeper shall violate any provision of this bylaw, nor permit any dog, whether licensed or unlicensed, to become a "nuisance dog" or to run-at-large within the Town of Charlton any time day or night.

B. No person owning or keeping a dog shall chain or tether a dog to a stationary object, including, but not limited to, a structure, dog house, pole or tree for longer than twenty-four (24) consecutive hours. Owner/Keeper must abide by all other requirements and prohibitions as to restraint, access to clean water and appropriate shelter and other matters addressed in MGL c. 140, § 174E. As specified in Section 174E, any person who violates same shall, for a first offense, be issued a written warning or punished by a fine of not more than fifty dollars ($50), for a second offense, be punished by a fine of not more than one hundred dollars ($100) and for a third or subsequent offense, be punished by a fine of not more than three hundred dollars ($300), and be subject to impoundment of the dog in a local shelter at the owner's or guardian's expense pending compliance with this section, or loss of ownership of the dog.

§ 110-5. Field trials.

No person shall conduct a field trial involving dogs in the Town of Charlton without first procuring a permit therefor from the Animal Control Officer. Any such permit shall contain such limitations as the Animal Control Officer shall deem reasonably necessary to prevent such dogs from being a threat to public safety.

§ 110-6. Violations and penalties.

Any owner or keeper found in violation of this bylaw shall be subject to a fine according to the following schedule, unless the fine for a violation is otherwise established by state law:

First offense	$25
Second offense	$35
Third offense	$50
Fourth offense	$75
Fifth and each subsequent offense (within a calendar year)	$100
Failure to vaccinate for rabies	$25
Failure to obtain dog license	$50 per dog

§ 110-7. Enforcement.

It shall be the duty of the Animal Control Officer to investigate complaints and enforce the provisions of this bylaw and to that end he/she shall have the authority to seek complaints in the District Court for violations thereof. He/She shall also attend to all matters pertaining to stray or nuisance dogs, and to care for dogs that are injured in the Town of Charlton if the owner or keeper is unknown. The Animal Control Officer shall also be responsible for maintaining and keeping accurate records on all complaints and dogs that are apprehended and impounded as prescribed by law. The Animal Control Officer, such Officer's designee, the Police Chief and any Charlton Police Officer shall have authority to enforce the provisions of this bylaw. Any alleged violation of this bylaw may, in the sole discretion of the enforcing agent, be made the subject matter of noncriminal disposition proceedings commenced by such agent in accordance with MGL c. 40, § 21D.

§ 110-8. Procedure following impoundment.

The Animal Control Officer shall immediately notify the owner or keeper of any dog or cat impounded under the provisions of the bylaw if such owner or keeper is known by him/her. If such owner or keeper is not known by him/her, no notice shall be necessary.

§ 110-9. Notice to owner and redemption.

The owner may then reclaim the dog or cat by reimbursing the Animal Control Officer for expenses, fines and fees, and for boarding and care of the impounded dog or cat per MGL c. 140, § 151A(a). The boarding and care cost shall be ten dollars ($10) for each twenty-four-hour period or any part thereof, plus thirty dollars ($30) as an initial pickup fee. However, as required by MGL c. 140, §§ 137 and 145B, each dog six (6) months old or older must have been vaccinated for rabies and licensed and each cat six (6) months old or older must have been vaccinated for rabies before the Animal Control Officer may release it to its owner

absent certification per said statutes that such animal is exempt.

§ 110-10. Disposition of unclaimed dogs and cats. [Amended 5-16-2022ATM by Art. 15]

Any dog which has been impounded and has not been redeemed by the owner within seven (7) days shall be disposed of as provided by MGL c. 140, § 151A, and any amendment thereto. Any unclaimed dog or cat adopted from the Charlton Animal Control Officer shall be spayed or neutered and vaccinated for rabies at the owner's expense absent certification per MGL c. 140, §§ 137 and 145B, that such animal is exempt. The adoption fee for all unclaimed dogs or cats, regardless of sex, breed, or age shall be established from time to time by the Charlton Animal Control Officer, subject to approval in each instance by the Board of Selectmen.

§ 110-11. Collection of fines and fees.

All fines and fees collected by the Animal Control Officer while enforcing the provisions of this bylaw shall be collected in the form of personal check, money order or registered check made payable to the Town of Charlton. In any event, the Animal Control Officer will not accept cash, unless bonded to do so.

§ 110-12. Disposition of fines and fees.

All fines and fees collected by the Animal Control Officer shall be accounted for and paid over to the Town Treasurer at such time and in such manner as may be designated by the Town Treasurer.

§ 110-13. Nonwaiver of statutory remedies.

The provisions of this bylaw are intended to be in addition to and not in lieu of those contained in MGL c. 140, § 136A et seq., as amended by Chapter 193 of Legislative Acts of 2012, and as such may later be further amended. Nothing contained in this bylaw shall deprive the Town or any enforcement officer from exercising its or their rights and employing the remedies provided in those sections, including but not limited to disposition of a dog found to be a dangerous dog or nuisance dog, as provided in MGL c. 140, § 157, as so amended.

Chapter 115

BUILDINGS, NUMBERING OF

[HISTORY: Adopted by the Town Meeting of the Town of Charlton as Art. XVIII of the 2005 Bylaws. Amendments noted where applicable.]

§ 115-1. Authority to require; compliance.

The Board of Selectmen, or its designee acting under its authority and its directive, shall have the power to cause numbers of regular series to be affixed to or inscribed on all dwelling houses and other buildings erected or fronting on any street, lane, passageway or public court in the Town, and shall have the power to determine the size of such numbers, and the mode, place, succession and order of affixing them on such structures. The owner of any property required to be numbered as directed by the Board of Selectmen shall not affix to such structure, nor permit to remain thereon for more than one (1) day, any number to the contrary.

§ 115-2. Enforcement.

The provisions of the above bylaw shall be enforceable under the general enforcement and penalty provisions adopted in Chapter 10, Penalties, Article II, of these bylaws.

§ 115-3. Policy. [Added 10-21-2024STM by Art. 7]

The Board of Selectmen at a regular meeting of the Board approve a policy for determining the schema for assigning numbers to buildings and from time to time may amend said policy.

CHARLTON BYLAWS

Chapter 120

CEMETERIES

[HISTORY: Adopted by the Town Meeting of the Town of Charlton as Art. XXXI of the 2005 Bylaws. Amendments noted where applicable.]

§ 120-1. Time limit for erection of markers.

The person in possession, care and control of a burial lot or tomb in a public cemetery in the Town of Charlton, or if there is more than one (1) such person, the person designated or entered of record by the Board of Cemetery Commissioners as being the representative of the lot or tomb in accordance with MGL c. 114, § 29, shall, within one (1) year of burial of any person in the lot or tomb, erect a durable monument or marker on the lot or tomb sufficient to identify the person(s) buried or entombed therein.

§ 120-2. Enforcement and penalty.

A. The Board of Cemetery Commissioners shall enforce the provisions of this bylaw.

B. Any person who continues to violate any provision of this bylaw, or of any regulation adopted hereunder, after the expiration of ten (10) days following receipt by him/her of a written notice of such violation from the Board or its designee, shall be liable to a penalty not exceeding twenty-five dollars ($25) for each such violation. Each day that such violation continues after said ten-day period shall constitute a separate offense.

Chapter 123

DOCKS, PIERS, BERTHS AND MOORING

[HISTORY: Adopted by the Town Meeting of the Town of Charlton 5-19-2014 by Art. 21. Amendments noted where applicable.]

GENERAL REFERENCES

Penalties — See Ch. 10. **Zoning — See Ch. 200.**

Preamble: In order to better control the use of Town-owned land, prevent unauthorized or overburdening use of same, ensure adequate public access, and facilitate the effective management of certain uses of same, the following bylaw has been adopted as to land owned by the Town of Charlton, or in which it has an easement for public access, in or abutting waters owned by the Town of Charlton.

§ 123-1. Authority; rules and regulations; enforcement.

A. This bylaw is adopted by the Town of Charlton pursuant to the powers provided or reserved to it by the Massachusetts Home Rule Amendment, any applicable Massachusetts General Laws and regulations, and any other applicable legal authority.

B. Any violation of this bylaw may be enforced by the Chief of Police or by any police officer of the Town of Charlton, including without limitation under the provisions of MGL c. 40, § 21, or through the noncriminal disposition procedure under MGL c. 40, § 21D, as set forth in Chapter 10, Article I, of the Charlton General Bylaws. Such remedies shall not be exclusive but shall instead be in addition to any and all other rights and remedies, whether legal or equitable in nature, which the Town may have as to the subject matter covered by this bylaw.

§ 123-2. Definitions.

The following words, for the purposes of this bylaw, unless another meaning is clearly apparent from the way the word is used, shall have the following meanings:

BERTH — (n.) A place for a vessel to dock or anchor; (v.) to bring a vessel to, or maintain a vessel in, a berth; to dock.

DOCKS/PIERS — (The terms "dock" and "pier" shall be used interchangeably for the purposes of this bylaw.) The entire structure of any pier, wharf walkway, bulkhead, or float, and any part thereof, including pilings, ramps, walkways, float, tie-off pilings, dolphins and/or outhaul posts, that is located on a Town-owned bank, or Town-owned land under a Town-owned water body or waterway.

MOORING — The act or an instance of securing or making fast a vessel to the shore, the bottom or a structure, as by a cable or anchor; a place or structure to which a vessel can be moored; equipment, such as anchors or chains, for holding fast a vessel.

PERSON — Any individual, partnership, association, trust, firm, corporation, limited-liability company or other legal entity, excluding the Town of Charlton or any board, commission, department or agent of same authorized by the Charlton Board of Selectmen, and any other public or quasi-public agency or authority, if any, having the legal right to do anything otherwise proscribed by this bylaw.

PRIVATE DOCK/PIER — A dock/pier (as defined above) for residential use.

VESSEL — Every type of watercraft, other than a seaplane on the water, used or capable of being used as

a means of transportation on the water.

§ 123-3. Moorings and docks.

A. No dock, pier, mooring, float or other structure or object shall be affixed to, placed or maintained on any Town-owned bank or other Town-owned land, including any such located under a body of water, or any Town-owned easement, by any person other than the Town itself or one of its duly authorized boards, commissions or agencies; provided that:

   (1) As to any such Town-owned easement, this provision shall apply only to the extent that the Town's easement interest so permits; and

   (2) Nothing in this bylaw is intended to, nor shall, unreasonably restrict or impair any legal right of any owner of land abutting any such body of water.

B. Exception. Private docks and moorings will be permitted only on land contiguous to the parcel being served and with the written permission of the land owner. Docks will be placed in such a manner as to allow access to the water for associated uses and vessel berthing, but not in such a manner as to impede the rights of others or cause a safety or navigational hazard. Slalom courses, ski jumps, and navigation aids are exempt as long as they are placed in such a manner as not to impede the rights of others or cause a safety or navigational hazard.

§ 123-4. Inspection.

The Charlton Police may inspect any dock/mooring/berth; and may require removal of any dock/mooring/berth that fails to meet the provisions of this bylaw.

§ 123-5. Moving, relocating or removal.

Any expense of such removal, and any expense incurred by the Town, including reasonable attorney fees, shall be the responsibility of the owner of said dock/mooring/berth.

§ 123-6. Violations and penalties.

A. The owner of any dock/mooring/berth or other structure or object found in violation of this bylaw, or any rule or regulation adopted hereunder, shall be liable to the following fines:

   (1) First offense: fifty dollars ($50).

   (2) Second offense: seventy-five dollars ($75).

   (3) Third and each subsequent offense (within a calendar year): one hundred dollars ($100).

B. Each day when a violation continues shall constitute a separate offense and shall be subject to a separate, additional fine.

§ 123-7. Severability.

Nothing in this bylaw is intended to, nor shall, contravene or alter in any way any provision of Massachusetts or federal law or regulation. If any provision of this bylaw is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the bylaw shall not be invalidated.

Chapter 125

DRIVEWAYS

[HISTORY: Adopted by the Town Meeting of the Town of Charlton as Art. XX of the 2005 Bylaws. Amendments noted where applicable.]

§ 125-1. Definitions.

The following words used in this bylaw shall have the following meanings, unless a contrary intention clearly appears:

PERSON — Includes a corporation, society, association and partnership.

SUPERINTENDENT — Department of Public Works Superintendent or such Superintendent's designee.**[Amended 5-20-2019 ATM by Art. 12]**

WAY — A public way.

§ 125-2. Permit required.

No person shall construct or reconstruct a driveway which opens on a way unless the owner of the land on which the driveway is to be constructed or reconstructed has first obtained a written permit from the Superintendent, and no person shall construct or reconstruct such a driveway except in accordance with the terms and conditions of such permit and the regulations adopted by the Superintendent pursuant to § 125-5 of this bylaw.

§ 125-3. Applications and fees.

A. Each application for a driveway permit shall be made to the Superintendent by the owner of the land on which the driveway is to be constructed.

B. Each application for a driveway 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.

   (2) The complete street address of the land.

   (3) A plot plan of the land showing, among other features, the proposed driveway on which the driveway opens, and all buildings and other structures located on the land or proposed to be constructed or placed on the land.

   (4) Such other information and documentation as may be required by the Superintendent.

C. Each application shall be accompanied by the sum of ten dollars ($10) for the permit fee, which the Superintendent shall pay over on receipt to the Town Treasurer.

§ 125-4. Permits.

Each permit issued by the Superintendent shall include the following:

A. Such terms and conditions as the Superintendent deems reasonably necessary to prevent an undue volume of surface water and eroded materials draining and being carried from the land on which the driveway is to be constructed onto the abutting public way.

B. A description of any surface water drainage and erosion prevention facilities which the Superintendent shall require be installed.

C. A provision that the owner shall give written notice to the Superintendent prior to commencing the construction of the driveway.

D. A provision that the permit shall be found to be abandoned and invalid unless all of the construction authorized by it, including completion with macadam or paving, shall have been completed within forty-five (45) days after its issuance, and the failure to so complete within the ten-day period after receipt of notice shall also be a violation subject to the penalty specified in § 125-6B below.

E. A provision that the contractor who will be doing the driveway construction, before issuance of such permit, shall have posted a five hundred dollar ($500) cash bond or performance bond issued by a surety company authorized to do business in the Commonwealth naming the Town as the obligee, insuring the completion of the construction authorized by the permit within the above forty-five-day period, failing which:

(1) The bond shall become the property of the Town to the extent of the cost to complete; and

(2) The Town may then at its election have the work completed forthwith and the owner of the land shall be liable for any cost not covered by the bond.

§ 125-5. Regulations.

The Superintendent may adopt regulations, subject to the approval of the Selectmen, to carry out the purposes of this bylaw. Such regulations shall take effect upon their being filed in the office of the Town Clerk.

§ 125-6. Enforcement and penalty.

A. The Superintendent shall enforce the provisions of this bylaw.

B. Any person who continues to violate any provision of this bylaw or of any permit issued hereunder or of any regulation adopted hereunder after the expiration of ten (10) days following receipt by him/her of a written notice of such violation from the Superintendent shall be liable to a penalty not exceeding fifty dollars ($50). Each day that such violation continues after said ten-day period shall constitute a separate offense.

§ 125-7. Repeal.

The bylaw adopted under Article 5 of the warrant for the Special Town Meeting of September 5, 1969 is hereby repealed.

Chapter 130

EARTH REMOVAL

[HISTORY: Adopted by the Town Meeting of the Town of Charlton as Art. XLI of the 2005 Bylaws. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 200. **Subdivision of land — See Ch. 210.**

§ 130-1. Definitions.

The following words used in this bylaw shall have the following meanings unless a contrary intention clearly appears:

BOARD — The Selectmen of the Town of Charlton.

EARTH — Soil, loam, sand or gravel or any combination thereof.

LOT — A parcel of land held in identical ownership throughout, including all contiguous land held in the same ownership within the Town of Charlton. Any other land held in the same ownership, but not within the Town of Charlton, shall be considered a separate parcel.

PERSON — Includes a corporation, society, association and partnership.

TOWN — The Town of Charlton.

§ 130-2. Prohibition and exemptions.

A. No earth shall be removed from any lot in the Town unless an earth removal permit therefor shall first have been obtained from the Board.

B. The provisions of this section shall not apply to:

(1) The removal of earth in connection with the construction of or other work on a building or other structure or facilities ancillary to a building or other structure under the authority of a permit issued by any department or agency of the Town;

(2) The removal of earth in compliance with the requirements of a subdivision plan approved by the Planning Board;[8]

(3) The removal of earth from land in public use;

(4) The removal of earth for any municipal purpose by or on behalf of the Town or any department or agency thereof;

(5) The removal of not more than a total of five hundred (500) cubic yards of earth from a lot within any period of ten (10) consecutive years;

(6) The removal of earth which is customarily incidental to agriculture, horticulture or floriculture;

8. **Editor's Note: See Ch. 210, Subdivision of Land.**

and

(7) The removal of earth in connection with the construction or improvement of a private way.

§ 130-3. Application for permit; fee.

A. Applications for earth removal permits shall be made to the Board.

B. Each application shall include and be accompanied by the following information and supporting documentation:

(1) The location of the lot from which it is proposed to remove earth;

(2) The complete name and address of the owner of the lot;

(3) The complete name and address of the applicant;

(4) Adequate evidence of the applicant's ownership of the lot or authority from the owner of the lot to remove earth therefrom, as the case may be;

(5) The quantity of earth to be removed;

(6) The form of the bond proposed to be submitted in accordance with § 130-6C;

(7) Such other relevant information as may be required by the Board.

C. Each application shall be accompanied by the sum of five hundred dollars ($500) for the permit fee, which the Board shall pay over upon receipt to the Town Treasurer.

§ 130-4. Hearings.

A. Before acting on an application, the Board shall hold a public hearing thereon.

B. Before holding a public hearing, the Board shall, at the expense of the applicant, give notice of the time, place and subject matter of the hearing at least seven (7) days prior thereto by publication in a newspaper of general circulation in the Town.

§ 130-5. Action on application.

A. Applications for permits may be granted or denied, or granted in part and denied in part.

B. The Board shall not grant an application if it appears that the proposed earth removal may:

(1) Endanger the public health or safety;

(2) Be detrimental to the normal use of other land in the area by reason of noise, dust or vibrations; or

(3) Undermine any building or other structure or any public or private way.

§ 130-6. Permit term and conditions; bond; consultants.

A. No permit shall be issued for a period in excess of five (5) years, and the beginning and terminating dates shall be set forth thereon.

B. Each permit shall be subject to the following conditions which shall be set forth thereon:

(1) No earth shall be removed from the lot in such manner or in such quantity as to alter the course or increase the volume of surface or subsurface water draining from the lot.

(2) No slope created by the removal of earth shall be finished at a grade in excess of two (2) (horizontal) to one (1) (vertical) expressly otherwise set forth in the permit.

(3) Upon completion of the removal of earth from the lot, all stones and boulders protruding above the finished grade in those areas from which earth was removed a distance of four (4) inches or more shall be buried beneath the finished grade or removed from the lot.

(4) Upon completion of the removal of earth from the lot, all areas from which earth was removed, except where ledge rock is exposed, shall be brought to the proposed finished grades shown on the plan referred to in § 130-3, covered with not less than four (4) inches of the original topsoil or topsoil of equivalent or greater quality than the original topsoil, and seeded with a suitable cover crop.

(5) Such other conditions consistent with the provisions of this bylaw and any regulations adopted hereunder as may be imposed by the Board.

C. The applicant shall post with the Treasurer of the Town a bond in a form approved by the Town Counsel in such amount and with such sureties as determined by the Board to be sufficient to guaranty compliance with the terms and conditions of the permit.

D. The permit-issuing Board may hire at the applicant's expense engineering consulting services to provide the Board with a plan review and recommendations as deemed necessary.

§ 130-7. Regulations.

A. The Board may adopt regulations to carry out the provisions of this bylaw.

B. Such regulations shall take effect upon their being published in a newspaper of general circulation in the Town and filed with the Town Clerk.

§ 130-8. Effect of zoning bylaws.[9]

No provision of this bylaw shall be deemed to amend, repeal or otherwise change any zoning bylaw of the Town now or hereafter in effect or to derogate from the intent or purposes of any such zoning bylaw.

§ 130-9. When effective; existing operations.

This bylaw shall take effect upon its approval by the Attorney General and its publication and posting as required by MGL c. 40, § 32; provided, however, that any earth removal operations being actively conducted on the effective date of this bylaw may continue unaffected by this bylaw.

§ 130-10. Violations and penalties.

Any person who continues to violate any provision of this bylaw or any permit issued hereunder after the expiration of ten (10) days after written notice of such violation by the Board to such person shall be liable to a penalty of fifty dollars ($50) for the first offense, one hundred dollars ($100) for the second offense

9. **Editor's Note: See Ch. 200, Zoning.**

and two hundred dollars ($200) for each subsequent offense. Each day that any such violation continues shall constitute a separate offense.

Chapter 135

ELECTRICAL CODE

[HISTORY: Adopted by the Town Meeting of the Town of Charlton as Art. XXVI of the 2005 Bylaws. Amendments noted where applicable.]

§ 135-1. Permit required.

No person or corporation shall do any electrical construction work, whether original work or alterations, without obtaining from the Inspector of Wires a written permit to do such work.

§ 135-2. Enforcement.

The Inspector of Wires is hereby authorized to enforce the rules and regulations as contained and provided in the most recent version of the Massachusetts Electrical Code (527 CMR 12.00) of the Board of Fire Prevention Regulations, modifying the National Electrical Code, and/or any and all other applicable statutory and regulatory provisions which may be enforced pursuant to MGL c. 166, §§ 32 and 33, for the installation of electric wiring and apparatus, and in accordance with the provisions and requirements therein contained.

§ 135-3. Inspector of Wires duties.

The Inspector of Wires shall perform his/her duties as per MGL c. 166, § 32, and as later amended.

CHARLTON BYLAWS

Chapter 140

FIRE PREVENTION

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

ARTICLE I
Fire Hydrants
[Adopted as Art. XVI of the 2005 Bylaws]

§ 140-1. Color of hydrants fed by municipal water lines.

All fire hydrants within the Town of Charlton that are fed by a municipal water line will be red in color and with the bonnet of said hydrant to be painted to adhere to the National Fire Protection Association (N.F.P.A.) (291 2-1, 2-2) color code marking for water flow.

§ 140-2. Color of hydrants fed by private water lines.

All fire hydrants within the Town of Charlton that are fed by a private water line will be yellow in color and with the bonnet of said hydrant to be painted to adhere to the National Fire Protection Association (N.F.P.A.) (291 2-1, 2-2) color code marking for water flow.

§ 140-3. Color of decorative hydrants.

All decorative fire hydrants within the Town of Charlton will be blue in color.

§ 140-4. Color code marking for water flow.

The N.F.P.A. color code system:

Size (gallons per minute)	**Color**
1,500 or greater	Light blue
1,000 to 1,499	Green
500 to 999	Orange
Less than 500	Red

Chapter 145

HAZARDOUS WASTE

[HISTORY: Adopted by the Town Meeting of the Town of Charlton as Art. XL of the 2005 Bylaws. Amendments noted where applicable.]

GENERAL REFERENCES

Solid waste — See Ch. 170.

§ 145-1. Definitions.

The following words, as used in this bylaw, unless the text otherwise requires or a different meaning is specifically required, shall have the following meanings:

HAZARDOUS WASTE — Solid waste or a combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly stored, disposed of or otherwise managed.

PERSON — Includes, where applicable, natural persons, corporations, trusts, partnerships, incorporated or unincorporated associations, municipal officers, and other municipal agencies.

SOLID WASTE — Garbage; refuse; sludge from a waste treatment plant, water supply treatment plant or air pollution control facility; or other discarded material, including solid, liquid, semi-solid, or gaseous material resulting from industrial, commercial, mining or agricultural operations, or from community activities.

§ 145-2. Prohibition.

No person shall dispose of or store hazardous waste on property owned, leased or otherwise controlled by the Town of Charlton.

§ 145-3. Violations and penalties.

Any person who violates any provision of this bylaw shall be liable to a penalty not exceeding two hundred dollars ($200) for each violation. Each day that a violation continues shall constitute a separate offense.

Chapter 147

HISTORIC DISTRICTS

[HISTORY: Adopted by the Town Meeting of the Town of Charlton 5-14-1977ATM by Art. 25. Amendments noted where applicable.]

§ 147-1. Purpose.

The purpose of this bylaw is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the Town of Charlton or their architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of designs compatible therewith.

§ 147-2. Creation of Districts. [Amended 5-19-1997 ATM by Art. 40]

A. There is hereby established in the Town of Charlton, an historic district consisting of three segments to be known as 1) Northside Historic District-Central, 2) Northside Historic District-East, and 3) Northside Historic District-South, bounded as follows:

(1) Northside Historic District-Central: Beginning at a point on the northerly line of the Massachusetts Turnpike, it being the southwest corner of land of P. Dowgiert and the southeast corner of land of W. Eastman; thence N 62° 14' 48" E 75'; thence S 27° 45' 12" E25'; thence N 62° 14' 48" E 894' to a bound; thence easterly 512 feet on a radius of 10,050 feet on the northerly line of the Massachusetts Turnpike; thence N 6° 12' W 429.40' to the property of L. Adams: thence N 75° E 415'; thence N 15° W 82.5'; thence N 75° E 241'; thence N 23° W 480 feet more or less to the north line of Northside Turnpike, a.k.a. Stafford Street, these last five courses by old deed; thence by the Worcester Co. layout of Northside Turnpike S 57° 34' 55" W 985' by the north line of said street to the east line of Nugget Drive; thence N 21° 40' W 600'; thence crossing said drive S 65° 17' 24" W 800' to the property of J. Burlingame: thence S 21° 25' 51" E 480'; thence S 81° 25' 55" W 418'; thence N 8° 34' 05" W 1200'; thence S 81° 25' 55" W 1650' more or less or to a point 550 feet west of the west line of Cemetery Road; thence S 18° 55' 05" E 700'; thence N 88° 00' 18" W 900'; thence S 1° 59' 47" W 530' to the North line of Northside Turnpike; thence crossing said road on the same bearing 498'; thence S 88° 00' 13" E 1430 feet more or less to property of L. Adams; thence northeasterly by Massachusetts Turnpike plan bearing N 66° 20' E 515.44' on Adams south line to the west line of Northside Road; thence S 13° 37' 18" W 146.35'; thence S 15° 40' 18" W 120.86'; thence westerly by the #2 schoolhouse yard S 68° 16' 33" W 233.64'; thence S 8° 08' 47" E 43.71'; thence S 7° 26' 32" E 213.85"; thence S 72° 26' 32" E 155.5 feet more or less to the east line of Northside Road at property of C.W. Farr; thence S 16° W 20 feet more or less to property of W. Eastman; thence by magnetic bearings S 83° 57' E 183 feet; thence S 3° 43' W 25'; thence S 78° 01' E 394'; thence S 14° 07' W 57' to the point of beginning.

(2) Northside Historic District-East: Starting at station 20 + 36.53 on the center line of Northside Turnpike, a.k.a. Stafford Street as shown on Sheet 2 of 5, 1960 layout of Worcester County Highway; thence S 34° 19' 40" W 611.12'; thence by radius of 1000.0 length 348.82'; thence S 54° 18' 50" W 265.48'; thence by radius of 1000.0 length 263.01'; thence S 69° 23' W 97.13"; thence by radius 5000, length 462.39'; thence S 64° 05' 05" W 237.19'; thence by radius 800.0 length 423.88'; thence S 34° 24' W 626.09'; thence by radius 720.0, length 77283'; thence N 84° 06' W 145.01'; thence N 5° 54' E 33.0'; thence N 32° 02' 21" W 315.45'; thence N 32° 02' 21"

W 33.0 feet more or less across Tucker Road; thence N 32° 02' 21" W 439' more or less by an old way to the north line of Smith Road; thence by the north line of Smith Road 2,000 feet; thence N 2° 43' 42" W 250"; thence easterly parallel 250 feet to the north line of Smith Road to the property N/F Smith estate; thence S 12° 45' 23" E 25.85'; thence N 85° 57' 48" E 38.73; thence S 2° 43' 42" E 151.40'; thence S 8° 24' 10" E 72.75' to the north line of Smith Road; thence crossing said road 50 feet more or less to the wall; thence S 10° 31' 29" E 285.93; thence S 12° 40' 25" E 14.07'; thence southwesterly parallel 300 feet to the south line of Smith Road; thence N 86° 27' 57" E, 283'; thence S 88° 47' 41" E 387'; thence N 34° 24' E 419.59'; thence N 48° 55' 25" E 591.06'; thence N 64° 05' 05" E 237.19"; thence N 66° 44' 03" E 492.73; thence N 69° 23' E 97.13'; thence N 61° 50' 55" E 175.71'; thence N 54° 18' 50" E 265.48'; thence N 44° 19' 15" E 232.53'; thence N 34° 19' 40" E 611.12'; thence S 55° 40' 20" E 330' to the center line of Northside Turnpike, and the place of beginning.

(3) Northside Village Historic District South: Beginning at a bound on the westerly side of Northside Road, being a corner of property of O. & W. Hultgren; thence N 65° 01' W 159.92'; thence north by the wall N. 24° 30' 15" E 717.12'; thence S 63° 52' E, 183.65' to the west line of the road; thence N 53° 09' 30" E 190 feet more or less; thence N 44° 13' 30" E 320 feet more or less; thence N 47° 59' 30" E 130 feet more or less; thence N 29° 51' E 124.87' more or less; thence N 30° 47' 30" E 106.56'; thence N 32° 32' E 103.53'; thence N 37° 01' 30" E 143.04'; thence N 41° 57' E 362.5' to a corner, the last eight courses being on the west line of said road; thence S 79° 34' 10" W 359' by land of S. Eastman and J.L. Cook; thence S 36° 45' W 951.43' to land of O. & W. Hultgren; thence S 6° 22' 30" W 276.21'; thence S 4° 38' W 174.03'; thence S 5° 39' W 225.57'; thence S 6° 41' W 224.40' to land of J. Ryder; thence S 4° 50' 50" W 166.83'; thence S 2° 01' 33" W 154.16'; thence S 0° 28' 15" W 279.10'; thence S 0° 20' 40" W 284.03' to a corner; thence N 64° 51' 11" E 1264.17' by land of Ryder and Soucy to the west line of Northside Road; thence N 22° 50' E 405' more or less to the bound first mentioned. Beginning at a point on the westerly side of Northside Road at the northwest corner of the present Northside Village Historic District - South, then continuing northeast on the westerly line of Northside Road 1,221.67 feet, more or less to a point, then crossing the road to the easterly side of said road, it being the northwesterly corner of parcel 4.1 on Map 24 Block A; thence S. 84° 11' 04" E. 310.04' to an iron pipe; thence N. 76° 46' 54" E. 74.58'; thence S. 64° 25' 40" E. 69.55' to a pipe; thence S. 88° 03' 00" E. 87.65'; thence S. 83° 38' 34" E. 71.23'; thence S. 87° 23' 04" E. 101.70'; thence S. 84° 58' 04" E. 230.28'; thence S. 85° 17' 34" E. 171.73'; thence S. 85° 11' 34" E. 117.24'; thence S. 85° 28' 04" E. 181.03' to a pipe; thence S. 85° 03' 04" E. 196.25' to a point; thence S. 86° 33' 04" E. 293.53' to iron pipe; thence, S. 19° 39.04" 540.81' to a corner of walls; thence S. 74° 11' 51" W. 1722' more or less to an iron pipe; thence N. 16° 18' 59" W. 208.64' to a pipe; thence S. 80° 01' 47" W. 101.22' to a pipe; thence S. 72° 07' 57" W. 45S.21' to a point in the northerly line of the present Historic District - South; thence S. 84° 51' 38" 338.77' by the northerly line of the Historic District - South; thence crossing Northside Road on the same bearing to the west line of said road, it being the northwest corner of the Northside Village Historic District - South and the point of beginning.

§ 147-3. Definitions.

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

BUILDING — A combination of materials having a roof and forming a shelter for persons, animals and property.

BUILDING INSPECTOR — The building inspector for the Town of Charlton.

COMMISSION — The Historic Districts Commission established by § 147-4.

ERECTED — Includes the words "built," "constructed," "reconstructed," "restored," "altered," "enlarged," and "moved."

EXTERIOR ARCHITECTURAL FEATURE — The architectural style and general arrangement of such portion of the exterior of the building or structure as is designed to be open to view from a public street, way, or place, at any season.

PERSON — Includes an individual, a corporate or unincorporated organization or association and the Town of Charlton.

STRUCTURE — Any man-made combination of materials, other than a building.

§ 147-4. Creation and organization of Historic Districts Commission.

A. There is hereby established in the Town of Charlton an Historic Districts Commission consisting of five unpaid members who shall be residents of the Town of Charlton, to be appointed by the Selectmen of the Town as follows: two from four candidates nominated by the Charlton Historical Society, one from two candidates nominated by the Charlton Historical Commission, and two members, residents residing in the historic district. Initially the terms shall be as follows: one member for one year, two members for two years, and two members for three years. Thereafter each term shall be for a period of three years.

B. The Selectmen shall appoint from the nominees four associate members. In case of absence, inability to act, or disinterest on the part of a member of the Commission, his place shall be taken by an associate member designated by the Chairman of the Commission. In case of vacancy on said Commission, the Chairman may designate an associate member to serve as a member of the Commission until said vacancy is filled.

C. Every member and associate member shall continue in office after the expiration of his term until his successor is duly appointed and qualified. Any member or associate member may be removed for cause by the appointing authority upon written charges and a public hearing. The Commission shall elect a chairman and a secretary from its membership. In case of absence of the Chairman from any meeting, the Commission shall elect a chairman pro-tempore for such a meeting.

§ 147-5. Certificate of appropriateness.

A. Except as provided in § 147-7; no building or structure within an historic district shall be constructed or altered in any way that affects exterior architectural features unless the Commission shall first have issued a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship, with respect to such construction or alteration.

B. Any person who desires to obtain a certificate from the Commission shall file with the Commission an application for a certificate of appropriateness, a certificate of nonapplicability, or a certificate of hardship, as the case may be, in such form as the Commission may reasonably determine, together with such plans, elevations specifications, material and other information, including in the case of demolition or removal, a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.

C. No building permit for construction of a building or structure or for alteration of an exterior architectural feature within an historic district and no demolition permit for demolition or removal of a building or structure within an historic district shall be issued until the certificate required by this section has been issued by the Commission.

§ 147-6.

A. In passing upon matters before it the Commission shall consider, among other things, the historic and architectural value and significance of the side, buildings or structures, the general design, arrangement texture and materials of the features involved, and the relation of such features to similar features of buildings and structures in the surrounding area. In the case of new construction or additions to existing buildings or structures, the Commission shall consider the appropriateness of the size and shape of the buildings or structures both in relation to the land area upon which the buildings or structures are situated and to the buildings and structures in the vicinity, and the Commission may, in appropriate cases, impose dimensional and setback requirements in addition to those required by applicable ordinance or bylaw. The Commission shall not consider interior arrangements or architectural features not subject to public view.

B. The Commission shall not make any recommendations or requirements except for the purpose of preventing developments incongruous to the historic aspects or architectural characteristics of the surroundings and of the historic district.

§ 147-7. Exceptions.

A. The authority of the Commission shall not extend to the review of the following categories of buildings and structures, or exterior architectural features in the historic districts, and the Commission shall issue a certificate of nonapplicability with respect to construction or alteration in any category not subject to review:

(1) Temporary structures or signs; subject, however, to such conditions as to duration of use, location, shall reasonably specify.

(2) Terraces, walks, driveways, sidewalks and similar structures, provided that any such structure is substantially at grade level.

(3) Walls and fences.

(4) Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae and similar appurtenances.

(5) The color of paint.

(6) The color of material used on roofs.

(7) Signs of not more than two square feet in area in connection with use of a residence for a customary home occupation or for professional purposes.

§ 147-8.

Nothing in this chapter shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature within an historic district which does not involve a change in design, material or outward appearance thereof, nor to prevent landscaping with plants, trees, or shrubs, nor construed to prevent the meeting of requirements for public safety because of an unsafe or dangerous condition.

§ 147-9.

In any and all cases the powers and duties of the commission shall be governed by Chapter 40C of the General Laws of the Commonwealth, as most recently amended.

§ 147-10.

This bylaw shall become effective upon the filing by the Historic Districts Commission of a map or maps setting forth the boundaries of the historical districts created by § 147-2 of this bylaw with the Town Clerk and upon recording by the Historic Districts Commission of said map or maps with the Worcester District Registry of Deeds.

§ 147-11.

Severability of provisions. The provisions of this bylaw shall be deemed to be severable and in case any section, paragraph, or part of this bylaw shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair the validity of any other sections, paragraphs, or parts of this bylaw.

Chapter 150

JUNK, OLD METAL AND SECONDHAND ARTICLES, DEALERS IN; PAWN SHOPS

[HISTORY: Adopted by the Town Meeting of the Town of Charlton as Art. XXXV of the 2005 Bylaws. Amendments noted where applicable.]

GENERAL REFERENCES

Licenses and permits — See Ch. 155.

§ 150-1. Prohibition.

A. No person shall act as a keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles without a license issued by the Selectmen.

B. The purchase, sale or barter of books, prints, coins or postage stamps shall not be deemed to be a purchase, sale or barter of secondhand articles within the meaning of this bylaw.

C. A person not regularly engaged in the business of selling secondhand articles who makes casual sales of such articles at a flea market, yard sale, garage sale, barn sale or the like shall be deemed not to be a keeper of a shop for the sale of secondhand articles within the meaning of the bylaw.

§ 150-2. Licenses and fees.

A. Each license shall set forth the following:

(1) The name of the licensee.

(2) The nature of the business to be carried on under the license.

(3) The building or other place in the Town in which such business is to be carried on.

(4) All applicable rules, regulations and restrictions made by the Selectmen under the authority of this bylaw.

B. The Selectmen shall receive for the use of the Town such amount, not less than two dollars ($2), for each license as the Selectmen consider reasonable.

§ 150-3. Rules, regulations and restrictions.

A. The Selectmen may make reasonable rules and regulations of general application to carry out the purposes of this bylaw, which shall take effect upon their being filed in the office of the Town Clerk.

B. The Selectmen may also make reasonable restrictions applicable to a particular license or licenses.

§ 150-4. When effective; existing businesses.

This bylaw shall take effect upon its approval by the Attorney General and its publication and posting as required by MGL c. 40, § 32: provided, however, that any person acting as the keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles on the effective date of this bylaw may

continue to so act unaffected by this bylaw for a period of six (6) months following its effective date. Licenses with respect to such activities shall be required after the expiration of said six-month period.

§ 150-5. Violations and penalties. [Amended 5-20-2013 ATM by Art. 20]

Whoever violates this bylaw by acting as a keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles without a license or a pawn shop, or in any other place or manner than that described in his/her license or after notice to him/her that his/her license had been revoked, or violates any rule, regulation or restriction made by the Selectmen, shall be liable to the following penalties: one hundred dollars ($100) for the first offense; two hundred dollars ($200) for the second offense; and three hundred dollars ($300) for the third and any subsequent offense. Each day that a violation continues shall constitute a separate offense.

§ 150-6. Outside drop boxes. [Added 5-21-2012 ATM by Art. 30]

A. Purpose. The purpose of this section of the bylaw is to promote the maintenance of outdoor "drop boxes" located on or abutting public ways and private ways open to use by the general public and sidewalks abutting such ways in a safe and clean condition.

B. "Drop box" as used in this section shall mean any box, container or device, including any such designed to collect, distribute, or sell any item, which is located, on a temporary or permanent basis, in or adjoining a public way or a private way open to use by the general public, or in or adjoining a sidewalk abutting such a way.

C. Each drop box shall:

(1) Be properly maintained in a clean and neat condition and in reasonably good repair at all times;

(2) Be emptied on a regular basis, at least monthly, to prevent overflow;

(3) Contain clear identification, and the telephone number, of the organization responsible for maintenance of the drop box; and

(4) Clearly state thereon, for the benefit of prospective donors, the use to which any donation will be made.

D. No person or entity other than those required by §§ 150-1 and 150-2 of this article shall be required to secure or maintain a license for a drop box, but such boxes shall be subject to any drop box rules, regulations and restrictions, if any, as the Selectmen may adopt pursuant to § 150-2 of this article, and the penalties set forth in § 150-5 hereof shall apply to drop boxes.

§ 150-7. Pawnbrokers. [Added 5-20-2013 ATM by Art. 20]

The Board of Selectmen may license suitable persons to carry on the business of pawnbrokers in the Town of Charlton, may condition, deny, revise and revoke such licenses, all as provided by MGL c. 140, §§ 70 to 85, and may make rules and regulations of general application to carry out the purposes of this bylaw. Any such rule or regulation shall take effect upon its being filed with the Office of the Town Clerk. The Board of Selectmen may also impose conditions and restrictions upon a particular license or licenses. The fee for any such license shall be one hundred dollars ($100), or such higher amount as the Board may establish by regulation if MGL c. 140, § 77, is amended to so permit. Any such licensee, as required by said § 77, shall at the time of receiving such license file with the Board of Selectmen a bond to the Town in the sum of three hundred dollars ($300) (or such higher, maximum, allowable amount if said § 77 is amended to

require or allow for same), with two (2) sureties approved by the Board or its designee, conditioned upon the faithful performance by the licensee of the duties and obligations pertaining to the business so licensed.

§ 150-8. Enforcement. [Added 5-20-2013 ATM by Art. 20]

Any violation of this Chapter 150 or of any rule or regulation adopted hereunder may be enforced by the Chief of Police or by any police officer of the Town of Charlton by any means available, including without limitation under the provisions of MGL c. 40, § 21, or through the noncriminal disposition procedure under MGL c. 40, § 21D, and Chapter 10, Penalties, Article I, of the Charlton General Bylaws. If any provision of this bylaw is held invalid by any court or other body of competent jurisdiction, such shall not affect the validity or application of the remainder of the article.

CHARLTON BYLAWS

Chapter 155

LICENSES AND PERMITS

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

ARTICLE I
Revocation or Denial for Failure to Pay Taxes, Fees or Assessments
[Adopted as Art. XXXII of the 2005 Bylaws]

§ 155-1. Definitions.

The following words and phrases used in this bylaw shall have the following meanings, unless a contrary intention clearly appears:

LICENSE AND PERMIT — Includes all licenses and permits, including renewals and transfers, issued by any board, officer, department, commission or division of the Town of Charlton, except the following licenses and permits issued under the following provisions of the General Laws:

A. Open burning permits, MGL c. 48, § 13;

B. Sales of articles for charitable purposes, MGL c. 101, § 33;

C. Children's work permits, MGL c. 149, § 69;

D. Clubs, associations dispensing food or beverages licenses, MGL c. 140, § 21E;

E. Dog licenses, MGL c. 140, § 137;

F. Fishing, hunting, trapping licenses, MGL c. 131, § 12;

G. Marriage licenses, MGL c. 207, § 28; and

H. Theatrical events, public exhibition permits, MGL c. 140, § 181.

LICENSING AUTHORITY — Includes all boards, officers, departments, commissions and divisions of the Town of Charlton that issue licenses or permits.

PERSON — Includes a corporation and a business enterprise.

TOWN COLLECTOR — The Collector of the Town of Charlton.

§ 155-2. List of delinquent taxpayers.

The Collector shall annually furnish to each licensing authority a list of all persons who have neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve-month period, and who have not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

§ 155-3. Revocation, suspension or denial.

The licensing authority may deny, revoke or suspend any license or permit of any person whose name appears on such a list furnished to it by the Town Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Town Collector; provided, however, that written notice is given to the person and the Town Collector as required by applicable provisions of law, and the person is given a hearing, to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any person. The Town Collector shall have the right to intervene in any hearing conducted with respect to such license

denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the Town Collector that the person is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the Town as of the date of issuance of said certificate.

§ 155-4. Payment agreements.

Each person whose name appears upon such a list shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations as 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.

§ 155-5. Waiver.

The Board of Selectmen of the Town of Charlton 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/her immediate family, as defined in MGL c. 268A, § 1, in the business or activity conducted in or on said property.[10]

10. Editor's Note: Former Art. II, Fingerprinting, adopted 5-21-2012 ATM by Art. 20, as amended, which immediately followed this article, was repealed5-15-2023ATM by Art. 15.

CHARLTON BYLAWS

Chapter 157

MARIJUANA

[HISTORY: Adopted by the Annual Town Meeting of the Town of Charlton 5-19-2014 by Art. 24. Amendments noted where applicable.]

§ 157-1. Public consumption prohibited.

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

§ 157-2. Enforcement; violations and penalties.

This bylaw 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 Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this bylaw shall be three hundred dollars ($300) for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under MGL c. 94C, § 32L.

§ 157-3. (Reserved)

§ 157-4. Host agreement. [Added 10-15-2018 STM by Art. 13]

Selectmen shall comply with the provisions of MGL c. 94G.

Chapter 160

PEDDLING AND SOLICITING

[HISTORY: Adopted by the Town Meeting of the Town of Charlton as Art. XXXIII of the 2005 Bylaws; amended in its entirety 5-19-2014 ATM by Art. 22. Subsequent amendments noted where applicable.]

§ 160-1. License required; application procedures; fees.

A. It shall be unlawful for any solicitor or canvasser as defined in this bylaw to engage in such business within the Town of Charlton without first obtaining a license therefor in compliance with the provisions of this bylaw.

(1) The provisions of this bylaw, with the exception of § 160-4C, shall not apply to:

(a) Any person already licensed to solicit by the Commonwealth of Massachusetts. **[Added5-15-2023ATM by Art. 16**[11]

(b) Any person engaged in the pursuit of soliciting for charitable, benevolent, fraternal, religious or political activities;

(c) Any person exempted by any other General Law;

(d) Salespersons or agents for wholesale houses, or firms who solicit orders from or sell to retail dealers for resale, or to manufacturers for manufacturing purposes; nor to

(e) Bidders for public works or supplies.

(2) Nor shall this bylaw be construed in such a way as to prevent persons having established customers to whom they make periodic deliveries from calling upon such established customers to solicit an order for future deliveries.

B. "Solicitor or canvasser" is defined as any person who, for such person or for another person, firm, corporation or other legal entity, travels by foot, automobile or any other type of conveyance from place to place, or from house to house, for the purpose of soliciting funds for any purpose or selling, distributing, offering or exposing for sale, or soliciting orders for: (a) magazines, books, periodicals or other articles, goods or items of a commercial nature; or (b) services of a commercial nature, including without limiting the generality of the foregoing, services for home, driveway or land improvements, whether or not such individual has, carries or exposes a sample of or documents relating to the subject of such sale, and whether or not he/she is soliciting or collecting or attempting to collect advance payment for or relating to the foregoing.

C. Application.

(1) Applicants for a license shall file with the Chief of Police, on a form issued by him/her, a written application signed under the penalty of perjury, containing the following information:

(a) Name of applicant.

(b) Address of applicant (local and permanent address if different).

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11. This article also redesignated former Subsection A(1)(a) through A(1)(d) as Subsection A(1)(b) through A(1)(e).

(c) Applicant's height, eye and hair color.

(d) Applicant's social security number.

(e) The length of time for which the license is sought.

(f) A brief description of the nature of the business and the goods and/or services to be sold, distributed, offered or exposed.

(g) The name and home office address of the applicant's employer. If self-employed, it shall so state.

(h) A photograph of the applicant, frontal view, which picture shall be submitted by the applicant and be two (2) inches by two (2) inches, showing the head and shoulders of the applicant in a clear manner which would enable a person to identify the applicant upon sight.[12]

(i) If operating a motor vehicle: the year, make, color, model, motor number, registration number, state of registration, vehicle's owner and address.[13]

D. At the time of filing the application, each applicant shall pay a ten dollars ($10) to the Town of Charlton. **[Amended 5-15-2023ATM by Art. 16]**

E. Investigation; decision on application.

(1) Upon receipt of the application, the Chief of Police (which, wherever used herein, shall be deemed to include the Chief's designee) shall investigate the applicant's background and reputation as to compliance with law, business practices, character, morals and integrity to the extent that such may relate to the standards set forth in Subsection E(2) immediately below.

(2) Within twenty-one (21) days of his/her receipt of the application, the Chief shall approve or disapprove the application and notify the applicant of the decision. The decision may be based on any information reasonably related to public safety or protection of the public from fraud or unfair business practices (by way of example only: conviction, or an admission or court finding of responsibility, of or by the license holder as to any felony which causes the Chief of Police to conclude that the license/permit holder may pose an unreasonable risk to the public.) **[Amended 5-15-2023ATM by Art. 16]**

(3) In the event that the application is approved, a license and an identifying badge shall be issued within three (3) business days of the decision.

F. Appeals.

(1) Any applicant shall have the right to appeal a denial to the Board of Selectmen, which shall uphold the Chief's decision unless it determines that such was arbitrary, capricious or wholly unrelated to any ground set forth above for denial.

(2) Such appeal shall be taken by filing with the Town Clerk, with a copy to the Town Administrator's office, each by first class mail, postage prepaid, or by hand delivery, a written

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12. Editor's Note: Former Subsection C(1)(i), requiring a statement regarding the applicant's criminal history, which immediately followed this subsection, was repealed 5-15-2023ATM by Art. 16. This article also redesignated former Subsection C(1)(j) as Subsection C(1)(i).

13. Editor's Note: Former Subsection C(1)(k), requiring fingerprints, and Subsection C(2), regarding fingerprint procedures, which immediately followed this subsection, were repealed 5-15-2023ATM by Art. 16.

statement of the grounds for the appeal, within five (5) days after notice of decision by the Chief of Police has been given.

(3) The Board of Selectmen shall set the time and place for the hearing such appeal, and notice of such time and place shall be given by the Town Clerk by first class, postage prepaid mailing to the license holder at the address given on the application, at least five (5) days prior to the date set for the hearing.

(4) At the hearing, the license holder shall be afforded an opportunity to present any information and evidence he/she believes pertinent to the ground(s) for the appeal and to the denial.

(5) The Board shall issue a written decision within fourteen (14) days of conclusion of the hearing and shall uphold the Chief's decision unless it determines that such was arbitrary, capricious or wholly unrelated to any ground set forth above for denial.

G. Such license, when issued, shall contain the signature of the issuing officer and shall show the name, address and photograph of the licensee, the Town and state of issuance and the length of time the same shall be operative, as well as the license number.

H. The Chief of Police shall keep a record for such a period as required by the Massachusetts Public Records Act. **[Amended 5-15-2023ATM by Art. 16]**

I. Identification permit. **[Amended 5-15-2023ATM by Art. 16]**

(1) Solicitors and canvassers, when engaged in the business of soliciting or canvassing, are required to have an identifying permit issued by the Commonwealth of Massachusetts or the Chief of Police of the Town of Charlton, and have said permit with them at all times.

(2) Each solicitor or canvasser, and each of such solicitor's or canvasser's employees or agents, is required to possess an individual license and permit.

J. The police officers of the Town of Charlton shall enforce this bylaw in accordance with § 160-7 below.

K. The Chief of Police and/or Board of Selectmen may revoke any license in accordance with § 160-6 below.

L. Each license issued under the provisions of this bylaw shall continue in force for such period as is specified in the license, or, if no period is specified therein, for twelve (12) months from the date of its issuance, unless sooner revoked.

M. An applicant requesting a renewal of a license must apply in person for such license renewal, and provide such material relating to the information described in Subsection C above as may be required by the Chief of Police.

§ 160-2. Hours of operation.

It shall be unlawful for any person to solicit or conduct any activity described in § 160-1B of this bylaw before the hour of 8:00 a.m. of any day or after the hour of 9:00 p.m. of any day except by appointment.

§ 160-3. Posted prohibitions.

It shall be unlawful and a violation of this bylaw for any solicitor or canvasser to ring a bell or knock at any building whereon there is painted, affixed or otherwise displayed to public view any sign containing

any or all of the following words: "NO PEDDLERS," "NO SOLICITORS" or "NO AGENTS," or which otherwise expresses an intent to prohibit peddling or soliciting on the premises.

§ 160-4. Fraudulent practices prohibited.

A. It shall be unlawful for any peddler or solicitor to represent by words, writing or action that he/she is some other peddler or solicitor, that he/she is a partner, employer, employee, representative or agent of any peddler or solicitor when in fact he/she is not the partner, employer, representative, agent or employee of such peddler or solicitor, or that he/she is the employer, employee, representative, agent or partner of any person, when in fact he/she is not the employer, employee, representative, agent or partner of such person.

B. No solicitor or canvasser may misrepresent, in any manner, the buyer's right to cancel as stipulated by Chapter 255D of the General Laws.

C. No solicitor or canvasser, licensed or exempted from licensing, may use any plan, scheme or ruse which misrepresents the true status or mission of the person making the call in order to gain admission to a prospective buyer's home, office or other establishment with the purpose of making a sale of consumer goods or services or for soliciting funds.

§ 160-5. Exceptions.

The provisions of the bylaw, with the exception of § 160-4C immediately above, shall not apply to salespersons or agents for wholesale houses or firms who solicit orders from or sell to retail dealers for resale, or to manufacturers for manufacturing purposes, or to bidders for public works or supplies or to charitable, religious, fraternal, service and civic organizations.

§ 160-6. Revocation of licenses.

A. Licenses issued pursuant to this bylaw may be revoked by the Chief of Police of the Town of Charlton, after notice and hearing, for any of the following causes:

(1) Fraud, misrepresentation or any false statement made to the Police Department in furnishing the information required in § 160-1 of this bylaw.

(2) Any violation of this bylaw.

(3) Conviction, or an admission or court finding of responsibility, of or by the license holder as to any felony, which causes the Chief of Police to conclude that the license/permit holder may pose an unreasonable risk to the public. **[Amended 5-15-2023ATM by Art. 16]**

(4) Conducting the soliciting or peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to be a menace to the health, safety or general welfare of the people of the Town of Charlton or the general public.

B. Notice of the hearing for consideration of revocation of a license shall be given in writing, stating the ground(s) for such possible revocation and the time and the place of hearing.

C. Such notice shall be mailed first class, postage prepaid, to the license holder at the address given on the application/license, at least five (5) days prior to the date set for the hearing.

D. Appeals.

(1) Any person aggrieved by the decision of the Chief of Police shall have the right of appeal to the Board of Selectmen.

(2) Such appeal shall be made by filing with the Town Clerk, with a copy to the Town Administrator's office, each by first class mail, postage prepaid, or by hand delivery, a written statement of the grounds for the appeal, within five (5) days after notice of decision by the Chief of Police has been given.

(3) The Board of Selectmen shall set the time and place for hearing such appeal, and notice of such time and place shall be given by the Town Clerk to the license holder in the manner hereinabove provided for notice of hearing on possible revocation by the Chief of Police.

(4) At the hearing, the license holder shall be afforded an opportunity to present any information and evidence he/she believes pertinent to the ground(s) for the appeal and to the revocation.

(5) The Board shall issue a written decision within fourteen (14) days of conclusion of the hearing and shall uphold the Chief's decision unless it determines that such was arbitrary, capricious or wholly unrelated to any ground set forth above for revocation.

§ 160-7. Enforcement; violations and penalties.

A. The police officers of the Town of Charlton shall enforce this bylaw.

B. Every person violating any provision of this bylaw is guilty of a misdemeanor and shall be punished by a fine in the amount which as of the time of such violation has been established by the Charlton Board of Selectmen in accordance with applicable law. **[Amended 5-15-2023ATM by Art. 16]**

C. Alternatively, violations may be enforced by the Charlton Police by means of a penalty of fifty dollars ($50) per violation using noncriminal disposition procedures pursuant to MGL c. 40, § 21D, and Chapter 10, Penalties, Article I, the Noncriminal Disposition Enforcement Procedure Bylaw.

D. Every violator of any provision of this bylaw shall be guilty of a separate offense as to every day such violation shall continue and shall be subject to a separate fine or penalty imposed by this section for each and every separate offense.

CHARLTON BYLAWS

Chapter 165

SEWER USE

[HISTORY: Adopted by the Town Meeting of the Town of Charlton as Art. XXV of the 2005 Bylaws. Amendments noted where applicable.]

GENERAL REFERENCES

Hazardous waste — See Ch. 145.

Stormwater management — See Ch. 175.

Water use — See Ch. 190.

Zoning — See Ch. 200.

Subdivision of land — See Ch. 210.

ARTICLE I
Definitions

§ 165-1. Terms defined.

Unless the context specifically indicates otherwise, the meaning of terms used in this bylaw shall be as follows:

ACT — The Federal Water Pollution Control Act (P.L. 92-500), also known as the Clean Water Act, as amended (33 U.S.C. 1251 et seq.).

APPLICANT — Any person requesting approval to discharge wastewater into the Town of Charlton wastewater facilities.

APPROVAL — Written approval.

AUTHORITY — The Charlton Board of Water and Sewer Commissioners.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER — Either:

A. Principal executive officer of at least the level of Vice President, if the industrial user is a corporation;

B. A general partner or proprietor if the industrial user is a partnership or proprietorship respectively; or

C. A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the discharge of wastewater originates.

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20° C.), expressed in milligrams per liter.

BOARD — The Charlton Board of Water and Sewer Commissioners or their authorized representative.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, which begins ten (10) feet [three (3) meters] outside the inner face of the building wall.

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

BUSINESS/COMMERCIAL ESTABLISHMENT — The primary use of the property is not defined as "residential" or "industrial."

COMBINED SEWER — A sewer conveying both wastewater and stormwater.

COMMERCIAL ESTABLISHMENT — Any room, group of rooms, building or other structure used or intended for use in the operation of a business enterprise, including retail and nonmanufacturing service establishments. Commercial establishments shall include, but not be limited to, automobile service stations, department stores, self-service laundries, restaurants, shopping centers, and theaters.

CONTROL MANHOLE — A manhole which is installed along a sewer and which provides access for the observation, sampling, and measuring of wastes.

COOLING WATER — The water discharged from any system of condensation, air conditioning, cooling; refrigeration or other sources. Such water shall contain no polluting substances which could produce BOD, SS or toxic pollutants or substances limited in these amended rules and regulations.

DOMESTIC WASTEWATER — The wastewater principally derived and discharged from dwellings

and institutions and the like and containing human excrement and liquid waste from the noncommercial preparation, cooking and handling of food.

DRAIN LAYER — A person licensed by the Town of Charlton to lay building sewers from existing public sewers to building drains.

EASEMENT — An acquired legal right for the limited use of land owned by others.

EPA — The United States Environmental Protection Agency.

EXCESSIVE — Quantities and/or concentrations of a constituent of a wastewater which, in the judgment of the Board:

A. Will cause damage to any Charlton facility;

B. Will be harmful to a wastewater treatment process;

C. Cannot be removed in the treatment works to the degree required to meet effluent discharge limitations;

D. Can otherwise endanger life, limb, or public property; and/or can constitute a nuisance.

FACILITIES — Includes structures and conduits for the purpose of collecting, treating, or disposing of domestic, industrial, or other wastewaters (including treatment and disposal works, lateral, interceptor, outfall, and outlet sewers, pumping stations, equipment and furnishings, and other connected appurtenances).

FLOATABLE OIL — Oil, fat, wax, or grease that will separate from wastewater under the force of gravity. A wastewater shall be considered free of floatable oil if it is properly treated and the wastewater does not interfere with the collection system.

FLOW EQUALIZATION FACILITIES — Provide storage of wastewater for release to a sewer system or treatment plant at a controlled rate, thus mitigating variations in flow and composition.

GARBAGE — The food wastes resulting from the handling, preparation, cooking, serving or distributing of food.

HAULER — Any person who contracts for the disposal of septage and has obtained a septage handler permit from the Board of Health.

IMPROVED PROPERTY — Any property upon which there is a structure from which domestic wastewater and/or industrial wastes shall be discharged.

INCOMPATIBLE POLLUTANT — A substance that is not amenable to removal in substantial amounts by the regional wastewater treatment facilities or which may cause damage to transmission or treatment facilities or impact overall treatment of wastewater. Incompatible pollutants include, but are not limited to, toxic biocumulative organics, toxic metals and persistent organics.

INDUSTRIAL ESTABLISHMENT — Any room, group of rooms, building or other facility used or intended for use in the operation of one (1) business enterprise for manufacturing, processing, cleaning, laundering, assembling or preparing any product, commodity or article from which any process waste, as distinct from domestic wastewater, may be discharged.

INDUSTRIAL USER — A manufacturing, processing, or other nonresidential facility (such as hospitals, commercial laundries, and tank and barrel cleaning operations, etc.) which discharges nonsanitary industrial wastes into a public sewer.

INDUSTRIAL WASTES — Any solid, liquid or gaseous wastes and wastewater, exclusive of sanitary

sewage, resulting from an industrial or manufacturing process; or discharged from a commercial, governmental or institutional facility; or from the development, recovery or processing of natural resources and any wastes not listed as conventional pollutants under 40 CFR 401.16.

INTERFERENCE — A discharge which, alone or in conjunction with discharges from other sources:

A. Inhibits or disrupts the treatment facility, its treatment processes or operations, or its sludge processes, or disposal; and

B. Causes a violation of any requirement of the treatment facility NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Waters Act, the Solid Waste Disposal Act (SWDA) [including Title 11, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA], the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

INVERT — The bottom inside of the sewer pipe.

MAJOR CONTRIBUTING INDUSTRY — One that:

A. Has flow of twenty-five thousand (25,000) gallons or more per average work day;

B. Has a flow greater than five percent (5%) of the flow carried by the municipal system receiving the waste;

C. Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a)(1) of P.L. 92-500; or

D. Has a significant impact, either singly or in combination with other contributing industries, on a publicly owned treatment works or on the quality of effluent from that treatment works.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or PRETREATMENT STANDARD — Any regulation containing pollutant discharge limits promulgated by the U.S. Environmental Protection Agency in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to industrial users.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT — A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

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

OWNER — Any person or persons vested with ownership, legal or equitable, sole or partial, of any improved property.

PASS THROUGH — A discharge which exits the treatment facility into waters of the United States in quantities or concentrations which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the treatment facilities NPDES permit (including an increase in the magnitude or duration of a violation).

PERSON — Any individual, firm, company, association, society, corporation, group, or municipality.

pH — The logarithm of the reciprocal of the hydrogen ion concentration, expressed in moles per liter. Neutral water, for example, has a pH value of seven (7) and a hydrogen ion concentration of ten (10) to the negative seven (-7). Any EPA-approved method of measurement may be used for this measurement.

PHOSPHORUS or TOTAL PHOSPHORUS — The total of organic phosphorus and inorganic phosphorus.

PLUMBING INSPECTION PERMIT — A notification to the Plumbing Inspector that work that could affect the sanitary system was to commence and that he/she is authorized by the applicant to review the property to determine if further work would be required. This "inspection permit" shall in no way negate the need for a "plumbing permit" issued by the Plumbing Inspector, but conversely, a "plumbing permit" issued by the Plumbing Inspector shall negate the need for a "plumbing inspection permit" issued by the Water/Sewer Department.

POLLUTANT — Any material or substance that may cause an alteration of the chemical, physical, biological or radiological integrity of a treatment facility or its receiving waters.

PRETREATMENT REQUIREMENTS — Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on a user.

PROPERLY SHREDDED GARBAGE — Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch [one and twenty-seven hundredths (1.27) centimeters] in any dimension.

PUBLICLY OWNED TREATMENT WORKS (POTW) OR TREATMENT FACILITY — Treatment works operated by the Town of Charlton or its agents, including any devices and systems (whether owned by it or under its control) used in the collection, storage, treatment, recycling and reclamation of municipal sewage or industrial wastes, including the wastewater treatment plant or plants and appurtenances, structures, pipes, pumping stations and other devices conveying wastewater to the treatment plant or plants, and sludge processing systems whether operated by the Town or by its agent.

PUBLIC SEWER — A sewer which is controlled by public authority.

RECEIVING WATERS — Any watercourse, river, pond, ditch, lake, aquifer, or other body of surface or groundwater receiving wastewater discharges.

RULES AND REGULATIONS — The provisions of this bylaw or any rule or regulation lawfully prescribed by the Charlton Water and Sewer Commissioners under MGL c. 83, § 10, or under any other enabling legislation or authority.

SANITARY SEWER — A sewer which carries wastewater, and to which storm, surface, and groundwaters are not intentionally admitted.

SEWAGE — See "wastewater."

SEWER — A pipe or conduit which carries wastewater.

SEWERAGE — The complete system of piping, pumps, and appurtenances for the collection and transport of wastewater.

SHALL — Is mandatory; "may" is permissive.

SLUG — Any discharge of water, wastewater, or industrial waste which exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four-hour constituent concentration, or flow, during normal operation.

STATE — The Massachusetts Department of Environmental Protection, Division of Water Pollution Control, or any successors.

STORM DRAIN or STORM SEWER — A pipe which carries storm and surface waters, drainage, and unpolluted cooling water, but excludes wastewater and industrial wastes.

SUPERINTENDENT — The duly authorized agent acting for the Board of Water and Sewer

Commissioners of the Town of Charlton.

SUSPENDED SOLIDS — Solids that either float on the surface of or are in suspension in water, wastewater, or other liquids, and which are not removable by laboratory filtering. Suspended solids are referred to as nonfilterable residue in the laboratory test prescribed in "*Standard Methods for the Examination of Water and Wastewater*."

SYSTEM'S DEVELOPMENT CHARGE — A fee assessed to property that has not had a "betterment assessment" levied and is now able to connect to the municipal system. System's development fees shall be paid prior to Water/Sewer Department sign-off on the "application for building permit."

WASTES — Substances in liquid, solid or gaseous form that can be carried in water.

WASTEWATER — The spent water of a community and may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

WASTEWATER TREATMENT WORKS — Any arrangements of devices and structures used for treating wastewater.

WASTEWATER WORKS — All structures, equipment and processes for collecting, pumping, treating, and disposing of wastewater.

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

ARTICLE II
Building Sewers and Connections

§ 165-2. Prohibitions and restrictions. [Amended 10-27-2009 STM by Art. 10]

Building sewers shall be constructed by licensed drain layers only. No person may uncover, connect to, open, alter, repair, or disturb a public sewer, or sewage works without a connection permit from the Superintendent. Any person proposing a new discharge from any commercial or industrial use or a new discharge in excess of one thousand (1,000) gallons per day from any residential use, or a substantial change in the volume or character of pollutants in an existing discharge, into the sewage works must notify the Water/Sewer Department at least forty-five (45) days before such proposed discharge or change. No person may break, cut, connect to, or remove any part of the public sewer. Building sewers shall connect to the existing connection branches unless an alternative manner is approved by the Superintendent.

§ 165-3. Connection permits.

A. There are three (3) classes of connections permits:

   (1) Residential connection permits.

   (2) Business/Commercial connection permits.

   (3) Industrial connection permits.

B. Applications shall be made on a special form furnished by the Charlton Water/Sewer Department. Completed applications shall be forwarded to the Superintendent of the Charlton Water/Sewer Department for approval. All industrial and commercial permits, and all residential permits for average daily flows in excess of one thousand (1,000) gallons per day, require approval from the Board of Water and Sewer Commissioners.

C. Permit and inspection fees for connection permits shall be paid to the Town when an application is filed. The applicant shall also be issued, in the absence of a plumbing permit issued by the Plumbing Inspector or his/her designee and for a fee of ten dollars ($10), a plumbing inspection permit for the purpose of having the Plumbing Inspector, or his/her designee, review the interior of the property to assure that all sanitary codes have been complied with, when connection to the municipal system is accomplished. If a permit is issued, it shall be valid for no more than sixty (60) calendar days from date of issue.

D. A drain layer may not have more than three (3) connection permits outstanding without written permission from the Superintendent. The permit shall be available for inspection at the site of work. Drain layers may install building sewers only during normal working hours of the Water/Sewer Department. Emergency working hours may be approved on a case-by-case basis by the Superintendent or the Board.

§ 165-4. Installation cost and indemnification.

Costs incidental to the connection of the building sewer to the public sewer and inspection by the Superintendent or his/her designee shall be borne by the property owner or owner of the building. In either case, the owner shall indemnify the Town from any loss or damage that may directly or indirectly be caused by the installation and connection of the building sewer.

§ 165-5. Separate building sewers required.

A separate and independent building sewer shall be provided for every building; unless otherwise approved by the Board. In cases where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered one building sewer, if approved by the Board. The Town will not assume any responsibility for damages caused by any such connection.

§ 165-6. Existing building sewers.

The use of existing building sewers must cease if they are found upon examination and testing by the Board, or its designee, to be in violation of any requirement of this bylaw or of applicable rules or regulations.

§ 165-7. Method of construction.

The size, slope, alignment, and materials of construction of a building sewer, and the methods used in excavating, placing the pipe, jointing, testing, backfilling, and paving of the trench shall conform to all applicable rules and regulations and bylaws of the Commonwealth of Massachusetts and the Town. In the absence of code provisions, or in amplification thereof, the materials of modern sanitary engineering shall apply.

§ 165-8. Connection to building drain.

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

§ 165-9. Prohibited connections.

No person shall connect roof downspouts, exterior foundation drains, sump pumps, areaway drains, or other sources of surface runoff or groundwater to a building sewer which discharges to a sanitary sewer. Any business, commercial, or industrial establishment, residence or building found to have any of the above-mentioned connections shall immediately eliminate said connection, regardless of when the connection was made, or will be subject to fines outlined in Article VII.

§ 165-10. Method of pipe laying and backfilling.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in current specifications of the ASTM and *WPCF Manual of Practice No. 9*. All such connections shall be made gastight and watertight. Special appurtenances to prevent the backflow of wastewater may be required if deemed necessary by the Superintendent. Any deviation from the prescribed procedures and materials must be approved in writing by the Board or the Superintendent before installation, denoting the grounds for such deviation.

§ 165-11. Notification and inspection of work.

The applicant for the building sewer permit shall notify the Superintendent at least forty-eight (48) hours prior to the start of an approved installation, unless a "Dig-Safe" number has been issued, and a second

time when the building sewer is ready for inspection and connection to the public sewer. The applicant shall connect all sanitary sewer discharges to the building sewer and the connection to the public sewer shall be made under the supervision of the Superintendent or an appointed representative. All connections shall be made in the approved manner; no caps and/or plugs are to be removed without explicit orders, and under the direct supervision of the Superintendent or his/her designee, the existing septic tanks must be pumped, crushed and filled then inspected by the Superintendent or his/her designee before any approval can be granted. When leaching fields are encountered, the Health Agent shall be notified. No backfilling of any trench shall be made without the approval of the Superintendent. The interior of the property shall be inspected by the Plumbing Inspector or his/her designee, to assure compliance with all applicable plumbing code requirements.

§ 165-12. Protection of public property.

Excavations for building sewer installations shall be adequately guarded with barricades and lights, or a police detail may be required so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town. Except in the case of an emergency, when it is necessary to close off a street, the Town's Fire Department and Police Department shall be notified in writing no later than twenty-four (24) hours in advance. A street opening permit shall be obtained from the Town at least seventy-two (72) hours before opening the street except under emergency conditions as determined by the Superintendent and approved by the Charlton Police Department.

§ 165-13. License for drain layers. [Amended 10-27-2009 STM by Art. 10; 10-16-2017 STM by Art. 10]

Drain layers must obtain a license from the Board before performing any work. Licenses shall be issued for one (1) calendar year commencing January 1, names to be listed in a policy to be set by the Board. The applicant will supervise and be responsible for all work performed under the license. Any blasting required shall be done by a person licensed to perform blasting in the commonwealth, and only after receiving a blasting permit from the Charlton Fire Department. The applicant shall submit certificates of insurance to cover general liability, including one hundred thousand dollars ($100,000)/three hundred thousand dollars ($300,000) for bodily injury, fifty thousand dollars ($50,000) for property damage, and a bond, cash deposit or certified check for five thousand ($5,000) must be submitted. In order to qualify for a drain layer's license, an applicant must be a license holder in good standing from the Town of Charlton; or provide proof of current licenses from three (3) other Massachusetts municipalities (will accept contractor list from other Massachusetts cities only if stated specifically that contractor is a licensed drain layer); or take and pass a written exam at the Town's sewer plant. No insurance policy may be canceled without thirty (30) days' prior written notice by registered mail to the Water/Sewer Department and the Fire Department. Such insurance shall indemnify the Town against all claims, liabilities, or actions for damages incurred in, or in any connected with, the performance of work by a drain layer and for, or by reason of, any acts of omission of said drain layer in the performance of his/her work. If insurance or bond is canceled or expires, the drain layer's license shall become void.

§ 165-14. Licensee not to allow use of name by another.

A. No person duly licensed to construct building and other private sewers and make connections with public sewers may allow his/her name to be used by any other person for the purpose of obtaining permits or for doing work under his/her license. Licenses are issued to individuals only, not companies. More than one (1) person may be listed on an individual license at the discretion of the Board of Water and Sewer Commissioners.

B. Building sewer installation work may only be performed by drain layers licensed by the Board. Applicants for permits to do such work must be licensed drain layers, or the property owners.

§ 165-15. Annual fee.

The Board of Water and Sewer Commissioners may from time to time establish just and equitable annual charges for the use of public sewers and the wastewater treatment works. This annual fee shall be paid by every person with a connection to the public sewerage system. The money received may be applied to the costs for operation and maintenance of the wastewater works or any debt contracted for sewerage purposes.

ARTICLE III
Extensions of Public Sewers

§ 165-16. Prohibitions.

No person shall extend, uncover, make any connections with, openings into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining written permission from the Board.

§ 165-17. Notification and review; engineering fees.

Any person proposing an extension of the public sewer shall notify the Board at least forty-five (45) days prior to the proposed beginning of construction. Included with this notification shall be two (2) sets of construction plans and specifications in sufficient detail to allow the Board to determine whether or not the proposed extension complies with the technical provisions of this bylaw, and good sanitary engineering practice. The plans and specifications shall be stamped by a registered professional engineer. It is recommended that any person proposing an extension of the public sewer submit a preliminary conceptual design for tentative approval by the Board. If deemed necessary by the Board, the definitive plans and specifications shall be reviewed by the Board's engineer, at the expense of the owner/contractor/applicant. The cost of engineering services shall be paid in full before review or final approval of plans is given. An engineering review fee will generally be as follows: single or double residences, one hundred dollars ($100); additional residences, five hundred fifty dollars ($550)/residence, costs not to exceed the actual cost plus administrative fees. Business/Commercial or industrial to be set by the Board. An additional ten percent (10%) administrative fee shall also be assessed.

§ 165-18. Costs for installation and connections.

All costs incident to the installation and connection of the public sewer shall be borne by the owner/contractor/applicant. The owner/contractor/applicant shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the public sewer.

§ 165-19. Building sewers (service connections).

A separate and independent house service connection shall be provided between the sewer main and the property line for each separate piece of property which the public sewer abuts, unless otherwise approved by the Superintendent.

§ 165-20. Construction and material specifications.

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 building and plumbing codes, and other applicable rules and regulations of the Town. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing and Materials (ASTM) and in Water Pollution Control Federation (WPCF) *Manual of Practice No. 9* shall apply.

§ 165-21. Resident inspection.

During construction there must be a full-time qualified inspector, approved by the Board, unless otherwise waived by the Board, to inspect the work for conformance with this bylaw, with the approved plans and specifications, and with good sanitary engineering practice. All costs related to the engineering inspection plus a ten percent (10%) administrative fee shall be borne by the owner/contractor/applicant, an estimated

amount will be set by the Board and will be payable prior to the issuance of the permit.

§ 165-22. Record drawings.

Within thirty (30) days of the completion of construction, the owner/contractor/applicant must submit to the Board one (1) set of reproducible as-built record drawings. The drawings shall show the actual in-place plan and profile of the public sewer, as well as house service connections. Ties shall be provided for all manholes and house services. Depths of house service shall also be provided.

§ 165-23. Public safety.

All excavations for sewer installation shall be adequately guarded by the owner/contractor/applicant with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent of Streets and/or the Sewer Superintendent. When deemed necessary by the Police Chief, a Sewer Commissioner, or the Superintendent, uniformed police officers shall be on-site for safety purposes at the expense of the owner.

§ 165-24. Qualifications of contractor.

A. Whenever public sewers are to be constructed the Board may make such investigations as it deems necessary to determine the ability of the contractor to perform the work, and the contractor shall furnish to the Board all such information the Board may request, including but not limited to bonding capability, proof of insurance, references, and a list of equipment to be used. The Board reserves the right to reject the contractor if the evidence submitted fails to satisfy the Board that he/she is properly qualified to complete the work as proposed. As a minimum, the contractor shall have been engaged in the mainline public sewer construction business for at least three (3) years; shall have good references; shall have adequate equipment to complete the work; shall have personnel experienced in mainline sewer construction; and shall be bondable for the full amount of the estimated construction cost.

B. The contractor's qualifications shall be approved by the Board prior to beginning work.

ARTICLE IV
Use of Public Sewers

§ 165-25. Unlawful discharges.

It is unlawful to deposit, discharge, or otherwise dispose of domestic wastewater, industrial wastes, or other wastes in the Charlton sewer system, except in accordance with this bylaw, applicable rules or regulations and other applicable law.

§ 165-26. Board approval of discharges.

It shall be unlawful to discharge any domestic wastewater, industrial wastes, or other wastes to a natural outlet without first obtaining any necessary federal, state, and local discharge permits and performing proper treatment subject to the approval of the Board.

§ 165-27. Required connection to public sewer.

Owners of houses, buildings, or properties abutting on a street, alley, easement, or right-of-way in which a public sewer is located, or may in the future be located, may be ordered by the Town's Board of Health (acting under Title 5, 310 CMR 15.02) to connect to such public sewer for disposal of domestic wastewater with the approval of the Board of Water and Sewer Commissioners.

§ 165-28. Disposal of unpolluted waters.

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

§ 165-29. Industrial wastewater.

Persons, including industries, who desire to discharge industrial wastewaters into Town facilities shall make their requests in writing to the Board. The Board may require the applicant to furnish analyses of the proposed wastewater discharge to determine its acceptability for discharge into the Charlton sewer system. Costs for additional treatment, or for repairing damages to municipal facilities, due to violations of the Board's rules and regulations, shall be reimbursed to the Town by the violating person or industrial user.

§ 165-30. Prohibited wastes.

No person shall discharge, or shall cause or allow to be discharged into any sewer under the control of the Board, any substances, water or wastes that the Town and/or the community in which the wastes are treated has identified as likely, either singly or by interaction with other substances:

A. To harm either the sewerage system or the wastewater treatment process;

B. To pass through, or cause interference, or be otherwise incompatible with the treatment process, including sludge disposal;

C. To cause a violation of any federal or state permits issued to the wastewater treatment facilities;

D. To affect adversely receiving waters or violate water quality criteria;

E. To endanger life, limb or public property; or

F. To constitute a nuisance.

§ 165-31. National pretreatment standards.

All users of the Town sewerage system shall comply with the most stringent of current National Pretreatment Standards as set by the EPA, state or local requirements or the limits contained in 360 CMR 10.024. Upon the promulgation of national pretreatment standards for the particular industrial category, it will be the responsibility of the user to comply with all applicable requirements under the Act and under Subtitles C and D of the Resource Conservation and Recovery Act. Users within those industrial categories shall submit to the Town all reports required by 40 CFR 403.12.

§ 165-32. Specific prohibitions.

A. The following discharges are specifically prohibited:

(1) Ground, storm and surface waters, roof and surface runoff, and subsurface drainage.

(2) Non-contact cooling water and non-contact industrial process waters or uncontaminated contact cooling water and uncontaminated industrial process water.

(3) Fuel oils, crude oils, lubricating oils or any other oils, or greases of hydrocarbon or petroleum origin, in excess of fifteen (15) milligrams per liter.

(4) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sewerage system or receiving waters. At no time shall a reading on an explosion hazard meter at the point of discharge to the sewer or at any point therein exceed ten percent (10%) of the lower explosive limit of the substance. Substances regulated hereby include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohol, ketones, aldehydes, peroxides and methyl ethyl ketone and any other substances which the Board, DEP, or EPA has notified the user is a fire hazard or a hazard to the sewerage system or receiving waters.

(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 are sufficient to prevent entry into the sewers for maintenance and repair.

(6) Waters or wastes having a pH lower than 5.5 or higher than 9.0 or having other corrosive or injurious properties capable of causing damage or hazard to structures, equipment, sewerage systems and personnel. If national pretreatment standards promulgated by the EPA impose more stringent standards, affected users within the category must comply with the more stringent limitations.

(7) Waters and wastes which adversely affect the ability to dispose of wastewater residuals in an environmentally sound and economic manner in accordance with applicable state and federal requirements.

(8) Solids or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewerage system, such as, but not limited to, sand, mud, metal, glass, wood, plastic, improperly shredded garbage, rubber, latex, lime or other slurries, grease, animal guts or tissues, bones, hair, hides or fleshings, whole blood, entrails, feathers, ashes, cinders, stone or marble dust, straw, shavings, grass

clippings, rags, spent grains, spent hops, tar, asphalt residues, residues from refining or processing of fuel or lubrication oil, or glass grinding or polishing wastes.

(9) Liquids or vapors having a temperature higher than eighty-two degrees Celsius (82° C.) or one hundred eighty degrees Fahrenheit (180° F.) unless the Board approves alternative temperature limits, but in no case heat in such quantities that it may cause the temperature at the wastewater treatment facilities to exceed forty degrees Celsius (40° C.) or one hundred four degrees Fahrenheit (104° F.).

(10) Waters or wastes containing fats, wax, grease or oils, not specifically prohibited elsewhere in this bylaw, in excess of one hundred (100) mg/l or containing other substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32° F.) or zero degrees Celsius (0° C.), and one hundred eighty degrees Fahrenheit (180° F.) or eighty-two degrees Celsius (82° C.). Waters or wastes containing such substances, excluding normal household waste, shall exclude all visible floating oils, fats and greases. The use of chemical or physical means to bypass or release fats, oils, and greases into any sewer is prohibited.

(11) Waters or wastes containing amounts of toxic or objectionable metals or non-metals in excess of the limits contained herein or as designated by the Board or in the sewer use discharge permits.

(12) Radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by federal or state regulations.

(13) Wastewater treatment facility sludge.

(14) Substances exerting or causing turbidity or discoloration in such quantities as to change noticeably the color of the wastewater at the sewage treatment facilities, including, but not limited to, dye waters and vegetable tanning solutions.

(15) Slugs as defined herein.

(16) Hazardous waste or wastewater resulting from treatment of hazardous or toxic wastes, as designated under state and federal law, and discharged to the sewage system by dedicated pipe, truck or rail.

(17) Discharges containing pathogenic organisms in such quantities as determined by appropriate local, federal and/or state officials to be a hazard to public health.

(18) Filter backwash from industrial pretreatment processes or wastewater treatment plants unless specifically authorized by the Board.

(19) Any substance which will violate any NPDES and/or state permit, or the receiving water quality standards, or otherwise violates any federal or state law, regulation, administrative rule.

(20) Septage originating from outside the Town unless approved in writing by the Board.

B. In no case shall a substance discharged to the system cause the Board, or any receiving facility, to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Clean Water Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, or state criteria applicable to the sludge management method being used. In no case shall a substance discharged to the sewer system cause the Board, or any receiving facility, to incur additional expense for the handling, treatment, or

disposal of wastewaters of sludge because of the nature or characteristics of the discharged substance.

C. Upon the promulgation of the National Categorical Pretreatment Standards for a particular industrial subcategory, the National Standard, if more stringent than the limitations imposed under these regulations for sources in the subcategory, shall immediately supersede the limitations imposed hereunder. The user shall be responsible for all applicable reporting requirements of this section. State requirement and limitations on discharges shall apply in any case where they are more stringent than national requirements and limitations or those set forth in these regulations.

§ 165-33. Industrial sewer discharge permits.

A. All industrial users shall obtain an industrial sewer discharge permit. All new facilities or facilities under new ownership shall obtain an industrial sewer discharge permit before connection to the public wastewater collection system or before transfer to new ownership. Industrial users required to obtain an industrial sewer discharge permit shall complete and file with the Town an application in the form prescribed by the Town.

B. Existing industrial users shall apply for a sewer discharge permit within thirty (30) days after the effective date of these regulations, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the sewer system. Permits shall be issued for a specific time period, approved by the receiving municipality, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. An industrial user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the applicant's existing permit. The terms and conditions of the permit may be subject to modification by the Board during the terms of the permit as discharge standards or requirements are modified or other just cause exists. The industrial user shall be informed of any proposed changes in his permit at least thirty (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. Industrial sewer discharge permits are issued to a specific user for a specific operation. An industrial sewer discharge permit shall not be reassigned or transferred to a new owner, a new user, different premises, or a new operation without the approval of the Board.

§ 165-34. Disposal of prohibited wastes.

A. If any wastewaters or wastes are discharged, or are proposed to be discharged to the public sewers, which contain characteristics as outlined in this section, the Board may:

(1) Reject the wastewaters or wastes;

(2) Require pretreatment of wastewaters or wastes to modify them to an acceptable condition for discharge to the public sewer system;

(3) Require control over the quantities and rates of discharge of the wastewaters or wastes; and/or

(4) Require payment to cover the added cost of handling and treating the wastewaters or wastes not covered by existing taxes or sewer fees.

B. If the Board permits the pretreatment or equalization of wastewater or waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Board and subject to the requirements of all applicable codes, bylaws and laws and the rules and regulations of the Board. Any costs involved with such reviews shall be paid by the person requesting the permit. The applicant shall maintain and operate pretreatment and equalization facilities at his/her own

expense.

§ 165-35. Pretreatment requirements.

A. All categories of users subject to categorical pretreatment standards and requirements are required to submit to the Board records and reports as required and defined by 40 CFR 403.12 and state regulations and to any other reasonable requests for information from the Board. All industrial users are required to submit the information listed below. All reports submitted to the Town must be signed by a responsible corporate officer of a corporation, a general partner of a partnership, the sole proprietor of a sole proprietorship, or a duly authorized representative of an individual. Such reports are to include, but are not limited to:

(1) Baseline report (including compliance schedule) due within one hundred eighty (180) days after the effective date of an applicable categorical pretreatment standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination submission under 40 CFR 403.6(a)(4), whichever is later.

(2) Report on compliance with categorical pretreatment standard deadline is due within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new user following commencement of introduction of wastewater into the POTW.

(3) Periodic reports on continued compliance are due during the months of June and December, unless required more frequently by the Board or in the categorical pretreatment standard.

(4) Notice of slug loading or any other potential problem or condition of violation. The industrial user must submit the following information within two (2) hours of becoming aware of the violation [if this information is provided orally, a written submission must be provided within five (5) days]:

(a) A description of the discharge and cause of the violation;

(b) The period of the violation, including exact dates and times, if not corrected, the anticipated time the violation is expected to continue;

(c) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the violation.

(5) Continuous pH measurement records, if user stores, uses or discharges any materials with a potential to alter the pH of the sewer discharge to a degree of violation. Users that have a potential discharge waste with a pH lower than 5.5 or in excess of 9.0 or having any other corrosive properties will be required to install a holding tank, at their own expense, so that representative sampling of the effluent may be taken by the Town or its agent, for analysis. A primary flow of measurement device must be installed in such a manner that it is the final collection point for waste before joining sanitary discharge points entering the Town's sewerage system.

(6) Records pertaining to changes in the level or nature of business activity, production capacity, staffing or other activity which significantly alters the amount of wastewater produced, or the characteristics of the discharge.

(7) Records of on-site storage (inventories) for all toxic or hazardous substances present at the facility, including the type and maximum quantity for each material located on the premises.

(8) Records of generation rates and disposal shipments for all special and hazardous wastes, including residual substances produced or concentrated by any wastewater pretreatment systems or processes.

(9) Training records and other documentation of qualifications for all personnel involved in the handling of hazardous wastes, special wastes and pretreatment systems or processes.

(10) Purchasing records and logs for certain materials which have a bearing on the proper operation and maintenance of any wastewater pretreatment system. Such materials may include purchased acids, bases, polymers, filtration aids, media replacement cartridges, etc. The Town may also request the documentation of material throughout for any compounds or substances determined to be of particular concern because of interference, inhibition, pass-through, toxicity or safety to the public treatment works, the workers or the environment.

(11) Water consumption records, such as meter readings, log books, line drawings and process schematics which describe the water using processes, the sources and final discharge points for water, including an itemization of water used in sanitary processes, cooling or product uses.

(12) Water treatment additive dosage calculations and records, particularly any toxic additives such as biocides and anti-fouling agents.

(13) Wastewater collection and treatment operation and maintenance records.

(14) Records of any related permits, such as direct discharge permits for cooling water disposal or hazardous waste permits.

(15) Laboratory analysis records of effluent discharged into the POTW and any materials hauled off site for resource recovery or disposal.

(16) Records of any and all enforcement actions, notices of violation, compliance schedules or pretreatment system approval letters.

(17) Documentation of design flows, capacities, rated efficiencies and settings for all pollution control devices and systems, including, but not limited to, the wastewater pretreatment system components such as pumps, tanks, mixers, clarifiers, filter presses, centrifuges, and pH meters, recorders, flow meters and primary flow measurement devices.

B. Any industrial user subject to the reporting requirements established in this section shall be required to maintain for a minimum of three (3) years all records of monitoring activities and results and shall make such records of monitoring activities available for inspection and copying by the EPA and the Board. The period of retention shall be extended during the course of any unresolved litigation in which the industrial user is involved.

C. Information and data obtained from reports and other information supplied by any category of users shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate that the release of such information would divulge trade secrets or secret processes. Any user or industrial user able to make that demonstration is entitled to have those portions of reports and other requests for information, which would reveal trade secrets and secret processes, withheld from the public but other governmental entities may receive such information upon written request. Wastewater constituents and characteristics will not be recognized as confidential information under any circumstances.

§ 165-36. Grease, oil, and/or sand interceptors.

A. Grease, oil, and/or sand interceptors shall be provided in all floor drains from garages, filling stations, restaurants, cleaning establishments and when, in the opinion of the Board, they are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts, or any flammable wastes, sand, or harmful ingredients; except that such interceptors shall not be required for private living quarters of dwelling units. All interceptors shall be of a type and capacity approved by the Board, and shall be located so as to be readily and easily accessible for cleaning and inspection. The installation and material cost of such grease, oil, and/or sand interceptors shall be the responsibility of the property owner producing the waste discharge.

B. Grease interceptors shall be constructed in accordance with Title 5, the State Sanitary Code, and oil interceptors shall be constructed and installed in accordance with Massachusetts Plumbing Code. Both shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. Grease traps shall have a minimum of one thousand (1,000) gallons' capacity. All traps shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. Deviations from the above descriptions shall require written approval from the Board.

C. Grease interceptors shall be cleaned at least every three (3) months, unless otherwise approved by the Superintendent. Evidence of cleaning shall be submitted with the user's quarterly user charge payment. Failure to submit cleaning documentation may result in a fine. (See Article VII.)

§ 165-37. Compliance requirements.

The Board may require a user of the sewerage system to provide information needed to determine compliance with this bylaw. These requirements may include, but not be limited to:

A. Wastewater peak discharge rate and volume over a specified time period.

B. Chemical analyses of wastewaters.

C. Information on raw materials, processes, and products affecting wastewater volume and quality.

D. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.

E. A plot plan of sewers of the user's property showing sewer and pretreatment facility locations.

F. Details of wastewater pretreatment facilities.

G. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

H. When preliminary treatment or flow equalizing facilities are provided for any wastewaters or wastes, they shall be maintained continuously and satisfactory in effective operation by the owner at his/her expense.

§ 165-38. Control structures for industrial discharges.

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

§ 165-39. Sampling and analyses.

A. All measurements, tests, and analyses of the characteristics of wastewaters to which reference is made in this bylaw 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 EPA test methods listed in 40 CFR 136 or suitable procedures adopted by the EPA, and shall be determined at the control structure provided, or from suitable samples taken at said control structure. In the event that no special structure has been required by the Board, samples shall be taken at suitable locations within the establishment from which the wastewaters are being discharged. Sampling shall be carried out by accepted methods specifically designed to obtain representative samples of the total wastewater discharge and of slugs if any occur. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls from an individual discharger is appropriate or whether a separate sample or samples should be taken.) Frequency of sampling shall be established by the Board on an individual basis.

B. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Board and/or other duly authorized employee of the Town may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Board. Such records shall be made available upon request by the Board to other agencies having jurisdiction over the discharges to the receiving waters.

C. Any costs involved in examination and tests shall be paid by the individual industrial user. The Board may check these tests as necessary.

§ 165-40. Alternative requirements.

If any wastewaters contain the substances or possess the characteristics enumerated in Article IV of these regulations, the Board may:

A. Modify the industrial sewer discharge permit;

B. Require pretreatment to an acceptable condition for discharge to the public sewers;

C. Require control over the quantities and rates of discharge;

D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Article IV; and/or

E. Require the development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements.

§ 165-41. Dilution.

It shall be illegal to meet the requirements of this bylaw by diluting wastes in lieu of proper treatment.

§ 165-42. Sewer user fees.

A. The annual cost to be paid to the Town shall be based on both a charge for fixed costs and a charge for fixed and variable costs related to flows and waste strength. The annual cost to be paid to the Town by users may also include a betterment fee intended for capital debt repayment.

B. The annual cost to industrial and commercial establishments in addition to a minimum fee not less than the residential rate may include charges imposed by the municipality by which the waste is to be

treated.

C. Minimum annual fee will be determined based on a sewerage fee schedule established by the Board, and subject to periodic review and revision.

§ 165-43. Commercial sewer discharge permit.

A. All commercial users shall obtain a commercial sewer discharge permit. All new facilities or facilities under new ownership shall obtain a commercial sewer discharge permit before connection to the public wastewater collection system. Commercial users required to obtain a commercial sewer discharge permit shall complete and file with the Town an application in the form prescribed by the Town. **[Amended 10-27-2009 STM by Art. 10]**

B. Existing commercial users shall apply for a sewer discharge permit within thirty (30) days after the effective date of these regulations and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the sewer system. Permits shall be issued for a specific time period, approved by the receiving municipality, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. A commercial user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the applicant's existing permit. The terms and conditions of the permit may be subject to modification by the Board during the terms of the permit as discharge standards or requirements are modified or other just cause exists. The commercial user shall be informed of any proposed changes in his permit at least thirty (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. Commercial sewer discharge permits are issued to a specific user for a specific facility. A commercial sewer discharge permit shall not be reassigned or transferred to a new owner, different premises, or a new facility without approval of the Board.

ARTICLE V
Protection from Damage

§ 165-44. Vandalism.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with, any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and a fine not to exceed three hundred dollars ($300) for each incident.

§ 165-45. Trespass.

No unauthorized person may enter or remain in or upon any land or structure of the sewerage works. Any person violating this provision shall be subject to charges of trespass.

§ 165-46. Floodplain construction.

The Board of Water and Sewer Commissioners, in reviewing all proposed municipal sewer facilities to be located in the Flood Plain Wetlands Protection Zone established under the Charlton Zoning Bylaw and in areas identified by the Federal Insurance Administration as having special flood hazards by Zones A, A1, A2 and A5 on the Charlton Flood Insurance Rate Map, shall require:

A. New and replacement municipal sanitary sewerage systems to be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

ARTICLE VI
Powers and Authority of Inspectors

§ 165-47. Permission for inspection.

The Board, and other duly authorized representatives of the Board, bearing proper credentials and identification, shall be permitted to enter, at reasonable times (without prior notification), all residential/ business/commercial and industrial properties for the purposes of inspection, observation, measurement, repair, maintenance, sampling, and testing in accordance with this bylaw or applicable rules and regulations. The Board or their representatives may inquire into metallurgical, chemical, oil, refining, ceramic, paper, or other industrial activity bearing on the kind and source of discharge to the public sewers, natural outlets, or sewage works.

§ 165-48. Entry on easements.

The Board, and other authorized agents of the Town, bearing proper credentials and identification, shall be permitted to enter upon all private properties through which the Town holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, maintenance, and testing of any portion of the sewage works lying within said easement. All entries and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement.

§ 165-49. Failure or refusal to allow entry.

Any person or entity failing to arrange for, or refusing, entry or inspection under the provisions of the bylaw or any applicable rules and regulations shall be in violation of the bylaw and shall be subject to the fines and other penalties and enforcement action set forth in Article VII.

ARTICLE VII
Penalties

§ 165-50. Written notice.

Any person found to be violating any provision of this bylaw shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Superintendent, at his/her discretion, can order an immediate cease and desist of discharge to the public sewers.

§ 165-51. Fines.

A. The Board or its designees may assess any person who continues any violation beyond the time limit provided for above, whether intentionally or not, a fine not exceeding five thousand dollars ($5,000) per day or such other fine as the Board may authorize by rule or regulation. Each day in which any such violation shall continue shall be deemed a separate violation.

B. Failure to clean grease interceptors on a quarterly basis may result in a fine of three hundred dollars ($300) per violation. Exceeding daily pretreatment standards shall be deemed a separate violation as each effluent characteristics listed in Article IV of these regulations or regulations by federal or state categorical pretreatment standards.

§ 165-52. Drain layers.

Any licensed drain layer who violates any rules and regulations specified in the Charlton Sewer Use Bylaw, or who does not perform in a satisfactory manner, as determined by the Board, shall be subject to penalties. The degree of penalties shall depend on the severity of the violation as determined by the Board, and shall range from an oral warning to revocation of license. In addition, fines shall be assessed in an amount determined by the Board, based upon the severity of the incident.

§ 165-53. Liability.

Any person violating any of the provisions of this bylaw shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.

§ 165-54. Suspension of treatment service.

A. The Board may suspend the wastewater treatment service, or an industrial sewer discharge permit, in order to stop an actual or threatened discharge which may endanger the health or welfare of persons, the environment, cause interference to the POTW, cause the Town/City treating the waters to violate any condition of its NPDES permit, any federal or state law, regulation, or administrative rule or order.

B. Any person notified of a suspension of the wastewater treatment service or the industrial sewer discharge permit shall immediately cease discharge. Failure to comply with the suspension order may be cause for immediate severance of the sewer connection, to prevent damage to the POTW system or endangerment to any individuals. The Board shall reinstate the industrial sewer discharge permit 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 Board within fifteen

(15) days of the date of occurrence.

§ 165-55. Cause to revoke permit.

Any user who violates the following conditions of these regulations or applicable state and federal regulations is subject to having its permit revoked, after a hearing before the Board:

A. Failure of an industrial user to report the constituents and characteristics of its discharge;

B. Failure of the industrial user to report the significant changes in operations, or wastewater constituents and characteristics;

C. Refusal of reasonable access to the industrial user's premises for the purpose of inspection or monitoring;

D. Violation of conditions of the permit; or

E. Flagrant violation of this Sewer Use Bylaw.

§ 165-56. Legal action.

At any time the Board may take legal action in order to halt a discharge in violation of this bylaw or any applicable rules and regulations, the POTW's NPDES permit, or any federal or state law, regulation, or any administrative order of the Town or other governmental authority, or to enforce any provision of this bylaw or such rule, regulation, permit, law, or order, and any violator shall be liable to the Town for any and all damage and expenses, including attorney's fees, incurred by the Board or the Town in connection with or as a result of such action.

§ 165-57. Liens.

The Board, pursuant to filing a certificate of acceptance of conditions for the issuance of a sewer discharge lien with the Worcester County Registry of Deeds, may place a lien upon the property or premises for which sewer user charges, service charges, fees or penalties are more than sixty (60) days overdue. Notwithstanding such lien, any overdue sewer use charges or service charges may be collected through any legal means.

§ 165-58. Fraud.

Any person who knowingly makes false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to these regulations, or permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this bylaw, shall be penalized according to the established enforcement and penalty provision of this bylaw or any rule or regulations prescribed hereunder.

§ 165-59. Publication of violators.

The Board will publish, at least once a year, a list of industrial users which, during the previous twelve (12) months, were significantly violating pretreatment requirements. A significant violation is a violation which remains uncorrected for forty-five (45) days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve-month period; which involves a failure to report noncompliance; or which resulted in the Board exercising its emergency authority under Article IV of these regulations.

ARTICLE VIII
Administration

§ 165-60. Validity.

A. Conflicting bylaws. All bylaws or part of bylaws in conflict herewith are hereby repealed.

B. Severability. The invalidity of any section, clause, sentence or provision of this bylaw shall not affect the validity of any other part of this bylaw which can be given effect without such invalid part or parts.

§ 165-61. Bylaw in force.

A. This Bylaw shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

B. Any rules and regulations consistent with this bylaw may be adopted and/or amended by the Board in conformance with MGL c. 83, § 10.

§ 165-62. Due dates for sewer charges and bills; interest on unpaid balances. [Added 11-2004 STM]

All municipal charges and bills payable under this bylaw, with the exception of fees and charges as to which the bylaw requires immediate payment (by way of examples only, filing, inspection and connection fees), shall be due on the thirtieth (30th) day following the date of mailing of the bill or statement reflecting same, unless otherwise specifically provided by statute or other bylaw of the Town or by duly adopted rule or regulation of the Town's Water and Sewer Commissioners. Interest shall accrue and be payable on all amounts remaining unpaid after such due date at the maximum rate then in effect for unpaid assessments, rates and charges pursuant to MGL c. 59, § 57, as same may be amended from time to time, said rate as of the date of the initial adoption of the within section of this bylaw being fourteen percent (14%) per annum. (For the statutory authority for this section of the bylaw, see MGL c. 40, § 21E.)

(RESERVED)

Chapter 167

(RESERVED)

[Former Ch. 167, Sex Offenders, adopted 11-25-2008 STM by Art. 3, as amended, was repealed 10-18-2016 STM by Art. 10.]

CHARLTON BYLAWS

Chapter 170

SOLID WASTE

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

GENERAL REFERENCES

Hazardous waste — See Ch. 145.

Streets and sidewalks — See Ch. 180.

ARTICLE I
Transportation
[Adopted as Art. XXXVII of the 2005 Bylaws]

§ 170-1. Securing of trash to prevent escape.

No person shall transport any trash, refuse, rubbish or debris in or upon a vehicle on a public way in the Town unless such trash, rubbish, refuse or debris is properly secured, packaged, contained or covered so as to prevent the same from escaping from the vehicle.

ARTICLE II
Collection and Disposal
[Adopted as Art. XXXVIII of the 2005 Bylaws]

§ 170-2. Title.

This bylaw shall be known and be cited as the "Refuse Bylaw of the Town of Charlton."

§ 170-3. Definitions.

For the purposes of this bylaw, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

ASHES — The residue from burning wood, coal, coke, or other combustible materials.

BOARD — The Board of Health of the Town of Charlton.

GARBAGE — Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

PERSON — Any person, firm, partnership, association, corporation, company, or organization of any kind.

REFUSE — All putrescible and nonputrescible solid waste (except body waste), including garbage, rubbish, ashes, dead animals, and solid market and industrial wastes.

RUBBISH — Nonputrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, rags, metal, wood, glass, bedding, crockery and similar materials.

SANITARY LANDFILL — The land with any buildings thereon situated in the Town which is used and maintained by the Board for the disposal of refuse.

TOWN — The Town of Charlton.

§ 170-4. Management and control of landfill.

The care, custody, management and control of the Sanitary Landfill shall be in the Board.

§ 170-5. Ownership of refuse at landfill.

Ownership of refuse material set out for collection or deposited at the Sanitary Landfill shall be vested in the Town.

§ 170-6. Permission for disposal at landfill.

No person shall cast, place or deposit any refuse at the Sanitary Landfill without permission of the Board or its duly authorized agent or employee.

§ 170-7. Placement at landfill.

A. All refuse shall be deposited in areas of the Sanitary Landfill to be determined from time to time by the Board or its duly authorized agent or employee and in such manner as the Board may determine.

B. Refuse of each of the following types shall be separately set out for collection or deposited at the Sanitary Landfill and shall be collected and so deposited and then recycled:

(1) Cardboard (chipboard, corrugated board, other cardboards), newspapers and magazines.

(2) Bottles and other glass containers made of clear or green glass.

(3) Aluminum, steel and tin cans.

(4) High-density polyethylene (HDPE) containers, and all other refuse.

C. The Board shall from time to time promulgate regulations to implement the purposes of this section; provided that no regulation shall be promulgated under this section except after a public hearing. A notice of any such hearing containing the date, time and location of the hearing and a summary of the regulation under consideration shall be published at least seven (7) days prior to the hearing in a newspaper having a general circulation in the Town.

§ 170-8. Permit required for refuse collection.

No person shall handle, take or remove refuse set for collection without a permit issued by the Board or its agent. The Board may make reasonable requirements with respect to permits issued under this section; and whenever any holder of a permit fails to maintain said requirements, or other reasonable requirements which the Board may from time to time make with respect to any such permit or to the conduct of business by any such permittee, the Board may, after hearing or opportunity therefor, modify, suspend, revoke or cancel such permit.

§ 170-9. Severability.

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

§ 170-10. Violations and penalties.

Whoever violates any section or provision of this bylaw shall be liable to a penalty not exceeding one hundred dollars ($100) for each offense.

ARTICLE III
Recycling
[Adopted as Art. XXXIX of the 2005 Bylaws]

§ 170-11. Separation of waste.

The Town of Charlton may require the separation of newspapers, glass and aluminum from the municipal solid waste stream.

CHARLTON BYLAWS

Chapter 175

STORMWATER MANAGEMENT

[HISTORY: Adopted by the Town Meeting of the Town of Charlton 5-16-2011 ATM by Art. 20. Amendments noted where applicable.]

GENERAL REFERENCES

Earth removal — See Ch. 130.

Hazardous waste — See Ch. 145.

Zoning — See Ch. 200.

Subdivision of land — See Ch. 210.

ARTICLE I
Stormwater Management and Erosion Control

§ 175-1. Purpose.

A. The United States Environmental Protection Agency has identified sedimentation from land disturbance activities and polluted stormwater runoff from land development and redevelopment as major sources of water pollution, impacting drinking water supplies, natural habitats, and recreational resources. Regulation of activities that result in the disturbance of land and the creation of stormwater runoff is necessary for the protection of the Town of Charlton water bodies and groundwater resources, to safeguard the health, safety, and welfare of the general public and protect the natural resources of the Town.

B. Increased volumes of stormwater, contaminated stormwater runoff from impervious surfaces, and soil erosion and sedimentation are major causes of:

(1) Impairment of water quality and decreased flow in lakes, ponds, streams, rivers, wetlands and groundwater;

(2) Contamination of drinking water supplies;

(3) Erosion of stream channels;

(4) Alteration or destruction of aquatic and wildlife habitat;

(5) Flooding; and

(6) Overloading or clogging of municipal catch basins and storm drainage systems.

C. The objectives of this bylaw are to:

(1) Protect water resources;

(2) Require practices that eliminate soil erosion and sedimentation;

(3) Control the volume and rate of stormwater runoff resulting from land disturbance activities in order to minimize potential impacts of flooding;

(4) Require practices to manage and treat stormwater runoff generated from new development and redevelopment;

(5) Protect groundwater and surface water from degradation or depletion;

(6) Promote infiltration and the recharge of groundwater;

(7) Prevent pollutants from entering the municipal storm drainage system;

(8) Ensure that soil erosion and sedimentation control measures and stormwater runoff management practices are incorporated into the site planning and design process and are implemented and maintained;

(9) Ensure adequate long-term operation and maintenance of stormwater best management practices;

(10) Require practices to control waste such as discarded building materials, concrete truck washout,

chemicals, litter, and sanitary waste at construction sites that may cause adverse impacts to water quality;

(11) Comply with state and federal statutes and regulations relating to stormwater discharges; and

(12) Establish the Town of Charlton's legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring and enforcement.

§ 175-2. Definitions.

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

ABUTTER — The owner(s) of land abutting the land disturbance site.

AGRICULTURE — The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act (MGL c. 131, § 40) and its implementing regulations (310 CMR 10.00).

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

APPLICANT — Any "person" as defined below requesting a stormwater and erosion control permit for proposed land-disturbance activity.

AUTHORIZED ENFORCEMENT AGENCY — The Conservation Commission and its employees or agents will be in charge of enforcing the requirements of this bylaw.

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

CLEARING — Any activity that removes the vegetative surface cover. Clearing activities generally include grubbing activity as defined below.

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

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

DISTURBANCE OF LAND — Any action, including clearing and grubbing, that causes a change in the position, location, or arrangement of soil, sand, rock, gravel, or similar earth material.

ENVIRONMENTAL SITE MONITOR — A professional engineer or other trained professional selected by the Conservation Commission and retained by the holder of a stormwater and erosion control permit to periodically inspect the work and report to the Conservation Commission.

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

EROSION AND SEDIMENTATION CONTROL PLAN — A document containing narrative, drawings and details developed by a registered professional engineer (P.E.) or a certified professional in erosion and sediment control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction-related land

disturbance activities. If a project requires a stormwater pollution prevention plan (SWPPP) per the NDPES General Permit for Stormwater Discharges from Construction Activities (and as amended), the applicant may submit the SWPPP for review as an equal to the erosion and sediment control plan.

ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS — Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

GRADING — Changing the level or shape of the ground surface.

GRUBBING — The act of clearing land surface by digging up roots and stumps.

IMPERVIOUS SURFACE — Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and roof tops. Impervious surface also includes soils, gravel driveways, and similar surfaces with a runoff coefficient (Rational Method) greater than 85.

LAND-DISTURBING ACTIVITY or LAND DISTURBANCE — Any activity, including clearing and grubbing, that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

LOT — An area or parcel of land or any part thereof, in common ownership, designated on a plan filed with the administration of the Zoning Bylaw by its owner or owners as a separate lot.

MASSACHUSETTS ENDANGERED SPECIES ACT — MGL c. 131A and its implementing regulations at 321 CMR 10.00 which prohibit the "taking" of any rare plant or animal species listed as endangered, threatened, or of special concern.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY — The policy issued by the Department of Environmental Protection, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, and the Massachusetts Clean Waters Act, MGL c. 21, §§ 23 through 56. The policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

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

NON-POINT SOURCE — Diffuse sources of pollutants that affect water quality and are or may be contained in runoff that is discharged into waters of the Commonwealth.

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

OUTFALL — The point at which stormwater flows out from a discernible, confined point source or discrete conveyance into waters of the Commonwealth.

OUTSTANDING RESOURCE WATERS (ORWS) — Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of

Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

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

PERMITTEE — The person who holds a stormwater and erosion control permit and therefore bears the responsibilities and enjoys the privileges conferred thereby.

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

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

PRE-CONSTRUCTION — All activity in preparation for construction.

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

REDEVELOPMENT — Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface that results in no net impervious area increase.

RESPONSIBLE PARTIES — Owner(s), persons with financial responsibility, and persons with operational responsibility.

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

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

SEDIMENTATION — The process or act of deposition of sediment.

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

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

SOIL — Earth materials including duff, humic materials, sand, rock and gravel.

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

STORMWATER — Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN — A document containing narrative, drawings and details prepared by a registered professional engineer (P.E.), which includes structural and nonstructural best management practices to manage and treat stormwater runoff generated from regulated development activity. A stormwater management plan also includes an operation and maintenance plan describing the maintenance requirements for structural best management practices. The stormwater management plan shall comply with all applicable Mass. DEP and Federal EPA requirements.

STORMWATER MANAGER — The Conservation Commission will serve in this capacity.

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

TSS — Total suspended solids, material, including but not limited to trash, debris, soils, sediment and sand suspended in stormwater runoff.

VERNAL POOLS — Confined basin depression which, at least in most years, holds water for a minimum of two (2) continuous months during the spring and/or summer, and which is free of adult fish populations, as well as the area within one hundred (100) feet of the mean annual boundary of such a depression, regardless of whether the site has been certified by the Mass. Division of Fisheries and Wildlife.

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

WETLAND RESOURCE AREA — Areas specified in the Massachusetts Wetlands Protection Act, MGL c. 131, § 40.

WETLANDS — Wet meadows, marshes, swamps, bogs, areas where groundwater, flowing or standing surface water or ice provide a significant part of the supporting substrate for a plant community for at least five (5) months of the year; emergent and submergent communities in inland waters; that portion of any bank which touches any inland water.

§ 175-3. Authority.

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and in accordance with the regulations of the federal Clean Water Act found at 40 CFR 122.34 and the Phase II ruling from the Environmental Protection Agency found in the December 8, 1999 Federal Register.

§ 175-4. Applicability.

This bylaw shall apply to all land-disturbing activities within the jurisdiction of the Town of Charlton that results in land disturbance of forty-three thousand five hundred sixty (43,560) square feet [one (1) acre] or more.

A. Regulated activities. Regulated activities shall include, but not be limited to:

(1) Land disturbance of greater than forty-three thousand five hundred sixty (43,560) square feet, associated with construction or reconstruction of structures.

(2) Development or redevelopment involving multiple separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of development that all together disturbs forty-three thousand five hundred sixty (43,560) square feet or more of land.

(3) Paving or other change in surface material over an area of forty-three thousand five hundred sixty (43,560) square feet or more causing a significant reduction of permeability or increase in runoff.

(4) Construction of a new drainage system or alteration of an existing drainage system or conveyance serving a drainage area of more than forty-three thousand five hundred sixty (43,560) square feet.

(5) Any other activity altering the surface of an area exceeding forty-three thousand five hundred sixty (43,560) square feet that will, or may, result in increased stormwater runoff flowing from the property into a public way or the municipal storm drainage system.

B. Exempt activities. The following activities are exempt from the requirements of this bylaw:

(1) Normal maintenance and improvement of Town-owned public ways and appurtenances.

(2) Normal maintenance and improvement of land in agricultural use.

(3) Repair of septic systems when required by the Board of Health for the protection of public health.

(4) The construction of fencing that will not alter existing terrain or drainage patterns.

(5) Construction of utilities other than drainage (gas, water, electric, telephone, etc.) that will not alter terrain or drainage patterns.

§ 175-5. Administration.

A. The Charlton Conservation Commission shall administer this bylaw. Any powers granted to or duties imposed upon the Conservation Commission may be delegated in writing to its agent.

B. The Conservation Commission and its agents shall review all applications for a stormwater and erosion control permit, conduct inspections, issue a final permit and conduct any necessary enforcement action. Following receipt of a completed application, the Conservation Commission shall seek review and comments from the Planning Board and the Public Works Department. The Conservation Commission shall not make a decision on the stormwater and erosion control permit until it has received comments from the Planning Board and Public Works Department or until fourteen (14) days have elapsed after receipt of the application materials without submission of comments thereon. **[Amended 5-20-2019 ATM by Art. 12]**

C. The Conservation Commission may adopt and periodically amend stormwater regulations relating to receipt and content of stormwater and erosion control permit applications; review time periods, permit terms, conditions, additional definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this bylaw by majority vote of the Conservation Commission, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven (7) days before the hearing date. After public notice and hearing, the Conservation Commission may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure by the Conservation Commission to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

D. The Conservation Commission will refer to the policy, criteria and information, including specifications and standards of the latest edition of the *Massachusetts Stormwater Management Policy* for execution of the provisions of this bylaw.

E. The applicant will publish a notice in the local newspaper that the Conservation Commission is accepting comments on the stormwater and erosion control permit application. The stormwater and erosion control permit application shall be available for inspection by the public during normal business hours at the Town Hall for five (5) business days from the notice. A public hearing is not required. The public may submit their comments within the time that the stormwater and erosion control permit application is available for inspection. Comments may be submitted to the Conservation Commission during business hours.

F. Filing an application for a stormwater and erosion control permit grants the Conservation Commission, or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.

G. The Conservation Commission may:

(1) Approve the application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this bylaw;

(2) Approve the application and issue a permit with conditions, modifications, requirements for operation and maintenance requirements of permanent structural BMPs, designation of responsible party, or restrictions that the Conservation Commission determines are required to ensure that the project will protect water resources and will meet the objectives and requirements of this bylaw; or

(3) Disapprove the application and deny a permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this bylaw. If the Conservation Commission finds that the applicant has submitted insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume, the Conservation Commission may disapprove the application, denying a permit.

H. The Conservation Commission shall take final action on an application within thirty (30) days from submission. Failure to take action shall be deemed to be approval of said application.

I. Appeals of action by the Conservation Commission. A decision of the Conservation Commission shall be final. Further relief of a decision by the Conservation Commission made under this bylaw shall be reviewable in the Superior Court in an action filed within ten (10) days thereof. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

§ 175-6. Permits and procedures.

Permit procedures and requirements shall be defined and included as part of any rules and regulations promulgated as permitted under § 175-4 of this bylaw.

§ 175-7. Fees.

The Conservation Commission shall establish fees to cover expenses connected with application review and monitoring permit compliance. The fees shall be sufficient to cover Town secretarial staff and professional staff. The Conservation Commission is also authorized to retain and charge the applicant fees to cover a registered professional engineer or other professional consultant to advise the Conservation Commission on any or all aspects of the project. The applicant for a stormwater and erosion control permit may be required to establish and maintain an escrow account to cover the costs of said consultants. Applicants must pay review fees to the Conservation Commission before the review process may begin.

§ 175-8. Surety.

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

§ 175-9. Waivers.

A. The Conservation Commission may waive strict compliance with any requirement of this bylaw or

the rules and regulations promulgated hereunder, where such action:

(1) Is allowed by federal, state and local statutes and/or regulations;

(2) Is in the public interest; and

(3) Is not inconsistent with the purpose and intent of this bylaw.

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

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

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

§ 175-10. Enforcement.

A. The Conservation Commission or its authorized agent shall enforce this bylaw, its regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

B. Orders. The Conservation Commission or its authorized agent may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include:

(1) A requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw or provisions of the stormwater and erosion control permit;

(2) Maintenance, installation or performance of additional erosion and sediment control measures;

(3) Monitoring, analyses, and reporting;

(4) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity;

(5) Compliance with the operation and maintenance plan.

(6) If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Charlton may, at its option, undertake such work, and the property owner shall reimburse the Town's expenses.

(7) Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator (if different than the property owner) and the property owner shall be notified of the costs incurred by the Town of Charlton, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Conservation Commission within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Conservation Commission

affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate, as provided in MGL c. 59, § 57, after the thirty-first (31st) day following the day on which the costs were due.

C. Criminal penalty. Any person who violates any provision of this bylaw, regulation, order or permit issued thereunder shall be punished by a fine of not more than three hundred dollars ($300). Each day or part thereunder that such violation occurs or continues shall constitute a separate offense.

D. Noncriminal disposition. As an alternative to criminal prosecution or civil action, the Town of Charlton may elect to utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D, which has been adopted by the Town in Chapter 10, Penalties, Article I, of the General Bylaws, in which case the Conservation Commission or authorized agent shall be the enforcing person. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

E. Tax liens. The Town of Charlton shall require the repayment of services provided to the responsible party which the responsible party was obligated to perform as put forth in the operation and maintenance plan. Such services may include but are not limited to the following: removing sediment from stormwater devices, repairing stormwater devices or revegetating stormwater devices. The Town will send the responsible party a bill for services provided. If the bill is not paid, the Town may impose a tax lien on the responsible party or parties' property.

§ 175-11. Severability.

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

ARTICLE II
Illicit Discharges

§ 175-12. Purpose.

A. Increased volumes of stormwater and contaminated stormwater runoff are major causes of: 1) impairment of water quality and reduced flow in lakes, ponds, streams, rivers, wetlands and groundwater; 2) contamination of drinking water supplies; 3) alteration or destruction of aquatic and wildlife habitat; and 4) flooding. The United States Environmental Protection Agency has identified land disturbance and polluted stormwater runoff as major sources of water pollution. Regulation of illicit connections and discharges to the municipal storm drainage system is necessary for the protection of the Town of Charlton's water bodies and groundwater resources and to safeguard the public health, safety, and welfare and the natural resources of the Town.

B. The objectives of this bylaw are:

(1) To prevent pollutants from entering the Town of Charlton's municipal storm drainage system;

(2) To prohibit illicit connections and unauthorized discharges to the municipal storm drainage system;

(3) To require the removal of all such illicit connections;

(4) To comply with state and federal statutes and regulations relating to stormwater discharges; and

(5) To establish the legal authority for the Town of Charlton to ensure its compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

§ 175-13. Definitions.

For the purposes of this bylaw, the following definitions shall apply:

CLEAN WATER ACT — Often referred to as the "CWA," the Clean Water Act is found in the Federal Water Pollution Control Amendment of 1972 (33 U.S.C. § 1251 et seq.), with subsequent amendments.

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

GROUNDWATER — Water beneath the surface of the ground, including confined or unconfined aquifers.

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

ILLICIT DISCHARGE — Direct or indirect discharge to the municipal storm drainage system that is not composed entirely of stormwater, except as exempted in § 175-18. The term does not include a discharge regulated and in compliance with its own separate NPDES stormwater discharge permit or a surface water discharge permit, or resulting from fire-fighting activities exempted pursuant to § 175-18B of this bylaw.

MUNICIPAL STORM DRAINAGE SYSTEM or MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure

that together comprise the storm drainage system owned or operated by the Town of Charlton.

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

NON-POINT SOURCE — Diffuse sources of pollutants that affect water quality and are or may be contained in runoff that is discharged into waters of the Commonwealth.

NON-STORMWATER DISCHARGE — Discharge to the municipal storm drainage system not composed entirely of stormwater.

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

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

POLLUTANT — Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heat, or other matter, whether originating at a point or nonpoint source, that is considered toxic to humans or the environment. Pollutants shall include, but not be limited to:

(1) Paints, varnishes, and solvents;

(2) Automotive oil and other fluids;

(3) Cleaning products and other hazardous and nonhazardous liquids.

(4) Solid waste, refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;

(5) Fats and oils and grease;

(6) Yard waste, pesticides, herbicides, and fertilizers;

(7) Poisons, hazardous materials and wastes;

(8) Sewage, fecal coliform and pathogens;

(9) Dissolved and particulate metals;

(10) Pet and animal wastes;

(11) Rock; sand; salt, soils;

(12) Construction wastes and residues; and

(13) Noxious or offensive matter of any kind.

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

SANITARY SEWER — The system of conveyances designed or used for collecting or conveying domestic and industrial wastewater, owned or operated by the Town of Charlton.

STORMWATER — Runoff from precipitation or snow melt.

SURFACE WATER DISCHARGE PERMIT — A permit issued by the Department of Environmental Protection pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

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

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

WATERCOURSE — A natural or man-made channel through which water flows, or a stream of water, including, but not limited to, a river, brook or underground stream.

WATERS OF THE COMMONWEALTH — All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

§ 175-14. Applicability.

This bylaw shall apply to all flows and dumping to the municipal storm drainage system, waters of the Commonwealth and adjoining land areas that drain to waters of the Commonwealth in the Town of Charlton.

§ 175-15. Authority.

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and in accordance with the regulations of the federal Clean Water Act found at 40 CFR 122.34 and the Phase II ruling from the Environmental Protection Agency found in the December 8, 1999 Federal Register.

§ 175-16. Administration.

The Conservation Commission shall administer, implement and enforce this bylaw. Any powers granted to the Conservation Commission may be delegated in writing to its designated agent.

§ 175-17. Regulations.

The Conservation Commission may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure by the Conservation Commission to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

§ 175-18. Prohibited and exempt activities.

A. Prohibited activities.

(1) Illicit discharges. No person shall dump, discharge, cause, or allow to be discharged any

pollutant or non-stormwater discharge into the municipal storm drainage system, into a watercourse, or into the waters of the Commonwealth.

(2) Illicit connections. No person shall construct, use, allow, maintain, or continue any illicit connection to the municipal storm drainage system, regardless of whether the connection was permissible under applicable law, regulation, or custom at the time of connection.

(3) Obstruction of municipal storm drainage system. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drainage system without prior written approval from the Conservation Commission or its agent.

B. Exemptions.

(1) Discharge or flow resulting from fire-fighting activities;

(2) The following non-stormwater discharges or flows are exempt from this bylaw, provided that the source is not a significant contributor of a pollutant to the municipal storm drainage system:

(a) Waterline flushing;

(b) Flow from potable water sources;

(c) Springs;

(d) Natural flow from riparian habitats and wetlands;

(e) Diverted stream flow;

(f) Rising groundwater;

(g) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;

(h) Discharge from landscape irrigation or lawn watering;

(i) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;

(j) Water from individual residential car washing;

(k) Discharge from dechlorinated swimming pool water [less than one (1) ppm chlorine], provided test data is submitted to the Town substantiating that the water meets the one (1) ppm standard, and the pool is drained in such a way as not to cause a nuisance or public safety issue and complies with all applicable Town bylaws;

(l) Discharge from street sweeping;

(m) Dye testing, provided verbal notification is given to the Conservation Commission prior to the time of the test;

(n) Non-stormwater discharge permitted under an NPDES permit or a surface water discharge permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and

(o) Discharge for which advance written approval is received from the Conservation Commission as necessary to protect public health, safety, welfare or the environment.

(3) Discharge or flow that results from exigent conditions and occurs during a state of emergency declared by any agency of the federal or state government, or by the Charlton Town Administrator, Board of Selectmen or Board of Health.

§ 175-19. Registration of sump pumps.

The owner of a sump pump discharging to the municipal storm drainage system shall register the discharge with the Conservation Commission by February 1, 2012. Procedures and requirements shall be defined and included as part of any rules and regulations promulgated as permitted under § 175-17 of this bylaw.

§ 175-20. Emergency suspension of storm drainage system access.

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

§ 175-21. Notification of spills.

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment and cleanup of the release. Procedures and requirements shall be defined and included as part of any rules and regulations promulgated as permitted under § 175-17 of this bylaw.

§ 175-22. Enforcement.

A. Authorized agent. The Conservation Commission or its authorized agent shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

B. Civil relief. If a person violates the provisions of this bylaw, regulations, permit, notice, or order issued thereunder, the Conservation Commission may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

C. Orders.

(1) The Conservation Commission or its authorized agent may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include:

(a) Elimination of illicit connections or discharges to the municipal storm drainage system;

(b) Performance of monitoring, analyses, and reporting;

(c) That unlawful discharges, practices, or operations shall cease and desist; and

(d) Remediation of contamination in connection therewith.

(2) If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Charlton may, at its option, undertake such work, and all costs incurred by the Town shall be charged to the violator, to be recouped through all available means, including the placement of liens on the property.

(3) Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Conservation Commission within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Conservation Commission affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in MGL c. 59, § 57, after the thirty-first (31st) day at which the costs first become due.

D. Criminal penalty. Any person who violates any provision of this bylaw, regulation, order or permit issued thereunder shall be punished by a fine of not more than three hundred dollars ($300). Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

E. Noncriminal disposition. As an alternative to criminal prosecution or civil action, the Town of Charlton may elect to utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D, in which case the Conservation Commission or its authorized agent shall be the enforcing person. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

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

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

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

§ 175-23. Severability.

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

§ 175-24. Transitional provisions.

Residential property owners shall have sixty (60) days from the effective date of the bylaw to comply with its provisions or petition the Conservation Commission for an extension.

Chapter 180

STREETS AND SIDEWALKS

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

GENERAL REFERENCES

Driveways — See Ch. 125.

Subdivision of land — See Ch. 210.

Zoning — See Ch. 200.

ARTICLE I
Moving of Buildings; Obstructions; Pasturing Animals
[Adopted as Art. XVII of the 2005 Bylaws]

§ 180-1. Moving buildings.

No building shall be moved over a public way without a permit from the Board of Selectmen and other regulating authorities as appropriated by law.

§ 180-2. Obstructions. [Amended 10-11-2023ATM by Art. 9]

A. No person, other than a Town employee performing such employee's duty on behalf of the Town, shall place or cause to be placed in any Town public way or street any dirt, rubbish, wood, timber or other material of any kind, which has or would have the effect of obstructing or impeding legal use of any such street or way, without written permission from the Board of Selectmen.

B. No person, other than a Town employee performing such employee's duty on behalf of the Town, shall place or cause to be placed any permanent or temporary obstruction on a public sidewalk or crosswalk, including but not limited to mailboxes, trash cans, motor vehicles, debris or signage, or any other material or object, without written permission from the Board of Selectmen.

   (1) The Board of Selectmen may grant exceptions that do not violate the requirements of the Massachusetts Architectural Access Board Regulations or the Americans with Disabilities Act.

§ 180-3. Pasturing animals.

No person shall pasture any animal upon any street or way in the Town, without a keeper, except within the limit of such way adjoining his own premises.

ARTICLE II
Removal of Snow from Rights-of-Way
[Adopted as Art. XIX of the 2005 Bylaws]

§ 180-4. Placement on public way prohibited.

No person shall plow or otherwise remove snow from private property onto a public way in such manner as to obstruct travel or snow removal operations on such way.

ARTICLE III
Removal of Snow and Ice from Sidewalks
[Adopted as Art. XXI of the 2005 Bylaws]

§ 180-5. Definitions. [Amended 5-19-2014 ATM by Art. 23]

The following words used in this bylaw shall have the following meanings, unless a contrary intention clearly appears:

OWNER OF LAND — The record owner of such land, and shall include any one record owner in the case of multiple ownership.

POLICE CHIEF — The Chief of Police of the Town, or his/her designee.

SIDEWALK — A sidewalk, whether paved or not, within the limits of a public way.

§ 180-6. Duty to remove.

Except as provided in § 180-7 of this bylaw, every owner of land abutting a sidewalk shall cause all snow and ice to be removed to a width of not less than four (4) feet from the portion of the sidewalk abutting his/her land.

§ 180-7. Exception.

The provisions of § 180-6 of this bylaw shall not apply in any instance in which, due to weather conditions, snow or ice is evenly spread over a sidewalk and frozen thereto so that removal is impracticable, so long as such sidewalk is maintained in a reasonable safe condition by sanding or otherwise.

§ 180-8. Enforcement; violations and penalties. [Amended 5-19-2014 ATM by Art. 23]

The Police Chief shall enforce the provisions of this bylaw. Any owner who continues to violate any provision of this bylaw after twenty-four (24) hours following receipt by him/her of written notice of such violation from the Police Chief shall be liable to a penalty not exceeding fifty dollars ($50) for each offense. Each day that such violation continues after such twenty-four-hour period shall constitute a separate offense.

ARTICLE IV
Temporary Repair of Private Ways
[Adopted 5-13-2006 ATM by Art. 32 (Art. XLIII of the 2005 Bylaws)]

§ 180-9. Authority.

The Town may, subject to appropriation therefor, make temporary repairs on Town ways which have been opened to public use for six (6) years or more.

§ 180-10. Permitted repairs.

Such repairs shall include only:

A. Filling in holes and depressions in the surfaces and subsurfaces of such ways with suitable materials;

B. Oiling the surfaces of such ways;

C. Surfacing such ways with bituminous materials, including, but not limited to, bituminous concrete; and

D. Installing and constructing necessary drainage facilities.

§ 180-11. Conditions.

No such repairs shall be made unless:

A. Fifty-one percent (51%) of the owners of land abutting the way have petitioned the Selectmen for such repairs and have delivered to the Selectmen agreements in a form approved by the Town Counsel releasing the Town from any claims for damages caused by such repairs and covenanting not to sue the Town for any such damages; and

B. The Selectmen's designee has determined such repairs are required by public necessity. The Selectmen shall schedule such repairs based upon the amount of funds appropriated therefor. No betterment charges shall be assessed, and no cash deposit shall be required for such repairs.

§ 180-12. Liability of Town.

The liability limit of the Town on account of damages sustained by any person, other than an abutting owner, caused by such repairs shall be zero dollars ($0).

Chapter 185

VEHICLES AND TRAFFIC

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

ARTICLE I
Handicapped Parking; Fire Lanes
[Adopted as Art. XXX of the 2005 Bylaws]

§ 185-1. Handicapped parking.

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

HANDICAPPED PARKING — Designated parking spaces for vehicles either owned and operated by disabled veterans or by handicapped persons and bearing distinctive number plates or placards authorized by MGL c. 90, § 2, or for vehicles transporting handicapped persons and displaying the special parking identification plate or placard authorized by said MGL c. 90, § 2, or for vehicles bearing the official identification of a handicapped person issued by any state or any Canadian province shall be provided in public and private off-street parking areas.

B. Any person or body that has lawful control of a public or private way or of improved or enclosed property used as an off-street parking area for a business, shopping mall, theater, auditorium, sporting or recreational facility, cultural center, or for any other place where the public has a right of access as invitees or licensees, shall reserve parking spaces in said off-street areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate or placard authorized by said MGL c. 90, § 2, or for any vehicle transporting a handicapped person displaying the special identification plate or placard authorized by MGL c. 90, § 2, or for any vehicle bearing the official identification of a handicapped person issued by any state or any Canadian province, according to the following formula:

If the number of parking spaces in any such area is:	Number of Required Handicapped Parking Spaces
More than 15 but not more than 25	1
More than 25 but not more than 40	5% of such spaces but not less than 2
More than 40 but not more than 100	4% of such spaces but not less than 3
More than 100 but not more than 200	3% of such parking spaces but not less than 4
More than 200 but not more than 500	2% of such spaces but not less than 6
More than 500 but not more than 1,000	1 1/2% of such spaces but not less than 10
More than 1,000 but not more than 2,000	1% of such spaces but not less than 15
More than 2,000 but not more than 5,000	3/4% of 1% of such spaces but not less than 20
More than 5,000	1/2% of 1% of such spaces but not less than 30

C. Parking spaces designated as reserved under the provision of Subsection B, immediately above, shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "HANDICAPPED PARKING: SPECIAL PLATE REQUIRED. UNAUTHORIZED VEHICLES MAY BE REMOVED AT OWNER'S EXPENSE"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve (12) feet wide or two eight-foot-wide areas with four (4) feet of cross hatch between them. It shall be a violation of MGL c. 90, § 2, eighth paragraph, for a person to park a vehicle in the cross hatch areas.

D. The leaving of unauthorized vehicles within parking spaces designated for use by disabled veterans or handicapped persons or in such manner as to obstruct a curb ramp designated for use by disabled veterans or handicapped persons as a means of ingress or egress to a street or public way is hereby prohibited.

E. The penalty for violation of this bylaw shall be fifty dollars ($50) for the first offense, and one hundred dollars ($100) for the second and any subsequent offense. Nothing herein shall be construed as prohibiting the removal of any vehicle which is in violation of this bylaw in accordance with the provisions of MGL c. 266, § 120D.

F. This bylaw shall be enforced by the Town of Charlton Police Department. Penalties for violations may be enforced by a noncriminal disposition pursuant to MGL c. 40, § 21D, and Chapter 10, Penalties, Article I, of the Charlton General Bylaws.

§ 185-2. Fire lanes.

A. No person shall leave a vehicle or object, or allow to remain standing, whether attended or unattended, or allow it to remain live parked, within the limits of a private way or any place where the public has a right of access as invitees or licensees, which way or area has been designated by the Fire Chief as a fire lane or as furnishing a means of access for fire apparatus to any building.

B. The Fire Chief may require and prescribe the establishment of fire lanes whenever and wherever public safety or necessity in such Chief's opinion so requires and may prescribe the method by which it shall be done.

C. Fire lanes shall be marked by yellow lines, at least four (4) inches wide on a diagonal, from the point of origin to the curb or sidewalk. The legend "FIRE LANE" shall be included within the printed area. Signs with the legend "NO PARKING- FIRE LANE" may be required at the Fire Chief's discretion.

D. The penalty for violation of this bylaw shall be fifty dollars ($50) for the first offense, and one hundred dollars ($100) for the second or any subsequent offense. Nothing herein shall be construed as prohibiting the removal of any vehicle which is in violation of this bylaw, in accordance with the provisions of MGL c. 266, § 120D.

E. This bylaw shall be enforced by the Town of Charlton Police Department. Penalties for violations may be enforced by a noncriminal disposition pursuant to MGL c. 40, § 21D.

ARTICLE II
Driving Control
[Adopted 5-5-2007 ATM by Art. 20 (Art. XXXVI of the 2005 Bylaws)]

§ 185-3. Title and purpose.

A. This bylaw shall be known as the "Driving Control Bylaw" and shall further regulate driving on public Town ways and private ways open to public travel in the Town of Charlton.

B. The purpose of this bylaw is to encourage drivers to observe safer practices on Town ways for the protection of the general public, and to provide meaningful and effective enforcement mechanisms to help achieve that purpose. Many of the substantive provisions below have been modeled on those of 720 CMR 9.06, which regulates driving on Commonwealth highways.

§ 185-4. Operation of vehicles.

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

B. Use right lane. Upon all roadways, the driver of a vehicle shall drive in the lane nearest the right side of the roadway when said lane is available for travel, except when overtaking another vehicle or when preparing for a left turn.

C. Overtaking other vehicles. The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, and shall not cut in ahead of such other vehicle until safely clear of it.

D. Overtake only when there is a space ahead. The driver of a vehicle shall not overtake and pass a vehicle proceeding in the same direction unless there is sufficient clear space ahead on the right side of the roadway to permit the overtaking to be completed without impeding the safe operation of any vehicle ahead or without causing the driver of any such vehicle to change his/her speed or alter his/her course, except as provided in Subsection E immediately below.

E. Vehicle being passed. Subject to the provisions of MGL c. 89, § 2, the driver of a vehicle when about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right when practicable in favor of the overtaking vehicle, on suitable and visible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

[Note: MGL c. 89, § 2, as of the date of adoption of this bylaw provides as follows:[14]

"Except as herein otherwise provided, the driver of a vehicle passing another vehicle traveling in the same direction shall drive a safe distance to the left of such other vehicle; and, if the way is of sufficient width for the two vehicles to pass, the driver of the leading one shall not unnecessarily obstruct the other. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on visible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

The driver of a vehicle may, if the roadway is free from obstruction and of sufficient width for two or more lines of moving vehicles, overtake and pass upon the right of another vehicle when the vehicle overtaken is (a) making or about to make a left turn, (b) upon a one-way street, or (c) upon any roadway on which traffic is restricted to one direction of movement."]

F. Obstructing traffic.

(1) No person shall drive in such a manner as to obstruct unnecessarily the normal movement of traffic upon any street or way. Officers are hereby authorized to require any driver who fails to comply with this Subsection F to drive to the side of the roadway and wait until such traffic as has been delayed has passed.

(2) Subject to the provisions of MGL c. 89, § 11, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk and on the right half of the roadway to accommodate the vehicle he/she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

14. Editor's Note: This section of state law was amended by St. 2008, c. 525, §§ 8, 9, so that the first clause now reads as follows: Except as herein otherwise provided, the driver of a vehicle passing another vehicle traveling in the same direction shall drive a safe distance to the left of such other vehicle and shall not return to the right until safely clear of the overtaken vehicle."

[Note: MGL c. 89, § 11, as of the date of adoption of this bylaw provides as follows:

"When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be so to yield, to a pedestrian crossing the roadway within a crosswalk marked in accordance with standards established by the department of highways if the pedestrian is on that half of the traveled part of the way on which the vehicle is traveling or if the pedestrian approaches from the opposite half of the traveled part of the way to within 10 feet of that half of the traveled part of the way on which said vehicle is traveling.

No driver of a vehicle shall pass any other vehicle which has stopped at a marked crosswalk to permit a pedestrian to cross, nor shall any such operator enter a marked crosswalk while a pedestrian is crossing or until there is a sufficient space beyond the crosswalk to accommodate the vehicle he is operating, notwithstanding that a traffic control signal may indicate that vehicles may proceed.

Whoever violates any provision of this section shall be punished by a fine of not more than $200.

Whenever a pedestrian is injured by a motor vehicle in a marked crosswalk, the department of state police or the municipal police department with jurisdiction of the street, in consultation with department of state police if deemed appropriate, shall conduct an investigation into the cause of the injury and any violation of this section or other law or ordinance and shall issue the appropriate civil or criminal citation or file an application for the appropriate criminal complaint, if any. This section shall not limit the ability of a district attorney or the attorney general to seek an indictment in connection with the operation of a motor vehicle which causes injury or death and which violates this section."]

G. Following too closely. The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and

condition of the way.

H. Slow vehicles to stay two hundred (200) feet apart. Upon ways less than twenty-seven (27) feet wide and upon which vehicular traffic is permitted to operate in both directions, the driver of any slow-moving commercial vehicle when traveling outside of a business or residential district shall not follow another slow-moving commercial vehicle within two hundred (200) feet, but this shall not be construed to prevent such slow-moving commercial vehicle from overtaking and passing another slow-moving commercial vehicle. The provisions of this Subsection H shall not apply to funerals or other lawful processions.

I. Care in starting, stopping, turning or backing, Except as otherwise provided in 720 CMR 9.08(3), the driver of any vehicle before starting, stopping, turning from a direct line, or backing shall first see that such movement can be made in safety. If such movement cannot be made in safety or if it interferes unduly with the normal movement or other traffic, said driver shall wait for a more favorable opportunity to make such a movement. If the operation of another vehicle should be affected by a stopping or turning movement, the driver of such other vehicle shall be given a plainly visible signal, as required by MGL c. 90, § 14B.

[Note: 720 CMR 9.08(3) as of the date of adoption of this bylaw provides as follows:

"Backing Prohibitions. No person shall back a vehicle for the purpose of gaining entrance to any express state highway off ramp. Exit from the highway shall be made only at succeeding exits. No person shall back a vehicle from any ramp which provides entrance or exit for an express state highway."]

[Note further: MGL c. 89, § 11, as of the date of adoption of this bylaw provides as follows:

"Every person operating a motor vehicle, before stopping said vehicle or making any turning movement which would affect the operation of any other vehicle, shall give a plainly visible signal by activating the brake lights or directional lights or signal as provided on said vehicle; and in the event electrical or mechanical signals are not operating or not provided on the vehicle, a plainly visible signal by means of the hand and arm shall be made. Hand and arm signals shall be made as follows:

1. An intention to turn to the left shall be indicated by hand and arm extended horizontally.
2. An intention to turn to the right shall be indicated by hand and arm extended upward.
3. An intention to stop or decrease speed shall be indicated by hand and arm extended downward.

Whoever violates any provision of this section shall be punished by a fine of not less than twenty-five dollars for each offense."]

J. Obedience to traffic control signals. Colors and arrow indications in traffic control signals shall have the commands ascribed to them in this Subsection J, including Subsections (1) through and including (8) below, and no other meanings, and every driver of a vehicle, railway car or other conveyance shall comply therewith, except when otherwise directed by an officer or by a lawful traffic regulating sign (other than a "stop" sign), signal or device or except as provided in Subsection X(2) below. In no case shall a driver enter or proceed through an intersection without due regard to the safety of other persons within the intersection, regardless of what indications may be given by traffic control signals.

(1) Green. While the green lens is illuminated, drivers facing the signal may proceed through the intersection, but shall yield the right-of-way to pedestrians and vehicles lawfully within a crosswalk or the intersection at the time such a signal was exhibited. Drivers of vehicles making a right or left turn shall yield the right-of-way to pedestrians crossing with the flow of traffic.

(2) Right, left and vertical green arrows. When a right green arrow is illuminated, drivers facing said signal may turn right. When a left green arrow is illuminated, drivers facing said signal may turn left. When a vertical green arrow is illuminated, drivers facing said signal may go straight ahead. When a green arrow is exhibited together with a red or yellow lens, drivers may enter the intersection to make the movement permitted by the arrow, but shall yield the right-of-way to vehicles proceeding from another direction on a green indication, and to pedestrians legally within a marked crosswalk.

(3) Yellow. While the yellow lens is illuminated, waiting drivers shall not proceed, and any driver approaching the intersection or a marked stop line shall stop at such point unless so close to the intersection that a stop cannot be made in safety; provided, however, that if a green arrow is illuminated at the same time drivers may enter the intersection to make the movement permitted by such arrow.

(4) Right and left yellow arrows. When yellow arrows are illuminated, drivers are warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(5) Red. While the red lens is illuminated, drivers facing the signal shall stop outside of the intersection or at such point as may be clearly marked by a sign or line; provided, however, that if a green arrow is illuminated at the same time drivers may enter the intersection to make the movement permitted by such arrow.

(6) Right and left red arrows. Vehicular traffic facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and shall remain standing until an indication permitting the movement indicated by such red arrow shown. Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(7) Flashing red (stop signal). When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a stop line when marked, and the right to proceed shall be subject to provisions of MGL c. 89, § 8.

[Note further: MGL c. 89, § 8, as of the date of adoption of this bylaw provides as follows:

"When two vehicles approach or enter an intersection of any ways, as defined in section one of chapter ninety, at approximately the same instant, the operator of the vehicle on the left shall yield the right-of-way to the vehicle on the right. Any operator intending to turn left, in an intersection, across the path or lane of vehicles approaching from the opposite direction shall, before turning, yield the right-of-way until such time as the left turn can be made with reasonable safety. Any operator of a vehicle entering a rotary intersection shall yield the right-of-way to any vehicle already in the intersection. The foregoing provisions of this section shall not apply when an operator is otherwise directed by a police officer, or by a traffic regulating sign, device or signal lawfully erected and maintained in accordance with the provisions of section two of chapter eighty-five and, where so required with the written approval of the department of highways and while such approval is in effect.

At any intersection on ways, as defined in section one of chapter ninety, in which vehicular traffic is facing a steady red indication in a traffic control signal, the driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk or the near side of the intersections or, if none, then at the entrance to the intersection in obedience to such red or stop signal, may make either (1) a right turn or (2) if on a one-way street may make a left turn to another one-way street, but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at said intersection, except that a city or town, subject to section two of chapter eighty-five, by rules, orders, ordinances, or bylaws, and the department of highways on state highways or on ways at their intersections with a state highway, may prohibit any such turns against a red or stop signal at any such intersection, and such prohibition shall be effective when a sign is erected at such intersection giving notice thereof. Any person who violates the provisions of this paragraph shall be punished by a fine of not less than thirty-five dollars."]

(8) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

K. Lane-direction-control signals.

(1) When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

L. Lane control signals. When traffic control signals are located and operated over or adjacent to the individual lanes of a street or highway within an area designated as a lane traffic control area, vehicles shall be operated in obedience to the command given by the signal indication shown over or adjacent to the lane in which the vehicle is being operated. A lane traffic control area is that portion of a way designated by official traffic signs installed not less than one thousand (1,000) feet in advance of lane traffic control signal installations.

M. Obedience to isolated stop signs. Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign or a flashing red signal indication shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an

immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways. This Subsection M shall not apply when the traffic is otherwise directed by an officer or by a lawful traffic-regulating sign, signal or device or as provided in Subsection X(3) below.

N. Obedience to "Yield" Signs. Every driver of a vehicle or other conveyance approaching an intersection of ways, where there exists facing him/her an official sign bearing the word "Yield," said sign having been erected in accordance with the written approval of the Mass. Highway Department to the extent legally required, and such approval being in effect, shall surrender to oncoming traffic his/her right to enter the intersection until such time as he/she has brought his/her vehicle or other conveyance to a complete stop at a point between the said "Yield" sign and the nearer line of the street intersection; provided, however, that this requirement to stop before entering the intersection shall not apply when a driver approaching a "Yield" sign can enter the intersection in safety without causing interference to approaching traffic. This Subsection N shall not apply when the traffic is otherwise directed by an officer or by a lawful traffic regulating sign, signal or device or as provided in Subsection X(3) below.

O. Sound horn when necessary. The driver of a vehicle shall give an audible warning with his/her horn or other suitable warning device whenever necessary to insure safe operation.

P. Keep to the right of roadway division. Upon such ways as are divided by a parkway, grass plot, reservation, viaduct, subway or by any structure or areas, drivers shall keep to the right of such division, and shall cross such parkway, grass plot or reservation only at a crossover. In the case of a way which has no crossovers, access to the adjoining roadway shall be gained only by the proper use of under or overpasses and ramps. The foregoing provisions shall not apply when drivers are otherwise directed by an officer, or official signs, signals or markings.

Q. Operation at under or over passes and at intersections with islands. At any junction or crossing of ways where the roadway grades have been separated and where the ways are connected by ramps, and at any intersection of ways in which there are channelizing islands, drivers of vehicles shall proceed only as indicated by signs, signals or markings.

R. Driving on road surface under construction or repair. No operator shall enter upon the road surface of any way or section thereof when, by reason of construction, surface treatment, maintenance or the like, or because of some unprotected hazard, such road surface is closed to travel, and one or more signs, lights or signals have been erected to indicate that all or part of the road surface of the way is not to be used, or when so advised by an officer, watchman, member of a local or state highway crew or employee of the Police Department, or of the MA Highway Department if apt, either audibly or by signals.

S. No driving on sidewalks. The driver of a vehicle shall not drive upon any sidewalk except at a permanent or temporary driveway.

T. Emerging from alley or private driveway. The driver of a vehicle emerging from a private way, driveway or garage shall stop such vehicle immediately prior to driving upon the sidewalk area extending across such driveway or garage, and where no such sidewalk exists the stop shall be made at the building or property line as the case may be, and upon entering the way shall yield the right-of-way to vehicles approaching on the way.

U. Certain turns prohibited. The driver of a vehicle or other conveyance shall not make a turn from the way in which he/she is driving into another way or driveway, at any point in the way, where such a movement is prohibited by signs.

V. Driving or parking on channelizing island. No person shall drive over or park a motor vehicle upon any channelizing island, as defined in § 185-5 below, unless directed to do so by a police officer.

W. Obedience to traffic signs, signals and markings. The driver of any vehicle or of any street car shall obey the instructions of any official traffic control sign, signal, device, marking or legend unless otherwise directed by a police officer.

X. Rights and duties of drivers in funerals or other processions.

(1) It shall be the duty of each driver in a funeral or other procession to keep as near to the right edge of the way as is feasible and to follow the vehicle ahead as closely as practicable and safe.

(2) At an intersection where a traffic control signal is operating, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop for a red or red and yellow indication.

(3) At an intersection where a lawful isolated stop sign or signal exists, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop before proceeding through the intersection.

Y. Workers and equipment in way. Whenever traffic signs are erected or warning lights are displayed in or adjacent to a way to notify of the presence of workers and equipment, in such way every motorist shall regulate the speed of his/her vehicle in a manner and to a degree consistent with the particular condition.

Z. U-turns prohibited. No operator shall back or turn a vehicle so as to proceed in a direction opposite to that in which said vehicle is headed or traveling wherever signs notifying of such a restriction have been erected.

AA. Vehicle operation at crosswalks.

(1) Subject to the provisions of MGL c. 89, § 11, when traffic control signals are not in place or not in operation the driver of a vehicle, which for the purposes of this bylaw shall include bicycles, shall yield the right-of-way, slowing down or stopping if need be so to yield, to a pedestrian crossing the way within a marked crosswalk when the pedestrian is upon the half of the way upon which the vehicle is traveling or when the pedestrian approaches from the opposite half of the way to within five (5) feet of that half of the way upon which the vehicle is traveling.

(2) Subject to the provisions of MGL c. 89, § 11, no operator of a vehicle shall pass any other vehicle which has been stopped at a marked crosswalk to permit a pedestrian to cross a way, nor shall any operator enter a marked crosswalk until there is sufficient space on the other side of the crosswalk to accommodate the vehicle he/she is operating notwithstanding any traffic control signal indication to proceed.

BB. Operators to exercise due care. The provisions of this bylaw shall in no way abrogate the provisions of MGL c. 90, §§ 14 and 14A, which provide: "Precautions for safety of other travelers" and for the "Protection of blind persons crossing or attempting to cross ways." Furthermore, notwithstanding the provisions of this bylaw, every operator of a vehicle shall exercise due care to avoid colliding with any pedestrian upon the way and shall give warning by sounding the horn when necessary and shall exercise proper precautions which may become necessary for safe operation.

§ 185-5. Definitions.

For the purpose of this bylaw, the words and phrases used herein shall have the following meanings, except in those instances where the context clearly indicates a different meaning:

BICYCLE — Any wheeled vehicle propelled by pedals and operated by one (1) or more persons.

BUS — Every vehicle designed for carrying more than eight (8) passengers and used primarily for the transportation of persons either for compensation, as a service, or as an adjunct to a school program.

BUS STOP — An area in a way set aside for the boarding of or alighting from buses.

CAUTION SIGNAL — A flashing yellow signal having the same general function as a warning sign.

CHANNELIZING ISLAND — A traffic island located to guide traffic streams along certain definite paths and to prevent the promiscuous movement of vehicles in what would otherwise be a widely extended way area.

CHARLTON DEPARTMENT OF PUBLIC WORKS — The Town of Charlton's Department of Public Works.**[Amended 5-20-2019 ATM by Art. 12]**

COMMERCIAL VEHICLE — Any vehicle registered for commercial purposes and designed and used primarily for the transportation of goods, wares or merchandise.

CONTAINER — Any drum, barrel, cylinder, bag, carboy or other shipping vessel (other than a tank vehicle) used for the transportation of dangerous articles.

CROSSOVER — An opening in a channelizing island that connects both sides of a divided way.

CROSSWALK — That portion of a way ordinarily included within the extensions of the sidewalk lines, or, if none then the footpath lines, and, at any place in a way, clearly indicated for pedestrian crossing by lines or markers upon the way surface.

CURB MARKING — That portion of a curbing which has been painted by the Charlton Department of Public Works or State Highway Department.**[Amended 5-20-2019 ATM by Art. 12]**

DEPARTMENT — The Town of Charlton Police Department unless otherwise specified.

DIVIDED WAY — A way with separated roadways for traffic in opposite directions.

EMERGENCY VEHICLE — Vehicles of the Fire Department (Fire Patrol), police vehicles and such ambulances and emergency vehicles of federal, state or municipal departments or public service corporations as are commonly recognized as such.

EXPRESS STATE HIGHWAY — A divided arterial highway of the Commonwealth for through traffic with full or partial control of access and generally with grade separations at intersections.

HIGHWAY — The entire width between property lines of any state highway or lawful through way designated by the MA Highway Department.

HIGHWAY TRAFFIC SIGNALS — Any power-operated traffic control device, except a sign, by which traffic is warned or is directed to take some specific action, and which has been erected by the Department or in conformance with the Department's *Manual on Uniform Traffic Control Devices*.

INTERSECTION — The area embraced within the extensions of lateral curblines, or, if none, then the lateral boundary lines, of intersection or intersecting ways as defined in MGL c. 90, § 1, including divided ways. This bylaw shall apply at any place along any way at which drivers are to be controlled by traffic control signals whether or not such place is an intersection as herein defined, subject to state law.

LANE — A longitudinal division of a way of sufficient width to accommodate the passage of a single line

of vehicles, whether or not such lane is indicated by pavement markings or longitudinal construction joints.

LIMITED-ACCESS HIGHWAY — An express state highway with full control of access.

MA HIGHWAY DEPARTMENT — The Commonwealth of Massachusetts Department of Highways.

OFFICER — Any police officer or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

OFFICIAL SIGNS, SIGNALS, MARKINGS AND DEVICES — All signs, signals, markings and devices installed or maintained by the Town in conformance with the MA Highway Department's *Manual on Uniform Traffic Control Devices* or with approval of said Department where required, or by the MA Highway Department itself.

ONE-WAY WAYS OR STREETS — Ways designated by the Town, with the approval of the MA Highway Department where required by law, or by the MA Highway Department itself, as one-way and upon which vehicular traffic may move only in the direction indicated by signs.

PARKING — The stopping or standing of a vehicle whether occupied or not, otherwise than temporarily, except that a vehicle shall not be deemed parked when stopped or standing for the purpose of and while actually engaged in loading or unloading or in obedience to an officer or traffic control signs or signals, or while making emergency repairs or, if disabled, while arrangements are being made to move such vehicle.

PEDESTRIAN — Any person afoot or riding on a conveyance moved by human power, except bicycles or tricycles.

POLICE DEPARTMENT — The Town of Charlton Police Department unless otherwise indicated.

SIDEWALK — That portion of a way set aside for pedestrian travel.

STOP SIGNAL — A flashing red signal having the same function as a stop sign and erected by the Town in conformance with the Department's *Manual on Uniform Traffic Control Devices*, with the approval of the MA Highway Department where required by law, or by the MA Highway Department itself.

STREET MARKING — Any painted line, legend, marking or marker of any description painted or placed on any way by the Town, with the approval of the MA Highway Department where required by law, or by the MA Highway Department itself, and which purports to direct or regulate traffic.

TOWN — Town of Charlton or its departments or agents unless otherwise specified.

TRAFFIC — Pedestrians, ridden or herded animals, vehicles, street cars or other conveyances either singly or together while using any way for the purpose of travel.

TRAFFIC CONTROL SIGNAL — A traffic signal which, through its indications, alternately directs traffic to stop and permits it to proceed and which has been erected by the Town in conformance with the MA Highway Department's *Manual on Uniform Traffic Control Devices*, or with the approval of said Department if required by law.

TRAFFIC ISLAND — Any area or space set aside, within a roadway, which is not intended for use by vehicular traffic.

TRAFFIC SIGNALS — Any power-operated traffic control device, except a sign, by which traffic is warned or is directed to take some specific action, and which has been erected by the MA Highway Department or in conformance with the Department's *Manual on Uniform Traffic Control Devices*, or with the approval of the MA Highway Department if required by law.

URBAN AREA or DOWNTOWN AREA — The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter of a mile or more.

U-TURN — The turning of a vehicle by means of a continuous left turn whereby the direction of such vehicle is reversed.

VEHICLE — Every device in, upon or by which any person or property is or may be transported or drawn upon a way, including bicycles when the provisions of this bylaw are applicable to them, except other devices moved by human power or used exclusively upon stationary rails or tracks and devices which derive their power for operation from stationary overhead wires.

WAY — That portion of a way between regularly established curblines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

[Editorial note: The above inclusion in this bylaw of the text of (as contrasted with references to) certain provisions of the Mass. General Laws and the Code of Mass. Regulations as they read as of the date of adoption hereof by Town Meeting is intended for informational purposes only, and any subsequent amendments to such statutory provisions, of which all persons as a matter of law are deemed to be on notice, shall apply, as shall any other, applicable law. Therefore, it is important that any person reading the bylaw also read the current version of such statutes in order to fully understand the applicable law.]

§ 185-6. Exemptions, enforcement and fines.

A. Exemptions. The provisions of this bylaw shall not apply to persons acting in conformity with the direction of an officer, to persons or drivers actually engaged in work upon a way closed to travel or under construction or repair when the nature of their work necessitates a departure from any part of the bylaw, to officers when engaged in the performance of public duties which necessitates a departure from any part of same, nor to drivers of emergency vehicles while operating in an emergency and in performance of public duties which necessitate a departure therefrom. These exemptions shall not, however, protect the driver of any vehicle from the consequence of a reckless disregard of the safety of others, though the bylaw shall not be deemed to create any private cause of action by virtue of any such action or omission.

B. Owner prima facie responsible for violations. If any vehicle is found upon any way in violation of any provision of this bylaw and orders and the identity of the driver cannot be determined, the owner or the person in whose name such a vehicle is registered shall be held prima facie responsible for such violations.

C. Obedience to police. No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer in regard to the direction, control or regulation of traffic. Any person acting in conformity with any such order or direction shall be relieved from the observance of any provision of this bylaw with which the order or direction may conflict.

D. Obedience to signs, etc. No person shall disobey the instructions of any official sign, signal, marking or marker.

E. Penalties. Unless otherwise specified herein or by the Mass. General Laws or state regulations promulgated thereunder, the penalty for any violation of this bylaw shall be a twenty-dollar ($20) fine for each offense. In the event of any conflict between the section and the Mass. General Laws or state regulations, such laws and regulations shall control.

F. Enforcing officers. This bylaw shall be enforced by any police officer.

G. Enforcement. This bylaw shall be enforced exclusively pursuant to the provisions of Chapter 90C of the Massachusetts General Laws.

§ 185-7. Selectmen rules and regulations; effect of bylaw.

The Town of Charlton Board of Selectmen is hereby authorized to adopt such rules and regulations, so long as inconsistent with neither the Mass. General Laws nor this bylaw, as it deems necessary or advisable for the purpose of effectuating the provisions of this bylaw. Nothing in this bylaw shall derogate from the authority of such Board to make rules and orders pursuant to MGL c. 40, § 22, nor from any other authority vested in the Town or its boards, commissions, departments, officers, employees or agents by any other provision of law, the provisions hereof being intended to be in addition to all such rather than to in any way limit same.

§ 185-8. Severability.

The invalidity of any part or parts of this bylaw shall not affect the validity of the remaining parts.

CHARLTON BYLAWS

Chapter 190

WATER USE

[HISTORY: Adopted by the Town Meeting of the Town of Charlton as Art. XXII of the 2005 Bylaws. Amendments noted where applicable.]

GENERAL REFERENCES

Fire hydrants — See Ch. 140, Art. I.

Sewer use — See Ch. 165.

ARTICLE I
Connections and Rates

§ 190-1. Connection to Town system required.

The owner of any building(s) upon land abutting a public or private way in which there is a common, Town-owned water line or main may, subject to capacity, to the availability of a sufficient volume of potable water and to any applicable rules, regulations, standards and procedures of the Water and Sewer Commissioners, connect such building(s) to such water line or main, provided that such owner disconnects such building(s) from any and all other water sources.

§ 190-2. Responsibility for payment of charges.

Persons connected to Town-owned water lines or mains shall pay for the water provided thereby at rates to be established by the Town's Water and Sewer Commissioners in accordance with applicable law (including, where applicable, regulations of the Massachusetts Department of Telecommunications and Energy), or until such time as Water and Sewer Commissioners are elected, by the Selectmen acting in their capacity of Water and Sewer Commissioners or otherwise.

§ 190-3. Severability.

If any provision of the within bylaw is held invalid by a court of competent jurisdiction or by the Attorney General, the remainder of such bylaw shall take effect and remain in effect to the maximum extent permitted by applicable law.

ARTICLE II
Water Use Restriction

§ 190-4. Authority.

This bylaw is adopted by the Town of Charlton under its police powers to protect public health and welfare and its powers under MGL c. 40, § 21 et seq., as well as under any other, applicable legal authority, including any general or special law, and implements the Town's authority to regulate water use pursuant to MGL c. 41, § 69B. This bylaw also implements the Town's authority under MGL c. 40, § 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

§ 190-5. Purpose.

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

§ 190-6. Definitions.

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

PERSON — Any individual, corporation, limited-liability company, trust, partnership or association, or other entity.

STATE OF WATER SUPPLY CONSERVATION — A State of Water Supply Conservation declared by the Town pursuant to § 190-7 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 through 17.

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

§ 190-7. Declaration of State of Water Supply Conservation.

The Town, through its Board of Water and Sewer Commissioners, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Supply Conservation shall be given under § 190-9 of this bylaw before it may be enforced.

§ 190-8. Restricted water uses.

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under § 190-9.

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.

§ 190-9. Public notification of State of Water Supply Conservation; notification of DEP.

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under § 190-8 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

§ 190-10. 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 and Sewer 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 § 190-9.

§ 190-11. 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 to the state of emergency.

§ 190-12. Violations and penalties.

Any person violating this bylaw shall be liable to the Town in the amount of fifty dollars ($50) for the first violation and one hundred dollars ($100) for each subsequent violation. 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.

§ 190-13. Severability.

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

ARTICLE III
Water Charges and Bills

§ 190-14. Due dates; rate of interest on unpaid balances.

All municipal charges and bills payable under this bylaw, with the exception of fees and charges as to which the bylaw requires immediate payment (by way of examples only, filing, inspection and connection fees), shall be due on the thirtieth (30th) day following the date of mailing of the bill or statement reflecting same, unless otherwise specifically provided by statute or other bylaw of the Town or by duly adopted rule or regulation of the Town's Water and Sewer Commissioners. Interest shall accrue and be payable on all amounts remaining unpaid after such due date at the maximum rate then in effect for unpaid assessments, rates and charges pursuant to MGL c. 59, § 57, as same may be amended from time to time, said rate as of the date of the initial adoption of the within section of this bylaw being fourteen percent (14%) per annum. (For the statutory authority for this section of the bylaw, see MGL c. 40, § 21E.)

ARTICLE IV
Mandatory Water Connection
[Added 5-19-2014 ATM by Art. 26]

§ 190-15. Connection required.

If a lot of land abuts a public or private way or easement in which there is public water available, any new principal building constructed, the building permit for which is issued on or after the effective date of this article, must be connected to the water supply pipe prior to occupancy, unless the Water and Sewer Commission determines that doing so would create an undue hardship. Hardship shall be determined based upon factors set forth in regulations adopted or to be adopted by the Water and Sewer Commission.

Chapter 195

STRETCH ENERGY CODE

[HISTORY: Adopted by the Town Meeting of the Town of Charlton 10-16-2016 STM by Art. 7. Amendments noted where applicable.]

§ 195-1. Definitions.

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

INTERNATIONAL ENERGY CONSERVATION CODE (IECC) — The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. Since July J, 2010, the baseline energy conservation requirements of the Massachusetts State Building Code defaulted to the latest published edition, currently the IECC 2009, with Massachusetts amendments as approved by the Board of Building Regulations and Standards.

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

§ 195-2. Purpose.

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

§ 195-3. Applicability.

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

§ 195-4. Authority.

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix. 780 CMR 115.AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

§ 195-5. Stretch Code

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

Part IV: Zoning Bylaw

Chapter 200

ZONING

[HISTORY: Adopted by the Town Meeting of the Town of Charlton 4-4-1987, as amended through May 2011. Subsequent amendments noted where applicable.[15]]

GENERAL REFERENCES

Driveways — See Ch. 125.

Earth removal — See Ch. 130.

Stormwater management — See Ch. 175.

Subdivision of land — See Ch. 210.

15. Editor's Note: The Zoning Bylaw was recodified and readopted 5-19-2014 ATM by Arts. 31, 32 and 33.

SECTION 1
Intent and Application

§ 200-1.1. Title.

This bylaw shall be known as the "Charlton Zoning Bylaw."

§ 200-1.2. Purpose.

The purpose of this bylaw is to promote the health, safety, convenience, amenity and general welfare of the inhabitants of the Town of Charlton, through encouraging the most appropriate use of the land as authorized by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts, as amended, with the objective as follows:

To preserve health; to secure safety from fire, flood, panic and other dangers; to lessen congestion in the streets and ways; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to recognize the need for housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, schools, parks, open space, and other public requirements; to preserve the value of land and buildings, including the conservation of natural resources, protection of aquifers, and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the Town, including consideration of Town plans and programs, and to preserve and increase amenities.

§ 200-1.3. Applicability.

When the application of this bylaw imposes greater restrictions than those imposed by any other bylaws, regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this bylaw shall control.

§ 200-1.4. Severability.

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

§ 200-1.5. Amendments.

This bylaw may from time to time be changed by amendments, additions, or repeal by the Town Meeting in the manner provided in Chapters 40A and 808 of the Massachusetts General Laws, and any amendment therein.

§ 200-1.6. Repeal of prior enactments.

Upon its effective date, this bylaw shall repeal and be substituted for the following bylaws of the Town of Charlton: 1) the bylaw adopted under Article 17 of the warrant for the July 24, 1965 Special Town Meeting and amended under Article 27 of the warrant for the May 31, 1979 Annual Town Meeting, 2) Sections 1, 2, 3, 4 and 5 of the bylaw adopted under Article 19 of the warrant for the April 4, 1981 Annual Town Meeting, 3) Sections 1, 2, 3, 4, 5, 6, and 7 of the bylaw adopted under Article 18 of the warrant for the April 2, 1983 Annual Town Meeting, and Section 2 of the bylaw adopted under Article 30 of the warrant for the April 5, 1986 Annual Town Meeting.

§ 200-1.7. Previous rights.

This bylaw, upon its effective date, shall not affect such rights or duties that have matured, penalties that were incurred, proceedings that were begun or appointments made before its effective date, pursuant to the previously effective bylaws, except as provided by Chapter 40A of the General Laws of Massachusetts.

SECTION 2
Definitions

§ 200-2.1. Uses and structures.

ACCESSORY APARTMENT —

A. An accessory apartment is a dwelling unit constructed within and/or added onto an existing, one-family dwelling or attached garage. An accessory apartment contains a full bathroom, kitchen, living room, and bedroom. An accessory apartment shall not have more than one (1) bedroom. Only one (1) accessory apartment will be allowed within or added onto a one-family dwelling or its attached garage. The owner(s) of the residence in which or for which the accessory apartment is created shall occupy at least one (1) of the dwelling units on the premises, except for bona fide, temporary absences. The owner's dwelling unit shall not be rented during any such temporary absence.

B. An accessory apartment shall be designed to maintain the appearance of a single-family residence as to the one-family dwelling of which it is a part, and shall be clearly subordinate to the one-family dwelling. Any exterior entrance to the apartment shall be located on the side or rear of the one-family dwelling, or of its garage, and any additions containing the apartment, in whole or in part, shall not increase the square footage of the original structure of the one-family dwelling by more than one thousand two hundred fifty (1,250) square feet. Accessory apartments may not be added to or expanded, and must be complete, separate housekeeping units that can be isolated from the original unit of the one-family dwelling. No more than two (2) persons may occupy an accessory apartment. For dwellings to be served by an on-site septic system, the owner must obtain written approval from the Board of Health before a building permit can be obtained for construction of the accessory apartment. This is to ensure that the existing sewage disposal system and water supply are adequate for the proposed accessory apartment. **[Amended 5-16-2016 ATM by Art. 24]**

ACCESSORY BUILDING — An accessory building is one which is subordinate or incidental to the main use of a building on a lot. Accessory buildings on lots eighty thousand (80,000) square feet or larger shall not be limited in size with the exception of conformance to maximum building coverage requirements in each zone as required in § 200-3.2-D, Intensity of Use Schedule. The term "accessory building" when used in connection with a farm shall include all structures customarily used for farm purposes and they shall not be limited in size.**[Amended 5-21-2012 ATM by Art. 28; 5-16-2016 ATM by Art. 22]**

ACCESSORY USE — A land use which is subordinate and incidental to a predominant or main use. See § 200-3.2, Use regulations, Subsection B(8), Accessory uses, for accessory use listing per zoning districts.**[Amended 5-21-2012 ATM by Art. 28]**

AGRICULTURE — Shall include farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock, including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.**[Added 5-16-2022 ATM by Art. 16]**

ANIMAL OR VETERINARY HOSPITAL — Commercial facilities for keeping animals to be diagnosed and treated, in treatment or recovering from treatment in accord with normal veterinary practice as established by the Massachusetts Board of Registration, Veterinary Medicine, pursuant to MGL c. 112, § 55 and 256 CMR. This definition shall not apply to educational institutions of veterinary

science.**[Amended 5-16-2022 ATM by Art. 16]**

ANIMAL KENNEL — A lot with structures or pens in which five (5) or more dogs, cats or other household pets are boarded, bred, or sold.**[Added 5-16-2022 ATM by Art. 16]**

AUCTION GALLERY — A business offering goods for sale at auction to the public, excluding the regular sale of automobiles, motorcycles, recreational vehicles and similar vehicles, boats or light industrial or farm equipment.**[Added 5-16-2022 ATM by Art. 16]**

AUTOMATIC TELLER MACHINE — A physical machine that is used to perform banking functions, including but not limited to cash or check deposits, cash withdrawals, account balance inquiry, account transfer transactions, or customer service inquiries. This machine acts as an automated version of a human bank teller.**[Added 5-16-2022 ATM by Art. 16]**

BED-AND-BREAKFAST — In the residential districts or for dwellings in the nonresidential districts, the renting of rooms and furnishing of meals for not more than four persons shall be permitted, provided that the building is owner-occupied.[16]**[Added 5-16-2022 ATM by Art. 16]**

BUILDING — A structure enclosed within exterior walls or firewalls built, erected and framed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property.

BUILDING AREA — Building area is the aggregate or the maximum horizontal cross-section area of the main building on the lot, excluding cornices, eaves, gutters or chimneys projecting not more than thirty (30) inches. Also excluded from building area are steps and one-story porches, decks, balconies and terraces.

BUILDING HEIGHT — The vertical distance from grade, which is the average ground level, to the top of the highest roof beams of a flat roof, or to the mean level of the highest gables or slope of a hip, pitch or sloped roof. When a building faces on more than one (1) street, the height shall be measured from the average of the grades at the center of each street front.**[Amended 5-16-2022 ATM by Art. 16]**

DAY-CARE CENTER — Any facility operated on a regular basis, whether known as a "day nursery," "nursery school," "kindergarten," "child play school," "progressive school," "child development center," or "preschool," or known under any other name, which receives children not of common parentage for nonresidential custody or care during part or all of the day separate from their parents, as further defined in the State Building Code.**[Amended 5-16-2022 ATM by Art. 16]**

DAY-CARE CENTER, ADULT — Any facility operated on a regular basis which receives adults not of common kindred for nonresidential custody or care during part or all of the day.**[Added 5-16-2022 ATM by Art. 16]**

DISPOSAL AREA — The use of any area of land, whether inside or outside of a building, for the storage, keeping or abandonment of junk, scrap or discarded materials made or used by human beings, or the demolition or abandonment of automobiles or other vehicles, boats or machinery or parts thereof.

DORMITORY — A building or group of buildings designed or altered for the purpose of accommodating students or members of religious orders with sleeping quarters, with or without communal kitchen facilities, and administered by bona fide educational or religious institutions as defined by MGL c. 40A, § 3, and the cases thereunder. Dormitories include fraternity or sorority houses, convents, priories or monasteries, but do not include clubs and lodges.**[Amended 5-21-2012 ATM by Art. 28]**

DRIVE-THOUGH USES — A retail or consumer service use of land or a building in which the business transacted is conducted by a customer or client from within their automobile. Does not include curbside pickup using standard parking spaces or automobile repair and service stations.**[Added 5-16-2022 ATM**

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16. Editor's Note: The definition of "boardinghouse," which immediately followed, was repealed 5-16-2022 ATM by Art. 16.

by Art. 16]

DWELLING — A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family, and multifamily dwellings, but not including hotels or boardinghouses.

DWELLING UNIT — One (1) or more rooms, whether or not containing an interior door in common with another dwelling unit, and containing cooking, sanitary, eating and sleeping facilities arranged for the use of one (1) or more persons; as distinguished from and not including boardinghouses, communes, dormitories, hotels, lodging houses and similar transient living accommodations; or trailer homes, mobile homes or trailer coaches or recreational vehicles outfitted with living accommodations.

DWELLING, MULTIFAMILY — A building designed for and occupied exclusively as a home or residence and containing three (3) or more dwelling units.

DWELLING, ONE-FAMILY — A detached building designed for and occupied exclusively as a home or residence and containing no more than one (1) dwelling unit.

DWELLING, TWO-FAMILY — A detached building designed for and occupied exclusively as a home or residence and containing two (2) dwelling units.

ENERGY STORAGE — The capture of energy produced at one time for use at a later time. A device that stores energy is generally called an accumulator or battery. Energy comes in multiple forms, including radiation, chemical, gravitational potential, electrical potential, electricity, elevated temperature, latent heat and kinetic.**[Added 5-20-2019 ATM by Art. 19]**

EXPOSURE — An exterior wall which faces a yard or courtyard whose minimum dimension shall be not less than fifty (50) feet.

FAMILY — An individual, two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons who need not be so related, living as a single housekeeping unit.

FAMILY DAY-CARE HOME — Any private residence which, on a regular basis, receives for temporary custody and care during part or all of the day, children under seven (7) years of age or children under sixteen (16) years of age if such children have special needs; provided, however, in either case that the total number of children under sixteen (16) in a family day-care home shall not exceed six (6), including participating children living in the residence.**[Amended 5-16-2022 ATM by Art. 16]**

FARM — A tract of land in separate ownership devoted primarily to agricultural use, including the raising of livestock.[17]

FIBER-OPTICS FACILITY — Manufacture or production of fiber-optic goods or products.

FLOOR AREA — The total area of the several floors of a building measured from the exterior building faces.

FOOD SERVICE ESTABLISHMENT — Any fixed or mobile place, structure or vehicle, whether permanent, transient or temporary, including any restaurant, coffee shop, cafeteria, luncheonette, short-order cafe, grille, tea room, sandwich shop, soda fountain, tavern, bar, cocktail lounge, nightclub, roadside stand, and lunch wagon feeding establishment; private, public or nonprofit organization or institution routinely serving the public, catering kitchen, commissary, or any other similar eating and drinking establishment or place in which food or drink is prepared for sale or for service on the premises or elsewhere, or where food is served or provided for the public with or without charge.**[Added 5-16-2022 ATM by Art. 16]**

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17. Editor's Note: The definition of "fast-food restaurant," added 5-12-2012 ATM by Art. 28, which immediately followed was repealed 5-16-2022 ATM by Art. 16.

FOOD SERVICE ESTABLISHMENT, FAST-FOOD/DRIVE-THROUGH — A licensed food service establishment in which a substantial portion of the food is prepared in advance of the designated order, for consumption on or off the premises, which provides for food pickup by the public without the need to leave the car.**[Added 5-16-2022 ATM by Art. 16]**

FRONTAGE — The continuous linear extent of a lot measured along the public street right-of-way from the intersection of one (1) side lot line to the intersection of the other side lot line of the same lot.

GARAGE, PRIVATE — A detached or attached accessory building for the parking or storage of vehicles belonging to the occupants of the premises.

GARAGE, PUBLIC — A building other than a private garage used for maintenance, repair or storage of automobiles or other vehicles for compensation.

GREEN INFASTRUCTURE — The range of measures that use plant or soil systems, permeable surfaces, stormwater harvest and reuse, infiltrate or evapotranspirate stormwater and reduce flows to sewer systems or to surface waters.**[Added 5-16-2022 ATM by Art. 16]**

GROUP RESIDENCE — Any home licensed, authorized or operated by the commonwealth for residential care and supervision of persons who are capable of self-preservation.**[Added 5-16-2022 ATM by Art. 16]**

GROUP RESIDENCE, LIMITED — Any home licensed, authorized or operated by the commonwealth for residential care and supervision of persons who are not capable of self-preservation.[18]**[Added 5-16-2022 ATM by Art. 16]**

HEAVY INDUSTRIAL — A use engaged in the basic processing and manufacturing of materials or finished products or parts, storage (warehousing), sales and distribution of such products or parts. May include screened outdoor storage of materials and includes uses that do not meet the light industrial criteria set forth elsewhere in this section. These uses have the potential to produce noise, vibrations, smoke, dust, and odor.**[Added 5-16-2022 ATM by Art. 16]**

HOME OCCUPATION — An accessory use which is carried on by the permanent resident of a dwelling unit, with not more than two (2) nonresident employees, and only inside the dwelling with only customary home equipment used therein; further subject to the provisions that all materials and products of the occupation be stored only within the dwelling and accessory structures, no external alterations or structural changes not customary to a residential building are required; the home occupation is clearly incidental and secondary to the residential use, no products may be sold that are not incidental to the home occupation, and the occupation does not result in the production of offensive noise, vibration, heat, dust or other objectionable conditions such as on-street parking.

HOTEL — A building or group of buildings intended and designed for transient, overnight or extended occupancy, divided into separate units and having a common entrance or individual exterior entrances; and including an inn, motel, and motor inn but not including a boardinghouse, lodging house or rooming house.**[Amended 5-16-2022 ATM by Art. 16]**

INSTITUTIONAL AND PHILANTHROPIC USES —

A. Institutional and philanthropic uses are nonprofit social and educational activities, facilities and organizations which include the following:

18. Editor's Note: The definition of "heavy industrial uses," which immediately followed, was repealed 5-16-2022 ATM by Art. 16.

Parish halls and other religious or semi-religious meeting places

Museums

Agricultural and horticultural societies

Historical societies

Literary societies, including libraries

Scientific societies

Fraternal societies

Charitable societies

Civic societies

B. Institutional and philanthropic uses shall not include:

Profit-making businesses and government or nonprofit institutions engaged in the treatment of physical and mental illnesses, diseases and disabilities

Profit-making business and government or nonprofit institutions engaged in psychological or social counseling or therapy

Residential quarters for groups or individuals in which psychological or social counseling or therapy is administered[19]

LARGE SOLAR ENERGY SYSTEM — A commercial solar facility whose primary purpose is electrical generation for the wholesale electricity market. It includes service and access roads, equipment, machinery and structures utilized in connection with the conversion of solar energy into electrical power and storage thereof, with a rated nameplate capacity greater than 250kW.**[Added 5-20-2019 ATM by Art. 23]**

LIGHT INDUSTRIAL — Fabrication, assembly, processing, finishing work or packaging from previously prepared materials, of finished products or parts, and incidental storage, sales and distribution of such products that produce no airborne emissions, objectionable noise, glare, odor, vibrations, smoke or dust associated with the industrial operation. Outdoor storage of raw materials and products is permitted with proper screening.[20]**[Added 5-16-2022 ATM by Art. 16]**

LONG-TERM CARE FACILITY — Any institution, whether conducted for charity or profit, which is advertised, announced or maintained for the express or implied purpose of providing three (3) or more individuals admitted thereto with long-term resident, nursing, convalescent or rehabilitative care; supervision and care incident to old age for ambulatory persons; or retirement home care for elderly persons. Long-term care facility shall include convalescent or nursing homes, rest homes, infirmaries maintained in towns and charitable homes for the aged. (Massachusetts Department of Public Health Regulations 105 CMR 151.000, effective February 6, 1980)**[Amended 5-21-2012 ATM by Art. 28]**

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19. Editor's Note: The definition of "large-scale ground-mounted solar photovoltaic installation," which immediately followed, was repealed 5-20-2019 ATM by Art. 19.

20. Editor's Note: The definitions of "light manufacturing" and "lodging house," which immediately followed, were repealed 5-16-2022 ATM by Art. 16.

LOT — An area of land in one (1) ownership with definite boundaries ascertainable by recorded deed or plan and used or set aside and available for use as the site of one (1) or more buildings or for any other definite purpose.

LOT LINE — The property line bounding the lot.

LOT WIDTH — The linear distance from side lot line to side lot line measured along the front yard setback line. At no point, between the front lot line and the rear of the principal structure located on the lot, shall the lot have a width less than two-thirds (2/3) of the minimum lot frontage required.

LOW-IMPACT DEVELOPMENT (LID) — An approach to environmentally friendly land use development. It includes landscaping and design techniques that attempt to maintain the natural, predeveloped ability of a site to manage rainfall. LID techniques capture water on-site, filter it through vegetation, and let it soak into the ground.**[Added 5-16-2022 ATM by Art. 16]**

MAJOR RESIDENTIAL DEVELOPMENT — Five (5) or more dwelling units developed on a lot in single ownership, or on lots that were in single ownership in a five-year period prior to filing of an application for a building permit for any of the dwelling units.

MANUFACTURED HOME — A dwelling fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards.**[Added 5-16-2022 ATM by Art. 16]**

MANUFACTURING — A use engaged in the basic processing and manufacturing of materials, or the manufacture from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.

MARIJUANA — For all marijuana and cannabis definitions, please refer to Code of Massachusetts Regulations Title 935 500.00: Adult use of marijuana, and Code of Massachusetts Regulations Title 935 501.00: Medical use of marijuana, for the most up-to-date definitions.**[Added 5-16-2022 ATM by Art. 16]**

MOBILE HOME — Any vehicle or object whether resting on wheels, jacks or other foundation and having no motive power of its own, but which is drawn by, or used in connection with a motor vehicle, and which is so designed and constructed as a dwelling unit which permits its transportation and relocation as a complete unit on its own wheels; and containing complete electrical, plumbing and sanitary facilities; and designed to be installed on a temporary or permanent foundation for permanent living quarters. This shall not include the type of vehicle known as a "travel trailer" or "travel coach."**[Added 5-16-2022 ATM by Art. 16]**

MOBILE HOME PARK — Any lot upon which two (2) or more mobile homes occupied for dwelling purposes are located.

MOTOR VEHICLE — All vehicles or parts thereof, constructed and designed for propulsion by power other than muscular power, including such vehicles when pulled or towed by another motor vehicle, including watercraft, construction equipment, and tractors.**[Added 5-16-2022 ATM by Art. 16]**

NONCONFORMING USE OF STRUCTURE — A lawfully existing use of structure which conformed to the provisions of the zoning bylaw, if any, at the time it was established or constructed, but does not conform to the presently applicable requirements for the district in which it is located.

NURSING AND/OR CONVALESCENT HOME — Any institution, however named, whether conducted for charity or profit, which is advertised, announced or maintained for the express or implied purpose of caring for three (3) or more persons admitted thereto for the purpose of nursing or convalescent care.

PARKING AREA — An area other than a street used for temporary parking of more than four (4)

automobiles or other types of vehicles.

PARKING SPACE — A space designed to be occupied by, and adequate to park a motor vehicle plus access thereto. Within a parking area, each parking space shall not be less than eight and one-half (8 1/2) by eighteen (18) feet in width and length.

PROFESSIONAL OFFICE — An office of recognized professions such as doctors, dentists, lawyers, engineers, artists, musicians, architects, designers, and others, who through training are qualified to perform services of a professional nature.

RACETRACK — Any tract of land which is used for the purpose of any motorized vehicle racing, horse racing or dog racing, taking place outdoors.**[Added 5-16-2022 ATM by Art. 16]**

RECREATIONAL VEHICLE — A portable vehicular structure designed for travel, recreational camping or vacation purposes, either having its own motor power or mounted onto or drawn by another vehicle, including but not limited to travel and camping trailer, truck campers and motor homes.**[Added 5-16-2022 ATM by Art. 16]**

RESTAURANT — A licensed food service establishment in which food and beverages are served by a restaurant employee to the consumer at a table or counter and said food and beverage are consumed within the restaurant building.**[Amended 5-16-2022 ATM by Art. 16]**

RIDING STABLE — A riding stable, also sometimes called boarding stables, riding trails and riding academies, is a facility for the boarding and/or riding of horses and ponies. [See Use Regulation Schedule, § 200-3.2B(4), Recreational Use No. 7.]

SINGLE OWNERSHIP — An individual person, two (2) or more individuals, a group or association of individuals or a partnership or corporation, including an organization of unit owners under MGL c. 183A, having common individual interests in a tract of land and improvements thereon.

STREET — Any public way laid out for vehicular traffic or used as a public way for such traffic.

STRUCTURE — Any combination of materials assembled at a fixed location and requiring attachment to the land through pilings, footings, foundations and the like, to give support or shelter and/or provide for human habitation or use, such as a building, bridge, trestle, tower, framework, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flagpole, swimming pool, or the like.

STRUCTURE ALTERATIONS — Any change in, or additions to, the structural or supporting members of a building or other structure as bearing walls, columns, beams or girders.

SUBSTANTIAL IMPROVEMENT —

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

   (1) Before the improvement or repair is started; or

   (2) If the structure has been damaged and is being restored, before the damage occurred.

B. The term does not include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

TEMPORARY CONSTRUCTION OFFICE — A structure, building or trailer built on, or towed to, a site for the purpose of providing an on-site office in which to manage the construction of one (1) or more permanent structures or buildings.

TRAILER — A wheeled, roofed vehicle, without motor power, designed to be drawn by a motor vehicle

and to be used for habitation, business or recreational use.

VARIANCE — A grant of relief by the Zoning Board of Appeals from the requirements of this bylaw which use and construction in a manner that would otherwise be prohibited by the bylaw.**[Amended 5-16-2022ATM by Art. 16]**

WAREHOUSE — A building used primarily for the storage of goods and materials or for distribution, but not for sale on the premises.

WIND ENERGY CONVERSION SYSTEM — Any device, such as a wind charger, windmill or wind turbine, which converts wind energy to a form of usable energy.

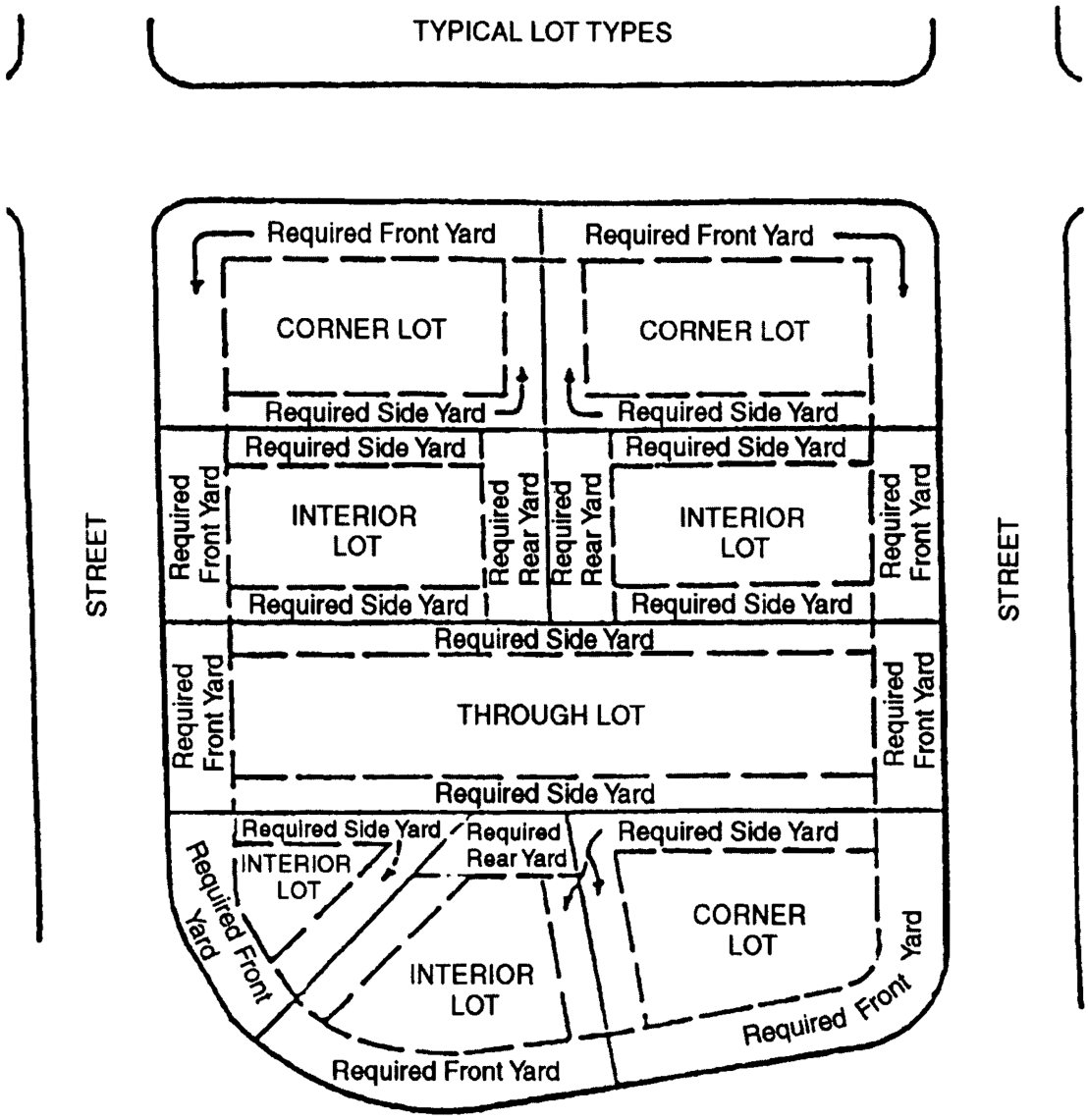
YARD, FRONT — An open, unoccupied space extending across the full width of the lot between the front most main building and the front lot line. The depth of the required front yard shall be measured perpendicular from the nearest point of the front lot line to the required front building set back line. (See diagram.)

YARD, OPEN UNOCCUPIED SPACE — Free of any building, structure, canopy, or permanently mounted equipment or dispensing devices.**[Added 5-16-2022 ATM by Art. 16]**

YARD, REAR — An open unoccupied space extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured perpendicularly from the nearest point of the rear lot line to the required rear building setback line. (See diagram.)

YARD, SIDE — An open, unoccupied space between the main building and side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured perpendicularly from the nearest point of the side lot line to the required side building setback line. (See diagram.)

DIAGRAM SHOWING REQUIRED YARDS



YARD SALES — The sale or offering for sale to the general public of over five (5) items of personal property on any portion of a lot in a residential district, whether within or outside any building. Yard sales may be conducted on the premises of the owner or tenant, provided said sale lasts no longer than three (3) consecutive days in a six-month period and all sale goods shall be limited to personal property used previously by the occupant.**[Added 5-16-2022 ATM by Art. 16]**

§ 200-2.2. Floodplain.

[21]DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not

21. Editor's Note: The former definitions of "area of special flood hazard" and "base flood," which immediately preceded this

limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. (44 CFR 59) **[Amended 5-15-2023ATM by Art. 17]**

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land area from:

A. The overflow of inland water; and/or

B. The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the Town of Charlton.

FLOOD INSURANCE STUDY — The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

FLOODWAY — The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202] **[Amended 5-15-2023ATM by Art. 17]**

FUNCTIONALLY DEPENDENT USE — A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. (44 CFR 59) Also (Referenced Standard ASCE 24-14) **[Added 5-15-2023ATM by Art. 17]**

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. (44 CFR 59) **[Added 5-15-2023ATM by Art. 17]**

HISTORIC STRUCTURE — Any structure that is: **[Added 5-15-2023ATM by Art. 17]**

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

   (1) By an approved state program as determined by the Secretary of the Interior; or

   (2) Directly by the Secretary of the Interior in states without approved programs.

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definition, were repealed 5-15-2023ATM by Art. 17.

(44 CFR 59)

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. (Referenced Standard ASCE 24-14) **[Amended 5-15-2023ATM by Art. 17]**

RECREATIONAL VEHICLE — A vehicle which is: **[Added 5-15-2023ATM by Art. 17]**

A. Built on a single chassis;

B. Four hundred (400) square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or permanently towable by a light duty truck; and

D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(44 CFR 59)

REGULATORY FLOODWAY — See "floodway." **[Added 5-15-2023ATM by Art. 17]**

SPECIAL FLOOD HAZARD AREA — The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, or AH. (Base Code, Chapter 2, Section 202) **[Added 5-15-2023ATM by Art. 17]**

START OF CONSTRUCTION — The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

[Base Code, Chapter 2, Section 202] **[Added 5-15-2023ATM by Art. 17]**

STRUCTURE — For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. (44 CFR 59) **[Added 5-15-2023ATM by Art. 17]**

SUBSTANTIAL REPAIR OF A FOUNDATION — When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. (As amended by MA in 9th Edition BC) **[Added 5-15-2023ATM by Art. 17]**

VARIANCE — A grant of relief by a community from the terms of a floodplain management regulation. (44 CFR 59) **[Added 5-15-2023ATM by Art. 17]**

VIOLATION — The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in § 60.3 is presumed to be in violation until such time as that documentation is provided. (44 CFR 59) **[Added 5-15-2023ATM by Art. 17]**

SECTION 3
Use and Intensity Regulations

§ 200-3.1. Zoning districts.

A. Establishment. The Town of Charlton is hereby divided into the following zoning districts.

[Amended 5-16-2022ATM by Art. 17]

Title	Short Name
Agricultural or Rural Reidential	A or R-60
Low Density Residential	R-40
Residential - Small Enterprise	R-SE
Neighborhood Business	NB
Village	V
Community Business	CB
Industrial - General	IG
Business Enterprise Park	BEP
Floodplain	FP
Adult Entertainment	AE
Wireless Telecommunication Facilities	WCF

B. Zoning Map. The boundaries of the districts are defined and bounded on the map entitled "Town of Charlton Zoning Map" dated March 3, 1987, on file with the Town Clerk. That map and all explanatory matter thereon is hereby made a part of this bylaw, together with any amendments adopted by vote of the Town Meeting. Upon adoption the Zoning Map shall also be the Official Town Map.

C. District boundaries. Boundaries of zoning districts indicated on the Zoning Map as approximately following or terminating at a Town limit or lot line, or street, railroad, or stream center lines shall be construed to be actually at those lines. Boundaries indicated as at a numerically noted distance from a street line shall be construed to be actually parallel to, and located such distance in feet from such street line. When not locatable in any other way, boundaries shall be determined by scale from the map.

D. Divided lots. Where boundary of a zoning district divides a lot having frontage on a street in a less restricted district, the provisions of this bylaw covering the less restricted portion of the lot may extend not more than twenty-five (25) feet within the lot beyond the district boundary. Where the boundary of a district divides a lot having frontage on a street in a more restricted district, the provisions of this bylaw covering the more restricted portion of the lot shall extend to the entire lot. For the purposes of this section, the districts in descending order from more restricted to less restricted are: Floodplain, Agricultural or Rural Residential, Low Density Residential, Residential - Small Enterprise, Neighborhood Business, Community Business, Business Enterprise Park and Industrial General. **[Amended 5-16-2022ATM by Art. 17]**

E. District intents and purposes.

(1) Agricultural (A) or Rural Residential (R-60): to provide for lowest density residential uses while at the same time encouraging open space, preserving or enhancing views, protecting the character of the historic rural and agricultural environs, preserving or enhancing visual landscapes, recognizing site and area limitations for on-site wastewater disposal systems in terms of drainage, soil suitability, proximity to surface and aquifer and other subsurface water resources, and slope. Any reference in these bylaws to the Agricultural (A) District now applies to the Rural Residential (R-60) District. **[Amended 5-16-2022ATM by Art. 17]**

(2) Low Density Residential (R-40): to provide sites for low-density residential development with respect to the existing character of the neighboring homes and properties, including compatible related home-oriented activities and pursuits in a rural environment.

(3) Residential - Small Enterprise (R-SE): to provide sites for a mixture of medium- and low-density residential uses and small-scale commercial and light industrial uses which minimize the visibility of parked cars, avoid the appearance of commercial strips and congestion in the abutting streets and ways, and retain the character and the quality of life in the rural New England village. **[Amended 5-16-2022ATM by Art. 17]**

(4) Neighborhood Business (NB): to provide sites for small-scale business development for local and transient services compatible with low- and medium-density residential development within village settings which minimizes the visibility of parked cars, avoids the appearance of commercial strips and congestion in the abutting streets and ways, and retain the character and the quality of life in the rural New England village. **[Amended 5-16-2022ATM by Art. 17]**

(5) Community Business (CB): to provides sites for businesses that serve the entire Town and people and traffic passing through the Town, and which, through proper siting, landscaping and design, create amenities and avoid, to the maximum extent possible, the appearance of commercial strips, and adverse impacts on abutting streets and uses.

(6) Industrial - General (IG): to provide sites for industry which create employment opportunities and capitalizes on the use of Charlton's access and environmental conditions and labor force, while recognizing the limitations of Charlton to handle traffic, water runoff, sewage, and other environmental and neighborhood impacts.

(7) Business Enterprise Park (BEP) (replaced IP May 2003): to provide parcels of land where a range of compatible uses are encouraged to locate in a parklike setting. Such uses shall be "abutter friendly"; that is, they shall impact abutting lands minimally as to sight, sound, odor and traffic. Allowed uses include a mix of manufacturing, research and development, office, distribution, and other compatible uses which offer an opportunity for employment growth and an expansion of the tax base in the Town of Charlton or a mix of commercial, office and multifamily residential uses. **[Amended 5-16-2022ATM by Art. 17]**

(8) Floodplain (FP): to insure the minimization of flood damage and to minimize any impediment to the natural flow of flood waters. This applies to all zones.

(9) Adult Entertainment (AE): to provide an area where adult entertainment uses are allowed and regulated.

(10) Wireless Telecommunication Facilities (WCF): to provide locations where wireless communication facilities are allowed, but regulated to minimize their aesthetic impacts as much as practicable.

(11) Village (V): to promote mixed-use development consistent with traditional New England villages, to provide pedestrian-scale amenities to encourage small-scale retail uses commercial services in harmony with a residential environment, and to offer flexibility in design standards that recognizes strict adherence to well-intended regulations can inhibit the originality needed to preserve and create vigorous village environments.

§ 200-3.2. Use regulations.

A. General. Buildings and other structures shall be erected or used and premises shall be used only as set forth in the "Use Regulation Schedule" except as exempted by § 200-3.4 or by statute. Symbols employed on the "Use Regulation Schedule" shall mean the following:

Y	A permitted use
P	A use whose exercise is subject to regulation by means of a site plan review and approval.
N	An excluded or prohibited use
SP	A use permitted under special permit granted by the Planning Board

B. Use Regulation Schedule.

			Districts							
Principal Uses			**A or R-60**	**R-40**	**R-SE**	**NB**	**V**	**CB**	**IG**	**BEP**
(1)	**Agricultural, Floriculture and Horticultural Uses [Amended 5-16-2022ATM by Art. 18]**									
	(a)	Raising and keeping of livestock, including but not limited to horses, cattle, sheep, goats, swine, fur animals and poultry, on a parcel over five (5) acres	Y	Y	Y	Y	Y	Y	Y	Y
	(b)	Raising and keeping livestock, including but not limited to horses, cattle, sheep, goats, swine, fur animals and poultry, on a parcel of five (5) or fewer acres	Y	Y	SP	SP	N	SP	N	N
	(c)	Raising of crops, whether for sale or personal consumption, on a parcel of any size	Y	Y	Y	Y	Y	Y	Y	Y

Principal Uses			Districts							
			A or R-60	R-40	R-SE	NB	V	CB	IG	BEP
	(d)	Indoor commercial horticulture/floriculture establishments (e.g., greenhouses): under 50,000 square feet total on a single parcel	Y	Y	Y	Y	Y	Y	Y	Y
	(e)	Indoor commercial horticulture/floriculture establishments (e.g., greenhouses): over 50,000 square feet total on a single parcel	SP	SP	SP	SP	SP	SP	SP	SP
(2)	**Residential Uses [Amended 5-21-2012 ATM by Art. 28; 5-16-2022ATM by Art. 18]**									
	(a)	Dwellings, one-family	Y	Y	Y	Y	Y	Y	N	N
	(b)	Accessory apartments	Y	Y	Y	Y	Y	Y	N	N
	(c)	Dwellings, two-family	N	Y	Y	Y	Y	Y	N	N
	(d)	Multifamily dwellings (see § 200-5.1)	N	P	P	SP	SP	SP	N	SP
	(e)	Mobile homes, mobile home parks or trailers for human habitation. (See special regulations in § 200-5.2.)	N	N	N	N	N	N	N	N
	(f)	Major residential development	P	P	P	SP	P	SP	N	SP
	(g)	Dwelling units over first floor business uses	N	N	P	P	P	SP	N	SP
	(h)	In one- and two-family dwellings, a mix of residential and business uses	N	N	P	P	P	P	N	SP
	(i)	Recreational vehicles used for human habitation for temporary visits not exceeding thirty (30) days in any successive twelve (12) months	Y	Y	Y	Y	Y	Y	Y	Y

Principal Uses			Districts							
			A or R-60	R-40	R-SE	NB	V	CB	IG	BEP
(3)	**Public and Semi-Private Uses 5-16-2022ATM by Art. 18**									
	(a)	Public, private, sectarian or denominational schools (nonprofit)	P	P	P	P	P	P	P	P
	(b)	Day-care centers	P	P	P	P	P	P	P	SP
	(c)	Day-care centers, adult	P	P	P	P	P	P	P	SP
	(d)	Family day-care homes	P	P	P	P	P	P	P	P
	(e)	Religious uses	P	P	P	P	P	P	P	P
	(f)	Nursing and/or convalescent homes	P	P	P	P	P	P	N	N
	(g)	Group residence (general or limited)	P	P	P	P	P	P	N	N
	(h)	Hospitals and clinics for in- and out-patient care (nonprofit)	SP	SP	SP	P	P	P	SP	SP
	(i)	Community and/or neighborhood centers	SP	SP	SP	P	P	P	N	N
	(j)	Other institutional and philanthropic uses	SP	SP	SP	P	P	P	N	N
	(k)	Cemeteries	P	P	P	P	P	P	N	N
	(l)	Other municipal uses voted by Town Meeting	P	P	P	P	P	P	P	P
(4)	**Recreational Uses [Amended 10-21-2014 STM by Art. 9; 5-16-2022ATM by Art. 18]**									
	(a)	Standard golf and par-3 golf courses	SP	SP	SP	SP	SP	SP	SP	SP
	(b)	Golf driving ranges and miniature golf courses	SP	SP	SP	P	N	P	P	N
	(c)	Other recreational facilities conducted for gainful profit, including but not limited to indoor and outdoor theaters, physical fitness centers, health clubs and indoor and outdoor tennis and racquetball facilities	SP	N	N	SP	SP	SP	SP	SP

Principal Uses			Districts							
			A or R-60	R-40	R-SE	NB	V	CB	IG	BEP
	(d)	Massage parlors	N	N	N	N	N	N	N	N
	(e)	Private membership clubs	SP	SP	SP	SP	SP	SP	SP	SP
	(f)	Picnic and beach areas	Y	P	P	Y	Y	Y	N	N
	(g)	Riding stables and/or boarding, horse riding trails, and riding academies	SP	SP	SP	SP	N	SP	N	N
	(h)	Racetrack	N	N	N	N	N	SP	SP	SP
	(i)	Camp grounds	SP	SP	SP	SP	N	SP	N	N
	(j)	Public recreational facilities	P	P	P	P	P	P	N	N
(5)	**Business Uses [Amended 5-21-2012 ATM by Art. 28; 5-16-2016 ATM by Art. 17; 5-16-2016 ATM by Art. 18; 5-15-2017 ATM by Art. 22; 5-21-2018 ATM by Art. 27; 10-15-2018 STM by Art. 11; 5-16-2022ATM by Art. 18]**									
	(a)	Retail establishments serving the convenience goods needs of a local area, including but not limited to: grocery, delicatessen, baker, supermarket, drugstores and similar uses, having less than twenty thousand (20,000) square feet of gross building area	N	N	P	P	P	P	SP	SP
	(b)	Retail establishments serving the convenience goods needs of a local area, including but not limited to: grocery, delicatessen, baker, supermarket, drugstores and similar uses, having twenty thousand (20,000) square feet or more of gross building area	N	N	N	N	N	SP	SP	SP

Principal Uses		Districts							
		A or R-60	R-40	R-SE	NB	V	CB	IG	BEP
(c)	Auction galleries	SP	SP	SP	SP	SP	Y	SP	N
(d)	Flea markets	SP	SP	SP	SP	N	SP	SP	N
(e)	Hotels	N	N	N	P	P	P	SP	SP
(f)	Motel or motor courts	N	N	N	P	N	P	SP	N
(g)	Bed-and-breakfast	SP	SP	SP	SP	SP	P	P	P
(h)	Personal and consumer services establishments, including but not limited to: barber shops, shoe and leather repair, beauty shops, laundry or dry-cleaning establishments and laundromats	N	N	Y	Y	Y	Y	P	N
(i)	Fast-food restaurants	N	N	N	N	N	P	P	N
(j)	Restaurants	P	N	P	P	P	P	SP	N
(k)	Other eating and drinking establishments, most notably known as bars and grills	N	N	P	P	SP	Y	SP	N
(l)	Drive-through uses	N	N	N	N	N	SP	SP	N
(m)	Offices of licensed medical and dental practitioners limited to general outpatient care and diagnosis	N	N	P	SP	SP	Y	P	N
(n)	Business, professional and general offices with less than twelve thousand (12,000) gross square feet of floor area per structure	N	N	Y	SP	SP	Y	P	N
(o)	Business, professional and general offices with twelve thousand (12,000) or more gross square feet of floor area per structure	N	N	P	P	SP	P	P	P
(p)	Gasoline service stations	N	N	N	N	N	P	P	N
(q)	Fuel oil dealers and stations	N	N	N	N	N	P	P	N
(r)	Car-wash establishments	N	N	N	N	N	P	P	N

Principal Uses			Districts							
			A or R-60	R-40	R-SE	NB	V	CB	IG	BEP
(s)	Banks		N	N	P	P	P	P	P	N
(t)	Automatic teller machine separate from preexisting commercial structure		N	N	N	P	P	P	P	P
(u)	Funeral homes		P	P	P	P	N	Y	SP	N
(v)	Animal or veterinary hospitals		P	N	P	P	N	P	Y	N
(w)	Animal kennel									
	[1]	Outdoor	SP	SP	SP	SP	N	P	P	N
	[2]	Indoor	SP	SP	SP	SP	N	P	P	N
(x)	Schools (for profit)		N	N	P	P	P	Y	SP	N
(y)	Hospitals and clinics for in- and outpatient care (for profit)		P	P	P	P	N	P	SP	N
(z)	Storage trailers — units designed and used solely for storage not habitation; such trailers may be used as a nonconstruction site office		N	N	N	N	N	P	N	N
(aa)	Adult entertainment establishments as per § 200-5.9 of this bylaw									
	[1]	Adult bookstore	N	N	N	N	N	N	SP[1]	N
	[2]	Adult motion-picture theater	N	N	N	N	N	N	SP[1]	N
	[3]	Adult paraphernalia	N	N	N	N	N	N	SP[1]	N
	[4]	Adult video store	N	N	N	N	N	N	SP[1]	N
	[5]	Adult live entertainment establishment	N	N	N	N	N	N	SP[1]	N
(bb)	Commercial storage facilities		N	N	N	N	N	P	P	N
(cc)	Marijuana establishments									

Principal Uses			Districts							
			A or R-60	R-40	R-SE	NB	V	CB	IG	BEP
	[1]	Retail sale of marijuana and marijuana products and accessories	N	N	N	N	N	N	SP	N
	[2]	Independent testing laboratory	N	N	N	N	N	N	SP	N
	[3]	Marijuana product manufacturer	N	N	N	N	N	N	SP	N
	[4]	Marijuana cultivator - indoor	N	N	N	N	N	N	SP	N
	[5]	Marijuana cultivator - outdoor	N	N	N	N	N	N	N	N
	[6]	Marijuana social consumption establishment	N	N	N	N	N	N	N	N
	[7]	Medical marijuana treatment center								
		[a] Excluding retail dispensing	N	N	N	N	N	N	SP	N
		[b] Including retail dispensing	N	N	N	N	N	N	SP	N
	[8]	Third-party marijuana transporter	N	N	N	N	N	N	SP	N
(6)	**Communications, Transportation and Public Utility Uses [Amended 10-18-2016 STM by Art. 14; 10-18-2016 STM by Art. 15; 10-16-2017 STM by Art. 12; 5-20-2019 ATM by Arts. 19, 20, 23; 5-16-2022ATM by Art. 18]**									

Principal Uses		Districts							
		A or R-60	R-40	R-SE	NB	V	CB	IG	BEP
(a)	Communications tower for federally licensed amateur radio operator, limited to seventy-five (75) feet in height, and requiring a minimum distance between the base of the tower and the property boundary line and/or any residential structure to be equal to the height of the tower, including any aerials or antennas that may be mounted on the tower	SP[3]	SP[3]	SP[3]	SP[3]	SP[3]	SP[3]	SP[3]	SP
(b)	Wireless communications facilities as per § 200-5.10 of this bylaw	SP[2]	SP[2]	SP[2]	SP[2]	N	SP[2]	SP[2]	SP
(c)	Bus or railroad passenger terminals	N	N	N	N	N	N	P	SP
(d)	Rail terminals, including rail freight yards or freight terminals	N	N	N	N	N	N	P	SP
(e)	Truck terminals, truck freight yards or freight terminals	N	N	N	N	N	N	P	SP
(f)	Aircraft takeoff and landing areas								
	[1] Fixed-wing flying craft	N	N	N	N	N	N	SP	N
	[2] Helicopter aircraft or gyroplane	SP	N	N	N	N	N	SP	SP
	[3] Unmanned aerial vehicles (UAVs, drones, etc.)	SP	N	N	N	N	N	SP	SP
(g)	New automobile sales and/or new truck sales and/or rental establishments	N	N	SP	N	N	P	P	N
(h)	Used automobile sales and/or used truck sales	N	N	SP	N	N	P	P	N

Principal Uses		Districts							
		A or R-60	R-40	R-SE	NB	V	CB	IG	BEP
(i)	Automobile and/or truck repair garages	N	N	SP	P	N	P	P	N
(j)	Independent storage areas or parking areas, automobile parking garages for five (5) or more automobiles	N	N	P	P	N	P	P	SP
(k)	Electric generating facilities with less than or equal to fifty (50) megawatts of power output	N	N	N	N	N	N	P	P
(l)	Electric generating facilities with more than fifty (50) megawatts of power output	N	N	N	N	N	N	N	N
(m)	Gas/Gasoline transmission facilities	N	N	N	N	N	SP	SP	SP
(n)	Electric distribution stations or substations	SP	SP	SP	SP	N	SP	SP	SP
(o)	Wind energy conversion systems	SP	SP	SP	SP	N	SP	SP	SP
(p)	Taxi or limousine service and other vehicles for hire with drivers and having no more than three (3) vehicles and containing no more than nine (9) passengers in any one (1) vehicle	N	N	P	P	P	P	Y	N
(q)	Taxi or limousine service and other vehicles for hire with drivers and having four (4) or more vehicles and containing no more than nine (9) passengers in one (1) vehicle	N	N	P	P	P	P	P	N

Principal Uses		Districts							
		A or R-60	R-40	R-SE	NB	V	CB	IG	BEP
(r)	Water storage tanks, for public water systems as defined by 310 CMR 22.02, provided that any portion of the structure shall not be less than one hundred (100) feet from any residential structure, and that the distance from the base at ground level of any tank to any property or street line be equal to the height of the tank. Neither the minimum lot size specified in § 200-3.2D nor any other minimum lot size shall apply to such use.	P	P	P	P	P	P	P	P
(s)	Water pump stations and appurtenances	Y	Y	Y	Y	Y	Y	Y	Y
(t)	Natural gas and propane storage of over five thousand (5,000) gallons and distribution stations, substations, and piping, provided that any portion of the structure (not including dwelling service pipe) shall not be less than three hundred (300) feet from any residential structure and that the minimum lot size and setbacks shall not be less than required in § 200-3.2D.	SP	SP	SP	SP	N	SP	SP	SP
(u)	Large solar energy system	SP	N	N	N	N	SP	SP	SP
(v)	Sewer pump stations and appurtenances	Y	Y	Y	Y	Y	Y	Y	Y

Principal Uses			Districts							
			A or R-60	R-40	R-SE	NB	V	CB	IG	BEP
	(w)	Commercial energy storage with more than two hundred fifty (250) kilowatts but less than or equal to five (5) megawatts of power output	N	N	N	N	N	SP	SP	SP
(7)	**Industrial and Warehouse Uses [Amended 5-21-2012 ATM by Art. 28; 5-16-2022ATM by Art. 18]**									
	(a)	Light industrial establishments. Storage of goods or materials shall not be permitted on any lot except in an appropriate enclosure and in compliance with § 200-4.1E hereof.	N	N	P	N	N	P	P	P
	(b)	The following research and development or office uses: biotechnology, fiber-optics facilities, medical research and development	N	N	N	N	N	N	N	SP
	(c)	Heavy industrial establishments. Storage of goods or materials shall not be permitted in any lot except in an appropriate enclosure and in compliance with § 200-4.1E hereof	N	N	N	N	N	N	P	N
	(d)	Sawmills, lumber and building materials establishments	N	N	N	N	N	P	P	N
	(e)	Scrap metal and other materials storage yards, including scrap automobiles and trucks	N	N	N	N	N	N	SP	N
	(f)	Land and water recreation vehicle (including boats) sales and service and storage yards	N	N	P	P	N	P	P	N

Principal Uses			Districts							
			A or R-60	R-40	R-SE	NB	V	CB	IG	BEP
	(g)	Storage areas or buildings such as those for road salt and sand	P	P	P	P	N	P	P	N
	(h)	Stone, sand and/or gravel processing operations	N	N	N	N	N	P	P	N
	(i)	Hazardous waste disposal sites	N	N	N	N	N	N	N	N
	(j)	Resource recovery plants	N	N	N	N	N	N	N	N
(8)	**Accessory Uses [Amended 5-21-2012 ATM by Art. 28; 5-16-2022ATM by Art. 18]**									
	(a)	Customary home occupations conducted as a gainful business, provided that all parking for such businesses shall be provided on the premises where the home occupations are conducted; and further provided that all products thereof are produced or sold on the premises. (See definition of "home occupation" in § 200-2.1.)	Y	Y	Y	Y	Y	Y	Y	N
	(b)	Accessory professional office in a dwelling conducted by the resident occupant, provided that all parking for such professional services shall be provided on the premises where the professional offices are located	Y	P	P	Y	Y	Y	Y	N
	(c)	Accessory buildings such as a private garage, playhouse, greenhouse, tool shed and private swimming pool	Y	Y	Y	Y	Y	Y	Y	N

Principal Uses		Districts							
		A or R-60	R-40	R-SE	NB	V	CB	IG	BEP
(d)	Trailers for office and storage use only during construction. The trailer for office/storage use shall not be used for habitation. These temporary on-site construction office/storage trailers may be located on the building site upon issuance of a building permit and must be removed within fourteen (14) days after an occupancy permit has been issued.	Y	Y	Y	Y	Y	Y	Y	Y
(e)	Food services as accessory use to serve employees of and visitors to principal use	P	P	P	P	P	P	P	P
(f)	Fitness centers as accessory use to serve employees of principal use	P	P	P	P	P	P	P	P
(g)	Personal and consumer services as accessory use to serve employees of principal use	N	N	N	N	N	N	N	P
(h)	Day-care center or any child-care facility including day care and family care as accessory use to serve employees of principal use	SP	SP	SP	SP	SP	SP	SP	SP
(i)	Emergency power back up facility for on-site use	P	P	P	P	P	P	P	P

NOTES:

[1] Adult entertainment establishments are only allowed in locations identified in § 200-5.9 of this bylaw.

[2] Wireless communication facilities are only allowed in locations identified in § 200-5.10 of this bylaw.

NOTES:

[3] A federally licensed amateur radio operator may be allowed to construct a communications tower in this district, subject to a special permit issued by the Planning Board, upon application made by following the procedure in § 200-7.1H(2) of the Charlton Zoning Bylaw. Criteria for granting said special permit shall be based solely on that which is allowed under MGL c. 40A, § 3. **[Amended 5-21-2012 ATM by Art. 28]**

C. Special rules.

(1) Vehicle access to major residential developments shall be adequate to service the traffic that such developments will generate. Applicants for site plan approval and for special permits for such developments shall submit a traffic and engineering study showing the vehicle access conditions on Town of Charlton and private streets over which vehicles must travel, on the shortest route, to get to the development from a state highway. The study shall identify all conditions of road surface, curvature, grade, drainage, driver sight distance and roadway and pavement width on all such streets. The study shall also contain an evaluation by a professional engineer, registered in the State of Massachusetts, of the adequacy of the streets and access to handle the estimated vehicular traffic that will be generated with the development fully occupied.

(a) The Planning Board, in considering an application for site plan approval, and the Zoning Board of Appeals, in considering such an application for a special permit, may determine that such vehicle access to a major residential development is not adequate, and may use that determination as a reason to refuse to grant said site plan approval or special permit. In making its determinations, the Planning Board and Zoning Board of Appeals may seek the advice of other Town officials, such as the Superintendent of Highways,[22] Fire Chief, and Police Chief, and may also seek advice from experts in traffic and roadway engineering.

(b) The Planning Board and Zoning Board of Appeals may make their approvals of site plans and special permits, respectively, contingent on the execution of the terms of written agreements, voluntarily entered into between the permit-issuing authority and applicants, that bind the applicants to remedy the substandard vehicle access conditions at their own expense. In addition to these provisions, all requirements of Charlton's Subdivision Regulations must be met in obtaining site plan approval and/or a special permit.[23] **[Amended 5-21-2012 ATM by Art. 28]**

(2) Business Enterprise Park and Industrial - General buffers. In Business Enterprise Park and Industrial - General Zoning Districts, a landscaped strip twenty (20) feet in width shall be created and maintained along the lot frontage on a road. In addition, a landscaped strip one

22. Editor's Note: The title "Superintendent of Highways" was changed to "Superintendent of Public Works" 5-20-2019 ATM by Art. 12.

23. Editor's Note: See Ch. 210, Subdivision of Land.

hundred (100) feet in width shall be created and maintained along any lot boundary that abuts an R-40 or an Agricultural District, or an Historic District. The landscaping shall be of plant materials that provide a year-round screening of the view of any industrial or commercial buildings or their appurtenances from the abutting residential zoning district or historic district. Passive uses, such as recreation, septic systems and wells shall be allowed within the buffer area, provided that the year-round screening is maintained; however, detention ponds are not allowed.

(3) Outside bulk storage, contractor's yards, disposal areas or areas of open storage related to manufacturing, processing, warehousing, wholesale trade or a public utility facility shall be screened from an adjacent residential use, a residential district, and street by a solid stockade fence at least six (6) feet in height or densely planted trees or shrubs at least six (6) feet or more in height, or be equivalently obscured by natural vegetation on a year-round basis. No more than fifty percent (50%) of a lot may be used for outdoor storage. **[Amended 5-21-2012 ATM by Art. 28]**

(4) A home occupation shall not include the services of more than two (2) employees not resident on the premises.

(5) Uses customarily accessory to a residence shall include the occasional sale of used household goods, a motor vehicle, or a boat or trailer of a resident.

D. Intensity of Use Schedule. **[Amended 10-18-2016 STM by Art. 15; 10-16-2017 STM by Art. 12; 10-13-2020 STM by Art. 8; 5-17-2021ATM by Art. 16; 5-17-2021ATM by Art. 17]**

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Width and Contiguous Street Frontage (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Building Coverage (% of lot)	Maximum Building Height (feet)
Agricultural A	60,000	175	30	15	30	25	36
Low Density Residential R-40	40,000[1]	150	30	15	15	30	36
Residential - Small Enterprise R-SE	40,000[1,3]	150	30	15	15	30[4]	36
Neighborhood Business NB	20,000[1]	100	40	15	15	30	36
Village V[7]	10,000[8]	75	10[9]	10	10	60[10]	36
Community Business CB	40,000[1]	150	40	15	15	30	36
Industrial - General IG	40,000	155	40	35[2]	35[2]	40	36[11]
Business Enterprise Park BEP	80,000	260	50[5]	50[5]	50[5]	33	36[12]

NOTES:

1 An additional twenty thousand (20,000) square feet of contiguous land area is required for each dwelling unit beyond the first dwelling unit and fifty (50) feet of additional lot frontage plus twenty (20) feet for each dwelling unit beyond two (2). This requirement shall apply to two-family and multifamily dwellings, but shall not apply to accessory apartments.

2 Side and rear yards shall each be at least seventy (70) feet when abutting any residential or agricultural district.

3 In an R-SE Zone, a twenty thousand (20,000) square foot lot requires a sewer connection. Without a sewer connection, the minimum lot size is forty thousand (40,0000 square feet.

4 No building in an R-SE Zone may exceed twenty thousand (20,000) square feet in gross floor area.

5 In Business Enterprise Park Districts, buildings shall be set back a minimum of fifty (50) feet from the front lot line. Parking lots shall be set back a minimum of twenty (20) feet from the front lot line, or a minimum of thirty (30) feet from the front lot line if the front lot line abuts a state-numbered route, and they shall not be located within the required side or rear yards, nor within the required buffer area.

6 To accomplish the purposes of the Village District, the Planning Board may authorize by special permit a reduction of front, side and rear setback standards for new or preexisting structures. The Board must find that the required setbacks would result in, or have resulted in, construction of structures that are not in keeping with the area's scale and character. The Board must further find that the relaxation of said standards will not interfere or negatively impact abutting properties, particularly property used or zoned for residential purposes.

7 In Village Districts, the minimum lot size is ten thousand (10,000) square feet for lots served by the municipal sewer system and twenty thousand (20,000) square feet for lots without a sewer connection.

8 In order to maintain a strong sense of streetscape, in the Village District there is also established a maximum front setback of twenty-five (250 feet.

9 The maximum impervious coverage of the lot (buildings, parking, access drives, etc.) shall not exceed eighty percent (80%).

10 Minimum performance standards as detailed in the Intensity of Use Schedule are hereby not applicable to water and sewer pump stations and appurtenances.

10 Minimum performance standards as detailed in the Intensity of Use Schedule are hereby not applicable to water and sewer pump stations and appurtenances.

NOTES:

[11] Maximum building height may exceed 36 feet up to no more than 50 feet in the Industrial General Zone District subject to a special permit from the Planning Board so approving; provided that the nearest portion of any building or structure so exceeding 36 feet in height must be set back twice the ordinarily required minimum required setback for that zoning district from both: (a) the nearest residential structure, including any accessory use structure; and (b) the nearest boundary line of any abutting residential or agricultural zoning district.
Further, lots having not less than 75 acres of land in the Industrial General, the maximum building height may exceed 36 feet up to no more than 75 feet, subject to a special permit from the Planning Board so approving, provided that the nearest portion of any building or structure so exceeding 36 feet in height must be set back three times the ordinary required minimum required setback from both: (a) the nearest residential structure, including any accessory structure; and (b) the nearest boundary line of any abutting residential or agricultural zoning district.

[12] Maximum building height may exceed 36 feet up to no more than 50 feet in the Business Enterprise Zone Districts subject to a special permit from the Planning Board so approving, provided that the nearest portion of any building or structure so exceeding 36 feet in height must be set back twice the ordinary required minimum required setback for that zoning district from both: (a) the nearest residential structure, including any accessory use structure; and (b) the nearest boundary line of any abutting residential or agricultural zoning district.
Further, lots having not less than 75 acres of land in the Business Enterprise Zone District, the maximum building height may exceed 36 feet up to no more than 110 feet, subject to a special permit from the Planning Board so approving, provided that the nearest portion of any building or structure so exceeding 36 feet in height must be set back three times the ordinary required minimum required setback from both: (a) the nearest residential structure, including any accessory structure; and (b) the nearest boundary line of any abutting residential or agricultural zoning district.

§ 200-3.3. Intensity regulations.

A. General. Buildings or structures shall be erected or used and premises shall be used only as set forth in the "Intensity of Use Schedule" (§ 200-3.2D), except as exempted by statute.

B. Supplementary requirements.

(1) No building or structure shall exceed thirty-six (36) feet in height; except that spires, water tanks, communications towers, chimneys, flag poles, and other structures normally built above the roof and not devoted to human occupancy may be erected to such heights as are necessary to accomplish the purposes they are normally intended to serve. Towers for wireless communication facilities (WCF) may not exceed one hundred fifty (150) feet in height except as allowed in § 200-5.10, and a communications tower for a federal licensed amateur radio

operator may not exceed seventy-five (75) feet in height. **[Amended 5-21-2012 ATM by Art. 28]**

(2) No fence, wall, hedge, shrubbery or other obstruction shall be permitted to block vision between two and one-half (2 1/2) feet and eight (8) feet above the street grade on a corner lot within a triangular area formed by the intersecting street lines and a straight line which joins points on such street lines twenty (20) feet from their intersection.

(3) No structure other than a dock or boathouse shall be located within thirty (30) feet of the normal bank of any river or stream having a year-round running flow of water, or of any lake or pond containing one thousand (1,000) square feet or more of water eleven (11) months of the year, or of mean high water.

(4) No accessory building shall be located within any required front or side yard. No accessory building shall be located within any required rear yard, except for a building accessory to a one- or two-family dwelling, and shall not be located closer than ten (10) feet to a lot line.

(5) Two-thirds (2/3) of the total land area of every building lot must be free from wetlands as defined in the Massachusetts Wetland Protection Act as most recently revised and other conditions which make building impossible or hazardous. However, where a building lot contains a contiguous upland area equal to two-thirds (2/3) of the minimum lot size required in that district, the lot shall be exempt from the provisions of this section. No such lot shall be further subdivided so that the contiguous upland area is reduced to less than two-thirds (2/3) of the minimum lot size required by this section.

(6) In districts where accessory apartments are permitted, no dwelling unit shall contain more than one (1) accessory apartment.

(7) Retaining walls on lots are required to have at least a five-foot setback from front, rear and side lot lines.

C. Special cases.

(1) Where two (2) or more principal structures are erected on the same lot, adequacy of access utility service, and drainage serving each structure shall be functionally equivalent to that required for separate lots in the Planning Board's adopted Subdivision Regulations;[24] the minimum lot area, width, and frontage shall be the sum of the requirements for each structure; and the minimum distance between such structure shall be the height of the higher building.

(2) Where no street line has been established or can be readily determined, such line shall be assumed to be thirty (30) feet from the center of the traveled roadway for the purpose of applying these regulations.

(3) Projections of not more than three (3) feet are permitted in required yards for architectural features of a building, such as stairs, chimneys, cornices, eaves or canopies, but not for bay windows or other enclosed habitable projections.

(4) Any structure located on a corner lot shall be set back from all streets a distance equal to the front yard setback requirement in the district.

§ 200-3.4. Nonconforming conditions.

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24. Editor's Note: See Ch. 210, Subdivision of Land.

A. Lots. A lot that does not conform to the intensity requirements of this bylaw shall be governed by the following provisions:

(1) Such lot shall not be built upon unless it meets the criteria contained in MGL c. 40A, § 6, or Subsection A(2) herein.

(2) Any lot lawfully laid out by plan or deed duly recorded, as defined in MGL c. 41, § 81L, or any lot shown on a plan endorsed with the words "Approval Under the Subdivision Control Law Not Required" or words of similar meaning and import, pursuant to MGL c. 41, § 81P, which complies at the time of such recording or such endorsement, whichever is earlier, with the minimum area, frontage, width and depth requirements, if any, of the Charlton Zoning Bylaws in effect in the Town of Charlton where the land is situated, notwithstanding the amendment of provisions of the Zoning Bylaw imposing minimum area, frontage, width, depth or yard requirements, or more than one (1) such requirement, in excess of those in effect at the time of such recording or endorsement; (1) may thereafter be built upon for single- and two-family residential use if, at the time of adoption of such requirements or increased requirements, or while building on such lot was otherwise permitted, whichever occurs later, such lot was held in ownership separate from that of adjoining land located in the same district, or (2) may be built upon for residential use for a period of five (5) years from the date of such recording or such endorsement, whichever is earlier, if, at the time of the adoption of such requirements or increased requirements, such lot was held in common ownership with that adjacent land located in the same district; and further provided in either instance, at the time of building (A) such lot has an area of seven thousand five hundred (7,500) square feet or more and a frontage of fifty (50) feet or more in a district zoned for residential use, and conforms except as to area, frontage, width, and depth with the applicable provisions of the Charlton Zoning Bylaw in effect in the Town, and (B) any proposed structure is to be located on such lot so as to conform with the minimum requirements of front, side, and rear yard setback, if any, in effect at the time of such recording or such endorsement, whichever is earlier, and to all other requirements for such structure in effect at the time of building. **[Amended 5-16-2016 ATM by Art. 21]**

(3) The land shown on a definitive subdivision plan or a preliminary subdivision plan which is followed within seven (7) months by a definitive plan shall be governed by the zoning in effect when the plan is first submitted in accordance with MGL c. 40A, § 6. The use of land shown on an Approval Not Required plan shall be governed by the zoning in effect when the plan is first submitted in accordance with MGL c. 40A, § 6.

(4) No such lot may be changed in size or shape so that a nonconformity with the provisions of this bylaw is increased in degree or extent, or a violation created, except by a public taking of a portion of the lot. **[Amended 5-21-2012 ATM by Art. 28]**

B. Structures. A lawfully existing structure which does not conform to the requirements of the bylaw may continue. Any reconstruction, extension, structural change or alteration of such structure shall be governed by the following:

(1) Any reconstruction, extension or structural changes to a lawfully nonconforming structure shall conform with the provisions of this bylaw and to any proposed amendment for which first notice of the public hearing has been published.

(2) If a nonconforming structure devoted to a conforming use is destroyed by fire or other catastrophe, it may be repaired or rebuilt, provided that the restoration is commenced within twenty-four (24) months, and completed within thirty-six (36) months of the catastrophe, and no nonconformity with the provisions of this bylaw is increased in degree of extent or a violation

created. Otherwise, it may be repaired or rebuilt only in conformity with the provisions of this bylaw. **[Amended 5-16-2016 ATM by Art. 20]**

(3) Any alteration of a lawfully existing nonconforming structure shall conform with the provisions of this bylaw or to any proposed amendment to it if the alteration is begun after the first notice of the required public hearing has been published, when the alteration will provide for the use of the structure as follows:

(a) For a substantially different purpose;

(b) For the same purpose in a substantially different manner; or

(c) For the same purpose to a substantially different degree.

(4) Any alteration, reconstruction, extension or structural change to a single-family or two-family residential structure shall not be permitted if there will be an increase in the nonconforming nature of the structure.

(5) Changes in nonconforming structures devoted to nonconforming uses shall be governed by Subsection C of this section.

C. Uses. Any lawful existing use of a structure or land which does not conform to the provisions of this bylaw may continue. Any change or substantial extension of such use shall be governed by the following:

(1) Any change or substantial extension of a lawfully existing nonconforming use of a structure or land shall conform with the provisions of this bylaw and to any proposed amendment to it for which first notice of the required public hearing has been published. Such change or extension in an R-40 or an A District shall not exceed fifty percent (50%) of the land area occupied by the principal structure at the time such uses become nonconforming; nor shall such change or extension cause the use to be more nonconforming in terms of the Intensity of Use Schedule (§ 200-3.2D). **[Amended 5-15-2017 ATM by Art. 21]**

(2) Any extension to the use of a nonconforming structure shall be governed by Subsection B(3) of this section.

(3) Any nonconforming structure or use which has been abandoned for a period of two (2) years shall not be reestablished except in conformance with this bylaw.

(4) If a structure or group of structures devoted to a nonconforming use is damaged or destroyed for fire or other catastrophe, it may be repaired or rebuilt and the use restored, provided that the restoration is commenced within twelve (12) months and completed within twenty-four (24) months of the catastrophe. Otherwise, it may be repaired or rebuilt only in conformance with the provisions of this bylaw.

(5) Preexisting nonconforming structures or uses may be extended, altered, or changed by special permit, provided that the Zoning Board of Appeals finds that the extension, alteration, or change will not be substantially more detrimental than the existing nonconforming use of the structure. Notwithstanding any other provisions of these bylaws, the alteration, reconstruction, extension or structural change (collectively "alteration") of a preexisting, nonconforming single-family or two-family residential structure will be deemed not to increase the nonconforming nature of such a structure, and shall be permitted as of right, if the structure is nonconforming solely because of insufficient frontage or lot area, or both, and the proposed change shall meet all

dimensional requirements for front setback, side and rear setbacks, building coverage, lot coverage, maximum floors and maximum height.

SECTION 4
General Regulations

§ 200-4.1. Performance standards.

A. No land, building or structure shall be used or occupied in any district in the Town of Charlton except in conformance with the standards contained herein.

B. Except as herein provided, all use and conditions of land, buildings and structures shall be in conformance with the *Regulations as Amended for the Control of Air Pollution in Central Massachusetts Air Pollution Control District*, adopted by the Bureau of Air Quality Control, Division of Environmental Health, Department of Public Health, Commonwealth of Massachusetts, as amended to become effective September 1, 1972, and amendments thereto. Enforcement of the regulations is provided for in Regulation 52.1 and amendments thereto.

C. Heat, glare and vibration. No heat, glare or vibration shall be discernible from the outside of any structure. In no case shall vibration be permitted which is discernible to the human sense of feeling for three (3) minutes or more duration in any one (1) hour of the day between the hours of 7:00 a.m. and 7:00 p.m., or of thirty (30) seconds or more duration in any one (1) hour between the hours of 7:00 p.m. and 7:00 a.m.

D. Waste disposal, water supply and water quality. Massachusetts General Laws and Regulations of the State Department of Public Health shall be met and, when required, approval shall be indicated on the approved site plan. In no case shall discharge cause the waters or land of the receiving body to exceed the limits assigned by the Commonwealth of Massachusetts, Water Resource Commission, Division of Water Pollution Control as published and entitled "*Water Quality Standards*," filed with the Secretary of State on March 6, 1967, and amendments thereto, in its most recent edition, for streams and water bodies within the Town. Nor may any discharge exceed regulations established by the Charlton Board of Health.

E. Storage.

(1) All materials, supplies and equipment not intended for wholesale and retail sale shall be stored in accordance with Fire Prevention Standards of the National Fire Prevention Association and shall be screened from view from public ways and abutting properties; excepting that farm and home materials, supplies and equipment need not be screened from public view when located on farms and residential property, and that building materials, supplies and equipment need not be so screened from public view when located on a construction site, during the period of their use in construction.

(2) The storage, utilization or manufacture of materials or products which decompose by detonation shall be in accordance with standards as adopted by the Massachusetts Department of Public Safety.

(3) The storage, utilization or manufacture of solid materials which are subject to intense burning or of flammable liquids or gasses shall be subject to conditions of a permit issued by the Board of Selectmen.

§ 200-4.2. Off-street parking and loading.

A. General. Sufficient off-street parking and loading shall be provided to serve all persons needing vehicular access to new structures and uses, and to enlarged, extended or changed structures and uses

to the extent such need is increased by such enlargement, extension, or change. Minimum parking requirements are set forth below in the Off-Street Parking Schedule.

B. Off-Street Parking Schedule. **[Amended 10-13-2020 STM by Art. 9]**

Use	Unit of Measure	Parking Spaces (required/unit or fraction thereof)
One- or two-family dwelling	Dwelling unit	2.0
Multifamily dwelling	Dwelling unit	2.25
Lodging house, hotel, motel, or motor court	Each guest room or suite	1.0
Nursing and/or convalescent home	2 employees, maximum shift, plus 3 beds	1.0
Restaurant	3 seats, plus each employee on the maximum shift	1.0
Other business use	250 square feet net floor area	1.0
Transportation, industrial, and utility use	500 square feet net floor area	1.0
School, assembly hall or other public building	200 square feet of gross area, excluding storage area	1.0
Amusement or other place of public assembly	300 square feet of gross area, excluding storage area	1.0
Manufacturing	1,000 square feet gross area	1.0
Warehousing/storage distribution	3,000 square feet gross area	1.0

C. Location requirements.

(1) Parking and loading areas and garages shall be provided on the same lot as they are required to serve.

(2) No parking or loading area shall be located within ten (10) feet of a public right-of-way line. No parking area containing more than four (4) spaces or a loading area shall be located within fifty (50) feet of a public right-of-way line in an Industrial District, nor within a required front yard in an R-40 District. No parking area or garage containing more than two (2) spaces or loading area shall be located in a front yard in an NB District.

(3) No parking area serving a multifamily dwelling shall be located in any required yard defined by required setback lines.

D. Other requirements.

(1) A parking area containing more than six (6) spaces of a required loading area shall be designed so that no vehicle need back onto or off a street or stand on a street while parking, loading, unloading or waiting to do so.

(2) No street access drive for parking areas containing six (6) or more spaces or a loading area shall exceed thirty (30) feet in width at the street line. The minimum distance between the sidelines of such drives and the sidelines of any intersecting street and any other street access drive, measured between where such street and driveway sidelines intersect the adjacent street line, shall be as follows:

	From Intersecting Streets (feet)	From Other Drives (feet)
Drives serving a dwelling	50	20
Drives serving a hotel, motel or motor court	50	60
Drives serving other permitted principal structures in a/an:		
NB and V Districts	50	50
I District	50 (200 on U.S. Rt. 20)	100
CB District	50	50
Other districts	50	60

(3) Egressing vehicles from drives serving more than twenty (20) parking spaces shall have two hundred (200) feet of driver visibility in each travel direction.

(4) Parking and loading areas shall be graded, surfaced with a non-dusting material, drained and suitably maintained to the extent necessary to avoid the nuisance of dust, erosion, or excessive water flow onto streets or adjoining property.

(5) Parking areas containing more than twenty-five (25) spaces shall include or be bordered within five (5) feet of the spaces by at least one (1) tree of two (2) inches in caliper for each five (5) spaces. Trees within parking areas shall be in curb or berm protective plots of at least sixty (60) square feet per tree. No such protective plot shall be paved with any impervious material. In the BEP District, all required parking areas shall be located to the side or rear of each building served. No required parking area shall be located in a required side or rear yard.

(6) No less than twenty-five percent (25%) of any lot area shall be retained as unoccupied space free of all buildings, parking, pavement including street access drives and walks or other

conditions, precluding landscaping; such unoccupied area shall be landscaped or stabilized with plant material [except for multifamily dwellings, see § 200-5.1B(4)].

(7) All commercial site plans shall show all proposed lighting on said site for exits and entrances and said lighting shall be erected and maintained by the owner of the property. In the BEP District, lighting shall be provided to secure pedestrian safety and comfort by the illumination of all walkways, parking areas, and other common areas with minimal overspill into the night sky or adjacent properties.

(8) A common driveway shall be allowed for nothing other than two (2), one-family dwellings. Nor shall any common driveway exceed five hundred (500) feet in length. Common driveways serving two (2) lots shall not be permitted except by special permit from the Planning Board.

(a) The Planning Board may grant a special permit for a common driveway provided that:

[1] Both lots to be served have the required frontage on a street as defined in § 200-2.1;

[2] The driveway shall have a minimum eighteen-foot-wide paved surface, and shall not exceed a grade of twelve percent (12%).

[a] The Planning Board may require the proposed driveway grade not to exceed seven percent (7%), upon a determination by the Fire Chief that said grade reduction is required to assure adequate fire apparatus response and mobility.

[b] The common driveway shall have a turning area at the end for fire apparatus, designed to one (1) of the following design standards:

[i] A cul-de-sac of a minimum seventy-five (75) feet in diameter; or

[ii] A turning area eighteen (18) feet wide by thirty-five (35) feet deep, art a grade of no less than two percent (2%) in any direction, situated no closer than fifty (50) feet and no further than one hundred (100) feet from the end of the driveway.

[3] The property owners permitted the common driveway shall execute an agreement as to responsibility for maintenance and as to mutual access over the driveway in a form acceptable to the Planning Board. The Planning Board, in reviewing the special permit application, shall consider, among other issues, public safety, sight line distances, topography and presence of wetlands. Common driveways permitted by this section shall not be considered private ways and shall not be further extended.

[4] Each such common driveway shall have a minimum twenty-five-foot-wide right-of-way easement across all properties upon which such driveway is to be located.

(b) In addition, common driveways shall meet all of the requirements of Charlton's Driveway Bylaws and Driveway Regulations.[25]

25. **Editor's Note: See Ch. 125, Driveways.**

SECTION 5
Special Regulations

§ 200-5.1. Multifamily dwellings.

A. Procedures.

(1) Application and plans. Applicants for site plan approval for multifamily dwellings shall submit applications and site plans as required by § 200-7.1D.

(2) Criteria. Approval of multifamily dwellings shall be granted upon Planning Board determination that the site plan complies with the requirements of this bylaw and that due regard has been given to the supply of water, the disposal of wastewater, sewage and surface waters, movements of vehicular traffic and accessibility for emergency vehicles, and that the use is in harmony with the general purpose and intent of this bylaw.

B. Requirements.

(1) Each building shall contain not more than six (6) dwelling units and shall not exceed one hundred forty (140) feet in any dimension.

(2) In R-SE Districts, each multifamily dwelling unit connected to a sewer line shall have at least twenty thousand (20,000) square feet of lot area.

In the R-40 District, the first dwelling unit in a multifamily development shall have forty thousand (40,000) square feet of lot area. In the R-40 District, each multifamily dwelling unit beyond the first shall have twenty thousand (20,000) square feet of lot area.

(3) The site plan shall be so designed that parking areas are screened from streets by building location, grading, or screening; lighting or parking areas shall avoid glare on adjoining properties; major topographic changes or removal of existing trees shall be avoided wherever possible; and water, wetlands, or other scenic views from streets shall be preserved wherever possible.

(4) Not less than fifty percent (50%) of the lot area shall be retained as unoccupied space free of all buildings, parking, pavement other than street access drives and walks, or other conditions precluding landscaping, and kept stabilized with plant material.

§ 200-5.2. Mobile homes, mobile home parks, and trailers.

A. Prohibited use.

(1) Not more than one (1) mobile home or trailer shall be placed or allowed to remain on any lot.

(2) No mobile home or trailer shall be occupied for dwelling purposes except that a mobile home may be occupied for such purposes by one (1) or more persons on temporary visits to the Town not exceeding thirty (30) days in any successive twelve (12) months.

(3) No mobile home or trailer shall be placed or allowed to remain on any land rented or leased for such purposes.

(4) No mobile home park shall be permitted within the Town after the effective date of this bylaw, except that existing trailer parks shall be allowed with their presently allowed number of trailers.

(5) No object originally designed as a mobile home or a trailer designed for residential use shall be maintained on a lot for the purpose of the storage therein of materials, supplies or equipment of any type.

B. Nonconforming uses.

(1) Any lawful privilege as to a trailer or object originally designed as a mobile home in existence of the effective date of this bylaw shall not thereafter be lost by abandonment merely because of the failure to exercise such privilege for a period of less than two (2) consecutive years. The failure to exercise such privilege for a period of two (2) consecutive years or more shall be deemed to be an abandonment thereof.

(2) If a mobile home is lawfully in existence or is lawfully occupied for dwelling purposes on the effective date of this bylaw is damaged or destroyed by fire or other casualty, such mobile home may be restored or replaced within two (2) years after the occurrence of the casualty, provided that such restoration or replacing does not increase the nonconforming nature of the mobile home.

(3) The number of mobile homes located in any mobile home park lawfully in existence on the effective date of the bylaw shall not be increased over the number of such mobile homes allowed under a license issued by the Board of Health in effect on that date unless the Zoning Board of Appeals has issued a special permit therefor after making a finding that the increased number shall not be substantially more detrimental than the previous number in the neighborhood.

(4) This bylaw shall not prohibit the owners or occupiers of a residence which has been destroyed or rendered uninhabitable by fire or other natural catastrophe from placing a mobile home on the site of such residence for a period not to exceed twelve (12) months while the residence is being replaced or rebuilt. Such mobile home shall be subject to the provisions of the State Sanitary Code.

§ 200-5.3. Storage of unregistered motor vehicles.

A. Prohibition and special permit. Not more than two (2) unregistered motor vehicles, assembled or disassembled, shall be kept, stored or allowed to remain on a lot except upon the grant of a special permit for such use by the Board of Selectmen as per the Storage of Unregistered Motor Vehicles Zoning Bylaw.

B. Conditions to be met. The Board of Selectmen may grant a special permit for such use only if all of the following conditions are met:

(1) Such use will not nullify or substantially derogate from the intent and purpose of this bylaw;

(2) Such use will not constitute a nuisance; and

(3) Such use will not adversely affect the neighborhood in which the lot is situated.

C. Conditions, safeguard and limitations in permit. The Board of Selectmen shall specify in each special permit under Subsection A the maximum number of unregistered motor vehicles that may be kept, stored or allowed to remain on the lot and also the maximum period of time for which the permit shall remain in effect. The Board of Selectmen may impose in any such permit other conditions, safeguards

and limitations on both time and use.

D. Exemptions. The provisions of Subsection A shall not apply to motor vehicles which are (1) stored within an enclosed building, (2) designed and used for farming purposes, or (3) kept, stored, or allowed to remain on the premises specified in a license issued by the Board of Selectmen under MGL c. 140, § 59, as the premises to be occupied by the licensee for the purpose of carrying on the licensed business.

E. Special permit fee. Each special permit application submitted under Subsection A shall include an application fee in an amount established by majority vote of the special permit granting authority. **[Amended 5-21-2012 ATM by Art. 28]**

§ 200-5.4. Scenic roads.

Upon recommendation or request of the Planning Board, Conservation Commission, or Historical Commission of Charlton, the Town may designate any road in Charlton, other than a numbered route or state highway, as a scenic road. After a road has been designated as a scenic road, any repair, maintenance, reconstruction, or paving work done with respect thereto shall not involve or include the cutting or removal of trees of more than four (4) inches in diameter, measured two (2) feet above the ground, or the tearing down or destruction of stone walls, or portions thereof, by the Town or any other public agency, or by property abutters, except with the prior written consent of the Planning Board; after a public hearing has been held. The public hearing shall be duly advertised as per the requirements of § 200-7.2G of this bylaw. Designation of a road as a scenic road shall not affect the eligibility of Charlton to receive construction or reconstruction aid for such road pursuant to the provisions of Chapter 90 of the Massachusetts General Laws.

§ 200-5.5. Historic districts.

Article 25 of the Charlton Annual Town Meeting of May 14, 1977 established an Historic District Bylaw. With certain exceptions, as provided in Section 7 of that bylaw, no building or structure within an historic district shall be constructed or altered in any way that affects exterior architectural features, unless the Historic Districts Commission, established under that bylaw, shall first have issued a certificate of appropriateness, a certificate of nonapplicability, or a certificate of hardship with respect to such construction or alteration.

§ 200-5.6. Signs. [Amended 5-20-2013 ATM by Art. 22]

A. Purpose.

(1) It is the purpose of § 200-5.6 to protect the public health, safety, convenience and general welfare of the residents of the Town of Charlton by regulating signs that:

(a) Obstruct traffic visibility and cause traffic hazard;

(b) Pose a danger through disrepair and threat of collapse;

(c) Decrease property values due to incompatibility with the property that surrounds it;

(d) Protect the architecture, character and appearance of the various neighborhoods in the Town;

(e) Minimize lighting impacts from signs;

(f) Disrupt the aesthetic environment of the Town of Charlton;

(g) Enable the fair and consistent enforcement of these sign regulations; and

(h) Protect and improve the public health, safety, convenience and general welfare.

(2) Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent streets, sidewalks and other public places, and adjacent private places open to the public. The unregulated construction, placement and display of signs constitute a public nuisance detrimental to the public health, safety, convenience and welfare of the residents of the Town.

B. Definitions.

ADVERTISING BLIMP — An advertising blimp is an inflatable sign that by way of gas or other manner is caused to float above the structure it is attached to. Further, such inflatable sign is capable of moving from place to place and is not permanently affixed to the ground or structure.

ADVERTISING DEVICE — Any nonverbal device designed for advertising purposes, such as balloon signs, caricatures, animals, food items, etc.

ELECTRONIC MESSAGE CENTER – CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS (CEVMS) — A sign on which the characters, letters or illustrations can be changed automatically or through electronic or mechanical means. CEVMS exclude time and temperature signs.

MARQUEE — Any permanent roof-like structure projecting beyond a building or extending along and projecting from the wall of a building.

SIGN — A communication device, structure, or fixture that incorporates graphics, symbols, or written copy intended to promote the sale of a product, commodity, or service, or to provide direction or identification for a structure or area.

SIGN, ABANDONED — A sign which identifies or provides information pertaining to a business, lessor, lessee, service, owner, product or activity, which no longer exists at the premises where the sign is located, or for which no legal owner can be found.

SIGN, ACCESSORY — A sign which provides information pertaining to, but does not specifically identify, a business, product or activity; such as "OPEN," "CLOSED," "ATM," phone number, website, e-mail, etc.

SIGN, ATTACHED — A sign permanently erected or affixed to a building.

SIGN, CANOPY — A sign on or attached to a permanent overhanging shelter that projects from the face of a building and is supported only partially by the building.

SIGN, CHANGEABLE COPY — A sign on which the characters, letters, illustrations can be manually or electronically changed without altering the face or surface of the structure.

SIGN, CONSTRUCTION — A sign identifying an architect, builder, contractor, subcontractor, material supplier, financing entity or others participating in the design, construction or alteration of the premises on which the sign is located.

SIGN, DIRECTIONAL OR TRAFFIC SAFETY — A sign identifying entrances, exits, parking areas or other operational features of premises and the provision of directions for safe use of the same.

SIGN, FREESTANDING — A sign not supported by a wall or screening surface.

SIGN, GROUND — Any sign having as supports, wood or metal columns, pipes, angle iron framing, masonry, plastic or any combination of these materials, unattached to any building or other structure. This includes single-pole pylon-type signs.

SIGN, ILLUMINATED — A sign lighted or exposed to artificial light either by lights on or in the sign or directed toward the sign, including direct/external lighting, indirect lighting, illumination, flashing or intermittent lighting.

SIGN, MARQUEE — A sign on or attached to a permanent overhanging shelter that projects from the face of a building and is supported entirely by the building.

SIGN, NONCONFORMING — A sign lawfully existing before the adoption of this ordinance which does not now conform to the regulations of the ordinance.

SIGN, OFF-PREMISES — A sign whose subject matter relates to products, accommodations, services or activities not exclusively located on the same premises as that sign and including billboards.

SIGN, ON-PREMISES — A sign which advertises activities, goods, products, etc., that are available within the building or on the lot where the sign is located.

SIGN, POLITICAL — A sign which pertain to the elective process or which constitute political speech.

SIGN, PROJECTING — A sign which extends from the wall of a building.

SIGN, PUBLIC SERVICE INFORMATION — A sign which exclusively promotes an activity or event of general interest to the community and which contains no advertising features.

SIGN, REAL ESTATE — A sign which is used for the sale, lease or rental of real property.

SIGN, STANDING — Any sign maintained on structures or supports that are placed on, or anchored in, the ground and that is independent from any building or other structure.

C. General regulations.

(1) These regulations shall apply to all signs and their supporting devices erected within the Town of Charlton.

(2) Lighting of a sign may only be by a white light of reasonable intensity shielded and directed solely at the sign. Internally illuminated signs are permitted on lots zoned for business and industrial uses directly abutting Route 20 or 169.

(3) No sign shall be erected or maintained that obstructs or interferes with the free and clear vision of or from any street or driveway, or obstructs or simulates official directional or warning signs erected or maintained by a governmental entity.

(4) Every standing sign shall be located a minimum of three (3) feet from any property line.

(5) No sign shall be erected or maintained in any street right-of-way, on utility poles or trees.

(6) No roof signs shall be erected nor shall any sign project above the peak of a roof. No sign attached to a building shall project more than twelve (12) inches from the edge of the building, except for awning signs. No sign shall exceed the maximum height set forth in Subsection F.

(7) Temporary signs are permitted in all districts with a sign permit from the Building Inspector as set forth in Subsection F. Temporary signs must be firmly attached to a supporting device and

present no undue hazard to the public. See Subsection F for the maximum size of various types of temporary signs. Such signs are allowed for up to sixty (60) days. Temporary signs may be attached or lettered on the interior of the window. Such signs shall not be included in the aggregate sign area. The aggregate area of all signs in any window, either permanent or temporary, shall not exceed thirty percent (30%) of the area of such window. An applicant may obtain a permit for a temporary sign only twice in a twelve-month period. Temporary signs shall be removed within five (5) days after the reason for the sign has ended or on the day the permit expires, whichever is sooner.

(8) Pennants are prohibited in all zoning districts, except that they may be used one time only for grand openings for thirty (30) days or less with a permit from the Building Inspector.

(9) For signs in the Village District, also see § 200-5.17F.

D. Sign permits and fees. Sign permits shall be obtained on forms provided by the Building Inspector; Board of Selectmen has the authority to set fees from time to time.

E. Prohibited signs.

(1) Any sign which may be confused with or construed as a public safety device or sign or traffic or emergency light because of its color, shape or design.

(2) Any sign which incorporates moving, flashing, undulating, swinging, rotating or the electronic, visual representation of motion or animation by intermittent or variable illumination. **[Amended 10-15-2013 STM by Art. 5]**

(3) Signs constructed, mounted or maintained upon the roof of any building.

(4) Off-premises signs.

(5) Exposed neon signs.

(6) Billboards.

(7) Signs emitting sound, except drive-through menu signs.

(8) Signs placed upon unregistered vehicles. No commercial or industrial sign shall be erected on or attached to any vehicle except for signs applied directly to the surface of the vehicle. The primary use of such vehicle shall be in the operation of a business and not in advertising or identifying the business premises. The vehicle shall not be parked in a public right-of-way for the purposes of advertising.

(9) No sign shall contain any moving, flashing, or animated lights or visible moving parts. Wind-driven, whirling, or spinning signs, or signs with so-called "whirligigs" are prohibited. Indicators of time and temperature are permitted on nonresidentially zoned lots directly abutting Route 20 or 169. Such signs shall be located no further than fifty (50) feet from Route 20 or 169 and shall comply with all other requirements of this section.

(10) Any sign not specifically allowed in this § 200-5.6.

(11) Exceptions.

(a) The following types of illuminated signs may be permitted in accordance with the standards listed herein:

[1] Changeable electronic variable message signs (CEVMS) consisting primarily of scrolling or changing text whereby no more than one (1) line of text scrolls at once, and is displayed for a period of at least four (4) seconds. The transition between each individual message or display shall be accomplished within two (2) seconds and occur without flashing.

[a] CEVMS shall contain a default mechanism that will freeze the display in a static mode if a malfunction occurs.

[b] The Town may require that "Amber Alerts" or emergency information messages be displayed on the CEVMS. Upon such notification, the sign operator shall display emergency information messages in appropriate sign rotations, and maintain such messages in rotation according to the designated issuing agency protocols.

[2] Digital sign displays whereby each image is static with no flashing or motion depicted, and each image is displayed for a period of at least ten (10) seconds. The transition between each individual message or display shall be accomplished within two (2) seconds and occur without flashing.

[3] Public service signs such as those that customarily display time or temperature.

[4] Reader boards that display a consistently sized text and are not animated.

(b) Signs which may be permitted under this section are to be further restricted as follows:

[1] Direct illumination by incandescent light bulbs shall be restricted to light bulbs rated at twenty-five (25) watts or less.

[2] Spotlights providing direct illumination to the public and beacons of any type are prohibited.

[3] Illumination of attraction devices or signs which fluctuate in light intensity are prohibited.

[4] Display surface of projecting signs shall not exceed sixteen (16) square feet, shall be limited to one (1) sign per business and shall not be permitted on property which has a freestanding sign, whether or not it is a CEVMS.

[5] All illuminated signs shall provide shielding for the source of illumination in order to prevent a direct view of the bulb or other light source from a residence within one hundred (100) feet of said illuminated sign or device.

F. Area of signs.

(1) The area of a sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting structure or bracing.

(2) The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest rectangle which encompasses all of the letters and symbols.

(3) The area of a sign which is other than rectangular in shape shall be determined as the area of the smallest geometric shape which encompasses all elements of said sign.

(4) The area of a sign consisting of a three-dimensional object shall be considered the area of the smallest rectangle that can encompass the area of the largest vertical cross-section of that object.

(5) Only one (1) side shall be counted in computing the area of a double-faced sign. All sides of a sign with more than two (2) sides shall be counted in calculation of sign area.

G. Permitted signs. **[Amended 10-15-2013 STM by Art. 5]**

Allowed Signs and Conditions of Use

Sign Type	Permanent (P) or Temporary (T)	Permit Required (Y/N)	Time Limit	Maximum Size Restrictions	Maximum Height Above Grade	Notes	Number of Signs
Accessory sign	T or P	N		10% of the sign face to which it is attached to or nearest to			1 on-site accessory sign per business or establishment
Advertising device (excluding balloon signs)	P	Y		Total surface area of advertising device shall count as part of the allowed ground sign area	Maximum height 20 feet with a clearance to ground of 30 inches		1 per site
Awning sign	P	Y		Lettering no larger than 6 inches in height			
Banners or flags	T	N	During hours of operation	Total area not to exceed 12 square feet; individual banners or flags not to exceed 6 square feet			Not to exceed 2 banners/flags per business

Allowed Signs and Conditions of Use

Sign Type	Permanent (P) or Temporary (T)	Permit Required (Y/N)	Time Limit	Maximum Size Restrictions	Maximum Height Above Grade	Notes	Number of Signs
Canopy sign	P	Y		Maximum size: the smaller of 10% of the facade area associated with the business or 60 square feet Maximum height of 3 feet		Canopy signs shall be treated as wall signs	1 sign per canopy
Changeable copy and CEVMS	P	Y		32 square feet The area of a CEVMS shall count towards the overall area of the sign to which it is attached or associated.		Sign face of CEVMS cannot change in less than 4 seconds	1 per site
Construction signs (6 square feet or less)	T	N	During construction and up to 7 days after the certificate of occupancy is issued	6 square feet		Signs may contain only the name of the contractor or subcontractor	1 per site
Construction signs (over 6 square feet)	T	Y	During construction and up to 7 days after the certificate of occupancy is issued	32 square feet		Signs may contain relevant information per the definition of construction signs	1 per site
Directional or traffic safety signs	P	N		2 square feet			
Drive-through menu sign	P	Y		32 square feet	Maximum height 20 feet with clearance		1 per site

Allowed Signs and Conditions of Use

Sign Type	Permanent (P) or Temporary (T)	Permit Required (Y/N)	Time Limit	Maximum Size Restrictions	Maximum Height Above Grade	Notes	Number of Signs
Ground sign	P	Y		32 square feet	Maximum height of 20 feet with clearance to ground not less than 10 feet	Single- or double-faced ground signs are authorized in addition to wall and projecting signs. One accessory sign not to exceed 10% of the area of the ground sign may be attached to the main sign.	1 per site
Government signs	T and P	N					
Historic or commemorative marker	P	N		6 square feet			
Home occupation	P	N		2 square feet			1 per business
Ladder sign	P	Y		32 square feet	Maximum height 20 feet with a clearance to ground of 30 inches		1 per site; shall be considered the ground sign for the property
Marquee sign	P	Y		Subject to wall sign restrictions			
Political signs					Not subject to regulation		
Projecting sign	P	Y		8 square feet	Minimum of 10 feet clearance from ground to the bottom of the sign	Cannot extend within 24 inches of the curbline	1 per business

Allowed Signs and Conditions of Use

Sign Type	Permanent (P) or Temporary (T)	Permit Required (Y/N)	Time Limit	Maximum Size Restrictions	Maximum Height Above Grade	Notes	Number of Signs
Public service information sign	T	N	30 days	6 square feet		Sign may be located on premises other than those of the sponsoring entity	
Real estate sign on-premises and open house signs	T	N	The period while the property is being offered for sale or rent; during the hours of the open house	6 square feet		Allowed in right-of-way for duration of open house	1 per each property offered for sale or rent; up to 3 open house signs are permitted
Regulatory or safety sign	P	N		6 square feet			
Residential decorative sign	P	N		2 square feet			1 per residence
Residential complex or subdivision identification sign	P	Y		24 square feet	Not more than 8 feet in height and not less than 30 inches from the ground	Sign shall include only the name of the subdivision or complex and shall be prohibited from containing the name of the developer, owner or property management company	1 per subdivision or complex
Sandwich board sign	T	N	During hours of operation	6 square feet	4 feet in height	No associated lighting	1 per business
Special purpose sign	P	N		2 square feet			

Allowed Signs and Conditions of Use

Sign Type	Permanent (P) or Temporary (T)	Permit Required (Y/N)	Time Limit	Maximum Size Restrictions	Maximum Height Above Grade	Notes	Number of Signs
Standing sign	P	Y		32 square feet; multi-tenant signs may go up to 90 square feet and 1 standing sign may be erected at each roadway intersection located wholly within the property. Such standing sign shall not exceed 16 square feet in area.	Up to 20 feet in the CB District and 36 feet in the IG and BEP Districts	Area may be increased to 50 square feet with a special permit pursuant to § 200-5.6J	1 per business
Subdivision lot plan sign	T	Y	During the sale of subdivision lots; must be removed 7 days after last lot is sold	32 square feet	Maximum height of 15 feet with clearance to ground of 30 inches		1 per subdivision
Time and temperature sign	P	Y		Counts as part of the sign area for the projecting or ground sign to which it is attached	For ground signs, the maximum height is 20 feet with a clearance to ground of 30 inches	For projecting signs, the clearance to ground is at least 8 feet	1 per site

Allowed Signs and Conditions of Use

Sign Type	Permanent (P) or Temporary (T)	Permit Required (Y/N)	Time Limit	Maximum Size Restrictions	Maximum Height Above Grade	Notes	Number of Signs
Wall sign	P	Y		Maximum size is the lesser of 10% of the facade associated with the business being advertised or 60 square feet, whichever is smaller		Any business that has no street frontage may have 1 sign facing the parking area	1 wall sign per business established in the structure; in addition, 1 secondary wall or window sign not to exceed in area 50% of the primary wall or window sign is permitted by right
Wayfinding sign	P	Y if not a government agency		15 square feet	Maximum height of 10 feet with a clearance from ground of 30 inches	Advertising is prohibited and these signs are allowed off-premises signs	
Window or door sign	T	N		Not to cover more than 30% of door or window area		Not allowed on the exterior of windows or doors	

H. Exceptions. The following signs are exempt from the requirements of this section:

(1) Flags and insignia of any government except when displayed in connection with commercial promotion.

(2) Temporary devices erected for a charitable or religious cause, provided they are removed within five (5) days of erection.

(3) Temporary displays inside windows, covering not more than thirty percent (30%) of window area, illuminated by building illumination only.

(4) Integral decorative or architectural features of a building, including letters, logos and trademarks.

(5) Devices identifying a building as distinct from one (1) or more of its occupants, such device being carved into or attached in such a way as to be an integral part of the building, not illuminated separate from building illumination, without color contrasting with sign background, and not exceeding four (4) square feet in area.

(6) Address identification through numerals or letters.

(7) "For Sale," "For Rent" or political signs.

(8) Window displays of merchandise or signs incidental to the display of merchandise.

(9) Gasoline station signs required by local, state or federal regulations.

(10) Signs erected by municipal, county, state or federal government, as may be deemed necessary for their respective functions, in accordance with the standards of this section.

(11) Signs not exceeding five (5) square feet in area indicating "entrance," "exit," "parking," "no trespassing," or the like, erected on a premises for the direction of persons or vehicles.

(12) Youth athletic league sponsor ads or banners, affixed during active league season schedule onto a fence at public recreational facilities.

I. Nonconforming signs.

(1) Any sign not conforming to the terms of this section is hereby declared a nonconforming sign. Nonconforming signs may continue to be maintained; provided, however, that no such sign shall be permitted if, after the date the zoning bylaw was adopted, it is enlarged, or altered in any substantial way, except to conform to the requirements of the bylaw. Notwithstanding this, the panels of such sign may be changed to reflect a changed product line.

(2) Further, any such sign which has deteriorated to such an extent that the cost of restoration would exceed thirty-five percent (35%) of the replacement cost of the sign at the time of the restoration shall not be repaired or rebuilt or altered except to conform to the requirements of the bylaw.

(3) Any exemption shall terminate with respect to any sign that shall have been abandoned; advertise or calls attention to any product, businesses or activities which are no longer sold or carried on, whether generally or at the particular premises; shall not have been repaired or properly maintained within thirty (30) days after notice to that effect has been given by the Building Inspector.

(4) A sign damaged by vandalism, accident or Act of God may be repaired or re-erected without a permit within sixty (60) days in the same location but should conform to the standards set forth in this section. Such sign shall not be any more nonconforming than the previous sign.

(5) Any sign that is located upon property which becomes vacant and is unoccupied for a period of sixty (60) days shall be deemed to have been abandoned. An abandoned sign is prohibited hereby and shall be removed by the owner of the premises forthwith.

(6) Any sign under permit by the Outdoor Advertising Board on the effective date of this bylaw may continue to be maintained without conforming to the area and height requirements of this section. The Board of Selectmen shall refer to the Planning Board, for its review and recommendation, any notices issued by the Outdoor Advertising Board as to applications for authority to maintain or install billboards or other signs in Charlton.

J. Administration and enforcement.

(1) Unless indicated otherwise, no sign shall be erected in the Town without a permit from the Building Inspector. Every application for a sign permit shall be accompanied by a scaled, dimensioned drawing showing the size and location of the sign on the property or building. The Building Inspector shall review the permit application, the drawing and any related materials and shall issue a permit if the sign set forth in said application is in full compliance herewith.

The Building Inspector shall approve or deny an application within thirty (30) days of his/her receipt thereof, or as to signs located within an historic district, within sixty (60) days of receipt. Signs to be erected on Town property shall require an additional permit from the Board of Selectmen.

(2) However, a sign located within an historic district as defined by MGL c. 40C shall be permitted only after certification by the Historic District Commission that the sign complies in full with the bylaws, rules, regulations, and operative guidelines of the Commission, with the provisions of MGL c. 40C, and with all rules and regulations promulgated thereunder. The Commission shall transmit its decision to the Building Inspector in this regard within forty-five (45) days of its receipt of the application, but neither approval nor disapproval shall be inferred from the failure of the Commission to act within the time provided hereby.

(3) Signs located along or designed to be visible from a roadway designated as a scenic road shall be reviewed by the Planning Board prior to the issuance of a sign permit hereunder. In its review, the Board shall determine compliance of the sign with all provisions of state law and Town bylaw applicable to scenic roads. It shall transmit its recommendations thereon to the Building Inspector within twenty-one (21) days of its receipt of the application.

(4) The Planning Board shall be the special permit granting authority for the purposes of this section. The Board shall grant special permits hereunder if it determines that:

(a) The sign requested pursuant to the special permit application is necessary due to topography or site conditions unique to its proposed location; or

(b) A unique and particular type of use requires additional signage in order to identify the premises adequately.

(5) The Zoning Board of Appeals shall have the authority to issue a variance from the provisions of this section in accordance with § 200-7.3B(1) hereof.

(6) Every sign shall be maintained in sound structural condition satisfactory to the Building Inspector at all times. The Building Inspector shall inspect a sign when and as the Building Inspector deems appropriate. The Building Inspector shall have the authority to order the repair, alteration or removal of a sign which constitutes a public health and/or safety problem by reason of improper or inadequate maintenance, design, construction, condition or dilapidation.

§ 200-5.7. Flexible development.

A. Purpose. The purpose of the flexible development option is to provide for the most efficient use of services and infrastructure, to maintain the Town's traditional New England rural character and land use patterns and to encourage the permanent preservation of open space.

B. Applicability. Flexible development special permits shall be permitted on parcels of ten (10) acres or more in A, R-40, R-SE and V Districts upon the issuance of a special permit for flexible development from the Planning Board upon a finding that the proposed flexible development will be superior to a conventional subdivision plan in: allowing for greater flexibility and creativity in the design of residential developments; encouraging the permanent preservation of open space, agricultural land, forests and woodland, historic or archaeological sites, or other natural resources; maintaining the Town's traditional New England rural character and land use patterns in which small villages contrast with open spaces, farmland and forests; preserving scenic vistas; providing for the most efficient use of municipal and other services; preserving unique and significant natural, historical and

archaeological resources; and encouraging a less sprawling form of development, but not to the extent that such development will visually and environmentally overwhelm the land. **[Amended 5-21-2012 ATM by Art. 28; 5-16-2016 ATM by Art. 18]**

C. Standards.

(1) Building lots within flexible developments shall conform to the following standards:

Zoning District	Minimum Lot Area (square feet)	Frontage (feet)	Setback Front (feet)	Setback Side (feet)	Setback Rear (feet)	Maximum Building Coverage
A	45,000	100	30	15	30	30%
R-40	30,000	100	30	15	15	30%
R-SE	30,000[1]	100	30	15	15	30%

NOTES:

[1] Building lots may contain 20,000 square feet if connected to a sewer system.

(2) The lots within the flexible development used for residential structures shall be grouped, where each lot shall be contiguous. Every group shall be separated from every other group within any flexible development by a distance determined by the Planning Board.

(3) A strip of permanently restricted open space, the width of which shall be at the discretion of the Planning Board, shall be provided between every group and the exterior property lines of the flexible development parcel.

(4) A minimum of twenty-five percent (25%) of the land area in the flexible development shall be permanently restricted open space and shall be suitable for recreational, agricultural or cultural uses. The Planning Board may require that at least fifty percent (50%) of the permanently restricted open space shall be free from wetlands as defined in the Wetlands Protection Act. However, such open space may contain more than fifty percent (50%) wetlands if the additional open space consists of bodies of water.

(5) The number of building lots proposed may exceed the number that would normally be allowed by a conventional subdivision plan in full conformance with zoning, subdivision regulations, health codes, wetlands bylaws and other applicable requirements by ten percent (10%) if the Planning Board finds that the character of the surrounding area would not be adversely affected thereby and that all other requirements of this section are met. Three (3) copies of a preliminary conventional subdivision plan are required to be submitted as part of the flexible development preliminary subdivision plan application for use by the Planning Board in determining preference of either flexible or conventional subdivision design. **[Amended 5-21-2012 ATM by Art. 28]**

(6) No lot shown on an approved flexible development plan shall be further subdivided and the plan shall be so noted. Relocation of lot lines, street layout and open space layout may be allowed after approval, provided that no increase in the number of building lots results thereby and

provided further that approval of the Planning Board is given. If the Board determines that a proposed revision constitutes a substantial change, a public hearing shall be held at the expense of the applicant.

(7) Streets constructed within the flexible development shall conform to the applicable requirements of the Rules and Regulations Governing the Subdivision of Land.[26]

D. Open space.

(1) Ownership.

(a) The open space to be permanently restricted shall be conveyed to one (1) of the following:

[1] The Town of Charlton for conservation, recreation, agricultural or park purposes if accepted by a Town Meeting;

[2] A nonprofit organization the principal purpose of which is the conservation of open space;

[3] A corporation or trust owned or to be owned by the owners of lots or residential units within the flexible development.

(b) The Board may also require that scenic, conservation or historic easements be deeded to the Town or other nonprofit organization.

(2) The special permit shall state any restrictions on the use of the open space. Where such land is not conveyed to the Town, it shall be covered by a restriction, enforceable by the Town or a nonprofit organization, running with the land, which provides that such land shall be used only for the purposes specified in the special permit. Such restrictions may provide easements for underground utilities but they shall not permit wells or septic systems upon the land. The open space may not be developed for uses accessory to the residential use such as parking or roadways. Wherever practical, the open space shall be contiguous to other protected open space or bodies of water.

(3) If the open space subject to the restrictions established by the special permit is to be owned by a corporation or trust in accordance with Subsection D(1)(a)[3], maintenance of the common land shall be permanently guaranteed through the establishment of an incorporated homeowners' association which provides for mandatory membership by the lot or unit owners, assessments for maintenance expenses, a general liability insurance policy covering the open space, and a lien in favor of the Town of Charlton in the event of the lack of maintenance. The terms of the lien shall provide that the Town may, if it determines that required maintenance has not been accomplished as required by the conditions of the special permit, perform the required maintenance and assess the members of the corporation or trust, or the corporation or trust itself, for the cost of such maintenance. Copies of the documents creating the corporation or trust of the general liability insurance policy, and of the lien, shall be submitted to the Planning Board for review and Planning Board acceptance and shall be recorded in the Worcester District Registry of Deeds, in the form and with content as approved by the Planning Board, as a condition of the special permit. **[Amended 5-21-2012 ATM by Art. 28]**

(4) The open space shall not be leased, sold or used for purposes other than those authorized by the special permit. Any proposed change to the use of the open space shall be approved by a

26. Editor's Note: See Ch. 210, Subdivision of Land.

majority of the Planning Board present and voting, provided that the proposed use is consistent with the intent of this section, and it will not adversely impact abutters and the use of surrounding open space by bright lights, noise or other nuisances. The Board may impose conditions on such proposed uses.

E. Procedure.

(1) A pre-application meeting with the Planning Board and other relevant boards for review and discussion of a preliminary or conceptual plan is recommended prior to a formal submission of an application for a special permit. Preliminary sketches of a flexible development plan and a conventional subdivision plan are encouraged to be submitted.

(2) No application shall be deemed complete, nor shall any action be taken, until all required materials have been submitted. Plans and other submission materials conforming to the Planning Board's adopted "*Procedures for Applications for a Special Permit for Flexible Development*", as filed with the Town Clerk, shall be submitted to the Planning Board and Town Clerk as required by such procedures.

(3) The Planning Board shall, within fifteen (15) days of submission, distribute one (1) copy of the submission materials each to the Conservation Commission, Board of Health, Sewer Commission, Building Inspector, Fire Department and Board of Selectmen for review and comment. The Planning Board shall not take final action on the plan within thirty-five (35) days of such distribution unless such comments are sooner received.

(4) The Planning Board shall hold a public hearing and make its decision in accordance with applicable provisions of MGL c. 40A, § 9, unless otherwise required by Massachusetts law; the Board shall hold a public hearing within sixty-five (65) days of the filing a complete of the application with the Town Clerk; the Board shall file its decision with the Town Clerk within ninety (90) days following the date of the public hearing; and the granting of a special permit shall require a four-fifths (4/5) vote of the Planning Board. The cost of advertising the hearing and notification of abutters shall be borne solely by the applicant. The time limits hereunder may be extended by written agreement between the petitioner and the Planning Board and any such agreement shall be filed with the Town Clerk. **[Amended 5-21-2012 ATM by Art. 28]**

(5) The granting of a special permit for flexible development shall not be construed as definitive subdivision approval under the Subdivision Control Law. The approval of a definitive subdivision plan showing a flexible development shall not be construed as the granting of a special permit. However, the applicants are encouraged to request a simultaneous public hearing for both plans, if required.

(6) The special permit shall not be valid until recorded in the Registry of Deeds and no work may commence until evidence of such recording has been received by the Planning Board and the Building Inspector. Such recording shall be the responsibility of the petitioner.

F. Definitions. The following terms shall have the following meanings for the purposes of this section:

FLEXIBLE DEVELOPMENT — A residential development in which single-family dwelling units are clustered together into one (1) or more groups on the lot and the groups are separated from each other and adjacent properties by permanently protected open space.

§ 200-5.8. Development standards for BEP Districts.

A. Roads and utilities.

(1) Access to the site. Vehicular access shall be only from a major street or collector street (as defined in the Rules and Regulations Governing the Subdivision of Land[27]), except where unusual circumstances make secondary accesses from minor streets practicable without adverse effects on property along such minor streets. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Left-hand storage and right-hand turn lanes and/or traffic dividers shall be required where existing or anticipated heavy traffic flows indicate need.

(2) Internal circulation. Uses within an industrial or office park shall be served by a separate internal road system to the maximum extent possible.

(3) Construction standards. Site development shall be in accordance with the applicable provisions of the Rules and Regulations Governing the Subdivision of Land regarding utilities, drainage and roadways; roadways shall be designed to the standards for nonresidential subdivisions in said Rules and Regulations. Upon the written request of the applicant, the Planning Board may waive strict compliance with such regulations where it is demonstrated that such waiver or modification is in the public interest and is consistent with this section, with § 210-8.1 of the Rules and Regulations and with the Subdivision Control Law (MGL c. 41, § 81R).

(4) Roadway maintenance. All internal roadways in the site that are privately maintained may be required by the Planning Board to have a covenant or agreement executed by the owner or owners of record running with the land, and duly recorded at the Worcester District Registry of Deeds to insure that the roadway will be adequately and safely maintained. If the ways and utilities are proposed to be accepted by the Town, the Planning Board may require the applicant to ensure that the roadways meet all requirements of its Rules and Regulations Governing the Subdivision of Land or to make repairs to the facilities proposed for acceptance, as a pre-condition to such acceptance. **[Amended 5-21-2012 ATM by Art. 28]**

(5) Performance security. The Planning Board may require sufficient security to insure completion of the roads and utilities to its subdivision standards. The form of security selected, and procedures for reducing or releasing said security, shall comply with the Rules and Regulations Governing the Subdivision of Land and with the Subdivision Control Law (MGL c. 41, § 81U).

(6) Stopping sight distance. Any street which provides access to a Business Enterprise Park shall have the minimum stopping sight distance at the entrance to the Park as specified in the following table:

Design Speed (mph)	Stopping Sight Distance (feet)
30	200
35	250
40	325
45	400
50	475
55	550

27. **Editor's Note: See Ch. 210, Subdivision of Land.**

B. Landscaping requirements. In addition to § 200-3.2C(2), industrial park buffers, and § 200-3.2C(3), outside bulk storage, the following landscaping and screening requirements shall apply. [The requirements of § 200-4.2D(5) shall not apply to industrial and office parks.]

(1) The front yard setback area of each lot, except for driveways and walkways, shall be landscaped with an effective combination of trees, ornamental trees, ground cover, shrubbery, and lawn.

(2) Within parking lots, there shall be provided one tree for every ten (10) spaces. A minimum of five percent (5%) of the parking lot area having twenty-five (25) or more spaces shall be maintained with landscaping.

(3) Removal of healthy trees over five (5) inches in diameter at breast height (dbh) shall be minimized along roadways to the maximum extent practicable. Any such trees as are removed shall be replaced. New or replacement trees must be at least two (2) inches dbh. **[Amended 5-21-2012 ATM by Art. 28]**

(4) All landscaped areas shall be properly maintained. Shrubs or trees which die shall be replaced within one (1) growing season by the property owner.

C. Lighting. Exterior illumination shall be only as necessary for safety and lighting of buildings, walks and roads. All lighting shall be arranged and shielded so as to prevent glare from the light source onto any public way or any other property. No light standard shall be taller than twenty-five (25) feet. All light standards shall be in a style approved by the Planning Board.

D. Utility areas. The Planning Board may require exposed storage areas, dumpsters, machinery, service areas, utility buildings and/or other unsightly use to be screened from view from neighboring properties and streets through the use of berms, fences or landscaping.

E. Utility services. All on-site utilities shall be placed underground, unless permission is otherwise granted by the Planning Board.

F. Procedures. If new lots are created that require the approval of the Planning Board under the Subdivision Control Law, the applicant shall submit a definitive plan and seek approval of a subdivision. Development on individual lots, or development of an office or industrial park on a single lot, or on multiple lots, requires approval of a site plan under § 200-7.1D of this Zoning Bylaw. The applicant may submit the materials required for both applications simultaneously in order to expedite the review process.

§ 200-5.9. Special permits for adult uses.

A. Purpose and intent. It has been documented in numerous other towns and cities throughout the Commonwealth of Massachusetts and elsewhere in the United States that adult entertainment uses are distinguishable from other business uses and that the location of adult entertainment uses degrades the quality of life in the areas of a community where they are located, with impacts including increased levels of crime, blight, and late hours of operation resulting in noise and traffic late into the night. Therefore, this bylaw is enacted pursuant to MGL c. 40A, §§ 9 and 9A to serve the compelling Town interests by regulating and limiting the location of adult entertainment enterprises as defined herein. This regulation will promote the Town of Charlton's great interest in protecting and preserving the quality of its neighborhoods, commercial districts, and the quality of life through effective land use planning.

B. General. Special permits shall be required to authorize the establishment of adult bookstores, adult

video stores, adult paraphernalia stores, adult live entertainment establishments or adult motion-picture theaters as hereinafter defined. Such permit shall require specific improvements, amenities and locations of proposed uses for which such permit may be granted. All proposals for special permits under this section shall also require site plan review under § 200-7.1D of the Charlton Zoning Bylaw.

C. Definitions. As used in this section, the following words shall have the following meanings:

ADULT BOOKSTORE — An establishment having as a substantial or significant portion of its stock-in-trade, books, magazines, and other matter which are distinguished or characterized by their emphasis on depicting, describing, or relating to sexual conduct or excitement as defined in MGL c. 272, § 31. For purposes herein, "substantial or significant portion of stock" shall mean more than twenty-five percent (25%) of the subject establishment's inventory or more than twenty-five percent (25%) of the subject premises' gross floor area.

ADULT ENTERTAINMENT ESTABLISHMENT — Any building, stage, structure, prop, vehicle or trailer that is utilized for the substantial purpose(s) of depicting or describing sexual conduct or offering sexual excitement, each as defined in MGL c. 272, § 31.

ADULT LIVE ENTERTAINMENT ESTABLISHMENT — Any establishment which displays live entertainment which is distinguished or characterized by its emphasis on depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31, and which excludes minors by virtue of age.

ADULT MOTION-PICTURE THEATER — An enclosed building used for presenting videos, movies or other film materials distinguished by an emphasis on matters depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31.

ADULT PARAPHERNALIA STORE — An establishment having as a substantial or significant portion of its stock devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in MGL c. 272, § 31. For purposes herein, "substantial or significant portion of stock" shall mean more than twenty-five percent (25%) of the subject establishment's inventory or more than twenty-five percent (25%) of the subject premises' gross floor area.

ADULT VIDEO STORE — An establishment having as a substantial or significant portion of its stock-in-trade, videos, movies or other film material which is distinguished or characterized by its emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31. For purposes herein, "substantial or significant portion of stock" shall mean more than twenty-five percent (25%) of the subject establishment's inventory or more than twenty-five percent (25%) of the subject premises' gross floor area.

D. Allowable locations for adult entertainment uses:

(1) Adult entertainment uses are allowed only within certain boundaries within the Town's Industrial - General (IG) District, described as follows:

INDUSTRIAL-GENERAL ZONE (WEST): Beginning at a point on the southerly side of Sturbridge Road (U.S. Route 20) at the Sturbridge Town line; thence southerly on Sturbridge line until it comes to a point in the northerly line of the abandoned road known as Major Hill Road; thence easterly on the northerly line of Major Hill Road until it comes to a point 50 feet west of Globe a.k.a. McKinstry Brook; thence northerly 50 feet west of and parallel to the west bank of the brook until it comes to the southerly line of Sturbridge Road; thence westerly by the southerly side of said road to the point of beginning.

(2) All of the provisions of other sections of this Zoning Bylaw shall continue to so apply except when such provisions conflict with the provisions of this section; in case of such conflict, the provisions of this section shall control.

E. Rules and application requirements.

(1) The special permit granting authority, the Charlton Planning Board, shall adopt and from time to time amend rules relative to the issuance of the permits, and shall file a copy of said rules in the Office of the Town Clerk.

(2) No special permit shall be granted by the Planning Board for an Adult entertainment establishment, adult bookstore, adult video store, adult paraphernalia store, adult motion-picture theater or adult live entertainment establishment unless the following conditions are satisfied:

(a) When submitting a proposal for a special permit under this bylaw, the applicant shall obtain a copy of the application and procedures from the Charlton Planning Board, the special permit granting authority. The applicant shall file one (1) copy of the application with the Town Clerk and deliver a second, date-stamped copy of the application form to the Office of the Planning Board. All applications shall be accompanied by fifteen (15) copies of the permit applied for.

(b) Dimensional requirements. The proposed use, and the building or structure containing it, shall meet minimum distance separations from the property line of other types of uses as outlined below: **[Amended 5-21-2012 ATM by Art. 28]**

[1] A minimum of two hundred fifty (250) feet from any residential district designated by Charlton Zoning Bylaws.

[2] A minimum of one thousand (1,000) feet from the property line boundary of any public school, public library, day-care facility, or religious facility;

[3] A minimum of five hundred (500) feet from the property line boundary of any public playground, park, or recreational area where minors regularly travel or congregate;

[4] A minimum of one thousand (1,000) feet from any other adult bookstore, adult video store, adult paraphernalia store, adult entertainment establishment, or adult motion-

picture theater and from any establishment licensed under the provisions of MGL c. 138, § 12.

[5] Building line setback required for the proposed use, and for the building or structure containing it, shall be a minimum of fifty (50) feet from any public or private way.

(c) No pictures, publications, videotapes, movies, covers, merchandise or other implements, items, or advertising that fall within the definition of adult entertainment establishment, adult bookstore, adult video store, adult paraphernalia store, adult motion-picture theater or adult live entertainment establishment merchandise or which are erotic, prurient or related to violence, sadism or sexual excitation or exploitation shall be displayed in the windows of, or on the building of, any adult entertainment establishment, adult bookstore, adult video store, adult paraphernalia store, adult motion-picture theater establishment, or be visible to the public from the pedestrian sidewalks or walkways or from other areas, public or semi-public, outside such establishments.

(d) No special permit shall be issued to any person convicted of violating the provisions of MGL c. 119, § 63, or MGL c. 272, § 28.

(e) Adult use special permits shall only be issued following public hearings held within sixty-five (65) days after filing of an application with the Charlton Planning Board, a copy of which shall forthwith be given to the Town Clerk by the applicant. The special permit granting authority shall act within ninety (90) days following a public hearing for which notice has been given by publication or posting as provided by MGL c. 40A, § 11, and by mailing notice of said public hearing by registered or certified mail, return receipt requested, to all owners of abutting properties, and owners of properties within one thousand (1,000) feet of the property line boundary of the proposed facility, and to all other parties in interest. Failure by a special permit granting authority to take final action upon an application for a special permit within said ninety (90) days following the date of pubic hearing shall be deemed to be a grant of the permit applied for unless such period is extended at the request of the applicant. Special permits issued by a special permit granting authority shall require a two-thirds vote of boards with more than five (5) members, a vote of at least four (4) members of a five-member board and a unanimous vote of a three-member board.

(f) A special permit granted under this bylaw shall lapse at the expiration of six (6) months from its issuance (or from the date on which it is deemed to have issued, whichever is sooner), if no appeal is made during the statutory appeal period, such time as is required to pursue or await the determination of an appeal referred to in MGL c. 40, § 17, from the grant thereof to be excluded from the computation of such six-month period, if a substantial use thereof has not sooner commenced except for a good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause. Any request for extension of the special for good cause shall be made in writing to the Planning Board establishing such cause before the end of the six-month period; all extensions may be granted or denied at the sole discretion of the Charlton Planning Board.

(g) The granting of a special permit for adult uses shall not be construed as approval for site plan review under § 200-7.1D of the Charlton Zoning Bylaw. Said site plan review is required of any proposed new adult entertainment establishment, adult bookstore, adult video store, adult paraphernalia store, adult motion-picture theater, and adult live entertainment establishment. Applicants who wish to shorten the permit timeline are

encouraged to request a joint permitting process covering both the special permit and site plan review.

(h) Existing adult entertainment uses. Any existing adult entertainment establishment, adult bookstore, adult motion-picture theater, adult paraphernalia store, or adult video store or adult live entertainment establishment shall apply for such permit within ninety (90) days following the adoption of this Zoning Bylaw; along with a written request to waive the site plan review requirements under § 200-7.1D of the Charlton Zoning Bylaw.

F. Severability. If any section of this bylaw is ruled invalid by a court of competent jurisdiction, such ruling will not affect the validity of the remainder of the bylaw.

§ 200-5.10. Special permits for wireless telecommunication facilities.

A. Purpose. The purpose of these regulations is to minimize adverse impacts of wireless communications facilities, satellite dishes and antennas on adjacent properties and residential neighborhoods; minimize the overall number and height of such facilities to only what is essential; promote shared use of existing facilities to minimize the need for new facilities; and deal effectively with aesthetic concerns and to minimize adverse visual impacts.

B. Definitions.

COMMUNICATION DEVICE — Any antenna, dish or panel mounted out of doors on an already existing building or structure used by a commercial telecommunications carrier to provide telecommunications services. The term "communications device" does not include a tower.

STEALTH COMMUNICATION FACILITIES — Any newly constructed or installed building, building feature, or structure designed for the purpose of hiding or camouflaging a WCF, tower(s), and communications device(s) installed therein or thereon, including but not limited to church steeples, flag poles, historic-replica barns, silos, water towers, bell towers, etc.

TOWER — Any equipment mounting structure that is used primarily to support reception or transmission equipment and that measures twelve (12) feet or more in its longest vertical dimension. The term "tower" is limited to monopoles.

WCF ACCESSORY BUILDING — A structure designed to house both mechanical and electronic equipment used in support of wireless communications facilities.

WIRELESS COMMUNICATIONS FACILITIES (WCF) — Any and all materials, equipment, storage structures, towers, dishes and antennas, other than customer premises equipment, used by a commercial telecommunications carrier to provide telecommunications or data services. This definition does not include facilities used by a federally licensed amateur radio operator.

C. Compliance with federal and state regulations. All wireless communications facilities shall be erected, installed, maintained and used in compliance with all applicable federal and state laws, rules and regulations, including radio-frequency emission regulations as set forth in Section 704 of the 1996 Federal Telecommunications Act, as the same may be amended from time to time.

D. Location. After a review of the existing technological needs of the telecommunications providers, the topography of Charlton, the requirements of the Telecommunications Act of 1996 and the impact on Town residents, the Town finds that wireless communications facilities may be allowed as follows:

(1) New towers. A wireless telecommunications tower overlay district is hereby established, superimposed on existing zoning districts. All requirements of the underlying zoning districts

shall remain in full force and effect, except as may be specifically superseded herein. The following areas are included in the overlay district:

(a) New towers may be allowed subject to a grant of a special permit by the Planning Board at the following geographic locations:

[1] The area of land bounded on the south by Route I-90 (Mass. Turnpike); on the west by Route 49, on the north by the Town of Sturbridge, and on the east by the easternmost boundary of the Parcel 7 on Tax Assessor's Map 31, Block B;

[2] The area of land known as the Massachusetts Turnpike Service Area, 6W, a/k/a Charlton Plaza, bounded on the north by Hammond Road, and on the south by the Massachusetts Turnpike, as shown on Charlton Assessor Map 19, Block C, Parcel 2.

[3] The area of land shown on Charlton Assessors' Map 30, Block C, Parcels 4, 16, and 17.

[4] The area of land shown on Charlton Assessors' Map 26, Block D, Parcel 13, excluding the southwest portion of the parcel bounded by a straight line extending southerly from the southeast corner or Parcel 9.1 to a point on the northerly side of Worcester Road a/k/a Route 20 four hundred twenty (420) feet easterly of the northeasterly corner of the intersection of Putnam Lane and Worcester Road a/k/a Route 20.

[5] The area of land shown on Charlton Assessors' Map 24, Block A, bounded as follows: beginning at a point on the southern boundary of Map 24, Block A, Lot 6, two hundred (200) feet easterly from the southwestern corner of said Lot 6, thence extending northerly and northeasterly a uniform two hundred (200) feet easterly and southerly of and parallel to the boundary of the Northside Historic District — South, through Lots 6.1 and 4.3A in said Map and Block, thence continuing easterly, southerly and easterly a uniform two hundred (200) feet southerly, westerly and southerly of, and parallel to, the boundary line of the Northside Historic District — South which runs along the southerly lines of Lots 4, 4.4, and 4.1 in said Map and Block, to the easterly line of said 4.3A and Lot 6 to the southeast corner of said Lot 6, thence westerly along the southern boundary of Lot 6, to the point of the beginning, excluding therefrom so much of Map 24, Block A, Lot 6.1 as would otherwise be located therein.

(2) Stealth communications facilities, communication devices and WCF accessory buildings. Stealth communications facilities, communication devices and WCF accessory buildings may be allowed in any zoning district subject to a grant of a special permit by the Planning Board, provided that they are properly screened and conform to the requirements set forth in this bylaw.

(3) Reconstruction, extension and alteration of preexisting towers. Existing towers may be reconstructed, expanded and/or altered in all zoning districts subject to a special permit granted by the Planning Board, provided that they conform to all of the requirements set forth in this Zoning Bylaw.

(4) New antennas within existing buildings. Communications devices and WCF accessory buildings may be located totally within existing buildings and existing structures in all zoning districts, subject to a special permit granted by the Planning Board.

E. General requirements.

(1) No wireless communications facility may be erected except upon the issuance of a special permit by the Planning Board and approval under site plan review as set forth in § 200-7.1D of the Zoning Bylaw and subject to all of the provisions of this section. It is recommended to the applicant to undertake both the special permit and site plan review procedures concurrently in order to expedite the permitting process. Multiple applications for the same site/facility are also encouraged, provided there is one (1) lead applicant responsible for all submissions; and further provided that no submission will be officially received until the Planning Board is satisfied that all submission requirements for all the applicants have been met, as described under Subsection G.

(2) The only wireless communication facilities allowed are: (a) newly constructed freestanding towers, and stealth communications facilities/structures, with their associated communications devices, and WCF accessory building(s); (b) communications devices and WCF accessory buildings mounted on, or supported, in whole or in part, by any existing building or structure; (c) and any WCF located wholly within any existing building or structure. Lattice-style towers and similar facilities that require guy wires for support are not allowed.

(3) All owners and operators of land used in whole or in part for a wireless communications facility and all owners and operators of such wireless communications facility shall, as a continuing condition of installing, constructing, erecting and using a wireless communications facility, permit other FCC-licenses commercial entities seeking to operate wireless communications facility, to install, erect, mount and use compatible wireless communications equipment and fixtures on the equipment mounting structure on reasonable commercial terms, provided that such co-location does not materially interfere with the transmission and/or reception of communication signals to or from the existing wireless communications facility, and provided that there are no structural or other physical limitations that make it impractical to accommodate the proposed additional wireless communication's equipment or fixtures.

(4) Each proposed construction of a new WCF, tower, communications device, stealth communications facility, or WCF accessory building shall require an initial special permit. Any extension in the height of, addition of WCF accessory buildings, communications devices to, or replacement of any WCF shall require an amendment to the special permit previously issued for that facility; or in the case where there is no special permit, an initial special permit.

(5) New facilities shall be considered by the Planning Board only upon a finding by the Planning Board that: (a) the applicant has used reasonable efforts to co-locate its proposed wireless communications facilities on existing or approved facilities; and (b) that the applicant either was unable to negotiate commercially reasonable lease terms with the owner of any existing or approved facility that could accommodate the proposed facilities from both structural engineering (i.e., the height, structural integrity, weight-bearing and wind-resistant capacity of the existing or approved facility), and radio frequent engineering (i.e., height, coverage area, etc.) perspectives; or there neither exists nor is there currently proposed any facility that could accommodate the proposed facilities from structural and radio frequent engineering perspectives. A report discussing this information, entitled "New Wireless Communications Feasibility Study," is to be submitted to the Planning Board as part of any special permit submission as outlined in Subsection G(4) below.

(6) The Town, acting through its Planning Board, may require the applicant to pay required fees for professional peer review of the applicant's proposal by a professional or radio frequency

engineer, attorney or other qualified professional. **[Amended 5-21-2012 ATM by Art. 28]**

(7) Co-existence with other uses. A wireless communications facility may be located on the same lot by special permit with any other structures or uses lawfully in existence and/or lawfully undertaken pursuant to this Bylaw.

F. Design requirements and performance standards. All wireless communications facilities erected, installed and/or used shall comply with the following design requirements and performance standards:

(1) Shared use of towers by commercial telecommunications carriers is required unless such shared use is shown by substantial evidence to not be feasible.

(2) It is presumed that the maximum allowed height of towers is one hundred fifty (150) feet, unless the applicant demonstrates that a greater height is essential to the proper functioning of the wireless communications services or unless the Planning Board finds that co-location on said tower is both practical and preferable. Stealth facilities must meet all dimensional restrictions for buildings and structures as required in the applicable sections of the Town of Charlton Zoning Bylaw.

(3) In the event that the Planning Board finds that in order to conform to the intent and purpose of this bylaw co-location is preferable, then towers shall be designed to accommodate the maximum number of presently interested users which is technologically practical. In addition, if the number of proposed users is less than four (4), the applicant shall provide a plan showing how the proposed tower can be expanded to accommodate up to four (4) users. In the event that the Planning Board finds that co-location is preferable, the applicant must agree to allow co-location pursuant to commercially reasonable terms to additional users.

(4) Towers shall be located a minimum of five hundred (500) feet from an existing residential dwelling or proposed dwelling in a permitted submission. This distance may be reduced by the Planning Board if it finds that the visual and aesthetic impact(s) on a residential neighborhood or dwelling would not be significantly more detrimental by doing so.

(5) A tower shall be set back from the property lines of the lot on which it is located by a distance equal to the overall vertical height of the tower and any attachments.

(6) Clustering of several wireless communications facilities on an individual lot may be allowed if the Planning Board finds that the visual and aesthetic impact(s) on surrounding residential neighborhoods or dwellings would not be significantly more detrimental than having only a single wireless communications facility. Such a proposal shall require three (3) additional visual depictions of the proposed grouping of facilities as described in Subsection G(2).

(7) Communications devices located on a structure shall not exceed ten (10) feet in height above the roof-line of the structure, unless the Planning Board finds that a greater height is essential to the proper functioning of the wireless communication services to be provided by the applicant at such location. For structures where it is difficult to determine the roof line, such as water tanks, the height of the communications devices shall not exceed ten (10) feet above the highest point of the structure.

(8) Screening requirements. All exterior wireless communications facilities equipment and fixtures shall be painted or otherwise screened or colored to minimize their visibility to abutters, adjacent streets and residential neighborhoods. Wireless communications facilities, equipment

and fixtures visible against a building structure shall be colored to blend with such building or structure. Wireless communications facilities, equipment and fixtures visible against the sky or other background shall be colored or screened to minimize visibility against such background A different coloring scheme shall be used to blend the structure with the landscape below and above the tree or building line. Existing on-site vegetation shall be preserved to the maximum extent feasible.

(9) Communication devices shall be situated on or attached to a structure in such a manner that they are screened, preferably not being visible from abutting streets. Freestanding dishes or communications devices shall be located on the landscape in such a manner so as to minimize visibility from abutting streets and residences, and to limit the need to remove existing vegetation. All equipment shall be screened, colored, molded and/or installed to blend into the structure and/or the landscape.

(10) Fencing shall be provided to control access to wireless communications facilities and shall be compatible with the scenic character of the Town and shall not be of razor wire. Any entry to the proposed access road shall be gated (and locked) at the intersection of the public way, and a key to the lock provided to the emergency response personnel designated by the Planning Board.

(11) Night lighting of towers shall be prohibited unless required by the Federal Aviation Administration. Lighting shall be limited to that needed for emergencies and/or as required by the FAA.

(12) There shall be a minimum of one (1) parking space for each facility, to be used in connection with the maintenance of the site, and not be used for the permanent storage of vehicles or other equipment.

(13) For proposed tower sites, the width, grade, and construction of the access road shall be designed so that emergency response vehicles can get to the tower and WCF accessory buildings, and shall be designed to provide proper storm drainage.

G. Procedure for a special permit and site plan review. All applications for wireless communications facilities, and/or communications devices shall be made and filed on the applicable application forms for site plan and special permit in compliance with § 200-7.1D, § 200-7.1H(2), and § 200-7.2G of the Zoning Bylaw, and also with the following additional requirements:

(1) A locus plan of the site at a scale of one (1) inch equals two hundred (200) feet (1" = 200') which shall show all property lines, zoning, the exact location of the proposed structure(s), streets, landscape features, residential dwellings and neighborhoods and all buildings within five hundred (500) feet of the wireless communications facilities.

(2) No less than eight (8) color photographs and/or renditions to be submitted of the proposed WCF with its tower, communications devices, etc., showing the impact of the proposed facility on abutting streets, adjacent property owners and residential neighborhoods; said visuals are to be labeled with their locations. For satellite dishes or antennas, a color photograph or rendition illustrating the dish or antenna at the proposed locations is required.

(3) For new towers, and for reconstruction, alteration, or extension of existing towers, the applicant shall arrange to either fly a balloon of at least three (3) feet in diameter, or conduct a crane test at the maximum height of the proposed tower at least once before the first public hearing. The date, time and location of the test shall be advertised by the applicant at least fourteen (14) days, but no more than twenty-one (21) days, before the flight in a newspaper of general circulation.

(4) Feasibility study. For proposed new wireless communication facilities, a feasibility study in report form is required to be completed by the applicant's professional or radio frequency engineer and local senior technical manager, showing documentation of an extensive and complete search of existing towers and WCF. The study requires answers to technical questions such as identifying existing towers in the applicant's search ring; coverage diagrams/percentages from available heights at these locations; RF interference conflicts; physical capacity of towers available in search ring and the requirements for retrofitting such facilities; existing tower contact information and contact dates; results of co-location efforts; proposed new tower weight/user capacity; available height locations for co-location users; and available ground area for WCF accessory buildings. Feasibility study forms are available from the Planning Board.

(5) If applicable, a written statement that the proposed facility complies with, or is exempt from, applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.

H. Criteria for granting special permit.

(1) Applications for special permits may be denied if the Planning Board finds that the petitioner does not meet or address the requirements of this § 200-5.10 and MGL c. 40A, § 9.

(2) When considering an application for a wireless communication facility, the Planning Board shall take into consideration the proximity of the facility to residential dwellings and its impact on these residences. New towers shall only be considered after a finding that existing (or previously approved) towers suitable for and available to the applicant on commercially reasonable terms cannot accommodate the proposed use(s), taking into consideration radio frequency engineering issues and technological constraints.

(3) When considering an application for a proposed communications device to be placed on a structure, or for a proposed stealth communications facility, the Planning Board shall take into consideration the visual impact of the unit from the abutting neighborhoods and street(s).

I. Conditions. The Planning Board shall also impose, in addition to any reasonable conditions supporting the objectives of the Zoning Bylaw, such applicable conditions as it finds appropriate to safeguard the neighborhood or otherwise serve the purpose of this § 200-5.10, including, but not limited to, screening, buffering, lighting, fencing, modification of the external appearance of the structures, limitation upon the size, method of access or traffic features, parking, removal or cessation of use, or other requirements. Such conditions shall be imposed in writing with the granting of a special permit. As a minimum, the following conditions shall apply to all grants of special permits pursuant to this section:

(1) Annual certification demonstrating continuing compliance with the standards of the Federal Communications Commission, Federal Aviation Administration and required maintenance shall be filed with the Inspector of Buildings by the special permit holder, with a copy received by the Planning Board no later than January 31 of each year.

(2) Removal of abandoned towers and facilities. Any WCF that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such tower and facility shall remove same within ninety (90) days of receipt of notice from the Planning Board notifying the owner of such abandonment. If such tower or facility is not removed within said ninety (90) days, the Planning Board may cause such tower or facility to be removed at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall

not become effective until all users cease using the tower.

(3) For all towers, a performance bond must be issued to the Town from a surety authorized to do business in Massachusetts and satisfactory to the Town of Charlton, in an amount equal to the cost of removal of any and all WCF from the premises and for the repair of such premises and restoration to the condition that the premises were in at the onset of the lease, said amount to be determined at the discretion of the Planning Board by either the applicant's engineer or professional hired by the Planning Board at the applicant's expense. The amount of the bond shall be the total estimate of restoration costs and anticipated fees (in today's dollars) by the applicant's engineer, plus an annual increase of three percent (3%) for the term of the lease. The term of the bond shall be for the full term of any lease plus twelve (12) months. The Town must be notified of any cancellation or change in the terms or conditions in the bond.

(4) For all towers, an agreement must be executed whereby the user will allow the installation of municipal communications devices at no cost to the Town of Charlton, and which will allow other carriers to lease space on the tower so long as such use does not interfere with the user's use of the tower, or with any Town-controlled communications devices.

(5) For all towers located on non-municipal property, a clause must be inserted in any lease that unconditionally permits the Town or contractors hired by the Town to enter the premises, at any time, whereupon towers are located, if any Town-wide or Town-controlled telecommunications are located thereon.

(6) For all towers located on municipal property, a certificate of insurance for liability coverage in amounts determined by the Board of Selectmen must be provided naming the Town as an additional insured.

(7) For all towers located on municipal property, an agreement must be executed whereby the user indemnifies and holds the Town harmless against all claims for injury or damage resulting from or arising out of the use or occupancy of the Town-owned property by the user.

(8) All permittees shall be required to file annually on or before February 1st with the Charlton Planning Board a complete list of all WCF locations in the Town then used by the permittee, including communications devices mounted on the interior of a building or structure.

(9) The special permit shall lapse in two (2) years unless substantial use or construction has commenced by such date, unless for good cause shown a written request for an extension of time is made to the Planning Board. Such construction, once begun, shall be actively and continuously pursued to completion within a reasonable time. This two-year period does not include such time as required to pursue or await the determination of an appeal from the granting of this special permit.

(10) Any future extension, addition of WCF, or construction of new or replacement towers or stealth facilities shall be subject to an amendment of the special permit, following the same procedure as for an original grant of a special permit.

J. Severability. If any section of this bylaw is ruled invalid by any authority or a court of competent jurisdiction, such ruling will not affect the validity of the remainder of the bylaw.

§ 200-5.11. Special permits for senior living facilities.

A. Purpose. The purpose of the Senior Living Bylaw is to encourage residential development that

provides alternative housing choices for people that are fifty-five (55) years of age and older. For the purposes of this bylaw, housing units are intended for occupancy by persons fifty-five (55) or over within the meaning of MGL c. 151B, § 4, Subsection 6, and shall comply with the provisions set forth in 42 U.S.C. § 3601 et seq. This bylaw is also intended to promote affordable housing, efficient use of land and public infrastructure, and to preserve open space.

B. Applicability. In order to be eligible for a special permit for a senior living development, the property under consideration must be a parcel or set of contiguous parcels held in common ownership, totaling at least ten (10) acres in size and located entirely within the Agricultural (A), Low Density Residential (R-40), Village (V), or Residential - Small Enterprise (R-SE) Zoning Districts as set forth on the Zoning Map. In a senior living development, notwithstanding the provisions of the Table of Use Regulations (§ 200-3.2, Use Regulations), only those uses specified in this § 200-5.11 shall be allowed.

C. Types of dwellings, facilities, and uses permitted. The following uses are allowed as of right, subject to the dimensional and other requirements of this § 200-5.11: detached one-family dwellings. The following uses, facilities and structures shall be permitted only upon a special permit granted by the Planning Board: detached or attached dwellings of any combination [other than the aforementioned use(s) permitted as of right)] restorative care center, skilled nursing facility, clinic, congregate housing, assisted-living facility, and accessory uses for in-house resident services such as exercise and recreational rooms or areas, a swimming pool, small convenience store, hairdressing shop, massage service, instruction in physical exercise or arts or crafts, a small theater for visiting live theater performances. Such in-house resident services accessory uses shall only be provided to residents and their guests and shall not display exterior advertising. The program of and facilities for in-house services offered by the senior living development shall be specified in the special permit application and the scale of each service shall be in proportion to the number of dwelling units in the senior living development and subject to approval by the Planning Board. All facilities shall fully comply with standards of the Architectural Access Board. Enclosed or nonenclosed walkways connecting buildings shall be permitted.

(1) Independent living retirement housing. As used in this bylaw, "independent living retirement housing" means private residential dwelling units, individually equipped with a minimum of a kitchen, bedroom, bathroom and living area. Geared toward independently functioning adults, this housing typically does not offer on-site supportive services but is designed to be barrier-free and may include emergency call features complemented by housing management and maintenance services.

(2) Congregate housing. As used in this bylaw, "congregate housing" means private dwelling units/ apartments which may have kitchen facilities within a complex containing central dining and other common areas and is designed for an adult population requiring some supportive services including but not limited to meals, housekeeping, home health, and other supportive services. Congregate housing under this section of the bylaw must obtain all required permits and/or licenses that are required to operate such facility by any department of the United States of America, the Commonwealth of Massachusetts and the Town of Charlton.

(3) Assisted-living facility. As used in this bylaw, an "assisted-living facility" means a twenty-four-hour staff along with private dwelling units which may contain independent efficiency kitchens, but which contain common kitchen, dining and other activity areas. Assisted-living facilities are geared to an adult population which may have difficulty functioning independently and may require oversight including, but not limited to, the provision of a full meal plan, transportation services, personal care and assistance with medications. Special care programs specifically

designed for adults with memory loss are included in this category. Assisted-living facilities under this section of the bylaw must obtain all required permits and/or licenses required to operate such facility by any department of the United States of America, the Commonwealth of Massachusetts, including certification by the Executive Office of Elder Affairs pursuant to MGL c. 19D, and the Town of Charlton.

(4) Restorative care/skilled nursing facility: includes any institution which provides services primarily to three (3) or more individuals admitted thereto and which provides such individuals with the following long-term nursing, convalescent or rehabilitative care; supervision and care incident to old age; or retirement home care for elderly persons. This includes services provided by nursing homes, convalescent homes, long-term care facilities, rest homes, infirmaries for older adults, and charitable homes for the aged. Restorative care/skilled nursing facilities under this section of the bylaw must obtain all applicable permits and licenses required by any agency of the United States of America, the Commonwealth of Massachusetts and the Town of Charlton.

(5) Dwelling unit. As used in this § 200-5.11, and notwithstanding the definition of "dwelling unit" set forth in § 200-2.1 of this Zoning Bylaw, the term "dwelling unit" shall mean one (1) or more living or sleeping rooms arranged for the use of one (1) or more individuals living as a single housekeeping unit with individual or congregate cooking, living, sanitary and sleeping facilities, excluding mobile homes and trailers. The intent of this definition is to define a "home" with private sleeping rooms rather than a dormitory arrangement of sleeping quarters.

D. General requirements. An application for a senior living development special permit must conform to the following standards:

(1) Occupancy of dwelling units shall be limited to persons fifty-five (55) years of age or older.

(2) The minimum tract size shall be ten (10) acres.

(3) All dwelling units must be served with public water service and be connected to the public sewerage system. Subject to all other applicable bylaws, rules and regulations of the Town, including, without limiting the foregoing, those of the Board of Health and the Water and Sewer Commission, an on-site waste treatment facility (package treatment plant), approved by the Mass. Department of Environmental Protection (DEP), may be substituted for public sewer, and an on-site water supply system may be substituted for public water, if the Town Water and Sewer Commission deems the connection to public water service or public sewer service to be infeasible.

(4) A minimum of thirty percent (30%) of the parcel shown on the development plan shall be contiguous open space, excluding required yards and buffer areas. Not more than twenty-five percent (25%) of the open space shall be wetlands, as defined pursuant to MGL c. 131, § 40. The open space shall be subject to the conditions set forth in § 200-5.7, Flexible development, provided that the term "senior living development" shall be substituted for the term "flexible development" in said conditions.

(5) A minimum of ten percent (10%) of the total units shall be affordable in perpetuity. For the purposes of this section, "affordable units" shall be defined as units affordable to people or families with incomes as set by the Department of Housing and Community Development (DHCD) for this purpose. Affordable units shall be dispersed throughout the development and shall be indistinguishable from market-rate units. The Charlton Housing Authority shall be responsible for choosing purchasers or tenants, and monitoring and ensuring the long-term

affordability of the units.

(6) The maximum number of permitted housing units within all permitted senior living developments in the Town of Charlton shall be limited to a number equivalent to ten percent (10%) of all existing residential units (excluding senior living development units) located in the Town of Charlton. The Board of Assessors shall establish the number of residential housing units as of January 1 of each calendar year.

(7) No single structure containing independent living retirement housing shall contain more than four (4) dwelling units.

(8) The total number of dwelling units in a senior living development shall not exceed four (4) units per acre of buildable land unless a density bonus is granted under the following section. Buildable acreage shall be calculated by a registered land surveyor or civil engineer and shall not include any of the following:

(a) Land within a floodway or floodplain district as defined under Section 6, Floodplain District.

(b) Freshwater wetlands as defined by MGL c. 131, § 40.

(c) Land having slopes greater than twenty percent (20%).

(d) Land subject to a conservation restriction which prohibits development.

(e) Land subject to any local, state, or federal law or regulation, right-of-way, public or other restriction, which prohibits development.

(9) The Planning Board may grant density bonuses under the following provisions; provided, however, that at no time shall there be more than six (6) units per buildable acre of land in the development:

(a) Affordability. For each affordable housing unit provided above the minimum required ten percent (10%), one (1) additional housing unit may be permitted.

(b) Open space. For each acre of preserved open space in addition to the minimum required, two (2) additional housing units may be permitted.

(10) Public bikeways, pedestrian walkways or walking trails may be required by the Planning Board to provide circulation or access to schools, playgrounds, parks, shopping, transportation, open space and/or community facilities or such other purposes as the Board may determine to be appropriate to serve the needs of the development.

(11) Any structure proposed in a historic district or on a parcel immediately adjacent to a historic district shall be submitted for review and approval to the Historical Commission.

E. Dimensional requirements.

(1) Lot area. Individual independent living retirement housing residential lots shall have a minimum lot area of ten thousand (10,000) square feet.

(2) Lot frontage. Individual independent living retirement housing lots within a senior living development shall have a minimum of one hundred (100) feet of frontage on a public way or an approved subdivision way.

(3) Setback requirements. All structures shall be located no less than twenty-five (25) feet from the front lot line and no less than fifteen (15) feet from the side and rear lot lines.

(4) Building separation. Distance between structures shall not be less than thirty-six (36) feet.

(5) Buffer areas. All dwellings and structures shall be located a minimum of fifty (50) feet from adjacent properties. Buffer areas shall be retained in their natural vegetative state to the maximum extent feasible, except where adjacent to property used for agriculture purposes.

(6) Building height. No building shall exceed thirty-six (36) feet in height, exclusive of basements.

(7) Parking. The development shall comply with the driveway and parking provisions of § 200-4.2, Off-street parking and loading.

F. Procedures. The Planning Board shall be the granting authority for senior living development special permits.

(1) Pre-application. Applicants are required to present a conceptual development plan prepared by a registered professional architect, register professional landscape architect or registered professional engineer at a regularly scheduled Planning Board meeting. The plan shall include a detailed analysis of site topography, wetlands, unique land feature, and soil types. The purpose of this requirement is to help applicants and officials develop a better understanding of the property and to help establish an overall design approach that respects the intent of this bylaw, which is to provide alternative housing choices, protect open space, and promote efficient use of the land and infrastructure.

(2) Application. Applicants are required to submit a special permit application and development plan, conforming to the requirements of this bylaw, to the Planning Board for approval under the provisions of § 200-7.2, Granting authority.

(a) The development plan shall include a site plan under § 200-7.1D, Site plan review.

(b) If the development plan shows a subdivision of land as defined under MGL c. 41, § 81L, the applicant is required to also submit a preliminary subdivision plan and applications under the applicable Planning Board Subdivision Rules and Regulations at the time of application for a senior living development, and must obtain approval of the preliminary subdivision plan prior to submitting a definitive plan and application. All road networks and accompanying infrastructure shall be retained by the applicant and not accepted by the Town as public ways.

(3) The Planning Board may grant a special permit for a senior living development if the Board determines that all requirements under the bylaw have been met and that the benefits of the proposed use outweigh the detriments to the neighborhood or Town.

(4) The Planning Board may impose such additional conditions as it finds reasonably appropriate to safeguard existing neighborhoods or otherwise serve the purposes of this bylaw.

G. If any provision of this bylaw is determined to be invalid, it shall not affect the validity of the remaining provisions.

§ 200-5.12. Phased growth.

A. Purposed and intent. This section of the Charlton Zoning Bylaw is adopted pursuant to Article 89 of

the Massachusetts Constitution in order to ensure that the issuance of building permits for new residential construction in the Town of Charlton is consistent with the Town's ability to provide infrastructure necessary to accommodate the new growth. This section establishes a phased growth rate limitation consistent with historic growth rates experienced in Charlton, as described in the Master Plan for the Town of Charlton. The Master Plan demonstrates that the Town is unable to provide services and facilities at a pace equivalent to the rate of development and population growth experienced in the Town in the past decade. The Town seeks to ensure that growth occurs in a manner that can be supported by Town services, particularly adequate public safety, schools, roads, water, sewer, and human services at a level of quality expected by the citizenry and affordable to the Town.

B. Applicability. Beginning on the date when this section of the bylaw was approved by Town Meeting, no building permit for a new dwelling unit or units shall be issued unless in accordance with the schedule set forth in this section, unless exempted pursuant to Subsection E of this section. This section shall apply to all definitive subdivision plans, as well as to all flexible development projects proposed pursuant to § 200-5.7 of this bylaw. Dwelling units shall be considered as part of a single development, for the purposes of development scheduling, if located either on a single parcel or contiguous parcels of land that have been held in common ownership at any time on or subsequent to the date of adoption of this bylaw.

C. Zoning change protection. The protection against zoning changes as granted by MGL c. 40A, § 6, shall, in the case of a development whose completion has been restrained by this bylaw, be extended to the minimum time for completion allowed under this bylaw.

D. Development rate timetable.

(1) Building permits for new dwelling units shall be authorized only in accordance with the following schedule. This applies to all definitive subdivision plans, as well as to all flexible development projects proposed pursuant to § 200-5.7 of this bylaw, which will result in the creation of new dwelling units.

(2) The Planning Board shall not approve any development schedule that would result in the issuance of building permits that exceed the phased growth rate limitation set forth in this section of the Charlton Zoning Bylaw.

(3) Building permits shall be issued as follows:

Number of New Dwelling Units	Percentage of Total Dwelling Units per Year*
1 to 4	100%
5 to 10	75%
11 to 20	50%
21 to 40	25%
41 or more	20%

	*	Percent of new dwelling units in the development for which building permits may be authorized per calendar year. The yearly schedule designated above commences from the date the Planning Board approves and signs the definitive subdivision plan or approval for the flexible development project.

(4) If the maximum number of building permits allowable for a particular development in a given calendar year pursuant to the schedule in Subsection D(3) immediately above are not actually issued during said year, those which would have been allowed but which did not in fact issue said year may be carried forward to the immediately following calendar year and may be added to those normally allotted for the project during said immediately following year, but shall not be carried forward to any subsequent calendar year.

E. Procedures.

(1) As a condition for approval, applicants shall submit a proposed development schedule with their application for all definitive subdivision plans as well as for all flexible development projects proposed pursuant to § 200-5.7 of this bylaw, that will result in the creation of new dwelling units.

(2) Approved development schedules shall be incorporated as part of the decision filed with the Town Clerk in accordance with applicable procedures for the permit sought and shall be properly recorded at the Worcester District Registry of Deeds. One copy of the approved development schedule shall be filed with the Building Commissioner's Office.

F. Exemptions. The following types of development are exempt from this section of the Charlton Zoning Bylaw. The issuance of building permits for these types of development are exempted from the phased growth rate limitation in order to further the goals and objectives of the Charlton Master Plan. In any such instance, issuance of any and all applicable permits pursuant to the Charlton Zoning Bylaw shall be conditioned upon the recording of a restriction enforceable by the Town that ensures that the dwelling units shall only be used for residents as described below.

(1) All developments restricted to use for senior citizen housing.

(2) All developments restricted to use for housing for the disabled.

(3) Housing that is eligible for inclusion on the Mass. DHCD Subsidized Housing Inventory (SHI) listing. **[Added 5-21-2012 ATM by Art. 28]**

(4) Affordable housing created in accordance with § 200-5.15, Inclusionary zoning special permit, of the Charlton Zoning Bylaw. **[Added 5-21-2012 ATM by Art. 28]**

§ 200-5.13. Reduced frontage lots.

A. Reduced frontage lots may be created and excluded from existing minimum frontage requirements, providing that the Planning Board authorizes the creation of the lot by special permit for reduced lot

frontage, in accordance with the regulations and requirements set forth below. Such lots shall only be permitted in the Agricultural (A) and Low Density Residential (R-40) Zoning Districts.

B. General requirements.

(1) The minimum lot area required for each reduced frontage lot shall be five (5) acres.

(2) The minimum frontage length and lot width shall be fifty (50) feet.

(3) The building setback line shall be a minimum of two hundred (200) feet.

(4) The reduced frontage access strip portion of the lot cannot exceed six hundred (600) feet in length.

(5) The plan showing a reduced frontage lot submitted to the Planning Board for endorsement under MGL c. 41S, 81P or 81U shall clearly identify the lot as a reduced frontage lot and bear a statement to the effect that such reduced frontage shall not be further divided to reduce its area or to create additional building lots. Further, such plan shall show the proposed dwelling location.

(6) Reduced frontage lots shall meet the requirements of § 200-3.3B(5) of the Charlton Zoning Bylaw [two-thirds (2/3) upland area].

§ 200-5.14. Flexible business development.

A. Purpose. The purposes of this section, Flexible business development, are:

(1) To promote more sensitive siting of commercial and industrial buildings and better overall site planning;

(2) To perpetuate the appearance of the Town's traditional New England landscape;

(3) To facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner; and

(4) To offer an alternative to standard commercial and industrial development.

B. Definitions. The following terms shall have the following definitions for the purposes of this section:

CONTIGUOUS OPEN SPACE — Open space suitable, in the opinion of the Planning Board, for the purposes set forth herein. Such open space may be separated by the road(s) constructed within a FBDP. Contiguous open space shall not include required yards.

FLEXIBLE BUSINESS DEVELOPMENT PROJECT (FBDP) — A commercial and/or industrial development authorized by special permit as set forth in this § 200-5.14.

C. Applicability. A FBDP may be created, whether a subdivision or not, from any parcel or set of contiguous parcels held in common ownership and located entirely within the Business Enterprise Park District as defined in the Zoning Bylaw, subject to the conditions and specifications set forth herein.

D. Procedures. A FBDP may be authorized upon the issuance of a special permit by the Planning Board. An applicant for a FBDP special permit shall file with the Planning Board ten (10) copies of the following:

(1) A development plan conforming to the requirements for a preliminary plan as set forth in the Subdivision Rules and Regulations of the Planning Board.[28]

(2) Wetland delineation; where such is in doubt or dispute, the Planning Board may require appropriate documentation.

(3) Data on proposed wastewater disposal, which shall be referred to a consulting engineer for review and recommendation. The applicant shall pay for the cost of such review, per procedure established by the Planning Board.

(4) The Planning Board may also require as part of the development plan any additional information necessary to make the determinations and assessments cited herein. The applicant shall pay the cost of such review required of the additional information, per procedure established by the Planning Board.

E. Modification of lot requirements. Applicants for a FBDP special permit may modify lot shape and other dimensional requirements for lots, subject to the following limitations:

(1) Lots having reduced frontage shall not have frontage on a street other than a street created by the FBDP; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lots are consistent with existing development patterns in the existing neighborhood.

(2) Side and rear yards shall not be reduced to less than fifty percent (50%) of distances otherwise required.

F. Standards. The following design standards shall apply to a FBDP:

(1) Types of buildings. The FBDP may consist of any combination of structures on one (1) lot or a subdivision of land; provided, however, that no single office buildings may be constructed unless such single office exceeds twelve thousand (12,000) square feet in gross floor area.

(2) Architectural style. The architecture of all buildings is of interest to the Planning Board, and as such the Planning Board shall determine that the design and appearance of all buildings will not be injurious to the established or future character of the vicinity and the neighborhood and that it shall be in harmony with the general purpose and intent of this bylaw. Structures shall be oriented toward the street serving the premises and not the required parking area.

(3) Roads. The principal roadway(s) serving the site shall be designed to conform with the standards of the Planning Board's Subdivision Control Rules and Regulations.[29]

(4) Parking. Each business located within the FBDP shall provide parking as required by § 200-4.2 of this Zoning Bylaw; provided, however, that the Planning Board may reduce the number of required parking spaces in a FBDP by special permit upon a finding that such reduction will not cause substantial detriment.

(5) Buffer areas. A buffer area of one hundred (100) feet shall be provided at the perimeter of the property where it abuts residentially zoned properties, except for driveways necessary for access and egress to and from the site. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance. The Planning Board may waive the buffer

28. Editor's Note: See Ch. 210, Subdivision of Land.

29. Editor's Note: See Ch. 210, Subdivision of Land.

requirement:

(a) Where the land abutting the site is the subject of a permanent restriction for conservation or recreation so long as a buffer is established of at least fifty (50) feet in depth, which may include such restricted land area within such buffer area calculation; or

(b) Where the land abutting the site is held by the Town for conservation or recreation purposes; or

(c) The Planning Board determines that a smaller buffer will suffice to accomplish the objectives set forth herein.

(6) Stormwater management. Stormwater management shall be consistent with the requirements for subdivisions set forth in the Rules and Regulations of the Planning Board[30] and the DEP's Stormwater Management Policy.

G. Contiguous open space. A minimum of twenty-five percent (25%) (or less if in the opinion of the Planning Board such reduction is consistent with the intent of this section) of the parcel shown on the development plan shall be contiguous open space. Any proposed contiguous open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively agricultural, horticultural, educational or recreational purposes, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

(1) The percentage of the contiguous open space which is wetlands shall not normally exceed the percentage of the tract which is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in such open space upon a demonstration that such inclusion promotes the purposes set forth in Subsection A, above.

(2) In no case shall the percentage of contiguous open space which is wetlands exceed fifty percent (50%) of the tract.

(3) The contiguous open space shall be used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes.

(4) The contiguous open space shall remain unbuilt upon, provided that the Planning Board may permit up to ten percent (10%) of such open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space, pedestrian walks, and bikepaths.

(5) Underground utilities to serve the FBDP may be located within the contiguous open space.

H. Ownership of the contiguous open space. The contiguous open space shall, at the Planning Board's election, be conveyed to:

(1) The Town or its Conservation Commission, subject to the public acceptance requirements of the Board of Selectmen and Town Meeting;

(2) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above;

(3) A corporation or trust owned jointly or in common by the owners of lots and/or units within the

30. Editor's Note: See Ch. 210, Subdivision of Land.

FBDP, if applicable. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots or units in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust, which shall provide for mandatory assessments for maintenance expenses to each lot/unit. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the Town an easement for this purpose. In such event, the Town shall first provide fourteen (14) days' written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the Town may perform it and recover from the trust or corporation the costs of performing the maintenance and all expenses, including attorney fees (Town Counsel otherwise), incurred in enforcing the requirements set forth in this section, which costs and expenses shall constitute a lien upon each of such lots/ units. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

I. Decision. The Planning Board may approve, approve with conditions, or deny an application for a FBDP after determining whether the FBDP better promotes the purposes set forth in Subsection A than would a conventional commercial or industrial development of the same property.

J. Relation to other requirements. The submittals and permits of this section shall be in addition to any requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw.

§ 200-5.15. Inclusionary zoning special permit.

Affordable Housing — Incentive Option

A. Purpose and intent.

(1) The purpose of this incentive option is to increase the supply of affordable housing in the Town of Charlton. This bylaw aims to ensure that such housing is affordable over the long-term and provided in accordance with the requirements of MGL c. 40B and its implementing regulations as promulgated by the Department of Housing and Community Development (DHCD), Charlton's Zoning Bylaw, and the Charlton Master Plan.

(2) Accordingly, the provisions of this section are designed to:

(a) Provide developers an incentive to increase the supply of affordable rental and ownership housing in the Town of Charlton;

(b) Eventually reach the ten-percent affordable housing threshold established by the Commonwealth in MGL c. 40B, §§ 20 through 23;

(c) Encourage a greater diversity and distribution of housing to meet the needs of families and individuals at all income levels; and

(d) Prevent the displacement of Charlton residents.

B. Definitions.

AFFORDABLE HOUSING UNIT (AHU) — A dwelling unit available at a cost of no more than thirty percent (30%) of gross household income of those households at or below eighty percent (80%) of the Worcester Primary Metropolitan Statistical Area (PMSA) median household income as

reported by the U.S. Department of Housing and Urban Development, including units listed under MGL c. 40B and the Commonwealth's Local Initiative Program and qualifying for the Mass. DHCD Subsidized Housing Inventory (SHI) listing.**[Amended 5-21-2012 ATM by Art. 28]**

INCOME, LOW AND MODERATE —

(1) LOW INCOME — Households making less than fifty percent (50%) of the median income of the Worcester PMSA.

(2) MODERATE INCOME — Households making between fifty percent (50%) and eighty percent (80%) of the median income of the Worcester PMSA.

MEDIAN INCOME — The median income, adjusted for household size, for the Worcester PMSA published by or calculated from regulations promulgated by the United States Department of Housing and Urban Development or any successor federal or state program.

PROJECT — Any residential development containing six (6) dwelling units, including housing created both by new construction or remodeling and conversion of an obsolete or unused building or other structure from its original or more recent use to an alternate use.

C. Applicability. Developers may exercise the affordability incentive option for residential development projects containing at least six (6) dwelling units in any zoning district that permits residential development by right or by site plan approval. The option is only available to definitive subdivision plans and is not available to projects containing fewer than six (6) dwelling units. **[Amended 5-21-2012 ATM by Art. 28]**

D. Provision of affordable units and density bonus.

(1) Utilizing the affordable housing incentive option will require the granting of a special permit from the Planning Board.

(2) Density bonus applicability. The density bonus is only available in those areas of Charlton serviced by both municipal water and sewer, or upon approval of both the Planning Board and the Board of Health. **[Amended 5-21-2012 ATM by Art. 28]**

(3) Density bonus formula. For projects resulting in a net increase of six (6) or more dwelling units, the applicant has the option of obtaining a density bonus in exchange for the provision of affordable housing. The number of additional lots derived from the density bonus shall not exceed twenty-five percent (25%) of the total lots that could be created under a conventional definitive subdivision plan design. The density bonus shall be calculated according to the following formula:

(a) For those residential development projects that will set aside a minimum of fifteen percent (15%) of the total proposed housing units for affordable housing, the minimum lot area per dwelling normally required in the applicable zoning district may be reduced by the amount necessary to permit up to two (2) additional units for each one (1) affordable housing unit provided.

(b) For those residential development projects that will set aside a minimum of ten percent (10%) of the total proposed housing units for affordable housing, the minimum lot area per dwelling normally required in the applicable zoning district may be reduced by the amount necessary to permit up to one (1) additional unit for each one (1) affordable housing unit provided.

(4) Fractions. If, when applying the above percentages to the total number of units to determine the number of affordable units, the resulting number of affordable units includes a fraction of a unit, this fraction shall be rounded up to the next whole number.

E. Standards. Residential projects that plan on utilizing the affordable housing incentive option need to comply with the following standards:

(1) Affordable units shall be dispersed throughout the project so as to ensure a true mix of market-rate and affordable housing.

(2) Affordable units shall conform to the general appearance of residences in the area and/or the project. Affordable units must contain at least eighty-five percent (85%) of the average floor area of the market-rate units.

(3) All affordable housing units created under this bylaw shall be no less accessible to public amenities, such as open space, than the market-rate units.

(4) The construction of the affordable units will be built (a unit is considered "built" upon the issuance of an occupancy permit) coincident with the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

Market-Rate Units (% built)	**Affordable Housing Units (% built)**
Up to 30%	None required
30% to 50%	At least 30%
51% to 75%	At least 75%
76% or more	100%

F. Use restrictions.

(1) Preservation of affordability: restrictions on resale. Each affordable unit created in accordance with this bylaw shall have the following limitations governing its resale. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households in perpetuity. The resale controls shall be established through a deed restriction, acceptable to the Massachusetts Department of Housing and Community Development and the Charlton Planning Board, and recorded at Worcester District Registry of Deeds or the Land Court. Covenants and other documents necessary to ensure compliance with this section shall be executed and, if applicable, recorded prior to and as a condition of the issuance of any certificate of occupancy, as the Planning Board shall deem appropriate.

(2) Maximum rental price. Rents for the affordable units, including utilities, shall not exceed thirty percent (30%) of the targeted annual gross household income.

(3) Maximum sales price. Housing costs, including monthly housing payments, principal and interest payments, and insurance, shall not exceed thirty percent (30%) of the targeted gross household income.

(4) Resale prices. Subsequent resale prices shall be determined in a manner consistent with the initial pricing of the affordable housing unit. The resale price will be established based on a

discounted rate, which is the percentage of the median income for which the unit was originally sold. The method of resale price calculation shall be included as part of the deed restriction. This percentage may be increased or decreased by up to five percent (5%) at the time of resale, in order to assure that the target income groups' ability to purchase will be kept in line with the unit's market appreciation and to provide a proper return on equity to the seller.

(5) Marketing plan. The affordable units must be rented or sold using a plan for marketing which has been reviewed and approved by the Planning Board (or its administrative agent). Such plan will be consistent with any affordable housing guidelines issued by the Planning Board. The plan shall describe marketing approaches, selection of occupants, initial rents and sales prices for the units designated as affordable and, prior to their being recorded, condominium, cooperative or other homeowners' association documents as appropriate. This plan shall include a description of the lottery or other process to be used for selecting buyers, in conformity to Affordable Housing Guidelines.

(6) Preference for Charlton residents and persons employed within the Town of Charlton. Unless otherwise prohibited by a federal or state agency under a financing or other subsidy program, not less than fifty percent (50%) of the affordable units shall be initially offered to current residents of the Town of Charlton who qualify under the income guidelines and who have resided in the Town for a minimum of five (5) years, to persons employed within the Town of Charlton for at least five (5) years, and to persons who, although not currently residents of the Town, have previously resided in the Town of Charlton for a minimum of five (5) years. The Town may establish a system of priorities for selecting buyers or renters, in accordance with Affordable Housing Guidelines issued by the Planning Board.

(7) Ensuring that buyers are income eligible. Purchasers and would-be purchasers and renters are required to submit to the Planning Board copies of their last three (3) year's tax returns and certify in writing that their income does not exceed eligibility guidelines.

(8) Relationship to the state's affordable housing inventory. It is intended that the affordable low- and moderate-income housing units that result from this bylaw be considered as Local Initiative Program (LIP) units in compliance with the requirements of the Commonwealth of Massachusetts Department of Housing and Community Development and or count as low- or moderate-income housing units pursuant to MGL c. 40B, §§ 20 through 23.

(9) Relationship to public funding programs. Developers may participate in public subsidy programs for the purpose of providing affordable housing within their developments. Such participation will be subject to the approval of the subsidizing agency and to the unit price limitations of the funding program. In case of conflicting price limitations, the lower price requirement shall prevail.

G. Procedures. All projects shall comply with the following procedures as applicable:

(1) Pre-application meeting. Applicants are encouraged to meet with the Planning Board to discuss the project proposal and affordable housing requirements prior to filing a special permit application.

(2) Submission of affordable housing plan. The applicant shall fill out and submit an affordable housing plan form to the Planning Board prior to filing a special permit application. This form requires the following information: project units by location, square footage, unit types, number and types of rooms, and location of and number of affordable units. Specific floor plans shall be included with this submission.

(3) Planning Board review. The Planning Board shall meet to hear the special permit application. The Planning Board decision may require modifications, conditions, and safeguards, including documentation regarding housing unit affordability.

(4) Revised affordable housing plan. As needed to secure Planning Board approval, a revised affordable housing plan may be submitted to the Planning Board. No building permit shall be issued until the applicant submits proof that the decision of the Planning Board has been recorded and that a final approval letter for the affordable housing plan has been issued.

H. Enforcement.

(1) Legal restrictions. Affordable units shall be rented or sold subject to deed covenants, contractual agreements, and/or other mechanisms restricting the use and occupancy, rent level, and sales prices of such units to assure their affordability. All restrictive instruments shall be subject to review and approval by the Planning Board.

(2) Administration. The Planning Board will be the authority that will monitor, oversee and administer the details for all resale of any affordable units created under this bylaw. The Planning Board may appoint an administrative agent to assist with the implementation of this bylaw.

(3) Maintaining local affordable housing inventory. The Planning Board shall maintain the Affordable Housing Inventory, to ensure compliance with approved plans.

§ 200-5.16. Small wind turbines.

A. Purpose and intent.

(1) It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility-supplied electricity.

(2) Additionally, the purpose of the regulation is to promote alternative energy sources, reduce peak power demands in existing utility power grids, reduce reliance on fossil fuels, and provide choices to property owners that have possible cost savings and positive environmental impacts.

B. Definitions.

SMALL WIND TURBINE — A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than twenty (20) kW and which is intended to provide power primarily for on-site uses as opposed to generation for sale to the commercial power grid.

TOWER HEIGHT — The height above grade of the fixed portion of the tower, excluding the wind turbine itself.

C. Submission requirements. The applicant shall provide thirteen (13) copies of each of the following to the Planning Board as part of the site plan application:

(1) A completed application form with a review fee.

(2) Existing conditions site plan prepared by a professional engineer and professional registered land surveyor drawn in sufficient detail to show the following:

(a) Property lines, dimensions, landowners, acreage, and contours at two-foot intervals of the

subject property and properties within three hundred (300) feet of the small wind turbine.

(b) Location and dimensions of all existing buildings, accessory structures and uses, public and private roads, driveways, easements, stone walls, and fence lines within three hundred (300) feet of the system.

(c) Height of any structures over thirty-five (35) feet, and the location and average height of trees on the subject property and adjacent properties, within three hundred (300) feet of the proposed small wind turbine.

(3) Proposed conditions site plan prepared by a professional engineer and professional registered land surveyor drawn in sufficient detail to show the following:

(a) The location of the proposed small wind turbine and any appurtenances and equipment. Indicate property boundaries and distances to the base(s) of the wind turbine(s) and to the nearest corners of each of the appurtenant structures and equipment.

(b) Limits of areas where vegetation is to be cleared or altered and justification for any such clearing or alteration.

(c) Detailed stormwater management plans and plans to control erosion and sedimentation both during construction and as a permanent measure.

(d) Plans indicating locations and specifics of proposed screening, landscaping, ground cover, fencing, exterior lighting or signs.

(e) Plans of proposed access driveway or roadway and parking area at the small wind turbine, whether temporary or permanent; include grading, drainage, and traveled width. Include a cross section of the access drive indicating the width, depth of gravel, paving or surface material.

(f) Location of access easements or rights-of-way, if any, needed for access to the small wind turbine from a street.

(4) Standard drawings of the structural components of the small wind turbine, including structures, tower, base and footings. Said drawings, and any necessary calculations shall be certified by a registered engineer that the system complies with the State Building Code.

(5) A technical report from a qualified individual that the site is feasible for wind power, that documents wind speed at the proposed site, that anticipates energy that will be created from the small wind turbine unit, and that estimates the amount of energy necessary to serve the on-site uses.

(6) Post-construction simulation views of the site from at least four (4) locations where the small wind turbine will be visible from as determined by the Planning Board through means of sketches or computer simulations.

(7) A proposed maintenance schedule for the small wind turbine and related equipment.

D. Design and siting requirements.

(1) Setbacks. A small wind turbine shall not be located closer to a property line than the height of the tower plus the height of the blade in its vertical position. It is recommended that the setback areas be kept free of all habitable structures while the small wind turbine is in place.

(2) Noise. The small wind turbine and associated equipment shall conform to Massachusetts noise regulations (310 CMR 7.10). In no case shall the sound created by said facility exceed seventy (70) decibels (dba) at the nearest property line.

(3) Height. The small wind turbine shall not exceed one hundred twenty (120) feet in height, and must comply with Federal Aviation Administration (FAA) regulations.

(4) Visual impact. Installation of the small wind turbine will not create a substantially adverse visual impact. The small wind turbine shall have a nonreflective finish of an unobtrusive color. The Planning Board may require the structure to be painted or otherwise camouflaged to minimize visual impact.

(5) Electromagnetic interference. The small wind turbine shall cause no disrupting electromagnetic interference. If it is determined that a small wind turbine is causing interference, the operator shall take the necessary corrective action to eliminate this interference, subject to the approval of the Building Commissioner.

E. Approval.

(1) In acting on the site plan application, the Planning Board shall proceed in accordance with the procedures and timelines for special permits in MGL c. 40A, § 9, as well as § 200-7.2A of this bylaw. The Planning Board may hire professional consultants at the expense of the applicant to assist it in evaluating the proposed small wind turbine and the impacts on the community.

(2) Said site plan approval will run with the property and shall not be specific to a particular owner unless otherwise noted.

F. Maintenance requirements.

(1) At all times the applicant shall maintain the small wind turbine and related equipment in good working condition and perform regular maintenance in accordance with the approved maintenance schedule. A record shall be kept of all maintenance performed, and said record must be provided to the Zoning Enforcement Officer whenever requested to verify maintenance.

(2) Should the turbine fall into disrepair and/or experience a situation where it is producing unusual noise or other emissions, the applicant shall have no more than twenty-four (24) hours to implement actions to correct the situation.

(3) Failure to properly maintain the small wind turbine or correct other issues may result in revocation of the site plan approval.

G. Removal requirements.

(1) A small wind turbine that is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the small wind turbine owner. Removal of the system shall include the structure, foundation, transmission equipment, fencing and other appurtenances. The site shall be revegetated to prevent erosion.

(2) The owner of the small wind turbine shall submit a letter to the Planning Board in January of each year confirming the turbine is still in use and verifying compliance with standards of the bylaw and the special permit that was granted.

H. Waiver provisions. The Board may waive strict compliance with any provision of this bylaw if it deems it in the public interest and determines that the intent of the bylaw has been maintained. Such

waivers must be referenced in the written site plan approval decision, including the reasons for them.

§ 200-5.17. Village District regulations.

A. Landscaping.

(1) A landscaped buffer zone, of at least the width of the required setback, continuous except for approved driveways, shall be established along any side of the lot with road frontage to visually separate the building and its parking areas from the road. Trees shall be placed at least three (3) feet from the face of the curb, and at least two (2) feet from the sidewalk.

(2) A landscaped buffer zone along the side and rear of each lot, of at least the width of the required side and rear setback, shall be provided where a proposed nonresidential use abuts a residential use.

(3) The buffer zones shall be planted with grass, ground cover, medium height shrubs, and shade trees planted at least every thirty (30) feet. The buffer zone shall include both deciduous and evergreen shrubs and trees. Trees and shrubs at driveway intersections shall be set back a sufficient distance from such intersections so as not to obstruct traffic visibility. Trees shall be at least eight (8) feet tall with a trunk caliper of at least two (2) inches.

(4) Exposed storage areas, machinery, garbage "dumpsters," service areas, truck loading areas, utility buildings and structures shall be placed to the rear of buildings in visually unobtrusive locations. Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties or from public or private streets used by the general public. Screening and buffering shall be achieved through walls, fences and landscaping, shall be a minimum of six (6) feet tall, and shall be visually impervious.

(5) Materials to be used in the buffer zone include but are not limited to the following: natural/ existing vegetation, natural topography, berms, stone walls, fences, deciduous and coniferous shrubs/trees, perennials, annuals, pedestrian-scale walkways, and other landscape materials that enhance the aesthetic quality of the site. The final approval of all material used within the buffer zone shall be at the discretion of the Planning Board.

(6) Street trees shall be planted along the edge of the parking lot at a maximum average of thirty (30) feet on center. Parking lot edges which abut property under a different ownership shall have a screening wall or be planted with shrubs that obtain a height of at least three (3) feet in three years with a maximum spacing of three (3) feet on center.

(7) Mechanical equipment such as HVAC units, telephone boxes, or electrical transformers shall be integrated into the site design through use of landscaping, berms, or fences and shall be as unobtrusive as possible. HVAC units may be located behind roof ridge lines so they are not visible from the front view of the building.

B. Parking and access. In addition to the provisions of § 200-4.2, Off-street parking and loading, the following provisions shall apply in the Village District. Where this section conflicts with § 200-4.2, this section shall govern:

(1) Parking areas shall be located to the side and rear of the structure. No parking area shall be designed such that parking is within the required or authorized front yard setback. The Planning Board may, at its discretion, allow twenty-five percent (25%) of the total parking to be located to the front of the structure.

(2) Recognizing that standard parking requirements may hamper development of village-style land use and development, the Planning Board is authorized to reduce the parking requirements specified for the use/structure proposed up to twenty-five percent (25%). In determining the appropriate reduction, if any, the Board may give consideration to the hours of use of the proposed use, hours of use of other uses/structures within the Village District, nearby on-street spaces, the amount of "shared" parking with other uses, the opinions of merchants, residents and municipal officials as to the adequacy or inadequacy of parking spaces within the specific area of the proposed use, as well as other relevant information to assist the Board in determining the need for additional parking for motor vehicles.

(3) To minimize the visual impact of parking lots and promote pedestrian use, parking lots shall occupy no more than one-third (1/3) of the lot frontage of the proposed use, and no more than seventy-five (75) feet in a stretch.

(4) Parking areas shall include provisions for the parking of bicycles in locations that are safely segregated from automobile traffic and parking.

(5) A minimum of five percent (5%) landscaping and green space must be provided for all parking areas. This area shall not include the buffer zones, but shall include all internal landscaped islands in the parking areas.

(6) The number of parking spaces required for a given site may be on another site within the district. Such off-site parking must be established by legal documentation satisfactory to Town Counsel, and a copy filed in the office of the Town Clerk.

(7) Common parking areas shall be permitted for mixed-use developments which have different hours, days and/or seasons of peak parking demand. The Board may, in approving development within the District, permit individual parking standards to be reduced for separate uses where it can be demonstrated that adequate parking will be made available on a shared basis. The Board may require written easements or other assurances to enforce shared parking arrangements. Where practicable, the Planning Board may require common driveways and interconnected parking lots in order to facilitate shared parking.

C. Pedestrian amenities.

(1) Provision for safe and convenient pedestrian access shall be incorporated into plans for new construction of buildings and parking areas and should be designed in concert with landscaping plans. New construction should improve pedestrian access to buildings, sidewalks and parking areas and should be completed with considerations of pedestrian safety, handicapped access and visual quality.

(2) If no public sidewalk exists across the frontage of the lot, a paved sidewalk of at least four (4) feet in width shall be provided within the front yard setback or within the municipal right-of-way as approved by the Planning Board; and to the maximum extent possible, the sidewalk shall be designed to create a continuous pedestrian walkway with the abutting properties. Where sidewalk construction is not feasible or practical, the Planning Board may require the applicant to provide a sidewalk in another location or make a payment in lieu of sidewalk construction to the Town of Charlton special sidewalk fund in an amount determined by the Planning Board. The applicant shall provide a construction and maintenance easement to the Town of Charlton for all approved sidewalks. **[Amended5-15-2023ATM by Art. 19]**

(3) At a minimum, fifty percent (50%) of the walls of ground floor spaces directly facing streets

shall have transparent window and door openings, placed at the eye level of pedestrians [between three (3) feet and eight (8) feet above grade]. The Planning Board may waive this standard for redevelopment if compliance would create an economic hardship or cause undesirable changes to the facade of the building. To allow people to see interesting things inside buildings, fixed interior walls shall not obscure views into the building.

(4) Commercial and office building should include features such as awnings, canopies, bay windows, plazas, balconies, decorative detail, public seating, and well-designed lighting to encourage visual interest for pedestrians.

D. Mixed-use projects. Ground floor space shall generally be reserved for pedestrian-oriented retailing and services, with offices and housing above. Second-story residential uses are encouraged, and shared parking arrangements shall be allowed.

E. Lighting and wiring. In addition to the requirements of § 200-5.8C, the following requirements shall apply to the Village District:

(1) All applications for site plan review and special permit shall include a proposed lighting plan that meets functional security needs of the proposed land use without adversely affecting adjacent properties or the neighborhood. Any light used to illuminate signs, parking areas or for any other purposes must be arranged to reflect light away from adjacent residential properties and away from the vision of passing motorists. The lighting plan must comply with the following design standards:

(a) Background spaces, such as parking lots, must be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and protecting people and property. Foreground spaces, such as building entrances and plaza seating areas, must use local lighting that defines the space without glare.

(b) Light sources must be concealed or shielded to the maximum extent feasible to minimize the potential for glare and unnecessary diffusion on adjacent properties.

(c) The style of light standards and fixtures must be consistent with the style and character of architecture proposed on the site.

(d) Light levels measured twenty (20) feet beyond the property line of the development site (adjacent to residential uses or public rights-of-way) must not exceed one-tenth (1/10) footcandle as a direct result of the on-site lighting.

(2) To the extent practicable, all wiring shall be placed underground to minimize the visual exposure of overhead wires and utility poles.

F. Signs. The color, size, height, and landscaping of signs shall be designed for compatibility with the local architectural motif. Permanent signs affixed to windows that advertise a product or service are encouraged. Such signs should have colorful and unique elements that provide visual interest for pedestrians.

G. Historic structures. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties. When new construction is surrounded by existing historic buildings, building height and exterior materials shall be harmonious with those of adjacent properties.

§ 200-5.18. Medical Research and Development Overlay District (MROD). [Added 10-18-2016 STM

by Art. 13]

A. Purpose. The purpose of the Medical Research and Development Overlay District (MRDOD) is to promote medical research facilities and the light manufacturing of medical equipment Also allowed are land uses ancillary to such medical facilities, including warehousing and distribution facilities, office uses, and accessory uses.

B. Definitions. The definitions set forth in § 200-2.0[31] shall apply, with the following additions:

RESEARCH LABORATORY — A medical or scientific laboratory conducting research, excluding research laboratories categorized as Level 4 by the National Institutes for Health.

C. Overlay District.

(1) Establishment. The MRDOD is an overlay district having a land area of approximately 79.78 acres, being Assessor's Map 43, Lots A 1.10, A-1.2 and A 1.1, that is superimposed over the underlying zoning district., as shown on the map entitled "Medical Research and Development Overlay District Zoning Map," dated September 16, 2016, attached hereto. This map is hereby made a part of the Zoning Bylaw and is on file in the Office of the Town Clerk. **[Amended 5-15-2017 ATM by Art. 23]**

(2) Underlying zoning. The MRDOD is an overlay district superimposed on all underlying zoning districts. Except as limited herein, the underlying zoning shall remain in full force and effect.

(3) Applicability of MRDOD. An applicant for a project located within the MRDOD shall apply for special permit and site plan approval in accordance with the requirements of this section. In such case, then except as otherwise provided in this section, such applications shall be subject to the regulations set forth in this section only. When a building permit is issued for any project approved in accordance with this section, the provisions of the underlying district(s) shall no longer be applicable to the land governed by the special permit and site plan approval.

D. Permitted uses. Subject to the grant of a special permit by the Planning Board, the following uses are permitted, individually or in combination with other permitted uses, in the MRDOD:

Biotechnology

Fiber-optics facilities

Medical research and development

Scientific or research laboratory

Light manufacturing of medical equipment

Warehouse/distribution facility

Office

Associated accessory uses

E. Dimensional regulations. The following dimensional standards shall apply in the MRDOD:

31. Editor's Note: So in original.

Minimum lot area	10.00 acres
Minimum lot frontage	200 feet
Minimum building front setback	100 feet
Minimum building side yard	50 feet
Minimum building rear yard	50 feet
Maximum building coverage of lot	40%
Maximum building height	36 feet

F. Off-street parking and loading regulations. Off-street parking and loading shall comply with § 200-4.2. The term "net floor area" shall mean eight-five percent (85%) of the total of all floor areas of a building measured at the exterior walls.

(1) Any biotechnology facility, fiber-optics facility, medical research and development facility, scientific or research laboratory, light manufacturing of medical equipment facility, or office shall require one (1) space per two hundred and fifty (250) square feet of net floor area.

(2) Any warehouse/distribution facility shall require one (1) space per five hundred (500) square feet of net floor area.

G. Signs. Signage in the MRDOD shall comply with the requirements of § 200-5.6.

H. Design and performance standards.

(1) All performance standards set forth in § 200-4.1 shall apply in the MRDOD.

(2) All performance standards set forth in § 200-5.8A through E, inclusive, shall apply in the MRDOD.

(3) Multiple principal buildings may be placed on one lot provided that building separation and internal traffic and pedestrian facilities shall be approved by the Planning Board as part of the special permit review.

I. Site plan approval. An application for a special permit in the MRDOD shall also require site plan approval pursuant to § 200-7.14.[32]

J. Application for special permit. An application for a special permit and site plan approval shall be submitted in accordance with the Rules and Regulations for the Planning Board.

K. Procedures. The Planning Board may approve, approve with conditions, or deny an application for a special permit in the MRDOD after determining whether the proposed development is consistent with the purposes set forth in § 200-5.18 and conforms with all applicable standards set forth in this section.

L. Relation to other requirements. The provisions of this section shall be in addition to the requirements of the Subdivision Control Law and any other applicable bylaws, rules, and regulations.

§ 200-5.19. Commercial motor vehicle garage structure on residential property. [Added 10-20-2015 STM by Art. 11]

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32. Editor's Note: So in original.

A. Purpose and intent. It is the purpose of this regulation to provide for the safe, effective and efficient design and use of structures for the garaging of a commercial motor vehicle on a residential property, in the instance of the person(s) residing at the property owning and operating a commericial motor vehicle and seeking on-site garaging on the residential property for the commercial vehicle.

B. General Requirements.

(1) The garaging of a commercial motor vehicle on a residential property shall only be allowed in the Agricultural (A) Zoning District on lots of not less than eight (8) acres.

(2) Any such building for the garaging of a commercial motor vehicle on a residential property shall be set back not less than one hundred (100) feet from the front, rear and/or side property lines.

(3) Upon written request of the applicant, the Planning Board may reduce the property line setback for any proposed building for the garaging of a motor vehicle under § 200-5.19 to no less than fifty (50) feet from the front, rear and/or side property lines where the Board finds that such waiver or modification is consistent with the requirements of § 200-5.19 and § 200-7.1D of the Charlton Zoning Bylaw.

(4) No more than one (1) commercial motor vehicle shall be allowed to be garaged per residential parcel per the requirements of this bylaw.

C. Procedure.

(1) Application and plans: Applicants for approval of garaging structures under § 200-5.19 shall submit applications and site plans to the Planning Board as required by § 200-7.1D of the Charlton Zoning Bylaw.

(2) Criteria: Approval of structures under § 200-5.19 shall be granted upon Planning Board determination that the site plan complies with the requirements of the bylaw and that due regard has been given to accessibility for emergency vehicles, driveway and turnaround design, vehicular access, screening, parking and loading areas and that the use is in harmony with the general purpose and intent of this bylaw.

§ 200-5.20. Marijuana establishments. [Added 5-21-2018 ATM by Art. 27; amended 10-15-2018 STM by Art. 11]

A. Marijuana establishments shall be authorized by special permit only in districts as set forth in § 200-3.2B, Use Regulation Schedule, of this Zoning Bylaw. Any marijuana establishment receiving a special permit from the Planning Board shall comply with MGL c. 94G, the regulations of the Cannabis Control Commission at 935 CMR 500, and the regulation of the Charlton Board of Health.

B. The Planning Board shall not approve more than two (2) medical marijuana retail dispensing sites.

C. The Planning Board shall not approve more than two (2) recreational retail marijuana establishments, which is greater than 20% of the number of licenses issued in the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under MGL c. 138, § 15 (package store licenses).

D. Additional site plan requirements:

(1) In addition to what is otherwise required to be shown on a site plan under § 200-7.1D(3), the applicant shall provide a plan to the Police Chief that details all exterior proposed security

measures for the premises, including but not limited to lighting, fencing, gates and alarms to ensure the safety of employees and patrons and to protect the premises from theft or other criminal activity. The site plan shall further delineate various areas of the marijuana establishment (indoors and outdoors) such as public access areas, employee-only access areas, storage, cultivation, preparation, waste disposal, administrative, transportation, loading and parking areas.

(2) At the time of submittal and any revisions the applicant shall provide on twenty-four-inch by thirty-six-inch paper at the largest scale possible elevation views in color of all sides of any proposed structure, no more than two elevations per page, showing all pavement, structures and landscaping.

E. The applicant shall negotiate a host community agreement and impact fee with the Board of Selectmen prior to applying for a special permit.

F. Special permits shall be limited to the original applicant(s) and shall expire on the date the special permit holder ceases operation of the marijuana establishment.

G. Between the hours of 8:00 p.m. and 8:00 a.m., marijuana establishments shall neither be open to the public, nor shall any sale or other distribution of marijuana occur upon the premises or via delivery from the premises.

H. Marijuana establishments shall be ventilated in such a manner that no pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere; and no odor from marijuana or its processing will be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the marijuana establishment or at any adjoining use or property.

I. Marijuana establishments shall be a minimum of one thousand (1,000) feet from any adult use specified in § 200-5.9 or other marijuana establishment, unless a special permit has been granted to allow the colocation of two types of marijuana establishment at a single location.

J. Special permit conditions. The Planning Board may impose reasonable conditions to improve site design, traffic flow, public safety, water quality, air quality, protection of environmental resources, and preservation of the character of the adjacent neighborhood including, without limitation, the following:

(1) To provide adequate lighting for monitoring of building and site security without creating negative effects on surrounding property.

(2) To address issues of vehicular and pedestrian traffic, circulation and parking, and to mitigate the impacts of vehicular and pedestrian traffic on neighboring uses.

(3) To specify conditions related to the design and construction of the facility to improve safety, security and conformance with community and neighborhood character.

(4) To have and maintain adequate security, alarm systems, on-site parking and lighting in compliance with applicable regulations and as determined necessary by the Planning Board in consultation with the Police Chief.

(5) To limit signage to that necessary for identification of the premises and to restrict advertising so that brands of marijuana products shall not be visible from a public way.

K. No cultivation facility shall have in excess of 100,000 square feet of grow, floor, or canopy unless granted a waiver by the Planning Board.

L. Definitions.

MARIJUANA ACCESSORIES — Equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

MARIJUANA ESTABLISHMENT — A marijuana cultivator, craft marijuana cooperative, marijuana product manufacturer, marijuana retailer, independent testing laboratory, marijuana research facility, marijuana transporter, or any other type of licensed marijuana-related business, including a medical marijuana treatment center and a marijuana social consumption establishment. Marijuana uses are defined in the Cannabis Control Commission Regulations, 935 CMR 500.00.

MEDICAL MARIJUANA TREATMENT CENTER — Also known as a Registered Marijuana Dispensary (RMD), means a not-for-profit entity registered under 105 CMR 725.100: Registration of Registered Marijuana Dispensaries, that acquires, cultivates, possesses, processes (including development of related products such as edible cannabis or marijuana products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing cannabis or marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use.

M. Cannabis accessories may only be sold by establishments holding adult retail or medical cannabis licenses or adult-only tobacco retailers.

§ 200-5.21. Large solar energy systems. [Added 5-20-2019 ATM by Art. 23[33]]

A. Purpose. The purpose of this section is to promote the development and maintenance of large solar energy systems by providing standards for the placement, design, construction, operation, monitoring, modification, and removal of such facilities; to protect public safety; to minimize impacts of large solar systems on the character of neighborhoods, property values, and the scenic, historic and environmental resources of Charlton; and to provide adequate financial assurance for the decommissioning of such facilities.

B. Applicability. This bylaw applies to all large solar energy systems and their energy facilities and to any physical modifications that materially alter the type, configuration, or size of these facilities or related equipment. The Planning Board shall approve no more than thirty (30) large solar systems Town-wide and no system shall exceed five (5) MW dc. This limit shall not include roof-mounted, canopy, or municipal systems on Town-owned parcels.

C. General requirements.

(1) Special permit and site plan review. All large solar energy systems, where allowed, require a special permit and site plan approval by the Planning Board prior to construction, installation, or modification as provided in this section. If applicable, the applicant shall file concurrently

33. Editor's Note: Former § 200-5.21, Temporary moratorium on the construction of large-scale ground-mounted solar photovoltaic installations, was removed as having expired.

with the Conservation Commission.

(2) Required documents. In addition to the submission requirements for site plan review in this bylaw, the applicant shall provide the following documents:

(a) Plans and drawings of the solar energy system signed and stamped by a professional engineer licensed to practice in Massachusetts showing the proposed layout of the system.

(b) Technical specifications of the major system components, including the solar arrays, mounting system, electrical equipment and other supporting equipment and structures. No arrays/panels shall exceed a height of eight (8) feet. Accessory battery units and the cooling equipment shall not exceed ten (10) feet in height and are limited to one (1) unit fifty (50) feet long by fifteen (15) feet wide by ten (10) feet tall per two (2) MW of system capacity.

(c) Color renderings not less than one (1) inch = fifty (50) feet showing site line views from abutting streets and properties of the proposed installation.

(d) Color aerial view both before and after proposed installation showing tree coverage and buffer zone not less than one (1) inch = fifty (50) feet.

(e) A glare analysis and proposed mitigation, if any, to minimize the impact of glare on affected properties and roads.

(f) The name, addresses, and contact information of the owner, proposed installer, operator and emergency contact person [located within one (1) hour of Charlton] posted on site, pre- and post-construction.

(g) Proof of actual or proposed control of accessways and the project site sufficient to allow for installation and use of the proposed facility, including existing and proposed easements.

(h) Proof of liability insurance.

(i) Financial surety that satisfies Subsection I of this section.

(j) Operation and maintenance plan. The applicant shall submit a plan for the operation and maintenance of the large solar energy system along with a signed agreement with a maintenance company. This plan shall include measures for maintaining year-round safe access for emergency vehicles, snow plowing, stormwater controls, and general procedures for operating and maintaining the energy facility, including the fencing, fire access roads and landscaping. Use of pesticides and herbicides is prohibited.

(k) Utility notification and interconnectivity agreement. The applicant shall submit evidence satisfactory to the Planning Board that the utility company has been informed in writing of the intent to install a solar energy facility and that the utility company has responded in writing to the interconnection notice. (Off-grid systems are exempt from this requirement.)

(l) If the applicant enters into a purchase agreement for the sale of energy produced from the project, the Assessor's office shall be notified and copied on the signed agreement. The Assessor's office may recommend that the Planning Board include conditions in its decision regarding the purchasing contract.

(m) If the project would otherwise be exempt from the payment of personal or real property

taxes, the applicant shall enter into a tax agreement or payment in lieu of taxes agreement that provides for an equivalent amount of tax revenue to the Town as determined by the Board of Assessors.

(3) Design, dimensional and density requirements.

(a) Setbacks and height restrictions. The project and its facilities, including appurtenant structures (including but not limited to equipment shelters, storage facilities, transformers, fences and substations) shall have a setback from front, side and rear property lines and public ways of at least one hundred (100) feet and if the facility abuts a residential zone, the setback shall increase to two hundred (200) feet. The Planning Board may reduce visual mitigation planting requirements if sufficient natural vegetation exists in the setback area. Solar panels and their support grids shall not exceed a height of eight (8) feet as measured from the ground.

(b) Each facility shall provide the following:

[1] Fencing:

[a] Shall be not greater than eight (8) feet in height and shall surround the entire field.

[b] Shall be placed four (4) inches off the ground to allow migration of wildlife.

[c] Solid fencing may also be required at the discretion of the Planning Board.

[d] Fencing shall consist of a commercial grade, high-quality (HF40 or better) framework, galvanized chain-link, ends, corners and posts. The Planning Board may require additional measures, such as coated galvanized fencing and screening bands or aluminized chain-link.

[2] Emergency access system (EAS) padlock or box shall be provided at each gate.

[3] Signage with emergency contact information.

[a] A white background and black lettering a minimum of twenty-four (24) inches by thirty-six (36) inches.

[b] Street name and number.

[c] Owner of solar field.

[d] Twenty-four-hour emergency contact name and phone number.

[4] Low growth ground cover routinely maintained no closer than six (6) inches of lowest point on solar panels.

[5] Perimeter access road of eighteen (18) feet in width, consisting of a hard pack and gravel base, for emergency vehicles around the entire perimeter of the solar field, placed outside of the fencing.

[6] Training for emergency services shall be provided in regards to shutdown procedures.

(c) Buffering/visual mitigation. The visual impact of the project, including all appurtenant

structures shall be visually mitigated. Structures shall be buffered/shielded from view and/or clustered to avoid adverse visual impacts as deemed necessary by the Planning Board using landscaping and natural features as appropriate to accomplish the mitigation. Evergreens shall be at least six (6) feet to eight (8) feet tall at time of planting. Plant choices to incorporate habitat forage plantings for pollinators is encouraged. Water bags shall be filled as needed for three (3) growing seasons to assure the plants' survival. Dead or diseased plants shall be replaced. A proposed project in a residential zone shall provide a buffer with a minimum width of two hundred (200) feet measured from the fence of the proposed solar project to the property line of all abutting properties.

(d) 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 cut-off fixtures to reduce light pollution.

(e) Signage. No signage is permitted except the emergency sign required in Subsection C(3)(b)[3] above.

(f) Utility connections. All utility connections within two hundred (200) feet of a public way shall be underground. The Planning Board may grant a waiver depending on soil conditions, shape or topography of the site. Electrical transformers/cabinets shall follow visual mitigation practices.

(g) Land clearing. Clearing shall be limited to thirty percent (30%) of the total parcel as determined by the Planning Board during site plan review for the construction, operation, and maintenance of the solar energy system.

(h) Environmental impacts. Proposed structures (including panels) shall be integrated into the existing terrain and surrounding landscape by: minimizing impacts to wetlands, steep slopes, and hilltops; protecting visual amenities and scenic views; minimizing tree, vegetation, and soil removal; and minimizing grade changes.

(i) Noise. Noise generated by solar energy installations, cooling fans, associated equipment and machinery shall conform at a minimum to applicable state and local noise regulations, including the DEP's Division of Air Quality noise regulations, 310 CMR 7.10. In addition, for the purposes of this bylaw, a source of sound will be considered in violation of this section, if the source increases the broadband sound level by more than five (5) db(C).

D. Emergency services. The operator shall provide a copy of the operation and maintenance plan, electrical schematic, and site plan to the Charlton Fire and Police Departments. The operator shall cooperate with local emergency services in developing an emergency response plan; this plan shall be reviewed annually with local emergency officials and revised as necessary. All means of shutting down the solar energy facility shall be clearly marked. The premises shall identify a qualified contact person (located within a one-hour radius of the site) to provide assistance during an emergency. The operator shall change the contact information immediately and so notify the Charlton Fire and Police Departments whenever there is a change in the contact person.

E. Post-approval activities.

(1) The operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, equipment inspections for fluid leakage, tree planting health, and integrity of fencing and other security measures. The operator shall be responsible for maintaining access for emergency vehicles that is determined to be adequate by the Charlton

Fire and Police Departments, and any other local emergency services, and for maintaining adequate access for any maintenance equipment.

(2) The operator shall provide the Planning Board with a yearly operations and maintenance report of the operation status, including but not limited to efficiency of energy production. This report shall be submitted no later than forty-five (45) days after the end of the calendar year. The applicant shall incur the cost for the Town to hire an engineer to review the report. If said report is not submitted, the Town may consider this as evidence the facility has been abandoned and the Planning Board may take action as described in Subsection G.

F. Modifications. Modification of an approved facility that the Planning Board deems significant will require a new site plan approved by the Board prior to issuance of a building permit.

G. Discontinuance, decommissioning, abandonment and removal.

(1) Removal requirements. Any project that has reached the end of its useful life, or is operating at less than twenty-five percent (25%) of its original MW capacity or has been discontinued, decommissioned, or abandoned, as defined below in Subsection H, shall be removed. The owner or operator shall physically remove the facility within one hundred fifty (150) days after the date of discontinuance or abandoned operations or decommissioning in compliance with the requirements of the Planning Board. The owner or operator shall notify the Planning Board and Board of Selectmen by certified mail of the proposed date of discontinued operations or decommissioning and submit the plans for removal.

(2) Removal. Removal shall consist of physical removal of all of the equipment from the site, including, but not limited to, the solar arrays, structures, foundations, equipment, security barriers, and electrical transmission lines.

(3) Stabilization or revegetation of the site is necessary to minimize erosion. The Planning Board will work with the Conservation Commission to require the applicant to return the property to preconstruction condition. This may include plantings to ensure revegetation of fields to prevent runoff and wetland impacts. The Planning Board may waive this requirement if the applicant submits a proposed re-use plan for the site.

H. Abandonment. The system shall be considered abandoned upon 1) notice by the owner or operator to the Planning Board, as provided above in Subsection G(1), stating a proposed date of discontinuance or decommissioning; 2) when the solar facility fails to operate at twenty-five percent (25%) of the original capacity; or 3) operations are discontinued for more than one (1) year without the written consent of the Planning Board. If the owner or operator fails to remove the energy facility in accordance with the requirements of Subsection G above, as required by May 1 of each year or within one hundred fifty (150) days of abandonment, discontinuance or the proposed date of decommissioning, the Town may, to the extent it is otherwise duly authorized by law, enter the property and physically remove the facility.

I. Financial surety. Prior to issuance of a building permit, the applicant shall provide a form of surety through a cash deposit, bond or stand by letter of credit. The applicant shall submit a fully inclusive estimate, prepared by a professional engineer. This estimate shall include the costs associated with removal and disposal of all materials, including fluids and hazardous materials, without including any potential salvage and recycling estimates. The Planning Board and Town Treasurer shall accept the form and amount of surety. Surety shall include an escalator for calculating increased removal costs due to inflation.

J. Special permit criteria. The Planning Board may approve an application for a large solar energy system if the Board finds that the system complies with the site plan review and approval criteria in § 200-7.1D(7), and with the conditions for granting special permits in § 200-7.2E. Large solar energy systems shall also satisfy the following additional criteria:

(1) Environmental features of the site are protected, and surface runoff will not cause damage to surrounding properties or increase soil erosion and sedimentation of nearby streams and ponds.

(2) The visual impact of the system on the immediate abutters and on the nearby neighborhood has been effectively neutralized through appropriate design, landscaping, or structural screening.

(3) The applicant has provided a means to assure the Town receives revenue based upon the full valuation of the system as determined by the Board of Assessors.

(4) The Planning Board may also impose conditions as it finds reasonably appropriate to safeguard the Town or neighborhood, including, but not limited to, screening, lighting, noise, fences, modification of the exterior appearance of electrical cabinets, battery storage systems, or other structures, limitation upon system size, and means of vehicular access or traffic features.

K. Severability. In the event one or more of the provisions of this section are deemed invalid by the Attorney General or a court of competent jurisdiction, then all remaining provisions shall remain in full force and effect.

SECTION 6
Floodplain District
[Amended 5-15-2023ATM by Art. 18]

§ 200-6.1. Purpose for flood-resistant standards.

The purpose of the Floodplain Overlay District is to:

A. Ensure public safety through reducing the threats to life and personal injury.

B. Eliminate new hazards to emergency response officials.

C. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding.

D. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding.

E. Eliminate costs associated with the response and cleanup of flooding conditions.

F. Reduce damage to public and private property resulting from flooding waters.

§ 200-6.2. Use of FEMA maps and supporting studies.

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Charlton designated as Zone A, AE, AH, AO, or A99 on the Worcester County Flood Insurance Rate Map (FIRM) dated June 21, 2023, issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1% chance base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated June 21, 2023. The FIRM and FIS report are incorporated herein by reference and are on file with Conservation Commission.

§ 200-6.3. Designation of community Floodplain Administrator.

The Town hereby designates the position of Conservation Director to be the official floodplain administrator.

§ 200-6.4. Permits are required for all proposed development in the Floodplain Overlay District.

A permit is required for all proposed construction or other development in the Floodplain Overlay District, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

§ 200-6.5. Assure that all necessary permits are obtained.

The Town's permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.

§ 200-6.6. Floodway encroachment.

A. In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

B. In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM, encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

§ 200-6.7. Unnumbered A Zones.

In A Zones, in the absence of FEMA BFE data and floodway data, the Building Department will obtain, review and reasonably utilize base flood elevation and floodway data available from a federal, state, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

§ 200-6.8. AO and AH Zones drainage requirements.

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

§ 200-6.9. Subdivision proposals. [Amended 10-21-2024STM by Art. 10]

All subdivision proposals and development proposals in the Floodplain Overlay District shall be reviewed to assure that:

A. Such proposals minimize flood damage.

B. Public utilities and facilities are located and constructed so as to minimize flood damage.

C. Adequate drainage is provided.

§ 200-6.10. Base flood elevation data for subdivision proposals.

When proposing subdivisions or other developments greater than fifty (50) lots or five (5) acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

§ 200-6.11. Recreational vehicles.

In A1-30, AH, AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than one hundred eighty (180) consecutive days or be fully licensed and highway ready.

§ 200-6.12. Watercourse alterations or relocations in riverine areas.

In a riverine situation, the Floodplain Administrator shall notify the following of any alteration or

relocation of a watercourse:

A. Adjacent Communities, especially upstream and downstream.

B. Bordering states, if affected.

C. NFIP State Coordinator, Massachusetts Department of Conservation and Recreation.

D. NFIP Program Specialist, Federal Emergency Management Agency, Region I.

§ 200-6.13. Requirement to submit new technical data.

If the Town acquires data that changes the base flood elevation in the FEMA mapped special flood hazard areas, the Town will, within six (6) months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:

A. NFIP State Coordinator, Massachusetts Department of Conservation and Recreation.

B. NFIP Program Specialist, Federal Emergency Management Agency, Region I.

§ 200-6.14. Variances to Building Code floodplain standards.

A. The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

B. The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and ii) such construction below the base flood level increases risks to life and property.

C. Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

§ 200-6.15. Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP).

A variance from these floodplain bylaws must meet the requirements set out by state law, and may only be granted if: 1) good and sufficient cause and exceptional nonfinancial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

§ 200-6.16. Abrogation and greater restriction section.

The floodplain management regulations found in this Floodplain Overlay District article shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

§ 200-6.17. Disclaimer of liability.

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

§ 200-6.18. Severability.

If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

SECTION 7
Administration

§ 200-7.1. Administration.

A. Appointment. A Zoning Enforcement Officer shall be appointed by the Board of Selectmen for an indefinite term. The Board of Selectmen may appoint any existing Town officer or any other person to this position, and shall not leave the position of Zoning Enforcement Officer vacant. Compensation shall be determined by the Board of Selectmen. The Zoning Enforcement Officer shall review all zoning matters, and if he/she finds any activity in relation to land or buildings or structures in violation of this bylaw, he/she shall send written notification of the violation to the owner and order that the activity in question be stopped immediately, giving reasons for the order. The Zoning Enforcement Officer may request an assistant from the Town if in his/her judgment an assistant is necessary.

B. Enforcement. The Zoning Enforcement Officer shall be charged with the enforcement of this Zoning Bylaw and shall require of the Inspector of Buildings the withholding of a permit for the construction, alteration or moving of any building, sign or structure if the building, sign or structure as constructed, altered or moved would be in violation of this bylaw.

C. Certificate of compliance. No land shall be occupied or used, and no building, sign or other structure erected or structurally altered shall be occupied or used after the effective date of this bylaw, unless a certificate of compliance has been issued by the Zoning Enforcement Officer stating that the building, sign or other structure and the proposed use of the land, building, sign or other structure complies with the provisions of this bylaw, excepting that uses, buildings and structures in existence before the effective date of this bylaw do not require a certificate of compliance. Such existing uses, buildings and structures do require a certificate of compliance for any alterations or use changes made after the effective date of this bylaw.

D. Site plan review and approval.

(1) Purposes and thresholds. For the purpose of ensuring adequate stormwater management, wastewater disposal, screening, parking and loading spaces, utilities, water supply and pressure, landscaping, protection of significant natural and man-made features, lighting, and erosion and sedimentation control, compatible site design, safe pedestrian and vehicular access, protection of the natural environment, and compliance with the provisions of this bylaw, a site plan shall be submitted for review and approval to the Planning Board, for the following uses:

(a) New construction of all uses identified with the symbol "P" ("P" Use) on the Use Regulation Schedule of § 200-3.2B of this bylaw.

(b) Expansion of any "P" Use existing to increase floor space by at least twenty-five percent (25%) or five thousand (5,000) square feet, whichever is less;

(c) Any change in a P Use if:

[1] The change is from one (1) major category of use listed in the Use Regulation Schedule to another major category of use (for example, a change from any use listed under Business Uses to a use listed under Industrial and Warehouse Uses), or

[2] Such change would result in a more intensive use, as measured by the need for more than five (5) additional parking spaces (as required by § 200-4.2B of this bylaw) or

an increase in traffic generation (as measured by the Institute of Transportation Engineers *Trip Generation Manual* or another source standard in the industry).

(d) Resumption, subject to the other requirements and proscriptions of this bylaw, of any "P" Use described above discontinued for more than two (2) years.

(e) All uses in those districts where site plan approval is required.

(2) General requirements.

(a) All site plans required under this bylaw shall be prepared by a registered professional architect, registered professional landscape architect, or registered professional engineer, unless the Planning Board waives this requirement because of unusually simple circumstances and specifically exempted herein. Ten (10) copies of site plans and other plans required by Subsection D(3) below shall be submitted to the Planning Board or its designee.

Applicant shall submit a narrative with the plan if necessary for a layperson to understand the plan or any detail thereof. Each page of the submitted plans shall have a Planning Board signature block at approximately the same location. At the written request of the applicant, the Planning Board may waive any information requirements it judges to be unnecessary to the review of a particular plan.

(b) For those uses/structures referenced in Subsection D(1)(a) through (d) of this section as site plan approval pursuant to this § 200-7.1 is a prerequisite the grant of a building permit.

(3) Submission requirements.

(a) A site plan at a scale of one (1) inch equals forty (40) feet (1" = 40') or such other scale as the Planning Board may accept so long as the plan shows all details clearly and accurately. For convenience and clarity, this information may be shown on one (1) or more separate drawings. The site plan shall show the following information and in all cases distinguish clearly between existing and proposed features:

[1] Name, address, and phone number of the person or persons submitting the application. If other than the owner, a notarized statement authorizing the applicant to act on the owner's behalf and disclosing his/her interest shall be submitted.

[2] Name, address, and phone number of the owner or owners.

[3] Property address and Charlton Assessors' Map, Block, and Lot Number.

[4] Name of project, date and scale of plan.

[5] Dimensions of lot, building coverage percentage (see § 200-3.2D) and unoccupied space percentage [see § 200-4.2D(6)].

[6] Description (including location) of existing land use(s) and building(s), if any.

[7] Description (including location and dimensions) of proposed use(s) and buildings.

[8] Location of required setback lines.

[9] Location and dimensions of all driveways.

[10] Location and dimensions of all driveway openings. Road construction and drainage details, curb cuts, and all required state and local highway access authorizations.

[11] Location, dimensions, and detail of surfacing materials of parking and loading space(s). The plan should also indicate the total number of parking spaces provided and the total required number of parking spaces (See § 200-4.2B, Off-Street Parking Schedule.).

[12] Service area(s), exterior storage areas, fences, and screening.

[13] Lighting [see § 200-4.2D(7) for commercial lighting plans]. For projects located in BEP Districts, sufficient detail should be provided to demonstrate compliance with § 200-5.8C.

[14] The location, dimensions, height, illumination and characteristics of proposed signs, in sufficient detail to demonstrate compliance with § 200-5.6, Signs.

[15] The location and description of all existing and proposed sewage disposal systems, stormwater management systems and other required waste disposal systems. All related easements shall be shown.

[16] Existing and proposed well or public water supply system.

[17] Location and description of all other existing and proposed utilities, their exterior appurtenances, and related easements.

[18] Zoning district(s) in which the property is located and location of any zoning district boundaries that divide or abut the property.

[19] Ownership of the abutting land as indicated on the most recent Town Assessors' records and location of buildings thereon within three hundred feet (300) feet of the project boundaries.

[20] Existing topography and proposed finished grading at two-foot elevation intervals and existing easements, if any.

[21] Significant natural and man-made features such as stone walls, public or private burial grounds, and watercourses.

[22] Erosion and sedimentation control plan, including during and after construction.

[23] Location of wetlands as well as calculation of percentage of lot free of wetlands [to determine compliance with § 200-3.3B(5)].

[24] Proposed emergency vehicle routing around building(s) and any and all emergency entrances and/or exits.

(b) A landscaping plan at the same scale as the site plan that shows landscaping features, including the location and description of screening, fencing, and plantings, including the

size and type of planting material. Landscaping plans for projects that include no more than twelve thousand (12,000) square feet of gross building area shall be prepared by a registered engineer or by a landscape designer. Landscaping plans for projects that include more than twelve thousand (12,000) square feet of gross building area shall be prepared by a licensed landscape architect.

(c) A locus plan at a scale of one (1) inch equals one hundred (100) feet (1" = 100') or other such scale as may be approved by the Planning Board, showing the entire project site and its relation to surrounding properties, buildings and roadways, and zoning district boundaries within one thousand (1,000) feet of the project boundaries or such other distance as may be approved by the Planning Board.

(d) Building elevation plans at a scale of one-quarter (1/4) inch equals one (1) foot (1/4" = 1') or one-half (1/2) inch equals one (1) foot (1/2" = 1') or other such scale as may be approved by the Planning Board, showing all elevations of all proposed buildings and structures and indicating type and color of materials to be used on all facades.

(e) Payment of required administrative and peer review fees.

(f) Copies of all easements, covenants and restrictions shown on plans and text to be provided.

(g) Additional information required by the Planning Board to determine compliance with the criteria set forth in Subsection D(7), including but not limited to soil suitability tests and analysis, a phasing plan, if applicable, a construction mitigation plan and a landscape maintenance plan.

(4) Filing the application. The applicant shall submit the application for site plan approval to the Town Clerk and a date and time-stamped copy thereof to the Planning Board or its designee. The date of filing shall be the date after which the application was received by the Clerk and the Planning Board or its designee.

(5) Pre-application meeting, notice and hearing. The Planning Board strongly encourages the applicant to present and discuss the general development concept for the proposed project at one (1) of its posted meetings prior to filing an application. The applicant may present as many or as few of the details listed in Subsection D(3) as desired.

(6) Site plan review and approval procedures.

(a) Within seven (7) business days after the filing of an application for site plan approval, the Planning Board may submit one (1) copy of the site plan each to the Board of Selectmen, the Board of Health, the Conservation Commission, the Inspector of Buildings, the Superintendent of Highways,[34] and the Sewer Commission and ask for their comments.

(b) Within sixty-five (65) days of the filing of an application for site plan approval, the Planning Board shall provide notice and hold a public hearing noticed in accordance with the requirements set forth in MGL c. 40A §§ 11 and 15. A majority vote of the Planning Board is required for approval of a site plan.

(c) Within ninety (90) days after the close of the public hearing, the Planning Board shall take its final action on the application (render its decision, file its decision with the Town Clerk

34. Editor's Note: The title "Superintendent of Highways" was changed to "Superintendent of Public Works" 5-20-2019 ATM by Art. 12.

and notify the applicant of its decision). **[Amended 5-20-2019 ATM by Art. 21]**

(d) At the applicant's written request, the Planning Board may extend the time period in Subsection D(6)(b) and (c) unless extended pursuant to Subsection D(6)(d) shall constitute approval of the site plan as provided in MGL c. 40A, § 11.

(e) Failure of the Planning Board to act within any of the time periods listed above in Subsection D(6)(b) and (c), unless extended pursuant to Subsection D(6)(d), shall constitute approval to the site plan as provided in MGL c. 40A, § 11.

(7) Review and approval criteria.

(a) The Planning Board shall approve a site plan for projects with "P" Uses if the applicant demonstrates to the Planning Board that the project is properly designed in the following site design categories:

[1] The site plan complies with all applicable provisions of these bylaws feasible to the site, including, but not limited to, § 200-4.2, and § 200-5.17A and B for projects within the Village District.

[2] The application is complete, including payment of administrative and peer review fees [see Subsection D(3)].

[3] All drives, parking lots, loading areas, paths, sidewalks and streets are designed to provide for safe vehicular, pedestrian and bicycle travel.

[4] There is safe and adequate access and egress to and from the site.

[5] Access and site circulation enables prompt fire, police, ambulance and other emergency responses.

[6] Adequate capture and discharge of stormwater and surface water runoff is achieved in accordance with the Department of Environmental Protection Massachusetts *Stormwater Handbook*, as amended.

[7] Provision for adequate utilities has been made.

[8] Adequate water supply is available in terms of quantity, quality, and water pressure for commercial and/or domestic needs and fire protection.

[9] Minimize glare from headlights through plantings or other screening.

[10] Lighting intrusion onto other properties and public ways is minimized, while at the same time providing adequate lighting for security and public safety.

[11] Adequate disposal of wastewater is provided.

[12] Changes to the natural landscape are minimized.

[13] Adverse impacts of construction are minimized.

[14] There is adequate landscaping and landscaping maintenance.

(b) The Board may deny an application for site plan approval if:

[1] The project does not comply with one or more of the criteria set forth in Subsection

D(7)(a) and reasonable conditions cannot be imposed to ensure compliance with one (1) or more of these criteria; or

[2] The applicant has not provided information sufficient for the Planning Board to determine compliance with one (1) or more of the criteria listed in Subsection D(7)(a).

(8) Lapse. An approved site plan shall lapse after a period of two (2) years (not including time required to pursue or await the determination of an appeal from site plan approval) from the date of approval unless substantial use or construction has not begun. All work proposed in the site plan or required by conditions in the site plan approval decision, shall be completed within two (2) years from the date the Planning Board voted to approve the site plan unless the Planning Board provides in the site plan approval for a longer period of time or the applicant requests an extension and it is granted by the Planning Board.

(9) Conditions. The Planning Board may impose conditions on site plan approval to ensure compliance with the review and approval criteria listed above, including, but not limited to, requiring:

(a) A performance guarantee, in a form and amount acceptable to the Planning Board, to guarantee completion of all public improvements required by the approved site plan and land restoration not having to do with the construction of public improvements. The Planning Board shall establish the amount of security required after reviewing an estimate from the applicant's engineer and determining whether the proposed amount is sufficient or whether it needs to be increased.

(b) That any project easements and restrictions are subject to review and approval by legal counsel to the Planning Board.

(c) That condominium and homeowners documents are subject to review and approval by legal counsel to the Planning Board to ensure compliance with the review and approval criteria listed above.

(d) Other conditions the Planning Board determines are necessary to ensure compliance with the review and approval criteria listed above.

(10) Post-site plan approval.

(a) Upon completion of construction, and before the release of the performance guarantee, the applicant shall have prepared and submitted to the Planning Board as-built plans. The Board shall receive six (6) paper copies of the as-built plans and the plans shall also be submitted in AutoCad (*.dwg) format or such other digitized file format as specified by the Planning Board.

(b) An applicant shall submit proposed changes to an approved site plan to the Planning Board so that it can determine whether the changes are field adjustments or amendments to the approved site plan. The Planning Board shall convene a public hearing in accordance with MGL c. 40A, § 11, to consider and vote upon proposed amendments.

(c) Appeals from a Planning Board decision to grant, grant with conditions or deny site plan approval shall be made to Superior Court in accordance with MGL c. 40A, § 17.

E. Building permit. No building permit shall be issued for the construction, alteration or moving of a

building or other structure which as constructed, altered or moved would not be in conformance with this bylaw.

F. Occupancy permits. No building erected, materially altered, relocated or in any way changed as to construction or under a permit or otherwise, and no land, shall be occupied or used without an occupancy permit signed by the Inspector of Buildings. Said permit shall not be issued until the building, and its use and accessory uses, and the use of all land comply in all respects with the bylaw.

G. Enforcement and penalty.

(1) If the Zoning Enforcement Officer is requested in writing by any citizen to enforce the provisions of this bylaw against any person allegedly in violation of the bylaw and the Zoning Enforcement Officer declines to act, the Zoning Enforcement Officer shall notify, in writing, the party requesting such enforcement of any action, or refusal to act, and the reason therefor, within fourteen (14) days of receipt of such request.

(2) Any person aggrieved by reason of his/her inability to obtain a permit or enforcement action from the Zoning Enforcement Officer or other administrative officer under the provisions of this bylaw; or any person, including an officer or board of the Town, aggrieved by an order or decision of the Zoning Enforcement Officer, or other administrative officer, in violation of the provisions of Chapters 40A and 808 of the Massachusetts General Laws or any provision of this bylaw, may file an appeal in accordance with the provisions of Chapters 40A and 808 of the Massachusetts General Laws.

(3) Whoever violates any provision of this bylaw shall be punished by a fine imposed by a court of law not exceeding three hundred dollars ($300) for each offense and each day that such violation continues shall constitute a separate offense. **[Amended 5-20-2019 ATM by Art. 22]**

H. Industrial use special permits.

(1) Requirements. No building, use or occupancy permits for any construction, alteration, relocation or improvement as to real property or the structures thereon shall be issued for any industrial use or project as listed in § 200-3.2B, Use Regulation Schedule, and which is designated "SP" (special permit) under IG and BEP Districts, except in accordance with the terms of a special permit for such projects as set forth herein. The special permit granting authority for all permits is necessary for the construction or use of a project in an Business Enterprise Park or Industrial - General District (designated "SP" in § 200-3.2B) shall be the Planning Board which, for such purposes, shall have all of the powers conferred upon such special permit granting authorities by MGL c. 40A, and which shall conduct its business in accordance with the notice, hearing and decisional requirements therein set forth, and in accordance with the requirements of this bylaw.

(2) Industrial use special permit procedure.

(a) A pre-application meeting with the Planning Board and its Technical Advisory Committee for informal discussion and review of preliminary materials is strongly suggested prior to formal submission of an application for a special permit.

(b) No application shall be deemed complete, nor shall any action be taken, until all required materials have been submitted. Plans and other application materials conforming to the Planning Board's adopted *Procedures for Applications for Industrial Use Special Permits*, as filed with the Town Clerk, shall be submitted to the Planning Board and Town Clerk as required by such *Procedures*. [See § 200-7.1D(1), (2) and (3) for site plan contents as

required in special permit applications.]

(c) The Planning Board shall, within fifteen (15) days of submission, distribute one (1) copy of the application materials each to the Conservation Commission, Board of Health, Sewer Commission, Building Inspector, Technical Advisory Committee, Highway Superintendent and Board of Selectmen for review and comment. The failure of any commission, board, committee, inspector, superintendent or department to make recommendations within thirty-five (35) days of receipt by such agency of the application materials shall be deemed lack of opposition thereto.

(d) The Planning Board shall hold a public hearing and make its decision in accordance with applicable provisions of MGL c. 40A; the Board shall hold a public hearing within sixty-five (65) days of the filing of the application with the Town Clerk; the Board shall render a decision within ninety (90) days following the date of the public hearing and shall file a copy of its decision with the Town Clerk within fourteen (14) days thereafter; the granting of a special permit shall require a four-fifths (4/5) vote of the Planning Board. The cost of advertising the hearing and notification of abutters shall be borne solely by the applicant. The time limits hereunder may be extended by written agreement between the petitioner and the Planning Board, by majority of the Board, and any such agreement shall be filed with the Town Clerk.

(e) A special permit granted by the Planning Board shall not be valid until recorded in the Registry of Deeds, and no work may commence until evidence of such recording has been received both by the Board and the Building Inspector. Such recording shall be the responsibility of the petitioner.

(3) Technical Advisory Committee. For the purpose of providing technical advice to the Planning Board regarding the advisability of the granting of special permits for industrial uses, as described above in Subsection H(1), a Technical Advisory Committee may be appointed by the Planning Board. Said Committee shall consist of three (3) members, at least two (2) of whom, preferably, shall have expertise in industrial economics or industrial technologies. Each of the persons appointed shall be a resident of the Town of Charlton for the duration of his/her service on the Committee. Initially, one (1) member of the Technical Advisory Committee shall be appointed to a one-year term, one (1) member to a two-year term and one (1) member to a three-year term. Two (2) members shall constitute a quorum for meetings, and all actions of the Committee shall require an affirmative vote of two (2) or more members.

(4) Review criteria. A special permit shall be granted by the Planning Board acting as the special permit granting authority only if the Planning Board finds that the proposed project is in harmony with the intents and purposes of the applicable industrial zoning district; that it is sufficiently advantageous to the Town and the immediate area in which it is located; and that present and future impacts on Charlton's infrastructure, and built and natural environments will be minimized. The Board shall deny a special permit where in its judgment a nuisance, hazard or congestion will be created, or where for other reasons there will be substantial harm to the neighborhood or derogation from the general purposes and the intent of the bylaw, or that the stated district objectives or applicable use criteria will not be satisfied. In granting a special permit, the Planning Board may impose such conditions and safeguards as public safety, welfare and convenience may require.

§ 200-7.2. Granting authority.

The special permit granting authority for the Town of Charlton shall be allocated as follows:

A. The Planning Board shall have site plan review and approval authority and shall be the special permit granting authority for special permits issued pursuant to §§ 200-5.6, 200-5.7, 200-5.9 and 200-5.10 of this bylaw. The Planning Board shall also be the special permit granting authority for all uses identified with the symbol "SP" in the Use Regulation Schedule, § 200-3.2B.

B. The Zoning Board of Appeals. The Zoning Board of Appeals shall have the authority to issue special permits for development in floodplain zones as specified in § 200-6.4 of this bylaw. The Zoning Board of Appeals also shall have the authority to issue special permits for altering the number of mobile homes in an existing mobile home park, as specified in § 200-5.2B(3) of this bylaw.

C. The Board of Selectmen. The Board of Selectmen shall have the authority for appointing a Zoning Enforcement Officer and the Zoning Board of Appeals, and to grant special permits for unregistered motor vehicles as specified in § 200-5.3 of this bylaw.

D. Appeals. Any person aggrieved by a decision of the Zoning Board of Appeals or the Board of Selectmen in exercising their powers to grant or deny special permits may appeal such decisions in accordance with the provisions of Chapter 40A of the Massachusetts General Laws.

E. Conditions for granting. Special permits may be granted if an applicant can show a condition peculiar to the particular case but not generally true for similar permitted uses on other sites in the same zoning district. The Board of Selectmen and Zoning Board of Appeals shall deny a special permit where in its judgment a nuisance, hazard, or congestion will be created, or for other reasons there will be substantial harm to the neighborhood or derogation from the general purposes and the intent of the bylaw, or that the stated district objectives or applicable use criteria will not be satisfied.

F. Review and reports. Upon the receipt of any application for a special permit and the payment of an application fee established from time to time by the Zoning Board of Appeals, for any special permit not involving unregistered motor vehicles, and the required plans and documents, the Zoning Board of Appeals shall file one (1) copy with the Town Clerk and one (1) copy with the Planning Board for review and recommendation. The Planning Board shall submit reports to the Zoning Board of Appeals or the Board of Selectmen within thirty-five (35) days of the receipt of the application and supporting documents. Failure to report within this time period shall be deemed to be lack of opposition thereto.

G. Public hearing. Any special permit shall only be issued after a public hearing which must be held within sixty-five (65) days after the effective date of filing of a special permit application. Effective date is the date the application is filed with the Town Clerk by either the Board of Selectmen or the Zoning Board of Appeals. For any public hearing held under this bylaw, all abutters must be notified by mail of the hearing date and time, and notice of the hearing must be published twice at least eight (8) and fifteen (15) days before the hearing in a newspaper of general circulation.

H. Period of validity. If fifty percent (50%) of a project has not been completed without good cause, within one (1) year from the date granted, the special permit shall lapse. Included within the one-year period is the time required to pursue or await the determination of an appeal. Extensions to the special permit may be granted by the special permit granting authority for good cause.

I. Permits granted before zoning changes. If a special permit or a building permit is issued before the publication of the first notice of a public hearing of a proposed zoning amendment, but is not then

utilized by commencing construction within a six-month period and then proceeding as expeditiously as is reasonable, the building or special permit will lapse and a new permit will be required to conform to the amended bylaw.

§ 200-7.3. Zoning Board of Appeals.

A. The Zoning Board of Appeals constituted under Article 27 of the Warrant for Annual Town Meeting of May 8, 1969 shall be the Zoning Board of Appeals under this bylaw: and said Board shall be appointed by the Board of Selectmen, and said appointment shall be made and shall operate in accordance with Chapters 40A and 808 of the Massachusetts General Laws and its amendments. Said Zoning Board of Appeals shall consist of five (5) registered voters of the Town. The Board of Selectmen shall also appoint two (2) registered voters of the Town for a term of three (3) years to serve as associate members to act in the absence of regular members and at the expiration of each three-year term shall again appoint two (2) associate members for three (3) years. All members and associate members of the Zoning Board of Appeals shall serve without compensation.

B. Powers of the Zoning Board of Appeals shall be:

(1) To hear and decide petitions for variances in accordance with Chapter 40A in all districts subject to appropriate conditions, including, but not limited to, calendar time period, extent of use, hours of operation, outdoor storage, lighting, parking, dimensional requirements or similar controls. No variance shall be granted which would authorize a use or activity not otherwise permitted in the district in which the land or structure is located.

(2) (Reserved)

(3) To hear and decide applications for expansion of nonconforming uses in accordance with the provisions of § 200-3.4C(5) of this bylaw.

(4) To hear and decide applications for special permits in accordance with § 200-7.2 of this bylaw.

C. In exercising the powers granted by Subsection B above, the Zoning Board of Appeals shall act in accordance with the provisions of Chapters 40A and 808 of the Massachusetts General Laws.

D. Any approval which has been granted by the Zoning Board of Appeals under the provisions of Subsection B(3) above shall lapse within two (2) years from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, has not begun by such date except for good cause.

E. Any person aggrieved by a decision of the Zoning Board of Appeals may appeal to the Superior Court, Land Court, and in accordance with MGL c. 40A, § 17.

F. The Zoning Board of Appeals shall adopt rules consistent with Chapters 40A and 808 of the Massachusetts General Laws and provisions of this bylaw for the conduct of its business.

§ 200-7.4. Planning Board.

A. Recommendations to the Board of Appeals. Any application filed with the Board of Appeals under § 200-7.3B hereof shall be referred upon its receipt by the Board of Appeals to the Planning Board for a report and recommendation relative thereto as provided by MGL c. 41, § 81I, and MGL c. 40A, § 11. The Planning Board shall make its report to the Board of Appeals by the date of the public hearing as to the application. Failure to make recommendations within thirty-five (35) days of receipt of a special permit application by the Planning Board shall be deemed lack of opposition thereto. For

all other applications, the Planning Board shall receive a copy of application materials from the Board of Appeals at least twenty-one (21) days before the public hearing.

B. Associate Planning Board member. In accordance with the Town of Charlton's General Operating Bylaws, Chapter 50, Article I, § 50-1B, and in accordance with MGL c. 40A, § 9, the Selectmen and the Planning Board shall appoint an Associate Planning Board Member. The term of the appointment is one (1) year; consecutive reappointments are allowed. The acting chairperson of the Planning Board may designate the Associate Member to sit on the Board for the purpose of acting on a special permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board or in the event of a vacancy on the Board.

Part V: Subdivision Regulations

Chapter 210

SUBDIVISION OF LAND

[HISTORY: Adopted by the Planning Board of the Town of Charlton 12-5-1989; amended 6-21-1992, 5-5-1999, 5-17-2001, 10-22-2003, 7-11-2007 and 10-2011. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Driveways — See Ch. 125.

Earth removal — See Ch. 130.

Sewer use — See Ch. 165.

Stormwater management — See Ch. 175.

Zoning — See Ch. 210.

SECTION 1
Purpose and Authority

§ 210-1.1. Purpose.

These Subdivision Rules and Regulations are adopted under the provisions of MGL c. 41, §§ 81K through 81GG (the Subdivision Control Law) for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town of Charlton "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 by-laws; for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police, and other similar municipal equipment, and streetlighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public way in the city or town in which it is located and with the ways in neighboring subdivisions. "(MGL c. 41, § 81M) In addition, these Subdivision Rules and Regulations are adopted to protect aquifers and natural resources, and otherwise to safeguard the environment from nuisance and pollution of whatever nature. The powers of the Planning Board and of the Board of Appeals under the Subdivision Control Law may also be exercised with due regard for the policy of the Commonwealth of Massachusetts to encourage the use of solar energy and to protect the access to direct sunlight of solar energy systems.

§ 210-1.2. Authority.

Under the authority vested in the Planning Board of the Town of Charlton by MGL c. 41, § 81Q, the Board hereby adopts these Rules and Regulations governing the Subdivision of Land in the Town of Charlton.

SECTION 2
Definitions

§ 210-2.1. Terms defined.

For the purpose of these Rules and Regulations, the terms and words in the following list shall have the stated meaning. In addition, unless a contrary intention clearly appears, the other terms and words set forth in these Rules and Regulations and defined in the Massachusetts Subdivision Control Law shall have the meaning given therein.

APPLICANT — The person or person who shall be an owner or owners of equitable or legal interest of all the land included in the proposed subdivision. If the applicant is represented by an agent, written evidence shall be submitted with the application accompanying the subdivision plan that the agent has the authority to submit such application for each owner involved. If the applicant is a corporation, it shall submit with the application a list of its officers, and a duly authenticated certificate of vote authorizing said officers to file the application and plan, and to represent the corporation in all further proceedings incident thereto.

BOARD — The Planning Board of the Town of Charlton.

BOARD OF HEATH — The Board of Health of the Town of Charlton.

CONSERVATION COMMISSION — The Conservation Commission of the Town of Charlton.

FINAL APPROVAL — Approval by the Board of a definitive plan of a subdivision.

LOT — An area of land in one (1) ownership with definite boundaries ascertainable of record, and used, or set aside and available for use, as the site of one (1) or more buildings. The term "one (1) ownership" means an undivided ownership by one (1) person or by several persons whether the tenure be joint, in common, or by the entirety. No lot within the Town shall be divided so as to create an undersized lot under the terms of the Charlton Zoning Bylaw[35] and no property line shall be redrawn so as to create a lot not conforming with the Zoning Bylaw or with ordinances or bylaws adopted by the Town.

OWNER — As applied to real estate, the owner of record as shown by the records in the Worcester District Registry of Deeds, or Worcester Land Registry District.

PERSON — An individual, two (2) or more individuals, a group or association of persons having common or individual interest in a tract of land, a partnership, and a corporation.

PRELIMINARY PLAN — As defined in the MGL c. 41, § 81L, or any amendment thereof, addition thereto or substitution therefor. (See Appendix for plan requirement.)

PROJECT WORKS OR SYSTEM — This term, when used in reference to a particular utility, denotes a centralized utility system, designed to serve more than one (1) lot within a subdivision, but which is not connected with any existing public system; the term is used in contradistinction to an individual works or facility, designed to serve only the lot on which it is located.

ROADWAY — The portion of a street intended for vehicular use, i.e., the traveled way.

STREETS AND WAYS —

A. MAJOR STREET — A street which, in the opinion of the Board, is being used or will be used as a thoroughfare within the Town of Charlton or which otherwise carries or will carry a heavy volume of traffic.

B. MINOR STREET — A street which, in the opinion of the Board, is being used or will be used

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35. Editor's Note: See Ch. 200, Zoning.

primarily to provide access to abutting lots, and which is designed to discourage its use by through traffic.

C. COLLECTOR STREET — A street intercepting one (1) or more minor streets, which, in the opinion of the Board, is used or will be used to carry a substantial volume of traffic from such minor street(s) to a major street or community facility, and normally including the principal entrance street of subdivision and any principal circulation streets within such subdivision.

D. CUL-DE-SAC — A minor road intersecting another road at one (1) end and terminated at the other by a permanent vehicular turnaround.

E. WAY, OTHER — For purposes of determining whether a proposed division of lots constitutes a subdivision under the terms of the Massachusetts Subdivision Control Law, a way in existence as of March 3, 1957, shall not be deemed adequate by the Board as to its width, grades, construction, and ability to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, unless in the opinion of the Board it meets all standards set forth in § 210-3.1E.

F. WAY, PUBLIC — Any road which appears on the Official Zoning Map adopted by the Town of Charlton on April 4, 1987, and has also been accepted as a public way:

(1) By public authority in the manner prescribed by MGL c. 82, §§ 1 through 32; or

(2) By dedication to its owner to public use, permanently and unequivocally, prior to 1846, coupled with an express or implied acceptance by the public; or

(3) By prescription.

SUBDIVIDER — The person undertaking the subdivision of land.

SUBDIVISION — As defined in the MGL c. 41, § 81L, or any amendment thereof, addition thereto or substitution therefor.

SUBDIVISION CONTROL LAW — MGL c. 41, §§ 81K to 81GG, inclusive, and acts in amendment thereof, in addition thereto or in substitution therefor.

§ 210-2.2. Subdivision.

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land in the Town of Charlton, or proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or the installation of public utilities therein, unless and until he/she has first submitted to the Board a definitive plan of such proposed subdivision, in accordance with the procedure set forth in Section 3 of these Rules and Regulations, and until the Board has approved such plan, or failed to take action thereon within the time period permitted the Board for such action under Section 81U of the Subdivision Control Law. Every subdivision shall be laid out in conformity with the design standards and regulations set forth in Section 4, and constructed by the subdivider in accordance with the regulations for required improvements set forth in Section 5.

§ 210-2.3. Suitability of land.

No land shall be subdivided for residential use if, upon adequate investigation, the Board determines that it cannot be used for building purposes without danger to health or safety of the public.

§ 210-2.4. Expenses.

A. All expenses for advertising, publication of notices, engineering review, inspection of construction, recording, registering and filing of documents and all other expenses in connection with a subdivision, including the fees and disbursements of counsel for the Board regarding the subdivision, shall be borne solely by the applicant. The initial charge in this respect shall be estimated by the Board, and paid forthwith in this initial amount by the applicant by cash or by a check drawn on good funds on a bank located in Massachusetts and made payable to the Town of Charlton. The check shall be delivered to the Board, which in turn will submit it to the Town Treasurer. Additional payments may be required of the applicant if review expenses exceed the initial amount estimated and received, and any additional unexpended sum will be returned to the applicant. All overdue/unpaid applicant expenses shall automatically accrue an overdue charge of fifty dollar ($50) per day.

B. In addition, the applicant shall submit to the Board, with its application for Board approval hereunder, the following filing fee, as applicable:

Subdivision Approval Not Required Plan	$100 plus $50 per lot (or unit) set forth on the plan
Preliminary Plan	$150 plus $30 per lot (or unit) set forth on the plan
Definitive Plan	$375 plus $100 per lot (or unit) set forth on the plan
Definitive Plan without Preliminary Plan Submission	$625 plus $200 per lot (or unit) set forth on the plan
Release and Inspection (as to all plans)	Per Planning Board engineering charge

C. Should any person appeal to the Superior Court any decision of the Board or of the Board of Health as to the plan, under MGL c. 41, § 81BB, or otherwise, and should the Board prevail as to the appeal, in whole or in part, the applicant shall reimburse the Board for all expenses incurred by it on account of the appeal, including its counsel fees and disbursements.

§ 210-2.5. Review of access.

The Board may review access to the Town way if it is deemed a threat to the public safety, taking into review topography, sight lines, accident record in the area or proposed area, the traffic count, condition of adjoining public road, access to public emergency, safety, and school vehicles and drainage. In no case shall access to an allowed use in a particular zoning district be established through an adjacent zoning district when the particular use thus furnished access is prohibited in said adjacent zoning district.

SECTION 3
Procedure for Submission and Approval of Plans

§ 210-3.0. Subdivision requirements for digital ANR, subdivision and as-built plans.

For ANR, subdivision and as-built plans, the applicant shall submit a CD-ROM or DVD containing geographic data in accordance with the *Standard for Digital Plan Submittals to Municipalities* (Version 1.0) issued by the Office of Geographic and Environmental Information (MassGIS) in 2006, or the most recent edition of this publication. This publication, or any succeeding edition of this publication, is hereby incorporated as part of these regulations. The publication may be accessed may be accessed via the MassGIS website: http://www.mass.gov/mgis/standards.htm) (rev. 1/22/07)

§ 210-3.1. Plan believed not to require approval.

A. 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 situated in Charlton and who believes that his/her plan does not require approval under the Subdivision Control Law, may submit his/her plan to the Board for a determination.

B. Application for a determination by the Board shall be made in a form approved by the Board (Form A), accompanied by four (4) white prints of the plan and by a surveyor's certificate in a form approved by the Board (Form D). The applicant shall state in his/her application the particular provisions of law under which he/she believes that his/her plan does not require approval, and shall submit evidence satisfactory to the Board to show that the plan does not require approval.

C. The plan shall not be deemed to have been submitted to the Board until said plan, prints, Form D, and the application, together with all the necessary evidence noted above, have been delivered to the Board at a regular or special meeting thereof, and all are fully completed in accordance with these Rules and Regulations. Thereafter, the person submitting the plan shall file, by delivery or by registered mail, a notice with the Town Clerk stating the date of submission for such determination accompanied by a copy of said application.

D. The plan shall contain the following information:

(1) North point, date of survey, scale and locus map indicating the relation of the parcel(s) to neighboring roads.

(2) The statement "Approval Under the Subdivision Control Law Not Required," together with sufficient space for the signatures of the required number of Board members and the date of endorsement.

(3) Name and address of owner, subdivider, designer and engineer or surveyor.

(4) Names of all owners of abutting land as they appear in the most recent Town tax list.

(5) Town of Charlton Assessors' Map Number, Block Number, and Lot Number.

(6) Boundary lines of all proposed lots or divisions of land, with their areas and dimensions in square feet or acres, and with all of the lots designated numerically in sequence.

(7) Names, widths, and status (public or private) of streets and ways shown on the plan.

(8) Zoning classification of the subject property and location of any zoning district boundaries running through or along the property.

(9) Notation clearly stating the purpose of the plan.

(10) Location of all existing buildings and significant structures, stone walls, easements, cemeteries, public or private burial grounds, rights-of-way, watercourses, wetlands, streets, ways, and such other references as are known to the applicant or Board and as shall sufficiently identify the land to which the plan relates.

(11) Notation stating that "No determination of compliance with zoning requirements has been made or intended."

(12) Deed reference of record owner by book and page number.

E. Determination. In determining whether a way in existence when the Subdivision Control Law became effective in the Town of Charlton has "sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon," pursuant to Section 81L of the Subdivision Control Law, the Board shall consider the following factors, among others deemed appropriate by it consistent with the provisions of said Section 81L:

(1) Is the right-of-way at least sixty (60) feet wide and of reasonable horizontal alignment?

(2) Do the existing horizontal and vertical alignments of the roadway provide safe visibility, with adequate provisions for roadway drainage?

(3) Is the existing roadway fully paved, and is it at least thirty-five (35) feet wide?

(4) If the road could reasonably be expected to service more than five (5) dwelling units, is it surfaced with Class I bituminous concrete Type I-1, and otherwise constructed and graded according to the standards set forth in § 210-5.2A(1) through (7) hereof? If not, has the individual or entity submitting the plan made provision for such surfacing to take place without cost to the Town therefor?

(5) Has provision been made for underground installation of electric, telephone, cable television and other utility service to the lots set forth on the plan without cost to the Town therefor?

F. If the Board determines that the plan does not require approval, it shall without a public hearing and within the time permitted therefor by Section 81P of the Subdivision Control Law endorse on the plan, or cause to be endorsed thereon by such member or employee thereof as may be hereafter designated, the words "Charlton Planning Board approval under the Subdivision Control Law not required" or words of similar import. In all cases, the endorsement shall be followed by a notation that "No determination of compliance with all zoning requirements has been made," or words of similar import. The plan will then be delivered to the applicant by the Board, and written notice given to the Town Clerk of the date of the Board's determination.

G. If the Board determines that the plan does require its approval, it shall, within the time permitted therefor by Section 81P of the Subdivision Control Law, so notify the Town Clerk and the applicant in writing, and said applicant may then submit his/her plan for approval as hereinafter provided by these Rules and Regulations.

§ 210-3.2. Preliminary plan.

A. General.

(1) A person, before submitting for approval as hereinafter prescribed a definitive plan setting forth residential use lots, may, at his/her own election, submit to the Board, the Conservation Commission and the Board of Health for approval a preliminary plan, showing his/her proposed subdivision in a general way. The submission of a preliminary plan, while not herein required, is strongly recommended except in the simplest case.

(2) Such submission affords the applicant the opportunity to have the boards review his/her proposed subdivision before the expenditure of time and money for more detailed engineering. Also, the preliminary plan, as approved, will enable the applicant to ascertain more expeditiously the specifications and requirements of the various Town agencies with relation to his/her subdivision. A person, before submitting for approval a definitive plan setting forth industrial, industrial park, neighborhood business, community business or other nonresidential lots, in whole or in part, shall submit a preliminary plan to the Board.

B. Application. Application for Planning Board approval, if such approval is desired, shall be made upon a form approved by the Board (Form B), and shall be signed by the owner or owners of all the land within the proposed subdivision, or by his/her or their authorized agent(s).

C. Submission.

(1) Any person who submits a preliminary plan of a subdivision to the Board for approval shall file with the Board the following:

(a) An original and twelve (12) copies of the proposed preliminary plan, prepared as hereinafter prescribed. A white print shall also be filed with the Board of Health.

(b) A filing fee of one hundred fifty dollars ($150) plus thirty dollars ($30) per lot or unit as set forth on the plan.

(c) A sketch plan showing a possible or prospective street layout for any adjacent unsubdivided land owned or controlled by the applicant.

(2) The plan shall not be deemed to have been submitted to the Board until the application, original plan and print, and filing fee have been delivered to the Board at a regular or special meeting thereof, and all are fully completed in accordance with these Rules and Regulations.

D. Notice to Town Clerk. Thereafter, the applicant shall give written notice to the Town Clerk by delivery or by registered or certified mail, postage prepaid, that he/she has submitted the preliminary plan to the Board. Such notice shall be accompanied by a copy of the application (Form B), shall describe the land to which the plan relates, sufficiently for identification, and shall state the name and address of the owner and subdivider and the date when such plan was submitted.

E. Form and contents.

(1) The preliminary plan may be drawn on Mylar with pencil or computer plotted at a horizontal scale of one (1) inch to each forty (40) feet, and shall show:

(a) Proposed subdivision name, boundaries, North point, date, scale, legend, and the title "Preliminary Plan."

(b) Name and address of owner, subdivider, designer, and engineer or surveyor.

(c) Names of all owners of abutting land as they appear in the most recent Town tax list.

(d) Names, widths and exterior lines of existing and proposed streets, boundaries of existing public areas and any proposed parks, and the location and character of existing and proposed easements, within and adjacent to the subdivision.

(e) Width and location of existing roadways and sidewalks within and adjacent to the subdivision.

(f) Size and location of existing storm drains, sewers and water mains and their appurtenances, and the location of existing buildings, within and adjacent to the subdivision.

(g) Boundary lines of all proposed lots or divisions of land, with their approximate areas and dimensions, and with all lots designated numerically and in sequence.

(h) The natural surface of the ground, with contours at five-foot intervals, and the location of major site features such as existing stone walls, wooded areas, rock ridges and outcroppings, and natural watercourses and marshes, within and adjacent to the subdivision. At its option, the Board may require that this plan set forth contours at two-foot intervals.

(i) Profiles of proposed streets, on a horizontal scale of forty (40) feet to an inch and on a vertical scale of four (4) feet to an inch, showing existing and proposed grades along the center lines.

(j) Zoning districts within, and adjacent to, the property to be subdivided.

(k) Locus plan.

(l) The purpose of the plan shall be clearly stated.

(m) Town of Charlton Assessors' Map Number, Block Number, and Lot Number.

(2) Items (h) and (i) above may be submitted separately from the preliminary plan, but the preliminary plan will not be deemed to be before the Board until they are submitted.

F. Approval, modification, or disapproval.

(1) The preliminary plan, if submitted, will be studied by the Planning Board to determine whether or not it is in compliance with the design standards of these Rules and Regulations. Within forty-five (45) days after submission, the Board shall approve, disapprove, or approve with modifications the preliminary plan, noting thereon its action and any changes which should be made. In case of disapproval, the Board shall state in detail its reasons therefor.

(2) Thereafter, the Board shall notify the Town Clerk in writing of its action and send notice of said action, by certified mail, postage prepaid, to the applicant who submitted the plan for approval at the address stated on his/her application. The Board shall record its action on the original of the preliminary plan and return the original to the applicant.

(3) The Register of Deeds and the Land Court shall not record or register a preliminary plan.

§ 210-3.3. Definitive plan.

A. Application. Application for required approval of the definitive plan shall be made upon a form approved by the Board (Form C), and shall be signed by the owner or owners of all the land within

the proposed subdivision, or by his/her or their authorized agent(s).

B. Submission.

(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 Mylar drawing of the proposed definitive plan, prepared as hereinafter prescribed, and twelve (12) copies thereof.

(b) A filing fee of three hundred seventy five dollars ($375), plus one hundred dollars ($100) for each lot (or unit) set forth on the plan ($625 + $200/lot without preliminary plan).

(c) A designer's certificate on a form approved by the Board (Form D).

(d) A sketch plan showing a possible or prospective street layout for any adjacent unsubdivided land owned or controlled by the owner or subdivider of the subdivision, where such plan has not already been submitted with a preliminary plan.

(e) A locus plan of the subdivision on a scale of eight hundred (800) feet to an inch, showing proposed roads and their relation to the surrounding area, and the location of the zoning district or districts applicable to the site.

(f) Street plans and profiles of every proposed street.

(g) Street cross sections for each class of street within the subdivision, showing the location of all utilities, cables, conduits, and other installations within the street right-of-way, and typical cross sections of any altered drainage courses or off-street paths.

(h) Drainage calculations certified by the engineer who prepared them.

(i) Evidence of ownership, and if required by the Board, traverse notes, language of any easements, covenants or deed restrictions applying or proposed to apply to the area being subdivided, rights and easements obtained for utilities or drainage outside of the subdivision, description of erosion control methods to be employed, and cross sections of proposed streets at critical locations showing existing and proposed grades for the width of the right-of-way plus twenty-five (25) feet on each side.

(j) A vegetation and special features map showing all woodlands and significant individual trees or groups of tree masses, rock outcroppings, existing buildings, roads and trails, historic sites or features, streams and their direction of flow, drainage or other water ways, ponds, wetlands, and other significant natural features.

(k) A soils map based on data maintained by the Town of Charlton or the U.S. Natural Resources Conservation Service (NRCS).

(l) A landscape plan indicating location, size, and species of proposed plantings within the subdivision.

(2) The definitive plan shall not be deemed to have been submitted to the Board until the application, filing fee, designer's certificate, and sketch plan, if applicable, together with the definitive plan and prints, have been delivered to the Board at a regular or special meeting thereof, and all are fully completed in accordance with these Rules and Regulations.

C. Notice to Town Clerk. Thereafter, the applicant shall give written notice to the Town Clerk by delivery or by registered or certified mail, postage prepaid, that he/she has submitted the definitive plan to the Planning Board. Such notice shall be accompanied by a copy of the application (Form C), shall describe the land to which the plan relates, sufficiently for identification, and shall state the name and address of the owner and subdivider, and the date when such plan was submitted.

D. Plan requirements and form:

(1) The plan shall be clearly and legibly drawn by an engineer or surveyor registered or certified as such by the Commonwealth of Massachusetts in black waterproof ink upon Mylar. The size of sheets shall be twenty-four (24) inches by thirty-six (36) inches. Where necessary, the plan may be on several sheets, but in each case continuity and ease of reading shall be provided by match lines and consecutive numbering. If multiple sheets are used, they shall be accompanied by an index sheet setting forth the entire subdivision. All such sheets, taken together, including lot layout, street layout, profiles and cross sections, and construction, if any, shall be deemed to constitute the definitive plan of the subdivision.

(2) The horizontal scale shall be forty (40) feet to an inch, and vertical scale shall be four (4) feet to an inch.

(3) All surveying shall conform to the requirements of the Land Court as they pertain to the Town of Charlton.

(4) The plan shall show the coordinates of all angle points and intersections of tangents along the center lines of proposed streets, based on the coordinate system of the Town Engineer (or, if none, of the Board), unless in the opinion of the Town Engineer, (or if none, of the Board), the establishment of such coordinates is not feasible.

(5) All elevations shall be referred to the U.S.G.S. base, and the plan shall show or describe at least two (2) benchmarks used if within one thousand (1,000) feet of the proposed subdivision.

E. Contents. The plan shall contain the following information:

(1) A title stating the name of the subdivision, date, scales, and names and addresses of owner, subdivider, designer or engineer, all arranged in a title block in the lower right hand corner of each sheet comprising the plan.

(a) The title of the subdivision is to be lettered in the upper portion of the title block. Where the development of land may possibly include more than one (1) section, the section number should be included in the title of the subdivision. Example: Charlton Acres, Section One.

(b) A subtitle, this being the name of the particular sheet, is to be lettered in the middle portion of the title block.

[1] Lot numbers should be included in the subtitle when the plan of lots cannot be included on one sheet. Example: Lot Layout Plan (Lots 1 to 28, inc.).

[2] Station numbers should be included in the subtitle when the road and profile plan cannot be included on one (1) sheet. Example: Plan and Profile of Sturbridge Road (Stations 0+00 to 12+58.78).

Subdivider and Owner of Record	Charlton Acres, Section One Charlton, Massachusetts
Smith Const. Co., Inc. Southbridge, MA	Lot Layout Plan (Lots 29 to 36, inc.) Scale: 1"=40' Jones & Smith, Civil Engr's and Surveyors Worcester, Massachusetts May 30, 2007 Sheet 2 of 7

Subdivider and Owner of Record	Charlton Acres, Section One Charlton, Massachusetts
Smith Const. Co., Inc. Southbridge, MA	Plan and Profile of Sturbridge Road (Stations 0+00 to 12+58.78) Scales Hor. 1"=40' Ver. 1"=4' Jones & Smith, Civil Engr's and Surveyors Worcester, Massachusetts May 30, 2007 Sheet 3 of 7

(c) The scales of the plan are to be located in the middle portion of the title block directly below the subtitle of each sheet unless otherwise specified by the Planning Board (see Subsection D).

(d) The sheet number and the total number of sheets is to be lettered in the lower right hand corner of the title block on each sheet. Example: Sheet 2 of 7.

(e) The names and addresses of the subdivider and of the owner of record are to be lettered in a separate block on the left hand side and contiguous to the main portion of the title block.

(2) A space for the endorsement of the plan by a majority of the members of the Planning Board shall be located on the same place on each sheet, as follows:

Approved [date]

_____

_____

_____ Being a majority of the Charlton Planning Board

_____

_____

Endorsed [date]

(a) Where the applicant elects to secure the construction of ways and the installation of municipal services by a covenant, there shall be a notation lettered on the lot layout plan, above the spaces for signatures, as follows:

Approved [date] subject to the provisions set forth in a covenant, executed [date], to be recorded (registered) herewith.

(b) In the same space on the remainder of the sheets comprising the plan there shall be lettered the notation:

Approved [date] subject to the provisions set forth in a covenant described on Sheet 1.

(3) The zoning district or districts in which the subdivision is located. When the subdivision is in more than one (1) district, the boundary line between districts is to be drawn on the lot layout plan(s).

(4) The true North direction.

(5) Names and mailing addresses of all owners of abutting land as they appear in the most recent Town tax list, and the location of such land.

(6) Names, widths and exterior lines of existing and proposed streets and ways, the boundaries of existing or proposed public or common areas and any existing and proposed easements, within and adjacent to the subdivision. The names of proposed streets shall be set forth on the plan but may be subject to change, until approval of the names by the Board.

(7) Data to determine readily the location, bearing and length of every street and way line, whether straight or curved, sufficient to reproduce the same on the ground, with all bearings referred to the true meridian.

(8) Location of all permanent monuments within the subdivision, properly identified as to whether existing or proposed.

(9) Lengths and bearings of boundary lines of the subdivision, including locations across proposed streets, with a table of closure, and boundary lines, computed lot areas in square feet, and dimensions and bearings of all lots or other divisions of land within the subdivision, with all lots designated numerically and in sequence.

(10) Existing profiles on the exterior lines and proposed profile on the center line of proposed streets on a horizontal scale of forty (40) feet to an inch and on a vertical scale of four (4) feet to an inch, or such other scales as are acceptable to the Board. (All elevations shall refer to the Town datum.) These profiles shall set forth also any and all temporary turnaround and background areas, and sidewalks, within and adjacent to the subdivision.

(11) Size and location of existing and proposed storm drains, sewers, water mains, hydrants, gas pipes, electric lines or ducts, telephone lines or ducts, fire alarm cables and boxes, and streetlights, and their appurtenances, all within and adjacent to the subdivision, including any and all service connections required to lots.

(12) Size, location and other layout provisions of any required project sewer system, as hereinafter defined, and any special water supply facilities for fire protection.

(13) Location of existing buildings within and adjacent to the subdivision.

(14) Location and species of proposed street trees and/or individual trees or wooded areas to be retained within forty (40) feet of the sidelines of each street.

(15) Existing and proposed topography with contours at two-foot intervals over the entire property. The plan shall show any proposed changes in topography and by dotted lines the area within the lots for the approximate placement of dwellings, accessory structures and their accesses. The plan shall set forth also the location of existing and proposed major site features such as stone walls, wooded areas, rock ridges and outcroppings, and natural watercourses and marshes, within and adjacent to the subdivision.

(16) Buildings, walls, fences and other man-made changes observable on the surface shall be noted on the plan. "Man-made changes" are intended to include, but not be limited to, all surface features evidencing easements or rights-of-way, such as utility poles, guy wires, anchors, overhead wires, valves, or manhole covers indicating underground pipes or utilities, and roads or paths whether paved or unpaved.

(17) Observable cemeteries or family burial grounds or other historic sites, streams, brooks, springs, rivers, ponds, lakes, swamps or other watercourses or wetlands, located on, bordering on, or running through the subdivision.

(18) Three corners of the subdivision boundary, tied to known fixed recorded points outside the surveyed premises.

(19) The purpose of any easements set forth on the plan.

(20) Layout plan and profile of each street. No sheet shall show the plan and profile of more than one (1) street.

(a) The layout plan on each separate sheet shall show side lines, center line, points of tangency, lengths of tangents, lengths of curves, intersection angles, radii of curves, and location of permanent monuments for each street in the subdivision, together with all lot lines, buildings, walks, drives and other fixtures within forty (40) feet of the side lines of such street.

(b) The layout plan shall also show the size, location and elevation of all storm drains, sewers, water mains and their appurtenances existing in or proposed for each street.

(c) Directly above or below the layout plan of each street, a profile showing existing and proposed grades along the center line and side lines of the street, together with figures of elevation at the top and bottom of all even grades and at fifty-foot stations on said grades, and at the beginning and end of all vertical curves and at twenty-five-foot stations along said curves. The horizontal scale of the profiles shall be forty (40) feet to one (1) inch; the vertical scale shall be four (4) feet to one (1) inch. Lines and figures indicating existing conditions shall be screened; lines and figures indicating proposed grades shall be in plain or bold type. In addition, existing center lines shall be shown in fine solid lines, existing exterior lines in fine dashed lines, and proposed finished center lines in heavy solid lines. Profiles shall also show the size and location of existing and proposed storm drains, sewers, water mains and appurtenances, and of any required project sewer system, and

shall extend at least one hundred fifty (150) feet into adjacent land.

(21) Cross sections of each proposed street, drawn on the corresponding layout plan sheet, with each cross section properly located and identified by station number, at such intervals along the street as will adequately indicate any variations in its section, and supplemented where necessary by lines on the layout plan showing the width and location of proposed roadways, grass plots, gutters, sidewalks and similar physical features; provided, however, that where all cross sections of the street will coincide with the appropriate cross section shown on typical cross-section plans of the Board or other agency of the Town, such agreement may be indicated by proper notation on the layout plan, and the cross-section drawings may be omitted therefrom.

(22) All drainage areas within the subdivision shall be identified, and the amount of area thereof in acres and the proportion of each as related to the total acreage of the subdivision shall be indicated on the map legend. All natural drainage swales, all drainage streams and their off-site watershed shall also be so identified, together with the maximum area expected to be covered by water resulting from a rainfall of two-, ten- and one-hundred-year storms. Post-development run-off must be less than or equal to pre-development run-off.

(23) Where sanitary sewers are not available, the result of at least one (1) ten-foot-deep observation hole per lot performed by a Massachusetts licensed engineer, and observed by the Board of Health, a Board of Health agent or the Town of Charlton engineer [ref. State Environmental Code, Title 5, Section 3.3, 310 CMR 15.03(3)] showing the depth of the groundwater level during the period 15 March to 15 May shall be set forth upon the plan or submitted therewith. A description shall also be furnished regarding any limitations on the proposed project caused by subsurface soil and water conditions, and also regarding the methods to be used to overcome the limitations.

(24) Location of base flood elevation if encountered within one hundred (100) feet of the subdivision as mapped from FEMA.

(25) Any other unbuildable areas such as water bodies, wetlands, or rock outcrops.

(26) A statement, affixed to the plan, that "the undersigned agree to comply with all Rules and Regulations for the subdivision of land in the Town of Charlton as adopted by the Town and the Planning Board and all further amendments or additions thereto."

F. Community impact study. The applicant shall [subject to Subsection Q(7)]:

(1) Completely describe sewage disposal methods and evaluate impact of disposal methods on surface water, groundwater, soils and vegetation. This shall be based in part on an analysis of data obtained from coring from test borings to a depth of twenty (20) feet or ledge performed at two-hundred-foot intervals throughout the proposed site. The significant findings of the borings, i.e., ledge, gravel, clay, sand, water, hardpan, type of soil, etc., shall be set forth on a map of the proposed subdivision, drawn on a scale of fifty (50) feet to an inch, indicating and identifying also the boring sites to which the findings relate.

(2) Describe estimated traffic flow at peak periods and proposed traffic circulation patterns.

(3) Show vehicle parking areas and capacities thereof.

(4) Describe the effect of the project on police and fire protection services for the Town such as additional equipment and/or personnel to be required by the Police and Fire Departments.

(5) Describe the effect of the project on Public Works Department services for the Town such as additional equipment and/or personnel to be required by the Public Works Department.

(6) Describe the effect of the project on educational services for the Town such as additional equipment and/or personnel to be required by the School Superintendent.

(7) Describe the effect of the project on the Town water supply and distribution system such as additional equipment and/or personnel to be required by the Board of Health.

G. Mandatory review by the Board of Health and Conservation Commission.

(1) When the definitive plan is submitted to the Planning Board, the applicant shall also file two (2) copies thereof with the Board of Health. The Planning Board shall forward one copy thereof to the Conservation Commission.

(2) The Board of Health shall, within forty-five (45) days after the plan is so filed, report to the Board in writing approval or disapproval of said plan, and in the event of disapproval shall make specific findings as to which, if any, of the lots shown on the plan cannot be used for building sites without injury to the public health, and include in such report specific findings and the reasons therefor, and, where possible, shall make recommendations for the adjustments thereof. Every lot so located that it is not to be served with a connection to the municipal sewer system shall be provided with a septic tank and drain-field on the primary lot satisfactory to the Board of Health, or with an alternative sewage disposal system acceptable to both the Board of Health and the Planning Board, each in its sole discretion.

(3) The Conservation Commission shall review the plan and determine the applicability of the Wetlands Protection Act, MGL c. 131, § 40. The Commission may also comment on the effects of the subdivision on streams, wildlife, marshlands, swamps, other wetlands, open spaces, and other natural resources. It may comment also on proposals set forth in or associated with the plan and similar considerations, including the proposals for demolishing, retaining or moving site features.

H. Approval of proposed facilities by Town agencies.

(1) The applicant may, at his/her own election, before submission of his/her final application and definitive plan, obtain written approval of the sizes, locations and other pertinent layout provisions for proposed facilities shown on the definitive plan, and written verification of the sizes and locations of existing facilities shown on said plan, from the agency and for the facilities listed below:

(a) The Town Engineer (or, if none, the Board), for existing and proposed streets and street design, existing and proposed storm drain facilities and easements, grades of the same where appropriate, and grades of gravity utilities.

(b) The Town Engineer (or, if none, the Board), for proposed and existing easements for any water and sewer mains, and any water and sewer facilities.

(c) The Chief of the Fire Department, for the location of any hydrants, or cisterns and, when the subdivider is to install telephone, electric and cable television lines underground, the location of an underground conduit for the fire alarm system.

(d) The Tree Warden, for sizes, locations and species of proposed street trees.

(e) The Town Highway Superintendent,[36] for work within existing public ways.

(2) The approval and verification required above from any agency may be indicated by appropriate signatures on the original copy of the definitive plan or by an appropriate statement from the agency addressed to the Board and referring to said plan by subdivision name, date, and name and address of owner and subdivider.

I. Determination of work specifications.

(1) The applicant shall obtain written approval for any deviations from the design and work requirements herein authorized, together with detailed specifications for performing the required work, and special construction requirements, if any, applicable to the subdivision from the agency and for the facilities listed below:

(a) The Town Engineer (or, if none, the Board), for approval of any deviations from the requirement that streets be graded to standard cross sections, and any deviations in the requirement that roadway enter lines coincide with rights-of-way center lines; specifications for grading, installation of monuments and storm drainage facilities, construction of roadway foundations and surfaces, and construction of sidewalks, grass plots and slopes; approval of cross sections where no standards are available.

(b) The Town Engineer (or, if none, the Board), for approval of any deviations in the requirement for service connections; specifications for installing required water and sewer facilities.

(c) The Chief of the Fire Department, for approval of relocation of any hydrants, cisterns and, when the subdivider is to install telephone, electric and cable television lines underground, the location of an underground conduit for the fire alarm system.

(d) The Tree Warden, for requirements as to size, species, location, and method of planting, of street trees.

(e) The Town Highway Superintendent[37] for approval of work within existing public ways.

(2) Written statements setting forth the specifications for special construction requirements and any granted approval of deviations will be furnished to the applicant and to the Board by the agency concerned. When standard specifications of a particular agency are available to the public in written form, they may be referred to in said statements by name, date and designation of pertinent sections where written specifications are not available or are to be modified, the detailed requirements for work on the ground shall be set forth in the statements.

J. Cost estimates for required work. If the applicant elects to file a performance bond rather than to secure the performance of the construction of ways and the installation of municipal services for lots shown on the subdivision plan, as hereinafter provided, he/she shall request in writing that the Board's engineering consultant prepare an estimate of the cost of performing the various items of required work, and submit the same to the Town agencies concerned for approval. These estimates, as approved, will then be submitted to the Board for use in determining the necessary penal sum of the performance bond.

K. Requirement as to number of buildings for dwellings. Not more than one (1) building designed or

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36. Editor's Note: The title "Highway Superintendent" was changed to "Public Works Superintendent" 5-20-2019 ATM by Art. 12.

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available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision, or elsewhere in the Town, without the consent of the Board. Such consent may be conditioned upon the providing of adequate ways furnishing access to each site for such building in the same manner as otherwise required for lots within a subdivision.

L. Public hearing.

(1) Before approval, modification and approval, or disapproval of the definitive plan is given, a public hearing shall be held by the Board, notice of the time and the place of which and of the subject matter, sufficient for identification, shall be given by the Board at the expense of the applicant by advertisement in a newspaper of general circulation in the City of Worcester or the Town of Southbridge, once in each of two (2) successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing or if there is no such newspaper in such city or Town, then by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the day of such hearing, and by mailing a copy of such advertisement to the applicant and to all owners of land abutting upon the land included in such plan as appearing on the most recent tax list.

(2) The Board shall arrange for the publication of the notices of the hearing. The cost of the publication shall be borne by the applicant as part of the application fee.

M. Final approval of definitive plan.

(1) After the public hearing, the definitive plan will be studied by the Board to determine its conformity with the preliminary plan, if any, and its compliance with the design standards and other requirements of these Rules and Regulations. After such hearing, and after the report of the Board of Health or lapse of forty-five (45) days without such report, the Board shall approve; or, if such plan does not comply with the Massachusetts Subdivision Control Law or the Rules and Regulations of the Board or the recommendations of the Board of Health, shall modify and approve or shall disapprove such plan. In the event of disapproval, the Board shall state in detail wherein the plan does not conform to the Massachusetts Subdivision Control Law, to the Rules and Regulations of the Board or to the recommendations of the Board of Health and shall revoke its disapproval and approve a plan which, as amended, conforms to the Massachusetts Subdivision Control Law and to such Rules and Regulations or recommendations. The Board shall file a certificate of its action with the Town Clerk, a copy of which shall be recorded by him/her in a book kept for the purpose, and shall send notice of such action by registered or certified mail, postage prepaid, to the applicant at his/her address stated on the application. Approval, if granted, shall be subject to the filing of a bond or covenant or both, as herein provided. Approval of the plan shall not be deemed to be the laying out or acceptance by the Town of any street shown thereon.

(2) When the Board of Health has notified the Planning Board that it has made specific findings as to which of the lots or land in the subdivision cannot be used for building sites without injury to the public health, the Board shall approve the definitive plan only on condition that no building or structure shall be built or placed upon the areas designated without consent by such Board of Health. Such condition shall be endorsed on the plan by the Planning Board, specifying the lots or land to which such condition applies. In the event approval by the Board of Health is by failure to make a report, the Board shall note on the plan that health approval is by failure to report.

N. Failure of the Board to act.

(1) Nonresidential subdivisions. In the case of a nonresidential subdivision where a preliminary plan has been duly submitted and acted upon or where forty-five (45) days have elapsed since submission of said preliminary plan, and then a definitive plan is submitted, the failure of the Board either to take final action or to file with the Town Clerk a certificate of such action regarding the definitive plan submitted by an applicant within ninety (90) days after such submission, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the Board with the Town Clerk.

(2) Residential subdivisions.

(a) Preliminary plan submitted. In the case of a subdivision showing lots in a residential zone, where a preliminary plan has been acted upon by the Board or where at least forty-five (45) days have elapsed since submission of the preliminary plan, an applicant may file a definitive plan. The failure of the Board either to take final action or to file with the Town Clerk a certificate of such action on the definitive plan within ninety (90) days after such submission, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the Board with the Town Clerk.

(b) No preliminary plan submitted. In the case of a subdivision showing lots in a residential zone, where no preliminary plan has been submitted and acted upon or where forty-five (45) days have not elapsed since submission of such preliminary plan, and a definitive plan is submitted, the failure of the Board either to take final action or to file with the Town Clerk a certificate of such action regarding the definitive plan submitted by an applicant within one hundred thirty-five (135) days after such submission, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the Board with the Town Clerk.

O. Performance guarantee.

(1) Before endorsement of the approved definitive plan of a subdivision, the applicant shall file with the Board a performance guarantee, in a form satisfactory to the Board, for the completion of the required improvements specified in Section 5 of these Rules and Regulations for all lots in the subdivision, the construction of ways and the installation of municipal services to be secured by one (1), or in part by one (1) and in part by another, of the following methods, which method or combination of methods may be selected and from time to time varied by the applicant:

(a) By a surety company performance bond (Form E) or a performance bond (Form F) secured by a deposit of money or negotiable securities, and conditioned on the completion of all required improvements or any part of the improvements not covered by a covenant, referred to in the following Subsection O(1)(b) of these Rules and Regulations, within two (2) years of the date of the bond, or within such shorter time as is specified by the Board. This bond shall be in sufficient penal sum, in the opinion of the Board, to cover the cost of such improvements and so drawn as to insure their satisfactory completion. The bond shall be executed by the applicant as principal and a surety company authorized to do business in the Commonwealth and satisfactory to the Board as surety, or secured by the deposit with the Town Treasurer of cash or negotiable securities in an amount equal to the penal sum of the bond. It shall be approved as to form and manner of execution by the Town Counsel.

(b) By a covenant (Form G) running with the land, executed and duly recorded by the owner of record of all the land in the subdivision, whereby all improvements not covered by bond in Subsection A(1)(a) of this section of these Rules and Regulations shall be provided to serve adequately any lot in the subdivision before such lot may be built upon or conveyed other than by mortgage deed as provided by statute.

(c) By delivery to the Board of an agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant by the lender, which agreement shall be executed by the applicant and the lender and shall provide for the retention by the lender of funds sufficient in the opinion of the Board and otherwise due the applicant, to secure the construction of ways and the installation of municipal services. Said agreement shall also provide for a schedule of disbursements which may be made to the applicant upon completion of various stages of the work, and shall further provide that in the event the work is not completed within the time set forth by the applicant, any funds remaining undisbursed shall be available for completion.

(2) Any covenant or agreement given hereunder and any condition required by the Board of Health as to the approval of the plan shall be either inscribed on the plan or contained in a separate document, referred to on the plan.

(3) If the applicant secures performance by a covenant, but wishes to postpone the completion of specified items of work on the ground until after lots have been sold and/or buildings erected, the Board may, in its discretion, exempt from the provisions of the covenant the items of work to be so deferred, provided a bond is filed in accordance with the procedure set forth in Subsection O(1)(a) of these Rules and Regulations sufficient in penal sum, in the opinion of the Board, to cover the cost of the deferred improvements.

P. Reduction of bound or surety. The penal sum of any such bond, or the amount of any deposit held under Subsection O(1)(a) hereof, may from time to time be reduced by the Board and the obligations of the parties thereto released by the Board in whole or in part. If release is by reason of covenant, a new plan of the portion to be subject to the covenant may be required.

Q. Endorsement and recording.

(1) If the plan has been approved, and before endorsement of said plan, the applicant shall obtain and deliver to the Board, or a designated representative thereof, a Mylar of each of the sheets comprising the plan. In the case of registered land, when the required work to be performed in the subdivision is to be secured by a covenant, the applicant shall furnish in addition to the above prints one (1) extra Mylar of each of the sheets of the definitive plan comprising the lot layout plan. Also in the case of registered land when the required work to be performed in the subdivision is to be secured by a bond, the applicant need only furnish one (1) print Mylar of each of the sheets of the definitive plan comprising the lot layout plan.

(2) Approval of the plan, if granted, shall be attested on the original tracing and the transparent cloth prints of the definitive plan by the signatures of the majority of the members of the Board, but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. Before the definitive plan shall have been endorsed by the Board, the owner(s) of the subdivision shall be the owner(s) of record. After the definitive plan has been endorsed, the applicant shall furnish the Board with three (3) prints thereof.

(3) The definitive plan shall be stamped as follows:

"It is agreed that this approval of the Charlton Planning Board is for [two (2) years only or for such shorter time, specified herein, as is determined by the Board]. In the event the ways and municipal services shown on this Plan are not constructed and installed, as applicable, within [two (2) years from this date, or such shorter time, specified herein, as is determined by the Board] approval of the Board is withdrawn, and this Plan is and shall be null and void."

(4) After endorsement by the Board and before the recording of the approved plan, the applicant shall obtain and deliver to the Board nine (9) paper prints, black line on white ground, of said plan for the Board's files and for subsequent distribution to appropriate Town agencies.

(5) If not otherwise taken care of, as provided for under Paragraph 7 of the application for approval of definitive plan (Form C), within thirty (30) days after the return of the approved definitive plan the applicant shall cause to be recorded in the Worcester District Registry of Deeds, and, in the case of registered land, with the recorder of the Land Court, a copy of said plan and the covenant, if any, and shall notify the Board or its Clerk of such recording, submitting evidence thereof satisfactory to the Board.

(6) Upon receipt of notification of recording, the Board shall file one (1) copy of the definitive plan with the Building Inspector.

In accordance with the statute, if performance of the construction of ways and the installation of municipal services is secured by a covenant, the Inspector shall issue no permit for the construction of a building on any lot within the subdivision except upon receipt from the Board of a copy of the certificate of performance describing the lot in question, as provided in Subsection S hereof.

If performance of the construction of ways and the installation of municipal services is secured by a bond, the bituminous concrete base satisfactory to the Town Engineer (or, if none, to the Board) shall be constructed from an existing street to a proposed structure, and a hydrant shall be in working condition satisfactory to the Fire Chief within five hundred (500) feet of a lot before a house number or building permit can be issued for a structure.

(7) Failure to comply with the procedural and other requirements of these Rules and Regulations may result in rescission of the approval given hereunder by the Board.

R. Evidence of satisfactory performance. Before the Board will release the interest of the Town in a surety bond or deposit, or agreement, or, in the case of a covenant, issue a release of covenant, the applicant shall obtain and submit to the Board written evidence that the required work on the ground has been completed to the satisfaction of the agency and for the facilities listed below:

(1) The Town Engineer (or, if none, the Board), for grading, grades of all gravity utilities, storm drainage facilities, roadways, street signs, sidewalks, grass plots, slopes, monuments, and cleaning up. Before the Town Engineer (or, if none, the Board) shall furnish written evidence, as noted above, the subdivider shall obtain and submit to said engineer (or, if none, to the Board):

(a) A registered professional engineer's certificate of (partial) completion (Form H); and

(b) A complete plan and profiles drawn on tracing cloth, prepared by a registered professional engineer, at the horizontal scale of forty (40) feet to an inch and at the vertical scale of four (4) feet to an inch, showing the location of monuments, the size, exact location, grades,

and elevations of all storm drains, water and sewer facilities, including house connections with ties and elevations, installed in the rights-of-way and easements shown on the definitive subdivision plan and file with the Town Engineer (or, if none, with the Board) a certificate signed by said registered professional engineer, that all said facilities are installed in place and at the grades and elevations shown on the definitive plan of the subdivision as approved by the Board.

(2) The Town Engineer (or, if none, the Board), for water and sewer facilities.

(3) The Chief of the Fire Department, for installation of hydrants, cisterns, and, when the subdivider is to install telephone, electric and cable television lines underground, for installation of an underground conduit for the fire alarm system.

(4) The Tree Warden, for street trees.

(5) The Town Highway Superintendent,[38] for all work within an existing public way.

S. Release of performance guarantee.

(1) Upon the completion of the construction of ways and the installation of municipal services and other improvements required under Section 5 hereof in accordance with these Rules and Regulations, security for the performance of which was given by bond, deposit, covenant or agreement, or upon the performance of any covenant with respect to any lot or groups of lots, the applicant shall send by registered or certified mail to the Town Clerk and the Board a written statement in duplicate that the construction of ways and the installation of municipal services and other improvements, in connection with which such bond, deposit, covenant or agreement has been given, has been completed in accordance with the requirements of these Rules and Regulations, such statement to contain the address of the applicant.

(2) The Town Clerk shall forthwith furnish a copy of said statement to the Board. The request to the Board or statement to the Town Clerk, as the case may be, shall include and be accompanied by a properly executed certificate of completion (Form H).

(3) If the Board determines that said construction, installation and improvements have been completed to its satisfaction, it shall release the interest of the Town in such bond and return the bond or the deposit to the person who furnished the same, or release the covenant by appropriate instrument (Form K or K-1), which may be recorded, or terminate its interest in the agreement by an instrument satisfactory in form to itself and to the lender. The Board shall file duplicate copies of said instrument with the Building Inspector and with the Town Engineer, if any. However, a sum in an amount to be established by the Board, but in no event less than twenty percent (20%) of the market value of the subdivided land shall be held by the Town for the maintenance and repair of streets, ways, municipal services and other improvements for a minimum of eighteen (18) months after completion of construction or until the streets and ways are accepted by the Town as public ways, whichever comes first, after which date the Town shall return the remainder of the sums thus retained to the person or persons who furnished same.

(4) If the Board determines that said construction, installation or improvements have not been completed, it shall specify in a notice sent by registered or certified mail to the applicant and to the Town Clerk, the details wherein said construction or installation fails to comply with the

38. Editor's Note: The title "Highway Superintendent" was changed to "Public Works Superintendent" 5-20-2019 ATM by Art. 12.

requirements of these Rules and Regulations. If the Board fails to prepare and mail this notice within forty-five (45) days after receipt of the statement by the Town Clerk all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said forty-five-day period expires without such specification, or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

T. Criteria for satisfactory partial completion.

(1) When only a portion of the streets and other improvements shown on the definitive plan have been constructed or installed and a release of covenant is requested, the Board shall consider as satisfactorily completed only such lengths and parts thereof as will (in and of themselves) form convenient and adequate systems without the necessity of further extension or improvement, and shall consider as eligible for release only such lots as front on, are connected to, or are otherwise served by such streets, utilities and other improvements.

(2) Work on the ground adjacent to a particular lot will normally be considered by the Board as work necessary to serve adequately such lot, regardless of the degree to which the lot is dependent on said work for its access or utility service. In any case, the Board will not issue a release of covenant for the entire subdivision, or for the final lot or group of lots therein where progressive improvements are made, until all items of required work on the ground are completed, regardless of location.

U. Conveyance of utilities and easements to the Town. Before the Board will release the interest of the Town in a performance bond or deposit or agreement or, in the case of approval with covenant, issue a release of covenant, the applicant shall, upon request of the Board therefor, convey to the Town, without cost, in a form satisfactory to the Board (Form I), valid unencumbered title to any water mains and appurtenances, and sewers, and prescribed easements therefor. (See Paragraph 8 of Application for Approval of Definitive Plan, Form C.) The applicant shall also remit to the Town Treasurer, promptly upon request therefor, a sum sufficient in the estimation of the Board to reimburse the Town for all deed recording, title search, attorney fees and related expenses incident to such conveyance.

V. Failure of performance. Any bond hereunder may be enforced and any deposit hereunder may be applied by the Board for the benefit of the Town as provided in MGL c. 41, § 81Y, upon failure of the performance for which any such bond or deposit was given to the extent of the reasonable cost to the Town of completing such construction of ways and installation of municipal services and other improvements.

W. Streets and ways. Approval of the definitive plan does not constitute the laying out or acceptance by the Town of streets within a subdivision as public ways.

SECTION 4
Design Standards

§ 210-4.1. Streets.

A. General system and location.

(1) All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe travel for vehicles and pedestrians. Minor streets, particularly, shall be so located and designed that their use by through traffic will be discouraged. Due consideration shall also be given to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision. Proposed streets shall be designed to afford safe access to abutting lots and existing streets, including consideration of traffic factors, such as vision at corners, sight clearance, sight lines, existing obstructions, width of existing streets and similar considerations.

(2) The proposed streets shall conform to any Master or Study Plan adopted in whole or in part by the Board.

(3) Streets shall be continuous and in alignment with existing streets, as far as practicable, and shall comprise a convenient system with connections adequate to insure free circulation of vehicular traffic.

(4) Streets in the subdivision shall connect to and be accessible from a public way or an existing private way open to the public and in which the applicant has rights for purposes for which ways are intended and commonly used.

(5) There shall be provided at least two (2) recognized means of vehicular access, as noted above, for each subdivision except one (1) comprising only one (1) dead-end street. In the case of an approved definitive subdivision plan under development, the Board will not release a surety bond or deposit, or, in the case of a covenant, issue a release of covenant for a portion or section of the subdivision under development unless there is provided and constructed first, except for a dead-end street, two (2) means of vehicular access to said portion or section.

(6) Proposed streets which are obviously in alignment with other streets already existing and named shall bear the names of existing streets. The names of all proposed streets shall be subject to the approval of the Board.

(7) If adjoining property is not subdivided but is, in the opinion of the Board, suitable for ultimate development, provision shall be made for proper projection of streets into such property by continuing appropriate streets within the subdivision to the exterior boundary thereof.

(8) Temporary dead-end streets, laid out to permit future projection, shall conform to the provisions of alignment, width, and grade that would be applicable to such streets if extended.

(9) 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.

(10) Adequate stopping sight distance shall be provided at all proposed internal subdivision and proposed/existing roadway intersections in accordance with the most recent AASHTO standards. A minimum design speed of thirty (30) miles per hour shall be utilized for calculating stopping sight distance within the proposed subdivision roadways. At intersections of proposed and existing roadways, field measurements of existing stopping sight distance shall be made in the presence of the Planning Board or its designated agent.

B. Alignment. All reverse curves on major and collector streets shall be separated by a tangent at least one hundred (100) feet long.

C. Intersections.

(1) Streets shall be located to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than sixty (60) degrees.

(2) Multiple intersections involving the junction of more than two (2) streets shall be avoided. Where this proves impossible, in the opinion of the Board, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.

(3) Streets entering opposite sides of another street shall be laid out either directly opposite each other, or with a minimum offset of one hundred twenty-five (125) feet between their center lines, unless, in the opinion of the Board, this requirement necessitates the division of land into substantially fewer lots than would otherwise be the case.

(4) Street lines and property lines at all street intersections shall be rounded with a corner having a radius of not less than twenty (20) feet. However, when the intersection of two (2) ways varies more than ten (10) degrees from a right angle, the radius of the curve at the acute angle may be less and at the obtuse angle shall be greater than twenty (20) feet to the extent approved or required by the Board.

D. Width.

(1) The Board will give due regard to the prospective character of different subdivisions, whether open residence, dense residence, business or industrial, nature of terrain and the prospective amount and type of travel upon various streets and footpaths therein. Subject to adjustment in light of such factors, streets shown on subdivision plans shall be classified as major, collector or minor streets.

COLLECTOR STREET — A street intercepting one (1) or more streets and which, in the opinion of the Board, is used to carry a substantial volume of traffic from such streets to a major or collector street or community facility, or which includes a principal entrance street to a large subdivision or group of subdivisions.

FLEXIBLE DEVELOPMENT MINOR STREET — A street, which, in the opinion of the Board, is being used or will be used primarily to provide access to abutting lots in a flexible development in accordance with § 200-5.7 of the Zoning Bylaw, and which is not intended for use by through traffic.

MAJOR STREET — A street which, in the opinion of the Board, is being used or will be used as a thoroughfare within the Town of Charlton or which otherwise carries or will carry a heavy volume of traffic.

MINOR STREET — A street which, in the opinion of the Board, is being used or will be used primarily to provide access to abutting lots, and which is not intended for use by through traffic.

(2) The minimum width of street rights-of-way shall be as follows:

(a) Minor streets: sixty (60) feet.

(b) Collector streets: sixty (60) feet.

(c) Major streets: sixty-six (66) feet.

(d) Flexible development minor streets: forty (40) feet.

(3) Alleys with a minimum width of thirty (30) feet may be required by the Board at the rear of any lots designated or zoned for commercial use.

(4) All streets serving an industrial or commercial subdivision shall be a minimum sixty-six (66) feet width.

(5) The Board may require greater minimum widths as to streets shown on subdivision plans, when in its opinion the additional width is essential to safe and orderly travel upon such streets, in light of projected short-term and long-term traffic conditions thereon.

E. Grade.

(1) Grades of all streets shall be the reasonable minimum, but shall not be less than three-fourths percent (0.75%).

(2) The maximum center-line grades shall be as follows:

(a) Minor streets: ten percent (10%).

(b) Collector streets: eight percent (8%).

(c) Major streets: six percent (6%).

(3) All changes in grade exceeding three-fourths percent (0.75%) shall be connected by vertical curves of sufficient length to afford a minimum sight distance two hundred (200) feet or more if deemed appropriate in the opinion of the Board. The minimum design rate of vertical curvature (k) shall be 19 for crest curves and 37 for sag vertical curves.

(4) On any street at the approach to an intersection, a leveling area shall be provided having not greater than three-fourths percent (0.75%) grade for a distance of twenty-five (25) feet measured from the nearest right-of-way line of the intersecting street.

F. Dead-end streets.

(1) Dead-end streets, designed as permanent culs-de-sac, shall not exceed five hundred (500) feet in length unless, in the opinion of the Board, a greater length is necessitated by topography or other local conditions. This requirement shall not apply to culs-de-sac located within flexible development, where the maximum length shall be determined by the Board. The Board may also allow dead-end streets to exceed five hundred (500) feet in length, up to a length of one thousand five hundred (1,500) feet, for the purpose of allowing a dead-end street as roadway for a Business Enterprise Park (BEP) development.

(2) Such culs-de-sac shall be provided at the closed end with a turnaround having an outside street line diameter of at least one hundred twenty (120) feet, and a property line diameter of at least one hundred forty-six (146) feet. However, in a flexible development in accordance with § 200-5.7 of the Zoning Bylaw, the turnaround may have an outside street line diameter of at least one hundred (100) feet, and a property line diameter of at least one hundred twenty (120) feet.

(3) Such culs-de-sac shall not provide access to more than ten (10) lots, unless such cul-de-sac is located within a flexible development. Culs-de-sac within flexible development shall not provide access to more than fifteen (15) lots.

G. Street design standards. Minor and collector streets shall conform to the following design standards. Major streets shall conform to the standards of the Mass DOT, if applicable, and shall otherwise conform to the standards set forth below.

	Minor Street	Collector Street	Major Street	Flexible Development Minor Street
Minimum right-of-way (1)	60'	60'	66'	40'
Pavement width (including parking lanes)	28'	35'	45'	24'
Minimum center line radius	100'	140'	150'	100'
Minimum tangent length between curves	50'	100'	150'	50'
Minimum grade	0.75%	0.75%	0.75%	0.75%
Maximum grade	10%	8%	6%	10%
Maximum grade within 50' of intersection	5%	5%	PBA	5%
Maximum grade within 100' of intersection	PBA	PBA	3%	PBA
Number of curbs	2	2	2	2
Minimum width of planting strips (including curbs, less on sidewalk side)	8 1/2'	10 1/2'	10 1/2'	3'
Minimum width of sidewalk	4'	5'	5'	4'

	Minor Street	Collector Street	Major Street	Flexible Development Minor Street
Number of sidewalks	1	2	2	1
Minimum cul-de-sac grade	1%	1%	1%	1%
Maximum cul-de-sac grade	4%	4%	4%	4%

NOTE: The Board may, at its discretion, also require an increase in right-of-way widths by up to ten (10) feet to allow construction of ample walkways and to preserve natural features. Also, see Appendix A for cross-section details for the four (4) types of roadways (minor, major, flexible and collector).

§ 210-4.2. Easements.

A. Where water and sewer mains, storm drains or other utility installations require, in the opinion of the Board, a location outside of any street line, there shall be reserved, and shown on the plan, easements to accommodate such utilities having a minimum width of twenty (20) feet.

B. Where a subdivision is traversed by watercourses, drainageways, channels or streams, the Board may require that stormwater easements or drainage rights-of-way may be reserved conforming substantially with the lines of such watercourses, drainageways, channels or streams, and having such further width as it deems necessary.

C. Where the side slopes hereinafter required will extend outside of the street right-of-way lines, suitable slope easements shall be provided of sufficient dimensions to accommodate all portions of the slope above or below the finished grade of abutting lots.

§ 210-4.3. Lots.

A. The plan and each lot set forth thereon shall comply in all respects with the provisions of the Zoning Bylaw of the Town of Charlton, including, but not limited to, all such provisions relating to size, shape, width, and frontage of lots within a subdivision.

B. Land subdivided into lots shall be of such general character that it can be used for building purposes without danger to health.

C. Two-thirds (2/3) of the minimum lot area of every building lot must be free from wetlands as defined in the Massachusetts Wetland Protection Act as most recently revised and free also from other conditions which in the opinion of the Board make building or construction thereon impossible or hazardous.

D. No lot within the Town shall be divided so as to create a lot which does not conform with the

minimum area, frontage, width and depth requirements of the Charlton Zoning Bylaw,[39] and no property line shall be redrawn so as to create such a lot.

E. Not more than one (1) building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision nor shall any parcel or lot of land contain more than one (1) unit designed for commercial, industrial, warehouse, communications, transportation, public utility, or other business uses in the Town without the consent of the Planning Board.

§ 210-4.4. Open spaces.

Before approval of a plan, the Board may also 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 area of the land being subdivided and to the prospective uses of such land. As to plans setting forth six (6) or more lots, however, any such park shall contain a minimum of one (1) full acre, plus additional land equal to one-tenth (1/10) of the land area, in aggregate, of all lots depicted on the plan. Should the Board require such park or parks, it shall by appropriate endorsement (See MGL c. 41, § 81U.) on the plan require that no building may be erected on such park or parks for a period of not more than three (3) years without its approval.

§ 210-4.5. Protection of natural features.

Due regard shall be shown for all natural features, such as large trees, watercourses, scenic points, historic spots, stone walls and similar community assets, which, if preserved, will add attractiveness and value to the subdivision.

§ 210-4.6. Bikeways and walkways.

Public bikeways or pedestrian walkways may be required by the Board to provide circulation or access to schools, playgrounds, parks, shopping, transportation, open space and/or community facilities or for such other reason as the Board may determine. These may or may not be part of normal sidewalk provision, but they shall not be a part of any lot in the subdivision.

§ 210-4.7. EPA NPDES regulations.

When applicable, all subdivisions shall comply with the current EPA NPDES Phase II regulations. If the proposed subdivision would disturb more than one (1) acre of land, a stormwater pollution prevention plan (SWPPP) will be required to be submitted by the applicant to the EPA.

39. Editor's Note: See Ch. 200, Zoning.

SECTION 5
Required Improvements

§ 210-5.1. General.

A. All improvements hereinafter specified shall be constructed or installed by the applicant in accordance with these Rules and Regulations, in conformity with the approved definitive plan and the specifications and other requirements of the Town agencies concerned, and to the satisfaction of such agencies.

B. The applicant shall also provide all necessary materials except for such materials, if any, as the Town agrees to furnish, which shall at all times remain the property of the Town. The Town will only furnish materials when the applicant is required to construct or install improvements which, in the opinion of the Town agencies concerned, have a capacity substantially greater than necessary to serve the subdivision alone, in which case the value of the materials furnished by the Town will not exceed the cost of providing the extra capacity.

C. In addition to notifying, under § 210-3.3I of these Rules and Regulations, all Town agencies concerned of the commencement and completion of various items of work, the applicant or subdivider shall keep them informed at all times of the progress of the work, and shall provide continuously safe and convenient access to all parts of the work for inspection by the Town agencies concerned or by such persons as they may designate for that purpose. No work will be approved that has been covered before such inspection. In addition, the subdivider shall arrange for inspections of the work by the appropriate agencies hereunder at each significant construction stage as specified in Form L hereof. The subdivider shall request each inspection at least forty-eight (48) hours prior to the requested inspection date and time. The representative of each inspecting agency shall set forth on Form L the date of inspection and approval, and shall also file thereafter with the agency and with the Board a copy of Form L, together with any report or other documentation generated by the inspection.

D. The subdivider shall provide for tests of materials by independent laboratories, at his/her own expense, when requested to do so by the Town agencies concerned, and shall provide copies of the test results to said Town agencies.

§ 210-5.2. Streets.

A. Grading.

(1) The entire area within the exterior street lines shall be cleared, excavated or filled as necessary, and graded in accordance with the then-standard specifications of the Town Engineer (or, if none, of the Board).

(2) All roadways, all areas between the roadway and sidewalk lines and curblines, and all slopes outside exterior street lines shall be constructed to finished transverse grades parallel to those shown on the then-current standard cross-section plans of the Town Engineer (or, if none, of the Board) as specified on the definitive subdivision plan. Any deviation necessitated by unusual topographic conditions must have the specific approval of the Town Engineer (or, if none, of the Board).

(3) Subgrade. The subgrade surface, fifteen and one-half (15 1/2) inches below the finished surface grade in all streets, shall be prepared true to the location and grades and cross sections given and rolled with not less than a ten-ton roller. All soft or spongy material below the subgrade shall be removed and replaced with gravel borrow conforming to MassDOT spec. M 1.02.0 Type a

containing no stones over six (6) inches in diameter.

M 1.03.0	Sieve Designation	Percent Passing
Type a	6 inches	100%
	1/2 inches	50% to 80%
	No. 4	40% to 75%
	No. 50	8% to 28%
	No. 200	0% to 10%

(4) Gravel subbase.

(a) The gravel subbase shall be spread in one (1) layer. The layer shall be twelve (12) inches in depth compacted measurement and shall conform to MassDOT spec. M 1.03 Type b with no stone larger than three (3) inches. Gravel shall be compacted to not less than ninety-five percent (95%) of the maximum dry density of the material as determined by the Modified AASHTO Compaction Test Method at optimum moisture content.

(b) The subgrade and subbase shall contain no loam, soft yielding material, clay, organic or other unsuitable material. All unsuitable material shall be removed and replaced with compacted gravel conforming with the above specifications.

(5) Over the top layer of the gravel subbase shall be laid in two (2) separate courses a base course of Class I bituminous concrete Type I-1 and a surface course of Class I Type I-1 both in accordance with Section 460 of the state standards specified above or of any successor publication. The finished surface must be level and even and is to form and close, even union around all curbs and projecting frames. It is the subdivider's responsibility to see that all manhole frames, gate boxes and catch basin frames are at street grade and accessible for their intended use. The depth of each course shall be:

	Base Course	Surface Course
Minor streets	2"	1 1/2"
Flexible development minor streets	2"	1 1/2"
Collector streets	3"	1 1/2"
Major streets	3"	1 1/2"

(6) The roadway area within the frontage of a lot shall have all utilities and the bituminous concrete base installed and approved by the appropriate agency before said lot can be released or built upon.

(7) Before application of the finish coat, the bituminous concrete base shall have been in place for a minimum of twelve (12) months or for a lesser period as may be determined by the Board.

(8) Immediately before application of the finish coat, the bituminous concrete base shall be swept clean and a tack coat applied mechanically (by truck or trailer with spreader bar), evenly, and at application rates in accordance with MassDOT.

B. Underground structures and facilities.

(1) All storm drains, sewers, water mains, related installations, and service connections to be placed within the exterior lines of a street shall be installed, and approved as herein required, and all gas pipes and other underground utilities shall be installed prior to completion of the roadway foundation.

(2) All electric, telephone, cable television, and other utility installations, including wiring, shall be placed underground in all subdivisions. All such utilities serving a subdivision must be installed underground, starting at the point where a subdivision road intersects with an existing public way or other subdivision road, and must be placed within the required right-of-way for the subdivision roadway.

(3) Conduit (including wiring) fire alarm and terminal boxes with appurtenances as required shall be installed for the fire alarm system in accordance with the standard specifications of the Fire Department.

(4) All installations shall be to the specifications of the utility company concerned and of the Town of Charlton.

(5) The subdivider shall be responsible for all trenching, backfilling, and paving for the installation of the necessary appurtenances for streetlighting.

(6) An as-built (supplementary) plan showing the locations of all underground wiring, transformers, poles and streetlighting (including type of fixture and lumens) shall be submitted to the Planning Board before the definitive plan of the subdivision has been recorded in the Registry of Deeds, or, as applicable, with the recorder of the Land Court.

(7) Definitive plan approval shall be subject to said plans being approved by the concerned utility company and the Planning Board. No installation of any utilities shall commence until the Town has received and approved said plans.

(8) New electric streetlighting and light standards approved by the Board shall be installed at each intersection of streets (including cul-de-sac) and/or ways.

(9) Streetlighting will be consistent with the neighborhood and surroundings and the safety of the traveling public. The subdivider will be responsible for all trenching, backfilling and paving in connection with the installation of all necessary cables for streetlighting. The developer will be required to provide, at his/her expense, underground conduits for police and fire communications.

C. Roadways.

(1) Roadways shall be constructed for the full length of all streets shown on the plan. The center lines of such roadways shall coincide with the center line of the street rights-of-way unless a minor variance is specifically authorized by the Town Engineer (or, if none, by the Board).

(a) The minimum width of roadways, between curblines, shall be as follows:

[1] Minor streets: twenty-eight (28) feet.

[2] Collector streets: thirty-five (35) feet.

[3] Major streets: forty-five (45) feet.

(b) The minimum outside diameter of roadways within permanent turnarounds shall be one

hundred twenty (120) feet.

(c) Greater width, and/or greater outside diameter of roadways within permanent turnarounds, shall be required by the Board when deemed necessary for present and future vehicular travel.

(2) Where a temporary dead-end street extends one hundred fifty (150) feet or more beyond an intersection, there shall be constructed as part of the roadway a temporary cul-de-sac extending across the full width of the street right-of-way, and having a minimum length of fifty (50) feet.

(3) Sloping at roadway intersections shall conform to the Town Bylaw on Vision Clearance, if any.

D. Dwelling unit access. Dwelling units shall not be given direct driveway access to major streets, except: (a) where existing lots of record abut on major streets; (b) in subdivisions which front on an existing major street; and (c) in special instances where the configuration of the tract prevents the construction of an access road or an interior roadway, after review and approval by the Board and by the Highway Department[40] of the Town of Charlton.

(1) Minor streets shall not connect two (2) or more major streets, or a major street and a collector street. Residential streets which connect higher-order streets often become shortcuts, thereby increasing the traffic load on purely residential streets and endangering the health and safety of pedestrians and residents thereon.

(2) Subdivisions containing ten (10) or more lots shall provide a minimum of two (2) means of vehicular access to and from the subdivision onto previously existing public ways.

(3) The Board may disapprove a plan where it determines that dangerous traffic conditions may result due to inadequacy of the proposed access or of the proposed ways within the subdivision or of any of the ways adjacent to or providing access to the subdivision.

(4) Alternatively, where the street system within a subdivision does not connect with or have, in the opinion of the Board, adequate access from a public way, the Board may require, as a condition of approval of a plan, that such adequate access by provided by the subdivider, and/or that the subdivider make physical improvements to and within such a way of access, in accordance with these Rules and Regulations and the recommendations of the Board, from the boundary of the subdivision to a public way. All costs of any such improvements or construction shall be done by the subdivider.

(5) Where the physical condition or width of a public way from which a subdivision has its access is considered by the Board to be inadequate to carry the traffic expected to be generated by such subdivision, the Board may require the subdivider to dedicate a strip of land for the purpose of widening the abutting public way to a width at least commensurate with that required within the subdivision, and to make physical improvements to and within such public way to the same standards required within the subdivision. Any such dedication of land for the purpose of way and any such work performed within such public way shall be made only with permission of the governmental agency having jurisdiction over such way, and all costs of any such widening or construction shall be borne by the subdivider.

E. Curbs. In all subdivisions, curbing shall be installed along the gutter line of both sides in all streets. The curbing shall be standard granite, sloped granite, or precast reinforced concrete, or asphalt berm,

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40. Editor's Note: The title "Highway Superintendent" was changed to "Public Works Superintendent" 5-20-2019 ATM by Art. 12.

as designated by the Board. On all curbs having a radius of eighty-five (85) feet or less at the street line, the gutter line shall be curbed with circular granite curbing, or, with Board approval, circular precast reinforced concrete curbing, cut to fit the curve. On all curbs having a radius of more than eighty-five (85) feet, up to and including a radius of one hundred fifty (150) feet, the gutter line shall be curbed with straight sections of granite curbing or, with Board approval, precast reinforced concrete curbing, not more than six (6) feet long. The ends of each curve shall be extended by a straight section of granite curbing, or, with Board approval, precast reinforced concrete curbing, not less than twelve (12) feet long.

F. Sidewalks.

(1) Sidewalks, having a width of not less than five (5) feet, shall be constructed within the subdivision on both sides of all major and collector streets. They shall be constructed on minor streets having a width of not less than four (4) feet on one (1) side of the street. The sidewalks shall be constructed of brick, or concrete cement, or, subject to approval of the Board, bituminous concrete pavement or any other acceptable material. Curb cuts, where applicable, shall be installed.

(2) Sidewalks shall have a finished grade of two percent (2%) sloping towards the roadway. When unusual physical land characteristics or topographic conditions require, the Board may approve the placement of a sidewalk at a greater distance from the roadway or at a higher or lower level in relation thereto, provided such variation is indicated in the definitive plan.

(3) In constructing all sidewalks, excavated material shall be removed for the full width of the sidewalk to a subgrade at least ten (10) inches below the approved finished grade, and also all soft spots and other undesirable material below such subgrade shall be replaced with a binding material reasonably acceptable to the Board and rolled with a two-ton roller or equivalent. If the Board permits the applicant to install a bituminous concrete pavement sidewalk, the excavated area shall first be filled with at least eight (8) inches of select gravel containing some binding material and compressed and rolled to a surface slope of two percent (2%). Sidewalks shall then be paved to a thickness of three (3) inches with bituminous concrete pavement, applied in two (2) one and one-half (1 1/2) inch courses. Said select gravel shall conform to MassDOT spec. M 1.03.0 Type b with no stone larger than three (3) inches.

(4) Sidewalks shall be built and installed according to specifications of the MassDOT, insofar as consistent herewith.

G. Planting strips.

(1) All areas between the exterior street lines and the curblines of the roadways thereon which are not occupied by approved sidewalks shall be loamed, rolled, and seeded in accordance with the specifications of the Town Engineer (or, if none, of the Board).

(2) The finished grade of such planting strips shall be two percent (2%), sloping toward the roadway. Where unusual physical land characteristics or topographic conditions exist, the Board may approve the construction of a planting strip at a slope greater than two percent (2%), provided the finished slope will not project above or below a plane sloped two (2) horizontal units to one (1) vertical unit upward or downward from the edge of the pavement.

(3) No trees or other obstructions shall be placed or retained within the planting strip so as to be closer than two (2) feet from the edge of the pavement unless so approved and authorized by the Board.

(4) The top six (6) inches of planting strips shall consist of a sandy loam, or a fine sandy loam, per USDA-NRCS Soil Classification, with a minimum seventy percent (70%) sand content by weight, not to contain materials harmful to plant life, to be clean, fertile, friable, and well draining. All topsoil to be free of any subsoil earth clods, sod, stones over three-fourths (3/4) inch in any dimension, sticks, roots, weeds, litter, and other deleterious material. Topsoil shall be uniform in quality and texture and contain organic matter and mineral elements necessary for sustaining healthy plant growth. Topsoil shall have an organic matter content between three percent (3%) to seven percent (7%) by weight and a pH of 5.5 to 7.4.

(5) Grass seed shall be fresh, clean, new crop seed sown at the rate of five (5) pounds per one thousand (1,000) square feet of area and composed of the following varieties specified, mixed in the proportions by weight shown and testing the minimum percentages of purity and germination:

	Proportion	Germination Minimum	Purity Minimum
Creeping Red Fescue	50%	85%	95%
Kentucky Blue	25%	85%	90%
Domestic Rye	10%	90%	98%
Red Top	10%	85%	92%
Ladino Clover	5%	85%	96%

H. Street trees.

(1) Trees, of a size and species approved by the Tree Warden and the Planning Board, shall be installed at an average spacing of fifty (50) feet on both sides of the proposed roadway. They shall be located within the planting strips and no less than two (2) feet from the traveled way. All trees must be a minimum two (2) inches in caliper as measured at six (6) inches above finish grade with a minimum height of twelve (12) feet, with straight trunks.

(2) The planting cavity shall be of sufficient depth and width to accommodate the root system without cramping. A minimum of one (1) foot of loam and sufficient peat moss shall be placed at each planting, and a circle of wood chip mulch, at least three (3) feet in diameter and four (4) inches deep, shall surround each tree at the surface. The trees shall be well watered when planted.

(3) Each tree shall be supported with two (2) two-inch by two-inch by eight-inch (2" x 2" x 8") stakes made of pressure-treated wood and shall be fastened at the top with a loop of rubber or suitable fabric hosing. The supports shall be removed after one full growing season.

(4) All trees shall be subject to a one-year guarantee for one (1) year or, if less, for one (1) full growing season.

I. Street signs. Street signs, which, in the opinion of the Town Engineer (or, if none, of the Board) are of the type commonly used in the Town, and bearing the name of the street as indicated on the definitive plan, shall be erected at all intersections of streets in the subdivision as to each and every street which forms the intersection. At least two (2) such street signs shall be erected diagonally opposite one another at each road cross intersection, each at the inside curb edge. At all points at

which a private street within the subdivision intersects with an existing public way, there shall also be erected on the same standard and immediately below the street sign, a sign, of such size as the Town Engineer (or, if none, as the Board) may deem necessary, reading "Private Way-Dangerous Passing."

J. Monuments. Granite monuments shall be installed on the exterior street lines at all angle points, at the beginning and end of all curves, at all intersections, and at other points where, in the opinion of the Board, permanent monuments are necessary. Such monuments shall conform to the standard specifications of county regulations and shall be set according to such specifications. If no such specifications exist, the monuments shall be set in bank gravel with their tops at the proposed finished surface grade, and they shall otherwise conform to the specifications of the Board. No permanent monuments shall be installed until all construction which would destroy or disturb the monuments is completed. Provisions for curbing, gutters, street signs, trees and cleaning-up operations will be included if necessitated by future local requirements or deemed advisable by the Board. All monuments must be installed prior to Town acceptance of the roadway.

§ 210-5.3. Drainage system.

A. The drainage system within the subdivision shall be laid out to the satisfaction of the Board, acting on the recommendation of the Town Engineer (or, if none, of the Board), which will require provision of such facilities and arrangement thereof as, in its opinion, are necessary to:

(1) Permit unimpeded flow of all natural watercourses;

(2) Insure adequate drainage of all low points along all streets;

(3) Intercept excessive groundwater in all the subsoil along all streets;

(4) Intercept stormwater runoff along all streets at intervals reasonably related to the extent and grade of the area drained;

(5) Assure that the post-development rate of runoff is less than or equal to the pre-development rate; and

(6) Create no adverse downstream effects.

(7) When applicable, all subdivisions shall comply with the current MassDEP Stormwater Management Policy, as amended.

B. Generally, catch basins will be required on both sides of the roadway on continuous grades at intervals of not more than four hundred (400) feet, at all low points in the grade, at all depressions or sags in the roadway, and near the corners of the roadway at intersecting streets. All catch basins shall be connected to a manhole. All catch basins must have a four-foot-deep sump and oil/gas hood. All drain manholes shall have an invert constructed of either poured concrete or red sewer brick and mortar.

C. All drain pipes shall be in a straight line and grade. At every change in direction or grade, a manhole shall be provided. Drainage pipes shall be either reinforced concrete pipe (RCP) or smooth-interior high-density polyethylene (HDPE) pipe.

D. Provision for the adequate disposal of surface water intercepted or collected by catch basins shall be made in such manner that no flow will be conducted over Town ways, or over the land of others unless an easement in proper form is obtained permitting such drainage.

E. Proper connections shall be made with the existing public drainage system. Where adjacent property is not subdivided, provision shall be made for extension of the system by continuing appropriate drains to the exterior boundaries of the subdivision, at such size and grade as will allow for their proper projection.

F. The Board, acting on the recommendation of the Town Engineer, if any, may also require provision for subsoil drains, along or near the edge of the traveled way (in addition to the trunk line system), wherever, in its opinion, groundwater conditions in the subsoil warrant such drains.

G. The Planning Board or its agent(s) shall inspect and approve all drainage pipes prior to backfilling.

H. Test pits shall be performed at all proposed stormwater management basins and/or best management practices (BMPs) as required by the MassDEP *Stormwater Handbook*, as amended. Such test pits shall be witnessed by the Planning Board or its designated agent.

§ 210-5.4. Water and sewer facilities.

A. Water mains, with hydrants, valves and other fittings, and sanitary sewers, with manholes and other appurtenances, shall be installed within the subdivision as necessary to provide to all lots therein adequate water supply for domestic and fire protection use and adequate sewage disposal.

(1) Water mains shall be tested by the subdivider and approved by the Town Engineer (or, if none, by the Sewer Commissioner) before the bituminous concrete base is installed.

(2) A hydrant connected to any public water system shall be in satisfactory working order.

(3) Subdivisions containing more than six (6) lots or units must include a dry hydrant, installed with a cistern system of sufficient size and capacity to provide an adequate supply of water for fire-fighting purposes throughout the year. The type of hydrant, and/or design of the cistern shall conform to the Charlton Fire Department standards entitled *Cistern & Dry-Hydrants*, and shall be determined to be satisfactory to the Chief of the Fire Department of the Town and to the Board.

B. Proper connections shall be made with any existing public water and sewer systems. Where adjacent property is not subdivided, provision shall be made for proper projection of the systems by continuing appropriate water mains and sewers to the exterior boundaries of the subdivision, at such sizes and grades as will allow for the projections.

C. Service connections for water and sewer from the main structures in the street to the exterior lines thereof shall be installed for each lot shown on the plan, whether or not there is a building thereon. Any deviation from this requirement necessitated by unusual topographical or technical difficulties must have the specific approval of the Town Engineer (or, if none, of the Sewer Commissioner). A plan showing all ties necessary to locate sewer and water stubs to each lot shall be submitted to the Town Engineer (or, if none, to the Sewer Commissioner) for approval before the bituminous concrete base is installed.

D. The water and sewer systems shall be laid out to the satisfaction of the Board and of the Town Engineer (or, if none, of the Sewer Commissioner), which will require provision of such facilities and arrangement thereof as in the opinion of the Board and of the Town Engineer (or, if none, of the Sewer Commissioner) are necessary to carry out the intent of Subsections A through C hereof. The installation of the water and sewer systems, including the methods of construction and the quality of materials used, shall conform to any then-standard specifications of the Board and of the Town

Engineer (or, if none, of the Sewer Commissioner). When the subdivider elects to install a project system for sewage disposal, such system shall also be subject to the requirements and approval of the Town Engineer (or, if none, of the Sewer Commissioner) insofar as, in the opinion of said Board, the system may subsequently be connected with a public sewer system.

§ 210-5.5. Other municipal services.

The Board will require that the plan show any and all other municipal services of the kinds then existing in the public ways nearest to the subdivision, or which in the opinion of the Board are likely to be laid in such public ways within the reasonably near future and which will be necessary for the health, safety, or convenience of the prospective occupants of the subdivision.

§ 210-5.6. Operations.

A. During and upon completion of all work on the ground, the subdivider shall leave the work in a neat and orderly condition. Dust and erosion control shall be maintained in a manner satisfactory to the Board at all times during the construction period.

B. The roadway area of each street or way shall be cleared of all stumps, brush, roots, boulders, like material and all trees not intended for preservation.

C. All loam and other yielding material shall be removed from the roadway area of each street or way and replaced with suitable material.

SECTION 6
Specifications for Required Materials and Work

§ 210-6.1. Incorporation of standards.

Incorporated in these Rules and Regulations and made a part hereof are standard specifications for all required materials and work to construct ways and install the municipal improvements necessary to serve adequately all the lots shown on the definitive subdivision plans approved or to be approved by the Board. These specifications are set forth in the following documents: *Standard Specifications for Highways and Bridges*, current edition with subsequent amendments, published by the MassDOT, and in the applicable policies, rules, bylaws and guidelines of the Board, the Town Engineer (if any), the Sewer Commissioner, the Chief of the Fire Department, the Board of Health, the Conservation Commission, the Tree Warden, and the Highway Superintendent,[41] all as then on file with the Town Clerk.

41. Editor's Note: The title "Highway Department" was changed to "Public Works Department" 5-20-2019 ATM by Art. 12.

SECTION 7
Inspections and Control

§ 210-7.1. Notifications.

The agencies concerned, including the Board, shall require, in connection with the performance of particular work on the ground, notification by the subdivider when specific items of work are started and completed. Such agency requirements for notice and inspection shall be set forth, either directly or by reference, in the written statement of the agency called for in § 210-3.3I of these Rules and Regulations.

§ 210-7.2. Engineer inspections.

The Board shall require that the subdivider employ, at his/her own expense, a registered professional engineer to set grades for all appropriate work, to conduct field inspections of the work and to issue to the Board a certificate (Form H) indicating the items of work completed in accordance with the approved definitive plan, these Rules and Regulations, and the specifications of the Board and of other agencies of the Town applicable thereto.

SECTION 8
Administration

§ 210-8.1. 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.

§ 210-8.2. Reference.

For matters not addressed by these Rules and Regulations, reference is made to MGL c. 41, §§ 81K to 81CC, inclusive, and to acts in amendment thereof, in addition thereto, or in substitution therefor.

§ 210-8.3. One dwelling per lot.

Not more than one (1) building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision or elsewhere in the Town without the consent of the Board. Such consent may be conditioned upon the installation, by the developer, of streets or ways adequate to provide equivalent access to each site for such building as for lots within a subdivision.

§ 210-8.4. Protection of natural features.

The subdivider shall take all steps feasible to protect the natural features of the subdivision, such as large trees, watercourses, scenic points, historic spots, archaeologically significant locations and similar community assets which, if preserved, will add attractiveness and value to the subdivision.

§ 210-8.5. Numbering of lots.

Lots shall be numbered consecutively, alternating even numbers on the right side, odd numbers on the left, the lowest digit beginning on the major entrance to the subdivision nearest the Charlton Town Hall.

§ 210-8.6. Plan review and inspection.

To assist the Board in its review of the plan and at its discretion to serve as its agent during the course of construction, the Board may hire, at the developer's expense, an engineer or other professional to act as consultant to the Board.

§ 210-8.7. As-built plans.

A. Upon completion of construction, and before release of the performance guarantee, the subdivider shall have prepared and submitted to the Board as-built plans, drawn on the same scale as the definitive plan, which shall indicate the actual location of all of the following:

   (1) Right-of-way;

   (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, cable television, and streetlighting.

B. The accuracy of such as-built plans shall be certified by a registered land surveyor or registered professional engineer retained by the subdivider and approved by the Board. As-built plans shall also be submitted on a recordable CD, pdf copy of the drawing or other such format as specified by the Planning Board.

§ 210-8.8. Acceptance by Town.

The subdivider shall file with the Board a final plan on tracing cloth or Mylar of the completed streets and ways, utilities and easements, together with proper legal descriptions for initiating an Article in the Town Warrant of the next Annual or Special Town Meeting for acceptance of the streets and ways by said Town Meeting. Upon request of the Board therefor, the subdivider shall convey to the Town, without cost, in a form satisfactory to the Board, valid unencumbered title to said streets and ways, together with any easements appurtenant or related thereto. The subdivider shall also remit to the Town Treasurer, promptly upon request therefor, a sum sufficient in the estimation of the Board to reimburse the Town for all deed recording, title search, attorney fees and related expenses incident to any acceptance of the streets and ways as public ways by the Town.

Part VI: Personnel Bylaw

Chapter 220

PERSONNEL POLICIES AND PROCEDURES

[HISTORY: Adopted by the Town Meeting of the Town of Charlton 5-20-2019 by Art. 14.[42] Amendments noted where applicable.]

§ 220-1. Purpose and intent.

The purpose of this bylaw is to establish a Charlton Human Resources Department and thereby to provide a system of Human Resources administration that is reasonably uniform, fair, and efficient for the mutual benefit of the citizens and the employees of the Town.

§ 220-2. Establishment of Human Resources Department.

There shall be a Human Resources Department (HRD). The Human Resources Director (the Director), appointed by the Board of Selectmen on recommendation of the Town Administrator, shall be responsible for the administration of the HRD and the Human Resources Policies, including attendance at all meetings of the Personnel Board. The Human Resources Director shall be a Department Head and shall report to the Town Administrator.

§ 220-3. Human Resources Department goals and objectives.

The Town of Charlton Human Resources Department is intended to operate in a manner consistent with all applicable state, federal and local laws and so far as reasonably possible in accordance with merit principles widely recognized and followed by municipal corporations similar in size and nature to the Town of Charlton, which should include, but are not limited to:

A. Recruiting, selecting and advancing employees on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment;

B. Providing reasonably fair compensation for all employees, subject to other Town needs, Town Meeting appropriation and budgetary constraints;

C. Providing, where reasonably possible, training and development opportunities for employees in order to encourage and facilitate high quality performance and, where superior performance so warrants, advancement in Town employment;

D. Retaining employees on the basis of good performance, informing them of inadequate performance so that they may have an opportunity to improve, and separating employees whose inadequate performance is not timely and sufficiently corrected;

E. Treating all applicants and employees in a manner consistent with applicable nondiscrimination laws regardless of their political affiliation, race, color, age, national origin, religion, religious beliefs, disability, sexual orientation, marital status, gender, and gender identity or gender expression; and

F. Preventing coercion of employees for political purposes and from arbitrary and capricious actions.

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42. Editor's Note: This article also repealed former Ch. 220, Personnel Policies and Procedures, adopted by the Town Meeting as last amended May 2018.

§ 220-4. Applicability.

All noncontractual Town departments and employees in those departments shall be subject to the provisions of this bylaw.

§ 220-5. Conflicts with collective bargaining contracts.

In the event of a conflict between the provisions of this bylaw and policies adopted hereunder and the provisions of any duly executed collective bargaining agreement, the provisions of the collective bargaining contract shall prevail, as and to the extent provided by MGL c. 150E, § 7(d).

§ 220-6. Personnel Board.

A. There shall be a Personnel Board (the Board), comprised of five (5) residents of the Town, for three-year staggered terms, appointed by the Board of Selectmen. No elected official, no member of the Finance Committee, no member of any standing board or committee having charge of the expenditure of money, and no employee or retiree of the Town shall be appointed to the Board. Members shall serve without compensation.

B. The Board shall hold meetings at least once a month at such time as it may determine unless there is no current business before it. Additional meetings may be held at such times as the Board may determine. Annually, at its first meeting after the annual appointment process, the Board shall organize by electing a Chairman and a Secretary, who shall be members of the Board and shall hold office as such for one (1) year, or until their successors are appointed and qualified.

C. Members of the Personnel Board at the time of the adoption of this bylaw shall continue to be members of the Personnel Board for the duration of their term(s), and shall be eligible for reappointment.

D. Candidates for the Personnel Board must be qualified for such appointment by virtue of relevant and significant experience or training, including service as human resources executives; as labor or employment law lawyers; as business executives; or as human resources/employment or labor law academicians; or by equivalent qualifications, including previous experience as a Personnel Board member. The Board of Selectmen/Town Administrator shall provide sufficient staff assistance to the Board so that it can accomplish its tasks.

§ 220-7. Functions of Personnel Board.

The Personnel Board shall:

A. Provide general policy recommendations for the Human Resources Department;

B. Subject to staffing levels established by the Board of Selectmen, advise as to the title or classification and pay grade of each new or changed position subject to this bylaw (such titles, classifications and pay grades to be established by the Director in conjunction with the Town Administrator, subject to approval of the Board of Selectmen), prior to Board of Selectmen final budget review and/or the effective date of any of the title/classification or pay grade changes;

C. Perform special studies or projects as requested by the Board of Selectmen;

D. Report at least annually to the Board of Selectmen regarding the Human Resources Department/ practices and any recommended changes therein; and

E. Consider and recommend to the Board of Selectmen the adoption, modification and elimination of any particular Human Resources policy or policies.

§ 220-8. Functions of Human Resources Director.

The duties of the Human Resources Director shall include, but not be limited to the following: staff responsibility for negotiation and administration of labor contracts; recruitment and recommendations with respect to employment of employees; administration of sexual harassment and nondiscrimination policies, and similar, applicable policies, such as anti-bullying policies, if any such are enacted by the commonwealth or federal legislatures after adoption of this bylaw; liaison/administration as to group health/dental insurance or plans and life insurance; worker's compensation; safety; unemployment compensation; loss/risk control; employee training and evaluation; monitoring and administration of employee leave; other Human Resources Department matters and benefits; and any other duties assigned by the Town Administrator. The Human Resources Director shall work diligently and exercise vigilant oversight so as to ensure to the greatest extent reasonably possible that all Human Resources activities are conducted in accordance with current professional standards followed by municipal corporations similar in size and nature to the Town of Charlton.

§ 220-9. Human Resources policies.

A. The Director, in consultation with the Personnel Board and Town Administrator, shall prepare written policies to implement the provisions of this bylaw, which the Board of Selectmen may review and may adopt, revise, return to the Director and Personnel Board with suggestions for revision, or reject. The position held by each employee immediately prior to the time this bylaw becomes effective shall remain in its then classification and salary grade range, and the benefits of such position as of that time (as set forth in Article 4 of General Code Chapter 220, Personnel Policies and Procedures) which was then in effect, shall remain in effect until changed or abolished.

B. Copies of all such policies shall be filed and available in the Human Resources Office for review by the public and employees at reasonable times during normal business hours.

C. No such policy requiring the expenditure of Town funds not previously appropriated shall be implemented until and unless such funds have been appropriated by Town Meeting.

D. Any employee by written request to the Human Resources Director in conjunction with the Personnel Board may suggest adoption, modification, or rescission of a given policy. In such case, the Human Resources Director and the Personnel Board shall meet with the employee(s) to discuss the request.

§ 220-10. Position Classification and Pay Plan.

A. A Position Classification and Pay Plan for all employees covered by this bylaw, and all proposed amendments to same, shall be prepared by the Human Resources Director and submitted to the Personnel Board and the Town Administrator for review and approval/recommendations. Once approved by the Personnel Board and Town Administrator the Town Administrator shall submit such Plan to the Board of Selectmen, which shall then review and adopt, revise, return to the Director, Personnel Board and Town Administrator with suggestions for revision, or reject same. The Plan shall be in written format, and copies shall be available in the Human Resources Office for review by the public and employees at reasonable times during normal business hours. Only job titles specified in the Classification and Pay Plan, or abbreviations approved by the Human Resources Director, shall be used for all official purposes.

B. The Classification and Pay Plan may be amended by additions, changes or deletions by the Human Resources Director with approval of the Personnel Board, the Town Administrator and the Board of Selectmen.

C. Neither the adoption nor revision of any provision of any such Classification and Pay Plan which requires expenditure of Town funds not previously appropriated shall be implemented until and unless such funds have been appropriated by Town Meeting, except in emergency cases with the approval of the Board of Selectmen and the Finance Committee to the extent they are authorized by law to approve same.

D. Any employee, by written request to the Director, may request a change to the Classification and Pay Plan. In such case the Director shall meet with the employee(s) to discuss the request and shall consult with the Town Administrator. The Human Resources Director shall advise the Personnel Board of all requests denied by the Director and the reasons therefor. The Personnel Board may request reconsideration if deemed appropriate. If as a result of same reconsideration is granted, the provisions above with respect to additions, changes or deletions of the Classification and Pay Plan shall control.

E. No person shall be newly appointed, promoted, employed or paid as an employee in any position subject to the provisions of this bylaw, except for short periods of emergency service, unless such position, on a case-by-case basis, has been reviewed by the Human Resources Director and a determination made that the position is properly classified and graded.

§ 220-11. Grievance procedure.

A. The following grievance procedure shall be available to employees of the Town for any grievance except a dispute that would properly be under the jurisdiction of the commonwealth's Civil Service Commission, Contributory Retirement Appeal Board or other duly established appeal board or agency, or any dispute falling under the terms of any collective bargaining agreement. As used in this section, the word "grievance" shall be construed to mean any dispute between an employee and the employee's supervisor arising out of an exercise of administrative discretion by such supervisor concerning the application of this bylaw or any policy promulgated hereunder. The time limits set forth below must be observed except in cases where it is impossible to do so, or where the parties mutually agree in writing to extend the time limits.

(1) Step I. The employee shall take up the grievance orally with his/her Department Head within fifteen (15) calendar days of when the employee knew or reasonably should have known of the act or omission giving rise to the grievance and shall discuss it informally with the Department Head in an attempt to resolve it. The Department Head shall reach a decision and communicate it in writing to the employee within seven (7) calendar days of the date of the submission of the grievance.

(2) Step II. If the grievance is not resolved at Step I, the employee shall within five (5) working days present the grievance in writing to the Town Administrator, who shall meet with the employee within ten (10) working days if possible, and if not possible then as soon as reasonably possible thereafter. At this meeting the following shall be present: the employee, one (1) representative of the employee if the employee so requests, the Department Head and the Human Resources Director, who shall also be the recorder. Within five (5) working days of the meeting, the Town Administrator shall issue a decision in writing to the employee with copies to the Human Resources Director and Department Head.

(3) Step III.

(a) If the grievance is not resolved at Step II, the Director shall transmit all records and facts in the case to the Town Administrator, who shall convey same to the Chair of the Board of Selectmen for adjudication by such Board after a hearing held in accordance with MGL c. 30A, the commonwealth's Open Meeting Law, and in open session unless the subject matter qualifies for executive session pursuant to MGL c. 30A, § 21. Those present at Step II shall appear at this hearing. The Human Resources Director shall be the recorder.

(b) Such hearing shall be held at the later of: within ten (10) working days of receipt of the grievance by the Board at a meeting thereof, or at the next regular meeting of the Board where the agenda and time so allow. The Board shall render its decision within ten (10) working days of conclusion of the hearing and shall notify the employee, Town Administrator, Director of Human Resources and Department Head of its decision in writing within five (5) working days thereafter. "Working days" for purposes of this bylaw shall include only Mondays, Tuesdays, Wednesdays and Thursdays, and shall exclude any legal holiday recognized by the commonwealth following on any such day.

(c) The decision of the Board shall be final. Any employee grievance with respect to an exercise of administrative discretion by the Town Administrator may be commenced at Step III within 15 calendar days of when the employee knew or reasonably should have known of the act or omission giving rise to the grievance, and the Board of Selectmen shall process such grievance within the timelines set forth in Subsection A(3)(b).

B. No resolution of a grievance shall require an expenditure of money in excess of appropriation by Town Meeting.

§ 220-12. Amendment, revocation or supersession; effect on individuals.

This bylaw may be unilaterally amended, revoked or superseded at any time by any Charlton Town Meeting. Neither any provision of this bylaw, nor of any policy, rule or regulation promulgated hereunder, shall be deemed to vest in any individual any contractual right or remedy. And nor shall any of the foregoing vest in any individual any cause of action or affect any applicable statute of limitations or statute of repose.

Appendix

Chapter A230

GENERAL LAW ACCEPTANCES

[This chapter sets forth General Laws accepted by the Town of Charlton as noted in the table below.]

§ A230-1. General Laws accepted by Town.

Date	Statute	Subject Matter
5-26-1931	MGL c. 48, §§ 42, 43, 44	Fire departments in certain towns
2-6-1933	MGL c. 139, §§ 1, 2, 3	Disposal of burned buildings
5-31-1949	MGL c. 45, § 14	Park Commission
3-2-1957	MGL c. 40, § 5, cl. 12	Repair of graves and monuments for military
3-2-1957	MGL c. 39, § 23	Election of Town officers
3-1-1958	MGL c. 40, § 3	Sale of land by Selectmen
3-8-1958	MGL c. 40, § 5, cl. 12	Repair of graves and monuments for military
3-8-1958	MGL c. 41, § 108	Salary - elected officers
3-7-1959	MGL c. 40, § 6	Overlay account to become reserve fund
3-4-1961	MGL c. 40, § 5, cl. 12	Purchase of 23 veterans' grave markers
3-3-1962	MGL c. 143, § 3	Building Code
3-3-1962	MGL c. 85, § 6	Removal of snow and ice from sidewalks
6-26-1962	MGL c. 40, §§ 115, 116, 117	Licensing of furnaces, foundries and stationary steam engines for use in sawmills
3-7-1964	MGL c. 54, § 103A	Absentee ballot use
6-29-1964	MGL c. 40, §§ 8C; MGL c. 40, § 5, cl. 50 and 51	Conservation Committee appointed
3-6-1965	MGL c. 40, § 8D	Historical Commission established
3-6-1965	MGL c. 91, § 29	Assume liability of Public Works damages of rivers/streams, harbors and shores
3-5-1966	MGL c. 40B	Membership in CMRP District
12-5-1966	MGL c. 71, §§ 16-16I	Regional school district established

Date	Statute	Subject Matter
3-4-1967	MGL c. 71, §§ 16-16I	Construct, maintain and operate new regional school
12-8-1969	MGL c. 71, § 16-16I	Regional school district established
3-14-1970	MGL c. 71, § 16-16I	Regional school district established
3-6-1971	MGL c. 40, § 8C	Council on Aging
9-15-1972	MGL c. 40, § 8G	Mutual aid - Police Department
3-3-1973	MGL c. 147, § 17B	Police Department officer hours
5-4-1974	MGL c. 40, § 8A	Development and Industrial Commission established
5-4-1974	MGL c. 40D	Industrial Financial Authority established
5-4-1974	MGL c. 32B, § 7A	Group hospital/medical insurance
3-3-1975	MGL c. 91, § 29	Liabilities - public works drainage
5-1-1976	MGL c. 41, § 108L	Establish incentive pay program for regular full-time police officers
5-1-1976	MGL c. 40S, § 15C	Accept scenic roads: Gould, Buteau, Wheelock, Horne Homestead, Cemetery, Smith, McIntrye, Tucker, Jones, North Sturbridge Roads
10-19-1976	MGL c. 79	Purchase/Eminent domain easement for construction and maintenance of overhead utility line to service sewage treatment plant
10-19-1976	MGL c. 41, § 108L	Rescind acceptance re: establishing incentive pay program for full-time police officers
5-7-1977	MGL c. 40, § 5, cl. 36B	Control of algae, weeds, etc. at Cranberry Meadow Pond, Buffamville Pond
5-7-1977	MGL c. 40C	Historic districts
5-31-1979	MGL c. 140, § 54	Junk, old metals and secondhand articles
5-31-1979	MGL c. 40, § 22D	Towing of parked vehicles

Date	Statute	Subject Matter
5-10-1980	MGL c. 121B, § 3	Housing Authority established
3-2-1982	MGL c. 44, § 53E	Revolving funds
3-2-1982	MGL c. 90, §§ 20A, 20C, 20D and 20E	Parking regulations
4-3-1982	MGL c. 40, § 4G	Advertise for bids for contracts
4-2-1983	MGL c. 59, § 5, cl. 17C	Tax exemption for surviving spouse or minors where deceased is over 70 years of age and has occupied property for not less than 10 years
4-2-1983	MGL c. 59, § 5, cl. 37A	Tax exemption for the blind
4-2-1983	MGL c. 59, § 5	Tax exemption for persons over 70 years of age
6-28-1983	MGL c. 60A, § 1, 2nd sentence, 5th paragraph, as amended by Ch. 597, Acts of 1982, § 1	Motor vehicle exemption for POWs
4-6-1985	MGL c. 41, § 23A	Appoint Executive Secretary to Board of Selectmen
11-19-1985	MGL c. 70A, § 5	Accept equal education opportunity (EEO) grant
4-5-1986	MGL c. 70A, § 5	Accept EEO grant
6-3-1986	MGL c. 70A, § 5	Accept EEO grant
8-19-1986	MGL c. 71, § 16	Regional school district
4-4-1987	MGL c. 70A, § 5; Ch. 188, Acts of 1985	Accept EEO grant, Dudley/ Charlton Regional School Comm. District
2-13-1989	MGL c. 51, § 42C, as amended by Ch. 281, Acts of 1988	Voter education/registration
5-6-1989	MGL c. 70A, § 5; Ch. 188, Acts of 1985	Accept EEO grant, Southern Worcester County Regional Vocational School District
11-19-1990	MGL c. 83, §§ 16A-16F	Establish lien for unpaid sewer and water bills
6-23-1992	MGL c. 140, § 147A	Rescind Dog Restraint Bylaw adopted 5-13-1978 ATM by Art. 36
5-6-1995	MGL c. 258, § 13	Indemnity of municipal officials
5-15-1995	MGL c. 40, § 21D	Adopt bylaw accepting re: enforcement of storage of unregistered motor vehicles

Date	Statute	Subject Matter
5-15-1995	MGL c. 59, § 57C	Tax Collector to issue quarterly tax bills
10-30-1995	MGL c. 140, § 147A	Withdraw from County Dog Control System
5-20-1996	MGL c. 33, § 59	Military leave
5-20-1996	MGL c. 59, § 2A(a)	New growth assessment
6-17-1996	MGL c. 32B, § 9D	50% insurance premium paid by Town for surviving spouse
9-26-1996	MGL c. 44, § 53E 1/2	Revolving fund for Police Department
9-26-1996	MGL c. 41, § 41B	Allow Town Treasurer to pay salaries, wages, etc. through direct deposit
12-2-1996	MGL c. 44, § 53E 1/2	Revolving fund for Police Department
5-19-1997	MGL c. 40, § 21(13)	Payment of fees into Town treasury
5-19-1997	MGL c. 59, § 5, cl. 17D	Tax exemption for surviving spouse or minors where deceased is over 70 years of age and has occupied property for not less than 5 years
5-19-1997	MGL c. 59, § 5, cl. 41C	Tax exemption for property owned and occupied by persons age 70 or over
10-2-1997	MGL c. 40, § 21D	Zoning Enforcement Officer to enforce storage of unregistered motor vehicles
3-10-1998	MGL c. 40, § 42J; MGL c. 83, 16G	Deferral of water and sewer charges for persons 65 years of age or over
3-10-1998	MGL c. 80, § 13B	Deferral and recovery agreements as to betterment assessments for persons 65 years of age and over
5-18-1998	MGL c. 40, § 39J	Adoption of pricing system to include costs of provision of water and sewer prices

Date	Statute	Subject Matter
9-28-1998	MGL c. 40, § 13A	Accept Ch. 807, Acts of 1913, to establish and maintain insurance fund to pay workers' compensation
3-1-1999	MGL c. 44, § 53F 1/2	Water Enterprise Fund
5-17-1999	MGL c. 41, § 97A	Strong Police Chief
5-17-1999	MGL c. 82, § 25	Entering and laying sewers and water pipes
5-17-1999	MGL c. 40, §§ 42G, 42H, 42I	Authorize special assessments in connection with providing and laying water pipes
5-17-1999	MGL c. 40, § 42K	Authorize betterment assessments in connection with water pipes
9-27-1999	MGL c. 41, § 108I	Payment of $600 additional salary to police officer assigned to photographic or fingerprint identification work
9-27-1999	MGL c. 40, § 22F	Empowering of municipal boards and officers to fix reasonable fees for certain licenses, permits or certificates issued pursuant to statutes or regulations and to fix reasonable charges for services rendered or work performed
5-15-2000	MGL c. 41, § 19K	Additional compensation for Certified Town Clerk
5-15-2000	MGL c. 41, § 108P	Additional compensation for Certified Town Collectors and Treasurers
5-21-2000	MGL c. 59, § 21A	Additional compensation for assessors or assistant assessors who have received certification as certified assessment evaluations or certified Mass. Assessors
5-21-2001	MGL c. 40, § 42K	Betterment assessments for construction in connection with water mains and services
5-21-2001	MGL c. 41, § 108A	Personnel Bylaw amendment to reflect Town Administrator position

Date	Statute	Subject Matter
5-21-2001	MGL c. 41, § 108A	Personnel Bylaw amendment to classification plan
10-3-2001	MGL c. 59, § 59K	Authorize persons over 60 years of age to volunteer services to Town in exchange for reduction in real estate taxes
10-28-2003	MGL c. 143, § 3Z	Part-time building inspector, building commissioner, or local inspector
11-30-2004	MGL c. 40, § 21E	Due dates for payment of municipal charges and bills to fix a rate of interest to accrue on amounts remaining unpaid after such due dates
5-16-2005	MGL c. 83, §§ 16A-16F	Establish lien on real estate for unpaid sewer-related charges
11-1-2005	MGL c. 40, § 15A	Transfer of control of Dodge land to Library Board of Trustees
5-15-2006	MGL c. 40, § 108A	Personnel Bylaw amendment to revise Chapter II Classification Plan
5-15-2006	MGL c. 184, §§ 31 and 32	Reindeer Estates to be kept in its natural, scenic, or open condition for conservation purposes
10-30-2006	MGL c. 40, § 4A	Authorize Board of Health to enter into an intermunicipal agreement with one or more governmental units to provide public health services in accordance with an intermunicipal mutual aid agreement
5-5-2007	MGL c. 39, § 23D	Permit local board members who miss a single session of an adjudicatory hearing before their board to be able to vote on the matter, provided they review the evidence submitted at the missed meeting
10-28-2008	MGL c. 74, §§ 7C and 8A	Pay tuition and transportation expenses for Charlton student who is attending Norfolk County Agricultural School

Date	Statute	Subject Matter
10-28-2008	MGL c. 82A, § 2	Designate board or officer to issue permits for the excavation of trenches on privately owned land and for the excavation of a public way of the Town
5-17-2010	MGL c. 32B, § 20	Other post-employment benefits liability trust fund
5-17-2010	MGL c. 152, § 69	Workers' compensation - members of police or fire in work under a contract
10-19-2010	MGL c. 64L	Local option meals excise
5-21-2012	MGL c. 6, § 172B 1/2	Fingerprint submission requirements for specified licensed occupations
5-19-2014 ATM, Art. 30	MGL c. 43D	Expedited permitting and priority development site
10-16-2017 STM, Art. 7	MGL c. 90, § 22B(b) through (k)	Authorizing cities and towns to penalize those who abandon motor vehicles
5-21-2018 ATM, Art. 24	MGL c. 41, § 110A	Allowing closed office hours on Saturdays
5-21-2018 ATM, Art. 25	MGL c. 64N, § 3	Imposition of 3% excise on retail sales of marijuana for adult use
5-16-2022 ATM, Art. 13	MGL c. 59, § 5, Clause 54	Establish $1,000 as the minimum value of personal property subject to taxation
5-20-2024ATM, Art. 15	MGL c. 59, § 5, and Chapters 184 and 51 of the Acts of 2002	Increasing the gross receipts to $20,000 if single and $30,000 if married and the whole estate limit to $40,000 if single and $55,000 if married, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2024

Derivation Table

Chapter DT

DERIVATION TABLE

In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where articles and sections of the 2005 Bylaws have been included in the 2014 Code, or the reason for exclusion.

§ DT-1. Derivation Table of 2005 Bylaws to 2014 Code.

Article/Title From 2005 Bylaws	Location in 2014 Code
Art. I, Town Meeting	Ch. 15
Art. II, Town Officials	
§ 1, Elected Officials	Ch. 50, Art. I
§ 2	Ch. 50, Art. II
§ 3	Ch. 50, Art. IV
§ 4	Deleted 5-8-1993 ATM
§ 5	Ch. 50, Art. I
Art. III, Selectmen	Ch. 50, Art. III
Art. IV, Assessors	Ch. 50, Art. V
Art. V, Town Collector	Ch. 50, Art. VI
Art. VI, Treasurer	Ch. 50, Art. VII
Art. VII, (Reserved)	
Art. VIII, Finance Committee	Ch. 55, Art. I
Art. IX, Town Accountant	Ch. 50, Art. VIII
Art. X, Contracts	Ch. 20
Art. XI, Fiscal Year	Ch. 5, Art. I
Art. XII, Town Audit	Ch. 5, Art. II
Art. XIII, Town Clerk	Ch. 50, Art. IX
Art. XIV, Trustees of the Public Library	Ch. 60

Article/Title From 2005 Bylaws	Location in 2014 Code
Art. XV, Council on Aging	Ch. 55, Art. II
Art. XVI, Fire Hydrant Colors	Ch. 140, Art. I
Art. XVII, Streets	Ch. 180, Art. I
Art. XVIII, Assignment and Maintenance of Street Numbers to Buildings for Identification	Ch. 115
Art. XIX, Removal of Snow Onto Public Way	Ch. 180, Art. II
Art. XX, Driveway Bylaw	Ch. 125
Art. XXI, Removal of Snow and Ice from Sidewalks	Ch. 180, Art. III
Art. XXII, Water Use Bylaw	Ch. 190
Art. XXIII, Animal Control Bylaw	Ch. 110
Art. XXIV, Consumption of Alcoholic Beverages or Possession of Open Containers for Same on Town Owned or Controlled Property	Ch. 105
Art. XXV, Sewer Use Bylaw	Ch. 165
Art. XXVI, Electrical Wiring	Ch. 135
Art. XXVII, Gas Inspector	Ch. 50, Art. XI
Art. XXVIII, Plumbing Inspector	Ch. 50, Art. XII
Art. XXIX, Inspector of Buildings/Zoning Enforcement Officer	Ch. 50, Art. X
Art. XXX, Handicapped Parking and Fire Lanes	Ch. 185, Art. I
Art. XXXI, Cemetery Bylaw	Ch. 120
Art. XXXII, Licenses and Permits	Ch. 155, Art. I
Art. XXXIII, Solicitors	Ch. 160
Art. XXXIV, Alarm System Bylaw	Ch. 100
Art. XXXV, Junk, Old Metals and Secondhand Articles	Ch. 150
Art. XXXVI, Driving Control Bylaw	Ch. 185, Art. II
Art. XXXVII, Transportation of Trash	Ch. 170, Art. I

Article/Title From 2005 Bylaws	Location in 2014 Code
Art. XXXVIII, Refuse Bylaw	Ch. 170, Art. II
Art. XXXIX, Recycling	Ch. 170, Art. III
Art. XXXX, Hazardous Waste Disposal and Storage Bylaw	Ch. 145
Art. XXXXI, Earth Removal Bylaw	Ch. 130
Art. XXXXII, Tax Increment Financing	Ch. 5, Art. III
Art. XXXXIII, Private Way Temporary Repair Bylaw	Ch. 180, Art. IV
Art. XXXXIV, Noncriminal Disposition Enforcement Procedure	Ch. 10, Art. I
Art. XXXXV, Payment of Fees	Ch. 5, Art. IV
Art. XXXVI, Penalties and Enforcement	Ch. 10, Art. II
Art. XXXXVII, Amendments	Ch. 1, Art. I
Art. XXXXVIII, Inventory Bylaw	Ch. 25, Art. I
Zoning Bylaw	Ch. 200

Disposition List

Chapter DL

DISPOSITION LIST

The following is a chronological listing of legislation of the Town of Charlton 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).] The last legislation reviewed for the original publication of the Code was adopted at the 5-19-2014 Annual Town Meeting.

§ DL-1. Disposition of legislation.

Enactment	Adoption Date	Subject	Disposition
ATM, Art. 4	5-18-2015	Contracts and purchasing amendment	Ch. 20
ATM, Art. 13	5-18-2015	Personnel policies and procedures amendment	Repealed 5-20-2019 ATM by Art. 14
ATM, Art. 14	5-18-2015	Personnel policies and procedures amendment	Repealed 5-20-2019 ATM by Art. 14
STM, Art. 11	10-20-2015	Zoning amendment	Ch. 200
ATM, Art. 14	5-16-2016	Personnel policies and procedures amendment	Repealed 5-20-2019 ATM by Art. 14
ATM, Art. 17	5-16-2016	Zoning amendment	Ch. 200
ATM, Art. 18	5-16-2016	Zoning amendment	Ch. 200
ATM, Art. 20	5-16-2016	Zoning amendment	Ch. 200
ATM, Art. 21	5-16-2016	Zoning amendment	Ch. 200
ATM, Art. 22	5-16-2016	Zoning amendment	Ch. 200
ATM, Art. 24	5-16-2016	Zoning amendment	Ch. 200
STM, Art. 6	10-18-2016	Personnel policies and procedures amendment	Repealed 5-20-2019 ATM by Art. 14
STM, Art. 7	10-18-2016	Stretch Energy Code	Ch. 195
STM, Art. 10	10-18-2016	Sex offenders repealer	Ch. 167, reference only
STM, Art. 13	10-18-2016	Zoning amendment	Ch. 200
STM, Art. 14	10-18-2016	Zoning amendment	Ch. 200
STM, Art. 15	10-18-2016	Zoning amendment	Ch. 200
ATM, Art. 13	5-15-2017	Finances: departmental revolving funds	Ch. 5, Art. V
ATM, Art. 14	5-15-2017	Personnel policies and procedures amendment	Repealed 5-20-2019 ATM by Art. 14
ATM, Art. 15	5-15-2017	Personnel policies and procedures amendment	Repealed 5-20-2019 ATM by Art. 14

Enactment	Adoption Date	Subject	Disposition
ATM, Art. 16	5-15-2017	Personnel policies and procedures amendment	Repealed 5-20-2019 ATM by Art. 14
ATM, Art. 18	5-15-2017	Contracts and purchasing amendment	Ch. 20
ATM, Art. 21	5-15-2017	Zoning amendment	Ch. 200
ATM, Art. 22	5-15-2017	Zoning amendment	Ch. 200
ATM, Art. 23	5-15-2017	Zoning amendment	Ch. 200
STM, Art. 7	10-16-2017	Penalties: Noncriminal Disposition Amendment; General Law Acceptances Amendment	Ch. 10, Art. I; Ch. A230
STM, Art. 8	10-16-2017	Personnel policies and procedures amendment	Repealed 5-20-2019 ATM by Art. 14
STM, Art. 9	10-16-2017	Personnel policies and procedures amendment	Repealed 5-20-2019 ATM by Art. 14
STM, Art. 10	10-16-2017	Sewer use amendment	Ch. 165
STM, Art. 12	10-16-2017	Zoning amendment	Ch. 200
ATM, Art. 13	5-21-2018	Personnel Policies and Procedures Amendment	Repealed 5-20-2019 ATM by Art. 14
ATM, Art. 14	5-21-2018	Alternate Conservation Commission Members	NCM
ATM, Art. 15	5-21-2018	Personnel Policies and Procedures Amendment	Repealed 5-20-2019 ATM by Art. 14
ATM, Art. 20	5-21-2018	Contracts and Purchasing Amendment	Ch. 20
ATM, Art. 24	5-21-2018	General Law Acceptances	Ch. A230
ATM, Art. 25	5-21-2018	General Law Acceptances Amendment	Ch. A230
ATM, Art. 27	5-21-2018	Zoning Amendment	Ch. 200
ATM, Art. 28	5-21-2018	Zoning Amendment	Ch. 200
STM, Art. 2	8-1-2018	Marijuana Amendment	Failed at referendum
STM, Art. 11	10-15-2018	Zoning Amendment	Ch. 200
STM, Art. 13	10-15-2018	Marijuana Amendment	Ch. 157

Enactment	Adoption Date	Subject	Disposition	Supp. No.
ATM, Art. 12	5-20-2019	Nomenclature change	Ch. 10; Ch. 125; Ch. 175; Ch. 185	4
ATM, Art. 14	5-20-2019	Personnel Policies and Procedures Amendment	Ch. 220	4
ATM, Art. 19	5-20-2019	Zoning Amendment	Ch. 200	4
ATM, Art. 20	5-20-2019	Zoning Amendment	Ch. 200	4
ATM, Art. 21	5-20-2019	Zoning Amendment	Ch. 200	4
ATM, Art. 22	5-20-2019	Zoning Amendment	Ch. 200	4
ATM, Art. 23	5-20-2019	Zoning Amendment	Ch. 200	4
STM, Art. 8	10-13-2020	Zoning Amendment	Ch. 200	5
STM, Art. 9	10-13-2020	Zoning Amendment	Ch. 200	5
ATM, Art. 16	5-17-2021	Zoning Amendment	Ch. 200	6
ATM, Art. 17	5-17-2021	Zoning Amendment	Ch. 200	6
ATM, Art. 13	5-16-2022	General Law Acceptance	Ch. A230	7
ATM, Art. 15	5-16-2022	Animal Control Amendment	Ch. 110	7
ATM, Art. 16	5-16-2022	Zoning Amendment	Ch. 200	7
ATM, Art. 17	5-16-2022	Zoning Amendment	Ch. 200	7
ATM, Art. 18	5-16-2022	Zoning Amendment	Ch. 200	7
ATM, Art. 14	5-15-2023	Municipal Charges Liens	Ch. 30	8
ATM, Art. 15	5-15-2023	Licenses and Permits: Fingerprinting Repealer	Ch. 155, Art. II	8

Enactment	Adoption Date	Subject	Disposition	Supp. No.
ATM, Art. 16	5-15-2023	Peddling and Soliciting Amendment	Ch. 160	8
ATM, Art. 17	5-15-2023	Zoning Amendment	Ch. 200	8
ATM, Art. 18	5-15-2023	Zoning Amendment	Ch. 200	8
ATM, Art. 19	5-15-2023	Zoning Amendment	Ch. 200	8
ATM, Art. 7	10-11-2023	Officials, Elected and Appointed: Town Officials Amendment	Ch. 50, Art. I	8
ATM, Art. 8	10-11-2023	Municipal Charges Liens Amendment	Ch. 30	8
ATM, Art. 9	10-11-2023	Streets and Sidewalks: Moving of Buildings; Obstructions; Pasturing Animals Amendment	Ch. 180, Art. I	8
ATM, Art. 15	5-20-2024	General Law Acceptance	Ch. A230	10
STM, Art. 7	10-21-2024	Buildings, Numbering of Amendment	Ch. 115	10
STM, Art. 10	10-21-2024	Zoning Amendment	Ch. 200	10