Town of Dunstable



General Bylaws

April 2026

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ADVISORY BOARD BYLAW

(HISTORY: Adopted by Annual Town Meeting 03/12/1952; Replaces Bylaw repealed by ATM 5/13/2013 Approved by the Attorney General 09/13/2013. Section 1 approved by ATM 5/15/21, Article 22, approved by the Attorney General in portion on 8/30/21)

§1. There shall be an Advisory Board consisting of six legal voters of the town, each of whom shall be elected for a term of three (3) years on the Official Ballot of the Annual Town Meeting. No elective town officer shall be eligible or qualified to serve on said Board. An affirmative vote of the Board shall require a majority of the members present and voting at a meeting, but in no event less than three (3) **[Amended 5-15-21]**

§2. Upon election, the term of office of any such elected member shall commence immediately upon qualification and shall expire at the close of final adjournment of the annual town meeting and election at which his or her successor is elected. Said Board shall choose its own officers, all of whom shall serve without pay, and it shall cause to be kept a true record of its proceedings.

§3. Any vacancy which may occur in the membership of the Board shall be filled in the manner prescribed under the Massachusetts General Laws.

§4. All articles in any warrant for a town meeting shall be referred to the Advisory Board for its consideration**.** The selectmen after drawing any such warrant shall transmit immediately a copy thereof to each member of said Board. A public hearing shall be held at least one (1) week before such a town meeting upon all such articles, notice of which shall be given by posting a copy thereof in at least 2 public places in the town not less than forty-eight (48) hours prior to said hearing. Said Board shall, after due consideration of the subject matter of such articles, report thereon to the town meeting such recommendations as it deems best for the interests of the town and its citizens. Provided that, nothing in this section shall be deemed to prohibit or invalidate any article, or vote duly taken thereunder, lawfully included or enacted in any Annual or Special Town Meeting, notwithstanding a failure of compliance with this section.

§5. It shall be the duty of the Advisory Board annually to consider the expenditures in previous years and the estimated requirements of the ensuing year of the several boards, officers and committees of the town, as prepared by them or by the Town Accountant in such form and detail as may be prescribed by said Board. The said Board shall add to such statement of expenditures and estimates another column, giving the amounts which in its opinion should be appropriated for the ensuing year, and shall further add thereto such explanations and suggestions relating to the proposed appropriations as it may deem expedient.

§6. In the discharge of its duty, said Board shall have free access to all books of record and accounts, bills and vouchers on which money has been paid or may be paid from the town treasury. Officers, boards and committees of the town shall upon request, where not prohibited by law, furnish said Board with facts, figures and any other information pertaining to their several activities.

§7. It shall be the duty of the Advisory Board to make an annual report of its doings, which includes recommendations relative to financial matters and the conduct of the town business, to be contained in the annual town report.

§8. The term, "Advisory Board" as used herein, shall for all purposes be deemed to include the terms, "Advisory Committee," "Finance Committee," "Fincom," "Finance Board," or any other term or phrase ordinarily and traditionally employed to refer to the entity in Dunstable contemplated under G.L. c. 39, §16, as amended."

AFFORDABLE HOUSING TRUST FUND BOARD OF TRUSTEES
Authorized by G.L. c. 44, s. 55C

(HISTORY: Adopted May 9, 2011 ATM, Article 32, Approved by Attorney General June 22, 2011)

Section 1. Establish: Establish an Affordable Housing Trust Fund Board of Trustees.

Section 2. Composition. The Affordable Housing Trust Fund Board of Trustees shall be composed of five trustees, including one member of the Board of Selectmen.

Section 3. Appointment of Trustees; Term; Vacancies; Tenure of the Trustees
There shall be a Board of Trustees consisting of five (5) Trustees appointed by the Board of Selectmen. At least one of the Trustees shall be a member of the Board of Selectmen, who shall serve as the representative of the Board of Selectmen. Only persons who are residents of Dunstable shall be eligible to hold the office of Trustee. The Trustees shall serve for a term not to exceed two years and may be re-appointed at the discretion of the Board of Selectmen. Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk and recorded with the Middlesex North Registry of Deeds and filed with the Middlesex North Registry District of the Land Court. If a Trustee shall die, resign or for any reason cease to be a Trustee hereunder before his/her term of office expires, a successor shall be appointed by the Board of Selectmen to fill such a vacancy, provided that in each case, the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk and recorded with the Middlesex North Registry of Deeds and filed with the Middlesex North Registry District of the Land Court. If any Trustee is absent from four (4) consecutive regularly scheduled meetings of the Trust, except in the case of illness, this position shall be deemed vacant and shall be filled by a new appointment as set forth above. No such appointment shall be required so long as there are five (5) Trustees in office. Upon the appointment of any succeeding Trustee and the filing of such appointment the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. Of the original trustees, two shall hold office until one year from initial appointment, and three shall hold office until two years from initial appointment.

Section 4. Compensation. The trustees shall serve without compensation.

Section 5. Removal. Trustees may be removed by a majority vote of the Board of Selectmen.

Section 6. Powers and Duties. The trustees shall administer an Affordable Housing Trust Fund to provide for the creation and preservation of affordable housing within the Town of Dunstable for the benefit of low, moderate, and median income housing.

The specific powers and duties of the trustees, all of which shall be carried on in furtherance of the purposes set forth in this chapter are as follows:

(1) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from chapter 44B;

(2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

(3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;

(4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;

(5) to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;

(6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;

(7) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

(8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

(9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation

thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;

(10) to carry property for accounting purposes other than acquisition date values;

(11) to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral;

(12) to make distributions or divisions of principal in kind;

(13) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;

(14) to manage or improve real property; and to abandon any property which the board determined not to be worth retaining;

(15) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and

(16) to extend the time for payment of any obligation to the trust.
The powers and duties enumerated above are intended to encompass all powers and duties of the trustees. Any action, power or duty not enumerated above shall require prior approval of the Town Meeting.

Section 7. Records: Annual Report. The Trustees shall keep a record of its doings and, at the close of every fiscal year, prepare a report to be made at the Annual Town Meeting. The report shall include a description and source of funds received and expended and the type of affordable housing programs or properties assisted with the funding. The trustees shall also provide the Town Clerk with a copy of the trust's annual audit.

ANTI-LITTER BYLAW

(HISTORY: Adopted February 23, 1970 ATM Article 19, Approved by Attorney General February 2, 1972)
(Amended 9-16-1989 STM Article 8, Approved by Attorney General)
(Amended 5-11-1992 ATM Article 10; Approved by Attorney General 6-15-1992)
(Amended 5-11-2015 ATM Article 25; Approved by Attorney General 9-8-2015)

Adopted under Section 21 of Chapter 40 of the General Laws:

Section 1. Whoever disposes of garbage, trash, refuse, bottles, cans, containers, rubbish or other debris on a public or private way, or within 20 yards thereof, or in inland waters, or on private property without the written permission of the owner, except at Town refuse disposal facilities duly established for the purpose by a resident of the Town, shall be punished by a fine of Three Hundred Dollars. **(Amended 9-16-1989)**

Section 2. Whoever shall discard, shovel, throw or pile snow in a public way after Police warning not to do so shall be punished by a fine of One Hundred Dollars.
[Amended 5-11-15]

Section 3. ENFORCEMENT. [Amended 5-11-1992]

This bylaw shall be enforced in accordance with the provisions of the Dunstable Non-Criminal Bylaw. The enforcing authority shall be either the Dunstable Police Department, including any Police Officer in said Department, or the Board of Road Commissioners**.**

BUILDING NUMBER BYLAW

(HISTORY: Adopted April 14, 1986 ATM Article 19; Approved by Attorney General April 24, 1986)
(Amended May 13, 1996 ATM Article 26; Approved by Attorney General June 14, 1996)

Article19. Voted that the Town adopt the following ordinance, to be known as the Building Numbers Bylaw, under the authority of Chapter 40 of the General Laws:

"Authority: For the purpose of promoting the health, safety and general welfare of the Inhabitants of the Town of Dunstable and pursuant to the authority of the General Laws, Chapter 40, Section 21, as amended, the Town of Dunstable adopts the following bylaw regulating building numbers:

Section 1. Building numbers to be designated by the Board of Selectmen

The Board of Selectmen shall, as the convenience of the public may require, and upon such consultation as they may deem necessary, designate the numbers to be fixed to the buildings on streets and ways in the Town of Dunstable.

Section 2. Numbers to be affixed (Amended 5-13-1996)

Any building or structure for which a number shall be designated, shall have such number affixed thereto in such manner so as to be plainly visible from the street which abuts the main entrance to the property; or, in the event that such building or structure is so situated that it is not plainly visible from such street, said number shall be displayed at or near the street entrance to the premises for that building or structure. Said numbers shall be a minimum of 3" tall so they can be easily read by all emergency personnel & any other responding apparatus. In the case of buildings and dwellings located on a common driveway or private road, proper signage shall be posted at the public street entrance to the properties in such a manner as to easily clarify the placement of all numbered buildings and structures on the common drive or private road.

Section 3. New Buildings

The owner of any property seeking a building permit for a new building or structure shall apply for and receive a building number designation from the Board of Selectmen or their designee prior to submitting application to the Building official for a permit, and no building permit shall be issued without designation of such building number.

Section 4. Unauthorized building numbers prohibited

No owner of any property in the Town or other person shall affix, permit to be affixed, or suffer to remain upon any building in the Town within such persons control, any number different from the one designated by the Board of Selectmen, with the exception of dates affixed for historical purposes, and with the further exception of other numbers lawfully affixed after written authorization by the Board of Selectmen and clearly distinguishable from numbers designated under this bylaw.

Section 5. Penalty for failure to affix street numbers and proper signage. (Amended 5-13-1996)

Prior to the issuance of any occupancy permit, the Building Inspector shall determine that the applicant has complied with all provisions of this bylaw. The owner of such building or structure who shall fail to affix or have affixed such number and identification signage, as is designated above within thirty (30) days after written notice from the Building Inspector or Board of Selectmen shall be fined $5.00 per week following the said thirty (30) days and each week that such number or sign is not properly affixed shall constitute a separate offense thereunder. This bylaw shall be enforced in accordance with the provisions of the Dunstable Non-Criminal Bylaw. The enforcing authority shall be either the Dunstable Police Department, including any Police Officer in said Department, the Board of Selectmen or the Building Inspector.

Section 6. Effective date

This bylaw shall become effective on approval by the Attorney General or otherwise on the earliest possible date by operation of law.

BUSINESS REGISTRATION BYLAW

(HISTORY: Adopted May 14, 1918 ATM Article 13; Approved by Attorney General July 3, 2018

Section 1. Filing and renewal of certificate required.

Any person conducting business in the Commonwealth of Massachusetts under any title other than the real name of the person conducting the business, whether individually or as a partnership, whose office is situated in the Town of Dunstable shall file in the office of the Town Clerk a certificate stating the full name and residence of each person conducting such business, the place, including street name and number, where, and the title under which it is conducted, and shall amend and/or renew said certificate from time to time, and pay the appropriate fee, as required by M.G.L. c. 110, § 5.

Section 2. Violations and penalties.

Violations of this bylaw shall be subject to a fine of $300 for each offence and enforced by noncriminal disposition of the offence by the Police Department pursuant to the Non-Criminal Disposition Bylaw.

1. By amending the Non-Criminal Disposition Bylaw by adding the following text to Section 5:

Business Registration Bylaw	Police Department

CAPITAL PLANNING BYLAW

(HISTORY: Adopted May 9, 2016 ATM Article 32; Approved by Attorney General July 15, 2016)

Section 1. There shall be a Capital Planning Committee consisting of three (3) registered voters of the Town appointed by the Board of Selectmen. The terms of members shall be for three (3) years beginning July 1 and expiring June 30, except the initial appointment which will run from the date of appointment until June 30, 2017 for one member, June 30, 2018 for one members, and June 30, 2019 for one members. Any vacancies shall be filled in the same manner as the original appointment and persons appointed to fill vacancies shall serve for the remainder of his/her predecessor's term of office. The Capital Planning Committee will choose its own officers and will follow all requirements of the Open Meeting Law.

Section 2. The function of the Capital Planning Committee shall be to review the Capital Requirements of the Town and to make recommendations on the same in the form of a five-year Capital Improvement Plan (CIP) at each Annual Town Meeting and deposit its original report with the Town Clerk. The Capital Requirements shall consist of identified Town future projects, programs, improvements, and acquisitions having a useful life of at least five (5) years and a cost of at least $10,000. The CIP shall be updated annually.

Section 3. All departments, boards, committees, commissions, and officers of the Town, including the Board of Selectmen and the School Committees shall, by September 1 of each year, submit to the Capital Planning Committee information concerning all capital projects, programs, improvements, and acquisitions anticipated as necessary during the next five (5) years. The Capital Planning Committee shall consider all requests and may request additional information and confer with any Town department, board, committee, commission or officer as needed to evaluate and prioritize submitted requests.

Section 4. The Capital Planning Committee shall consider the relative need, timing and cost of proposed capital expenditures and the effect each will have on the financial position of the Town. In evaluating and scheduling the requests, the Capital Planning Committee shall consider risks to public safety and health, deterioration of Town facilities, requirements of state and federal law, coordination with other capital requests, improvement of efficiency, systematic replacement, protection and conservation of resources, and equitable provision of services and facilities.

Section 5. Each year ninety (90) days prior to the Annual Town Meeting the Capital Planning Committee shall submit the CIP to the Board of Selectmen as the recommended Capital Budget for consideration at Town Meeting. The Board of

Selectmen, in coordination with the Town Administrator, shall finalize the Capital Budget and submit it to the Advisory Board for funding recommendation. No appropriation shall be voted for a capital improvement requested by a department, board, committee, or commission unless the proposed capital improvement has been considered in the CIP; provided that, such an appropriation may be voted if it has been determined by the Board of Selectmen in open meeting to be of an emergency nature.

Section 6. The Capital Planning Committee may amend its recommendation relative to any specific capital request not included in the CIP if it finds reasonable cause why such request was not submitted in timely fashion for consideration at the Annual Town Meeting, and determines that it ought to be acted upon before the next Annual Town Meeting. Any such amendment, addition, or deletion must be submitted to the Board of Selectmen for its consideration and approval and reported to the next Special Town Meeting for adoption. The CIP shall be amended to reflect any changes and reported to the next Annual Town Meeting.

COMMUNITY PRESERVATION COMMITTEE

(HISTORY: Adopted September 25, 2006, Special Town Meeting, Article 1; Approved by Attorney General October 16, 2006, Effective Date October 25, 2006)

Section 1. Establishment

In accordance with Massachusetts General Laws, Chapter 44B, known as the "The Community Preservation Act," there is hereby established a Community Preservation Committee ("the Committee") consisting of nine (9) members. The composition of the Committee, the methods of appointment of the members and the terms of office of the members of the Committee shall be as follows:

One (1) member of the Conservation Commission, as designated by that Commission, for a term of one (1) year;

One (1) member of the Historical Commission, as designated by that Commission, for a term of one (1) year;

One (1) member of the Planning Board, as designated by that Board, for a term of one (1) year;

One (1) member of the Parks Commission as designated by that Commission, for a term of one (1) year;

One (1) member of the Affordable Housing Committee as designated by that Committee, for a term of one (1) year;

One (1) member of the Board of Selectmen as designated by that Board, for a term of one (1) year;

Three additional (3) members, at large, to be appointed by the Board of Selectmen, one (1) to be appointed for an initial term of one (1) year and thereafter for a term of three (3) years, another to be appointed for an initial term of two (2) years and thereafter for a term of three (3) years; and the other to be appointed for an initial term of two (2) years and thereafter for a term of three (3) years. Each such constituent Board or Commission shall advise the Board of Selectmen in writing of its designation as aforesaid, and the Board of Selectmen shall in turn file with the Town Clerk due notification of all designations and appointments to the Committee.

In the event of any vacancy on the Committee, it shall be filled in the manner provided above, and in the case of a vacancy involving one of the official board, commission or committee members, by appointment of another member of such board, commission or committee. Such vacancy shall be filled by appointment within thirty (30) days of such

vacancy, failing which; the Selectmen shall fill the vacancy by appointment as provided in Section 6, hereinbelow. In the event of the inability or failure of any member of the Committee to discharge his or her duties as a Committee member hereunder, a written finding by the Board of Selectmen of such fact filed with the Town Clerk shall be conclusive proof of a vacancy in regard to such position.

Section 2. Duties

(A) The Committee shall study the needs, possibilities and resources of the Town regarding community preservation. The Committee shall consult with existing Town boards, including the Conservation Commission, the Historical Commission, the Planning Board, *the Housing Authority if the Town should establish one,* and *the Open Space Acquisition Committee if the Town should establish one*, or groups or persons acting in those capacities or performing like duties, in conducting such studies; and the Committee may consult with other Town boards or agencies, or independent groups as it shall in its discretion deem advisable. As a part of its study, the Committee shall hold one (1) or more public informational hearings on the needs, possibilities and resources of the Town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two (2) weeks preceding such hearing in a newspaper of general circulation in the Town.

(B) The Committee shall make recommendations to Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the creation, preservation and support of community housing; for the rehabilitation or restoration of such open space, land for recreational use and community housing that is acquired or created as provided in the Community Preservation Act; and for any other lawful activities or expenditures that may become possible by reason of amendment of the Community Preservation Act.

(C) The Committee may include in its recommendation to Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose, or to set aside for later spending funds for general purposes that are consistent with community preservation.

Section 3. Quorum Requirement

The Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Committee shall constitute a quorum. The Committee shall approve its actions by majority vote of those members then present.

Section 4. Amendments

This Bylaw may be amended from time to time by a majority vote of Town Meeting, provided that no such amendment may cause this Bylaw to be in legal conflict with the Community Preservation Act.

Section 5. Severability

In case any section, paragraph or other part of this Bylaw shall be for any reason declared invalid, unlawful or unconstitutional by any court of competent jurisdiction, every other section, paragraph and part hereof shall continue in full force and effect insofar as lawfully feasible.

Section 6. Effective Date

This Article shall take effect immediately upon approval of the Attorney General of the Commonwealth and due publication as required by applicable law. Each of the authorities designated in Section 1 shall after such approval make its designation known to the Board of Selectmen in writing within thirty (30) days, provided that a designation by any such Board submitted prior to such approval and subsequent to the vote of the Town enacting this Bylaw shall, upon such approval and publication, be deemed a lawful and sufficient designation.

COUNCIL ON AGING

(HISTORY: Adopted 12/7/1971 STM Article 3; Approved by Attorney General 2/16/1972)
Amended May 13, 2019 Article 30; Approved by Attorney General September 9, 2019)

Section 1. There is hereby established a Council on Aging for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in cooperation with the Commission on Aging established under Section 73 of Chapter 6 of the General Laws, as amended, or as the same may be hereafter amended.

Section 2. The Council on Aging established hereunder shall consist of five (5) members to be appointed by the Board of Selectmen and all said members shall be residents of the Town. A vacancy occurring other than by expiration of term shall be filled in the same manner as an original appointment. Upon a reduction in the number of members of the Council under this bylaw, all incumbent members shall be entitled to complete their terms of office, but the Board of Selectmen shall not make appointments upon the expiration of terms until the membership of the Council has been reduced to the number required by this bylaw. **[Amended May 13, 2019 Article 30]**

Section 3. The Council shall submit an annual report to the Town for inclusion in the Annual Town Report, and shall send a copy thereof to the State Commissioner on Aging. The Council may appoint such clerks and other employees as it may require**.**

DEMOLITION DELAY

DEMOLITION DELAY FOR STRUCTURES OF HISTORICAL OR ARCHITECTURAL SIGNIFICANCE

(HISTORY: Adopted May 8, 2006 ATM Article 19; Approved by Attorney General August 7, 2006; Effective Date of Bylaw August 30, 2006)

§1. DECLARATION OF POLICY
§2. PURPOSES
§3. DEFINITIONS
§4. PROCEDURE
§5: STANDARDS FOR DESIGNATION AS A SIGNIFICANT STRUCTURE
§6: DEMOLITION
§7: EMERGENCY DEMOLITION
§8: ENFORCEMENT AND REMEDIES
§9: SEVERABILITY

Section 1. Declaration of Policy

Finding that the economic, cultural and aesthetic standing of the Town of Dunstable can best be maintained and enhanced by due regard for the historical and architectural heritage of the Town and by striving to discourage the destruction of such cultural assets, it is hereby declared as a matter of public policy that the protection, enhancement, perpetuation and use of structures of historical and architectural significance, located within the Town of Dunstable, is a public necessity, and is required in the interest of the prosperity, civic pride and general welfare of the people.

Section 2. Purposes

The purposes of this General Bylaw are to:

2.1. Designate, preserve, protect, enhance and perpetuate those structures and sites within the Town that reflect outstanding elements of the Town's cultural, artistic, social, economic, political, architectural, historic or other heritage;

2.2. Foster civic pride in the vestiges and accomplishments of the past;

2.3 Stabilize or improve the aesthetic and economic vitality and values of such structures and sites;

2.4 Protect and enhance the Town's attraction to residents, tourists and visitors;

2.5 Promote the use of historical or architectural structures and sites for the education and welfare of the people of the Town;

2.6 Promote good urban design including the perpetuation of related private open spaces;

2.7 Promote and encourage continued private ownership and utilization of such buildings and sites now so owned and used; and

2.8 Provide owners of significant structures with time to consider alternatives to demolition.

Section 3. Definitions

The provisions of this bylaw shall be liberally construed to effect the purposes expressed or implied. Definitions of the following words and phrases shall be construed and understood according to their common and usual meaning unless the contrary is clearly indicated:

COMMISSION - The Dunstable Historical Commission.

DEMOLITION - Any act of pulling down, destroying, removing, dismantling, or razing a structure or building or commencing the work of total or substantial destruction with the intent of completing the same. Substantial portion is defined as 25% of the volume of the structure or building, or 25% of the roof structure.

DEMOLITION PERMIT - A permit issued by the Building Commissioner or Inspector under the State Building Code for the demolition of a building or structure.

SIGNIFICANT STRUCTURE - A structure or site, found by the Dunstable Historical Commission to contribute to the historical or architectural heritage or resources of the Town, pursuant to this Bylaw.

STRUCTURE - Any edifice, object or building of any kind that is constructed or erected and requires more or less permanent location on the ground or attachment to an object with permanent location on the ground, not including wheels.

Section 4. Procedure

4.1 No permit for demolition of a significant structure shall be issued except as provided in this bylaw.

4.2. Every application for a demolition permit shall be made upon a form provided by the Building Commissioner or Inspector, and shall be signed by the owner or the owner's agent under the power of attorney. Every application shall include location information, plans and narrative description and justification of the proposed demolition as shall be required under Historical Commission rules and regulations for such applications.

4.3 Upon receipt of any application for a demolition permit for a structure built prior to 1941, as designated by the Historical Commission, the Building Commissioner or Inspector shall within five (5) days transmit a copy thereof to the Dunstable Historical Commission.

4.4 Within thirty (30) days of the Historical Commission's receipt of a copy of the application for a demolition permit, the Historical Commission shall hold a public hearing on such application, and shall make a determination as to whether the structure is a significant structure under one or more of the criteria set forth in the bylaws. The Historical Commission shall give written notice of the time and place of the hearing, not less than seven (7) days prior to the hearing, to the owner by certified mail, and by posting and by publication once in a local newspaper, and notification of abutters within 300 feet of the property lines. The Historical Commission may conduct a site visit prior to the hearing.

4.5 If, within thirty (30) days of the Historical Commission's receipt of a copy of an application for a demolition permit no public hearing has been held, or no finding by the Historical Commission has been filed with the Building Commissioner or Inspector, the Building Commissioner or Inspector may, subject to the requirements of the State Building Code and any other applicable laws, bylaws, rules and regulations, issue the demolition permit.

4.6 If after holding a public hearing the Historical Commission shall determine that the structure is not a significant structure because it fails to meet one or more of the criteria set forth here, or if the Historical Commission shall determine that the structure is a significant structure meeting one or more of the criteria set forth, but that the proposed demolition would not be detrimental to the historical or architectural heritage or resources of the Town, then the Historical Commission shall notify the Building Commissioner or Inspector in writing of its findings within fourteen (14) days of said determination. Upon receipt of such notification, or upon expiration of said fourteen (14) days without such notice, the Building Commissioner or Inspector may issue a demolition permit subject to the requirements of the State Building Code and any other applicable laws, bylaws, rules and regulations.

4.7 If, after such hearing, the Historical Commission determines that the structure is a significant structure and that the proposed demolition would be detrimental to the historical or architectural heritage or resources of the Town, then it shall file written notice with findings, of its determination to the applicant and the Building Commissioner or Inspector, and no demolition permit shall be issued until nine (9) months after the date of such determination by the Historical Commission.

Section 5: Standards For Designation As A Significant Structure

The Historical Commission shall determine that a structure be designated as a significant structure if it meets one or more of the following criteria:

5.1 It is listed on, or is within an area listed on, the National Register of Historic Places, is eligible to be listed on the National Register of Historic Places or is the subject of a pending application for listing on said National Register.

5.2 The Historical Commission determines that the structure meets one or more of the following three criteria:

5.3 Historical Importance. The structure meets the criteria of historical importance if it:

1. Has character, interest or value as part of the development, heritage or cultural characteristics of the town of Dunstable, the Commonwealth of Massachusetts or the nation.

2. Exemplifies the cultural, political, economic, social or historic heritage of the community.

5.4 Architectural Importance. The structure meets the criteria of architectural importance if it:

1. Embodies those distinguishing characteristics of an architectural type.
2. Is the work of an architect, master builder or craftsman whose individual work has influenced the development of the Town.
3. Contains elements of architectural design, detail, materials or craftsmanship which represent a significant innovation.

5.5 Geographic Importance. The structure meets the criteria of geographic importance if:

1. The site is part of, or related to, a square, park, or other distinctive area.
2. The structure, as to its unique location or its physical characteristics, represents an established and familiar visual feature of the neighborhood, village center, or the community as a whole.

Section 6: Demolition

Notwithstanding the above provisions, the Building Commissioner or Inspector may issue a demolition permit for a significant structure under any of the following circumstances:

6.1 If at any time, after inspection, the Building Commissioner or Inspector shall determine that the structure poses an imminent threat to the public health or safety of the community, and so advises the Historical Commission in writing.

6.2 The Historical Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is or will be willing to purchase,

preserve, rehabilitate or restore such, and so advises the Building Commissioner or Inspector in writing.

6.3 The Historical Commission is satisfied that the owner has made continuing bona fide and reasonable efforts to locate a purchaser who would be willing to preserve, rehabilitate and restore the subject building but that such efforts have been and will continue to be unsuccessful, and so advises the Building Commissioner or Inspector in writing.

Section 7: Emergency Demolition

7.1 If a building or structure poses an immediate threat to public health or safety due to its deteriorated condition, the owner of such building or structure may request issuance of an emergency demolition permit from the Building Commissioner or Inspector.

7.2 Upon receipt of any application for an emergency demolition permit, the Building Commissioner or Inspector shall within ten (10) days transmit a copy thereof to the Dunstable Historical Commission.

7.3 As soon as is practicable, but within (fourteen) 14 days after receipt of such an application, the Building Commissioner or Inspector shall inspect the building or structure with a team consisting of the Commissioner or Inspector, Town Engineer, Fire Chief, Historical Commission Chair and two (2) other members of the Historical Commission selected by the Chair, or the designees of said officials.

7.4 Within (ten) 10 days after inspection of the building or structure, and after consultation with other members of the inspection team, the Building Commissioner or Inspector shall determine:

1) Whether the condition of the building or structure represents a serious and imminent threat to public health and safety.

2) Whether there is any reasonable alternative to the immediate demolition of the building, or structure which would protect public health and safety.

7.5 If the Building Commissioner or Inspector finds:

1) That the condition of the building or structure poses a serious and imminent threat to public health and safety.

2) That there is no reasonable alternative to the immediate demolition of the building or structure, then the Commissioner or Inspector may issue an emergency demolition permit to the owner of the building or structure.

OR

3) That the condition of the building or structure does not pose a serious and imminent threat to public health and safety.

4) That there are reasonable alternatives to the immediate demolition of the building or structure which would protect public health and safety, then the Commissioner or Inspector(s) may refuse to issue an emergency demolition permit to the owner of the building.

7.6 Upon issuing an emergency demolition permit under the provisions of this section, the Building Commissioner or Inspector shall submit a brief written report to the Historical Commission describing the condition of the building or and the basis for his/her decision to issue an emergency demolition permit. Nothing in this section shall be inconsistent with the procedure for the demolition and/or securing of buildings and structures established by M.G.L. Chapter 143, Sections 6-10.

Section 8: Enforcement and Remedies

The following enforcement and remedies shall apply under this bylaw:

8.1 The Historical Commission is authorized to adopt rules and regulations to carry out its duties and functions under this bylaw.

8.2 The Historical Commission and the Building Commissioner or Inspector are each authorized to institute any and all proceedings in law or equity they shall deem necessary and appropriate to obtain compliance with the requirements of this bylaw, or to prevent a violation thereof.

8.3 No building permit shall be issued with respect to any premises upon which a significant structure has been demolished in violation of this bylaw for a period of two (2) years from the date of the completion of such demolition. Any owner of a building subject to this bylaw that demolishes a building without first obtaining a demolition permit in accordance with the provisions of this bylaw shall be subject to a fine of $100.

Section 9: Severability

If any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect to the extent that the overall purposes of this article can still be met.

DEPARTMENTAL REVOLVING FUNDS

(History: Added ATM 5/8/17 Article 19. Amended ATM 7/20/20 Article 6. Amended STM 11/18/24 Article 8.)

Section 1: Purpose. This Bylaw establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies or 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 General Laws Chapter 44, § 53E1/2.

Section 2: 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 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, except for those employed as school bus drivers.

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 Town Meeting on or before July 1 of that fiscal year, or any increased amount of the authorization that is later approved during that fiscal year by the Board of Selectmen and the Finance Committee.

Section 3: Interest. Interest earned on monies credited to a revolving fund established by this Bylaw shall be credited to the general fund.

Section 4: Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E ½ and this Bylaw, the laws, charter provisions, bylaw, rules, regulations, policies or procedures that govern the receipt and custody of the 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 each fund, the encumbrances and expenditures charged to the 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.

Section 5: Authorized Revolving Funds.

The following Table establishes:

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

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.

A. Revolving Fund	B. Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	C. Fees, Charges or Other Receipts Credited to Fund	D. Program or Activity Expenses Payable From Fund	E. Restrictions or Conditions on Expenses Payable From Fund	F. Other Requirements/ Reports	G. Fiscal Years
Cemetery	Cemetery Commission	Receipts collected from sale of lots, interment fees and other such pertinent fees appertaining to the cemetery.	Operation and/or maintenance of the cemetery including the payment of wages or salaries of employees of such facility who are not full time employees of the Town.	None, other than as set forth in this Bylaw and by Town Meeting vote.	None, other than as set forth in this Bylaw and by Town Meeting vote.	Fiscal Year 2018 and subsequent years
Recreation	Recreation Commission	Funded through donations, fund raising efforts, grants, and receipts for usage permits.	Expended for the repairs, maintenance and/or improvement to Town recreational sites (including Town Field, Larter Field, tennis courts, and any other facility under Recreation purview) and/or staffing, materials, equipment, etc. to support recreational programming.	None, other than as set forth in this Bylaw and by Town Meeting vote.	None, other than as set forth in this Bylaw and by Town Meeting vote.	Fiscal Year 2018 and subsequent years
COA Transport	Council on Aging	Funded through donations, fund raising efforts, grants, and receipts from usage fees, etc.	Van transportation and miscellaneous transportation costs, etc.	None, other than as set forth in this Bylaw and by Town Meeting vote.	None, other than as set forth in this Bylaw and by Town Meeting vote.	Fiscal Year 2018 and subsequent years
Permit Application Fees	Building Inspector	Funded through a portion of the permit fees.	To fund the on-line building/gas/plumbing and electrical permitting system.	None, other than as set forth in this Bylaw and by Town Meeting vote.	None, other than as set forth in this Bylaw and by Town Meeting vote.	Fiscal Year 2018 and subsequent years
Approval Not Required Plans	Planning Board	ANR Application fees.	Engineering fees associated with the review of Approval Not Required Plans.	None, other than as set forth in this Bylaw and by Town Meeting vote.	None, other than as set forth in this Bylaw and by Town Meeting vote.	Fiscal Year 2018 and subsequent years
Transfer Station	Board of Health	Receipts collected from trash collection and barrels	Trash Collection and Trash Bin Sales	None, other than as set forth in this Bylaw and by Town Meeting vote.	None, other than as set forth in this Bylaw and by Town Meeting vote.	Fiscal Year 2020 and subsequent years

DISCHARGE OF FIREARMS

(HISTORY: Adopted April 13, 1981 ATM Article 18; Approved by Attorney General July 20, 1981)

No person shall fire or discharge any firearms or explosives of any kind within the limits of any highway, part, or other public property except with the written permission of the Board of Selectmen; or any other private property of another, except with the written consent of the owner or legal occupant thereof; provided, however, that this Bylaw shall not apply to the lawful defense of life or property nor to any law enforcement officer acting in the discharge of his duties. Any person violating this bylaw shall be punished by a fine of not more than $100.00. This bylaw may be enforced under the non-criminal disposition provision of Massachusetts General Laws, Chapter 40, Section 21D.

DISPOSITION OF FEES

(HISTORY: Adopted May 9, 2005 ATM Article 23; Approved by Attorney General August 16, 2005)

All Town officers shall pay into the Town Treasury all fees received by them by virtue of their office, subject to such ordinary payments and disbursements as are authorized or required under the general laws.

DOG CONTROL BYLAW

(HISTORY: Adopted April 10, 1989 ATM Article 35; Approved by Attorney General 6-1989. Amendments May 11, 1992 ATM Article 10 (Section 3 Enforcement); Approved by the Attorney General June 15, 1992); May 11, 1998 ATM Article 24 (Repealed in its Entirety and Substituted with Amended Version); Approved by the Attorney General August 19, 1998. Amended 5/11/2015; Approved by the Attorney General September 8, 2015 excluding §2.4 requiring a vote of Town Meeting to approve fees. Section 3 amended ATM May 13, 2019; Approved by the Attorney General September 9, 2019)

Statement of Purpose: This by law is intended to guide those persons owning or keeping dogs in their role as responsible pet owners so as not to adversely affect the residents of the Town of Dunstable, and to provide for the due and proper disposition of the proceeds of fees and fines arising from the keeping and licensing of dogs.

§ 1. Regulation of Dogs

1.1 Definitions as used in this Section - the following words and terms have the following meanings:

- A. Animal Control Officer: an appointed officer authorized to enforce Massachusetts General Laws Chapter 140 sections 136A and 174E.
- B. Attack: aggressive physical contact initiated by an animal.
- C. Dangerous dog: a dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.
- D Domestic animal: an animal designated as domestic by regulations promulgated by the department of fish and game.
- E. Euthanize: to take the life of an animal by the administration of barbiturates in a manner deemed acceptable by the American Veterinary Medical Association Guidelines on Euthanasia.
- F. Hearing authority: the Board of Selectmen.
- G. Keeper: a person, business, corporation, entity or society, other than the owner, having possession of a dog.

1.2 No person shall permit a dog owned or kept by him/her to be beyond the confines of the property of the owner or keeper unless the dog is under the control of such owner, keeper or his/her agent or is firmly held on a leash. Any dog kept within the confines of the town must be duly licensed and tagged as required by Massachusetts General Laws, Chapter 140, Sections 137-147 including amendments as enacted and approved by the Commonwealth. As used in this Section, the term 'control' shall include, but shall not be limited to oral or visual commands to which the dog is obedient. Nothing in this section shall be construed to limit the authority of the Selectmen to impose a more restrictive standard of restraint in connection with a particular matter properly before them under any applicable law, bylaw or regulation.

1.3 Violation of this control provision of the bylaw shall be punishable by a fine of ten dollars ($10.00) for the first offense, fifteen ($15.00) for the second, twenty ($20.00) for the third, and twenty-five dollars ($25.00) for the fourth or subsequent offenses. Nothing in this Section shall be deemed to limit the authority of the enforcing authority to issue a warning in any instance.

1.4 The enforcing authority hereunder shall be either the Dunstable Police Department, including any Police Officer in said Department, or the Animal Control Officer.

1.5 The provisions of Massachusetts General Law Chapter 140, Sections 136A through 174E inclusive, as may be amended from time to time and insofar as applicable, including the definitions therein, are hereby incorporated by reference into this bylaw relating to the regulation of dogs, insofar as they may explain, clarify or supplement the provisions hereof.

§ 2. Licenses

2.1 Definitions as used in this Section - the following words and terms have the following meanings:

A. License period – the period of time for which any duly issued dog license is valid, including the date of issuance of the license through the date on which the license expires, inclusive.
B. Licensing authority – The Town Clerk

2.2 The owner or keeper of a dog within the town shall cause the dog to be initially licensed when it attains the age of six months and annually thereafter. Proof of a currently valid rabies vaccination shall be required prior to the issuance of any license.

2.3 The annual licensing date shall be January 1st of any year.

2.4 The Town Clerk shall, pursuant to Massachusetts General Laws Chapter 40, Section 22F, from time to time fix reasonable fees to be charged for the issuance of licenses for dogs. (NOTE ATTORNEY GENERAL COMMENTS ABOVE)

2.5 The Town Clerk shall, pursuant to Massachusetts General Laws Chapter 40, Section 22F, from time to time fix reasonable fees to be charged for the issuance of licenses for kennels.

2.6 The Town Clerk shall be responsible for the issuance of all licenses related to this bylaw.

A. Any person or entity who fails to register and license his/her/its dog each year by April 1 in the Town of Dunstable, Middlesex County, and pay the fees and charges under any and all applicable ordinances, bylaws or regulations adopted/observed by the Town of Dunstable will be required to pay to the Town a late fee, in the amount of ten dollars ($10.00). Any such person, etc, acquiring a dog, six months of age or older, after the last day of March in any year shall cause the dog to be registered and licensed within Thirty (30) days from the date of acquisition which shall be presumed to be the date on the rabies certificate. Failure to register and license the dog shall subject such person to a late fee of $10.00, which shall be payable to the Town of Dunstable.

B. Failure to license and register a dog before May 1st annually shall result in a Fifty dollar ($50.00) fine, pursuant to Massachusetts General Laws 140:141 which shall be in addition to the late fee provided in Section 2.6 A above, and which shall be payable to the Town of Dunstable. Failure to vaccinate against rabies by a licensed veterinarian shall result in a One Hundred dollar ($100.00) fine pursuant to Massachusetts General Laws 140:145B. On or after May 1st annually, those owners in violation of the licensing requirement of this bylaw will receive a notice of the aforesaid fine. Those that do not pay the fines within twenty-one (21) days of such notice shall be subject to citation under the "Dunstable Non-Criminal Disposition Bylaw".

2.7 All fees or fines collected under this bylaw shall be paid into the general fund, subject to the provisions of the Massachusetts General Laws, as amended.

2.8 Any part, section or provision of this bylaw found to be invalid shall be severable and the remaining portions of this bylaw shall not be affected thereby. No provision or interpretation of a provision of this bylaw is intended to be in conflict with any provision of the Massachusetts General Laws, pertaining to dogs.

2.9 This bylaw shall go into effect on the date of posting the Town Bulletin following the approval of the Attorney General.

§ 3. Kennels **[Amended May 13, 2019 Article 27]**

3.1 Definitions as used in this Section - the following words and terms have the following meanings:

A. Kennel: a pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel as defined in Massachusetts General Laws Chapter 140, Section 136A.

B. Personal kennel: a pack or collection of 5 or more dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.

C. Commercial boarding or training kennel: an establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under Section 39A of Chapter 129, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

D. Commercial breeder kennel: an establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in B. The Town Clerk shall determine the amount of the non-refundable fee for a Kennel License for each License Period. The Town Clerk may charge an increased fee for applications for Kennel License renewals received after March 15 for that License Period. C. The location and operation of any Kennel shall be appropriate for housing the number of dogs allowable under the terms of its Kennel License and may not be detrimental to the health and safety of dogs or persons. D. All Kennels shall be operated in a safe, sanitary, and humane condition, as provided in Massachusetts General Laws Chapter 140, Section 137C.

E. No Kennel that provides overnight boarding of dogs may keep more than 25 dogs on the premises at any time. Dogs that are on the premises for medical or surgical treatment or observation shall not be counted in this number.

F. No Kennel may contract with security dog firms or other businesses to board protection or security dogs, or dogs in training to be protection or security dogs on the premises. A security dog kept on the premises for the Kennel's own security purposes is permitted.

G. Kennel operations, including the exercising of dogs, shall be in an indoor enclosed area, except that individual dogs may be exercised one at a time in a prescribed outdoor area.

H. Every Kennel shall at all times keep and maintain accurate records of the number and identities of all dogs kept on the premises, and the identities of persons who have purchased dogs from the Kennel.

I. Except as otherwise provided in this Paragraph, any violation of this Section shall result in a fine of $50 per such violation and, for violations continuing 30 days past licensing deadlines, an additional fine of $100 per such violation. A person maintaining a Kennel after the Kennel License therefor has been revoked, or while such Kennel License is suspended, shall be punished by a fine of not more than $250. Violations shall be administered in accordance with the provisions of Massachusetts General Laws Chapter 140, Section 173A.

J. Fees **[Amended May 13, 2019]**

Fees for kennels shall be as follows:

Personal kennel: 5 – 9 dogs $75.00 10+ $100.00

Commercial boarding or training kennel by Special Permit: $100.00

Commercial breeder kennel by Special Permit: $100.00

Domestic charitable corporation kennel by Special Permit: $100.00

Veterinary kennel as defined in Massachusetts General Laws Chapter 140, Section 136A. by Special Permit: $100.00

3.2 Licenses; Fees; Requirements; Violations.

A. No person shall operate a Kennel within the Town without first obtaining a Kennel License from the Town Clerk in accordance with the provisions of this Section.

B. The Town Clerk shall determine the amount of the non-refundable fee for a Kennel License for each License Period. The Town Clerk may charge an

increased fee for applications for Kennel License renewals received after March 15 for that License Period.

C. The location and operation of any Kennel shall be appropriate for housing the number of dogs allowable under the terms of its Kennel License and may not be detrimental to the health and safety of dogs or persons.

D. All Kennels shall be operated in a safe, sanitary, and humane condition, as provided in Massachusetts General Laws Chapter 140, Section 137C.

A. No Kennel that provides overnight boarding of dogs may keep more than 25 dogs on the premises at any time. Dogs that are on the premises for medical or surgical treatment or observation shall not be counted in this number.

B. No Kennel may contract with security dog firms or other businesses to board protection or security dogs, or dogs in training to be protection or security dogs on the premises. A security dog kept on the premises for the Kennel's own security purposes is permitted.

C. Kennel operations, including the exercising of dogs, shall be in an indoor enclosed area, except that individual dogs may be exercised one at a time in a prescribed outdoor area.

D. Every Kennel shall at all times keep and maintain accurate records of the number and identities of all dogs kept on the premises, and the identities of persons who have purchased dogs from the Kennel.

I. Except as otherwise provided in this Paragraph, any violation of this Section shall result in a fine of $50 per such violation and, for violations continuing 30 days past licensing deadlines, an additional fine of $100 per such violation. A person maintaining a Kennel after the Kennel License therefor has been revoked, or while such Kennel License is suspended, shall be punished by a fine of not more than $250. Violations shall be administered in accordance with the provisions of Massachusetts General Laws Chapter 140, Section 173A.

3.3 Application Process; License Issuance; Renewals.

A. Any person or entity seeking a Kennel License or renewal or reinstatement thereof shall complete and submit to the Town Clerk a Kennel License application, in a form prescribed by the Town Clerk.

B. Upon receipt of a completed application, the Town Clerk shall so notify the Animal Control Officer who shall forthwith conduct an inspection of the applicant's Kennel as provided in Section 3.4. The Town Clerk shall also give notice of the application to direct abutters to the proposed Kennel location and provide such abutters 14 days to submit written comments on the

application.

C. The Town Clerk shall review the completed application, all comments received within 14 days of the notice to abutter given pursuant to Paragraph (2), and the Kennel Inspector's report. The Town Clerk shall determine whether the proposed Kennel is in compliance with the requirements of this Section and Massachusetts General Laws Chapter 140, Sections 137C and 137D and, if so, shall issue a Kennel License to the applicant. If the Town Clerk finds that the proposed Kennel is not in compliance with such requirements, the Town Clerk shall deny the application and state the reasons for such denial.

D. Any application for renewal of a Kennel License shall be submitted to the Town Clerk on or before December 15 for the next License Period.

E. Nothing in this Dog Control Bylaw shall be construed to authorize the operation of a dog kennel in Dunstable *per se,* or to supersede the authority of the Zoning Board of Appeals to authorize such uses under Section 6.2(d) of the Dunstable Zoning Bylaw, as it may be from time to time amended.

3.4 Inspections. The Animal Control Officer, the Police Chief, the Board of Selectmen, may at any time inspect a Kennel or cause the inspection of a Kennel to ascertain whether the Kennel complies with the requirements of this Section and applicable state statutes.

3.5 Suspension or Revocation of Kennel License; Reinspections.

A. If the Town Clerk denies a Kennel License application or renewal application, the applicant or Kennel License holder may request a reinspection of the proposed Kennel after reasonably demonstrating to the Kennel Inspector that the proposed Kennel has been brought into compliance with the requirements of this bylaw and applicable state statutes. The Kennel Inspector shall thereafter, as soon as is practicable, reinspect the proposed Kennel and make a report to the Town Clerk, who shall, within a reasonable time, review the application in accordance with Section 3. The Town Clerk may set fees for reinspections performed pursuant to this Paragraph.

B. If the Animal Control Officer, Police Chief, Board of Selectmen, inspects or causes to be inspected a Kennel and, in the judgement of the person or entity that performed the inspection, the Kennel operator is not maintaining in compliance with this Section and applicable state statutes, the Selectmen, Police Chief or the Town's Animal Control Officer may, by order, revoke or suspend the Kennel License, in accordance with Massachusetts General Laws Chapter 140, Section 137C and in the event none of said persons or boards so acts, the Board of Selectmen shall revoke or suspend the Kennel.

C. If a Kennel License is suspended, the Kennel License holder may apply for reinstatement by requesting a reinspection of the Kennel after reasonably demonstrating to the Kennel Inspector that the Kennel has been brought into compliance with this Section and applicable state statutes, and that the License Holder has satisfied the terms of the suspension order. The Kennel Inspector shall thereafter, as soon as is practicable, reinspect the Kennel and make a report to the Town Clerk who shall, within a reasonable time, review the application in accordance with Section 3.3. The Town Clerk may set fees for reinspections performed pursuant to this Paragraph.

D. If a Kennel License is revoked, the Kennel License holder may apply for a new Kennel License in accordance with Section 3.3. The Town Clerk may set fees for reinspections performed pursuant to this Paragraph.

Adopted at the 2004 ATM: ARTICLE 11. Motion made and seconded that the Town accept that part of the General Laws, Chapter 140, Section 139, that states as follows: "No fee shall be charged for a license for a dog owned by a person aged 70 years or over in any city or town that accepts this provision;" reserving, however, the present schedule of fees for the licensing of dogs that charges ten dollars for male and female dogs, excepting neutered or spayed animals, for which the fee is six dollars; and subject in all events to the authority to fix fees conferred under General Laws, Chapter 40, Section 22F, which was accepted by vote of the Town under Article 34 of the Annual Town Meeting of May 8, 2000.

GENERAL WETLANDS BYLAW

(Adopted 4-8-1985 ATM Article 9; Approved by Attorney General 7-10-1985.)

Amendments:

5-13-1991 ATM Article 32 "Enforcement"; Approved by Attorney General 7-17-1991

5-11-1992 ATM Article 10 "Violations and Enforcement"; Approved by Attorney General 6-15-1992;

5-12-1997 ATM Article 24 "Section 1" ratified 10-29-1997 STM Article 4; Approved by Attorney General 2-17-1998;

5-8-2000 ATM Article 30 "Definitions"; Approved by Attorney General 7-26-2000

5-8-2006 ATM Article 18 "Applications", "Section 10 "Entry Upon Land"; Approved by Attorney General 8-7-2006

5-13-2013 ATM Article 32; Approved by Attorney General 9/13/2013. Amendments to correct typographical errors, coordinate the Bylaw with certain changes in state law and organization but not intending any substantive changes

5-13-19 ATM Article 29; Approved by Attorney General 9/9/19

5-14-2022 ATM Article 17; Approved by Attorney General 8/18/2022

AN INTRODUCTION TO THE DUNSTABLE WETLANDS BYLAW
[Amended 5-13-2013 ATM Article 32]

See "Fees and Procedures" at www.dunstable-ma.gov for additional information on the Wetland Protection Act: M.G.L. c131 §40 and 310 CMR 10.00

PURPOSE: The purpose of the Bylaw is to allow the citizens of the Town through the office of the Dunstable Conservation Commission to have a set of locally enforceable wetlands regulations. They are to complement the wetlands regulations presently in effect under the authority of the Massachusetts Department of Environmental Protection. The DEP regulations are subject to change without regard to the interests and needs of Dunstable, and in some ways do not presently protect local interests. A local bylaw will offer protection against erosion of environmental protection of wetland resources by any changes of the state regulations.

PRECEDENTS: Many communities in Massachusetts have such a local bylaw. The legality of such a bylaw has been challenged, and the constitutionality verified by the Massachusetts Supreme Judicial Court.

SIGNIFICANT POINTS: The bylaw has been drafted so that its application will not significantly increase the burden of paperwork beyond what is presently required of individuals by the DEP Wetlands Protection Regulations presently in effect.

This bylaw is permissive in character. Its function is to assure that activities undertaken in or near wetlands will be carried out in such a way as to preserve the wetland resources which are a public trust.

It is to protect developed or undeveloped wetland resources including public water supply, private water supply, groundwater supply, flood control, erosion control, storm damage prevention, water pollution, fisheries, shellfish, wildlife, recreation and aesthetics.

As presently required under the DEP Regulations, the burden of proof as to the acceptability of a proposed activity or development lies with the

proponent. It is not to be the role of the Commission to conduct such studies on behalf of an applicant.

The Commission, acting upon a preponderance of credible evidence will be empowered to deny permission for activities on subject lands if in its judgment such denial is necessary to protect the interests of the Bylaw.

The Commission may make a request to the Board of Selectmen to instruct Town Counsel to take such legal action as may be necessary to restrain violations and enforce the orders of the Commission. THE TEXT OF THE BYLAW APPEARS ON THE FOLLOWING PAGES.

General Wetlands Bylaw

Adopted 4-8-1985 ATM Article 9; Approved by Attorney General 7-10-1985

Amendment 5-13-1991 ATM Article 32 [Enforcement]; Approved by Attorney General 7-17-1991

Amendment 5-11-1992 ATM Article 10 [Violations and Enforcement]; Approved by Attorney General 6-15-1992

Amendment 5-12-1997 ATM Article 24 [Section 1] ratified 10-29-1997 STM Article 4; Approved by Attorney General 2-17-1998

Amendment 5-8-2000 ATM Article 30 [Definitions]; Approved by Attorney General 7-26-2000]

Amendment 5-8-2006 ATM Article 18 [Application] [Entry Upon Land]; Approved by Attorney General 8/7/2006 (effective date of amendment 8-30-2006)

Amendment 5-13-2013 ATM Article 32 [typographical errors] [coordinate Bylaw with organization initiatives] [bring Bylaw into line with certain changes on state law]; Approved by Attorney General 9/13/2013

§ 1: APPLICATION [Amended 5-20-1997 ATM Article 24, ratified by 10-29- 1997 STM Article 4; Amended 5-8-2006 ATM Article 18]

The purpose of this Bylaw is to protect the wetlands of the Town of Dunstable by controlling activities deemed to have, or have the potential to have, a significant effect upon wetland values, including but not limited to the following: potential or developed public or private water supply, potential or developed groundwater supply, flood control, erosion control, storm damage prevention, water pollution, fisheries, shellfish, wildlife, recreation and aesthetics (collectively, the "interests protected by this Bylaw").

No person shall remove, fill, dredge, alter or build upon or within one hundred feet of any bank, fresh water wetland, beach, flat marsh, meadow, bog, swamp, vernal pool, creek, river, stream, pond or lake or any land under said waters or any land subject to flooding or inundation, or within one hundred feet of the 100-year storm flow line, other than in the course of maintaining, repairing or replacing but not substantially changing or enlarging an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph and other telecommunication services, without first filing written application for a permit to so remove, fill, dredge, alter or build upon, including such plans as may be necessary to describe such proposed activity and its effect on the environment, and receiving and complying with a permit issued by the Conservation Commission; nor shall any new permanent structure or impervious surface (greater than 100 square feet in the aggregate) be permitted within 60 feet of any freshwater wetland as defined in the Bylaw, except that the repair, replacement or enlargement of any single family dwelling house, or any appurtenant structure thereof, existing as of May 31, 1997, may be permitted within such area to the extent that such repair, replacement or enlargement does not result in a reduction in the minimum distance that existed between the previously

existing structure or impervious surface and the fresh water wetland, land under water bodies and waterways, upon completion of such repair, replacement or enlargement, in all events following proceedings in compliance with this Bylaw and the issuance of an appropriate Order of Conditions by the Conservation Commission. Notwithstanding the foregoing, new permanent structure or impervious surface, aggregating no more than one hundred square feet (over one or more projects or occasions), shall be presumed to be permissible and may, in the discretion of the Conservation Commission, upon application, be authorized summarily on an administrative basis without hearing. **[Amended May 13, 2019 Article 29]**

§ IA: EMERGENCY PROJECTS

This Bylaw shall not apply to emergency projects as defined in M.G.L. c.131, §40 **[Amended May 13, 2019 Article 29**], *which are necessary for the protection of the health or safety of the citizens of the Commonwealth and to be performed or ordered to be performed by an agency of the Commonwealth or of the Town. An emergency project may be any project certified to be an emergency by the Commission or by its authorized agent. This Bylaw shall not apply to work performed for normal maintenance or improvement of lands in agricultural use at the time of this application*.

§ 2: DETERMINATION OF APPLICABILITY

Any person may request the Conservation Commission to make a determination ~~area~~ on whether: an area, and/or a proposed activity in an area, is subject to regulation under the Wetlands Protection Act, the boundaries of the resource area have been accurately delineated, the work proposed is subject to the Act, the scope of alternatives is adequate for work in the Riverfront Area, or a local bylaw or ordinance is applicable.

This request shall be sent by certified mail or hand delivered to the Commission or its authorized representative. If the applicant is other than the owner, the applicant shall provide certification that notice was given to the owner by certified mail, as well as providing same certification that the Department of Environmental Protection (MassDEP) has been notified. If

the applicant hand delivers the request to the Commission, the bearer should request a dated receipt.

The applicant shall pay for the publication cost for the legal notice in the newspaper. **[Amended May 13, 2019 Article 29]**

The Commission shall determine, within 21 days of receipt of such request, whether this Bylaw does apply to the particular area of land for the activity specified by the applicant. Upon having made its determination, the Commission will send to the applicant a Determination of Applicability form.

The Determination of Applicability will be sent to the applicant by certified mail. If the applicant is other than the owner, the applicant shall provide certification that notice was given to the owner by certified mail. **[Amended May 14, 2022, Article 17]**

§3: ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION (ANRAD) [Added May 13, 2019]

Filed if an applicant wants to know if the boundary line delineated in the field and shown on the attached plans is accurate. **[Amended May 13, 2019 Article 29]**

This request shall be sent by certified mail or hand delivered to the Commission or its authorized representative. If the applicant is other than the owner, the applicant shall provide certification that notice was given to the owner by certified mail, as well as providing same certification that abutters, the Planning Board, Board of Appeals and Board of Health have been notified. **[Amended May 13, 2019 Article 29]**

The application shall be accompanied by a check for the amount of the filing fee. No filing fee is required when the applicant is the Town of Dunstable. **[Amended May 13, 2019 Article 29]**

The applicant shall pay for the publication cost for the legal notice in the newspaper.

A Notification to Abutters under the Massachusetts Wetlands Protection Act shall be sent by the applicant, at the same time, by certified mail or certificates of mailing to all abutters within 100' of the subject property boundaries and to the owner if other than the applicant. The list of abutters must be obtained from and certified by the Assessors

Department. This list of abutters, so notified, shall be provided to the Commission prior to the Public Hearing.

If the Commission determines an outside consultant is needed, the applicant shall pay reasonable fees for their employment. **[Amended May 13, 2019 Article 29]**

The Conservation Commission shall hold a public hearing within 21 days of receipt of such request. **[Amended May 13, 2019 Article 29]**

Within 21 days of the close of the public hearing, the Conservation Commission shall issue their decision, which will be mailed by certified mail (return receipt requested), or hand delivered to the applicant, his or her agent, or attorney and a copy mailed to owner of property and Natural Heritage, if needed. **[Amended May 13, 2019 Article 29]**

Once the Commission issues an Order of Resource Area Delineation (ORAD), the applicant shall record it at the Registry of Deeds.

§ 4: NOTICE OF INTENT [Amended 5-13-2013 ATM Article 32]

As described in the Wetland Protection Act, a Notice of Intent is an application for a permit (an Order of Conditions or OOC) to perform work in or affecting a protected wetland resource area. [Amended May 13, 2019]. This notice with instructions can be found on the DEP website. Said notice shall include plans and specifications as required of an applicant under M.G.L.c.131, §40, as of January 1, 1985. These plans shall clearly show the location of the wetland boundaries, and the trace of all natural or man-made watercourses of an ephemeral nature or where they are not otherwise identified as or associated with a wetland. Calculations by which it shall be possible for the Commission to evaluate the impact(s), whether actual or potential, of all relevant aspects of the proposed activity shall be included as an integral part of the filing of a Notice of Intent with the Conservation Commission.

The Notice of Intent may be filed before other permits, variances and approvals required under the Town bylaws, Subdivision Control Law or regulations, have been obtained.

The Notice of Intent shall be accompanied by a check for the amount of the filing fee. No filing fee is required when the Town of Dunstable files a

Notice of Intent. In addition, a separate bylaw fee shall accompany the filing. **[Amended May 13, 2019 Article 29]**

Each Notice of Intent shall be sent by certified mail or shall be hand delivered to the Conservation Commission or its authorized representative. If the applicant hand delivers the request to the Commission, the bearer should request a dated receipt. **[Amended May 13, 2019 Article 29]** ~~If the applicant is other than the owner, the applicant shall provide certification that notice was given to the owner by certified mail.~~

Copies of the Notice of Intent shall be sent by the applicant, at the same time, by certified mail or hand delivered, to the Planning Board, the Board of Appeals, and the Board of Health.

A Notification to Abutters under the Massachusetts Wetlands Protection Act shall be sent by the applicant, at the same time, by certified mail or certificates of mailing to all abutters within 100' of the subject property boundaries and to the owner if other than the applicant. The list of abutters must be obtained from and certified by the Assessors Department. This list of abutters, so notified shall be provided to the Commission prior to the Public Hearing. **[Amended May 13, 2019 Article 29]**

PUBLIC HEARING

The Commission shall hold a Public Hearing on the application within 21 days of the filing of the Notice of Intent. Notice of the date, time and place of the hearing shall be given by the Commission at the expense of the applicant, not less than five days prior to the hearing, by publication in a newspaper of general circulation in Dunstable and by mailing a notice to the applicant, the Board of Health, Board of Appeals and Planning Board. Such hearing may be held at the same time and place as any public hearing required to be held under M.G.L. c.131, § 40. If the Commission determines that additional data or information is necessary, the hearing may be continued to a future date.

BURDEN OF PROOF

The applicant shall have the burden of proving by preponderance of the credible evidence that the work proposed in the application will not harm the interests protected by this Bylaw. Failure to provide adequate evidence to the Commission supporting a determination that the proposed work will not harm the interests protected by this Bylaw shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions, or at the Commission's discretion, to continue the hearing to another date to enable the applicant or others to present additional evidence upon such terms and conditions the Commission sees as being reasonable.
[Amended May 13, 2019 Article 29]

ORDER OF CONDITIONS [Amended 5-13-2013 ATM Article 32]

If after said hearing, the Conservation Commission determines that the land on

which the proposed work is to be done is significant to the interests protected by this Bylaw, it shall by written order, within 21 days or such future time as the Commission and applicant shall agree upon, impose such conditions reasonably necessary for the protection of the interests described herein and all work shall be done in accordance therewith. The Conservation Commission may impose such conditions on any proposed removing, dredging, filling or altering as it deems necessary to protect and preserve the interests covered by this Bylaw. Such Order of Conditions shall be in writing and may be subject to the same constraints as any such order issued by the Dunstable Conservation Commission under the provisions of M.G.L. c.131, §40, or successor statues, and shall be issued within 21 days or such further time as the Commission and applicant shall agree upon after the Public Hearing. Such Order of Conditions shall expire in no less than one nor more than three years from the date of issuance. The date of expiration shall be specified in the Order. If the project is not completed within three years, then 30 days prior to the expiration date an extension must be applied for. Such extension may be for no more than three years. No proposed work governed by an Order of Conditions shall be undertaken until all permits, approvals and variances required by the local Bylaw have been obtained and all applicable appeal periods have expired.

If the Commission determines that the area which is the subject of the application is not significant to the interests protected by this Bylaw, or that the proposed activity does not require the imposition of conditions, it shall issue a permit without conditions within 21 days of the public hearing.

RECORDING [Amended 5-13-2013 ATM Article 32]

Any original Order of Conditions shall be recorded with the Registry of Deeds in Lowell for the property defined in the Order. Evidence certifying that recording has been done must be returned to the Commission before work begins or a building permit is signed by the Commission. Upon completion of the work, a Certificate of Compliance (310 CMR 10.05 (9)) must be requested in writing and once issued, shall be recorded in the Registry of Deeds in Lowell to remove the lien from the property. **[Amended May 13, 2019 Article 29]**

DENIAL

The Commission is empowered to deny permission for any removal, dredging, filling, or altering, on subject lands within the Town, if, in its judgment such denial is necessary to protect the interest of this Bylaw.

RELATIONSHIP TO M.G.L. CHAPTER 131, SECTION 40

The Commission shall not impose additional or more stringent conditions pursuant to M.G.L. Chapter 131 §40, than it imposes pursuant to this Bylaw, nor shall it require a Notice of Intention pursuant to Section 40 to provide materials or data in addition to those required pursuant to this Bylaw.

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Statutes, independent of the Wetlands Protection Act, MGL c. 131, §40, and regulations 310 CMR 10.00 thereunder. **[Amended May 13, 2019 Article 29]**

ADDITIONAL INFORMATION

At any time up to the closing of a hearing, the Commission may require such additional information from the applicant as the Commission reasonably deems necessary.

§5. ENTRY UPON LAND [Amended 5-8-2006 ATM Article 18]

The Commission, its agents, and employees may enter upon privately owned land for the purpose of performing their duties under this Bylaw, subject to requirements or limitations of applicable law.

§6. PRE-ACQUISITION VIOLATION

Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this Bylaw or in violation of any permit issued pursuant to this Bylaw shall forthwith comply with any such order or restore such land to its condition prior to any violation; provided, however, that no action, civil or criminal, shall be brought against such person unless commenced within three years following the date of acquisition of the real estate by such person.

§7. LEGAL ACTION

The Board of Selectmen shall, upon the request of the Conservation Commission, instruct Town Counsel to take such legal action as may be necessary to restrain a violation of this Bylaw, and enforce the orders of the Commission hereunder and the Town Counsel shall forthwith comply with such instructions.

§8. REGULATIONS

After Due notice and public hearings, the Commission may promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court or law shall not act to suspend or invalidate the effect of this Bylaw.

§9. RULES [Amended 5-13-2013 ATM Article 32]

Rules:

1) Permit fees are payable at the time of application and are non-refundable.

2) Town, County, State or Federal projects are exempt from fees.

3) There shall be no fee for activities involving improvements undertaken to improve the agricultural use of land currently in agriculture or of land to be converted to agricultural use.

4) No fee is charged for Requests of Determination under the law or for extensions for Orders of Conditions.

5) Failure to comply with the law after official notification shall result in fees twice those normally assessed.

6) The Commission shall have the right to change the fee schedule. Any change of fee schedule must be advertised and posted at the Town Hall at least thirty days prior to the date upon which the changes are to become effective.

7) Please see "Fees & Procedures" for additional information at www.dunstable-ma.gov.

§10. DEFINITIONS [Amended 5-11-2000 ATM Article 30; 5-13-2013 ATM Article 32]

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

a) PERSON; the term PERSON shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town by-laws, administrative agencies, public or quasipublic, corporations or bodies, the Town of Dunstable, and any other legal entity, its legal representatives, agents or assigns.

b) APPLICANT; the term APPLICANT as used in this Bylaw shall mean a person given Notice of Intention to build, remove, fill dredge or alter.

c) ALTER; the term ALTER shall include, without limitation, the following actions when undertaken in areas subject to this Bylaw:

1) Removal, excavation or dredging of soil, sand, gravel or aggregate material of any kind, muck, peat or other organic soil of any description or kind;

2) Changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns and flood storage retention characteristics;

3) Drainage or other disturbance of the water level or water table;

4) Dumping, discharging, filling with any material or other activity which may degrade surface or ground water quality in or out of the Town of Dunstable;

5) Driving of piles, erection of buildings or structures of any kind;

6) Placing of obstructions whether or not they interfere with the flow of water;

7) Destruction of plant life, including the cutting of trees;

8) Changing of water temperature, biochemical oxygen demand or other physical or chemical characteristics of the surface or ground water;

d) BANKS; the term BANKS shall mean that part of land adjoining any body of water or watercourse which confines the water.

e) FRESHWATER WETLANDS – shall mean any area, including Swamps, Marshes, Wet Meadows and Bogs, where water is at or near the surface for a prolonged period of time, as demonstrated by the presence of hydric soils or other indicators of hydrology, and/or the area supports or could support a plant community (cover) comprised of 50% or greater of wetland plant species. Freshwater wetlands that do not border a stream or river must be greater than 500 s.f. in size. Freshwater wetlands includes both Bordering & Isolated Vegetated Wetlands. **[Amended May 13, 2019 Article 29]**

f) VERNAL POOL AND HABITAT- shall mean a confined basin depression that holds water for a minimum of ~~8~~6 continuous weeks during the spring and/or summer and provides breeding habitat for obligate and facultative vernal pool species. It may be without standing water during later summer. Vernal pool habitat is the area within 100‘of the boundaries of such depression. **[Amended May 13, 2019 Article 29]**

The Commission may adopt additional definitions not inconsistent with this Section 10 of this Bylaw.

§ 11: SECURITY

The Commission may require, as a permit condition in some particular cases 1.) Where the scope of the work is such that a failure to perform the work according to the conditions in the Order would be likely to cause grave damage to the interests protected by this Bylaw, or 2.) Where particular conditions in the Order must remain effective through the future to assure continuing protection of interests protected by this Bylaw; that the performance and observance of other conditions be secured by one or both of the following methods:

a) By a bond or deposit of money or negotiable securities in an amount determined by the Commission to be sufficient to secure performance of conditions and observance of the safeguards of such Order of Conditions and payable to the Town of Dunstable upon default;

b) By a conservation restriction, easement or by a covenant, executed and duly recorded by the owner of record, running with the land, whereby the conditions and safeguards included in such Order of Conditions shall be performed before any lot may be conveyed other than by mortgage deed.

The Commission shall make specific findings of fact in support of terms and conditions imposed under this section.

§12: VIOLATIONS AND ENFORCEMENT [Amended 5-13-1991 ATM Article 32; 5-11-1992 ATM Article 10 C; 5-13-2013 ATM Article 32]

Any person who violates or any corporate or quasi-corporate entity which violates any provision of this bylaw or any conditions of a permit or order issued pursuant to it shall be punished by a fine as listed herein below. Each day or portion thereof during which a violation continues shall constitute a separate offense.

a) Alteration of an area subject to protection under the bylaw without having filed for and having in effect at the time of the activity a valid Order of Conditions regulating the activity undertaken. The penalty shall be three hundred ($300.00) dollars.

b) Failure to comply with an order or orders as set forth in any Order of Conditions in effect to regulate the activity thereby permitted within an

area subject to ~~projection~~*protection* under the bylaw within the time period specified within such orders. The penalty shall be two hundred ($200.00) dollars.

c) Failure to comply with any one or more of the terms of any enforcement Order or Orders duly issued by the Dunstable Conservation Commission within the time limits specified in such Orders. The penalty shall be fifty ($50.00) dollars.

d) Failure to maintain in proper working order or condition appropriate to their intended function, structures, improvements or facilities which were required or permitted as part of activities regulated under an Order of Conditions issued to protect an area subject to regulation under the Bylaw and significant to the interests to be protected under this bylaw. The penalty shall be fifty ($50.00) dollars.

In addition to any other means of enforcement provided for by law, the provisions of this General Wetlands Bylaw may also be enforced at the ~~election~~*discretion* of the Conservation Commission by non-criminal complaint pursuant to any bylaws adopted pursuant to M.G.L.~~, Chapter~~ *c.* 40, ~~Section~~ §21D, as amended, in force in the Town of Dunstable. The enforcing authority shall be either the Dunstable Police Department, including any Police Officer in said Department, or the Conservation Commission.

§ 13: INVALIDITY

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any Order of Conditions which have previously become final.

§ 14: APPEALS

In the event that any person shall be aggrieved by a decision of the Conservation Commission under this Bylaw, or by its failure to act thereunder, such person may bring an action in the nature of certiorari under M.G.L. ~~Chapter~~ *c.* 249 §, ~~Section~~ 4.

HANDICAPPED PARKING

(HISTORY: Adopted May 12, 2003 ATM Article 21; Approved by Attorney General August 15, 2003)

The Town of Dunstable shall prohibit and/or regulate the leaving of unauthorized vehicles within parking spaces designated for use by disabled veterans or handicapped persons, or in such a manner as to obstruct a curb ramp designed for use by handicapped persons as a means of egress to a street or public way, as authorized by Clause (24) of MGL Chapter 40, Section 21.

The penalty hereunder shall be not less than twenty-five dollars for the first offense, and not less than fifty dollars for the second and any subsequent offense; providing, however, for the removal, in accordance with the provisions of section one hundred and twenty D of chapter two hundred and sixty-six, of any vehicle which is in violation of this by-law.

JUNK AND UNREGISTERED MOTOR VEHICLE BYLAW

(HISTORY: Adopted May 13, 1991 ATM Article 34; Approved by Attorney General July 17, 1991. Amended May 11, 1992 ATM Article 10 "Section 6"; Approved by Attorney General June 15, 1992. Amended 10/19/2019; approved by the Attorney General 01/17/2020)

Section 1. The open display or open storage of junk shall be prohibited in all sections of the Town, junk being defined as worn-out, castoff, or discarded articles and materials which are ready for destruction or have been stored for salvage or conversion to some other use, excepting only in any solid waste disposal or transfer station facility duly and lawfully authorized and dedicated to the proper disposition of such materials.

Section 2. All privately owned unregistered motor vehicles shall be stored, placed and kept on private property.

Section 3. Unregistered motor vehicles which are unfit for use, permanently disabled or have been dismantled, or are otherwise inoperative, shall not be stored, parked or placed upon any land in the Town unless the same shall be within a building or in an area unexposed to the view of the public and abutters

or in an area properly approved for the keeping of same by licensed junk dealers and/ or automobile dealers. Any vehicle qualified to be registered as an Antique Motor Car, as defined in Massachusetts General Laws, Chapter 90, Section 1, shall be exempt from this bylaw.

Section 4. Any landowner or other person or legal entity responsible for the presence of junk as described in Section 1 above or an unregistered motor vehicle as described in Section 3 above shall be subject to the following procedure regarding removal or enclosure of such motor vehicle:

a. Any resident of the Town may file with the Board of Selectmen a written complaint regarding the presence of junk or an unregistered motor vehicle on property located with the Town of Dunstable in violation of this bylaw specifying the location and a brief statement of the circumstances of the alleged violation. If the Board of Selectmen determines that there is reason to believe a violation of this bylaw exists, it shall schedule a hearing before the Board within thirty (30) days of receipt of a written complaint.

b. The Board of Selectmen or its designee shall give written notice of the hearing by regular first class mail to the complainant, the complainee[s], and direct abutters to the locus according to the most recent assessors maps, said notices to be deposited in the mail at least ten (10) days before the date of the hearing.

c. Following the hearing, the Board of Selectmen shall make a final decision on the matter based upon their own findings as well as matters presented at such hearing and may, at their option, require or order any one or more of the following:

(i) that the owner or person responsible be compelled to remove the junk or unregistered motor vehicle from the premises within a stated period;

(ii) that the owner or person responsible place the junk or unregistered motor vehicle within a proper enclosure to remove it from public view;

(iii) that the owner or person responsible be required to comply with this bylaw;

(iv) any further remedy that may be lawful and justified by the circumstances presented at the time of the hearing.

In the event of non-compliance with an order or directive of the Board of Selectmen within five (5) days of receipt of such order by the owner or person responsible, or within any timeframe specified in the order, the Police Department shall be authorized to tow or remove the subject junk or unregistered motor vehicle by whatever means necessary and at the expense of such person.

Section 5. The fine for any violation of the provisions of this bylaw shall be one-hundred ($100) dollars for each such offense. Each day that such violation continues shall constitute a separate offense.

Section 6. All fines imposed are to be collected as provided in the Massachusetts General Laws for disposition of non-criminal complaints or any bylaw of the Town providing for such disposition. The enforcing authority in this regard shall be the Police Department.

MONUMENTS AND MEMORIALS BYLAW

[HISTORY: Adopted by Annual Town Meeting May 13, 2019, Article 25; Approved by the Attorney General October 3, 2019]

Section 1. Purpose.

The purpose of the Memorials and Monuments bylaw is to standardize administration and the treatment of memorials, monuments, and historical makers within the Town of Dunstable.

Section 2. Definitions.

a. Memorial. A monument or ceremony, which honors a person who has died or serves as a reminder of an event in which many people died.

b. Monument. (1) A building, statue, stone, marker etc., which honors a person or event; or (2) a building or place that is important because of when it was built or is of historical significance.

c. Historical Marker. A plaque or sign erected at historically significant locations, facilities, or buildings. The marker may be free standing, mounted, or affixed to an existing structure.

d. Memorials and Monuments Committee. A public body with duties set forth in this bylaw, consisting of five (5) members appointed by the Board of Selectmen.

Section 3. Designation.

The memorialization of a person or an event shall have a direct connection to the Town of Dunstable. Topics suitable for memorialization shall include service in the

armed forces in time of war, conflict, or other national emergency; personal accomplishments including national elective or national appointed office; receipt of notable national or international awards; discoveries of unique and lasting contribution to the Commonwealth or Nation; or recognition of disaster or significant calamity in which the loss of life occurred within the Town of Dunstable or directly affecting its residents.

Section 4. Location.

No person, organization, or other organized body of persons, or corporation to include any Town board or committee or department shall install, construct, or emplace a memorial, monument or historical marker on public land without the prior approval of the Board of Selectmen after recommendation from the Memorials and Monuments Committee. This provision shall not apply to the public lands under the jurisdiction of the Dunstable Cemetery Commissioners.

Section 5. Application.

a. Any person, organization, or corporation desiring to install, construct, or emplace a memorial, monument, or historical marker on Town public lands shall submit an application containing required information specified by the Memorials and Monuments Committee.

b. The application shall include details and information about the person(s) or event designated for commemoration.

c. No application for installation, construction, or emplacement of a monument, memorial, or historical marker shall be considered by the Memorials and Monuments Committee until at least five (5) years have passed since the death of the person(s) or past the date of event of commemoration.

i. Exception: At the discretion of the Memorials and Monuments Committee, the moratorium period of 5 year may be waived.

d. The Memorials and Monuments Committee shall conduct a public hearing not less than 60 days following memorial application receipt. The Memorials and Monuments Committee shall publish public hearing meeting minutes. The Memorials and Monuments Committee shall evaluate and decide on the application within 60 days from completion of public hearing(s).

Section 6. Communications.

The Memorials and Monuments Committee shall identify applicable departments, committees, and boards, which may have interest or jurisdiction regarding

the placement of monuments or historical markers. The Memorials and Monuments Committee shall consider their inputs in the application review process.

Section 7. Monument Construction.

Monuments shall be constructed of materials, which are naturally consistent with the intended locale. These materials include stone, metal, or wood. Materials of durability and serviceability of 50 years or greater is preferred. The Memorials and Monuments Committee shall consider the specification of the type, quality, and durability as well as the aesthetic suitability for memorials or monuments in the application evaluation process.

Section 8. Memorial Retirement or Relocation.

The Memorials and Monuments Committee shall make recommendations to the Board of Selectmen for any adopted memorial or monument which:

a. Shall be retired and removed from the public land.

b. Shall be relocated or moved from one public parcel to another.

c. When a Memorial, Monument, or Historical Marker as defined in Section 2 is recommended to be permanently removed or permanently relocated upon recommendation of the Memorials and Monuments Committee and the Board of Selection such removal or relocation shall not take effect until approved at a Town Meeting.

Section 9. Memorial Inventory.

a. The Memorials and Monuments Committee shall maintain a list of all permanent memorials, monuments, and historical markers on public lands.

b. The Memorials and Monuments Committee shall inventory the adopted Town monuments, memorials, and historical markers on a 5-year basis and report the memorial's condition and any recommendations for maintenance or repair to the responsible Town entity no later than September 1st.

c. Items not found on the Memorials and Monuments Committee adopted inventory shall not be recommended for upkeep or maintenance.

MUNICIPAL STORMWATER DISCHARGE BYLAW
[Adopted ATM 5/8/17 Article 35]

1. PURPOSE

1.1 The purpose of this Bylaw is to provide for the health, safety, and general welfare of the citizens of The Town of Dunstable (the "Town") through the regulation of non-stormwater discharges to the municipal storm drainage system to the maximum extent possible as required by federal and state law. This Bylaw establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

1.2 The objectives of this Bylaw are:

a) to prevent pollutants from entering the Town's municipal separate storm sewer system (MS4);
b) to prohibit illicit connections and unauthorized discharges to MS4;
c) to require the removal of all such illicit connections;
d) to comply with state and federal statutes and regulations relating to storm water discharges, including the Town's National Pollutant Discharge Elimination System (NPDES) permit for discharges from the municipal storm drain system; and
e) to establish the legal authority to ensure compliance with the provisions of this Bylaw through inspection, surveillance, monitoring, and enforcement.

2. DEFINITIONS

The terms used in this Bylaw shall have the following meanings:

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

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U. S. C §1251 et seq.) and any subsequent amendments thereto.

GROUNDWATER: Water beneath the surface of the ground.

HAZARDOUS OR TOXIC MATERIALS: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Hazardous or toxic materials include without limitation any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.000.

ILLICIT CONNECTION: A surface or subsurface drain or conveyance, which allows any non-permitted or unlawful discharge into the municipal storm drain system, including, but not limited to, sewage, process wastewater, cooling waters or wash water, and any connections from the indoor drains, sinks, sumps or toilets, without limitation regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this Bylaw.

ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 8 of this Bylaw.

MUNICIPAL STORM DRAIN SYSTEM or MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): The system of conveyances

designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Dunstable.

NON-STORM WATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.

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

PERSON: An individual, partnership, association, firm, company, trust, corporation, other legally established entity, 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.

POLLUTANT: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to, the following: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

STORMWATER: Any surface flow, snow melt, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

3. APPLICABILITY

This Bylaw shall apply to all water entering directly or indirectly into the municipal storm drainage system generated on any developed and undeveloped lands unless explicitly exempted by the Planning Board.

4. AUTHORITY

This Bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the authority granted by provisions of the Clean Water Act (1987) requiring NPDES permits for storm water discharges. Under 40 CFR 122.34 (b)(3), The Clean Water Act, section 402 (p)(3)(B)(ii) requires that permits for municipal separate storm sewer systems (MS4) include a requirement to effectively regulate problematic non-stormwater discharges into storm sewers. This Bylaw in no way supersedes or diminishes the authority or jurisdiction of any state or federal regulations governing discharges or illicit discharges. Enforcement of said state and federal regulations is governed by those applicable government agencies.

5. RESPONSIBILITIES FOR ADMINISTRATION

5.1 The Planning Board shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the Planning Board in this Bylaw may be delegated in writing to a designated agent(s) upon a majority vote of the Planning Board. Should the Planning Board designate an agent, such agent shall be approved by the Board of Selectmen.

5.2 The Planning Board shall promulgate Regulations to implement and establish fees and penalties to effectuate the purpose of this Bylaw. Failure by the Planning Board to promulgate such Regulations or fee and penalty structures shall not have the effect of suspending or invalidating this Bylaw.

6. PROHIBITED ACTIVITIES

6.1 Illicit discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-storm water discharge into the municipal storm drain system.

6.2 Illicit connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulations or custom at the time of connection.

6.3 Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of storm water into or out

of the municipal storm drain system without prior written approval from the Planning Board.

7. EXEMPTIONS

The commencement, conduct or continuance of any illegal or illicit discharge to the municipal storm drain system is prohibited except for non-storm waters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system as described as follows:

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) Water from the exterior foundation drains, roof drains, footing drains (not including active groundwater dewatering systems), or air conditioning condensation;

i) Discharge from landscape irrigation or lawn watering;

j) Water from residential activities, including, but not limited to, car washing, washing walkways, patios, house siding, windows, or similar exterior structure-related washing activities;

k) Discharge from dechlorinated swimming pool water (less than one ppm total chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance.

l) Discharge from street sweeping;

m) Dye testing, provided verbal notification is given to the Highway Department or its agent prior to the time of the test and providing resulting concentrations are not at levels detrimental to resident aquatic organisms;

n) Non-storm water discharge permitted under an NPDES permit or a permit issued by the Department of Environmental Protection pursuant to 314 CMR 3.00, 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 advanced written approval is received from the Planning Board or its agent as necessary to protect public health, safety, welfare or the environment.

p) Firefighting activities.

8. NOTIFICATION OF RELEASES

Notwithstanding other requirements of local, state, or federal law, as soon as any person responsible for a facility, or responsible for emergency response for a facility or operation resulting in or which may result in discharge or pollutants to the municipal drainage system, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous or toxic materials, the person shall immediately notify the municipal fire department. In the event of a release of non-hazardous material, the reporting person shall as soon as practical notify the Planning Board and provide a written notification within three (3) business days thereafter of the spill occurrence. If the discharge of prohibited materials is from a commercial or industrial

facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. Failure to provide notification of a release as provided above is a violation of this Bylaw.

9. VIOLATION, ENFORCEMENT, AND PENALTIES

9.1 It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Bylaw. The Planning Board or its agent shall enforce this Bylaw and may pursue all civil and criminal remedies for violations.

9.2 Enforcement Orders.

9.2.1 If any person violates or fails to comply with any of the requirements of this Bylaw, the Planning Board may order compliance by written notice to the responsible person via certified mail or hand delivery. The order shall include the name and address of the alleged violator, the address at which the violation is occurring or has occurred, a statement specifying the nature of the violation, a description of the actions needed to resolve the violation and come into compliance, the deadline within which such actions must be completed, and a statement that, if the violator fails to come into compliance by the specified deadline, the Town may do the work necessary to resolve the violation at the expense of the violator.

9.2.2 Said order may require, without limitation:

a) Elimination of illicit connections or discharges to the municipal storm drain system;
b) Performance of monitoring, analyses and reporting;
c) Remediation of contamination caused by the illicit connection or discharge; and
d) The implementation of source control or treatment Best Management Practices.

9.2.3 Any person aggrieved by an enforcement order may appeal the order to the Board of Selectmen. Appeals shall be made by submitting to the Board of Selectmen, within 30 days of the order being appealed, a letter explaining why the order or decision was not justified. A copy of the letter shall be submitted simultaneously to the Planning Board. The decisions of the Board of Selectmen regarding appeals shall be final. Any further appeal shall be to a court of competent jurisdiction.

9.3 Action by the Town to Remedy a Violation. If a violator fails to come into compliance by the deadline specified in an enforcement order, the Planning Board or its agent may do the work necessary to resolve the violation at the expense of the violator and/or property owner. For situations involving an immediate threat to public health, safety or natural resources, the Planning Board or its agent may remove the illicit connection immediately and take such other action as is necessary to protect public health, safety or natural resources; written notice of the removal shall be provided to the property owner by hand within 48 hours of the removal or by certified mail postmarked no later than the next business day following the removal.

9.4 Recovery of Costs. If the Planning Board or its agent undertakes work to correct or mitigate any violation of this Bylaw, the Department or Board shall (within thirty (30) days after completing the work) notify the violator and the owner(s) of the property (if different) in writing of the costs incurred by the Town, including administrative costs, associated with that work. The violator and the property owner(s) shall be jointly and severally liable to pay the Town those costs within thirty (30) days of the receipt of that notice. The violator and/or the property owner(s) (if different) may file a written protest objecting to the amount or basis of costs with the Board of Selectmen within thirty (30) days of receipt of the notice. If the amount due is not received by the Town by the expiration of the time in which to file such a protest, or within sixty (60) days after the final decision of the Board of Selectmen or (if appealed to court) a court of competent jurisdiction resolving that protest, the Town may seek collection of the Town's costs in accordance with applicable law.

9.5 Civil Relief. If a person violates the provisions of this Bylaw or an order issued thereunder, the Town 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 abate or remedy the violation. Any such civil action must be authorized by the Board of Selectmen.

9.6 Criminal Penalty. Any person who violates any provision of this Bylaw or any order issued thereunder may be punished by a fine of not more than $300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. A criminal complaint may be filed by the Planning Board, with the authorization of the Board of Selectmen.

9.7 Non-Criminal Disposition (Ticketing). As an alternative to criminal prosecution, this Bylaw may be enforced by non-criminal disposition pursuant to the Non-Criminal Disposition Bylaw and Section 21D of Chapter 40 of the General Laws, in which case the enforcing agents will be: Planning Board or Planning Board's agent. The penalty for the first violation shall be $100.00. The penalty for each subsequent violation shall be $300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

9.8 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 Town and its agents, officers and employees may enter privately owned property for the purpose of performing their duties under this Bylaw and may make or cause to be made such examinations, surveys, sampling, or remedial activities as the Town deems reasonably necessary.

9.9 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.

10. COMPATIBILITY WITH OTHER TOWN LAWS AND REGULATIONS.

The requirements of this Bylaw are in addition to the requirements of any other policy, rule, regulation or other provision of law. Where any provision of this Bylaw imposes restrictions different from those imposed by any other policy, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

11. SEVERABILITY

The provisions of this bylaw are hereby declared to be severable. If any provisions, 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.

12. TRANSITIONAL PROVISIONS

Property owners shall have 30 days from the effective date of the bylaw to comply with its provisions.

NON-CRIMINAL DISPOSITION BYLAW

(Adopted 5-13-1991 ATM Article 31; Approved by Attorney General 7-17-1991)
(Amended 5-11-1992 ATM Article 10E "Section 5"; Approved by Attorney General 6-15-1992; Amended Section 5 ATM 5/8/17, Approved by Attorney General 9/11/17; Amended 10/15/2019; Approved by Attorney General 01/17/2020)

§1. Non-Criminal Disposition.
Any person who or any legal entity which violates any provision of any bylaw of the Town of Dunstable, duly adopted and in force, the violation of which is subject to a specific penalty, by which indicates by its terms that it shall or may be enforced by means of non-criminal disposition, may be so penalized as provided in General Laws, Chapter 40, Section 21D, as amended. The non-criminal method of disposition may also be used for violations of any rules or regulations of any municipal officer, board or department which is subject to specific penalty.

§2. Procedure.
The procedure for such disposition and enforcement shall be as provided by Massachusetts law, as aforesaid.

§3. Nothing in this bylaw shall be construed to preclude the disposition of violations of any such bylaw, rule or regulation by indictment or on complaint brought in the district court, except insofar as the bylaw or the rules or regulations themselves provide for such exclusive enforcement.

§4. Wherever a bylaw imposes a duty and affixes a penalty for the neglect or violation of that duty, the appropriate board or officer to the Town, after notice to any person who has neglected or is in violation of such duty, may take any action reasonably necessary to

be done to remedy or repair any such omission or the effect of such failure to obey the provisions of the bylaw, rule or regulation, all at the expense of such person. The reasonable cost of such action, not exceeding the penalty allowed by law to be imposed by these bylaws, may be paid out of the Town Treasury and sued for by complaint before a court of competent jurisdiction and the amount recovered shall be paid into the Treasury of the Town. Action under this section shall be in substitution for, and not in addition to, the fine provided for in the above section of these bylaws. However, nothing in this subsection shall be construed to create any affirmative duty to so act on the part of the Town, or its officers or employees, or relieve any person of any duty or obligation imposed by any bylaw, rule or regulation.

§5. The enforcing authority hereunder, in addition to any officer or authorized person specified in any particular bylaw or rule or regulation of the Town, shall be the Dunstable Police Department, including any Police Officer in said Department. In addition, the following officers may enforce the following bylaws [Amended 5-11-1992] [Amended 5-8-2023]:

Anti-Litter Bylaw	Board of Road Commissioners
Wetlands Bylaw	Conservation Commission
Dog Control Bylaw	Dog Officer
Right of Way	Board of Road Commissioners
Streets and Ways Bylaw	Board of Road Commissioners
Motor Vehicle Bylaw	
Municipal Stormwater Discharge Bylaw	Planning Board of Planning Board Agent [Added ATM 5/8/17]
Business Registration Bylaw	Police Department

§6. Whenever reference is made in any bylaw or rule or regulation to the General Laws, such reference shall mean the General Laws of the Commonwealth of Massachusetts as from time to time amended.

PERSONNEL BYLAW

(HISTORY: Enacted pursuant to a vote on Article 24 at the Annual Town Meeting of May 11, 2015 and not approved by the Attorney General because Personnel Bylaws are exempt from the process of approval by the Attorney General by statute.)

Section 1. Purpose and Authorization

The purpose of the Personnel Bylaw is to establish personnel policies and to establish a system of personnel administration that ensures a uniform and efficient application of personnel policies. This bylaw is adopted pursuant to the authority granted by Article LXXXIX of the Amendments to the Constitution of the Commonwealth and General Laws, Chapter 41, Sections 108A and 108C.

The following principles shall apply:

1.1 Recruitment, selection, and advancement of personnel shall be based on ability, knowledge, education, and skill under open competition.

1.2 Employment shall be open to all segments of society.

1.3 Nondiscriminatory treatment of all applicants and employees shall be guaranteed in all aspects of personnel system and shall be administered without regard to age, as defined by law, race, color, creed, gender, gender identity, genetic information, sexual orientation, as defined by law, national origin, political affiliation, disability, any other category or class protected by federal, state or local laws, and with proper regard for privacy and constitutional rights.

Section 2. Application

All Town departments and positions shall be subject to the provisions of this bylaw except elected Town officers, employees with individual personal employment contracts, employees covered by collective bargaining agreements, and employees of the school

department. Nothing in this bylaw shall be construed to limit any specific rights of employees pursuant to Massachusetts General Laws.

Section 3. Delegation Of Responsibilities

3.1 Board of Selectmen: The Board of Selectmen shall be responsible for the overall administration of the Personnel Bylaw and the personnel policies. The Board of Selectmen shall appoint a Personnel Board. The Board of Selectmen shall appoint the Personnel Administrator and may delegate administration of this bylaw to the Personnel Administrator.

3.2. Personnel Board:

3.2.1 Composition: The Personnel Board shall consist of five (5) members appointed by the Board of Selectmen. One (1) member shall be appointed for a term of one (1) year, two (2) members for terms of two (2) years, and two (2) members for terms of three (3) years. All subsequent appointments shall be made for three (3) years and vacancies shall be filled by the Board of Selectmen for the unexpired term. No member of the Personnel Board shall be an employee under the jurisdiction of the Town, or an appointed or elected official of the Town. Like all Town employees and board/committee members, the Personnel Board is subject to and shall abide by the provisions of the Conflict of Interest Law, MGL, Chapter 268A. Members shall serve without compensation.

3.2.2 Organization:
The Personnel Board shall annually elect a Chairperson from its membership who shall preside over meetings and serve as the Personnel Board's spokesperson. The Board shall select a clerk from its membership who shall be responsible for recording minutes of committee meetings, in accordance with the Open Meeting Law, Massachusetts General Laws Chapter 30A, Section 22. A majority of the Board shall constitute a quorum for the transaction of business. Action by a majority of those Board members present shall be binding.

3.2.3 Powers and Duties: The Personnel Board is authorized to prepare personnel policies for the Selectmen's consideration and ratification, which policies shall apply to those Town positions that are subject to this bylaw. The Personnel Board is further authorized to make interpretations and resolve questions of policy relating to wages, salaries and other benefits and their related procedures, subject to the approval of the Board of Selectmen. The Personnel Board shall prepare policies and procedures for the Selectmen's consideration and ratification that it deems necessary for the administration of the Personnel Bylaw and any personnel policies adopted pursuant thereto. Subject to the Selectmen's consideration and approval, the Personnel Board, with the assistance of the Personnel Administrator, shall classify all compensated positions in the employ of the Town, both part-time and full-time, except employees covered by individual employment contracts issued through the Board of Selectmen,

employees covered by collective bargaining agreements, elected officials, and those employees under the jurisdiction of the School Committee.

3.3 Personnel Administrator: The Town Administrator shall serve as the Personnel Administrator.

3.3.1. Powers and Duties: The Personnel Administrator shall have the following duties:

3.3.1.1 Under the general direction of the Board of Selectmen, shall be responsible for the day-to-day administration of all functions specified in this bylaw and personnel policies promulgated pursuant to Section 5 and any other policies, procedures, or regulations that may be established to administer this bylaw; and for ensuring that this bylaw and personnel policies are consistently administered by all town departments, boards, and committees.

3.3.1.2 Provide advice and assistance to the Board of Selectmen, Personnel Board, supervisory personnel, and employees in all aspects of personnel management specified in this bylaw.

3.3.1.3 Periodically review and recommend to the Personnel Board such changes in this bylaw and the Town's personnel policies as may be considered necessary as conditions change.

3.3.1.4 Supervise and maintain, on a centralized basis, all records pertaining to personnel management in the Town, including therein such information as required by law.

3.3.1.5 Administer employment training, and employee development programs, whether funded by the Town, the Commonwealth, the United States Government, or any other source.

3.3.1.6 Evaluate periodically the effectiveness of the Town's personnel system and recommend any changes to the Personnel Board.

3.3.1.7 Ensure that the Town provides equal opportunity to all persons regardless of age, as defined by law, race, color, creed, gender, gender identity, genetic information, sexual orientation, as defined by law, national origin, political affiliation, disability, any other category or class protected by federal, state or local laws, or any other non-merit factors for entry level positions and promotional positions, and that the Town provides equal treatment in all aspects of personnel management.

3.3.1.8 Ensure that the recruitment, selection, appointment and removal of employees is consistent with the Personnel Bylaw and any policies and procedures adopted pursuant to the Personnel Bylaw.

3.3.1.9 Ensure the preparation and maintenance of a comprehensive compensation and classification plan including the pay schedule and classification plan.

3.3.1.10 In conjunction with Town department heads, establish and maintain written job descriptions for those positions covered by this bylaw, describing the essential characteristics, requirements, and functions of those positions.

3.4 Support:
The Town shall furnish such staffing, services, office space, equipment and other support as may be necessary for the proper functioning of the personnel system, subject to appropriation.

3.4.1 Centralized Record Keeping: The Personnel Administrator shall be responsible for overseeing the maintenance, on a centralized basis, of personnel records, including therein such information as is required by law in compliance with Massachusetts General Laws Chapter 149, Section 52C. A personnel record shall not include information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of such other person's privacy. The form and content of records and the responsibilities of department heads and supervisory personnel with respect to such records shall be specified in Personnel Policies.

3.4.2 Confidentiality and Access to Personnel Records: Personnel records shall be confidential and access to an employee's records shall be limited to the Appointing Authority, the Town Administrator/Personnel Administrator, the respective employee's department head and the Town Treasurer on a need-to-know basis. An employee may upon written request to the Personnel Administrator review his or her personnel file within five (5) business days of such request. Such review shall take place at Town Hall during normal business hours and in the presence of the Personnel Administrator or his/her designee. Should the Town receive a written request from an employee, it shall provide the employee with the opportunity to review his/her personnel record in accordance with Massachusetts General Laws Chapter 149, Section 52C.
An employee shall be given a copy of his/her personnel record in accordance with Massachusetts General Laws Chapter 149, Section

52C within five (5) business days of the employee's submission of a written request for such copy to the Town. The Town shall notify an employee within ten (10) days of the Town placing in the employee's personnel record any information to the extent that the information is, has been or may be used, to negatively affect the employee's qualification for employment, promotion, transfer, additional compensation or the possibility that the employee will be subject to disciplinary action.

Section 4. Personnel System

A personnel system shall be established by promulgation of policies pursuant to Section 5. The personnel system shall make use of current concepts of personnel management and shall include but not be limited to the following elements:

4.1 Method of Administration: A system of administration which assigns specific responsibility for all elements of the personnel system, including: maintaining personnel records, implementing effective recruitment and selection processes, maintaining the classification and compensation plans, monitoring the application of personnel policies and periodic reviews, and evaluating the personnel system.

4.2 Classification Plan: A classification plan for all positions subject to this bylaw shall be established based on similarity of duties performed and the responsibilities assumed so that the same qualifications may be reasonably required for, and the same schedule of pay may be equitably applied to, all positions in the same class. No employee who is subject to this bylaw may be hired or promoted to a job title not included in the classification plan.

4.3 Compensation Plan: A compensation plan for all positions subject to this bylaw shall consist of:

4.3.1 A schedule of pay grades including minimum, maximum and intermediate rates for each grade; and

4.3.2 An official list indicating the assignment of each position to specific pay grades.

4.4 Personnel Policies: A series of personnel policies, which establishes the rights, the benefits to which personnel employed by the Town are entitled and the obligations of said employees to the Town. Included shall be a recruitment, employment, promotion and transfer policy, which provides that reasonable effort is made to attract qualified persons and that selection criteria are job-related.

4.5 Personnel Records: A centralized record keeping system which maintains personnel records in accordance with Massachusetts General Laws Chapter 149, Section 52C.

4.6 Other Elements: Other elements of a personnel system as deemed appropriate or required by law.

Section 5. Adoption And Amendment Of Personnel Policies

The Board of Selectmen shall promulgate personnel policies defining the rights, benefits and obligations of employees subject to this bylaw upon recommendation of the Personnel Board. Policies shall be adopted or amended as follows:

5.1 Preparation of Policies: The Personnel Board shall prepare policies or amendments to policies for consideration and approval by the Board of Selectmen. Any member of the Board of Selectmen, Personnel Board, Personnel Administrator, a department head, or any three employees may suggest policies to be considered for preparation by the Personnel Board. The Personnel Board need not consider any proposal already considered in the preceding twelve months. Any person proposing a new or amended policy shall provide the substance and the reason for the proposed policy to the Personnel Board in writing. The Personnel Board shall consider any proposed policies or amendments at its next regular meeting. Any proposed policies or amendments shall be posted at least five (5) days prior to the meeting in prominent work locations, and a copy shall be submitted to the Board of Selectmen.

5.2 Process: The Personnel Board shall present the proposed policy(ies) or amendment(s), the purpose of the proposal, and the implication of any proposed change at a public meeting. Any person may attend the meeting, speak and present information. Within twenty (20) business days after such meeting, the Personnel Board may vote to recommend that the Board of Selectmen adopt the policies (with or without modifications), reject the policies, or indicate that further study is necessary.

5.3 Recommended Policies: The Personnel Board shall transmit its recommendations in writing to the Board of Selectmen within twenty (20) business days of any vote on proposed personnel policies or amendments. The recommendations from the Personnel Board shall contain the text of the proposed policy or amended policy, an explanation of the Policy, and the potential implications of the Policy. The Board of Selectmen shall consider recommendations of the Personnel Board and may adopt, reject, revise, or return recommendations for further action to the Personnel Board. The Board of Selectmen need only act on proposed policies recommended by the Personnel Board for adoption. Policies shall become effective upon approval of the Board of Selectmen, unless some other date is specified in the policy or rules.

Section 6. Severability

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

Section 7. Effective Date

This bylaw shall take effect on May 11, 2015.

PUBLIC DRINKING BYLAW

(HISTORY: Adopted April 19, 1977 ATM Article 20)
(Amended September 24, 1979 STM Article 1; Approved by Attorney General
December 14, 1979)

No person shall drink any alcoholic beverage as defined in Chapter 138 of the Massachusetts General Laws or have in his possession any open container containing such alcoholic beverage while on, in or upon any public way or upon any way to which the public has a right of access, or any public common, park, land or playground, or any place to which members of the public as invitees or licensees, without the consent of the Board of Selectmen; or any private land or place, with the consent of the owner or person lawfully in control of such private land or place. All alcoholic beverages being used in violation of this ordinance shall be seized and safely held until final adjudication of the charges against the person or persons arrested or summoned before the court, at which time they shall be returned to the person entitled to lawful possession. Whoever violates this bylaw shall be punished by a fine of not more than fifty dollars.

PUBLIC WATER SUPPLY CROSS CONNECTION CONTROL BYLAW

(HISTORY: Adopted May 13, 2002 ATM Article 25; Approved by Attorney General August 26, 2002)

Section I. Purpose

A. To protect the public potable water supply served by the Town of Dunstable Water Commission from the possibility of contamination or pollution by isolating such contaminants or pollutants, which could backflow or back siphon into the public water system.

B. To promote the elimination or control of existing cross connections, actual or potential, between its customers; in-plant potable water systems, and non-potable systems.

C. To provide for the maintenance of a continuing program of cross connection control which will effectively prevent the contamination or pollution of all potable water systems by cross connection.

Section 2. Authority

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

B. Town of Dunstable Water Commission, Rules and Regulations adopted on April 1, 1991.

Section 3. Responsibility

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

Section 4. Definitions

A. Air Gap Separation: the method of preventing backflow through the use of an unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle. The vertical distance must be at least 2x the diameter of the pipe or faucet.

B Approved: Accepted by the Reviewing Authority as meeting an applicable specification stated or cited in this regulation or as suitable for the proposed use.

C. Approved Backflow Prevention Device or Devices: A method to prevent backflow approved by the Department for use in Massachusetts.

D. Atmospheric Vacuum Breaker: An approved backflow device used to prevent back siphonage, which is not designed for use under static line pressure.

E. Auxiliary Water Supply: Any water supply of unknown or questionable quality on or available to the premises other than the supplier's approved public potable water supply.

F. Back Pressure: Pressure created by mechanical means or other means which causes water or other liquids or substances to flow or move in a direction opposite to that which is intended.

G. Back Siphonage: A form of backflow due to reduced or sub-atmospheric pressure within a water system.

H. Backflow: The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than the intended source.

I. Backflow Preventer with Intermediate Atmospheric Vent: A device having two independently operating check valves separated by an intermediate chamber with a means for automatically venting it to the atmosphere, in which the check valves are forced loaded to a normally closed position and the venting means is force loaded to a normally open position.

J. Barometric Loop: A loop of pipe rising at least 35 feet, at its topmost point, above the highest fixture it supplies.

K. Commission: The Town of Dunstable Water Commission or owner or operator of a public water supply system.

L. Contaminant: Any physical, chemical, biological or radiological substance or matter in water.

M. Cross Connection: Any actual or potential connection between a distribution pipe of potable water from a public water system and any waste pipe, soil pipe, sewer, drain, or other unapproved source.

N. Cross Connection Violation Form: A violation form designed by the Department, which is sent to the owner by the water supplier with copies sent to the Department, plumbing inspectors and Board of Health delineating cross connection violations found on the owner's premises and a procedure for corrective action.

O. Department: The Massachusetts Department of Environmental Protection.

P. Double Check Valve Assembly: A backflow prevention device which incorporates an assembly of check valves, with shut-off valves at each end and appurtenances for testing.

Q. In-Plant Protection: The location of approved backflow prevention devices in a manner which provides simultaneous protection of the public water system and the potable water system within the premises.

R Owner: Any person maintaining a cross connection installation or owning or occupying premises on which cross connections can or do exist.

S. Permit: A document issued by the Department which allows a cross connection installation.

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

U. Pressure Vacuum Breaker: An approved backflow prevention device designed to prevent only back siphonage and which is designed for use under static line pressure and which has necessary appurtenances for testing.

V. Reduced Pressure Backflow Preventer: An approved backflow prevention device incorporating (1) two more check valves, (2) an automatically operating differential relief valve located between the two checks, (3) two shut-off valves, and (4) necessary appurtenances for testing.

W. Residential Dual Check: An assembly of two spring loaded, independently operating check valves without tightly closing shut-off valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.

X. Reviewing Authority: The Department, its Designee, or the local plumbing inspector, authorized by M.G.L. c. 142 and licensed by the Board of State Examiners of Plumbers and Gas Fitters, whichever is responsible for the review and approval of the installation of an approved backflow prevention device.

Section 5. Administration

A The Commission will operate an active cross connection control program, to include the keeping of necessary records, which fulfills the requirements of the State DEP's Cross Connection Regulations and is approved by the Department.

B The owner shall allow his property to be inspected for possible cross connections and shall follow the provisions of the Commission's program and the Department regulations.

Section 6. Requirements

A COMMISSION

1. On new installations, the Commission will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required, and notify the owner of plan approval requirements by the appropriate reviewing authority.

2. For premises existing prior to the start of this program, the Commission will perform surveys of the premises and reviews of as-built plans and issue a cross connection violation form to the owner detailing any corrective action required, the method of achieving the correction, and the time allowed for the correction to be made. The time period allowed shall depend upon the degree of hazard involved.

3. The Commission will not allow any cross connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to insure satisfactory operation.

4. If the Commission determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

5. The Commission shall have a delegated representative, who is a backflow prevention device tester certified by the Commonwealth of Massachusetts.

6. The Commission will begin initial premise inspections to determine the nature of existing or potential hazards, following the approval of this program by the Department, during the calendar year 2003. Initial focus will be on high hazard industries and commercial premises.

B. OWNER

I. The Owner shall be responsible for the elimination or proper protection of all cross connections on his premises.

2. The Owner shall be responsible for applying for and obtaining all necessary approvals and permits for the maintenance of cross connections and installation of backflow prevention devices.

3. The Owner of facility located within non-delegated public water systems shall be responsible for the payment of all fees for permits.

4. The Owner shall have any device that fails an inspection or test repaired by a licensed plumber.

5. The Owner shall inform the Commission of any proposed or modified cross connection and also any existing cross connections of which the owner is aware but has not been found by the Commission.

6. The Owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to take place.

7. The Owner shall install backflow preventers in a manner approved by the Department and by the Commission.

8. The Owner shall install only reduced pressure backflow preventers and double check valve assemblies approved by the Department.

9. Any Owner of industrial, commercial, or institutional premises having a private well or other private water source must have a permit if the well or source is cross connected to the Commission's system. Permission to cross connect may be denied by the Commission. The Owner may be required to install a backflow preventer at the service entrance if a private water source is maintained even if it is not cross connected to the Commission's system.

10. The owner of any residential premises having a private well or other private water source will not be allowed a physical connection with the public water supply system.

11. The Owner-shall be responsible for the payment of all device testing, retesting in the case that the device fails to operate correctly, and second re-inspections for non-compliance with commission or Department requirements.

Section 7. Degree of Hazard

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

Section 8. Enforcement

The Commission shall not allow a cross connection to exist with the public water supply system unless it is considered necessary and all appropriate approvals and permits have been issued.

Section 9. Existing In-Use Backflow Prevention Devices

Any existing backflow preventer shall be allowed by the Commission to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to a reduced pressure backflow preventer, or a reduced pressure backflow preventer must be installed in the event that no backflow device was present.

Section 10. Routine Testing

A. The Commission shall determine the responsibility of the required testing program, whether the Owner or the Commission should be responsible for testing

the backflow device. Reduced pressure backflow preventers shall be tested and inspected at least semi-annually and double check valve assemblies shall be tested and inspected annually.

B. Backflow device testing and inspection shall be performed by a DEP certified backflow tester.

C. The testing shall be conducted during the Commission's regular business hours Exceptions to this, when at the request of the Owner, may require additional charges to cover the increased costs to the Commission.

D. Any backflow preventer which fails during a periodic test must be repaired or replaced by a licensed plumber. When repairs are necessary, upon completion of the repair, the device will be retested at the Owner's expense to insure proper operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. in other situations, a compliance date of not more than fourteen days after the test date will be established. The Owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two devices is an effective means of the Owner insuring that uninterrupted water service remains during testing or repair of devices and is strongly recommended when the owner desires such continuity.

E Backflow prevention devices will be tested more frequently than specified above in "A" in cases where there is a history of test failures and the Commission feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be born by the Owner.

Section 11. RECORDS AND REPORTS

A. RECORDS

The Commission will initiate and maintain the following:

1. Master files on customer cross connection tests and/or inspections.
2. Master files on approved cross connection installations.
3. Copies of lists and summaries supplied to the Massachusetts Department of Environmental Protection.

B. REPORTS

The Commission will submit the following to the DEP:

1. Initial listing of high hazard cross connections.
2. Initial listing of low hazard cross connections.
3. Annual update lists of Items I and 2 above.
4. Annual summary of cross connection inspections and surveys.

ADDENDUM

1. RESIDENTIAL DUAL CHECK

Effective the date of the acceptance of the Cross Connection Control Program for the Town of Dunstable, Massachusetts, all new residential buildings will be required to install a residential dual check device immediately downstream of the water meter. This device will be provided by the Water Commission at a scheduled cost to the homeowner. Installation of this residential dual check device on a retrofit basis on existing service lines will be instituted at a time and at a potential cost to the homeowner as deemed necessary by the Commission.

The Owner must be aware that installation of a residential dual check valve results in a potential closed plumbing system within his residence. As such, provisions may have to be made by the owner to provide for thermal expansion within his closed loop system, i.e., the installation of thermal expansion devices and/or pressure relief valves.

2. STRAINERS

The Commission strongly recommends that all new and retrofit installations of reduced pressure backflow preventers and double check valve assemblies include the installation of strainers located immediately upstream of the backflow device. The installation of strainers will preclude the fouling of backflow devices due to both foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs, water main breaks, fires, periodic cleaning and flushing of mains, etc. These occurrences may "stir up" debris within the water main that will cause fouling of backflow devices installed without the benefit of strainers.

RIGHT-OF-WAY BYLAW

(HISTORY: Adopted May 8, 2023 ATM Article 20; Approved, with the exception of the text in Section 3 (b) and (c) regarding the dates of enforcement, by Attorney General August 28, 2023.Effective date of implementation 9/07/2023)

Section 1. Purpose

The purpose of this bylaw is to ensure public safety and visibility along the Town's public ways.

Section 2. Improvements in Rights-of-Way Prohibited

a. For the purposes of this bylaw, the term "improvement" includes, but is not limited to, structures, fences, walls, railings, trees, shrubs, landscaping features, and sprinkler systems.

b. For the purposes of this bylaw, the term "right-of-way" means any area of real property under the care, custody, or control of the Town of Dunstable through a fee interest, easement, or otherwise, for public way purposes, regardless of whether such area is paved or contains any infrastructure.

c. No improvement shall be installed or maintained within the right-of-way of any Town public way without the approval of the Town's Board of Road Commissioners, subject to the requirements of the Scenic Roads Bylaw.

d. Mailboxes may be located within the right-of-way of a Town public way if installed and maintained in accordance with the rules and regulations of the U.S. Postal Service and any rules and regulations of the Town's Board of Road Commissioners.

e. Abutting property owners, or their agents, may perform mowing and weed removal in vegetated areas within the right-of-way of any Town public way between the pavement and boundary of the right-of-way in order to maintain a well-kept appearance.

Section 3. Enforcement

a. This bylaw shall be enforced by the Board of Road Commissioners or its designated agent. In addition to any other means of enforcement provided by law, this bylaw may also be enforced at the election of the Board of Road Commissioners by non-criminal disposition in accordance with the Non-Criminal Disposition Bylaw and Section 21D of Chapter 40 of the General Laws. Page 11 of 13

b. Any person who installs an improvement within the right-of-way of any Town public way shall be subject to a fine of $100. Each day that any violation is allowed to continue shall constitute a separate violation of this bylaw.

c. Any improvement within the right-of-way of any Town public way installed may be subject to removal in accordance with Section 3 and Section 4 of Chapter 86 of the General Laws. d. The Board of Road Commissioners is authorized to adopt rules and regulations to carry out its duties under this bylaw. And further, by amending the Non-Criminal Disposition Bylaw by inserting in § 5 the following: Right-of-Way Bylaw Board of Road Commissioner

RIGHT TO FARM BYLAW

(HISTORY: Adopted May 8, 2006 ATM Article 17; Approved by Attorney General August 7, 2006; Effective date of Bylaw August 30, 2006)

§1. Legislative Purpose and Intent
§2. Definitions
§3. Right To Farm Declaration
§4. Disclosure Notification
§5. Resolution of Disputes
§6. Severability Clause

Section 1. Legislative Purpose and Intent

The purpose and intent of this Bylaw is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1;

Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of the Town of Dunstable restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General Bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Dunstable by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This Bylaw shall apply to all jurisdictional areas within the Town.

Section 2. Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

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

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;

- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

Section 3. Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Dunstable. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this Bylaw are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm Bylaw shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 4. Disclosure Notification

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

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

A copy of the disclosure notification shall be given on a form prepared by the Town and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Board of

Selectmen or its designee prior to the sale, purchase, exchange or occupancy of such real property. In addition to the above, a copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by mail.

Section 5. Resolution of Disputes

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

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6. Severability Clause

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

SCENIC ROAD BYLAW

(HISTORY) Adopted May 8, 1995 ATM Article 17; Approved by Attorney General June 6, 1995; Application and Fees, etc., adopted May 9, 2011 Article 30 ATM and approved by the Attorney General June 22, 2011)

Voted to designate each of the following streets and/or ways in the town as scenic roads within the meaning of Massachusetts General Laws, Chapter 40, Section 15C, as amended:

Common Avenue
Depot Street
Groton Street
Hillcrest Street
Main Street from the center of town to the New Hampshire line
Maple Street
Pond Street
Valley Street
Blodgett Street
Fletcher Street
Hall Street
Hollis Street
Mill Street
River Street
Westford Street
Brook Street
Forest Street
Hardy Street
Kemp Street
Oak Street
School Street
Woods Court
Cross Street
French Street
High Street
Lowell Street
Pine Street
Thorndike Street

Application and fees: An applicant under Massachusetts General Laws, Chapter 40, Section 15C, must request a Scenic Road hearing from the Planning Board either in writing or by filling out a request form. The Board will place a legal advertisement of the hearing in a newspaper of general circulation in Dunstable. The applicant shall pay for the cost of the advertisement per invoice. Failure to pay any required fees will result in a denial of the application.

Penalties: Any person who cuts or removes trees within the limits of a Scenic Road, or tears down or destroys stone walls, or any part thereof, within or on a Scenic Road, without first having complied with the procedures required under Massachusetts General Laws, Chapter 40, Section 15C, or without first having received the prior written consent of the Planning Board, or having received such consent, takes any of the foregoing actions in a manner at variance with the terms and conditions of such consent, if any, shall be subject to a fine of $100.00. If an order to cure or rectify such violation issued by the Planning Board subsequent to any such violation is not followed within thirty (30) days following receipt thereof by the violator, or such further time as the Planning Board may allow following request, an additional fine of $200.00 shall be incurred by said person. If compliance with such order is not effected by the violator

before the lapse of thirty (30) days following such 30 day period, or extended period, an additional fine of $300.00 shall be incurred by such violator for every thirty days or portion thereof during which the violator fails to comply with such order. The penalties provided hereunder may be enforced pursuant to the Dunstable Non-Criminal Disposition Bylaw.

SOLICITATION OF GOODS BYLAW

**(HISTORY: Adopted February 26, 1962, Article 11; Approved by Attorney General
April 16, 1962)**

Section 1. No person, unless otherwise authorized shall go from place to place within the Town taking orders for any goods, wares, or merchandise, nor shall any person go begging or soliciting alms on foot or from a vehicle, without having first recorded his

name and address with the Chief of Police, and furnished such information as may be requested of him. The Chief of Police shall, thereupon, if satisfied with the honesty of the applicant, issue a permit for a period not exceeding twelve [12] months which must be shown on request and shall state that said person has duly registered and is entitled to go from place to place within the Town for the purpose specified.

Section 2. No person, unless otherwise properly licensed by the State or Board of Selectmen, shall go from place to place in the Town selling or bartering or carrying for sale or barter or exposing therefore any goods, wares or merchandise.

Section 3. The Chief of Police may, however, authorize the director of any worthy cause, to solicit contributions, within the Town without having each solicitor under his direction registered. Religious organizations or charitable groups within the Town shall be exempt from this section.

Section 4. Penalty for any violation of Section 1 or 2 of the Article will be a fine of not in excess of $20.00.

**(HISTORY: Adopted May 9, 2016 ATM Article 33; Approved by Attorney General
July 15, 2016)**

STORMWATER MANAGEMENT AND EROSION CONTROL BYLAW

1. PURPOSE

1.1 To acknowledge and address the fact that the United States Environmental Protection Agency has identified sedimentation and polluted stormwater runoff from

land disturbance activities and polluted stormwater runoff from land development as major sources of water pollution, impacting drinking water supplies, natural habitats, and recreational resources;

1.2 To provide for the health, safety, and general welfare of the citizens of the Town of Dunstable through the protection of water bodies and groundwater resources by the regulation of activities that result in disturbance of land and the creation of stormwater runoff;

1.3 To establish the Town of Dunstable's legal authority to ensure compliance with the provisions of this Bylaw through the establishment of stormwater management standards and conditions that result in the minimization of offsite and downstream adverse impacts from development and redevelopment projects to abutters, townspeople and the general public;

2. OBJECTIVES

2.1 To comply with state and federal statutes and regulations relating to stormwater discharges and to ensure compliance with the provisions of this Bylaw through inspections, monitoring and enforcement by:

(A) Protecting water resources;

(B) Preventing pollutants from entering the Municipal Storm Drain System;

(C) Controlling the volume and rate of stormwater runoff resulting from land disturbance activities in order to minimize potential impacts of flooding;

(D) Requiring practices to manage and treat stormwater runoff generated from new development and redevelopment;

(E) Protecting groundwater and surface water from degradation or depletion;

(F) Promoting infiltration and the recharge of groundwater;

(G) Requiring practices that minimize soil erosion and sedimentation;

(H) Preventing flooding and erosion on abutting properties;

(I) Ensuring 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;

(J) Ensuring adequate long-term operation and maintenance of stormwater best management practices so they work as designed and;

(K) Requiring 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.

3. DEFINITIONS

ABUTTER: The owner(s) of land adjacent to a land disturbance site.

AGRICULTURAL USE: The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act (M.G.L. c. 131 § 40) and its implementing regulations (310 CMR 10.00).

APPLICANT: The owner of record of the land shown on any plan or application submitted for approval to the Planning Board or other approving authority in accordance with this Bylaw and its Regulations.

AUTHORIZED ENFORCEMENT AGENCY: The Town of Dunstable Planning Board, its employees or agents designated to enforce the requirements of this Bylaw.

CERTIFICATE OF COMPLETION: A document issued by the Issuer of a Land Disturbance Permit which confirms that all documents, final digital and hard copy as-built plans, and final reports have been submitted and all work required by the terms of a Land Disturbance Permit has been satisfactorily completed in accordance with this Bylaw and its Regulations.

CLEARING: Any activity that removes the vegetative surface cover and/or organic layer. Clearing activities generally include grubbing activity as defined below.

DESIGNATED AGENT: Any person or entity designated by the Planning Board and approved by the Board of Selectmen to assist in the administration, implementation and enforcement of this Bylaw and its Regulations.

DESIGN CRITERIA: Engineering design criteria as contained in the Regulations authorized under this Bylaw.

DETENTION: The temporary storage of stormwater runoff.

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.

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.

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 limits water infiltrating the underlying soil. Impervious surface includes without limitation: roads, paved parking lots, sidewalks, sports courts and rooftops. Impervious surface also includes soils, gravel driveways, and similar surfaces with a Rational Method runoff coefficient greater than 0.85 or a NRCS Method Curve Number 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.

LAND DISTURBANCE PERMIT: A permit issued by the Planning Board or its Designated Agent pursuant to this Bylaw.

LOT: An area of land, in uniform ownership, with definite boundaries ascertainable by deed, plan, or other means.

MASSACHUSETTS ENDANGERED SPECIES ACT: (M.G.L. c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the "taking" of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

MASSACHUSETTS WETLANDS PROTECTION ACT: (M.G.L. c.131, s. 40) and its implementing regulations (310 CMR 10.00)

MUNICIPAL STORM DRAIN SYSTEM or MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage

channel, reservoir, and/or other drainage structure that together comprise the storm drainage system owned or operated by the Town of Dunstable.

OPERATION AND MAINTENANCE PLAN: A plan developed by a Massachusetts licensed Professional Engineer (PE) 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.

OWNER: Shall be the owner of record of the lot or lots shown on any plan submitted. The owner shall submit the title reference or references from the Middlesex North District Registry of Deeds indicating the owner of record.

PAVEMENT: The surface of an area which consists of but is not limited to bituminous concrete, cement concrete, or paving bricks made of masonry or stone or like material that creates a impervious surface.

PAVING: The act of installing pavement.

PERMITTEE: The person who holds a Land Disturbance Permit and therefore bears the responsibilities and enjoys the privileges conferred thereby.

PERSON: An individual, partnership, association, firm, company, trust, corporation, other legally established entity, 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.

RECHARGE: Addition of stormwater runoff to the groundwater by natural or artificial means.

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

REGULATIONS: The regulations promulgated by the Planning Board in accordance with Section 6.2 of this Bylaw.

RETENTION: The holding of stormwater runoff in a basin without release except by means of evaporation, infiltration, or emergency bypass.

RUNOFF: Rainfall, snowmelt, groundwater seepage 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, silt, clay and gravel.

STORMWATER: Stormwater runoff, snow melt runoff, surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN: A document containing narrative, drawings and details prepared by a Massachusetts licensed qualified Professional Engineer (PE) which includes structural and non-structural 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.

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 M.G.L. c. 131, s.40 and regulations promulgated thereunder, and in the Town of Dunstable Wetlands Protection Bylaw and regulations promulgated thereunder.

WETLANDS: As defined in the Dunstable Wetlands Protection Bylaw and Conservation Commission regulations.

4. AUTHORITY

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

5. APPLICABILITY

5.1 This Bylaw shall apply to all development and redevelopment operations, to all water entering directly or indirectly into the Municipal Storm Drain System on public or ways within the Town, and to any direct discharge into the surface waters, ground waters and watercourses within the Town. Except in accordance with a Land Disturbance Permit issued pursuant to this Bylaw, no person shall perform any Land Disturbance that results in one or more of the Regulated Activities defined in Section 5.2 that is not an Exempt Activity listed in Section 8.1.

5.2 Regulated Activities subject to a Land Disturbance Permit shall include two tiers of permitting:

(A) Tier I

i. Land Disturbance of 22,000 square feet or more of land, associated with development or redevelopment of a site; or
ii. 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 22,000 square feet or more of land; or
iii. Paving or other change in surface material that will create or disturb 22,000 square feet or more of Impervious Surface; or
iv. Construction of a new drainage system or alteration of an existing drainage system or conveyance serving a drainage area of 22,000 square feet or more of land; or
v. Any other activity altering the surface of an area of 22,000 square feet or more that will, or may, result in increased stormwater runoff flowing from the Site into a public way or the Municipal Storm Drain System.

(B) Tier II

i. Land Disturbance of 40,000 square feet or more of land, associated with development or redevelopment of a site; or
ii. 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 40,000 square feet or more of land; or
iii. Paving or other change in surface material that will create or disturb 40,000 square feet or more of Impervious Surface; or
iv. Construction of a new drainage system or alteration of an existing drainage system or conveyance serving a drainage area of 40,000 square feet or more of land; or
v. Any other activity altering the surface of an area of 40,000 square feet or more that will, or may, result in increased stormwater runoff flowing from the Site into a public way or the Municipal Storm Drain System; or

vi. Land Disturbance where there is a 15% or greater slope and where the Land Disturbance is greater than or equal to 200 square feet within the sloped area.

6. ADMINISTRATION

6.1**.** The Planning Board, shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the Planning Board in this Bylaw may be delegated in writing to a Designated Agent upon a majority vote of the Planning Board and approval by the Board of Selectmen.

6.2 The Planning Board shall promulgate the Regulations to implement this Bylaw and shall establish fees and penalties to enforce this Bylaw. The Planning Board may periodically amend the Regulations, fees, and penalties as needed to effectuate the purposes of this Bylaw. Adoption of and revisions to regulations may only be made after conducting a public hearing to receive comments on any proposed regulations or revisions. Such hearing dates shall be advertised once in a newspaper of general circulation in Dunstable, at least 14 days before the hearing date. Such hearing shall comply with all aspects of the Massachusetts Open Meeting Law.

6.3 In promulgating the Regulations under this Bylaw, the Planning Board shall, at a minimum, follow and utilize the specifications and standards of the latest edition of the Massachusetts Stormwater Management Handbook as amended and issued by Massachusetts Department of Environmental Protection, or any successor publication so issued in this context.

6.4 Failure on the part of the Planning Board to promulgate the Regulations authorized by this Bylaw or fee and penalty structures shall not have the effect of suspending or invalidating this Bylaw.

6.5 The Planning Board or its Designated Agent shall review all applications for a Land Disturbance Permit, conduct inspections, issue a final permit and conduct any necessary enforcement action, as set forth herein:

6.5.1 Land Disturbance Permits shall be issued as follows:

(A) Tier I Land Disturbance Permits shall be issued by the Planning Board's Designated Agent and shall not require review by the Planning Board.
(B) Tier II Land Disturbance Permits shall be issued by the Planning Board.

6.5.2 Following receipt of a completed application, the Planning Board or its Designated Agent shall seek review and comments from the Road Commissioners and Town Engineer. The Planning Board or its Designated Agent shall not make a decision

on the pending permit until it has received comments from the Road Commissioners and the Town Engineer or until these entities have allowed thirty (30) calendar days to elapse after receipt of the application materials without submission of comments.

6.5.3 When issuing a decision on an application, the Planning Board or its Designated Agent shall:

6.5.3.1 Approve the application and issue a Land Disturbance Permit upon finding that the proposed stormwater controls meet the objectives and requirements of this Bylaw and the Regulations;

6.5.3.2 Approve the application and issue a Land Disturbance Permit with conditions necessary to ensure that the project's stormwater controls will meet the objectives and requirements of this Bylaw and the Regulations;

6.5.3.3 Disapprove the application and deny a permit if it finds (a) that the proposed stormwater controls fail to meet the objectives and requirements of this Bylaw or the Regulations, or (b) that the information submitted with the application was insufficient to allow one of the determinations set forth Section 6.5.3.1 or Section 6.5.3.2.

6.5.4 The Planning Board or its Designated Agent shall take final action on an application within sixty (60) days of date the application was filed with the Town. A copy of the final action shall be filed with the Town Clerk. Certification by the Town Clerk that the allowed time has passed without final action being taken shall be deemed a grant of the Land Disturbance Permit.

6.6 The filing of an application for a Land Disturbance Permit required under this Bylaw shall constitute a grant of permission to the Planning Board and/or its Designated Agent to enter the site in order to verify the information in the application and to inspect for compliance with permit conditions.

6.7 Appeals: A decision on an application for a Land Disturbance Permit by the Planning Board shall be final. Further relief from a decision by the Planning Board made under this Bylaw shall be reviewable in the Superior Court pursuant to M.G.L. c. 249, § 4. The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

6.8 Any action by the Designated Agent of the Planning Board may be appealed to the Planning Board.

7. PROHIBITED ACTIVITIES

7.1 Illicit Discharges: No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the Municipal Storm Drain System or

the surface and ground waters and watercourses within the Town of Dunstable except as noted in Section 8 of this Bylaw.

7.2 Illicit Connections: No person shall construct, use, allow, maintain or continue any illicit connection to the Municipal Storm Drain System, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

7.3 Obstruction – Storm Drainage Systems: No person shall obstruct or interfere with the normal flow of stormwater in or out of the Municipal Storm Drain System without prior written approval from the Planning Board or its Designated Agent.

8. EXEMPTIONS

8.1 Flow from the following sources are exempt from the provisions of this Bylaw:

(A) Municipal 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 (2), or uncontaminated pumped groundwater;

(H) Water from the exterior foundation drains, roof drains, footing drains (not including active ground water dewatering systems), or air conditioning condensation;

(I) Discharge from landscape irrigation or lawn watering;

(J) Water from residential activities, including, but not limited to, car washing, washing walkways, patios, house siding, windows, or similar exterior structure related washing activities;

(K) Discharge from de-chlorinated swimming pool water(less than one ppm total chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;

(L) Discharge from street sweeping;

(M) Uncontaminated groundwater discharge from a sump pump;

(N) Discharges or flows resulting from fire-fighting activities;

(O) Dye testing, provided verbal notification is given to the Planning Board or its Designated Agent prior to the time of the test and providing resulting concentrations are not at levels detrimental to resident aquatic organisms;

(P) Non-storm water 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

(Q) Discharge for which advanced written approval is received from the Planning Board or its Designated Agent as necessary to protect public health, safety, welfare or the environment.

8.2 The following Land Disturbing Activities are exempt from the provisions of this Bylaw:

(A) Normal maintenance and improvement of land in Agricultural Use as defined in the Massachusetts Wetlands Protection Act regulations 310 CMR 10.04;

(B) Maintenance of existing landscaping, stone walls, retaining walls, gardens or lawns associated with a single family residence;

(C) Construction of utilities other than drainage systems that will not alter terrain, ground cover or drainage patterns;

(D) Emergency repairs to any stormwater management facility or practice that poses a threat to public health, safety, welfare or the environment;

(E) Repair of septic systems when required by the Board of Health for the protection of public health;

(F) Any work or projects for which all necessary local approvals and permits have been issued prior to the effective date of this Bylaw;

(G) Any land disturbance that results in a cumulative land disturbance of less than 22,000 square feet, provided that appropriate erosion and sedimentation controls are in place and properly maintained;

(H) The construction of fencing that will not alter existing terrain or drainage patterns; and

(I) The construction, improvement and maintenance of Town public ways and appurtenances.

8.3 When there is any question as to whether an activity is exempt from this Bylaw and the Regulations, the Planning Board shall make a definitive ruling as to the applicability of this Bylaw and the Regulations to the activity in question.

9. PERMIT PROCEDURES

Permit procedures and requirements, including permit submittals, right-of-entry, fee schedule (including requirements to post acceptable security), fine schedule, and public hearing process, shall be defined and included as part of the Regulations.

10. FEES

The Planning Board 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 Planning Board is also authorized to retain and charge the Applicant fees to cover the cost for a Massachusetts licensed Professional Engineer or other professional consultant to advise the Planning Board or its Designated Agent on any or all aspect of the project. The Applicant for a Land Disturbance 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 Town before the review process may begin.

11. SURETY

The Planning Board or its Designated Agent 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 to insure that the work will be completed in accordance with the permit. If the project is phased, the Planning Board or tis Designated Agent 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 Planning Board or its Designated Agent has received the final report as required in the Regulations and issued a Certificate of Completion.

12. PERFORMANCE STANDARDS

Criteria for erosions and sediment control and post-construction stormwater management, including stormwater performance standards, shall be defined and included as part of Regulations.

13. ENFORCEMENT

13.1 The Planning Board or its Designated Agent shall enforce this Bylaw, its Regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations including injunctive relief and monetary damages and costs of litigation and attorney fees for such violations and for abatement and mitigation and compliance actions.

13.2 The Planning Board or its Designated Agent may issue a written order to enforce the provisions of this Bylaw or the Regulations thereunder, which may include:

(A) A requirement to cease and desist from the land-disturbing activity until there is compliance with this Bylaw or provisions of the land-disturbance permit;
(B) Maintenance, installation or performance of additional erosion and sediment control measures;
(C) Monitoring, analyses, and reporting;
(D) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity; and
(E) Compliance with the Operation and Maintenance Plan.

13.3 If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Dunstable may, at its option, undertake such work, and the property owner shall reimburse the Town's expenses.

13.4 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 Dunstable, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Planning Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Planning Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall begin to accrue interest at the rate

provided in M.G.L. 59, § 57, after the thirty-first day following the day on which the costs were due. Said costs and interest may be secured through a municipal charges lien on the property, pursuant to M.G.L. c. 40, § 58.

13.5 Criminal Penalty. Any person who violates any provision of this Bylaw, Regulation, order or permit issued there under, shall be punished by a fine of not more than $300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

13.6 Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Dunstable may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D, which has been adopted by the Town in the Town of Dunstable Non-Criminal Disposition Bylaw, in which case the Planning Board or its Designated Agent shall be the enforcing person. The penalty for each violation shall be $300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

14. WAIVERS

14.1 The Planning Board may grant a waiver from the provisions of this Bylaw at its discretion and after due consideration and consultation with the Board of Selectmen, Conservation Commission, Board of Health, Road Commissioners and Town Engineer where it makes a written finding that such action is:

(A) Allowed by federal, state and local statutes and/or regulations;
(B) In the public interest; and
(C) Consistent with the purpose and intent of this Bylaw.

14.2 No waiver shall be granted unless the Applicant demonstrates that the enforcement of this Bylaw would be manifestly unjust and the Applicant has established that a level of protection for public health, safety, welfare or the environment at least equivalent to that provided under this Bylaw can be achieved without strict application of this Bylaw and/or the Regulations.

15. 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.

STORMWATER MANAGEMENT AND EROSION CONTROL AND POST CONSTRUCTION BYLAW

(HISTORY: Adopted ATM May 15, 2021, Article 23; approved by the Attorney General August 30, 2021)

1. PURPOSE

1.1 To acknowledge and address the fact that the United States Environmental Protection Agency has identified sedimentation and polluted stormwater runoff from land disturbance activities and polluted stormwater runoff from land development as major sources of water

pollution, impacting drinking water supplies, natural habitats, and recreational resources;

1.2 To provide for the health, safety, and general welfare of the citizens of the Town of Dunstable through the protection of water bodies and groundwater resources by the regulation of activities that result in disturbance of land and the creation of stormwater runoff;

1.3 To establish the Town of Dunstable's legal authority to ensure compliance with the provisions of this Bylaw through the establishment of stormwater management standards and conditions that result in the minimization of offsite and downstream adverse impacts from development and redevelopment projects to abutters, townspeople and the general public;

2. OBJECTIVES

2.1 To comply with state and federal statutes and regulations relating to stormwater discharges of new and final conditions that result from development and redevelopment projects to minimize adverse impacts offsite and downstream which would be borne by abutters, townspeople and the general public and to ensure compliance with the provisions of this Bylaw through inspections, monitoring and enforcement by:

(A) Protecting water resources;

(B) Preventing pollutants from entering the Municipal Separate Storm Sewer System (MS4) and to minimize discharge of pollutants from the MS4;

(C) Controlling the volume and rate of stormwater runoff resulting from land disturbance activities and redevelopment sites into the Town's stormwater drainage system in order to minimize and prevent potential impacts of flooding and erosion;

(D) Requiring practices to manage and treat stormwater runoff generated from new development and redevelopment;

(E) Protecting groundwater and surface water from degradation or depletion;

(F) Promoting infiltration and the recharge of groundwater;

(G) Requiring practices that minimize soil erosion and sedimentation;

(H) Preventing flooding and erosion on abutting properties;

(I) Ensuring 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;

(J) Ensuring adequate long-term operation and maintenance of structural stormwater best management practices so they work as designed and;

(K) Requiring 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.

3. DEFINITIONS

ABUTTER: The owner(s) of land adjacent to a land disturbance site.

AGRICULTURAL USE: The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act (M.G.L. c. 131 § 40) and its implementing regulations (310 CMR 10.00).

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

APPLICANT: The owner of record of the land shown on any plan or application submitted for approval to the Planning Board or other approving authority in accordance with this Bylaw and its Regulations.

AUTHORIZED ENFORCEMENT AGENCY: The Town of Dunstable Planning Board, its employees or agents designated to enforce 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

THE BOARD: Town of Dunstable's Planning Board

CERTIFICATE OF COMPLETION: A document issued by the Issuer of a Land Disturbance Permit which confirms that all documents, final digital and hard copy as-built plans, and final reports have been submitted and all work required by the terms of a Land Disturbance Permit has been satisfactorily completed in accordance with this Bylaw and its Regulations.

CLEARING: Any activity that removes the vegetative surface cover and/or organic layer. Clearing activities generally include grubbing activity as defined below.

DESIGNATED AGENT: Any person or entity designated by the Planning Board and approved by the Board of Selectmen to assist in the administration, implementation and enforcement of this Bylaw and its Regulations.

DESIGN CRITERIA: Engineering design criteria as contained in the Regulations authorized under this Bylaw.

DETENTION: The temporary storage of stormwater runoff.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of an existing 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.

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.

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 limits water infiltrating the underlying soil. Impervious surface includes without limitation: roads, paved parking lots, sidewalks, sports courts and rooftops. Impervious surface also includes soils, gravel driveways, and similar surfaces with a Rational Method runoff coefficient greater than 0.85 or a NRCS Method Curve Number 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.

LAND DISTURBANCE PERMIT: A permit issued by the Planning Board or its Designated Agent pursuant to this Bylaw.

LOT: An area of land, in uniform ownership, with definite boundaries ascertainable by deed, plan, or other means.

MASSACHUSETTS ENDANGERED SPECIES ACT: (M.G.L. c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the "taking" of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Policy addresses 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.

MASSACHUSETTS WETLANDS PROTECTION ACT: (M.G.L. c.131, s. 40) and its implementing regulations (310 CMR 10.00)

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

NEW DEVELOPMENT: Any construction activities or disturbance of land resulting in total earth disturbances equal to or greater than 22,000 square feet (or activities that are part of a larger common plan of development disturbing greater than 22,000 square feet) on an area that has not previously been developed to include impervious cover.

OPERATION AND MAINTENANCE PLAN: A plan developed by a Massachusetts licensed Professional Engineer (PE) 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 concentrated 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: Shall be the owner of record of the lot or lots shown on any plan submitted. The owner shall submit the title reference or references from the Middlesex North District Registry of Deeds or Land Court if Registered Land indicating the owner of record.

PAVEMENT: The surface of an area which consists of but is not limited to bituminous concrete, cement concrete, or paving bricks made of masonry or stone or like material that creates a impervious surface.

PAVING: The act of installing pavement.

PERMITTEE: The person who holds a Land Disturbance Permit and therefore bears the responsibilities and enjoys the privileges conferred thereby.

PERSON: An individual, partnership, association, firm, company, trust, corporation, other legally established entity, 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.

RECHARGE: Addition of stormwater runoff to the groundwater by natural or artificial means.

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

REGULATIONS: The regulations promulgated by the Planning Board in accordance with Section 6.2 of this Bylaw.

RETENTION: The holding of stormwater runoff in a basin without release except by means of evaporation, infiltration, or emergency bypass.

RUNOFF: Rainfall, snowmelt, groundwater seepage 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, silt, clay and gravel.

STORMWATER: Stormwater runoff, snow melt runoff, surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN: A document containing narrative, drawings and details prepared by a Massachusetts licensed qualified Professional Engineer (PE) which includes structural and non-structural 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.

TOTAL SUSPENDED SOLIDS (TSS): Material, including but not limited to, trash, debris, soils, silts, sediment, particulates and sand suspended in stormwater.

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 M.G.L. c. 131, s.40 and regulations promulgated

thereunder, and in the Town of Dunstable Wetlands Protection Bylaw and regulations promulgated thereunder.

WETLANDS: As defined in the Dunstable Wetlands Protection Bylaw and Conservation Commission regulations.

4. AUTHORITY

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

5. APPLICABILITY

5.1 This Bylaw shall apply to all development and redevelopment operations, to all water entering directly or indirectly into the Municipal Storm Drain System on public or ways within the Town, and to any direct discharge into the surface waters, ground waters and watercourses within the Town. Except in accordance with a Land Disturbance Permit issued pursuant to this Bylaw, no person shall perform any Land Disturbance that results in one or more of the Regulated Activities defined in Section 5.2 that is not an Exempt Activity listed in Section 5.3.

5.2 Regulated Activities subject to a Land Disturbance Permit shall include two tiers of permitting:

(A) Tier I

i. Land Disturbance of 22,000 square feet or more of land, associated with development or redevelopment of a site; or
ii. 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 22,000 square feet or more of land; or
iii. Paving or other change in surface material that will create or disturb 22,000 square feet or more of Impervious Surface; or
iv. Construction of a new drainage system or alteration of an existing drainage system or conveyance serving a drainage area of 22,000 square feet or more of land; or
v. Any other activity altering the surface of an area of 22,000 square feet or more that will, or may, result in increased stormwater runoff flowing from the Site into a public way or

the Municipal Storm Drain System.

(B) Tier II

i. Land Disturbance of 40,000 square feet or more of land, associated with development or redevelopment of a site; or

ii. 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 40,000 square feet or more of land; or

iii. Paving or other change in surface material that will create or disturb 40,000 square feet or more of Impervious Surface; or

iv. Construction of a new drainage system or alteration of an existing drainage system or conveyance serving a drainage area of 40,000 square feet or more of land; or

v. Any other activity altering the surface of an area of 40,000 square feet or more that will, or may, result in increased stormwater runoff flowing from the Site into a public way or the Municipal Storm Drain System; or

vi. Land Disturbance where there is a 15% or greater slope and where the Land Disturbance is greater than or equal to 200 square feet within the sloped area.

5.3 Exemptions: The following activities or flows from the following sources are exempt from the provisions of this Bylaw:

(A) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;

(B) Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling, commercial, industrial and/or multi-family dwelling;

(C) The construction of fencing that will not substantially alter existing terrain or drainage patterns;

(D) Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;

(E) . Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or the original purpose of the site

(F) Municipal waterline flushing;

(G) Flow from potable water sources;

(H) Springs;

(I) Natural flow from riparian habitats and wetlands;

(J) Diverted stream flow;

(K) Rising groundwater;

(L) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005 (2), or uncontaminated pumped groundwater;

(M)

(N) Water from the exterior foundation drains, roof drains, footing drains (not including active ground water dewatering systems), or air conditioning condensation;

(O) Discharge from landscape irrigation or lawn watering;
(P) Water from residential activities, including, but not limited to, car washing, washing walkways, patios, house siding, windows, or similar exterior structure related washing activities;
(Q) Discharge from de-chlorinated swimming pool water(less than one ppm total chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
(R) Discharge from street sweeping;
(S) Uncontaminated groundwater discharge from a sump pump;
(T) Discharges or flows resulting from fire-fighting activities;
(U) Dye testing, provided verbal notification is given to the Planning Board or its Designated Agent prior to the time of the test and providing resulting concentrations are not at levels detrimental to resident aquatic organisms;
(V) Non-storm water 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
(W) Discharge for which advanced written approval is received from the Planning Board or its Designated Agent as necessary to protect public health, safety, welfare or the environment.
(X) Construction of utilities other than drainage systems that will not alter terrain, ground cover or drainage patterns;
(Y)
(Z) Emergency repairs to any stormwater management facility or practice that poses a threat to public health, safety, welfare or the environment;
(AA) Repair of septic systems when required by the Board of Health for the protection of public health;
(BB) Any work or projects for which all necessary local approvals and permits have been issued prior to the effective date of this Bylaw;
(CC) Any land disturbance that results in a cumulative land disturbance of less than 22,000 square feet, provided that appropriate erosion and sedimentation controls are in place and properly maintained;
(DD) The construction of fencing that will not alter existing terrain or drainage patterns; and
(EE) The construction, improvement and maintenance of Town public ways and appurtenances.

5.4 When there is any question as to whether an activity is exempt from this Bylaw and the Regulations, the Planning Board shall make a definitive ruling as to the applicability of this Bylaw and the Regulations to the activity in question.

5.5 As authorized in the Phase II Small MS4 General Permit for Massachusetts, Stormwater discharges resulting from the activities identified in Section 5 that are wholly subject to jurisdiction under the

Wetlands Protection Act and demonstrate compliance with the Massachusetts Stormwater Management Policy as reflected in an Order of Conditions issued by the Conservation Commission or Condition of Approval issued by the Planning Board for a Subdivision or Site Plan Special Permit are exempt from compliance with this Bylaw

6. ADMINISTRATION

6.1**.** The Planning Board, shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the Planning Board in this Bylaw may be delegated in writing to a Designated Agent upon a majority vote of the Planning Board and approval by the Board of Selectmen.

6.2 The Planning Board shall promulgate the Regulations to implement this Bylaw and shall establish fees and penalties to enforce this Bylaw. The Planning Board may periodically amend the Regulations, fees, and penalties as needed to effectuate the purposes of this Bylaw. Adoption of and revisions to regulations may only be made after conducting a public hearing to receive comments on any proposed regulations or revisions. Such hearing dates shall be advertised once in a newspaper of general circulation in Dunstable, at least 14 days before the hearing date. Such hearing shall comply with all aspects of the Massachusetts Open Meeting Law.

6.3 In promulgating the Regulations under this Bylaw, the Planning Board shall, at a minimum, follow and utilize the specifications and standards of the latest edition of the Massachusetts Stormwater Management Handbook as amended and issued by Massachusetts Department of Environmental Protection, or any successor publication so issued in this context.

6.4 Failure on the part of the Planning Board to promulgate the Regulations authorized by this Bylaw or fee and penalty structures shall not have the effect of suspending or invalidating this Bylaw.

6.5 The Planning Board or its Designated Agent shall review all applications for a Land Disturbance Permit, conduct inspections, issue a final permit and conduct any necessary enforcement action, as set forth herein:

6.5.1 Land Disturbance Permits shall be issued as follows:

(A) Tier I Land Disturbance Permits shall be issued by the Planning Board's Designated Agent and shall not require review by the Planning Board.
(B) Tier II Land Disturbance Permits shall be issued by the Planning Board.

6.5.2 Following receipt of a completed application, the Planning Board or its Designated Agent shall seek review and comments from the Road Commissioners and Town Engineer. The Planning Board or its Designated Agent shall not make a decision on the pending permit until it has received comments from the Road Commissioners and the Town Engineer or until these entities have allowed thirty (30) calendar days to elapse after receipt of the application materials without submission of comments.

6.5.3 When issuing a decision on an application, the Planning Board or its Designated Agent shall:

6.5.3.1 Approve the application and issue a Land Disturbance Permit upon finding that the proposed stormwater controls meet the objectives and requirements of this Bylaw and the Regulations;

6.5.3.2 Approve the application and issue a Land Disturbance Permit with conditions necessary to ensure that the project's stormwater controls will meet the objectives and requirements of this Bylaw and the Regulations;

6.5.3.3 Disapprove the application and deny a permit if it finds (a) that the proposed stormwater controls fail to meet the objectives and requirements of this Bylaw or the Regulations, or (b) that the information submitted with the application was insufficient to allow one of the determinations set forth Section 6.5.3.1 or Section 6.5.3.2.

6.5.4 The Planning Board or its Designated Agent shall take final action on an application within sixty (60) days of date the application was filed with the Town. A copy of the final action shall be filed with the Town Clerk. Certification by the Town Clerk that the allowed time has passed without final action being taken shall be deemed a grant of the Land Disturbance Permit.

6.6 The filing of an application for a Land Disturbance Permit required under this Bylaw shall constitute a grant of permission to the Planning Board and/or its Designated Agent to enter the site in order to verify the information in the application and to inspect for compliance with permit conditions.

6.7 Appeals: A decision on an application for a Land Disturbance Permit by the Planning Board shall be final. Further relief from a decision by the Planning Board made under this Bylaw shall be reviewable in the Superior Court pursuant to M.G.L. c. 249, § 4. The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

6.8 Any action by the Designated Agent of the Planning Board may be appealed to the Planning Board.

7. PROHIBITED ACTIVITIES

7.1 Illicit Discharges: No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the Municipal Storm Drain System or the surface and ground waters and watercourses within the Town of Dunstable except as noted in Section 8 of this Bylaw.

7.2 Illicit Connections: No person shall construct, use, allow, maintain or continue any illicit connection to the Municipal Storm Drain System, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

7.3 Obstruction – Storm Drainage Systems: No person shall obstruct or interfere with the normal flow of stormwater in or out of the Municipal Storm Drain System without prior written approval from the Planning Board or its Designated Agent.

8. PERMIT PROCEDURES

Permit procedures and requirements, including permit submittals, right-of-entry, fee schedule (including requirements to post acceptable security), fine schedule, and public hearing process, shall be defined and included as part of the Regulations.

9. FEES

The Planning Board 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 Planning Board is also authorized to retain and charge the Applicant fees to cover the cost for a Massachusetts licensed Professional Engineer or other professional consultant to advise the Planning Board or its

Designated Agent on any or all aspect of the project. The Applicant for a Land Disturbance 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 Town before the review process may begin.

10. SURETY

The Planning Board or its Designated Agent 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 to ensure that the work will be completed in accordance with the permit. If the project is phased, the Planning Board or its Designated Agent 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 Planning Board or its Designated Agent has received the final report as required in the Regulations and issued a Certificate of Completion.

11. PERFORMANCE STANDARDS

Criteria for erosions and sediment control and post-construction stormwater management, including stormwater performance standards, shall be defined and included as part of Regulations.

12. INSPECTIONS

12.1 The Board shall inspect the project site at the following stages:

(A) Initial Site Inspection: prior to approval of any plan.

(B) Erosion Control Inspection: to ensure erosion control practices are in accord with the filed plan.

(C) Bury Inspection: prior to backfilling of any underground drainage or stormwater conveyance structures.

(D) Final Inspection. After the stormwater management system has been constructed and before the surety has been released, the applicant must submit a record plan detailing the actual stormwater management system as installed. The Board shall inspect the system to confirm its "as-built" features. This inspector shall also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate, he or she shall so report to the Board which will issue a Certificate of Completion.

12.2 If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Plan, it shall be corrected by the permittee before the performance guarantee is released. If the permittee fails to act the Town may use the surety bond to complete the work. Examples of inadequacy shall be limited to: errors in

the infiltrative capability, errors in the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges from basins.

13. ENFORCEMENT

13.1 The Planning Board or its Designated Agent shall enforce this Bylaw, its Regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations including injunctive relief and monetary damages and costs of litigation and attorney fees for such violations and for abatement and mitigation and compliance actions.

13.2 The Planning Board or its Designated Agent may issue a written order to enforce the provisions of this Bylaw or the Regulations thereunder, which may include:

(A) A requirement to cease and desist from the land-disturbing activity until there is compliance with this Bylaw or provisions of the land-disturbance permit;
(B) Maintenance, installation or performance of additional erosion and sediment control measures;
(C) Monitoring, analyses, and reporting;
(D) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity; and
(E) Compliance with the Operation and Maintenance Plan.

13.3 If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Dunstable may, at its option, undertake such work, and the property owner shall reimburse the Town's expenses.

13.4 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 Dunstable, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Planning Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within

thirty (30) days following a decision of the Planning Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall begin to accrue interest at the rate provided in M.G.L. 59, § 57, after the thirty-first day following the day on which the costs were due. Said costs and interest may be secured through a municipal charges lien on the property, pursuant to M.G.L. c. 40, § 58.

13.5 Criminal Penalty. Any person who violates any provision of this Bylaw, Regulation, order or permit issued there under, shall be punished by a fine of not more than $300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

13.6 Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Dunstable may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D, which has been adopted by the Town in the Town of Dunstable Non-Criminal Disposition Bylaw, in which case the Planning Board or its Designated Agent shall be the enforcing person. The penalty for each violation shall be $300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

14. WAIVERS

14.1 The Planning Board may grant a waiver from the provisions of this Bylaw at its discretion and after due consideration and consultation with the Board of Selectmen, Conservation Commission, Board of Health, Road Commissioners and Town Engineer where it makes a written finding that such action is:

(A) Allowed by federal, state and local statutes and/or regulations;
(B) In the public interest; and
(C) Consistent with the purpose and intent of this Bylaw.

14.2 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.

14.3 All waiver requests shall be discussed and voted on at the public hearing for the project.

14.4 If in the Board's opinion, additional time or information is required for review of a

waiver request, the Board may continue a hearing to a date certain announced at the meeting.
In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

14.5 No waiver shall be granted unless the Applicant demonstrates that the enforcement of this Bylaw would be manifestly unjust and the Applicant has established that a level of protection for public health, safety, welfare or the environment at least equivalent to that provided under this Bylaw can be achieved without strict application of this Bylaw and/or the Regulations.

15. 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.

STREETS, WAYS, AND DRIVEWAYS BYLAW

(History: Adopted ATM 5/8/17 Article 28; Approved by the Attorney General 9/11/17)

Section 1. Purpose

In order to provide public safety through the orderly control of work within and traffic on public ways and streets and to provide adequate drainage of driveways where required, new driveways and entrances shall be built or reconstructed according to a uniform standard of design and layout.

Section 2. Procedure

a. Prior to any construction, disturbance of the surface of a public way, or reconstruction or paving of a driveway (exclusive of sealing, sealcoating, and patching), the owner or its agent shall submit a written application for approval to the Board of Road Commissioners, except in an emergency as determined and authorized by the Board of Road Commissioners or by the Highway Superintendent. Before approval is granted, the application shall be referred to other boards and/or commissions as deemed necessary by the Board of Road Commissioners.

b. Street Opening Permits or Driveway Permits will be issued only in accordance with this Bylaw and the Rules and Regulations adopted by the Board of Road Commissioners.

c. All applications for Street Opening Permits or Driveway Permits shall be in compliance with the Rules and Regulations in regard to form, submission, manner of completion, and required accompanying documents or materials.

Section 3. Rules and Regulations

The Board of Road Commissioners shall adopt and may from time to time amend reasonable Rules and Regulations in order to facilitate the proper operation of this bylaw, the safety of persons, the protection of public and private property, and regulate the work carried out under permits issued pursuant hereto.

Section 4. Waivers

Any requests for waivers shall be directed to the Board of Road Commissioners, who shall have the authority to grant or deny said requests, in light of the purposes of this Bylaw and public necessity.

Section 5. Performance Bond

A satisfactory bond of a surety company authorized to do business in the Commonwealth of Massachusetts in a sum required by the Board of Road Commissioners or the Rules and Regulations, conditioned substantially that the applicant shall guarantee the faithful and satisfactory performance of the work in all respects, and shall replace or restore that portion of any public way in which said applicant, his employees or agents make an excavation. Bonds from Utility Companies that are self-insured will be acceptable if the terms and conditions are similar.

Section 6. Liability

Liability for damage to private property abutting the construction and caused by permittee, his agents or servants, shall be borne solely by the permittee performing the work. The application for any permit by an applicant and the issuance thereof shall constitute an agreement between said permittee and the Town of Dunstable, whereby the permittee shall indemnify, hold harmless and defend the Town of Dunstable against any and all claims for damages for injuries to persons or property, and against all costs, suits, expenses and losses occasioned by or arising from said permittee or his agents or servants entering upon the public ways of the Town and from occupancy and use of said public ways for purposes of construction, disturbance of the surface of a public way, or reconstruction or paving of a driveway, and said permittee shall further be required to provide a policy or policies of insurance issued be a company authorized to issue such insurance in the Commonwealth of Massachusetts, providing bodily injury liability coverage and property damage liability coverage with limits as required by the Commissioners or provided in the Rules and Regulations. The Town of Dunstable shall be a named as additional insured in such policies.

Section 7. Inspections and Fees

The Board of Road Commissioners reserves the right to inspect the proposed site before, during and after construction. The Board of Road Commissioners may establish reasonable fees for applications and inspections.

Section 8. Enforcement and Penalties

a. This Bylaw shall be enforced by the Board of Road Commissioners or its designated agent, and may be enforced by non-criminal disposition pursuant to the Non-Criminal Disposition Bylaw and Section 21D of Chapter 40 of the General Laws.

b. Any person who violates or refuses to comply with any provision of this Bylaw or with any order or orders hereunder promulgated shall forfeit and pay to the use of the Town of Dunstable a sum of one hundred [$100.00] dollars for each violation.

c. Each day, or portion of a day, that any violation is allowed to continue shall constitute a separate violation of this Bylaw.

Section 9. Emergency

a. Nothing in this Bylaw shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or the location of trouble in conduit, cable, or pipe, or for making repairs, provided that the person making such excavation shall first obtain the authorization of the Road Commissioners or the Highway Superintendent, or if not feasible, such person shall apply to the Board of Road Commissioners or the Highway Superintendent for an emergency permit on the first working day after such emergency work is commenced.

b. The person engaged in emergency action shall notify the Police Department and Fire Department of the Town and any pertinent Public Utility Companies at the start of the emergency work.

Section 10. Severability

Each of these sections shall be construed as separate to the end that if any section or paragraph, sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that section and all other sections of this Bylaw shall continue in full force.

Section 11. Inconsistencies

All provisions of this Bylaw, insofar as possible, shall be read and construed to be consistent with other existing bylaws or Rules and Regulations of the Town. Insofar as there are or appear to be inconsistencies in such regard, the provisions of such other existing Bylaws or Rules and Regulations shall be deemed insofar as permissible by law to be inapplicable, but only to the extent that they bear directly upon permits issued therefore pursuant to this Bylaw.

1. By amending Section 5 of the Non-Criminal Disposition Bylaw, by replacing the phrase “Street Excavation Bylaw” with the phrase “Streets and Ways Bylaw”;
2. By deleting in its entirety the Driveway and Entrance Bylaw; and
3. By deleting in its entirety the Street Excavation Bylaw.

STRETCH ENERGY CODE BYLAW

[HISTORY: Adopted by Special Town Meeting 10/15/2019; Approved by the Attorney General 01/17/2020]

Section 1. Adoption. The Town has adopted the provisions of 780 CMR 115 AA (i.e., Appendix 115.AA of the State Building Code or the "Stretch Energy Code"), as it may be amended from time to time, effective in the Town beginning on July 1, 2020.

Section 2. Purpose. The purpose of the Stretch Energy Code is to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code.

SUSPENSION OR REVOCATION OF LICENSES OR PERMITS FOR NONPAYMENT OF TAXES AND MUNICIPAL CHARGES

(HISTORY: (HISTORY: Adopted May 9, 2016 ATM Article 31; Approved by Attorney General July 15, 2016)

Section 1. Delinquent List:

The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any

local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

Section 2. Authority to Deny or Revoke Licenses or Permits:

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

Section 3. Payment Agreements:

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

Section 4. Determination of Business Interests:

The board of selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or

stockholders, if any, or members of his immediate family, as defined in M.G.L. c. 268A, § 1, in the business or activity conducted in or on said property.

Section 5. Exceptions:

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

License or Permit	Statutory Citation
Open burning	M.G.L. c. 48, § 13
Bicycle Permits	M.G.L. c. 85, § 11A
Sales of articles for charitable purposes	MGL c. 101, § 33
Children work permits	MGL c. 149, § 69
Clubs, associations dispensing food or beverages licenses	MGL c. 140, § 21E
Dog licenses	MGL c. 140, § 137
Fishing, hunting, trapping licenses	MGL c. 131, § 12
Marriage licenses	MGL c. 207, § 28
Theatrical events, public exhibition permits	MGL c. 140, § 181

TOWN MEETING, TOWN ELECTIONS & RECORDS

(HISTORY: Adopted February 25, 1974 ATM Article 18; Approved by Attorney General March 21, 1974)
[Amended April 22, 1980 ATM Article 26 "Section 1"; Approved by Attorney General July 28, 1980; Amended May 8, 1995 ATM Article 22 "Section 3 Under Article 1"; Approved by Attorney General June 6, 1995]
[Amended June 9, 2009 STM Article 4 "Article 1, Section 4"; Approved by Attorney General July 28, 2009]
[Amended January 25, 2010 STM Article 7 "Section 7"; Approved by Attorney General February 23, 2010]
[Amended May 9, 2016 ATM Article 30 "Article III, §1"; Approved by Attorney General July 15, 2016]
[Amended May 8, 2017 ATM Article 29, 30 and 31, Article 2 Sections 3 and 4; Approved by Attorney General September 11, 2017]

[Amended May 14, 2018 ATM Article 14; Section 7 Added To Records and Reports; Approved by the Attorney General July 11, 2018]

Amended: ATM 04-10-1989 Revised Article #36

Amendment of 04/22/80 changed date of Annual Town Meeting from February to third Monday in April of each year and Annual Town Election from February to fourth Monday in April of each year. Amendment of 04/10/89 changed Town Meeting to 2nd Monday in May and Town Election to 3rd Monday in May. Amendment of 05/08/95 increased the required time for submittal of Annual Town Meeting warrant articles and clarified filing requirements.

ARTICLE I - TOWN MEETINGS

Section 1. The Annual Town Meeting shall be held on the second Monday of May each year. [Amended]

Section 2. The Warrant for the Town Meeting shall be directed to the Constables who shall post attested copies thereof at least seven days before the meeting in two or more public places in the Town, one of which shall be the Post Office; and, the Selectmen shall be required to send notice of any and all Special Town Meeting by mail to each household.

Section 3. Articles to be inserted in the warrant for any Town Meeting must be in writing, signed by the petitioner or petitioners and delivered to the Selectmen. Such petitioner(s) shall be registered voters of the Town. Articles to be inserted in the warrant for Annual Town Meeting shall be delivered to the Selectmen forty five (45) days prior to the date set for posting the warrant. All other requirements shall be as provided in Section 10 of Chapter 39 of the General Laws, as amended from time to time. Nothing in this section shall be construed to limit the power of the Selectmen to insert articles in any warrant under the authority of their office. [Amended]

Section 4. Upon check in, voters shall be issued a voting card for that meeting which must be held up for all hand votes on articles, whenever a hand count is required. Only those voters holding cards shall be included in the count. **[Amended STM 6/9/2009 Article 4]**

Section 5. The records of the Town Meeting shall, unless otherwise directed by the meeting, be read to the meeting by the Town Clerk for approval before adjournment.

Section 6. The Clerk shall give to each person elected or appointed at any Town Meeting to any Town Office, board or committee notice in writing of such election or appointment stating the names of each of the other members of any such board or committee and the general nature of the duties thereof.

Section 7. 50 Registered voters shall constitute a quorum, provided that, for the limited purpose of convening a special or annual town meeting in order that it may act to postpone the meeting to a day certain under circumstances of inclement weather or other circumstances that render the conduct of a town meeting impracticable, one (1) registered voter shall constitute a quorum **[Amended STM 1/25/2010 Article 7]**

ARTICLE II - TOWN ELECTIONS

Section 1. The election of Town Officers shall be on the third Tuesday of May each year. The polls shall be open from twelve o'clock noon until eight o'clock in the evening. **[Amended ATM 5/8/17 Article 31]**

Section 2. Subject to the provisions of the General Laws, any duly elected person holding a Town Office as of the effective date of this by-law, shall hold such office until a successor is duly elected and qualified.

Section 3. In the election of write-in candidates to town offices the candidate must be verified by the Town Clerk as a registered voter to be declared elected. **[Added ATM 5/8/17 Article 29]**

Section 4. The term of the Town Moderator shall be three years. **[Added ATM 5/8/17 Article 29]**.

ARTICLE III - RECORDS AND REPORTS

Section 1. The Selectmen shall cause notice of the availability of the Annual Town Reports to be mailed to each household at least five (5) days before the Annual Town Meeting, specifying not fewer than two accessible locations in Dunstable at which copies can be obtained, including when feasible the Town Hall and the Library**. [Amended ATM 5/9/16 Article 30]**.

§ 2. Each board, permanent committee, head of a department and other officer of the Town shall annually submit to the Selectmen a written report setting forth clearly and completely the work of such board, committee, department or officer during the preceding year, provided, however, that reference may be made in such report to the report to the Town Accountant in respect to the detail of the financial transactions of such board, committee, department or officer. Each such report shall be set forth in the next annual Town report.

§3. All reports other than reports of progress in temporary committees shall be submitted in writing to the Town Meeting and shall be filed with the Town Clerk for preservation; the acceptance thereof by vote of the Town Meeting shall discharge the committee, but shall not operate as an adoption of recommendations contained in any such report unless the vote shall expressly provide otherwise.

§4. Each board, committee, head of department and other officer of the Town, having the charge of the expenditures of money, shall annually submit to the Selectmen, to the Accountant and to the Advisory Committee of the Town an itemized estimate of the requirements of such board, committee, department or other office for the succeeding year, with a brief statement explaining any changes from the amounts appropriated for the same purpose in the preceding year. The Accountant shall immediately, at the close of the year, compile a statement of such estimates, together with the appropriations and expenditures of the previous year, and forthwith furnish copies of such statement to the Selectmen and to the Advisory Committee.

§5. Within fifteen days after each annual or special Town Meeting, the Clerk shall submit to the Selectmen a copy of the warrant for such meeting, and a written report of the action taken at such meeting. The Selectmen shall reserve such copies and reports for their use and reference and shall incorporate them in the next annual Town Report.

§6. Within five days after each annual or special Town Meeting, the Clerk shall submit to the Board of Assessors and the Accountant, a written report of appropriations voted at such meeting.

§7. The Town Clerk is authorized to assign appropriate numbers to sections, subsections, paragraphs, and subparagraphs of the General Bylaws and Zoning Bylaws where none are approved by Town Meeting, and, if such numbers are approved by Town Meeting, after consultation with the Board of Selectmen, the Town Clerk is authorized to make non-substantive, editorial revisions to ensure consistent and appropriate sequencing and numbering, provided any such editorial revision shall be identified by a footnote or other convention. **[Adopted ATM 5/14/18 Article 14]**.

Water Supply Protection Bylaw

(Adopted 5-12-2008 ATM Article 20; Approved by Attorney General 9-29-08;

Effective date of Bylaw October 29, 2008)

1. PURPOSE OF BYLAW

The purpose of this Water Supply Protection Bylaw is to:

a. promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses of the Town of Dunstable;

b. preserve and protect existing and potential sources of drinking water supplies;

c. conserve the natural resources of the Town of Dunstable; and

d. prevent temporary and permanent contamination of the environment.

2. JURISDICTION

No person shall perform any action or carry on any activity in or on any land within the Dunstable Water Supply Protection Area that is prohibited hereunder.

3. DEFINITIONS

Aquifer: Geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water by means of wells of any appropriated type or design.

Water Supply Protection Area: Those land area(s) designated on a map adopted pursuant to this Bylaw that provide direct recharge to an existing or planned public drinking water supply well. The Water Supply Protection Area includes the area designated as a Zone II previously approved by the Massachusetts DEP, or its successor.

Hazardous Material: Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water. Hazardous materials include, without limitation: synthetic organic chemicals; petroleum products; heavy metals; radioactive or infectious wastes; acids and alkalis; solvents and thinners in quantities greater than normal household use; and all substances defined as hazardous or toxic under M.G.L. c. 21C and 21E and 310 CMR 30.00.

Hazardous Waste: Any waste defined in the Massachusetts Hazardous Waste Regulations, 310 CMR Section 30.010. This includes, but is not limited to, waste oil, waste solvents, waste oil-based paint and waste pesticides.

Impervious Surface: Material layer or structure on or above the ground that does not allow precipitation or surface water to penetrate directly into the soil.

Landfill: A facility established in accordance with a valid site assignment for the purposes of disposing solid waste into or on the land, pursuant to 310 CMR 19.006, or any subsequent regulation substantially similar thereto.

Petroleum Product: Petroleum or petroleum by-product including, but not limited to: fuel oil; gasoline; diesel; kerosene; aviation jet fuel; aviation gasoline; lubricating oils; oily sludge; oil refuse; oil mixed with other wastes; crude oils; or other liquid hydrocarbons regardless of specific gravity. Petroleum product shall not include liquefied petroleum gas including, but not limited to, liquefied natural gas, propane or butane.

Non-sanitary wastewater: Wastewater discharges from industrial and commercial facilities containing wastes from any activity other than collection of sanitary sewage including, but not limited to, activities specified in the Standard Industrial Classification (SIC) Codes set forth in 310 CMR 15.004(6).

Open Dump: A facility operated or maintained in violation of the Resource Conservation and Recovery Act (42 U.S.C. 4004(a)(b)), or state regulations and criteria for solid waste disposal.

Potential Drinking Water Sources: Areas that could provide significant potable water in the future.

Recharge Areas: Areas that collect precipitation or surface water and carry it to aquifers by means including direct surface runoff, infiltration, seepage and groundwater flow. Recharge areas include DEP approved Zone I, Zone II, or Zone III areas.

Septage: The liquid, solid, and semi-solid contents of privies, chemical toilets, cesspools, holding tanks, or other sewage waste receptacles. Septage does not include any material that is a hazardous waste as defined by 310 CMR 30.000.

Sludge: The solid, semi-solid, and liquid residue that results from a process of wastewater treatment or drinking water treatment. Sludge does not include grit, screening, or grease and oil which are removed at the head-works of a facility

Treatment Works: Any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation, or reuse of waterborne pollutants, but not including any works receiving a hazardous waste from off the site of the works for the purpose of treatment, storage, or disposal.

Very Small Quantity Generator: Any public or private entity, other than residential, which produces less than 27 gallons (100 kilograms) a month of hazardous waste or waste oil, but not including any acutely hazardous waste as defined in 310 CMR 30.136.

Waste Oil Retention Facility: A waste oil collection facility for automobile service stations, retail outlets, and marinas or any other source that generates or collects used oil and related petroleum products which is sheltered and has adequate protection to contain a spill, seepage, or discharge of petroleum waste products in accordance with M.G.L. c.21. §52A.

DEP Protection Designation Zones

Zone I: Four hundred (400') feet, the designated protective radius around a public water system well or well-field.

Zone II: The approved area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated as defined in 310 CMR 22.00.

Zone III: The land area beyond the area of Zone II from which surface water and groundwater drain into Zone II.

4. ESTABLISHMENT AND DELINEATION OF WATER SUPPLY PROTECTION AREAS

4.1 For the purposes of this Bylaw, there are hereby established within the Town of Dunstable certain groundwater protection areas, consisting of aquifers or recharge areas which are denominated, respectively, as follows: "DEP Zone Two Protective Area" (hereinafter, WSPA 1); "South Salmon Brook Protective Zone" (WSPA 2); "North Salmon Brook Protective Zone" (WSPA 3); and "Unkety Brook Protective Zone" (WSPA 4). The areas are delineated on a map entitled, "Dunstable Water Protection Zones." It is dated March 6, 2008. This map is hereby made a part of this Bylaw and is on file in the Office of the Town Clerk. Each such area, as well as all of them collectively, shall be deemed "the Dunstable Water Supply Protection Area.

5. DISPUTES RELATIVE TO WATER SUPPLY PROTECTION AREA

5.1. If the location of any land relative to the Water Supply Protection Area is in doubt, resolution of the boundary dispute shall be through an application to the Planning Board in the nature of an application for a special permit. Planning Board Rules and Regulations relative to Special Permits as well as notice and hearing provisions under Massachusetts zoning law shall govern such applications. Notwithstanding the foregoing, neither the proceeding nor this Bylaw shall be deemed to be governed under Chapter 40A of the Massachusetts General Laws, the Zoning Act. Any such application for this purpose shall be accompanied by documentation sufficient at a minimum to identify the parcel, the specific dispute, and the location of the Water Supply Protection Area boundary as contended by the petitioner. Following a hearing at which all interested parties shall be entitled to present their arguments and positions, the Planning Board shall make the final decision as to the location of the disputed property relative to the Water Supply Protection Area.

5.2. Proposed Water Supply Protection Areas 1, 2 and 3 have been determined on the basis of U. S. Government Soil Conservation Service designations of the soil types which are characterized as permeable soils which overlie contiguously the Salmon Brook aquifer system; and includes within its limits at a minimum, the Zone II protection area for the Town of Dunstable as approved by the Department of Environmental Protection. Proposed Water Supply Protection Area 4 has been determined in the same manner relative to the Unkety Brook aquifer system. Any application submitted pursuant to the preceding subsection shall be heard and processed with reference to these criteria. In the event any land the subject of such an application appears to fall within the boundary limits of any area identified in this

enactment, the burden of proof shall be upon the owner or applicant to demonstrate by clear and convincing evidence that such land does not fall within the Water Supply Protection Area. Any such proof shall at a minimum establish the fact that the land in question does not overlie the permeable soils that are contiguous to the aquifer system that provides the public water supply.

5.3. Where the boundary line or limits of the Water Supply Protection Area divide a lot or parcel, the requirements established by this Bylaw shall apply only to the portion of the lot or parcel located within the Water Supply Protection Area.

6. PROHIBITED ACTIVITIES

6.1 The following uses are prohibited within the Water Supply Protection Area:

a. landfills and open dumps as defined in 310 CMR 19.006;

b. automobile graveyards and junkyards, as defined in M.G.L. c. 140B, §1, or as limited under Dunstable's Junk and Unregistered Motor Vehicle Bylaw;

c. landfills receiving wastewater and/or septage residuals including those approved by the Department pursuant to M.G.L. c. 21 §§26 through 53; M.G.L. c. 111 §17; M.G.L. c. 83, §6 and 7, and regulations promulgated thereunder;

d. facilities that generate, treat, store, or dispose of hazardous waste that are subject to M.G.L. c. 21C and 310 CMR 30.00, except for:

1. very small quantity generators as defined under 310 CMR 30.000;
2. household hazardous waste centers and events under 310 CMR 30.390;
3. waste oil retention facilities required by M.G.L. c. 21, §52A;
4. water remediation treatment works approved by DEP for the treatment of contaminated waters.

e. petroleum, fuel oil, and heating oil bulk stations and terminals including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5983 and 5171, not including liquefied petroleum gas.

f. storage of liquid hazardous materials, as defined in M.G.L. c. 21E, and/or liquid petroleum products unless such storage is in full compliance with Massachusetts Laws, Rules and Regulations;

g. storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;

h. storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

i. storage of animal manure unless covered or contained within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

j. earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material to within 10 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, or utility works;

k. discharge to the ground of non-sanitary wastewater including industrial and commercial process waste water, except;

1. the replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;
2. treatment works approved by the Department of Environmental Protection designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13); and
3. publicly owned treatment works.

l. stockpiling and disposal of snow and ice containing deicing chemicals brought in from outside the Town;

m. storage of commercial fertilizers, as defined in M.G.L. c. 128, §64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

7. ACTIVITIES REQUIRING SPECIAL AUTHORIZATION

7.1 The following uses and activities are permitted only upon the issuance of a permit or special authorization by the Planning Board under such conditions as the board may reasonably require:

a. Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use or ordinary and usual agricultural practice (except as prohibited under Section 6). Such activities shall be reviewed and limited sufficiently to prevent contamination of groundwater;

b. The rendering impervious of any lot or parcel more than 15% or 2,500 square feet, whichever is greater. A system for groundwater recharge must be provided which does not degrade groundwater quality. For non-residential uses, recharge shall be by storm water infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are unfeasible.
For all non-residential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.

8. PROCEDURES REGARDING SPECIAL AUTHORIZATION APPLICATIONS

8.1. Authorization for activities described in the preceding section shall be granted if the Planning Board determines, after having solicited and received comment from the Board of Health, Conservation Commission, Board of Road Commissioners and Board of Water Commissioners that the Authorization may be granted without derogating from the intent and purposes of this enactment, in light of the specific criteria set forth herein, including Subsection 8.3., hereinbelow. If thirty-five (35) days have elapsed without response following referral to any of the aforementioned boards soliciting comment, it shall be noted in the Planning Board's decision that "Board/Commission X did not object to the proposal," or words of similar import. Nothing herein shall preclude any other Town officer, board or department from submitting advice or comment in regard to any application hereunder. The Planning Board shall not grant any such authorization under this section unless the petitioner's application materials include, in the Planning Board's opinion, sufficiently detailed, definite, and credible information to support affirmative findings in relation to the standards given in this enactment. The Planning Board shall document the basis for any departures from the recommendations of any responding Town boards, departments or commissions in its decision.

8.2. Special Applications hereunder shall be subject to the site plan provisions of Section 14 of the Town of Dunstable Zoning Bylaw, provided that such requirements may be modified or waived by the Planning Board in a specific instance upon application for good cause shown.

8.3 Any grant of an authorization hereunder shall include findings that the proposed use meets the standards specified in Section 6 of this Bylaw, and activity will:

a. in no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Water Supply Protection Area;

b. be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed or altered, in light of the purposes of the Water Supply Protection Area;

c. include a complete list of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use;

1. for those activities using or storing such hazardous materials, a hazardous materials management plan shall be prepared and filed with the Fire Chief and Board of Health. The plan shall include:

i. provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures;

ii. provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces;

iii. evidence of compliance with the Massachusetts Hazardous Waste Regulations 310 CMR 30.00; and

iv. proposed down-gradient location(s)for groundwater monitoring well(s), should the Planning Board deem the activity a potential groundwater threat.

9. ENFORCEMENT AND PENALTIES

9.1 Written notice of any violations of this Bylaw shall be given by the Board of Water Commissioners Inspector to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove, remedy or abate the violations and may specify preventive measures required for avoiding future violations as well as a schedule of compliance.

9.2 A copy of such notice shall be submitted to the Planning Board, Board of Health, Conservation Commission, Board of Road Commissioners, and the Dunstable

Police Department. The cost of any abatement, containment, clean-up, or other action of compliance shall be borne by the owner and operator of the premises.

9.3 The Board of Water Commissioners, its agents, officers, and employees, including without limiting the generality hereof, the Dunstable Police Department, shall have authority to enter upon privately owned land for the purpose of performing their duties under this Bylaw and may make such examinations, surveys or sampling as the commissioners deem necessary.

9.4 The Commissioners shall have authority to enforce this Bylaw, its regulations, and permits issued thereunder by violation notices, administrative orders, and civil and/or criminal court actions.

9.5 a. Whosoever violates any provision of this Bylaw shall be penalized by a criminal complaint brought in the district court or by a non-criminal disposition pursuant to Chapter 40, Section 21D of the General Laws.

b. Any person who upon application of criminal complaint brought in the district court and found guilty of a misdemeanor shall be fined in an amount not to exceed three hundred dollars ($300.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

c. Any person who is penalized by a non-criminal disposition brought pursuant to the provisions of Chapter 40, Section 21D of the General Laws, shall be subject to a specific penalty of one hundred dollars ($100.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

9.6 The Board of Water Commissioners is hereby empowered to notify the owner of any property in the Water Supply Protection Area of any violation hereof, and to order the cessation or abatement thereof. Such notice shall be by registered mail or certified mail, addressed to said owner at his last known address or such notice may be served upon such owner or agent by a constable or other legal officer as provided by law, and authorized to serve such process.

9.7 Upon the failure, neglect or refusal of any owner or agent so notified properly to abate such violations within such time as the Board of Water Commissioners deems reasonable, after receipt of such written notice provided for in the preceding sub-section, the Board of Water Commissioners is hereby authorized and empowered to pay for and carry out the abatement of such violation.

9.8 When the town has effected the abatement of such violation, the actual cost thereof, plus accrued interest at the rate of fourteen percent (14%) per annum from

the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the town and said charge shall be due and payable by said owner at the time of payment of such bill. And such claim for the expense by said Board of town in so doing shall constitute a debt due the town upon the completion of the work and the rendering of an account thereof to the owner, and is recoverable from such owner in an action of contract, together with interest thereon at the rate of fourteen per cent (14%) per annum from the date said debt becomes due and payable.

9.9 Where the full amount due the town is not paid by such owner within thirty (30) days after the abatement of such violation, as provided for in subsections 10.6 and 10.7 of this Bylaw, then, and in that case, the Board of Water Commissioners or the town may cause to be recorded, in the registry of deeds, a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which said work was done. The recording of such sworn statement shall constitute a lien on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes, Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law. Such lien may be dissolved by filing with the register of deeds for record or registration, as the case may be, in the county or district, if the county is divided into districts, where the land lies, a certificate from the collector of taxes of the town that the debt for which the lien attached, together with interest and costs thereon, has been paid or abated. Such collector shall have the same powers and be subject to the same duties with respect to such claim as in the case of the annual taxes upon real estate; and the provisions of law relative to the collection of such annual taxes, the sale or taking of land for the non-payment thereof, and the redemption of land so sold or taken shall apply to such claim.

10. SEVERABILITY

10.1 A determination that any portion or provision of this Bylaw is invalid shall not invalidate any other portion or provision thereof, nor shall it invalidate any Special Authorization previously issued thereunder."

or take any action in relation thereto.

WATER USE RESTRICTION BYLAW

(HISTORY: Adopted March 6, 2006, Special Town Meeting, Article 8; Approved by Attorney General June 14, 2006. Effective Date of Bylaw August 18, 2006.)

Section 1. Authority

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

Section 2. Purpose

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection.

Section 3. Definitions

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

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

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to section 4 of this bylaw.

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

Section 4. Declaration of a State of Water Supply Conservation

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

Section 5. Restricted Water Uses

A declaration of a State of Water 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 section 6.

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. Premises with both odd and even numbering shall observe the restriction at all times within the portion of the premises having the applicable number.

b) Outdoor Water 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.

Section 6. Public Notification of a 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 posted at the Dunstable Town Hall, the Dunstable Post Office, and one other location deemed by the Commissioners to be frequented by the public, and 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 section 5 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.

Section 7. Termination of a State of Water Supply Conservation: Notice

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by section 6.

Section 8. State of Water Supply Emergency: Compliance with DEP Orders

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

Section 9. Penalties

Any person violating this bylaw shall be liable to the Town in the amount of $50.00 for the first violation and $100 for each subsequent violation which

shall inure to the Town for such uses as the Board of Water Commissioners may direct. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21D of Chapter 40 of the General Laws. Each day of violation shall constitute a separate offense.

Section 10. Severability

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