

**Commonwealth of Massachusetts  
Town of Webster  
Annual Town Meeting Warrant  
October 15, 2012**

Worcester, ss

To either of the Constables in the County aforesaid:

In the name of the Commonwealth of Massachusetts you are hereby required and directed to notify and warn the inhabitants of the Town of Webster aforesaid who are qualified to vote in elections and Town affairs to meet in the Bartlett High School Auditorium, 52 Lake Parkway in said Webster on **Monday, October 15, 2012 at 7:00 p.m.** then and there to act on the following Articles to wit:

**ARTICLE 1:** To hear and act upon the reports and recommendations of the Board of Selectmen and the Finance Committee.

**Sponsored by the Board of Selectmen - Selectmen recommend approval**

**ARTICLE 2:** To see if the Town will vote to raise and appropriate or transfer from any available funds in the Treasury, a sum sufficient to the Town Administrator Unpaid Bills Account #0112352 579000 for the purpose of funding the payment of prior years' unpaid invoices; or take any action thereon.

**Sponsored by the Town Accountant - Selectmen recommend approval**

**ARTICLE 3:** To see if the Town will vote to raise and appropriate or transfer from any available funds in the Treasury, a sum sufficient to the Sewer Unpaid Bills Account #6046052 579000 for the purpose of funding the payment of FY2012 unpaid invoices; or take any action thereon.

**Sponsored by the Town Accountant - Selectmen recommend approval**

**ARTICLE 4:** To see if the Town will vote to raise and appropriate or transfer from any available funds in the Treasury, a sum sufficient to the Unpaid Sick Leave Payment Account #0191951 519005 for the purpose of funding the payment of unused sick leave to Thomas E. Verdone pursuant to the provisions of Article XXIV of the collective bargaining agreement between the Town of Webster and IBPO Local 428; or take any action thereon.

**Sponsored by the Town Accountant - Selectmen recommend approval**

**ARTICLE 5:** To see if the Town will vote to raise and appropriate or transfer from any available funds in the Treasury, a sum sufficient to the Earned Vacation Payment Account #0191951 519006 for the purpose of funding the payment of accrued vacation leave to Thomas E. Verdone; or take any action thereon.

**Sponsored by the Town Accountant - Selectmen recommend approval**

**ARTICLE 6:** To see if the Town will vote to raise and appropriate or transfer from any available funds in the Treasury, a sum sufficient to the Earned Vacation Payment Account #0191951 519006 for the purpose of funding the payment of accrued vacation leave to Michael J. Lee; or take any action thereon.

**Sponsored by the Town Accountant - Selectmen recommend approval**

**ARTICLE 7:** To see if the Town will vote to accept the provisions of M.G.L. Chapter 59 § 5N, the Veterans Property Tax Work-Off Program; or take any action thereon.

**Sponsored by the Town Administrator- Selectmen recommend approval**

**ARTICLE 8:** To see if the Town will vote to raise and appropriate or transfer from any available funds in the Treasury, the sum of \$5,000.00 to the Inspectional Services Professional Services Account #0124052 530000 for the purpose of funding the payment of additional amounts to local inspectors for extraordinary services; or take any action thereon.

**Sponsored by the Town Administrator - Selectmen recommend approval**

**ARTICLE 9:** To see if the Town will vote to transfer a sum sufficient from the Stabilization Fund to the Inspectional Services Nuisance Properties Account #0124052 524002 for the purpose of funding the demolition of various nuisance properties as determined by the Building Inspector and the Town Administrator; or take any action thereon.

**Sponsored by the Town Administrator - Selectmen recommend approval**

**ARTICLE 10:** To see if the Town will vote to raise and appropriate or transfer from any available funds in the Treasury, the sum of \$3,000.00 to the Parks and Recreation Other Expenses Account #0163052 570000 for the purpose of funding miscellaneous expenses incurred by the Recreation Committee; or take any action thereon.

**Sponsored by the Town Administrator - Selectmen recommend approval**

**ARTICLE 11:** To see if the Town will vote to raise and appropriate or transfer from any available funds in the Treasury, the sum of \$10,800.00 to the Police Cruisers Account #0121058 585017 for the purpose of funding the first payment of a three (3) year lease for a vehicle to replace the Police Chief's vehicle; or take any action thereon.

**Sponsored by the Town Administrator - Selectmen recommend approval**

**ARTICLE 12:** To see if the Town will vote to raise and appropriate, borrow or transfer from any available funds in the Treasury, a sum sufficient for the purpose of funding repairs, restoration and cleaning of the Civil War Monument located in front of Town Hall; or take any action thereon.

**Sponsored by the Town Administrator - Selectmen recommend approval**

**ARTICLE 13:** To see if the Town will vote to transfer from the board or officer with custody of the property described below for the purposes for which it is currently held to the Board of Selectmen for the purpose of conveyance pursuant to the provisions of M.G.L. Chapter 30B § 16, and to authorize the Board of Selectmen to convey, the property located at 31 Granite Street, shown on Assessor's Map 14-D-8-0, and to further authorize the Board of Selectmen to execute any instruments and take all actions necessary to carry out this vote; or take any action thereon.

**Sponsored by the Town Administrator - Selectmen recommend approval**

**ARTICLE 14:** To see if the Town will vote to transfer from the board or officer with custody of the property described below for the purpose for which it is currently held to the Board of Selectmen for the purpose of conveyance pursuant to the provisions of M.G.L. Chapter 30B § 16, and to authorize the Board of Selectmen to convey, the property located at 141 North Main Street, shown on Assessor's Map 16-D-10-0, and to further authorize the Board of Selectmen to execute any instruments and take all actions necessary to carry out this vote; or take any action thereon.

**Sponsored by the Town Administrator - Selectmen recommend approval**

**ARTICLE 15:** To see if the Town will vote to transfer from the board or officer with custody of the property described below for the purpose for which it is currently held to the Board of Selectmen for the purpose of conveyance pursuant to the provisions of M.G.L. Chapter 30B § 16, and to authorize the Board of Selectmen to convey, the property located at 27 Sutton Road, shown on Assessor's Map 78-B-1-2-E, and to further authorize the Board of Selectmen to execute any instruments and take all actions necessary to carry out this vote; or take any action thereon.

**Sponsored by the Town Administrator - Selectmen recommend approval**

**ARTICLE 16:** To see if the Town will vote to amend General Bylaw Chapter 505, Peddling, Hawking and Soliciting; Transient Vendors, by inserting the underlined language, and deleting the strike through language in the following sections of Article II, Rules and Regulations:

**§ 505-8. Application for license.**

Each applicant for a license under this chapter shall file with the Board of Selectmen, a written application signed under the penalties of perjury, containing the following information:

- a. Name of Applicant
- b. Address of applicant (local and permanent address)
- c. Applicant's height, weight, eye and hair color.
- d. Applicant's social security number.
- e. Length of time for which the right to do business is desired.

- f. Brief description of nature of the business and the goods to be sold.
- g. Name and home address of applicant's employer. If self-employed it shall so state.
- h. A statement as to whether or not the applicant has been convicted of any crime or misdemeanor within 10 years of the date of application, except motor vehicle violations and the nature of the offense.
- i. If operating a motor vehicle, the year, make, color and model, VIN number, registration number, state of registration, vehicle owners name or address.
- j. Each employee of the applicant who will be soliciting/canvassing shall file a written application.
- k. A photo of the applicant and each of the employees who will be soliciting/canvassing shall be submitted, showing the head and shoulders of the applicant and each individual employee(s). If the applicant and/or employees do not have a picture, one will be taken of each individual at the Police Department, at the cost of five dollars (\$5) each.
- l. For those persons seeking, on a temporary basis, to offer for sale, expose for sale, or sell any goods, wares or merchandise, in any open area, alley or lot, located in the Town, written consent to the issuance of the license at that location from the owner or owners of the premises on or from which he desires to carry on business, and of the tenants of the ground floor of such premises; said owners or tenants shall not demand or accept any special or extra consideration for such consent, but may nevertheless obtain legally negotiated rent from a license holder operating on his premises; note further, however, that when the premises at issue belongs to the Town, consent must be provided by the department having charge of the premises, and further, the Board of Selectmen may fix and collect a rental payment or other fee, consistent with the provisions of G.L. c.30B, for such purposes, unless the licensee is the tenant on the ground floor of the premises at issue, and the character of the merchandise being sold is essentially the same as that being sold said ground floor.

## § 505-9. Fees.

The Fee schedule is as follows.

- A. Transient vendor: fifty dollars (\$50) per day; one hundred dollars (\$100) per weekend (weekends shall be Friday, Saturday and Sunday)
- B. Hawkers and peddlers: license for the Town of Webster, if an individual does not possess a State License: fifty dollars (\$50) for a yearly license, one year from the date of issue (issued by the Board of Selectmen).

- C. Solicitor/Canvasser: five dollars (\$5) for a period of not to exceed six months plus a five-dollar (\$5) record check fee for the applicant and each employee.
- D. Background checks on all the above, including background checks for persons seeking State Licenses requiring approval by the Police Chief, is five dollars (\$5) per individual.

; or take any action thereon.

**Sponsored by the Town Administrator - Selectmen recommend approval**

**ARTICLE 17:** To see if the Town will vote to amend vote taken under Article 14 of the May 14, 2012 Special Town Meeting, which the article authorized the Town to convey certain described property in exchange for the acquisition of other described property in connection with the police station construction project, by deleting the text thereof and substituting in its place the following:

That the Town vote to convey the parcel of land, located at South Main Street, containing 789 square feet, more or less, described below as Parcel B and shown on a Plan dated September 6, 2012, entitled Plan of Land in Webster, Massachusetts, as on file with the Town Clerk, on such terms and conditions and for such consideration, which may be in consideration for the exchange of the land hereinafter described, as the Board of Selectmen deems to be in the best interests of the Town; and further to authorize the Board of Selectmen to acquire, for general municipal purposes, in consideration for the parcel the Town is to convey, a parcel, containing 1047 square feet, more or less, described below as Parcel A, and as shown on said above-referenced plan, both of which parcels are described in further detail as follows:

**PARCEL A - LAND TO BE CONVEYED TO THE TOWN OF WEBSTER BY GHASSAN NAYFEH**

The following is a description of a certain proposed parcel of land situated on the northwesterly side of South Main Street in Webster, Worcester County, Massachusetts and shown on the accompanying plan dated September 6, 2012 and is more particularly bounded and described as follows:

Beginning at a point on the northwesterly side of South Main Street, said point being at the southeast corner of land of the Town of Webster, as described in a deed recorded in Book 47878 Page 317;

Thence, running N 28°07'29" W along land of Ghassan Nayfeh a distance of 81.60 feet to a point;

Thence, running N 00°41'41" W along land of Ghassan Nayfeh a distance of 31.74 feet to a point;

Thence, running S 22°21'18" E a distance of 109.74 feet to a point on the northwesterly side of South Main Street;

Thence, running S 52°29'08" W along the northwesterly side of South Main Street a distance of 3.64 feet to the point of beginning.

Said Parcel contains 789 sq. of area, more or less.

**PARCEL B - LAND TO BE CONVEYED TO GHASSAN NAYFEH BY THE TOWN OF WEBSTER**

The following is a description of a certain proposed Parcel of land situated off the northwesterly side of South Main Street in Webster, Worcester County, Massachusetts and shown on the accompanying plan dated September 6, 2012 and is more particularly bounded and described as follows:

Beginning at a point bearing the following courses and distances from the southeast corner of land of the Town of Webster as described in a deed recorded in Book 47878 Page 317; namely: running N 28°07'29" W along land of Ghassan Nayfeh a distance of 81.60 feet to a point; thence, running N 00°41'41" W along land of Ghassan Nayfeh a distance of 31.74 feet to a point;

Thence, from said true point of beginning, running N 22°21'18" W a distance of 22.71 feet to a point;

Thence, running along a curve to the right having a radius of 17.50 feet an arc distance of 18.51 feet to a point;

Thence, running N 38°14'02" E a distance of 64.23 feet to a point on the westerly line of land of said Ghassan Nayfeh;

Thence, running S 10°34'56" E along land of Ghassan Nayfeh a distance of 35.55 feet to a corner of land of said Town of Webster;

Thence, running S 75°12'13" W along land of Ghassan Nayfeh a distance of 42.00 feet to a point;

Thence, running S 00°41'41" E along land of Ghassan Nayfeh a distance of 43.27 feet to the true point of beginning.

Said Parcel contains 1047 sq. ft. of area, more or less.  
;or take any action thereon.

**Sponsored by the Town Administrator - Selectmen recommend approval**

**ARTICLE 18:** To see if the Town will vote to amend the Webster General Bylaws by adding a new Chapter, Chapter 570 Stormwater Management, as follows:

## ARTICLE 1. STORMWATER MANAGEMENT AND EROSION CONTROL

§ 570-1. Purpose

§ 570-2. Definitions

§ 570-3. Authority and Administration

§ 570-4. Applicability

§ 570-5. Exemptions

§ 570-6. Permit Process

§ 570-7. Enforcement; Violations and Penalties

§ 570-8. Severability

§ 570-1. Purpose.

The purpose of this bylaw is to manage land development in order to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to:

- 1) control runoff and prevent soil erosion and sedimentation resulting from construction site stormwater runoff, and
- 2) control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment.

§ 570-2. Definitions.

The following definitions shall apply in the interpretation and implementation of this bylaw. Additional definitions may be adopted by separate regulation:

**ADVERSE IMPACT:** Having a deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses, which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

**ALTERATION:** Any activity, which will change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Examples include, but are not limited to, earthmoving, paving, and modification of existing vegetation.

**BEST MANAGEMENT PRACTICE (BMP):** Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. "Structural" BMPs are devices that are engineered and constructed to provide temporary

storage and treatment of stormwater runoff. "Nonstructural" BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

**CONSTRUCTION SITE:** Any site where activity is proposed or occurs that involves the alteration of more than 10,000 square feet of land.

**HOTSPOT AREA:** Land uses with higher potential pollutant loads as defined in Standard 5 of the Massachusetts Stormwater Handbook, 310 CMR 10.04 and 314 CMR 9.02 to include the following land uses identified in 310 CMR 22.20B(2), 310 CMR 22.20C(2)(a) through (k) and (m), 310 CMR 22.21(2)(a)1. through 8., and 310 CMR 22.21(2)(b)1. through 6.; areas within a site that are the location of activities that are subject to an individual National Pollutant Discharge Elimination System (NPDES) permit or the NPDES Multi-sector General Permit; auto fueling facilities (gas stations); exterior fleet storage areas; exterior vehicle service and equipment cleaning areas; marinas and boatyards; parking lots with high intensity use; confined disposal facilities and disposal sites.

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

**STORMWATER MANAGEMENT PERMIT:** A document signed by the Town of Webster Planning Board, which allows the alteration of the land within a hotspot area or construction site based upon the person's proposed work on a project plan which was submitted as required by this Stormwater Management Bylaw.

### § 570-3. Authority and Administration

- A. This bylaw is adopted pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34, and as authorized by the voters of the Town of Webster at the October 15, 2012 Special Town Meeting under Article 17. The Planning Board shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Planning Board may be delegated to its designee.
- B. The Planning Board shall adopt, and may periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), fines and penalties, application requirements, procedures and administration of this Stormwater Management Bylaw, after conducting a public hearing to receive comments on any proposed rules and regulations. Failure by the Planning Board to promulgate such rules and regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this bylaw.

#### § 570-4. Applicability

- A. Prior to construction of any proposed development listed below, a Stormwater Permit is required to satisfy the purpose and intent of this bylaw and in accordance with the rules and regulations adopted pursuant to § 570-3.B of this bylaw as revised unless exempt pursuant to § 570-5 of this chapter.
- B. A Stormwater Management Permit will be required prior to starting any land disturbance within the person's property for the following:
  - 1) Construction activities that will result in land disturbances of 10,000 square feet of total area or more, or which is part of a common plan for development that will disturb 10,000 square feet or more;
  - 2) Construction activities that will increase the amount of impervious surface to more than 25% of the lot; or
  - 3) Any alteration, redevelopment or conversion of land use in a hotspot area.

#### § 570-5. Exemptions

The following exemptions from this Stormwater Management Bylaw apply:

- A. Activities that disturb less than 10,000 square feet of land or less than 25% of the lot, whichever is less;
- B. Repair or replacement of an existing roof, patio, deck, or walkway that will not alter existing terrain or drainage patterns;
- C. The construction, reconstruction, or repair of any fence or wall that will not alter the existing terrain or drainage patterns;
- D. Maintenance of existing landscaping, gardens and lawn areas associated with a single family dwelling;
- E. Repair or replacement of a sewage disposal system that will not alter the existing terrain or drainage patterns;
- F. Stormwater discharges resulting from land disturbance activities that are subject to review under the Massachusetts Stormwater Management Policy and permitted under an Order of Conditions issued by the Conservation Commission under the Wetlands Protection Act;
- G. Normal maintenance and improvement of land in agricultural use as defined by the Wetland Protection Act regulation, 310 CMR 10.04;
- H. Emergency activities necessary to protect public health or safety, so long as all necessary emergency permits or emergency certifications have been or will be obtained;
- I. Normal maintenance and improvements of the Town of Webster public land, ways and appurtenances;
- J. Construction of municipal utilities; and
- K. Any work or projects for which all necessary approvals and permits have been issued before the effective date of this bylaw.

## § 570-6. Permit Process

Permit procedures and requirements, including permit submittals, right-of-entry, fee schedule, and public hearing process, shall be defined and included as part of the Regulations promulgated under § 570-3.B of this bylaw. At a minimum, the applicant must meet standards 1 through 10 of the Massachusetts Department of Environmental Protection Stormwater Management Standards and Handbook using current best management practices and the following:

- A. The Planning Board shall hold a project review meeting with the applicant at a regularly scheduled meeting of the Planning Board no later than 45 days from the date of the submission of the Application for Stormwater Permit.
- B. On receipt and review of a complete application, the Planning Board may:
  - 1) Approve the Permit Application and issue a Permit if it finds that the proposed plan will protect water resources and complies with the purposes of this Bylaw,
  - 2) Approve the Permit Application and issue a Permit with conditions, modifications, or restrictions that the Board determines are required to ensure that the project will protect water resources and complies with the purposes of this Bylaw, or
  - 3) Disapprove the Permit Application and deny the Permit if it finds that the proposed plan will not protect water resources or fails to comply with the purposes of this Bylaw.
- C. Failure by the Board to take final action on an application within 60 days following the submittal of a complete application shall be deemed to be approval of the application, unless this timeframe is extended by mutual agreement of the Planning Board and applicant.

## § 570-7. Enforcement; violations and penalties

### A. Enforcement

- 1) This bylaw shall be enforced by the Planning Board or its designee who may, for these purposes subject to applicable law and regulations; enter upon the premises where such operations are carried on at all reasonable times.

### B. Violations and penalties

- 1) Any person, corporation or entity found in violation of any provision of this bylaw shall be punished by a fine in accordance with the following schedule of fines, and each day that the violation continues shall constitute a separate offense:

<u>Number of Offense</u>	<u>Penalty</u>
First offense	Written notice of violation
Second offense	\$100
Third offense and	\$200

## Subsequent offenses

- 2) Notice of violations and procedures shall be in accordance with MGL c. 40, § 21D and Section 85-2 of the Webster General Bylaws (noncriminal disposition).

### § 570-8. Severability

The invalidity of any section, provision, paragraph, sentence, or clause of this bylaw shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

## ARTICLE 2. NON-STORMWATER DISCHARGE

### § 570-9. Purpose

### § 570-10. Definitions

### § 570-11. Authority and Administration

### § 570-12. Applicability

### § 570-13. Regulations

### § 570-14. Prohibited Activities, Exemptions

### § 570-15. Suspension of Storm Drain Access

### § 570-16. Monitoring of Discharges

### § 570-17. Notification of Spills

### § 570-18. Enforcement

### § 570-19. Severability

### § 570-20. Transitional Provisions

### § 570-9. Purpose

The purpose of this bylaw is to regulate discharges to the Municipal Separate Storm Sewer System ("MS4"), to protect Webster's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment, by:

- a) preventing pollutants from entering Webster's MS4;
- b) prohibiting illicit connections and unauthorized discharges to the MS4;
- c) requiring the removal of all such illicit connections;
- d) establishing the legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

### § 570-10. Definitions

For the purposes of this bylaw, the following shall mean:

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

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

**GROUNDWATER:** Water beneath the surface of the ground.

**ILLICIT CONNECTION:** A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, toilets, or laundry facilities, 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 § 570-12. The term does not include a discharge in compliance with an NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit, or resulting from firefighting activities exempted pursuant to § 570-12 of this bylaw.

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

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

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

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

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

**POLLUTANT:** Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether

originating at a point or nonpoint source, that is or may be introduced into Webster's MS4 or waters of the Commonwealth. Pollutants shall include, but not be limited to:

- 1) paints, varnishes, and solvents;
- 2) oil and other automotive fluids;
- 3) non-hazardous liquid and solid wastes and yard wastes;
- 4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- 5) pesticides, herbicides, and fertilizers;
- 6) hazardous materials and wastes;
- 7) sewage, fecal coliform and pathogens;
- 8) dissolved and particulate metals;
- 9) animal wastes;
- 10) rock, sand, salt, silt, soils;
- 11) construction wastes and residues; and
- 12) noxious or offensive matter of any kind.

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

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

**SURFACE WATER DISCHARGE PERMIT:** A permit issued by the Massachusetts Department of Environmental Protection ("MassDEP") pursuant to 314 CMR 3.00 that authorize the discharge of pollutants to waters of the Commonwealth of Massachusetts.

**WATERS OF THE COMMONWEALTH:** All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

**WASTEWATER:** Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

#### § 570-11. Authority and Administration

This bylaw is adopted pursuant to the federal Clean Water Act (33 U.S.C. 1251 & seq.), and as authorized by the voters of the Town of Webster at the October 15, 2012 Special Town Meeting under Article 17. The Webster Department of Public Works ("DPW") shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the DPW may be delegated in writing by the DPW to employees or agents of the DPW.

### § 570-12. Applicability

This bylaw shall apply to all flows entering the MS4 of the Town of Webster. The following discharges are exempt from this Chapter provided that the source is not a significant contributor of a pollutant to the MS4:

- 1) water line flushing;
- 2) landscape irrigation;
- 3) diverted stream flows;
- 4) rising ground waters,
- 5) uncontaminated ground water infiltration (as defined at 40 CFR 35.2005[20]);
- 6) uncontaminated pumped ground water;
- 7) discharge from potable water sources;
- 8) foundation drains;
- 9) air conditioning condensation;
- 10) irrigation water, springs;
- 11) water from crawl space pumps;
- 12) footing drains;
- 13) lawn watering;
- 14) individual resident car washing;
- 15) flows from riparian habitats and wetlands;
- 16) dechlorinated swimming pool discharges;
- 17) street wash water and residential building wash waters, without detergents;
- 18) discharges or flows from firefighting activities;
- 19) Dye testing, provided verbal notification is given to the DPW prior to the time of the test;
- 20) Non-stormwater discharges permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations, and
- 21) Discharges for which advanced written approval is received from the DPW if necessary to protect public health, safety, welfare or the environment.

### § 570-13. Regulations

The DPW may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure by the DPW to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

### § 570-14. Prohibited Activities

- A. Illicit discharges. No person shall dump, discharge, cause or allow to be discharged a pollutant or non-stormwater discharge into Webster's MS4 or into waters of the Commonwealth, except as allowed under § 570-12 of this bylaw.

- B. Illicit connections. No person shall construct, use, allow, maintain or continue an illicit connection to an MS4, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- C. Obstruction of storm drain systems. No person shall obstruct or interfere with the normal flow of stormwater into or out of an MS4 without prior approval from the DPW or its designee.

#### § 570-15. Suspension of Storm Drain Access

The DPW may suspend the access to the MS4 to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, or the environment.

#### § 570-16. Monitoring of Discharges

The DPW may establish or require the installation of monitoring equipment as necessary to conduct monitoring and/or sampling of stormwater discharge from a facility that has stormwater discharges associated with industrial activity, construction activity or suspected illicit discharge. Said equipment shall be maintained at all times in a safe and proper operating condition by the facility owner at its own expense. All devices used to measure stormwater flow and quality shall be calibrated by the facility owner to ensure their accuracy.

#### § 570-17. Notification of Spills

Notwithstanding any other requirements of local, state or federal law, as soon as a property owner, resident or person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of a known or suspected release of materials at that facility or operation, which is resulting or may result in illicit discharge of pollutants, that person shall take the necessary steps to ensure containment and cleanup of the release. In the event that a release enters the MS4 or Waters of the Commonwealth in Webster, the person shall immediately notify the Webster DPW. Written confirmation of telephone, facsimile or in-person notifications shall be provided to the DPW or its designee within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained by said facility owner or operator for at least three years.

#### § 570-18. Enforcement

- 1) The Director of the DPW or appointed designee is responsible for enforcing this bylaw and may, as an alternative to seeking a criminal penalty for violation of this bylaw, use noncriminal disposition consistent with the requirements of G.L. c. 40, §21D, and Section 85-2 of the Webster General Bylaws.

- 2) The Penalty for each violation of this stormwater management portion of the bylaw and the rules and regulations adopted hereunder shall be \$200.00 and each day or part thereof shall constitute a separate violation. The Director of the DPW or appointed designee may give the offender a written notice on the first offense.
- 3) The DPW, in addition to assessing penalties, may enforce the provisions of this bylaw by seeking injunctive relief if it determines that the health, safety or welfare of any resident or member of the public or that the well-being of the community is or will be endangered by the violation(s).
- 4) To the extent permitted by law, or if authorized by the owner or other person in control of the property, the DPW or its designee may enter onto any property to determine if an activity on such property is in violation of this bylaw or rules and regulations.
- 5) For cause shown, the DPW may suspend or terminate a person's connection to the MS4 for a violation of this bylaw.
- 6) Notice of the intent to suspend or terminate a person's connection to the MS4 shall be given in writing to the owner of the property and to the person in control of the property, if different, by delivering to the owner at the address listed for taxation purposes in the Assessor's Office, and to the person in control of the property by delivering notice to the property. A copy of the notice of hearing shall be mailed to said addresses by certified mail and by 1st class mail, postage prepaid, at least fourteen (14) days before said hearing.
- 7) Said notice shall contain the:
  - a) Name and address of the owner of the property;
  - b) The name and address of the person in control of the property (if known) if different than the owner;
  - c) The action contemplated;
  - d) Statement of violations believed to exist; and
  - e) A statement that the owner and person in control of the property or their representatives may present evidence regarding alleged violations.
- 8) If the DPW or its designee determines in writing that the public health, safety or welfare requires immediate action, it may suspend or terminate MS4 service immediately. However, in such a case, notice as set forth above shall be delivered and mailed to the owner and person in control of the property, if different, informing them that they have fifteen (15) days from the date of the suspension or termination to appeal said action of the DPW.

§ 570-19. Severability

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

§ 570-20. Transitional Provisions

Property owners shall have six months from the effective date of the bylaw to comply with its provisions, unless good cause is shown for the failure to comply with the bylaw during that period.

AND FURTHER, to amend the Webster General Bylaws, Section 85-2-B, by adding the following to the table entitled "General Bylaws Incorporated Herein" at the end of said section:

Code Chapter	Subject	Fine
Chapter 570, Article 1	Stormwater Management and Erosion Control	
	1st offense	Written notice of violation
	2nd offense	\$100.00
	3rd and subsequent offenses	\$200.00
Chapter 570, Article 2	Non-Stormwater Discharge	
	Each offense	\$200.00

;or take any other action relative thereto.

**Sponsored by Department of Public Works - Selectmen recommend approval**

**ARTICLE 19:** To see if the Town will vote to amend the Town of Webster Zoning Map referenced in Section 650-13 of the Code of the Town of Webster by re-designating certain parcels of land the current zoning of Business with Sewer (B-4) to a zone of Business without Sewer (B-5) identified as said real estate in the Town of Webster located on Harry's Way and Old Worcester Road in the County of Worcester in the Commonwealth of Massachusetts as shown on Assessors Plat 23, Lots A1, A2 (portion), A3.3 (portion), A4 (portion) and Assessors Plat 18 Lot B1 (portion). The subject parcels consist of 6.9 acres of land, more or less. Said parcels are currently assessed to DJJ Realty, Henry J. Ceppetelli Co., Inc., Cam's Oil Service, Inc. and Webster-Dudley Sand & Gravel. Said described land to be re-designated is bounded as follows: To the north by land currently designated as Single Family Residential (S.F.R): To the west by land currently designated as Single Family Residential (S.F.R) which is proposed to be re-designated as Business without sewer (B-5) under a separate Article, To the south by land currently designated as Single Family Residential (S.F.R) which is proposed to be re-designated as Business without sewer (B-5) under a separate

Article, and To the east by Old Worcester Road; or take any other action relative thereto.

**Sponsored by: Planning Board – Selectmen refer to Sponsor**

**ARTICLE 20:** To see if the Town will vote to amend the Town of Webster Zoning Map referenced in Section 650-13 of the Code of the Town of Webster by re-designating certain parcels of land the current zoning of Single-Family Residential (S.F.R.) to a zone of Business without Sewer (B-5) identified as said real estate in the Town of Webster located on Harry's Way, Old Worcester Road and Bigelow Road in the County of Worcester in the Commonwealth of Massachusetts as shown on Assessors Plat 23, Lots A2, A3, A3.I, A3.2, A3.3, A4 and Assessors Plat 18 Lot Bl. The subject parcels consist of 47.5 acres of land, more or less. Said parcels are currently assessed to Webster-Dudley Sand & Gravel, Sunny Shores Estates/Ralph Leo, Harry and Elizabeth Leo, DJJ Realty, Henry J. Ceppetelli Co., Inc. and Cam's Oil Service, Inc. Said described land to be re-designated is bounded as follows: To the north by land currently designated as Business with Sewer (B-4) zone which is proposed to be re-designated as Business without sewer (B-5) under a separate Article, by land now or formerly of St. Joseph's Cemetery, and by land now or formerly of the Town of Webster; To the west by Bigelow Road; To the south by the center line of Mill Brook and by land now or formerly of New England Power Company; and To the east by land now or formerly of the Town of Webster Mt. Zion Cemetery and by Old Worcester Road; or take any other action relative thereto.

**Sponsored by: Planning Board – Selectmen refer to Sponsor**

**ARTICLE 21:** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the licensing authority to issue an all alcoholic beverage license to Golub Corporation d/b/a Price Chopper Supermarkets as set forth below; provided, however, that the General Court shall be authorized to make editorial changes of form only to said bill unless the Board of Selectmen approves amendments prior to enactment; and further provided, the Board of Selectmen shall be authorized to approve such changes only insofar as they are within the public purposes of this petition.

The proposed ACT:

**AN ACT AUTHORIZING THE TOWN OF WEBSTER TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.**

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Webster may grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises to the

Price Chopper Supermarket located at East Village Square Mall, 2 Worcester Road in the town of Webster pursuant to section 15 of said chapter 138.

The licensing authority shall not approve the transfer of the license to any other location but the license may be granted to a new applicant at the same location if the applicant files with the authority a letter from the department of revenue indicating that the license is in good standing with said department and that all applicable taxes have been paid.

If the license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant at the same location and under the same conditions as specified in this act.

**Citizen's Petition – Selectmen refer to Sponsor**

**ARTICLE 22:** Webster Town Bylaw; No establishment private or municipal shall park any automobiles for a fee on there property without a license issued by the Town Parking official. the amount of automobile parking spaces to be allotted to each licensed property will be determent by the Town engineering department, the cost of the license shall be charged at a rate of twenty dollars per space per year.

Licenses will be issued from July One to June Thirty, And to be renewed in June of each year there after.

**Citizen's Petition – Selectmen refer to Sponsor**

**ARTICLE 23:** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the licensing authority to issue an all alcoholic beverage license is set forth below; provided, however, that the Central Court shall be authorized to make editorial changes of form only to said bill unless the Board of Selectmen approves amendments prior to enactment, and to authorize the Board of Selectmen to approve such changes as may be within the public purposes of this petition:

An act authorizing the Town of Webster to convert an Existing License for the Sale of Wine and Malt Beverages to a License for the Sale of All Alcoholic Beverages held by G & R Corp., at the premises: Jimmy's Convenience, 421 South Main Street, Webster, Massachusetts 01570.

Section 1. Notwithstanding section 17 of Chapter 138 of the General Laws or any other general or special law to the contrary, the licensing authority of the Town of Webster may convert an existing license issued under Section 12 of said Chapter 138 for the sale of wine and malt beverages issued to G & R Corp. at 421 South Main Street, in said Webster to a license for the sale of All Alcoholic Beverages. The license shall be subject to all of said Chapter 138, except said section 17. The licensing

authority shall not approve the transfer of the license to any other person, organization, corporation or location.

Section 2. This act shall take effect upon passage.

**Citizen's Petition – Selectmen refer to Sponsor**

And you are directed to serve this warrant by publishing attested copies thereof in a newspaper published within the Town of Webster at least seven (7) days preceding the meeting and by posting attested copies thereof with the Town Clerk and filing in the Public Library.

Thereof fail not and make due return of your doings thereon to the Town Clerk at the time and place of holding said meeting. Given under our hands this Twenty Fourth Day of September in the year of our Lord Two Thousand and Twelve.

**WEBSTER BOARD OF SELECTMEN**

Donald D. Bourque, Chairman  
Deborah A. Keefe, Vice Chairman  
Jeffrey P. Duggan  
Mark G. Dowgiewicz  
Robert J. Miller