

**Town of Hanson**  
**542 Liberty Street, Hanson, MA 02341**

## **May 2013 Special Town Meeting**

Special Town Meeting  
May 6, 2013

Moderator Sean J. Kealy called the meeting to order at 7:50 p.m. in the auditorium of the Hanson Middle school with Robert Hayes, Kenneth Mitchell and Robert O'Brien appointed and sworn in to serve as tellers.

Town Counsel was Jeffrey Blake from the firm of Kopelman and Paige.

A quorum was present with 231 voters in attendance.

**ARTICLE 1:** To see if the Town will vote to transfer a sum of money from free cash to pay unpaid bills from FY 2012 or take any other action in relation thereto.

Proposed by the Board of Selectmen

**Explanation:** These funds are needed to pay for bills received after the close of fiscal year 2012. Requires a 9/10 vote.

Finance Committee recommends.

Motion: Richard Flynn  
Second: Stephen Amico

**VOTED Aye, unanimous to pass over Article 1.**

**ARTICLE 2:** To see if the Town will vote to transfer from available funds a sum of money to supplement appropriations previously voted at the Annual Town Meeting of May, 2012 for the Fiscal Year beginning July 1, 2012 for various Town Departments, or take any action in relation thereto.

Proposed by the Board of Selectmen

**Explanation:** The purpose of this article is to supplement a number of line items in the current fiscal year's budget (FY13) in order to fund a number of additional expenses associated with the following: 1.) increased Legal costs during the year and to cover expenses for the remainder of the fiscal year, 2.) costs associated with the migration of the server from the Town Hall to the WH High School, 3.) custodial overtime associated with 2013 Blizzard, 4.) additional building expenses, 5.) Police Chief salary adjustment, 6.) purchase of computer equipment and ballistic vests for the Police Dept., 7.) cost of overtime for fire prevention training and a shortfall due to funds expended during Hurricane Sandy and the 2013 Blizzard, 8.) purchase of rescue equipment, 9.) to cover the tuition and busing costs associated with more students than anticipated attending Norfolk County Agricultural High School, 10.) to cover the Snow and Ice budget deficit, 11.) additional Town-wide fuel expenses, 12.) additional Board of Health inspections as a result of the 2013 Blizzard and supplies, 13.) Water Department overtime as a result of a DEP mandate to monitor chlorine. A detailed handout will be presented to the voters at Town meeting outlining in detail these expenses.

Finance Committee recommends.

Motion: Donald Howard

Second: Stephen Amico

**VOTED Aye, voice to transfer from available funds a sum of money to supplement appropriations previously voted at the Annual Town Meeting of May, 2012 for the Fiscal Year beginning July 1, 2012 for various Town Departments as printed in the warrant as follows:**

- **Legal Services \$20,000 from May 2012 Annual Town Meeting Article 5 Line 88 and \$20,000 from May 2012 Annual Town Meeting Article 5 Line 89**
- **Information Technology \$5,000 from May 2012 Annual Town Meeting Article 5 Line 89**
- **Municipal Buildings, Salaries \$1,500 from May 2012 Annual Town Meeting Article 5 Line 89**
- **Municipal Buildings, Expense \$2,000 from May 2012 Annual Town Meeting Article 5 Line 89**
- **Police Salaries \$5,000 from May 2012 Annual Town Meeting Article 5 Line 88**
- **Police Capital Outlay \$39,500 from Free Cash**
- **Fire & Ambulance, Salaries \$40,000 from May 2012 Annual Town Meeting Article 5 Line 88 and \$1,077 from Fire Fines**
- **Fire & Ambulance, Capital Outlay \$21,000 from May 2012 Annual Town Meeting Article 5 Line 88**
- **Tuition & Other Transportation \$5,800 from May 2012 Annual Town Meeting Article 5 Line 59**
- **Highway Snow & Ice \$224,000 from Free Cash**
- **Town Wide Fuel, Expense \$32,000 from Free Cash**
- **Board of Health, Expenses \$3,000 from May 2012 Annual Town Meeting Article 5 Line 69**
- **Water Salaries \$15,000 from May 2012 Annual Town Meeting Article 5 Line 91**

**ARTICLE 3:** To see if the Town will vote to transfer a sum of money from Free Cash to be added to Article 9 of the May 2007 Special Town Meeting or take any other action in relation thereto.

Proposed by the Board of Selectmen

**Explanation:** These funds are needed for completion of the required Comprehensive Site Assessment and Corrective Actions Alternatives Analysis Reports related to the closure of the landfill at the Transfer Station Site.~ The Town is under an order from the DEP to bring the Transfer Station into compliance with State solid waste management regulations. Approx. \$15,000

Finance Committee recommends.

Motion: Stephen Amico

Second: David Soper

**VOTED Aye, voice to transfer \$15,000 from Free Cash to be added to Article 9 of the May 2007 Special Town Meeting regarding the closure of the landfill at the Transfer Station Site.**

**ARTICLE 4:** To see if the Town will vote to transfer a sum of money from Free cash for the grading of private ways under the direction of the Highway Surveyor or take any other action in relation thereto.

Proposed by the Highway Surveyor

**Explanation:~** These funds are used to purchase supplies for the grading of private way, which the Town maintains.

Finance Committee recommends.

Motion: Robert Brown  
Second: Stephen Amico

**VOTED Aye, voice to transfer \$3,000 from Free Cash for the grading of private ways under the direction of the Highway Surveyor.**

**ARTICLE 5:** To see if the Town will vote transfer from Free Cash or available funds the sum of Seventeen Thousand Dollars (\$17,000) Dollars in order to comply with the requirements of the December 11, 2012 Certificate of Non-Compliance and Dam Safety Order for the Factory Pond Dam.~ This will include, but is not limited to, follow-up inspections, Phase II Inspection and Investigations, repair work to bring the Dam into compliance with Dam Safety Regulations and drafting of an Operations and Maintenance Plan, and/or take any other action in relation thereto.~ ~

Proposed by the Conservation Commission

**Explanation:**~ The Town of Hanson received a Certificate of Non-Compliance and Dam Safety Order stating that the Department of Conservation and Recreation (DCR), Office of Dam Safety (ODS) has determined that the Factory Pond Dam does not meet accepted dam safety standards and is a potential threat to public safety.~ ODS classifies the dam as an Intermediate Size, Significant Hazard Potential Structure.~ Significant Hazard Potential Dams are dams that may cause the loss of life and property damage in the event of a dam failure.~ The Factory Pond Dam has been found to be in need of repair, breaching or removal to bring the dam into compliance with dam safety regulations.~ This article will fund work to bring this structure into compliance and prepare an Operations and Maintenance Plan to maintain the dam in good condition after the repairs have been made.

Finance Committee recommends.

Motion: John Kemmett  
Second: Stephen Amico

**VOTED Aye, voice to transfer a sum from Free Cash the sum of Seventeen Thousand Dollars (\$17,000) Dollars in order to comply with the requirements of the December 11, 2012 Certificate of Non-Compliance and Dam Safety Order for the Factory Pond Dam.~ This will include, but is not limited to, follow-up inspections, Phase II Inspection and Investigations, repair work to bring the Dam into compliance with Dam Safety Regulations and drafting of an Operations and Maintenance Plan.**

**ARTICLE 6:** To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of Twelve Thousand (\$12,000) Dollars for removal of invasive Phragmites from Town owned properties, and/or take any action relative thereto.

Proposed by the Conservation Commission.

**Explanation:** Phragmites australis, also known as common reed or phragmites, is an invasive perennial grass that has spread rapidly throughout coastal and interior wetlands, riparian corridors, roadside ditches and other disturbed areas. Due to the hardiness and extensive root system of phragmites, complete eradication is extremely difficult once the plant is established. This Article provides for funding for the Conservation Commission for removal of this invasive species from Town owned properties. This is a five year plan to eradicate this invasive weed.~ This article will need funding each year for five consecutive years for a grand total of \$60,000.

Finance Committee recommends.

Motion: Philip Clemons  
Second: Stephen Amico

**VOTED Aye, voice to transfer from Free Cash the sum of Twelve Thousand Dollars (\$12,000) for removal of invasive Phragmites australis from Town owned properties.**

**ARTICLE 7:** To see if the Town will vote to transfer a sum of money from free cash for the repairs to the boiler at the Maquan School or take any other action in relation thereto.

Proposed by the School Committee

**Explanation:** Repairs are needed to the boiler at the Maquan School.

Finance Committee recommends.

Motion: Robert Hayes  
Second: Stephen Amico

**VOTED Aye, voice to transfer \$27,000 from Free Cash for the repairs to the boiler at the Maquan School.**

**ARTICLE 8:** To see if the Town will vote to amend the Wage and Personnel By-Laws, Article 2-12, Classification and Compensation by deleting Sections 11A through 11E in its entirety and inserting the new Sections 11A through 11E as printed below:

**SECTION 11 A: PROFESSIONAL POSITIONS**

	<u>7/1/11</u>	<u>7/1/12</u>
A. Director of Elder Affairs	35,000 to 55,000	35,000 to 55,000
B. Town Accountant	45,000 to 70,000	45,000 to 70,000
C. Treasurer/Collector	45,000 to 70,000	45,000 to 70,000
D. Inspectors of Building –Full-time Salary Inspector of Buildings – Part-time hourly rate	20,000 to 60,000 \$25.00 to \$35.00	20,000 to 60,000 \$25.00 to \$35.00
E. Health Agent	40,000 to 60,000	40,000 to 60,000
F. Assessor/Appraiser	45,000 to 70,892	45,000 to 70,000
G. Conservation Agent	35,000 to 70,000	35,000 to 70,000
H. Library Director	45,000 to 70,000	45,000 to 70,000
I. Town Planner	45,000 to 70,000	45,000 to 70,000
J. Town Planner/Conservation Agent		45,000 to 70,000
K. Highway Surveyor		45,000 to 70,000

**SECTION 11 B: ADMINSTRATIVE AND/OR FULL TIME**

	<u>7/1/11</u>	<u>7/1/12</u>
A. Executive Assistant	17.00 to 28.00	17.00 to 28.00
B. Assistant to Police Chief	17.00 to 28.00	17.00 to 28.00
C. Veterans Agent ~ Annual salary	7,000 to 15,000	7,000 to 15,000
D. Reference Librarian	17.00 to 28.00	17.00 to 28.00
E. Youth Service Librarian	17.00 to 28.00	17.00 to 28.00
F. Animal Control Officer ~ Annual Salary	17,000 to 28,000	17,000 to 28,000
G. Van Drivers/Aide	8.00 to 17.00	8.00 to 17.00
H. Social Day Care Coordinator*	14.00 to 21.00	14.00 to 21.00

I. Camp Kiwanee Caretaker**	13.00 to 20.00	13.00 to 20.00
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### SECTION 11 C: PART TIME POSITIONS

	<u>7/1/11</u>	<u>7/1/12</u>
A. Assistant Inspector of Building	13.00 to 22.00	13.00 to 22.00
B. Gas Inspector	13.00 to 22.00	13.00 to 22.00
C. Plumbing Inspector	13.00 to 22.00	13.00 to 22.00
D. Wiring Inspector	13.00 to 22.00	13.00 to 22.00
E. Civil Defense Director ~ Annual Salary	900 to 1,300 yr	900 to 1,300 yr
F. Police Matron	8.00 to 13.00	8.00 to 13.00
G. Outreach/Seniors*	11.00 to 22.00	11.00 to 22.00
H. Assistant Coordinator*	8.00 to 17.00	8.00 to 17.00
I. Volunteer Services Intergenerational Coordinator*	10.00 to 19.00	10.00 to 19.00
J. Senior Center Support Staff *	8.00 to 17.00	8.00 to 17.00
K. Back-up Van Driver*	8.00 to 12.00	8.00 to 12.00
L. Animal Inspector	1,000 to 1,600	1,000 to 1,600
M. Election Clerk	8.00 to 15.00	8.00 to 15.00
N. Election Officer	8.00 to 15.00	8.00 to 15.00
O. Election Warden	8.00 to 15.00	8.00 to 15.00
P. Registrar of Voters	8.00 to 15.00	8.00 to 15.00
Q. Assistant Caretaker**	8.00 to 20.00	8.00 to 20.00
R. Sealer of Weights & Measurers ~ Annual Salary	2500 to 3500 yr	2500 to 3500 yr
S. Milk Inspector	150 to 300 yr	150 to 300 yr
T. Assistant Veterans Agent	10.00 to 15.00	10.00 to 15.00
U. Committee Clerical/Administrative Support Staff	9.00 to 15.00	9.00 to 15.00
V. Emergency Clerical Labor	9.00 to 15.00	9.00 to 15.00
W. Transfer Station Attendant	15.00 to 21.00	15.00 to 21.00
Y. Camp Kiwanee Event Planner **	8.00 to 17.00	8.00 to 17.00

### SECTION 11D: SEASONAL POSITIONS \*\*

	<u>7/1/11</u>	<u>7/1/12</u>
A. Beach Director	12.00 to 20.00	12.00 to 20.00
B. Water Safety Instructor	8.00 to 16.00	8.00 to 16.00
C. Lifeguards	8.00 to 16.00	8.00 to 16.00
D. Boat Coordinator	8.00 to 16.00	8.00 to 16.00
E. Boating Instructor	12.00 to 20.00	12.00 to 20.00

F. Concession Worker	8.00 to 16.00	8.00 to 16.00
G. Recreation Assistant	8.00 to 16.00	8.00 to 16.00
H. Security	12.00 to 20.00	12.00 to 20.00

\*Positions are funded through the Multi-Service Senior Center's revolving account or grants

\*\* Positions are funded through the Recreation Commission's revolving account.

#### **SECTION 11E: CALL FIREFIGHTERS/OFFICERS**

	<u>7/1/11</u>	<u>7/1/12</u>
Call Firefighters	16.00 to 18.00	16.00 to 18.00
Call Firefighters after Three Years	17.00 to 19.00	17.00 to 19.00
Call Lieutenants	17.00 to 20.00	17.00 to 20.00

\$500.00 stipend will be paid in June of each fiscal year to those call firefighters who successfully complete and maintain the certification of an EMT recognized by the State and approved by the Fire Chief. Paramedics will receive a \$1,000.00 stipend.

Or take any other action in relation thereto.

Proposed by the Personnel Director

**Explanation:** This is a housekeeping article listing the compensation for all Wage & Personnel Employees. May 2012 Town Meeting approved changing the Highway Surveyor position from elected to appointed. The position has been added to the matrix.

Finance Committee refers to Town Meeting.

Motion: James Egan

Second: Stephen Amico

**VOTED Aye, voice to amend the Wage and Personnel By-Laws, Article 2-12, Classification and Compensation by deleting Sections 11A through 11E in its entirety and inserting the new Sections 11A through 11E as printed in the warrant.**

**ARTICLE 9:** To see if the Hanson Special Town Meeting will name the Hanson Train Station in honor of Lt. David Colin Hall, US Army, who was killed in action 29 August 1967 in the Republic of South Vietnam or take any other action in relation thereto.

Proposed by the Memorial Day and  
Patriotic Observance Committee

**Explanation:** Lt David C Hall was born and raised in the town of Hanson, on the family farm which is now the site of the Hanson rail station. The Hall family was well known throughout the town of Hanson as during World War II, the Hall farm supplied South Hanson with poultry, eggs, and fresh vegetables during the war. Mr. Hall, senior, was forced to leave his young family and farm in the midst of World War II and served in the United States Coast Guard in the North Atlantic during the war. Mrs. Hall and the children in the neighborhood kept the farm going during the war to feed the community. Years later, upon graduation from college, David Hall, the youngest boy, entered service with the United States Army, where he gave his life. The entire family served their community and country during time of war. It is the least that the town of Hanson can do to memorialize their sacrifice and the life of Lt David C. Hall. The Hanson Memorial Day and Patriotic Observance Committee has for well over a year implored the Massachusetts State Legislature to name the rail station in honor of Lt. Hall without result. Currently the towns of Scituate and Whitman are naming their stations after politicians. The Hanson Memorial Day and Patriotic Observance Committee is asking the voters of the community to preempt the state legislature from naming our station after a politician rather than a soldier that gave his life for his community and his country.

Finance Committee refers to Town Meeting.

Motion: Tom Constantine

Second: Stephen Amico

**VOTED Aye, voice to name the Hanson Train Station in honor of Lt. David Colin Hall, US Army, who was killed in action 29 August 1967 in the Republic of South Vietnam.**

**ARTICLE 10:** To see if the Town will vote to amend the General Bylaws by adding a new Article 3 – 21 to establish and adopt the following Stormwater Management bylaw mandated by the Federal Government and the Commonwealth of Massachusetts.

**TOWN OF HANSON  
GENERAL BYLAWS  
PART 3 - Articles Relating to the general public**

**ARTICLE 3-21  
Stormwater Management**

**Sec. 1 PURPOSE**

Regulation of discharges to the municipal separate storm sewer system (MS4) is necessary for the protection of the Town of Hanson's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater.

A. The harmful impacts of soil erosion and sedimentation are:

- Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
- Contamination of drinking water supplies;
- Alteration or destruction of aquatic and wildlife habitat;
- Flooding; and
- Overloading or clogging of municipal catch basins and storm drainage systems.

B. The objectives of this Section are:

- To require practices to control the flow of stormwater from new and redeveloped sites into the Town of Hanson's storm drainage system in order to prevent flooding and erosion;
- To protect groundwater and surface water from degradation;
- To promote groundwater recharge;
- To prevent pollutants from entering the Town of Hanson's municipal separate storm sewer system (MS4) and to minimize discharge of pollutants from the MS4;
- To ensure adequate long-term operation and maintenance of structural stormwater best management practices so that they work as designed;
- To comply with state and federal statutes and regulations relating to stormwater discharges; and
- To establish the Town of Hanson's legal authority to ensure compliance with the provisions of this Section through

inspection, monitoring, and enforcement.

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

APPLICANT: Any person, 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 Construction Activity.

AUTHORIZED ENFORCEMENT AGENCY: The Planning Board (hereafter the Board), its employees or agents designated to enforce this Section.

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

CLEARING: Any activity that removes the vegetative surface cover.

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

CONSTRUCTION SITE: The plot of land located within the Town on which the Construction Activity will occur.

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.

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

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

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

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), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related 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).

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

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.

**Massachusetts Stormwater Management Standards:** The Standards issued by the Massachusetts Department of Environmental Protection (DEP), codified in regulations at 310 CMR 10.05(6)(k)-(q) and further defined and specified in the Massachusetts Stormwater Handbook issued by the DEP. The Standards address stormwater impacts through implementation of performance standards that reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

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

**NPDES:** National Pollution Discharge Elimination System Construction General Permit issued by the Environment Protection Agency to the Applicant.

**OPERATOR:** The party associated with the Construction Activity that meets either of the following two criteria: (1) The party who has operational control over construction plans and specifications including the ability to make modifications to those plans and specifications or (2) The party who has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a Stormwater Pollution Prevention Plan for the site or other permit conditions.

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

**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.

**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.

**POLLUTANTS:** Include without limitation the following: Dredged spoil, solid waste, incinerator residue, filter back-wash, sewage, garbage, sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rocks, sand, animal or agricultural waste, oil, grease, gasoline or diesel fuel.

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

**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 DISCHARGES: Stormwater that runs off from the construction Site into the MS4 or otherwise into Waters of the U.S.

STORMWATER MANAGEMENT MEASURES: Infrastructure improvements that are constructed or installed during Construction Activity to prevent Pollutants from entering Stormwater Discharges or to reduce the quantity of Stormwater Discharges that will occur after Construction Activity has been completed. Examples include but are not limited to: on-site filtration, flow attenuation by vegetation or natural depressions, outfall velocity dissipation devices, retention structures and artificial wetlands, and water quality detention structures.

STORMWATER PERMIT: The permit issued by the Authorized Enforcement Agency to the Applicant which allows Construction Activity to occur as outlined by the Applicant in its application and Stormwater Pollution Prevention Plan.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP): That plan required of all Applicants in which they outline the Erosion and Sedimentation BMPs they will use, the BMPs they will use to control wastes generated on the Construction Site, the Stormwater Management Measures they will construct and their plan for long-term maintenance of these measures.

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

TSS: Total Suspended Solids.

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.

WATERS OF THE U.S.: These include:

- All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;
- All interstate waters including interstate wetlands;
- All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
  - That are or could be used by interstate or foreign travelers for recreational or other purposes;
  - From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - That are used or could be used for industrial purposes by industries in interstate Commerce;
- All impoundments of waters otherwise defined as waters of the United States under this definition;
- Tributaries of waters identified in paragraphs 1 through 4 of this definition;
- The territorial sea; and
- Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs 1 through 6 of this

definition.

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.

### **Sec. 3 AUTHORITY**

This Section 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.

### **Sec. 4 APPLICABILITY**

This Section shall apply to all activities that result in disturbance of one or more acres of land that drains to the municipal separate storm sewer system. Except as authorized by the Board in a Stormwater Permit or as otherwise provided in this Section, no person shall perform any activity that results in disturbance of an acre or more of land.

Normal maintenance and improvement of land in agricultural or aquacultural use, as defined by the Wetlands Protection Act regulation 310 CMR 10.4, are exempt. In addition, Construction Activities are exempt from needing a Stormwater Permit if the stormwater discharges resulting from them demonstrate compliance with the Massachusetts Stormwater Management Standards, either through a properly issued Order of Conditions, Site Plan Review, Special Permit/Variance or Subdivision Plan approval.

The Stormwater Permit does not exclude the requirement of filing a Construction General Permit with the Environmental Protection Agency.

### **Sec. 5 RESPONSIBILITY FOR ADMINISTRATION**

A. The Board shall administer, implement and enforce this Section. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to its employees or agents.

B. Waiver. The Board may waive strict compliance with any requirement of this Section or the rules and regulations promulgated hereunder, where:

- Such action is allowed by federal, state and local statutes and/or regulations,
- Is in the public interest, and
- Is not inconsistent with the purpose and intent of this Section.

C. Rules and Regulations. The Board may adopt, and periodically amend rules and regulations to effectuate the purposes of this Section. Failure by the Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Section.

### **Sec. 6 PERMITS and PROCEDURE**

A. Application Procedure. Applicant must sign and file an Application for a Stormwater Permit on a form provided by the Town. The Application should be submitted to the Board and to be deemed complete must be accompanied by:

- A Stormwater Permit Application Fee.
- Identification of the Construction Site by book, page, and plot number in the records of the Assessor's Office.
- A narrative description of the Construction Activity intended, the proposed use of any improvements to be constructed and the construction timetable.
- A Site Plan required by Section 7.
- A list of abutters certified by the Assessor's Office including addresses.

- A Stormwater Pollution Prevention Plan required by Section 8.

B. Entry. Filing an application for a permit grants the Board or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.

C. Other Boards. The Board shall notify the Town Clerk of receipt of the application, and shall give one copy of the application package to the Building Department, Conservation Commission and Highway Department.

D. Public Hearing. The Board shall hold a public hearing within twenty-one (21) days of the receipt of a complete application and shall take final action within twenty-one (21) days from the time of the close of the hearing unless such time is extended by agreement between the applicant and the Board. Notice of the public hearing shall be given by publication and posting and by first-class mailings to abutters at least seven (7) days prior to the hearing. The Board shall make the application available for inspection by the public during business hours at the Town of Hanson's Planning Department Office.

E. Information requests. The applicant shall submit all additional information requested by the Board to issue a decision on the application.

F. Action by the Board.

The Board may:

- Approve the Stormwater Permit Application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this Section;
- Approve the Stormwater Permit Application and issue a permit with conditions, modifications or restrictions that the Board determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this Section;
- Disapprove the Stormwater Permit 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 Section.

G. Failure of the Board to take final action. Failure of the Board 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 Board's action, the Stormwater Permit shall be issued by the Board.

H. Fee Structure. Each application must be accompanied by the appropriate application fee as established by the Board. Applicants shall pay review fees as determined by the Board sufficient to cover any expenses connected with the public hearing and review of the Stormwater Permit Application before the review process commences. The Board is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Board on any or all aspects of the Application.

I. Project Changes. The permittee, or their agent, must notify the Board in writing of any change or alteration of a land-disturbing activity authorized in a Stormwater Permit before any change or alteration occurs. If the Board determines that the change or alteration is significant, based on the design requirements listed in Section 8 and accepted construction practices, the Board may require that an amended Stormwater Permit application be filed and a public hearing held. If any change or alteration from the Stormwater Permit occurs during any land disturbing activities, the Board may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

## **Sec. 7 SITE PLAN**

The Site Plan that is submitted must contain at least the following information:

A. Names, addresses and telephone numbers of the Person(s) or firm(s) preparing the plan.

B. Title, date, north arrow, scale, legend and locus map.

C. Location and description of natural features including watercourses and water bodies, wetland resource areas and all floodplain information including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map (or as calculated by a professional engineer for areas not assessed on those maps) located on or adjacent to the Construction Site.

D. A description and delineation of existing Stormwater conveyances and impoundments located on the Construction Site with their point of discharge noted.

E. Location and description of existing soils and vegetation including tree lines, shrub layer, ground cover and herbaceous

vegetation and trees with a caliper twelve (12) inches or larger with run-off coefficient for each.

F. 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 located on or adjacent to the Construction Site.

G. Lines of existing abutting streets showing drainage and driveway locations and curb cuts.

H. Surveyed property lines of the Construction Site showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire Construction Site and the delineation and number of square feet of the land area that is to be disturbed.

I. Proposed improvements including location of buildings or other structures and impervious surfaces (such as parking lots).

J. Topographical features including existing and proposed contours at intervals of no greater than two (2) feet with spot elevations provided when needed.

K. The existing site hydrology including drainage patterns and approximate slopes anticipated after major grading activities.

L. Location of the MS4 with relation to the Construction Site.

M. Identification of Outfalls which are located on the Construction Site.

N. Stormwater Discharge calculations prepared and certified by a Registered Professional Engineer describing the volume of Stormwater that presently discharges from the Construction Site and the estimated volume post-development.

O. Identification of any existing Stormwater Discharges emanating from the Construction Site and discharging into the MS4 for which a NPDES Permit has been issued (include Permit number).

P. A list of water bodies that will receive Stormwater Discharges from the Construction Site with the location of drains noted on the map. A brief description of known water quality impacts and whether the water bodies receiving such Stormwater Discharges have:

1. Been assessed and reported in reports submitted by the Massachusetts Department of Environmental Protection to EPA pursuant to Section 305 (b) of CWA and
2. Been listed as a Category 5 Water (Waters Requiring a Total Maximum Daily Load (TMDL)) by DEP under 303(d) of the CWA.

## **Sec. 8 STORMWATER POLLUTION PREVENTION PLAN REQUIREMENTS**

Applicant must submit a Stormwater Pollution Prevention Plan (SWPPP) with its Application for a Stormwater Permit. The SWPPP must include the following: (1) a plan to control wastes generated by the Construction Activity on the Construction Site, (2) an Erosion and Sedimentation Control Plan, (3) a plan to construct Stormwater Management Measures, and (4) a plan for Operation and Maintenance of Stormwater Management Measures.

### **A. PLAN TO CONTROL WASTES**

Applicant must list the construction and waste materials expected to be generated or stored on the Construction Site. These wastes include but are not limited to: discarded building materials, concrete truck washout, chemicals, litter, sanitary waste and material stockpiles. Applicant must also describe in narrative form the Best Management Practices it will utilize to reduce pollutants from these materials including storage practices to minimize exposure of the materials to Stormwater and spill prevention and response plans. If any structural BMPs are proposed, they must be identified and located on the site plan. At a minimum, Applicant's plan should provide for the following:

- Areas designated and controlled for equipment storage, maintenance and repair.
- Convenient locations for waste receptacles and a schedule for regular removal.
- Wash down areas for vehicles selected to prevent contamination of Stormwater.
- Covered storage areas for chemicals, paints, solvents, fertilizers and other toxic materials.
- Adequately maintained sanitary facilities.

### **B. EROSION AND SEDIMENTATION CONTROL PLAN**

Applicant must describe its plan for properly stabilizing the site before construction begins and the BMPs that it will use during construction to minimize erosion of the soil and sedimentation of the Stormwater. These BMPs should include both stabilization practices such as: seeding, mulching, preserving trees and vegetative buffer strips, and contouring and structural practices such as: earth dikes, silt fences, drainage swales, sediment traps, check dams, and subsurface or pipe slope drains. Applicant must locate structural BMPs on the site plan. Applicant must also provide details of construction including the timing, scheduling and sequencing of development including clearing, stripping, rough grading, construction, final grading and Final Site Stabilization. The design requirements of the Erosion and Sedimentation Control Plan are:

- Minimize total area of disturbance;
- Sequence activities to minimize simultaneous areas of disturbance;
- Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Policy;

- Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
- Divert uncontaminated water around disturbed areas;
- Maximize groundwater recharge;
- Install and maintain all Erosion and Sediment Control measures in accordance with the manufacturers specifications and good engineering practices;
- Prevent off-site transport of sediment;
- 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);
- 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;
- 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;
- 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;
- Prevent off-site vehicle tracking of sediments.

### C. PLAN TO CONSTRUCT STORMWATER MANAGEMENT MEASURES

The application for a Stormwater Permit shall include submittal of a Plan to Construct Stormwater Management Measures to the Board. This Plan shall contain sufficient information for the Board 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 Plan shall fully describe the project in drawings, and narrative. It shall include:

- A locus map,
- The existing zoning, and land use at the site,
- The proposed land use,
- The location(s) of existing and proposed easements,
- The location of existing and proposed utilities,
- The site's existing & proposed topography with contours at 2 foot intervals,
- The existing site hydrology,
- A description & delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows,
- A delineation of 100-year flood plains, if applicable,
- Estimated seasonal high groundwater elevation (November to April) in areas to be used for stormwater retention, detention, or infiltration,
- The existing and proposed vegetation and ground surfaces with runoff coefficients for each,
- A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater flow paths,
- A description and drawings of all components of the proposed drainage system including:
  - locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization,
  - all measures for the detention, retention or infiltration of water,
  - all measures for the protection of water quality,
  - the structural details for all components of the proposed drainage systems and stormwater management facilities,
  - notes on drawings specifying materials to be used, construction specifications, and typicals, and
  - expected hydrology with supporting calculations.
- Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable,

- Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization,
- A maintenance schedule for the period of construction, and
- Any other information requested by the Board.

The Plan shall meet the Standards of the Massachusetts Stormwater Management Policy, which are as follows:

- No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or water of the Commonwealth.
- Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.
- Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge rate from the pre-development or existing site conditions, based on soil types.
- For new development, stormwater management systems must be designed to remove 80% of the average annual load (post development conditions) of Total Suspended Solids (TSS). It is presumed that this standard is met when:
  - Suitable nonstructural practices for source control and pollution prevention and implemented;
  - Stormwater management best management practices (BMPs) are sized to capture the prescribed runoff volume; and
  - Stormwater management BMPs are maintained as designed.
- Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs (see Stormwater Management Volume I: Stormwater Policy Handbook). The use of infiltration practices without pretreatment is prohibited.
- Stormwater discharges to critical areas must utilize certain stormwater management BMPs approved for critical areas (see Stormwater Management Volume I: Stormwater Policy Handbook). Critical areas are Outstanding Resource Waters (ORWs), shellfish beds, swimming beaches, cold water fisheries and recharge areas for public water supplies.
- Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable. However, if it is not practicable to meet all the Standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.
- Erosion and sediment controls must be implemented to prevent impacts during disturbance and construction activities.
- All stormwater management systems must have an operation and maintenance plan to ensure that systems function as designed.
- All illicit discharges to the stormwater management system are prohibited.

When one or more of the Standards cannot be met, an applicant may demonstrate that an equivalent level of environmental protection will be provided.

#### D. Operations and Maintenance Plan

An Operation and Maintenance Plan (O&M Plan) is required at the time of application for all projects. The O&M plan shall be designed to ensure compliance with this Section and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and throughout the life of the system. The Board shall make the final decision of what maintenance option is appropriate in a given situation. The Board 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, and potential need for ongoing maintenance activities when making this decision. The O&M Plan shall remain on file with the Board and shall be an ongoing requirement. The O&M Plan shall include:

- The name(s) of the owner(s) for all components of the system
- Maintenance agreements that specify:

- The names and addresses of the person(s) responsible for operation and maintenance
- The person(s) responsible for financing maintenance and emergency repairs.
- A maintenance schedule for all drainage structures, including swales and ponds.
- A list of easements with the purpose and location of each.
- The signature(s) of the owner(s).
- Stormwater Management Easement(s).
- Stormwater management easements shall be provided by the property owner(s) as necessary for:
  - access for facility inspections and maintenance,
  - preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event.
  - direct maintenance access by heavy equipment to structures requiring regular cleanout.
- The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.
- Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Board.
- Easements shall be recorded with the Plymouth County Registry of Deeds prior to issuance of a Certificate of Completion by the Board.
- Changes to Operation and Maintenance Plans
  - The owner(s) of the stormwater management system must notify the Board of changes in ownership or assignment of financial responsibility.
  - The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this Section by mutual agreement of the Board and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility.

## **Sec. 9 PERMIT TERM**

The Stormwater Permit shall be effective upon the date of issuance and remain in effect until the earlier to occur of: 1) a Certificate of Completion is issued by the Board indicating that all Construction Activity has ceased and Final Site Stabilization construction, inspection and approval by a representative of the Board has occurred, or 2) the date three years from the date of issuance of the Stormwater Permit has occurred without Applicant starting Construction Activity on the Construction Site.

## **Sec. 10 INSPECTION AND SITE SUPERVISION**

A. Pre-construction Meeting. Prior to starting clearing, excavation, construction, or land disturbing activity the applicant, the applicant's technical representative, the general contractor or any other person with authority to make changes to the project, shall meet with the Board, to review the permitted plans and their implementation.

B. Board Inspection. The Board or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Stormwater Permit as approved. The Permit and associated plans for grading, stripping, excavating, and filling work, bearing the signature of approval of the Board, shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the Board at least two (2) working days before each of the following events:

1. Erosion and sediment control measures are in place and stabilized;
2. Site Clearing has been substantially completed;
3. Rough Grading has been substantially completed;
4. Final Grading has been substantially completed;



5. Close of the Construction Season; and

6. Final Landscaping (permanent stabilization) and project final completion.

C. 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 the Board or designated agent in a format approved by the Board.

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

## **Sec. 11 SURETY**

The Board may require the permittee to post before the start of Construction 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 Board to ensure that the work will be completed in accordance with the permit. If the project is phased, the Board 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 Board has received the final report as required by Section 12 and issued a Certificate of Completion.

## **Sec. 12 FINAL REPORTS**

Upon completion of the work, the permittee shall submit a report (including certified as-built construction plans) from a Professional Engineer (P.E.), surveyor, certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved Stormwater Permit. Any discrepancies should be noted in the cover letter.

## **Sec. 13 ENFORCEMENT**

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

### **B. Orders**

1. The Board or an authorized agent of the Board may issue a written order to enforce the provisions of this Section or the regulations thereunder, which may include:
  - a requirement to cease and desist from the Construction Activity until there is compliance with the provisions of the land-disturbance permit;
  - maintenance, installation or performance of additional erosion and sediment control measures;
  - monitoring, analyses, and reporting;
  - 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 Hanson may, at its option, undertake such work, and the property owner shall reimburse the Town of Hanson'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 Hanson, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Board 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. Any person that violates any provision of this Section may be punished, under MGL C. 40 s 21D as a noncriminal offense, by fines of:

1. First offense: \$100
2. Second offense: \$200
3. Additional offenses: \$300 each

Or by criminal complaint at the appropriate venue. Each day or portion thereof during which a violation continues shall constitute a separate offense.

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

#### **Sec. 14      CERTIFICATE OF COMPLETION**

The Board 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 Section.

#### **Sec. 15      SEVERABILITY**

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

or take any other action in relation thereto.

Proposed by the Highway Surveyor

**Explanation:** The purpose of this bylaw is to set forth the regulation of discharges to the municipal separate storm sewer system (MS4) is necessary for the protection of the Town of Hanson's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater.

Finance Committee refers to Town Meeting

Motion: Robert Brown  
Second: Stephen Amico

**VOTED Aye, voice to amend the General Bylaws by adding a new Article 3 – 21 to establish and adopt the following Stormwater Management bylaw mandated by the Federal Government and the Commonwealth of Massachusetts as printed in the warrant.**

**ARTICLE 11:** To see if the Town will vote to amend the General Bylaws by adding a new Article 3 – 22 to establish and adopt the following Discharge to the Municipal Storm Drain System bylaw mandated by the Federal Government and the Commonwealth of Massachusetts.

**TOWN OF HANSON  
GENERAL BYLAWS  
PART 3 - Articles Relating to the General Public**

**ARTICLE 3-22**

**Discharges To The Municipal Storm Drain System**

**Sec. 1 PURPOSE**

Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.

Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the Town of Hanson's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

The objectives of this by-law are:

- to prevent pollutants from entering the Town of Hanson's municipal separate storm sewer system (MS4);
- to prohibit illicit connections and unauthorized discharges to the MS4;
- to require the removal of all such illicit connections;
- to comply with state and federal statutes and regulations relating to stormwater discharges; and
- to establish the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.
- to establish the legal authority to prevent pollutants from entering the Town's MS4 through regulation adopted by the Board of Health.

**Sec. 2 DEFINITIONS**

For the purposes of this by-law, the following shall mean:

**AUTHORIZED ENFORCEMENT AGENCY:** The Town of Hanson Board of Health (the Board), its employees or agents designated to enforce this by-law.

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

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

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

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

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

**ILLICIT DISCHARGE:** Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 8. 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 firefighting 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 SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM:** The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Hanson.

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

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

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

**POLLUTANT:** Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into 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 unless applied for the purpose of public safety during winter conditions;
- (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:** Storm water runoff, snow melt runoff, and surface water runoff and drainage.

**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 M.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, coastal waters, and groundwater.

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

### **Sec. 3 APPLICABILITY**

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

### **Sec. 4 AUTHORITY**

This by-law 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.

### **Sec. 5 RESPONSIBILITY FOR ADMINISTRATION**

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

### **Sec. 6 REGULATIONS**

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

### **Sec. 7 PROHIBITED ACTIVITIES**

**Illicit Discharges.** No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the Commonwealth.

**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.

**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 Board.

### **Sec. 8 EXEMPTIONS**

- Discharge or flow resulting from firefighting activities.
- The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:
  - (1) Waterline flushing;
  - (2) Flow from potable water sources;
  - (3) Springs;
  - (4) Natural flow from riparian habitats and wetlands;
  - (5) Diverted stream flow;
  - (6) Rising groundwater;
  - (7) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
  - (8) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
  - (9) Discharge from landscape irrigation or lawn watering;
  - (10) Water from individual residential car washing;
  - (11) Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
  - (12) Discharge from street sweeping;
  - (13) Dye testing, provided verbal notification is given to the Board prior to the time of the test;
  - (14) 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
  - (15) Discharge for which advanced written approval is received from the Board as necessary to protect public health, safety, welfare or the environment.

## **Sec. 9      EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS**

The Board 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 Board may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

## **Sec. 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. In the event of a release of non-hazardous material, the reporting person shall notify the Authorized Enforcement Agency no later than the next business day.

The reporting person shall provide to the Authorized Enforcement Agency 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.

## **Sec. 11 ENFORCEMENT**

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

**Civil Relief.** If a person violates the provisions of this by-law, regulations, permit, notice, or order issued thereunder, the Board 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.

**Orders.** The Board or an authorized agent of the Board 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 MS4; (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.

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 Hanson may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

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 of Hanson including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of *the Board* 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 M.G.L. Ch. 59, Section 57 after the thirty-first day at which the costs first become due.

Any person that violates any provision of this Section may be punished, under MGL C. 40 s 21D as a noncriminal offense, by fines of:

1. First offense: \$100
2. Second offense: \$200
3. Additional offenses: \$300 each

Or by criminal complaint at the appropriate venue. Each day or portion thereof during which a violation continues shall constitute a separate offense.

**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 Board, 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 Board deems reasonably necessary.

**Appeals.** The decisions or orders of the Board shall be final. Further relief shall be to a court of competent jurisdiction.

**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.

## **Sec. 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.

### Sec. 13 TRANSITIONAL PROVISIONS

Residential property owners shall have 30 days from the effective date of the by-law to comply with its provisions provided good cause is shown for the failure to comply with the by-law during that period.

Or take any other action in relation thereto.

Proposed by the Highway Surveyor

Finance Committee refers to Town Meeting

Motion: Robert Brown

Second: Stephen Amico

**VOTED Aye, voice to amend the General Bylaws by adding a new Article 3 – 22 to establish and adopt the following Discharge to the Municipal Storm Drain System bylaw mandated by the Federal Government and the Commonwealth of Massachusetts as printed in the warrant.**

**ARTICLE 12:** To see if the Town will vote to amend the Hanson General By-laws by adding a new **Article 3 – 23, JUNK DEALERS AND COLLECTORS**, as follows:

**Section 1.** The Board of Selectmen may license suitable persons to be collectors of, dealers in, or keepers of shops for the purchase, sale, or barter of junk, old metals, precious metals, or secondhand articles pursuant to the provisions of M.G.L. Ch. 140. For the purpose of this By-law, the term “precious metals” shall include any precious metal such as gold, silver or platinum without regard to the form or amount.

**Section 2.** As provided by M.G.L. c. 140, any person receiving a license under this By-law shall pay an annual fee to the Town, to be established by the Board of Selectmen. Licenses shall be subject to renewal as of May 1<sup>st</sup> of each year. Such licenses shall be signed by the Town Clerk, who shall keep a record of said licenses. The license shall state the name of the licensee, the nature of the business, and the business location, and shall be displayed in plain sight at said location.

**Section 3.** Every keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles shall keep a ledger book in which shall be written at the time of every purchase of any such article a complete description of the article received, the date and time of the transaction, the identity of the employee making the transaction, the dollar amount paid for the article, and the name, age, date of birth and residence of the person from whom such purchase was made. The seller shall be required to sign the ledger book, avowing to the accuracy of the information listed. The licensee shall require the seller to produce positive photo identification and shall obtain a color copy of same. For all jewelry transactions, the licensee shall take a color photograph of each individual item in as much detail as possible. The licensee shall photograph, in color, any person selling articles and keep the photographs as part of his/her records.

**Section 4.** The licensee’s ledger books, copies of identification, and photographs shall be maintained by the licensee for a minimum of one year from the date of the last entry, and shall at all times be open to the inspection of any police officer or any person authorized by the Board of Selectmen to make such inspection.

**Section 5.** The licensee shall cause to be delivered to the Hanson Police Department on a weekly basis, a copy of all weekly transactions recorded in the ledger book and accompanying color photographs of merchandise and seller identification. Said weekly transactions and color photographs may be stored and transmitted electronically if the format is approved by the Chief of Police. If, during the preceding week such licensee has taken no articles, he/she shall make out and deliver to the Police Department a report of such fact.

**Section 6.** All licensees shall produce and retain a copy of a receipt identifying the business name, address, and license number. It shall contain an accurate and detailed description of all items purchased and sold, including but not limited to: all distinguishing marks, model names or numbers, serial numbers, etchings or engravings. Jewelry items shall include a complete description including the material, ring size, weight, chain length, shapes, karat weight and color.



**Section 7.** The preferred method of payment for precious metals and articles purchased that will be liquidated, melted down, or resold shall be a business check which can be traced back to the recipient.~ All licensees paying cash for said items shall keep documented receipts of all transactions.

**Section 8.** No article of jewelry or precious metals purchased or received by such licensee shall be sold or altered or removed from premises until a period of at least 21 days has elapsed from the date of its purchase or receipt.

**Section 9.** No licensee shall directly or indirectly purchase or receive by way of barter or exchange, any article from a minor, being under 18 years of age; unless said minor is accompanied by their parent or legal guardian who shall provide positive identification and whose information and signature shall accompany that of the minor in the ledger book.

**Section 10.** Whoever violates the foregoing By-law shall, unless other provision is expressly made, be liable to a penalty of not more than one hundred (\$100.00) dollars for each offense.

**Section 11.** Notwithstanding any other penalty or action for a violation of this By-law, a statutory violation, or for any other reason, the Selectmen may, upon a public hearing, suspend or revoke any license so issued under Article 3-21, as they may deem appropriate.

**Section 12.** The Board of Selectmen may adopt additional rules and regulations for the licensing of junk dealers and collectors pursuant to this By-law, as provided in M.G.L. Ch. 140.

**Section 13.** The provisions of this By-law are severable. If any provision of this By-law is declared invalid or inapplicable to any particular circumstances, that invalidity or inapplicability will not affect the enforceability of the remainder of this By-law.

Proposed by the Police Department

**Explanation:** This by-law establishes guidelines for the Junk Dealers within the Town of Hanson.

Finance Committee refers to Town Meeting

Motion: Eugene Andrews

Second: Stephen Amico

**VOTED Aye, unanimous to amend the Hanson General By-laws by adding a new Article 3 – 23, *JUNK DEALERS AND COLLECTORS*, as printed in the warrant.**

**ARTICLE 13:** To see if the Town will~ vote to amend the Hanson Zoning By-laws by deleting the existing Section VI.G “National Flood Insurance District”, and inserting in its place a new Section VI.G “Floodplain District”, as follows:

#### **SECTION 1. Statutory Authorization and Purpose**

- Whereas further development of the flood plain district could threaten human life, health, and safety, the Town of Hanson and in compliance with 44CFR 60.3 of the National Flood Insurance Program hereby adopts the following regulation.

#### **SECTION 2. The purposes of the Floodplain District are to:**

- Ensure public safety through reducing the threats to life and personal injury;
- Eliminate new hazards to emergency response officials;

- Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- Eliminate costs associated with the response and cleanup of flooding conditions;
- Reduce damage to public and private property resulting from flooding waters.

### **SECTION 3. Floodplain District Boundaries and Base Flood Elevation and Floodway Data**

- Base flood Elevation and Floodway Data.
- A.** In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- B.** Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

### **SECTION 4. Notification of Watercourse Alteration**

In a riverine situation the Town of Hanson shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
  - NFIP State Coordinator
- Massachusetts Department of Conservation and Recreation  
251 Causeway Street, Suite 600-700  
Boston, MA 02114-2104
- NFIP Program Specialist
- Federal Emergency Management Agency, Region I  
99 High Street, 6th Floor  
Boston, MA 02110

### **SECTION 5. Definitions**

- 5.1 AREA OF SPECIAL FLOOD HAZARD** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.
- 5.2 FLOODWAY** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.
- 5.3 “FLOOD” or “FLOODING”** means a general temporary condition of partial or complete inundation of normally dry land areas from:
- The overflow of inland waters and/or
  - The unusual and rapid accumulation or runoff of surface waters from any source.

### **SECTION 6. Flood Insurance Study**

- 6.1 The areas of special flood hazard in Hanson, Massachusetts area identified as Zones A or AE on the Plymouth County Flood Insurance Rate map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The Map Panels of the Plymouth County FIRM that are wholly or partially within the Town of Hanson are panel numbers 25023C0183J, 25023C0184J, 25023C0191J, 25023C0192J, 25023C0194J, 25023C0201J, 25023C0202J, 25023C0203J, 25023C0204J, 25023C0211J, 25023C0212J, 25023C0213J, and 25023C0214J dated July 17, 2012. The exact boundaries of the District are defined by the 100- year base flood elevations shown on the FIRM and further defined by Plymouth County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Department, Conservation Commission, and Board of Health.

## **SECTION 7. Compliance**

### **7.1 Reference to Existing Regulations:**

All development in the floodplain district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

-Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;

-Wetlands Protection Regulations, Department of Environmental Protection (DEP)~ (currently 310 CMR 10.00);

-Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);

-Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

- 7.2 Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

## **SECTION 8. General Standards**

The Town of Hanson, in reviewing all proposed water and sewer facilities to be located in the Floodplain District shall require that:

- 8.1 All new and replacement water supply systems be designed to minimize or eliminate infiltration of floodwaters into the systems, and

- 8.2 All new and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during floods.

- 8.3 The placement of mobile homes and mobile home parks and mobile home subdivisions is prohibited.

## **SECTION 9. Specific Standards for Subdivision Proposals**

All subdivision proposals shall be reviewed by the Town of Hanson prior to the issuance of any building permits or sewage disposal construction permit to insure that the following requirements are met.

- 9.1 All subdivision proposals shall be consistent with the need to minimize flood damage.

- 9.2 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

- 9.3 All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

- 9.4 Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres, (whichever is lesser).

### **SECTION 10. Specific Standards for Floodways**

In the floodway, designated on the flood boundary and floodway map, the following provisions shall apply:

- All encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a Registered Professional Engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100 year flood.
- Normal maintenance and improvement of land in agricultural or aquacultural use, as defined by the Wetlands Protection Act regulations 310 CMR 10.4 are exempt.

or take any other action in relation thereto.

Proposed by the Zoning By-law Committee

**Explanation:** For many years the Town of Hanson has participated in the National Flood Insurance Program (NFIP) which is a program that provides technical assistance to local officials in communities as part of the Flood Hazard Management Program (FHMP) and is funded by the Federal Emergency Management Agency (FEMA).

Hanson's participation in the National Flood Insurance Program guarantees the availability of flood insurance to property owners who would not otherwise be able to have that protection. ~As a result of the Town's participation in the Program, town officials must ensure that projects that are within the floodplain meet NFIP standards, as well as applicable state regulations (e.g., the State Building Code and the Wetlands Protection Act).~ As a requirement of participation in the NFIP, communities are required to adopt local enforceable bylaws or other regulations for activity in the 100-year floodplain.~ Most communities have these requirements in the local zoning bylaw.

New Flood Insurance Rate Maps (FIRM) and a Flood Insurance Study went into effect for Plymouth County, including Hanson, on July 17, 2012.~ As a result, it was necessary for the Town to adopt a new Floodplain District section into another local regulation, prior to that date.~ The Town achieved compliance with this requirement via the Board of Health adopting Rules and Regulations Regarding the Flood Plain this past summer.

While the adoption of these regulations by the Board of Health was certainly appropriate, the preferred method for adopting these regulations is by amending the zoning bylaw.~ As such, this article seeks to amend the zoning bylaw to incorporate the proposed language as noted in the warrant.

Finance Committee refers to Town Meeting

Motion: Donald Ellis  
Second: Stephen Amico

**VOTED Aye, unanimous vote to amend the Hanson Zoning By-laws by deleting the existing Section VI.G "National Flood Insurance District", and inserting in its place a new Section VI.G "Floodplain District", as printed in the warrant.**

**ARTICLE 14:** To see if the Town will vote to amend the Zoning Bylaw, Section VIII "Administration," by adding a new Section VIII-E, as follows:

E. Planning Board Associate Member:

There shall be one associate member of the Planning Board, who shall be eligible to participate solely in matters in which the Planning Board is acting as the Special Permit Granting Authority, in accordance with G.L. c. 40A, §9. The chairman of the

Planning Board may designate the associate member to sit on the Planning Board for the purposes of acting on a special permit application, in the case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board, or in the event of a vacancy on the Planning Board. The associate member shall be appointed for a three-year term by the Board of Selectmen. The associate member shall be a resident of the Town of Hanson.

Or take any other action in relation thereto.

Proposed by the Planning Board

**Explanation:** Currently, the Planning Board has five full members and no associate members. The State Zoning Act (G.L. c. 40A, §9) allows the Town to create the position of Planning Board associate member, to serve as a fifth voting member when the Planning Board is considering a special permit application and a regular Planning Board member is absent or otherwise unable to vote. The associate member would not be eligible to participate on any other matters before the Planning Board, such as applications under the Subdivision Control Law, G.L. c. 41, §§81K-81GG.

Finance Committee refers to Town Meeting

**VOTED Aye, unanimous vote to amend the Zoning Bylaw, Section VIII “Administration,” by adding a new Section VIII-E, as follows:**

**E. Planning Board Associate Member:**

**There shall be one associate member of the Planning Board, who shall be eligible to participate solely in matters in which the Planning Board is acting as the Special Permit Granting Authority, in accordance with G.L. c. 40A, §9. The chairman of the Planning Board may designate the associate member to sit on the Planning Board for the purposes of acting on a special permit application, in the case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board, or in the event of a vacancy on the Planning Board. The associate member shall be appointed for a one-year term by the Board of Selectmen and the Planning Board. The associate member shall be a resident of the Town of Hanson.**

**ARTICLE 15:** To see if the Town will vote to accept as a Town way Deer Hill Road Extension as laid out by the Board of Selectmen and as described in detail below and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement to use said street for all purposes for which public ways are used in the Town of Hanson and all associated easements; and further, to raise and appropriate, transfer from available funds, accept gifts or borrow a sum of money for this purpose and any expenses related thereto; and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this vote:

Deer Hill Road Extension is shown on a plan entitled “As-Built Plan, Deer Hill Road Extension, Hanson, MA  
Owner/Applicant: A.W. Perry South, Inc. 20 Winthrop Square, Boston, MA 02110, Merrill Associates, Inc. 427 Columbia Road, Hanover, MA 02339 dated August 10, 2011”

or take any other action in relation thereto.

Proposed by the Board of Selectmen

**Explanation:** Deer Hill Road has been constructed in accordance with Town standards and the Planning Board and Highway Surveyor have recommended acceptance. The subdivision control law contemplates that towns will accept as public ways all such roads, which are constructed in conformance with local standards while they are still in good condition.

Finance Committee refers to Town Meeting

Motion: David Soper  
Second: Stephen Amico

**VOTED Aye, voice accept as a Town way Deer Hill Road Extension as laid out by the Board of Selectmen as printed in the warrant.**

**ARTICLE 16:** To see if the Town will vote to accept as a Town way Fawn Lane as laid out by the Board of Selectmen and as described in detail below and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement to use said street for all purposes for which public ways are used in the Town of Hanson and all associated easements; and further, to raise and appropriate, transfer from available funds, accept gifts or borrow a sum of money for this purpose and any expenses related thereto; and to authorize the Board of selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this vote:

Fawn Lane is shown on a plan entitled "As-Built Plan, Deer Hill Road Extension, Hanson, MA Owner/Applicant: A.W. Perry South, Inc. 20 Winthrop Square, Boston, MA 02110, Merrill Associates, Inc. 427 Columbia Road, Hanover, MA 02339 dated August 10, 2011"

or take any other action in relation thereto.

Proposed by the Board of Selectmen

**Explanation:** Fawn Lane has been constructed in accordance with Town standards and the Planning Board and Highway Surveyor have recommended acceptance. The subdivision control law contemplates that towns will accept as public ways all such roads, which are constructed in conformance with local standards while they are still in good condition.

Finance Committee refers to Town Meeting

Motion: Donald Howard

Second: Stephen Amico

**VOTED Aye, voice accept as a Town way Fawn Lane as laid out by the Board of Selectmen as printed in the warrant.**

**Voted Aye, voice to dissolve the meeting at 8:18 p.m.**

**A true copy of the vote, Attest:**

**Elizabeth Sloan, CMC**  
**Town Clerk**