

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

To either of the Constables of the Town of Dedham in said County: You are hereby required in the name of the Commonwealth aforesaid to notify and warn the inhabitants of said Town of Dedham qualified to vote in town affairs to meet at the polling places designated for the several districts in said town on the third Saturday in March (it being the seventeenth day of said month) AD 2007, at seven o'clock in the forenoon, then and there to act on the following article, namely:

ARTICLE ONE: To choose all necessary Town Officers. The following are to be chosen by Ballot:

- Two members of the Board of Selectmen for terms of three years
- One member of the Board of Assessors for a term of three years
- Two members of the School Committee for terms of three years
- One member of the Board of Health for a term of three years
- One member of the Planning Board for a term of five years
- Two members of the Trustees of the Public Library for terms of three years
- Two members of the Commissioners of Trust Funds for terms of three years
- One member of the Commissioners of Trust Funds for an unexpired term of one year
- One member of the Parks & Recreation Commission for a term of three years

Town Meeting Representatives as follows:

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| Precinct One | Vote for not more than thirteen for terms of three years |
| Precinct One | Vote for one for an unexpired term of one year |
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| Precinct Two | Vote for not more than thirteen for terms of three years |
| Precinct Two | Vote for one for an unexpired term of one year |
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| Precinct Three | Vote for not more than thirteen for terms of three years |
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| Precinct Four | Vote for not more than thirteen for terms of three years |
| Precinct Four | Vote for one for an unexpired term of one year |
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| Precinct Five | Vote for not more than thirteen for terms of three years |
| Precinct Five | Vote for two for an unexpired term of two years |
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| Precinct Six | Vote for not more than thirteen for terms of three years |
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| Precinct Seven | Vote for not more than thirteen for terms of three years |
| Precinct Seven | Vote for one for an unexpired term of two years |

and to return to meet at the place so designated for the 2007 Annual Town Meeting in said town on the second Monday in April (it being the ninth day of said month) AD 2007, at seven o'clock in the evening, then and there to act on the following articles, namely:

ARTICLE TWO: *By the Board of Selectmen:* To see if the Town will vote to adopt changes in Schedule A (Classification Schedule), or Schedule B (Compensation Schedule), or Schedule C (Fringe Benefits) of the Personnel Wage and Salary Administration Plan; to act upon the recommendations of the Town Administrator as to actions he deems advisable and necessary in order to maintain a fair and equitable pay level and compensation policy; to implement collective bargaining agreements for the following:

1. AFSCME, Local #362 (Library Staff Unit)
2. Dedham Police Patrolmen's Association
3. Dedham Police Association (Lieutenants & Sergeants)
4. Dedham Firefighter's Association
5. AFSCME, Local #362 (DPW)
6. AFSCME, Local #362 (Town Hall)
7. AFSCME, Local #362 (Parks)
8. AFSCME, Local #362 (Civilian Dispatchers)

or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE THREE: To see what sum of money the Town will raise and appropriate, or transfer from available funds to defray departmental and incidental expenses of the Town for the fiscal year commencing July 1, 2007, not otherwise provided for, or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE FOUR: To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or borrow to implement capital improvements and capital projects, or take any other action relative thereto.

Referred to Finance Committee for study and report.

DEPARTMENT	ITEM	DESCRIPTION OF REQUEST
Public Works		
	A	Road Improvements
	B	Sidewalk Repairs
	C	Miscellaneous Repairs
	D	Facility Repairs
	E	Brookdale Cemetery Office – Garage Roof
	F	Brookdale Cemetery-Further Master Plan
	G	Village Cemetery-Further Restoration and Preservation
	H	10-Wheel Dump Truck w/Sander
	I	Gradall
	J	Replace Street Sweeper
	K	Skid Steer Tractor
	L	Replace Sidewalk Plow
	M	Flatbed Pickup F-350 w/Plow
Engineering Department		
	N	Inflow and Infiltration
	O	Rustcraft Road Sewer Project
	P	East Street Sidewalk – Gift Account
	Q	Downtown Phase II - Design
	R	East Street Phase II – Supplemental Funding
Information Services		
	S	New Computers/Inet/Software
	T	Upgrade Computer System
Library		
	U	Rebuild Driveway Main Library
	V	Upgrade Fire Alarm-Main Branch (per Fire Department)
(BPCC)	W	Replacement of Main Branch Lighting
	X	Roof & Building Repairs – Endicott Branch
Parks Recreation		
	Y	Parks Garage Heating Replacement
	Z	Bobcat Ride Around

	AA	Pool Cleaning and Regrouting
	AB	New Lockers (Boys Locker Room)
Police		
	AC	Police Cruisers (4)
(BPCC)	AD	New Construction Police Headquarters
	AE	Dispatch Radio Console
	AF	Police Two Way Radios
	AG	Police Motorcycles
	AH	Cruiser Laptop Computers
	AI	Replace Heating Pipes
Fire		
(BPCC)	AJ	Rehabilitation of Central Fire Apparatus Floor
(BPCC)	AK	Raise Overhead Doorway – E. Dedham Station
(BPCC)	AL	Replace Exterior Siding and First Floor Windows
	AM	Replace Gasoline Powered Hydraulic Extraction Tools
	AN	Install Wireless System to Receive Radio Type Fire Alarm
Council on Aging		
(BPCC)	AO	New Senior Center
Town Clerk		
	AP	Mobile Systems w/ Carriages
Schools		
	AQ	Education Technology Plan
	AR	Roof Replacement – High School
	AS	Textbooks – Math, Science, Social Studies
	AT	Middle/High Schools Library Book Update
	AU	Central Office Relocation to High School

ARTICLE FIVE: To see if the Town, in accordance with the provisions of the General Laws, Chapter 41, §108, will vote to fix the salary and compensation of all elected officials of the Town, or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE SIX: *By the Treasurer:* To see what sum of money the Town will vote to raise and appropriate or transfer from available funds to pay the sewer use assessments levied upon the Town by the Massachusetts Water Resource Agency (MWRA) during Fiscal Year 2008, or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE SEVEN: *By the Finance Committee:* To see if the Town will vote to transfer unexpended balances from line items of special articles of prior years to fund expenses for Fiscal Year 2008, or take any other action relative thereto.
Referred to Finance Committee for study and report.

ARTICLE EIGHT: *By the Town Administrator at the request of the Director of Finance:* To see what sum of money the Town will vote to raise, appropriate, or transfer from available funds for payment of outstanding bills of prior years, or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE NINE: *By the Finance Committee:* To see what sum of money the Town will vote to raise and appropriate, or transfer from available funds to meet additional expenses of the current fiscal year not adequately funded under Article Three of the 2006 Annual Town Meeting (FY'07) or any other article thereof; or to take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE TEN: *By the Finance Committee:* To see what sum of money the Town will vote to raise and appropriate, or transfer from available funds for deposit in the Stabilization Fund, or to take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE ELEVEN: *By the Town Administrator at the request of Director of Finance Mariellen Murphy.* To see if the Town will vote to create one or more special purpose stabilization funds and to specify the purpose or purposes thereof, and further to see if the Town will vote to appropriate a sum or sums thereto or to any existing stabilization fund, and further to see if the Town will vote to appropriate money to one or more stated purposes from any such stabilization fund or funds, or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE TWELVE: *By the Finance Committee:* To see whether the Town will vote to authorize one or more lease/purchase agreements for certain described municipal equipment by certain Town departments as budgeted by them, and to be set forth in a recommendation of the Finance Committee for such term of time and upon such terms as the board authorized to enter into such contract shall deem appropriate, provided that such lease/purchase(s) be made in accordance with the provisions of applicable Town By-laws, and provided further, that each such lease/purchase be subject to annual appropriation, or to take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE THIRTEEN: *By Town Meeting Vote:* To hear and act upon the reports of the various Town Committees, as required by vote of prior Town Meetings; to see what sum of money the Town will vote to raise and appropriate, transfer from available funds, or borrow to carry out the recommendations of said committees; or to take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE FOURTEEN: *By the Board of Selectmen:* To see what sum of money the Town will vote to transfer from Sewer Mitigation Fees Reserved For Appropriation, for purposes of planning, study, design, repairs or improvements to the Dedham sewer system, or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE FIFTEEN: To see if the Town will vote to authorize the use of the following revolving funds pursuant to G.L. c.44 Section 53E ½ for the fiscal year beginning July 1, 2007 to be credited with receipts from the following revenue sources, to be expended under the authority and direction of the following agencies or officials, for the following stated purposes, not to exceed the following spending limits, respectively:

FUND	REVENUE SOURCE	AUTHORITY TO SPEND FUNDS	USE OF FUND	SPENDING LIMIT	RESTRICTIONS/ COMMENTS
Pool Fund	Pool User Fees	Recreation Commission	Operation and Maintenance of the Dedham Pool	\$200,000	None
Firearms Fee Fund	Firearms Permits	Police Chief	Pay share of State fees/Balance to be expended for needs of Police Department	\$2,000	None
Immunization Program	Immunization Clinics	Health Director	Paying costs and expenses associated with Immunization Clinics	\$10,000	None
Dedham Recycling Program	Recycling User Fees	Town Administrator	Paying costs and expenses associated with Recycling Program not otherwise provided for	\$20,000	None
Council on Aging Programs	Fees from Various Council on Aging Programs	Council on Aging Director	Paying costs and expenses related to said Programs	\$25,000	None
Recreation	Receipts from recreational programs	Park and Recreation Director	Paying costs and expenses related to said Programs	\$125,000	None

or to take any action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE SIXTEEN: *By the Conservation Commission:* To see if the Town will vote to authorize the Conservation Commission to expend a sum of money from the "Reserve for Appropriation for Wetlands Protection Fund" account during Fiscal Year 2008 pursuant to Chapter 287, §54, of the Acts of 1989, which provides that the Town's share of the Notice of Intent Filing Fees under the Wetlands Protection Act shall be expended solely for the performance of its duties associated with administering the Act, or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE SEVENTEEN: *By the Board of Assessors.* To see if the Town will vote to raise and appropriate or transfer from available funds, or borrow a sum of money to provide for the triennial certification of all Real and Personal Property located within the Town of Dedham, as required by the Massachusetts General Laws, or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE EIGHTEEN: *By the School Committee.* To see what sum of money the Town will vote to raise, appropriate, transfer from available funds or borrow for the purpose of updating the Education Model for the Dedham Public Schools, or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE NINETEEN: *By the School Building Rehabilitation Committee.* To see what additional sum of money the Town will vote to raise, appropriate, transfer from available funds or borrow, for the purpose of paying additional costs of constructing, originally equipping and furnishing a new Middle School, including the payment of all costs incidental and related, or take any other action relative thereto.
Referred to Finance Committee for study and report.

ARTICLE TWENTY: *By Selectman Marie-Louise Kehoe at the request of Arcadia Avenue resident Martin Vey. To see what sum of money the Town will vote to raise, appropriate, transfer from available funds or borrow, for the purpose of installing a new drain on Arcadia Avenue, or take any other action relative thereto.
Referred to Finance Committee for study and report.*

ARTICLE TWENTY-ONE: *By the Design Review Advisory Board.* To see if the Town will vote to amend the Town of Dedham Zoning By-laws as follows:

1. In Section 9.6.3 Jurisdiction. Add the following text:
 3. In the Central Business District, all Design Review Advisory Board recommendations agreed to with the applicant regarding construction details, materials and colors will be specified in the Board's letter to Town boards and the Building Department and shall be binding on the applicant and conformance to the specifications shall be verified by the Building Department in permitting the project through to the final approval. The applicant shall consult the Downtown Design Guidelines on file at the Town Clerk's office for development compliance.
2. In Section 9.6.4 Applicability. Delete the words "preliminary or conceptual" in the first sentence
3. In Section 9.6.5 Procedures. Delete the first two sentences in their entirety: "Whenever possible, the owner or applicant shall make an appointment and consult with the Design Review Advisory Board prior to the formal submission of preliminary plans to the Planning Board or other town agency and the recommendations may be voluntarily adopted or negotiated by the applicant. Otherwise within five working days after formal submission to the Planning Board, Board of Appeals or the Building Commissioner, the applicant shall transmit a completed Design Review Advisory Board application form together with all supporting materials and one complete set of plans to the Design Review Advisory Board and request its review and recommendations within 21 days of transmittal or such longer period as the applicable legal requirements may allow."

And insert the following sentence in its place:

"Within five working days after formal submission to the Planning Board, Board of Appeals, or the Building Commissioner, the applicant shall transmit a completed Design Review Advisory Board application form together with all supporting materials and six complete sets of plans to the Planning Board office for review and recommendations."

4. In Section 9.6.5 add the following new text:
 2. The Design Review Advisory Board shall meet once a month to review applications. All materials required above shall be submitted to the Planning Board office ten (10) days prior to the meeting date.

3. Applications shall not be deemed to be complete until all the required materials listed on the application form are received in the Planning Board office.
4. The Design Review Advisory Board shall have fourteen (14) days from the date of the hearing to issue written recommendations.
5. Sign panel replacements and temporary banners may be reviewed at the next scheduled meeting as long as all the required materials have been submitted.

or take any other action relative thereto.

Referred to Planning Board and Finance Committee for study and report.

ARTICLE TWENTY-TWO: *By Building Commissioner Kenneth Cimeno.* To see if the Town will vote to amend Section 3.2.1 of the Town of Dedham Zoning By-laws by changing the words “with a special permit from the Board of Appeals” to “with a Building Permit issued by the Building Commissioner,” where the same appears in the second to last sentence, or take any other action relative thereto.

Referred to Planning Board and Finance Committee for study and report.

ARTICLE TWENTY-THREE: *By District Seven Town Meeting Representative Peter A. Zahka, II on behalf of property owner The First Church of Christ, Scientist, Boston, MA.* To see if the Town will vote to amend the Zoning Map of the Town of Dedham, by changing from the Single Residence B (SRB) District to the Central Business (CB) District, a portion of the land currently known as 619 High Street, bounded and described as follows:

A certain area of land located in the Town of Dedham, Norfolk County, Massachusetts that lies northerly of High Street, said area of land being more particularly described as follows:

Beginning at the northwesterly corner of a stone bound found, said bound marks the northeasterly corner of the area of land described herein, said bound also marks the land of the United States of America; thence by land of the United States of America

S 17°32'33" W, a distance of fifty six and 76/100 (56.76') feet to the intersection of the boundary line of the land of the United States of America and a line that lies one hundred (100.00) feet north of the northerly line of High Street, said line being parallel with the northerly line of High Street; thence by said line

N 70°22'40" W, a distance of ninety and 10/100 (90.10') feet to the intersection of said line with the easterly boundary line of land of the County of Norfolk; thence by land of the County of Norfolk by the following two courses:

N 21°29'00" E, a distance of fifty nine and 46/100 (59.46') feet, and

S 68°34'35" E, a distance of eight six and 15/100 (86.15') feet to the point of beginning.

Said land area contains 5,116 square feet of land, more or less.

Said area to be rezoned is further shown on a plan entitled "Rezoning Plan, 619 High Street, Dedham, Massachusetts," dated January 5, 2007, prepared by Reed Land Surveying, Inc., a copy of which plan is on file with the Dedham Town Clerk, or take any other action relative thereto.

Referred to Planning Board and Finance Committee for study and report.

ARTICLE TWENTY-FOUR: *By the Board of Selectmen and the School Committee.* To see if the Town will vote to transfer the care, custody, management and control of a portion of the property known as the Dexter School property and further described in a Deed dated May 5, 1960 and recorded on May 6, 1960 with the Norfolk County Registry of Deeds in Book 3813, Page 436 consisting of a two acre parcel, more or less, from the School Committee to the Board of Selectmen for the purpose of a Senior Center, with the recommendation that if said portion is not used for a Senior Center within five (5) years from the date of the Town Meeting vote thereof, the Board of Selectmen may determine that said portion is not needed for the purpose of a Senior Center and petition Town Meeting to transfer the care, custody, management and control of said portion back to the School Committee for the purposes for which the portion is currently held, or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE TWENTY-FIVE: *By the Board of Selectmen and the Park and Recreation Commission.* To see if the Town will vote to transfer the care, custody, management and control of the Town-owned parcels of land described below from the Board of Selectmen for the purposes for which said parcels are held to the Parks and Recreation Commission for park and playground purposes:

- (a) a parcel of land located at 170 Bussey Street, known as Condon Park, identified by the Assessors Office as Parcel 96-108-90, and described in a deed recorded with the Norfolk County Registry of Deeds in Book 2301, Page 56;
- (b) a parcel of land located at 320 Cedar Street, known as Paul Park, identified by the Assessors Office as Parcel 155-134-90, and described in a deed recorded in Book 3053, Page 349;
- (c) the parcels of land located at 15 Lower East Street, identified by the Assessors Office as Parcel 58-7A-90 and Parcel 58-5A-90, and described in the Order of Taking recorded in Book 4687, Page 415; and
- (d) a parcel of land located at 16 Allen Lane, known as Churchill Park, identified by the Assessors Office as Parcel 94-55A-90, and described in a deed recorded in Book 1097, Page 297.

or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE TWENTY-SIX: *By the Open Space Committee.* To see if the Town will vote to transfer the care, custody, management and control of the town-owned vacant properties listed below from the Board of Selectmen to the Conservation Commission for the conservation purposes set out under G.L. Ch.40s.8C:

181-108-90	235 Bonham Road	•17 acres
182-33-90	73 Goshen Road	•36 acres
182-70-90	41 Meridan Road	•62 acres
182-77-90	201 Greensboro Road	•69 acres
182-82-90	78 Hastings Road	•15 acres
190-76-90	78 Carol Drive	•38 acres
196-9-90	486 Greenlodge Street	•18 acres
196-11-90	498 Greenlodge Street	•20 acres
196-16-90	90 Roosevelt Road	•22 acres
196-17-90	93 Roosevelt Road	•18 acres
196-18-90	85 Roosevelt Road	•18 acres
196-19-90	81 Roosevelt Road	•18 acres
196-55-90	94 Roosevelt Road	•17 acres

or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE TWENTY-SEVEN: *By the Historic District Commission.* To see if the Town will vote to amend the Revised By-Laws of the Town of Dedham, Chapter 24, Section 5, by expanding the existing Franklin Square-Court Street Historic District, also known as the Dedham Village Historic District, to include the following described parcels of land shown on the Town of Dedham Assessors Maps and also shown on the attached plan entitled "Historic Districts, Town of Dedham, Norfolk County, Massachusetts," prepared by the Town of Dedham Engineering Department from the Town of Dedham Geographic Information System, dated November, 2006, and identified on said plan as "Proposed":

Map #106	Parcel 13
Map #107	Parcels 14,15,16,17,18,27,28,29,30,32,33,34,35,36,37,57,112
Map #121	Parcels 10,12,13,14,25,26,27,28,29,30,32,33,34
Map #134	Parcel 150-90
Map #135	Parcels 27,28

or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE TWENTY-EIGHT: *By the Town Administrator at the Request of David Field, Director of Engineering.* To see if the Town will vote to amend Chapter Thirty-Six of the Revised By-Laws of the Town of Dedham, as previously amended, to read as follows:

CHAPTER THIRTY-SIX (STORMWATER MANAGEMENT)

PART A: ILLICIT DISCHARGES TO THE MUNICIPAL STORM DRAIN SYSTEM

SECTION 1: PURPOSE

A. Increased volumes of stormwater and contaminated stormwater runoff are major causes of:

- (1) impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
- (2) contamination of drinking water supplies;
- (3) alteration or destruction of aquatic and wildlife habitat; and
- (4) flooding.

The United States Environmental Protection Agency has identified land disturbance and polluted stormwater as major sources of water pollution. Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the Town of Dedham's water bodies and groundwater, and to safeguard the public health, safety, welfare and the natural resources of the Town.

B. The objectives of this by-law are:

- (1) to prevent pollutants from entering the Town of Dedham's municipal storm drain system;
- (2) to prohibit illicit connections and unauthorized discharges to the Town;
- (3) to require the removal of all such illicit connections;
- (4) to comply with state and federal statutes and regulations relating to stormwater discharges; and
- (5) to establish the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement;

SECTION 2: DEFINITIONS

For the purposes of this by-law, 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.

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

ILLCIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 8. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to Section 8, of this by-law.

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

MUNICIPAL STORM DRAIN SYSTEM or MUNICIPAL SEPARATE STORM SEWER 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 Dedham.

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 non-point source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation:

- (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; sewage, fecal coliform and pathogens;
- (7) dissolved and particulate metals;
- (8) animal wastes;
- (9) rock, sand, salt, soils;
- (10) construction wastes and residues; and
- (11) and noxious or offensive matter of any kind.

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

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

STORMWATER: Runoff from precipitation or snow melt.

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

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

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

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

SECTION 3: APPLICABILITY

This by-law shall apply to flows entering the municipal storm drainage system.

SECTION 4: AUTHORITY

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34, and the Phase II ruling from the Environmental Protection Agency found in the December 8, 1999 Federal Register.

SECTION 5: RESPONSIBILITY FOR ADMINISTRATION

The Department of Public works shall administer, implement and enforce this by-law. Any powers granted to or duties imposed upon the Department of Public Works may be delegated in writing by the Department of Public Works to its employees or agents.

SECTION 6: REGULATIONS

The Department of Public Works may promulgate rules and regulations to effectuate the purposes of this by-Law. Failure by the Department of Public Works to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

SECTION 7: PROHIBITED ACTIVITIES

Prohibited activities are as follows:

- (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, into a watercourse, or into the waters of the Commonwealth.
- (2) Illicit Connections: No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- (3) Obstruction of Municipal Storm Drain System: No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Department of Public Works.

SECTION 8: EXEMPTIONS

Exemptions from the by-law are as follows:

- (1) Discharge or flow resulting from fire fighting activities.
- (2) Discharge or flow that results from conditions that require immediate action and occurs during a state of emergency declared by any agency of the Federal or State Government, or by the Dedham Town Administrator, Board or Selectmen or Board of Health.

- (3) The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwater provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:
- (a) Waterline flushing;
 - (b) Flow from potable water sources;
 - (c) Springs;
 - (d) Natural flow from riparian habitats and wetlands;
 - (e) Diverted stream flow;
 - (f) Rising groundwater;
 - (g) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
 - (h) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
 - (i) Discharge from landscape irrigation or lawn watering;
 - (j) Water from individual residential car washing;
 - (k) Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided test data is submitted to the Town substantiating that the water meets the one ppm standard and the pool is drained in such a way as not to cause a nuisance or public safety issue, and complies with all applicable Town by-laws;
 - (l) Discharge from street sweeping;
 - (m) Dye testing;
 - (n) Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and

- (o) Discharge for which advanced written approval is received from the Conservation Commission and the Department of Public Works as necessary to protect public health, safety, welfare or the environment.

SECTION 9: EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

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

SECTION 10: NOTIFICATION OF SPILLS

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal Fire and Police Departments, the Conservation Commission and the Department of Public Works. In the event of a release of non-hazardous material, the reporting person shall notify the Conservation Commission and the Department of Public Works no later than the next business day. The reporting person shall provide to the Conservation Commission and the Department of Public Works written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 11: ENFORCEMENT

- A. Authorized Agents: The Department of Public Works, or an authorized agent of the Department of Public Works, shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- B. Civil Relief: If a person violates the provisions of this by-law, regulations, permit, notice, or order issued thereunder, the Department of Public Works may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

- C. Orders: The Department of Public Works, or an authorized agent of the Department of Public Works, may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the municipal sewer system; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.
- D. If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Dedham may, at its option, undertake such work, and expenses thereof shall be charged to the violator.
- E. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Department of Public Works 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 Department of Public Works affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, S. 57 after the thirty-first day at which the costs first become due.
- F. Criminal Penalty: Any person who violates any provision of this by-law, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- G. Non-Criminal Disposition: As an alternative to criminal prosecution or civil action, the Town of Dedham may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D. The penalty for each violation shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- H. Entry to Perform Duties Under this By-Law: To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Department of Public Works, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and regulations and may make or cause to be made such examinations, surveys or sampling as the Department of Public Works deems reasonably necessary.

- I. Appeals: The decisions or orders of the Department of Public Works shall be final. Further relief shall be to a court of competent jurisdiction.
- J. Remedies Not Exclusive: The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 12: SEVERABILITY

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

SECTION 13: TRANSITIONAL PROVISIONS

Residential property owners shall have 180 days from the effective date of the by-law to comply with its provisions, or petition the Department of Public Works for an extension with the reasons for failure to comply and a schedule for compliance.

PART B: STORMWATER MANAGEMENT PERMIT

SECTION 1: PURPOSE

- A. Increased volumes of stormwater and contaminated stormwater runoff, and soil erosion and sedimentation are the major causes of:
 - (1) Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
 - (2) Contamination of drinking water supplies;
 - (3) Alteration or destruction of aquatic and wildlife habitat;
 - (4) Flooding; and
 - (5) Overloading or clogging of municipal catch basins and storm drainage systems.
- B. The objectives of this bylaw are to:
 - (1) Protect water resources;
 - (2) Require practices that eliminate soil erosion and sedimentation;
 - (3) Control the volume and rate of stormwater runoff resulting from land disturbance activities to minimize potential impacts of flooding;
 - (4) Promote infiltration and the recharge of groundwater;
 - (5) Ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained;
 - (6) Require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
 - (7) Prevent pollutants from entering the municipal storm drain system;
 - (8) Ensure adequate long-term operation and maintenance of structural stormwater best management practices;

- (9) Comply with state and federal statutes and regulations relating to stormwater discharges; and
- (10) Establish the Town of Dedham's legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

SECTION 2: DEFINITIONS

ABUTTER: The owner(s) of land abutting the activity.

AGRICULTURE: The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

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 areas. Such changes include: change from distributed runoff to confined, discrete discharge, change in the volume of runoff from the area, change in the peak rate of runoff from the area, and change in the recharge-to-groundwater on the area.

APPLICANT: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting a soil erosion and sediment control permit for proposed land-disturbance activity.

AUTHORIZED ENFORCEMENT AGENCY: The Conservation Commission, its employees or agents designated to enforce this by-law.

CONSTRUCTION AND WASTE MATERIALS: Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

CLEARING: Any activity that removes the vegetative surface cover.

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

DISTURBANCE OF LAND: Any action 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.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a qualified Professional Engineer (PE) or a Professional Land Surveyor (PLS), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation

during pre-construction and construction related land disturbance activities.

ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS:

Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

GRADING: Changing the level or shape of the ground surface.

GRUBBING: The act of clearing land surface by digging up roots and stumps.

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

LAND-DISTURBING ACTIVITY: Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

MASSACHUSETTS ENDANGERED SPECIES ACT: (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.

MUNICIPAL STORM DRAIN SYSTEM or MUNICIPAL SEPARATE STORM SEWER 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 Dedham.

OPERATION & MAINTENANCE PLAN: A plan describing the functional, financial and organizational mechanisms for the on-going 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 point source discernible, confined and discrete conveyance into waters of the Commonwealth.

OUTSTANDING RESOURCE WATERS (ORWs): Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have

exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

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

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

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

PRE-CONSTRUCTION: All activity in preparation for construction.

PRIORITY HABITAT OF RARE SPECIES: Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

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

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL: Any earth, sand, rock, gravel, or similar material.

STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

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

STORMWATER MANAGEMENT PLAN: A document containing narrative, drawings and details prepared by a qualified Professional Engineer (PE) or a Professional Land Surveyor (PLS), 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 Operational & Maintenance Plan describing the maintenance requirements for best structural management practices.

STRIP: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

VERNAL POOLS: Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

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

WETLAND RESOURCE AREA: Areas specified in the Massachusetts Wetlands Protection Act G.L. c. 131, § 40 and in the Town of Dedham's wetland by-law.

WETLANDS: Tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps and bogs.

SECTION 3: 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, published in the Federal Register on December 8, 1999.

SECTION 4: APPLICABILITY

This bylaw shall apply to all activities that result in disturbance of twenty thousand (20,000) square feet or more of land in the Town of Dedham. Except as permitted by the Conservation Commission or as otherwise provided in this bylaw, no person shall perform any activity that results in disturbance of twenty thousand (20,000) square feet or more of land.

SECTION 5: EXEMPT ACTIVITIES

- 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;

- C. The construction of fencing that will not substantially alter existing terrain or drainage patterns;
- D. Construction of utilities other than drainage (gas, water, sewer, electric, telephone, etc.) which will not permanently alter terrain or drainage patterns;
- E. Storm water discharges resulting from the activities that are subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Storm Water Management Policy as reflected in an Order of Conditions issued by the Conservation Commission.

SECTION 6: ADMINISTRATION

- A. The Conservation Commission shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon, the Conservation Commission may be delegated in writing by the Conservation Commission to its employees or agents.
- B. Waiver: The Conservation Commission may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where:
 - (1) Such action is allowed by federal, state and local statutes and/or regulations,
 - (2) Is in the public interest, and
 - (3) Is not inconsistent with the purpose and intent of this by-law.
- C. Rules and Regulations: The Conservation Commission may adopt, and periodically amend rules and regulations to effectuate the purposes of this by-law. Failure by The Conservation Commission to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

SECTION 7: PERMITS AND PROCEDURES

Permits are required prior to an activity disturbing twenty thousand (20,000) square feet or more of land. The site owner or his Agent shall file for the permit with the Conservation Commission; however, any permit will be issued to the Owner.

- A. Application: A completed application for a Stormwater Management Permit shall be filed with the Conservation Commission in a form and containing information as specified in this by law and in regulations adopted by the Conservation Commission. A permit must be obtained prior to the commencement of land disturbing activity that may result in the disturbance of an area of twenty thousand (20,000) square feet or more. The Stormwater Management Permit Application package shall include:
 - (1) A completed Application Form with original signatures of all owners;
 - (2) A list of abutters, certified by the Assessors Office;
 - (3) Eight (8) copies of the Erosion and Sediment Control Plan, Stormwater Management Plan, and Operation and Maintenance Plan;
 - (4) Payment of the application and review fees; and

- (5) One (1) copy each of the Application Form and the list of abutters filed with the Town Clerk.
- B. Fees: Application fees shall be established by the Conservation Commission to cover expenses connected with public notice, application review, and monitoring permit compliance. In addition, the Conservation Commission may also establish a professional review fee sufficient to cover a professional review based on the magnitude of the project and the potential environmental impacts. The Conservation Commission is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Commission on any or all aspects of these plans. Applicants must pay review fees before the review process may begin. The Applicant for a Stormwater Management Permit may be required to establish and maintain an escrow account to cover the costs of said consultant.
- C. Information Requests: The Commission may request such additional information as is necessary to enable the Commission to determine whether the proposed land disturbance activity will protect water resources and meet the objectives of this by law.
- D. Determination of Completeness: The Conservation Commission shall make a determination as to the completeness of the application and adequacy of the materials submitted. No review shall take place until the application has been found to be complete.
- E. Coordination with Other Boards: On receipt of a complete application for a Stormwater Management Permit, the Conservation Commission shall distribute one (1) copy each to the Planning Board, Department of Public Works, Engineering Department, and Building Department for review and comment.
- F. Entry: Filing an application for a Stormwater Management Permit grants the Conservation Commission, or its Agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.
- G. Hearing: Within twenty one (21) days of receipt of a complete application for a Stormwater Management Permit, the Conservation Commission shall hold a public hearing and shall take final action within twenty one (21) days from the close of the hearing unless such time is extended by agreement between the Applicant and the Conservation Commission. Notice of the public hearing shall be given by publication in a local paper of general circulation, by posting and by certified mailings to abutters, at least seven (7) days prior to the hearing. The Conservation Commission shall be responsible for posting the notice at the Town Hall. The Applicant shall be responsible for publishing the notice in the local newspaper and for notifying abutting property owners, by certified mail, return receipt requested. Copies of the certified mail receipts shall be submitted to the Conservation Commission for verification prior to opening the public hearing. The Conservation Commission shall make the

application available for inspection by the public during regular business hours at the Town of Dedham Conservation office.

H. Action: The Conservation Commission may:

- (1) Approve the Application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this by-law;
- (2) Approve the Application and issue a permit with conditions, modifications or restrictions that the Conservation Commission determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this by-law; or
- (3) Disapprove the Application and deny the permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this by-law. If the Conservation Commission finds that the Applicant has submitted insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume, the Conservation Commission may disapprove the application, denying a permit.

I. Failure of the Conservation Commission to take final action. Failure of the Conservation Commission to take final action upon an Application within the time specified above shall be deemed to be approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without the Conservation Commission's action, the Stormwater Management Permit shall be issued by the Conservation Commission.

J. Project Changes: The Permittee, or their Agent, must notify the agent of the Conservation Commission in writing of any change or alteration of a land-disturbing activity before the change or alteration occurs. If the agent of the Conservation Commission determines that the change or alteration is significant, based on the design requirements this by law or the regulations adopted by the Conservation Commission under this by law, the agent of the Conservation Commission may require that an amended application or a full application be filed in accordance with this Section. If any change or alteration from the Stormwater Management Permit occurs during land disturbing activities the agent of the Conservation Commission may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

SECTION 8: EROSION AND SEDIMENT CONTROL PLAN

A. The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the

proposed development will comply with the design requirements listed in Section 7.B. below.

B. The design requirements of the Erosion and Sediment Control Plan are:

- (1) Minimize total area of disturbance;
- (2) Sequence activities to minimize simultaneous areas of disturbance;
- (3) Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Policy;
- (4) Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
- (5) Divert uncontaminated water around disturbed areas;
- (6) Maximize groundwater recharge;
- (7) Install and maintain all Erosion and Sediment Control measures in accordance with the manufacturers specifications and good engineering practices;
- (8) Prevent off-site transport of sediment;
- (9) Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);
- (10) Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
- (11) Prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;
- (12) Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site;
- (13) Properly manage on-site construction and waste materials; and
- (14) Prevent off-site vehicle tracking of sediments.

- C. Erosion and Sedimentation Control Plan Content. The Plan shall contain sufficient information needed to describe the work in detail and at a minimum must contain the information specified in the regulations.

SECTION 9: STORMWATER MANAGEMENT PLAN

The Stormwater Management Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed best management practices for the permanent management and treatment of stormwater. The Stormwater Management Plan shall contain sufficient information for the Conservation Commission to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the Applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Massachusetts Stormwater Management Standards and DEP Stormwater Management Handbook Volumes I and II. The Stormwater Management Plan shall fully describe the project in drawings and narrative. The Applicant shall submit such material as is required by the regulations adopted by the Conservation Commission for the administration of this by law.

SECTION 10: OPERATION AND MAINTENANCE PLANS

- A. An Operations and Maintenance Plan (O&M Plan) for the permanent stormwater management system is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with this By law and that the Massachusetts Surface Water Quality Standards contained in 314 CMR 4.00 are met in all seasons and throughout the life of the system. The Conservation Commission shall make the final decision of what maintenance is appropriate in a given situation. The Conservation Commission will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, potential need for on-going maintenance activities when making this decision, and require the submittal of certified annual reports as part of the O&M Plan. Once approved by the Conservation Commission, the Operations and Maintenance Plan shall be recorded at the Norfolk County Registry of Deeds by the Permittee, shall remain on file with the Conservation Commission and shall be an on-going requirement. The Operations and Maintenance Plan shall conform to the requirements listed in the regulations adopted by the Conservation Commission for the administration of this by law. Stormwater management easements shall be provided by the property owner(s) in areas and as necessary to carry out the required maintenance.

B. Changes to Operation and Maintenance Plans

- (1) The owner(s) of the stormwater management system must notify the Conservation Commission or its Agent of changes in ownership or assignment of financial responsibility.
- (2) The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this By-law by mutual agreement of the Conservation

Commission and the Responsible Parties. Responsible Parties shall include Owner(s), persons with financial responsibility, and persons with operational responsibility. Once the amended Plan is signed, the Conservation Commission shall file it at the Registry of Deeds at the expense of the current Owner(s).

SECTION 11: INSPECTION

- A. Board Inspection. The Conservation Commission, or its designated agent, shall be notified one (1) week prior to the start of construction for inspection of the erosion and sediment control measures by the Commission. One (1) copy of the permit and approved plans shall be maintained at the site during the progress of the work. Subsequent inspections shall be at the discretion of the Commission or its designated Agent.

- B. Permittee Inspections. The Permittee or his/her agent shall conduct and document inspections of all control measures no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for maintenance or additional control measures. The permittee or his/her agent shall submit monthly reports to Conservation Commission or designated agent in a format approved by Conservation Commission. The Conservation Commission may require, as a condition of approval, that the Permittee's inspections be conducted by a person qualified in environmental monitoring and approved by the Commission.

- C. Access Permission. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Conservation Commission, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as Conservation Commission deems reasonably necessary to determine compliance with the permit.

SECTION 12: SURETY

The Conservation Commission may require the Permittee to post before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by town counsel, and be in an amount deemed sufficient by the Conservation Commission to ensure that the work will be completed in accordance with the permit. If the project is phased, the Conservation Commission may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Commission has received the final report and as-built plan as required by Section 13 and issued a certificate of completion.

SECTION 13: FINAL REPORTS AND AS-BUILT PLAN

Upon completion of the work, the Permittee shall submit a report (including certified as-built construction plans) from a Professional Engineer (PE), or Professional Land Surveyor (PLS), certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of

the approved permit. Any discrepancies should be noted in the cover letter. In addition to a paper copy of the as-built construction plan, one digital file shall be submitted in AutoCAD DWG format; but DXF format will be acceptable. The media shall be on CD, DVD, or in another form suitable to the Town. The plan Vertical Datum shall reference the North American Vertical Datum of 1988 (NAVD88), and the plan shall contain a minimum of two benchmarks. The horizontal orientation shall be tied and referenced to the Dedham GIS horizontal control monuments (North American Datum of 1983, NAD83).

SECTION 14: ENFORCEMENT

A. The Conservation Commission, or an authorized agent of the Commission, shall enforce this by law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

B. Orders

(1) The Conservation Commission, or an authorized agent of the Commission, may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include:

- a. A requirement to cease and desist from the land-disturbing activity until there is compliance with the by law and 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.

(2) 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 Dedham may, at its option, undertake such work, and the property owner shall reimburse the Town's expenses.

(3) Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Dedham, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Conservation Commission within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Conservation Commission affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest

shall begin to accrue on any unpaid costs at the statutory rate, as provided in G.L. Ch. 59, § 57, after the thirty-first day following the day on which the costs were due.

- C. Criminal Penalty. Any person who violates any provision of this by-law, regulation, order or permit issued there under shall be punished by a fine of not more than \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- D. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Dedham may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D and the Enforcement Appendix of the General By-laws of the Town of Dedham, in which case the enforcing person shall be as defined in the General By-law. The penalty for each violation shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- E. Appeals. The decisions or orders of the Conservation Commission shall be final. Further relief shall be to a court of competent jurisdiction.
- F. Remedies Not Exclusive. The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 15: CERTIFICATE OF COMPLETION

The Conservation Commission will issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this bylaw.

SECTION 16: SEVERABILITY

If any provision, paragraph, sentence, or clause of this by-law shall be held invalid for any reason, all other provisions shall continue in full force and effect.

Or take any other action relative thereto.

Referred to By-Law Review Committee and Finance Committee for study and report.

ARTICLE TWENTY-NINE: *By the Endicott Estate Commission.* To see if the Town will vote to amend Chapter Twenty, Endicott Estate Commission, as follows:

Section 3. Endicott Estate Commission Established

Delete the present section in its entirety and replace with the following language:

There shall be an Endicott Estate Commission appointed by the Town Administrator, which shall consist of five (5) legal voters of the Town.

Section 4. Terms of Commissioners Set; Commission to Organize

Delete the first sentence of the present section and replace with the following language:

Initially, one (1) member of the Commission 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.

And, that the existing members of the Endicott Estate Commission serve out the remainder of their respective terms, or take any other action relative thereto.
Referred to By-law Review Committee and Finance Committee for study and report.

ARTICLE THIRTY: *By the Board of Selectmen at the Request of Selectman Carmen E. Dellolaco.* To see if the Town will vote to amend Chapter Twenty-Six (Building, Planning and Construction Committee) of the Revised By-laws by replacing Section 1 in its entirety, as follows:

Section 1. Establishment

As provided in the Dedham Home Rule Charter, Section 7-5, there shall be a Building, Planning and Construction Committee consisting of seven members appointed by the Town Administrator as hereinafter provided, which shall consist of one member of the Planning Board, a registered professional engineer or architect, an attorney admitted to practice in Massachusetts, a person employed in the construction industry or a related trade or occupation, *a person with a discipline in Environmental Sciences or a members of the Conservation Commission, and two other persons.*

or take any other action relative thereto.

Referred to By-Law Review Committee and Finance Committee for study and report.

ARTICLE THIRTY-ONE: *By Selectman James A. MacDonald and Planning Board Member John R. Bethoney.* To see if the Town will vote to amend the Revised By-Laws of the Town of Dedham by adding a new Section 21 to Chapter 4 Financial Affairs as follows:

MITIGATION FUNDS COMMITTEE

a.) There shall be a Mitigation Funds Committee which shall advise and make recommendations to the Finance Committee and Town Meeting as to expenditure of funds on deposit in a mitigation stabilization fund. Said committee shall consist at all times of five legal voters of the Town and shall be appointed as provided in this section. Except as hereinafter specifically provided, no person, other than a Town Representative, holding an elective or appointive office in the Town nor any permanent member of a Town Department shall serve on such committee. The members of the committee shall serve without compensation and may employ clerical or other assistance subject to available appropriation. The Committee shall choose its own officers.

b.) The Moderator shall appoint three of the original members of said committee, who shall serve terms of one, two and three years respectively, as the Moderator shall designate; and annually thereafter, immediately following the dissolution of the business session of the Annual Town Meeting, the Moderator shall appoint one new member to said committee who shall succeed the member appointed by him whose term then shall have expired and who shall serve for a term of three (3) years.

c.) One member of said committee shall be appointed annually by the Board of Selectmen and such member may but need not be a member of the Board of Selectmen; and one member shall be appointed annually by the Planning Board and such member may but need not be a member of the Planning Board. Members so appointed shall serve terms of one year from the time of the Annual Town Meeting at which they are appointed.

d.) Whenever any vacancy shall occur in the office of the committee, whether by reason of death, resignation, removal from the Town, appointment or election to Town office or other cause, such vacancy shall be filled by the appointing authority which appointed the member whose position shall have become vacant. A copy of such appointment shall be sent by the appointing authority to the Town Clerk and to the Secretary of the Committee. Any person so appointed to fill that vacancy shall hold office for the unexpired term of the person whom he succeeds.

e.) For the purposes of this section, a mitigation stabilization fund shall be a special purpose stabilization fund established pursuant to Massachusetts General Laws Chapter 40, Section 5B into which are deposited payments made by developers or parties to an agreement with the Town for a particular purpose or for unrestricted use, including mitigation payments, infrastructure charges or other payments made by a

private party in connection with a regulatory activity or a municipal contract, permit application, or by-law. It shall be the duty of the committee to confer with the Finance Committee and the Director of Finance to determine the amount and availability of mitigation stabilization funds and to confer with Town boards, commissions, committees, officers, employees, and other agencies and departments of the Town, all of which shall cooperate with the committee in arriving at recommendations for expenditure of such funds for the purposes designated in the grant of such funds or, if unrestricted, for general municipal purposes; and all such agencies and departments or other authorities of the Town shall furnish to the committee on the second Friday in September in each year in which mitigation stabilization funds are available detailed estimates of the expenditures necessary for improvements under their jurisdiction for the ensuing five years. The committee shall prepare, in each year in which mitigation stabilization funds are available, a recommendation of expenditures for mitigation stabilization funds, including recommendations for the scheduling of such expenditures, to the Town Administrator, Board of Selectmen and Planning Board by the first Friday in January. In conjunction with the submission of the annual budget message, the Town Administrator shall propose a plan for the expenditure of such mitigation stabilization funds and the probable impact of such expenditures on the tax rate of the Town and shall furnish such report and recommendations to the Finance Committee.

or take any other action relative thereto.

Referred to By-Law Review Committee and Finance Committee for study and report.

ARTICLE THIRTY-TWO: *By the Park and Recreation Commission at the Request of Commissioner Donald Reisner.* To see if the Town will vote to amend the Town of Dedham Revised By-laws to add a new Chapter sequentially numbered, as follows:

CHAPTER _____
SEX OFFENDER RESIDENCY BY-LAW

SECTION 1. DEFINITIONS

1. "Park" means land owned or controlled by a unit of local government, and located within the Town of Dedham, that is designated by the unit of local government for use solely or primarily for children's recreation; town recreational areas including but not limited to, a forest preserve, conservation area, jogging trail, hiking trail, water park, swimming pool, soccer field or baseball field under the jurisdiction of a unit of local government.
2. "School" means any public or private educational facility that provides services to children in grades kindergarten – 12.
3. "Day Care Center" means an establishment, whether public or private, which provides care for children and is registered with and licensed pursuant to the laws of the Commonwealth of Massachusetts by the Office of Child Care Services.
4. "Elderly Housing Facility" means a building or buildings on the same lot containing four or more dwelling units restricted to occupancy by households having one or more members fifty-five years of age or older.
5. "Place of Worship" means a structure used for religious worship or religious education purposes on land owned by, or held in trust for the use of any religious organization.
6. "Loiter" means standing, sitting idly, whether or not the person is in a vehicle or remaining in or around town park property for more than fifteen (15) minutes.
7. "Sex Offender" means a person who resides, works or attends an institution of higher learning in the Commonwealth and who has been convicted of a sex offense or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense or a person released from incarceration or parole or probation supervision or custody with the Department of Youth Services for such a conviction or adjudication or a person who has been adjudicated a sexually dangerous person under G.L. c. 123A §14, as in force at the time of adjudication, or a person released from civil commitment pursuant to section 9 of said c. 123A, whichever last occurs, on or after August 1, 1981.

8. "Sex Offender Registry" means the collected information and data that is received by the Criminal History Systems Board pursuant to General Law Chapter 6, Sections 178C to 178P, inclusive, as such information and data is modified or amended by the Sex Offender Registry Board or a Court of competent jurisdiction pursuant to said Sections 178C to 178P, inclusive.
9. "Permanent Residence" means a place where a person lives, abides, lodges, or resides for five (5) or more consecutive days or fourteen (14) or more days in the aggregate during any calendar year.
10. "Temporary Residence" means a place where a person lives, abides, lodges, or resides for a period of less than five (5) consecutive days or fourteen (14) days in the aggregate during any calendar year, which is not the person's permanent address or place where the person routinely lives, abides, lodges, or resides and which is not the person's permanent residence.
11. "Establishing a Residence" means to set up or bring into being a dwelling place or an abode where a person sleeps, which may include more than one location, and may be mobile or transitory, or by means of purchasing real property or entering into a lease or rental agreement for real property (including a renewal or extension of a prior agreement whether through written execution or automatic renewal).
12. "Sex Offense Involving a Child" means an indecent assault and battery on a child under 14 under section 13B of Chapter 265; rape of a child under 16 with force under section 22A of said Chapter 265; rape and abuse of a child under section 23 of said Chapter 265; assault of a child with intent to commit rape under section 24B of said Chapter 265; kidnapping of a child under the age of 16 under section 26 of said Chapter 265; enticing a child under the age of 16 for purposes of committing a crime under section 26C of said Chapter 265; inducing a minor into prostitution under section 4A of Chapter 272; living off or sharing earnings of a minor prostitute under section 4B of said Chapter 272; disseminating to a minor matter harmful to a minor under section 28 of said Chapter 272; posing or exhibiting a child in a state of nudity under section 29A of said Chapter 272; dissemination of visual material of a child in a statue of nudity or sexual conduct under section 29B of said Chapter 272; unnatural and lascivious acts with a child under 16 under section 35A of said Chapter 272; aggravated rape under section 39 of Chapter 277; and any attempt to commit a violation of any of the aforementioned sections pursuant to section 6 of Chapter 274 or a like violation of the laws of another state, the United States or a military, territorial or Indian tribal authority.

SECTION 2. SEXUAL OFFENDER RESIDENCE PROHIBITION; PENALTIES; EXCEPTIONS

- a. It is unlawful for any sex offender who is finally classified as a level 2 or 3 offender pursuant to the guidelines of the Sex Offender Registry Board, to establish a permanent residence within two thousand (2,000) feet of any school, day care center, park, elderly housing facility or place of worship.
- b. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence to the nearest outer property line of a school, day care center, park, elderly housing facility or place of worship.
- c. Notice to move. Any registered level 2 or level 3 sex offender who establishes a permanent residence within two thousand (2,000) feet of any school, day care center, park, elderly housing facility or place of worship shall be in violation of this section and shall, within thirty (30) days of receipt of written notice of the sex offender's noncompliance with this chapter, move from said location to a new location, but said location may not be within two thousand (2,000) feet of any school, day care center, park, elderly housing facility or place of worship. It shall constitute a separate violation for each day beyond the thirty (30) days the sex offender continues to reside within two thousand (2,000) feet of any school, day care center, park, elderly housing facility or place of worship. Furthermore it shall be a separate violation each day that a sex offender shall move from one location in the Town of Dedham to another that is within two thousand (2,000) feet of any school, day care center, park, elderly housing facility or place of worship.
- d. Penalties. Violation of this bylaw, or of any regulations adopted hereunder, may be enforced through any lawful means in law or in equity by the Board of Selectmen, Town Administrator, or their duly authorized agents, or any police officer of the Town of Dedham including, but not limited to, enforcement by non-criminal disposition pursuant to G.L. c. 40, §21D. Each day a violation exists shall constitute a separate violation. The penalties shall be as follows:
 - i. First Offense: Notification to offender that he/she has thirty (30) days to move.
 - ii. Subsequent Offense: Non-criminal fine of \$300.00, enforceable by a police officer, and notification to the offender's landlord, parole officer and/or probation officer and the Commonwealth's Sex Offender Registry Board that the person has violated a municipal ordinance. Such a subsequent offense constitutes a breach of the peace for which the offender is also subject to immediate arrest.
- e. Exceptions. A person residing within 2,000 feet of any school, day care center, park, elderly housing facility or place of worship does not commit a violation of this section if any of the following apply:

- i. The person established the permanent residence and reported and registered the residence prior to January 26, 2007.
- ii. The person was a minor when he/she committed the offense and was not convicted as an adult.
- iii. The person is a minor.
- iv. The school, day care center, park, elderly housing facility or place of worship within 2,000 feet of the personal permanent residence was established after the person established the permanent residence and reported and registered the residence pursuant to the Sex Offender Registry Law.
- v. The person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.
- vi. The person is admitted to and/or subject to an order of commitment at a public or private facility for the care and treatment of mentally ill persons pursuant to G.L. c. 123.
- vii. The person is a mentally ill person subject to guardianship pursuant to G.L. c. 201 §6 or a mentally retarded person subject to guardianship pursuant to G.L. c. 201 §6A, residing with his or her guardian or residing within a group residence that is professionally staffed and supervised 24 hours a day.

SECTION 3. PROHIBITION

- a. It shall be unlawful for a sex offender who has been convicted of a sex offense involving a child to knowingly be present in any Town park.
- b. It shall be unlawful for a sex offender who has been convicted of a sex offense involving a child to loiter within 300 feet of a Town park, school, designated public school bus stop, day care center or playground.
- c. Enforcement. If a police officer reasonably believes that a sex offender who has been convicted of a sex offense involving a child is in a Town park or loitering within 300 feet of a Town park, in violation of this by-law, the officer shall require said sex offender to provide his/her name, address, and telephone number. If it is established that the individual is a sex offender who has been convicted of a sex offense involving a child, then the officer shall notify said sex offender that he/she is in violation of this by-law.
- d. Criminal Penalty. Any person violating any provision of this section, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500.00), for the first offense, seven hundred-fifty dollars (\$750.00) for a second or subsequent offenses.
- e. Non-Criminal Fine. In addition to enforcement by criminal complaint, a violation of this section may also be enforced by a police officer by non-criminal complaint pursuant to the provisions of Mass. G.L. c. 40 section 21D. Each day on which a

violation exists shall be deemed to be a separate offense. The penalty for violation of this section shall be \$300.00.

- f. If any provision of this by-law is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall remain in full force and effect. If any provision of this by-law is in conflict with state law, state law will prevail.

or take any other action relative thereto.

Referred to By-Law Review Committee and Finance Committee for study and report.

ARTICLE THIRTY-THREE: *By District One Town Meeting Member William Shaw McDermott and Citizens for Dedham Neighborhoods Alliance, Inc.* To see if the Town will vote to amend the Town of Dedham Revised By-laws to add a new Chapter 30A as follows:

**CHAPTER THIRTY A
MASTER PLAN**

1. The Planning Board shall prepare a comprehensive Master Plan, including an economic development supplement, in conformity with the requirements of Chapter 41§81D of the General Laws, as amended.
2. The Planning Board shall review, revise and update the Master Plan on an interim basis at least once every five years and publish the revised and updated document on the Town of Dedham website.
3. The Planning Board shall undertake a comprehensive review of the Master Plan and prepare revisions and updates thereto at least once every ten years, taking into account all elements required by Chapter 41§81D of the General Laws, as amended, and date from the last, most recent decennial census of the United States Census Bureau.
4. At the time of the comprehensive review of the Master Plan as contemplated in paragraph 3, the Planning Board shall
 - (i) Undertake a careful study of the then current Open Space Plan for the Town of Dedham as is in effect in accordance with Chapter 30 of these By-Laws, to assure that the Open Space Plan is consistent with policies, forecasts, and standards of the Master Plan.
 - (ii) Undertake a careful study of the then current Zoning By-Laws of the Town of Dedham to assure that the provisions of the Zoning By-Laws are consistent with policies, forecasts, and standards of the Master Plan.
 - (iii) Undertake a careful study of the rules and regulations of all other town commissions and boards (including without limitation the Board of Health, the Conservation Commission, and the Parks and Recreation Commission) to ascertain whether those rules and regulations are consistent with policies, forecasts, and standards of the Master Plan.
 - (iv) Prepare such revisions and updates to the Master Plan as it deems advisable, and propose to Town Meeting and relevant Town commissions and boards such changes and revisions to rules and regulations, for the purpose of achieving consistency with the policies, forecasts and standards of the Master Plan.

or take any other action relative thereto.

Referred to By-Law Review Committee and Finance Committee for study and report.

ARTICLE THIRTY-FOUR: *By District One Town Meeting Member William Shaw McDermott and Citizens for Dedham Neighborhoods Alliance, Inc.* To see if the Town will vote to amend the Town of Dedham Revised By-laws to add a new Chapter 30B as follows:

**CHAPTER THIRTY B
OPEN SPACE PLAN AND MASTER PLAN CERTIFICATIONS**

1. Every application for a license, permit, special permit or variance from a board or commission of the Town of Dedham shall contain a section asking the applicant, or the agent or attorney for an applicant, to certify that the grant of the requested license, permit, special permit, or variance would be consistent with the policies, forecasts, and standards of the then current Open Space Plan and Master Plan for the Town of Dedham.
2. The certification statement contemplated in paragraph 1 shall not be required in those applications for a license (such as a dog license) to which the Open Space Plan and Master Plan have no relevance.
3. Every board or commission of the Town of Dedham that grants a license, permit, special permit, or variance shall include in its order granting the license, permit, special permit or variance a statement that its order is consistent with the then current Open Space Plan and Master Plan or, if inconsistent in whole or in part, a statement explaining why in the exercise of discretion and judgment of the board or commission such inconsistency is warranted. Such a statement is not required in the circumstances contemplated by paragraph 2 in which no certifying statement is required.

or take any other action relative thereto.

Referred to By-Law Review Committee and Finance Committee for study and report.

ARTICLE THIRTY-FIVE: *By District One Town Meeting Member William Shaw McDermott and Citizens for Dedham Neighborhoods Alliance, Inc.* To see if the Town will vote to amend the Town of Dedham Revised By-laws to add a new Chapter sequentially numbered, as follows:

CHAPTER _____
COMMISSION ON DEDHAM GOVERNMENT

1. At least every ten years the Board of Selectmen shall appoint a Commission on Dedham Government. In exercising this authority, the Board of Selectmen shall consult with the Town Moderator, the District Chair of each representative district of the Town, and with such other persons as the Board, in its discretion, deems advisable.
2. The Commission on Dedham Government shall consist of at least five, but no more than ten persons, and shall be chaired by a distinguished citizen of the Town of Dedham. The members of the Commission need not be drawn from every political district and the Board of Selectmen may exercise their discretion to appoint members on the basis of experience, wisdom, good judgment and knowledge of Town government.
3. The Commission shall have the power to examine every facet of town government and shall receive the cooperation of the Town Administrator and every board and commission of the Town and their respective staffs.
4. The Commission shall review the structure and organization of the government of the Town and shall compare those to the forms of structure and organization in other Towns for the purpose of
 - (i) Enhancing the economy, efficiency and quality of decision-making and service in Town government.
 - (ii) Enhancing the openness and transparency of Town government.
 - (iii) Identifying best practices in operations of Town government for adoption by the Town.
5. The Commission shall be appointed at a time to allow the Commission at least twelve months, but no more than eighteen months, to complete their work.
6. With at least one week's notice to the general public in the manner provided for such notice in the ordinary course of Town government, and by at least one week's notice to the District Chairs, and by publication of such notice on the Town's website, the Commission shall hold hearings in public places, from time to time, and shall arrange for such hearings to be televised. The Commission may also, in its discretion, conduct such inquiries and information gathering as it chooses between hearings.

7. The Commission shall prepare a report to be submitted at the time of an Annual Town Meeting. The Commission report, when completed, shall be released to the press and be placed on the website of the Town.
8. The Commission shall serve without compensation. The Board of Selectmen shall request an appropriation for copying, printing, reproduction, stenographic recording, and other costs incidental to the work of the Commission.

or take any other action relative thereto.

Referred to By-Law Review Committee and Finance Committee for study and report.

ARTICLE THIRTY-SIX : *By District Six Town Meeting Members Cheryl Fish and Laurie Reisner.* To see if the Town will vote to amend Section 11 of Chapter Two of Revised By-laws of the Town of Dedham, by deleting the section in its entirety and replacing it with the following language:

**Section 11. Recommendation of Finance Committee to be Original Motion;
Amendments to be in Writing; Procedure for Omnibus Adoption
Defined**

- a) The recommendation on any article of the warrant made by the Finance Committee will have the standing of the original motion on the article. Substitute motions for and motions to amend any recommendation in the Finance Committee's report shall be in writing unless otherwise directed by the Moderator. The Moderator may require any other motion to be reduced to writing. *Unless otherwise voted by the Town Meeting body, substitute motions shall be provided electronically or in writing to all members of the Town Meeting body present to act on said substitute motion.*
- b) At any Town Meeting the Moderator may, and at any Annual Town Meeting shall, read the numbers of the articles, and under any budget article the number of each item, requiring any Town Representative who wishes to discuss, amend or offer a substitute motion on any article or item to ask when the number is read that the article or item be passed, and the Moderator upon passage of an enabling vote adopting the Finance Committee's recommendation on all of the articles and items not so reserved and not reserved by the Moderator, shall declare such articles and items to have been adopted. The Moderator shall reserve all articles and items on which a vote of more than a simple majority of the members present and voting is required by statute.

or take any other action relative thereto.

Referred to By-Law Review Committee and Finance Committee for study and report.

ARTICLE THIRTY-SEVEN: *By District Seven Town Meeting Member John F. Caruso.*
To see if the Town will vote to amend Chapter Twenty-Three (Dog Control) of the Revised By-Laws by adding to Section 5, the following:

- g. Exceptions. Only by the request of the Town Administrator from the School Department, the Parks and Recreation Department, the Health Department, the Endicott Commission, the Board of Health, the Police Department and the Fire Department, dogs with handlers under the guidance of the Dedham Dog Officer will be called in and allowed on public lands, park land, school land, Endicott Estate land and any and all public property as deemed necessary by either the Police, Fire and Board of Health to chase off the flocks of geese and ducks that are roaming over Public Land causing a health menace. These dogs shall be monitored by their handlers so that the geese and ducks will not be harmed but made to find a new home away from Dedham thus eliminating the health hazards.

or take any other action relative thereto.

Referred to By-Law Review Committee and Finance Committee for study and report.

ARTICLE THIRTY-EIGHT: *By the Town Administrator.* To see if the Town will vote to amend the Revised By-Laws of the Town of Dedham as follows:

Chapter One (General Provisions)

Section 6. Enforcement; General Fines Set; Non-Criminal Disposition

e.) add the words “Chapter Twelve – Town Ways and Street Lighting
Penalty as set forth in Chapter 29 [Director of Public Works]”

Chapter Twenty-Nine (Charges, Fees, Fines, and Penalties)

The references in Chapter Twenty-Nine to fines and enforcement of the following Chapters and regulations to be amended as follows:

Chapter Twelve, Section 3A.g.)2.) Construction of Access Ways onto Public Ways: delete the words “not more than” and add as the enforcing officer “[Director of Public Works]”

Chapter Twelve, Section 9 Traffic Regulations: add as the enforcing officer “[Police Department]”

Chapter Thirteen Police Regulations: add as the enforcing officer “[Police Department]”

Chapter Fifteen Sanitary Sewerage System: add as the enforcing officer “[Director of Public Works, Director of Engineering]”

Chapters Sixteen and Seventeen: delete references to Chapters Sixteen and Seventeen respectively as State Building Code and State Wiring Code are not subject to non-criminal disposition

Chapter Eighteen Zoning By-Law, Section IX-2: add as the enforcing officer “[Building Commissioner and Assistant Building Commissioner]”

Chapter Twenty-Three Dog Control Law, Section 6: add as the enforcing officer “[Canine Controller or succeeding title]”

Chapter Twenty-Seven Sign Code: add as the enforcing officer “[Building Commissioner and Assistant Building Commissioner]”

Chapter Twenty-Eight General Wetlands Protection By-Law: add as the enforcing officer “[Conservation Commission, Conservation Agent]”

Section I-VIII of the Board of Health Regulations: add as the enforcing officer “[Board of Health, Health Agent]”

Chapter Thirty-One Numbering of Buildings (Section 9): delete the words “not more than” and add as the enforcing officer “[Building Commissioner, Fire Chief, Police Chief]”

Chapter Thirty-Six Stormwater Management: add the words “Penalty of three hundred dollars (\$300.00) [Director of Public Works, Conservation Commission, Conservation Agent]”

or take any other action relative thereto.

Referred to By-Law Review Committee and Finance Committee for study and report.

ARTICLE THIRTY-NINE: *By the Board of Selectmen at the Request of Selectmen Marie-Louise Kehoe and James A. MacDonald.* To see if the Town will vote to authorize the Selectmen to petition the Legislature to enact legislation prohibiting truck traffic on East Street (from the Route 128 Rotary to Endicott Circle) provided that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition, or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE FORTY: *By the Board of Selectmen at the Request of Selectmen Marie-Louise Kehoe and James A. MacDonald.* To see if the Town will vote to authorize the Selectmen to petition the Legislature to enact legislation prohibiting truck traffic on Cedar Street (from Endicott Circle to Oakdale Square) provided that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition, or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE FORTY-ONE: *By the Board of Selectmen at the Request of Selectman James A. MacDonald.* To see if the Town will vote to accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, restoration and rehabilitation of historic resources, the acquisition, creation and preservation of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space, land for recreational use and community housing that is acquired or created as provided under said Act; to determine the amount of such surcharge on real property as a percentage of the annual real estate tax levy against real property; to determine whether the Town will accept any of the exemptions from such surcharge permitted under Section 3(e) of said Act; or to take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE FORTY-TWO : *By the Board of Selectmen at the Request of Selectman James A. MacDonald.* To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to adopt special legislation providing for the imposition, in addition to the excises levied under Chapter 64G of the General Laws, a financing fee upon the transfer of occupancy of any room or rooms in any hotel, motel or other lodging establishment subject to such excises in the Town of Dedham by any operator at the rate of 2.0 per cent of the total amount of rent for each such occupancy, or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE FORTY-THREE : *By the Town Administrator at the Request of the Town Collector.* To see if the Town will vote to accept Massachusetts General Laws Chapter 60, Section 2, second paragraph, which provides for the abatement of any tax due which is less than ten dollars, or take any other action relative thereto.
Referred to Finance Committee for study and report.

ARTICLE FORTY-FOUR: *By Finance Committee Members Mark Driscoll, William Podolski, David Martin, and Greg Buckley.* To see if the Town will authorize the Board of Selectmen to petition the legislature for an act substantially as follows:

AN ACT RELATIVE TO CERTAIN INSURANCE BENEFITS OF OFFICIALS AND EMPLOYEES OF THE TOWN OF DEDHAM

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

Section 1. Notwithstanding the provisions of any general or special law to the contrary, compensation paid to elected officials in the Town of Dedham, excepting the elected position of town clerk, shall not make said officials eligible for paid medical, dental or life insurance coverage, unless any such elected official is or becomes otherwise eligible for such benefits.

Section 2. Notwithstanding the provision of any general or special law to the contrary, any paid elected official of the Town of Dedham or any employee of the Town of Dedham who receives a stipend or other compensation for such service to the Town, and who is not otherwise eligible, may elect to participate in an existing Town of Dedham plan for medical, dental or life insurance coverage, upon payment by any such official or employee of one hundred (100%) percent of the Town cost for such participation plus any administrative costs that may be assessed by the Board of Selectmen therefore.

or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE FORTY-FIVE: *By Selectman James A. MacDonald.* To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation in the form set forth below; and provided further that the General Court may make clerical or editorial changes only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and that the Board of Selectmen is authorized to approve amendments which shall be within the scope of the general public objectives of the petition:

AN ACT RELATIVE TO A BOUNDARY CHANGE BETWEEN THE TOWN OF DEDHAM AND THE CITY OF BOSTON.

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

SECTION 1. The boundary lines between the town of Dedham and the city of Boston be and are hereby changed by transferring the following described parcel from within the boundary of the town of Dedham to within the boundary of the city of Boston:

The portions of the property known as 100 Meadow Road, Boston (Hyde Park), Suffolk County and Dedham, Norfolk County, located in Dedham, as described in Certificate of Title #165405 Norfolk County Land Court, more particularly described as that certain parcel of land bounded and described as follows:

Northeasterly by the Boston City Line, being land now or formerly of Readville Realty Co., Inc., thirteen hundred seventy two and 86/100 (1372.86) feet;

Southeasterly, southerly and southeasterly by land now or formerly of The Commonwealth of Massachusetts, about eighteen hundred sixty-seven and 20/100 (1867.20) feet;

Southerly by the bank of the Neponset River;

Southerly and southwesterly by land now or formerly of the Commonwealth of Massachusetts, about four hundred twenty two and 29/100 (422.29) feet;

Northwesterly, one hundred sixty-three and 46/100 (163.46) feet, and

Northwesterly, six and 41/100 (6.41) feet, by land now or formerly of the Boston & Providence Railroad Company; and

Northwesterly by land now or formerly of said Boston & Providence Railroad Company, and of the New York, New Haven and Hartford Railroad Company, twenty hundred fifty seven and 50/100 (2057.50) feet.

SECTION 2. This act shall take effect upon its passage.

or to take any other action relative thereto.
Referred to Finance Committee for study and report.

ARTICLE FORTY-SIX: *: By the Town Administrator at the Request of David Field, Director of Engineering.* To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain land and/or rights in land using all legal means authorized by the provisions of Massachusetts General Laws and local Home Rule Charter and By Laws, to allow for the reconstruction of traffic signals and sidewalks at the intersection of Common Street and Bridge Street related to the proposed improvements to be undertaken as part of the Hebrew Senior Life Project, as shown on a plan entitled "Sidewalk Easement, Bridge St. (Rte 109) at Common St., Dedham, Massachusetts," prepared by Vanasse & Associates, Inc., and to appropriate a sum of monies therefore, or take any other action relative thereto.
Referred to Finance Committee for study and report.

ARTICLE FORTY-SEVEN : *By the Town Administrator at the Request of David Field, Director of Engineering.* To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain land and/or rights in land using all legal means authorized by the provisions of Massachusetts General Laws and local Home Rule Charter and By Laws, to allow for the installation of traffic signals at the proposed intersection of West Street and the access driveway of the Hebrew Senior Life Project, as shown on a plan entitled "Signal Easement, West St. (Rte 135) at Proposed Access Driveway, Dedham, Massachusetts," prepared by Vanasse & Associates, Inc., and to appropriate a sum of monies therefore, or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE FORTY-EIGHT: *By District Three Town Meeting Member Mary Jean Naddaff at the Request of Dedham Lodge No. 189, Loyal Order of Moose, Inc.* To see if the Town will vote to petition the General Court to adopt the following legislation. The Legislature may reasonably vary the form and substance of the requested legislation subject to the approval of the Board of Selectmen who are hereby authorized to approve amendments within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING THE TOWN OF DEDHAM TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES

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

SECTION 1: (a) Notwithstanding Sections 12 and 17 of Chapter 138 of the General Laws of Massachusetts or any other general or special law to the contrary, the Dedham Board of Selectmen may grant one (1) additional license for the sale of all alcoholic beverages to be drunk on the premises, subject to the conditions set forth in this act.

(b) The additional license authorized by this act shall be reserved for and restricted to the Dedham Lodge No. 189, Loyal Order of Moose, Inc., for licensed premises at 79 Lower East Street, Dedham, Massachusetts, subject to all other requirements for an all alcoholic beverages license.

(c) The additional license authorized by this act shall not be transferable.

(d) In the event that said Dedham Lodge No. 189, Loyal Order of Moose, Inc., ceases to have a legal existence, or no longer owns or operates from the premises at 79 Lower East Street, Dedham, Massachusetts, the additional license authorized by this act shall be automatically revoked and may not be granted or issued to any other entity.

SECTION 2: This act shall take effect upon passage.

or take any other action relative thereto.

Referred to Finance Committee for study and report.

Hereof fail not but make return of this Warrant with our doings thereon unto the Town Clerk on or before said day and time.

Given under our hands and seal of the Town of Dedham this 26th day of January AD 2007.

BOARD OF SELECTMEN

Marie-Louise Kehoe, Chairman

Carmen E. Dellolacono, Vice-Chairman

James A. MacDonald

Thomas R. Polito, Jr.

Dennis J. Teehan

**A true copy, attest:
Anthony F. Zollo, Jr.
Constable, Town of Dedham**

TOWN OF DEDHAM - NORFOLK, SS.

By virtue of this Warrant, I have notified and warned the inhabitants of the Town of Dedham aforesaid to meet at the time and place and for the purposes specified in said Warrant by posting true and attested copies thereof in one or more public places not less than fourteen days at least before the date of the said meeting, and by causing a true and attested copy thereof to be published once, not less than fourteen days before the said meeting in the Dedham Times, a newspaper having a general circulation in said Town of Dedham.

**Anthony F. Zollo, Jr.
Constable, Town of Dedham**

Dated at Dedham, Massachusetts, the 26th day of January, AD 2007