**TOWN OF HALIFAX**

**OCTOBER 21, 2019**

Special Town Meeting As Voted

Quorum 100 Present 106

Guests 12

*Please note that the actual order in which articles will be voted upon will be determined by lottery under the Town’s by-laws, Chapter 47. The Moderator, at the Moderator’s discretion, shall determine whether the article so chosen is contingent upon any articles yet to be acted upon and, if so, shall determine which articles must be acted upon and in which order before having Town Meeting act on the article chosen. Otherwise, the article numbers shown below are used to identify the article.*

Moderator Dennis Carman called the meeting to order at 7:56 p.m. Town Clerk Barbara J. Gaynor read the Call to the Meeting with the Pledge of Allegiance recited immediately thereafter. Mr. Carman explained the lottery system regarding the order of the articles.

A motion was made by Troy E. Garron and seconded to pass over the following article.

The Planning Board has no recommendation.

**Passed Unanimously**

ARTICLE 6 To see if the Town will vote to amend Chapter 167-8 (E) (Non-Conforming Uses) of the Code of the Town of Halifax with the following change:

E. Abandonment. No nonconforming use, other than any a single-family detached dwelling, which has been abandoned or discontinued for more than two (2) years shall be re-established. Any future use shall be in conformity with the provisions of this chapter.

The Zoning Board of Appeals may approve a special permit for a single-family detached dwelling which has been abandoned or discontinued for more than two (2) years.

Proposed by the Board of Selectmen – Troy E. Garron

Planning Board – no recommendation

Two-thirds vote required.

**Passed Over Unanimously**

ARTICLE 16 Voted to request that its legislative delegation file the following legislation on behalf of the Town of Halifax:

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

SECTION 1. Notwithstanding any general or special law to the contrary, Robert G Gaynor, a member of the police department of the Town of Halifax, may continue to serve in the position of Special Police Officer until September 7, 2026, the date of his retirement or the date on which he is relieved of his duties by the Chief of Police, whichever occurs first; provided, however that he is mentally and physically capable of performing the duties of the position.  The Board of Selectmen, may at its own expense, require that Robert G Gaynor be examined by an impartial physician designated by the board, to determine such capability.  No further deductions shall be made from the regular compensation of Robert G Gaynor pursuant to chapter 32 of the General Laws for service subsequent to the date on which he reaches 65 years of age, and upon retirement, Robert G Gaynor shall receive a superannuation retirement allowance equal to that which would have been entitled had he retired at the age of 65.

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

Proposed by the Police Chief – Troy E. Garron

**Passed**

ARTICLE 17 Voted to request that its legislative delegation file “Article 97 (Massachusetts Constitution)” legislation allowing the Commonwealth of Massachusetts to transfer ownership of a parcel of land as shown on Plan Book 43, Page 56 of the Plymouth County Registry of Deeds from the Commonwealth of Massachusetts to the Town of Halifax.

Proposed by the Board of Selectmen – Thomas Millias

**Passed**

ARTICLE 18 Voted to transfer $75,000 from the Stabilization Fund, to pay Plymouth County for its share of land marked as “Parcel A” and “Parcel B” as shown as Plan Book 35, Page 240 of the Plymouth County Registry of Deeds, and that the any money transferred from the Stabilization Fund for said purpose shall be returned to the Stabilization Fund upon receipt of any funds from the sale of such land to the Commonwealth of Massachusetts and the that the Town authorize the Board of Selectmen to sell such land to the Commonwealth of Massachusetts.

Proposed by the Board of Selectmen – Thomas Millias

Two-thirds vote required

**Passed**

ARTICLE 12 To see if the Town will vote to approve the following amendments to Chapter 167-11 (Table of Dimensional and Density Regulations: Notes B) from:

B. No new dwelling or attached addition thereto or attached addition to an existing dwelling shall be closer than thirty (30) feet from either side of the lot line.

1. 75 feet for multi-family development
2. 100 feet between multi-family buildings
3. 100 feet for multi-family development
4. See 167-12E, minimum yard requirements for accessory buildings

To:

B. No new dwelling or attached addition thereto or attached addition to an existing dwelling shall be closer than thirty (30) feet from either side lot line.

1. 75 feet for multifamily buildings
2. 75 feet between multifamily buildings
3. 100 feet for multifamily buildings
4. See § 167-12E, minimum yard requirements for accessory buildings

Proposed by the Planning Board

*Informational note: #1 refers to front, #2 refers to side and #3 refers to rear.*

**Passed Over Unanimously**

ARTICLE 13 Voted to raise and appropriate or transfer from available funds the sum of $0 to meet the Town’s share and to appropriate the sum of $269,350 from available funds under Chapter 16 of the Acts of 2019 as the State’s share of the cost of work under Chapter 90, Section 34(2)(a) of the General Laws, for the purposes as set forth in the memorandum of agreement with the Massachusetts Highway Department including maintaining, repairing, improving, and constructing town and county ways and bridges, sidewalks adjacent to said ways and bridges, bike ways and other projects eligible for funding as a “transportation enhancement project” as described in the Intermodal Surface Transportation Efficiency Act of 1991, P.L. 102-240, salt storage sheds, public use off-street parking facilities related to mass transportation, for engineering services and expenses related to highway transportation enhancement and mass transportation purposes, for care, repair, storage, purchase, and long-term leasing of road building machinery, equipment and tools, and for the erection and maintenance of direction signs and warning signs or take any action thereon.

Proposed by the Highway Surveyor – Gordon C. Andrews

**Passed Unanimously**

ARTICLE 8 To see if the Town will vote to amend Chapter 167-7D2 (Specific Uses) from:

(b) The complete parcel must be under the ownership of the developer before a special permit is granted.

To:

(b) The complete parcel must be under the ownership of the developer or evidence of secured interest in the purchase rights of the included parcels must be provided before a special permit is granted.

Proposed by the Planning Board

**Passed Over Unanimously**

A motion was made by Gordon R. Andrews and seconded to pass over the following article.

Planning Board had no recommendation

**Passed Unanimously**

ARTICLE 10 To see if the Town will vote to amend Chapter 167-12 (Density Regulations for Specific Use) from:

A. Multifamily development

1. The number of units in a multifamily development shall not exceed the number of acres in the parcel on which they are to be built.
2. Eighty percent (80%) of the total parcel tested on a two-hundred-foot by two-hundred-foot grid must be found to be percable by the Board of Health.
3. The minimum parcel size shall be ten (10) acres.
4. No unit shall have any more than two and one-half (2½) stories which contain any amount of living space. This limitation will be enforced by a covenant with the purchaser of each unit.
5. The minimum front setback shall be seventy-five (75) feet, the minimum rear yard shall be one hundred (100) feet, and there shall be at least one hundred (100) feet between any two (2) buildings. In addition, the required thirty-foot minimum side yard between the development and adjacent properties shall be maintained as a vegetated buffer area free of parking or any structures, and any changes in its natural state shall require approval by the special permit granting authority.
6. Minimum residential floor area. No multifamily housing, whether condominium or rental, shall be erected, reconstructed, remodeled or altered so that the lowest level (i.e., ground floor or equivalent) of living space per dwelling unit (i.e., in a unit) contains less than seven hundred fifty (750) square feet.

(7) Fire protection in condominium developments.

(a) Every multifamily development, whether condominium or rental, built after 1984 shall install an automatic fire-detection system in each building. This system shall not include the smoke-detection systems unless so directed by the State Building Code or MGL c. 148, § 26C. The automatic fire-detection system shall be wired into the fire station, and the alarm notification system shall be compatible to the present alarm notification system. All expenses of the installation, including the tie-in at the fire station, shall be borne by the developer. The system shall be approved by the Fire Chief before any construction is started on the site. The maintenance of the system shall be the responsibility of the owner or condominium association, if any.

(b) Every multifamily development, whether condominium or rental, built after 1984 shall have a hydrant system which is capable of supplying the required fire flow, plus fifty percent (50%). The water main shall not be less than eight inches in diameter, and the system shall be looped with no dead ends.

All hydrants shall be set at five hundred (500) feet apart within the development.167:3005-14-2012

(c) Every multifamily development, whether condo minimum or rental, shall supply adequate space in front of each building for fire apparatus to approach the buildings. This open space shall be kept open at all times. If said space is blocked by a vehicle, it shall be towed at the owner's expense. This order to tow may be given by either the Police or Fire Department.

To:

A. Multifamily development

* 1. The number of units in a multifamily development shall not exceed the number of contiguous upland acres in the parcel on which they are to be built, as defined by Section 167-10(M).
  2. Percolation testing shall be performed and witnessed by the Board of Health in accordance with 310 CMR 15.00 (Title V) demonstrating that proposed areas for primary and reserve sanitary sewer leaching fields are suitable for development.
  3. The minimum parcel size for a multifamily development shall be ten (10) acres with 110 ft of frontage prior to development. Each lot containing a multi-family building shall have a minimum of 40,000 square feet in area in accordance with Section 167-10(M).and 150 ft of frontage.
  4. No building shall have any more than two and one-half (2½) stories which contain any amount of living space. This limitation will be enforced by a covenant with the purchaser of each unit.
  5. The minimum front yard shall be seventy-five (75) feet, the minimum rear yard shall be one hundred (100) feet, and a minimum of seventy-five (75) feet shall be provided between any two buildings. A minimum thirty-foot undisturbed vegetated buffer free of parking or any structures shall be provided between the development and adjacent properties. Any changes in its natural state shall require approval by the Planning Board as part of the Site Plan Review under § 167-28.
  6. Minimum residential floor area. No multifamily housing, whether condominium or rental, shall be erected, reconstructed, remodeled or altered so that the smallest dwelling unit contains less than seven hundred fifty (750) square feet of living space, excluding areas reserved for parking or garages.
  7. The stormwater management system shall be designed in accordance with the Massachusetts Stormwater Management Handbook and shall meet the Massachusetts Stormwater Management Standards as defined in 310 CMR 10.05(6)(k).
  8. Fire protection in multifamily developments.

(a) Every multifamily development, whether condominium or rental, built after 1984 shall install an automatic fire-detection system in each building. This system shall not include the smoke-detection systems unless so directed by the State Building Code or MGL c. 148, § 26C. The automatic fire-detection system shall be wired into the fire station, and the alarm notification system shall be compatible to the present alarm notification system. All expenses of the installation, including the tie-in at the fire station, shall be borne by the developer. The system shall be approved by the Fire Chief before any construction is started on the site. The maintenance of the system shall be the responsibility of the owner or condominium association, if any.

(b) Every multifamily development, whether condominium or rental, built after 1984 shall have a hydrant system which is capable of supplying the required fire flow, plus fifty percent (50%). The water main shall not be less than eight inches in diameter, and the system shall be looped with no dead ends. All hydrants shall be set at five hundred (500) feet apart within the development.

(c) Every multifamily development, whether condominium or rental, shall supply adequate space in front of each building for fire apparatus to approach the buildings. This open space shall be kept open at all times. If said space is blocked by a vehicle, it shall be towed at the owner's expense. This order to tow may be given by either the Police or Fire Department.

Proposed by the Planning Board

**Passed Over Unanimously**

ARTICLE 3Voted to amend Chapter 167-3 (Zoning – Definitions) from:

MARIJUANA ESTABLISHMENT

A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, all as defined [by] the Massachusetts General Laws, Chapter 94H.

To:

MARIJUANA ESTABLISHMENT

A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, all as defined by the Massachusetts General Laws, Chapter 94G.

Proposed by the Board of Selectmen – Gordon C. Andrews

Planning Board no recommendation

Two-thirds vote required.

**Passed Unanimously**

ARTICLE 4 Voted to approve the following amendments to Chapter 167-7 (D) (12) Zoning Specific use regulations) of the Code of the Town of Halifax:

(e) Special permits for in-law apartments are granted for a period of five years and must be ~~renewed~~ reviewed after the five years. At least ninety (90) days before the end of the five-year period and for each five-year period after that while the special permit exists, the Zoning Enforcement Officer (ZEO) shall notify the permit holder and the Zoning Board of Appeals that a review of the permit will be conducted. The ZEO shall inspect the structure to ensure that the requirements of Zoning By-law §167-7.D(12)(a) through (c) continued to be satisfied and the permit holder shall provide a sworn affidavit certifying that the requirements of Zoning By-law §167-7.D(12)(a) through(c) continue to be satisfied because the in-law apartment shares a major utility, some shared living space and a shared entrance and is occupied by a relative of the owner and/or resident of the primary dwelling and the in-law apartment has not been converted to an income producing apartment and that any other conditions of approval imposed on the special permit also are satisfied. If the permit holder does not provide such sworn affidavit and/or the ZEO determines that the stipulations of the permit are not being met, the ZEO shall notify, in writing, the Zoning Board of Appeals and the permit holder of same, and provide the permit holder thirty (30) days after such notification to satisfy the requirements of the Zoning By-Law.

If the permit holder, within thirty (30) days of such notification, fails to satisfy the requirements of the Zoning By-Law, said special permit shall expire and a new special permit shall be required.

Proposed by the Board of Selectmen – Troy E. Garron

Planning Board no recommendation

Two-thirds vote required

**Passed**

A motion was made by Gordon R. Andrews and seconded to pass over the following article.

Planning Board had no recommendation

**Passed Unanimously**

ARTICLE 7 To see if the Town will vote to amend Chapter 167-3 (Definitions) from:

MULTIFAMILY DEVELOPMENT

A development of three (3) or more dwelling units on a single lot of land under one (1) ownership of not less than ten (10) acres in size.

To:

MULTIFAMILY DEVELOPMENT

A development of three (3) or more dwelling units on a single lot of land under one (1) ownership of not less than ten (10) acres in size in accordance Section 167.12(A).

AND from:

MULTIFAMILY DWELLING

A building intended and designed to be occupied by more than one (1) family, living independently in separate units; any residential structure containing more than one (1) room for cooking facilities.

To:

MULTIFAMILY DWELLING

A building intended and designed to be occupied by more than two (2) families, living independently in separate units.

Proposed by the Planning Board

**Passed Over Unanimously**

A motion was made by Thomas Millias and seconded to pass over the following article.

**Passed Unanimously**

ARTICLE 14 To see if the Town will vote to approve the Agreement for Payment in Lieu of Taxes for Real and Personal Property (the “PILOT Agreement”) dated \_\_\_\_\_\_\_\_\_, 2019 among and by the Town of Halifax and the solar energy generation company Halifax Solar, LLC (or their eligible assignee) for its proposed facility on River Street as such PILOT Agreement was negotiated by the Board of Assessors on behalf of the Board of Selectmen or take any action thereon.

Proposed by Board of Selectmen

**Passed Over Unanimously**

ARTICLE 19 Voted to transfer $30,000 from Article 4 of the Special Town Meeting of August 25, 2016 (Elementary School roof Feasibility Study) to the Unemployment Fund.

Proposed by the Treasurer-Collector – Pamela Adduci

**Passed**

ARTICLE 20 Voted to accept ownership of Map 20, Lot 950 (Halifax Assessors’ Maps) (Bow Street).

Proposed by the Board of Selectmen – Thomas Millias

**Passed**

A motion was made by Gordon R. Andrews and seconded to pass over the following article.

Planning Board had no recommendation

**Passed Unanimously**

ARTICLE 9 To see if the Town will vote to amend Chapter 167-10 (General Density) from:

B. A dwelling, building or any structure hereafter constructed or altered in any district shall not be located on a lot having less than the minimum requirements, and no more than one (1) dwelling shall be built upon any single lot, except as hereinafter provided.

To:

B. A dwelling, building or any structure hereafter constructed or altered in any district shall not be located on a lot having less than the minimum requirements.

No more than one (1) dwelling shall be built upon any single lot, except as herein after provided. Each building must be constructed on an individual lot for multifamily developments in accordance with § 167-12(A).

Proposed by the Planning Board

**Passed Over Unanimously**

A motion was made by Gordon R. Andrews and seconded to pass over the following article.

The Planning Board has no recommendation

**Passed Unanimously**

ARTICLE 5 To see if the Town will vote to amend Chapter 167- 7 (C) (Zoning – Schedule of Use Regulations) from:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Use** |  | **AR** | **B** | **I** | **I-2** | **C** |
|  | Multifamily dwellings or apartments[See § 167-7D(2).] | SP | SP | N | N | SP |

To:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Use** |  | **AR** | **B** | **I** | **I-2** | **C** |
|  | Multifamily dwellings or apartments[See § 167-7D(2a).] | SP | SP | N | N | SP |
|  | Multifamily developments  [See § 167-7D(2).] | SP | SP | N | N | SP |

And add to Chapter 167-7 (D) (Zoning – Specific use regulations)

(2a) Multifamily dwellings or apartments are allowable by special permit from the Zoning Board of Appeals in the AR, Band C Districts.

(a) It is required that any multifamily dwelling or apartment building proposed hereunder shall locate the building on one lot which shall have continuous frontage on a public or private way.

(b) The complete lot must be under the ownership of the developer before a special permit is granted.

(c) Design guidelines. The shapes, scale, location and materials of all buildings, lighting, roads and parking shall be consistent with the character of the neighborhood and with the terrain and vegetation of the site.

(d) All utilities connected to a multifamily dwelling or apartment shall be installed underground.

Proposed by the Board of Selectmen – Gordon C. Andrews

Planning Board no recommendation

Two-thirds vote required

**Passed Over Unanimously**

A motion was made by Troy E. Garron and seconded to Pass Over the following article.

The Planning Board has no recommendation.

**Passed Unanimously**

ARTICLE 1 To see if the Town will vote to amend Chapter 167-7 (Zoning – Schedule of Use Regulations) from:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Use** |  | **AR** | **B** | **I** | **I-2** | **C** |
|  | Marijuana Establishment [See § 167- D(15)] **[Added 05-08-17 ATM, Art. 48]** | N | N | SP | N | N |

To:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Use** |  | **AR** | **B** | **I** | **I-2** | **C** |
|  | Marijuana Establishment [See § 167- D(15)] **[Added 05-08-17 ATM, Art. 48]** | N | SP | SP | N | N |

Proposed by the Board of Selectmen

NOTE: The above article was voted on and FAILED at the Annual Town Meeting held on May 14, 2018. Without the recommendation of the Planning Board, an article that was voted unfavorably cannot be reconsidered for two years.

**Passed Over Unanimously**

A motion was made by Gordon C. Andrews and seconded to move the following article.

After some discussion, Mr. Andrews then withdrew the motion.

A motion was made by Gordon C. Andrews and seconded to pass over the following article.

The Planning Board had no recommendation

**Passed Unanimously**

ARTICLE 11 To see if the Town will vote to amend Chapter 167-28 (Site Plan Requirements) from:

No permit shall be granted for any commercial, industrial, business, institutional, apartment, multi-dwelling, municipal or school building or public utility structure, and none of the above classes of structures shall be constructed or externally enlarged, and no such use shall be expanded or established in an existing building or lot not theretofore used for such purposes, except in conformity with a site plan bearing an endorsement of approval by the Planning Board. Said site plan shall show the owner of record, location, zone boundary lines, easements or other legal restrictions, exact location of building(s) on the lot with side, front and rear dimensions, lot dimensions, topography, adjacent public ways, location of off-street parking, lighting, utility systems, surface drainage, traffic flow, location and nature of open spaces with specific notations as to landscaping, locus plan and other details deemed necessary by the Planning Board. The Planning Board may waive or substantially reduce the site plan submission requirements for projects having limited or minor impacts consistent with the purposes of this chapter.

To:

No permit shall be granted for any commercial, industrial, business, institutional, apartment, multi-dwelling, multi-family development, municipal or school building or public utility structure, and none of the above classes of structures shall be constructed or externally enlarged, and no such use shall be expanded or established in an existing building or lot not theretofore used for such purposes, except in conformity with a site plan bearing an endorsement of approval by the Planning Board. Said site plan shall show the owner of record, location, zone boundary lines, easements or other legal restrictions, exact location of building(s) on the lot with side, front and rear dimensions, lot dimensions, topography, adjacent public ways, location of off-street parking, lighting, utility systems, surface drainage, traffic flow, location and nature of open spaces with specific notations as to landscaping, locus plan and other details deemed necessary by the Planning Board. The Planning Board may waive or substantially reduce the site plan submission requirements for projects having limited or minor impacts consistent with the purposes of this chapter.

Proposed by the Planning Board

**Passed Over Unanimously**

A motion was made by Thomas Millias and seconded to pass over the following article.

The Planning Board had no recommendation

**Passed Unanimously**

ARTICLE 2 To see if the Town will vote to amend Chapter 167, Section 7 (D) (15), paragraph 1 to read:

No Marijuana Establishment shall be located within 500 (five hundred) linear feet of any school or child care facility or where children generally congregate, any other Marijuana Establishment, or any establishment licensed to pour alcohol under the provisions of G.L. c 138 § 12 or within 300 (three hundred) linear feet of any parcel zoned agricultural-residential. Distances shall be calculated by direct measurement of a straight line from the nearest property line of the facility or parcel in question to the nearest property line of the Marijuana Establishment.

Proposed by the Board of Selectmen

**Passed Over Unanimously**

ARTICLE 21 Voted to approve the following by-law:

HALIFAX CONSTRUCTION PHASE STORMWATER MANAGEMENT AND SOIL EROSION CONTROL BYLAW

SECTION 1. PURPOSE AND OBJECTIVES

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

1. impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;

2. contamination of drinking water supplies;

3. alteration or destruction of aquatic and wildlife habitat;

4. flooding; and

5. overloading or clogging of municipal catch basins and storm drainage systems.

B. The harmful impacts of increased stormwater runoff are:

1. damage to public and private property infrastructure;

2. loss of groundwater recharge;

3. impairment of surface water quality;

4. increased flooding of wetlands, streams, rivers, ponds and lakes; and

5. changes to the public health, public safety and the environment.

C. Purpose

The purpose of this Bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development, redevelopment and land uses with potential for increased nonpoint source pollution. It has been determined that proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, protect water and aquatic resources, and promote groundwater recharge to protect surface and groundwater drinking supplies.

D. The objectives of this bylaw are to:

1. comply with state and federal statutes and regulations relating to stormwater discharges;

2. establish the Town of Halifax's legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement;

3. establish decision-making processes surrounding land development and land use activities that protect the integrity of the watershed and preserve the health of water resources;

4. require that new development, redevelopment and all land use activity maintain the after-development runoff characteristics as equal to or less than the pre-development runoff characteristics in order to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats;

5. establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;

6. establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land use activities from damages due to increases in volume, velocity, frequency, duration, and peak flow rate of storm water runoff;

7. establish minimum design criteria for measures to minimize nonpoint source pollution from stormwater runoff facilities that can be used to meet the minimum post-development stormwater management standards;

8. require the use of nonstructural stormwater management with better site design practices or “low-impact development practices” such as reducing impervious cover and the preservation of green space and other natural areas to the maximum extent practicable;

9. coordinate new site design plans with existing site plans to utilize natural areas for green space;

10. establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public health and safety;

11. establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this Bylaw;

12. establish administrative procedures for the submission, review, approval or disapproval of Stormwater management plans and for the inspection of approved active projects and long- term follow up;

14. establish certain administrative procedures and fees for the submission, review, approval, or disapproval of stormwater plans, and the inspection of approved projects;

15. ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained; and

16. require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.

SECTION 2. DEFINITIONS

ABUTTER:

The owner(s) of land sharing a common boundary or corner with the site of the proposed activity in any direction, including the owner(s) of land within 100 feet of the proposed activity and including land located directly across a street, way, creek, river, stream, brook or canal.

ADMINISTRATIVE STORMWATER MANAGEMENT PERMIT (ASMP):

A permit issued by the Stormwater Authority after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

AGRICULTURE:

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

ALTER:

Any activity which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Alter may be similarly represented as “alteration of drainage characteristics,” and “conducting land disturbance activities.”

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 Stormwater Management and Soil Erosion Control Permit for proposed land-disturbance activity.

AUTHORIZED ENFORCEMENT AGENCY:

The Stormwater Authority, its employees or agents designated to enforce this by-law.

BETTER SITE DESIGN PRACTICES:

Site design approaches and techniques that can reduce a site’s impact on the watershed through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and green space, reducing impervious cover, and using natural features for stormwater management.

BEST MANAGEMENT PRACTICE (BMP):

Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. “Structural” BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. “Nonstructural” BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

BIOSOLIDS:

Wastewater Septic Treatment Plant sludge that has been treated to ensure that it can be safely applied to land as a fertilizer or soil amendment. Biosolids are further defined in EPA's "Regulations for the Use and Disposal of Sludge" (40 CFR 503), MA DEP's 310 CMR 32.00: Land Application of Sludge And Septage and MDAR's 330 CMR 31.00: Plant Nutrient Application Requirements For Agricultural Land And Land Not Used For Agricultural Purposes.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC):

A specialist in soil erosion and sediment control who has been certified by a recognized Erosion and Control organization approved by the Stormwater Authority; or who is qualified by demonstrated acceptable evidence of erosion and sediment control education, experience, expertise and continuing professional development courses satisfactory to the Stormwater Authority.

CONSTRUCTION AND WASTE MATERIALS:

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

CLEARING: Any activity that removes the vegetative surface cover.

HALIFAX CONSTRUCTION PHASE STORMWATER MANAGEMENT AND SOIL EROSION CONTROL BYLAW:

Also known and referred as the Stormwater Management Bylaw.

EROSION:

The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN:

A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

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).

EPA: United States Environmental Protection Agency.

GENERAL STORMWATER MANAGEMENT PERMIT (GSMP):

A permit issued by the Stormwater Authority after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

LAND-DISTURBING ACTIVITY:

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

LOW IMPACT DEVELOPMENT PRACTICES:

is a comprehensive land planning and engineering design approach with a goal of maintaining and enhancing the pre-development hydrologic regime of urban and developing watersheds.

MDAR: Massachusetts Department of Agricultural Resources.

MA DEP: Massachusetts Department of Environmental Protection.

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 REGULATIONS: The Stormwater Regulations 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 Stormwater Regulations address stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MUNICIPAL 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 Halifax.

NEW DEVELOPMENT:

Any construction or land disturbance of a parcel of land that is currently in a natural vegetated state and does not contain alteration by man-made activities.

NONPOINT SOURCE POLLUTION:

Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

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

PERSON:

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

POST-DEVELOPMENT:

The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion and does not refer to the construction phase of a project.

PRE-CONSTRUCTION: All activity in preparation for construction.

PRE-DEVELOPMENT:

The conditions that exist at the time that plans for the land development of a tract of land are submitted to the Stormwater Authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

PRIORITY HABITAT OF RARE SPECIES:

Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

REDEVELOPMENT:

Any construction, alteration, or improvement exceeding land disturbance of 5,000 square feet, where the existing land use is residential commercial, industrial, institutional, or multi-family residential.

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 AUTHORITY:

The Town of Halifax Conservation Commission and the Town of Halifax Planning Board OR its authorized agent(s) who will administer, implement and enforce this bylaw. The Stormwater Authority is responsible for coordinating the review, approval and permit process as defined in this Bylaw.

STORMWATER MANAGEMENT BYLAW:

Also known and referred as the Halifax Construction Phase Stormwater Management and Soil Erosion Control Bylaw.

STORMWATER MANAGEMENT PERMIT:

A permit issued by the Stormwater Authority under this Bylaw.

STRIP:

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

VERNAL POOLS:

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

VIOLATION:

A failure by any person, individual, partnership, association, firm, company, corporation, or trust to comply with an order issued by the Stormwater Authority or an agent of said Authority.

WATERCOURSE:

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

WETLAND RESOURCE AREA: Areas specified in the Massachusetts

Wetlands Protection Act G.L. c. 131, § 40

SECTION 3. AUTHORITY

This by-law 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.

SECTION 4. APPLICABILITY

This by-law shall apply to all activities/projects that result in land disturbance of more than 5,000 square feet of land that drains to the municipal separate storm sewer system or wetland areas subject to protection under M.G.L. c. 131, § 40. If an activity/project meets the above applicable criteria and is within the specific jurisdiction of the Planning Board under M.G.L.c41 § 81K-GG and/or M.G.L.c.40A, § 9, then the activity/project shall be administered, implemented and enforced by the Planning Board and/or its authorized agent(s) under this bylaw. The Conservation Commission and/or its authorized agent(s) shall administer, implement and enforce all other activities/projects under this bylaw.

Normal maintenance and improvement of land in agricultural, forestry or aqua-cultural use, as defined by the Wetlands Protection Act regulation 310 CMR 10.4, are exempt.

Land application of any type of bio-solids on land in agriculture is not exempt under this by-law unless the person applying the bio-solids provides the Stormwater Authority with proof that such use is in compliance with all EPA, MA DEP and MDAR regulations and permits.

SECTION 5. ADMINISTRATION

A. Administrative Authority

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

B. Waiver

The Stormwater Authority may waive strict compliance with any requirement of this by-law, or the rules and regulations promulgated hereunder, where:

1. such action is not prohibited by federal, state or local statutes and/or regulations,

2. is in the public interest, and

3. is not inconsistent with the purpose and intent of this by-law.

C. Rules and Regulations

The Stormwater Authority shall adopt, and periodically amend rules and regulations to effectuate the purposes of this by-law relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Stormwater Management Bylaw by majority vote of the Stormwater Authority, after conducting a public hearing to receive comments on any proposed revisions.

Such hearing dates shall be posted on the Stormwater Authority's website and advertised in a newspaper of general local circulation, at least seven (7) days prior to the hearing date.

After public notice and public hearing, Stormwater Authority may promulgate rules and regulations. Failure by the Stormwater Authority to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

D. Stormwater Management Manual

The Stormwater Authority will utilize the criteria and information including specifications and standards of the latest edition of the Massachusetts Department of Environmental Protection Stormwater Management Regulation and/or an approved Halifax equivalent, for execution of the provisions of this Bylaw. This manual includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. The Stormwater Management Manual and Regulations may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Stormwater Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.

E. Administrative Stormwater Management Permit

The Stormwater Authority shall have the authority to develop an Administrative Stormwater Management Permit for commercial buildings, industrial buildings, access roads, subdivision roads, solar arrays, and construction or repair of any nonresidential septic system. Any such General Stormwater Management Permit requirements shall be further defined and included as part of any Stormwater Regulations promulgated as a result of this Bylaw.

SECTION 6. PERMITS and PROCEDURE

A. Application

A completed application for a Stormwater Management Permit shall be filed with the Stormwater Authority. A permit must be obtained prior to the commencement of land disturbing activity that may result in the disturbance of 5,000 S.F. or more and where the land application of bio-solids is proposed. The Stormwater Management Permit Application package shall include:

1. a completed Application Form with original signatures of all owners;

2. a list of abutters, certified by the Assessors' Office;

3. required number of copies of documents including but not limited to the Stormwater Management Report, the Pre- Development and Post-Development Stormwater Calculations, the Pre-Development and Post-Development Construction Stormwater Operation and Maintenance Plan and a separate plan showing the Erosion and Sediment Control Plan as specified in Section 7. of this bylaw or other documents that may be specified in any Stormwater Regulations promulgated as a result of this Bylaw; and

4. payment of the application and review fees as specified in any Stormwater Regulations promulgated as a result of this Bylaw.

B. Entry

Filing an application for a permit grants the Stormwater Authority 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 Stormwater Authority shall give one copy of the application package to the Planning Board, the Conservation Commission the Board of Health, the Police Department, the Fire Department and The Department of Public Works.

D. Public Hearing

The Stormwater Authority 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 Stormwater Authority.

Notice of the public hearing shall be given by the Stormwater Authority by posting a public hearing notice on the Stormwater Authority's Website, by posting the public hearing notice with the Town Clerk and by the applicant sending a public hearing notice by first-class mailings to abutters at least seven (7) days prior to the hearing. The Stormwater Authority shall make the application available for inspection by the public during business hours at the Stormwater Authority office.

E. Information requests

The applicant shall submit all additional information requested by Stormwater Authority to issue a decision on the application.

F. Action by Stormwater Authority

The Stormwater Authority may:

1. approve the Stormwater Management 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 by-law;

2. approve the Stormwater Management Permit Application and issue a permit with conditions, modifications or restrictions that the Stormwater Authority determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this bylaw;

3. disapprove the Stormwater Management 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 by-law.

G. Failure of Stormwater Authority to take final action

Failure of the Stormwater Authority to take final action upon an application within the time specified above, unless such time has been extended by mutual agreement by the Stormwater Authority and the applicant, shall be deemed to be approval of said application.

Upon expiration of the time period for taking final action as specified above, with granted extension(s), if any, the Stormwater Management Permit shall be issued by the Stormwater Authority.

H. Fee Structure

Each application must be accompanied by the appropriate application fee as established by the Stormwater Authority as specified in any Stormwater Regulations promulgated as a result of this Bylaw. Applicants shall pay review fees as determined by the Stormwater Authority sufficient to cover any expenses connected with the public hearing and review of the Stormwater Management Permit Application before the review process commences. The Stormwater Authority is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Stormwater Authority on any or all aspects of the Application. Costs of the engineer or the consultant will be the responsibility of the applicant.

I. Project Changes

The permittee, or their agent, must notify the Stormwater Authority in writing of any change or alteration of a land disturbing activity authorized in a Stormwater Management Permit before any change or alteration occurs. If the Stormwater Authority determines that the change or alteration is significant, the Stormwater Authority may require that an amended Stormwater Management Permit application be filed, and a public hearing held. If any change or alteration from the Stormwater Management Permit occurs during any land disturbing activities, the Stormwater Authority may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

SECTION 7. EROSION AND SEDIMENT CONTROL PLAN

A. The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements listed in Section 7.B. below.

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

1. minimize total area of disturbance;

2. sequence activities to minimize simultaneous areas of disturbance;

3. minimize peak rate of runoff in accordance with the Massachusetts Stormwater Regulations;

4. minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;

5. divert uncontaminated water around disturbed areas;

6. maximize groundwater recharge;

7. install and maintain all Erosion and Sediment Control measures in accordance with the manufacturer’s specifications and good engineering practices;

8. prevent off-site transport of sediment;

9. protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);

10. comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;

11. prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;

12. institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site;

13. properly manage on-site construction and waste materials; and

14. prevent off-site vehicle tracking of sediments.

C. Erosion and Sedimentation Control Plan Content

The plan shall contain the following information:

1. names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;

2. name of CPESC in charge of the Erosion and Sedimentation Control plan with 24-hour contact information

3. title, date, north arrow, names of abutters, scale, legend, and locus map;

4. location and description of natural features including:

(a) 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 these maps;

(b) Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities; and

(c) 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 within five hundred (500) feet of any construction activity.

5. lines of existing abutting streets showing drainage and driveway locations and curb cuts;

6. existing soils, volume, and nature of imported soil materials;

7. topographical features including existing and proposed contours at intervals no greater than one (1) feet with spot elevations provided when needed;

8. surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;

9. drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);

10. location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;

11. path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;

12. location and description of industrial discharges, including stormwater discharges;

13. stormwater runoff calculations in accordance with the MA Department of Environmental Protection’s Stormwater Management Regulation;

14. location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;

15. a description of construction and waste materials expected to be stored on-site. The plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;

16. a description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;

17. plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts and a Certified Professional in Erosion and Sediment Control; and

18. such other information as is required by the Stormwater Authority; and any other requirements as specified in any Stormwater Regulations promulgated as a result of this Bylaw.

SECTION 8. 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 Halifax Conservation Commission, to review the permitted plans and their implementation.

B. Stormwater Authority Inspection

The Stormwater Authority 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 Management Permit as approved. The Permit and associated plans for grading, stripping, excavating, and filling work, bearing the signature of approval of the Stormwater Authority, shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the Stormwater Authority 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’s Certified Professional in Erosion and Sediment Control (CPESC) 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 Stormwater Authority or designated agent in a format approved by the Stormwater Authority.

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 Stormwater Authority its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary to determine compliance with the permit.

SECTION 9. SURETY

The Stormwater Authority may require the permittee to post before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security.

The form of the bond shall be approved by the Stormwater Authority and be in an amount deemed sufficient by the Stormwater Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Stormwater Authority 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 Stormwater Authority has received the final report as required by Section 10 and issued a certificate of completion.

SECTION 10. 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, and Certified Professional in Erosion and Sediment Control (CPESC), certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter and the as-built construction plans.

SECTION 11. ENFORCEMENT

A. The Stormwater Authority or its authorized agent shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

B. Orders

1. Stormwater Authority or an authorized agent may issue a written order to enforce the provisions of this by-law or the regulations hereunder, which may include:

(a) a requirement to cease and desist from the land disturbing activity until there is compliance with the bylaw and provisions of the Stormwater Management Permit;

(b) maintenance, installation or performance of additional erosion and sediment control measures;

(c) monitoring, analyses, and reporting;

(d) remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.

2. If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Halifax through the Stormwater Authority may, at its option, undertake such work, and the property owner shall reimburse the Stormwater Authority 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 Stormwater Authority, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority 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 Stormwater Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner’s property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate, as provided in G.L. Ch. 59, § 57, after the thirty-first day following the day on which the costs were due.

C. Criminal Complaint and Penalty

Any person who violates any provision of this by-law, regulation, order or permit issued there under, may be penalized by indictment or criminal complaint brought in the Plymouth District Court. The penalty shall be punished by a fine of not more than $300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

D. Non-Criminal Disposition

As an alternative to criminal prosecution or civil action, the Stormwater Authority may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40, §21D and enabling Bylaw of the Town of Halifax, in which case the Stormwater Authority or an agent of the Stormwater Authority shall be the enforcing person under this bylaw. The penalty for the 1st violation shall be a Written Warning specifying the violation and required corrective action. The penalty for the 2nd violation shall be a fine of $150.00. The penalty for the 3rd and subsequent violations shall be a fine of $300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. The fines issued by the Stormwater Authority under Section 11.D. of this Bylaw shall be final. Further relief of a fine under Section 11.D. of this Bylaw shall be reviewable in the Plymouth District Court and if said action was filed within 21 days thereof, in accordance with M.G.L. Ch. 40, §21D.

E. Appeals

The decisions or orders of the Stormwater Authority shall be final. Further relief of a decision by the Stormwater Authority under this Bylaw shall be reviewable in the Superior Court of the applicable jurisdiction and if said action was filed within 60 days thereof, in accordance with M.G.L. Ch. 249 § 4.

F. Remedies Not Exclusive

The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 12. EFFECTIVE DATE

This Bylaw shall take effect after approval of this Bylaw by the Attorney General, and after the adoption of the Stormwater Authority Rules and Regulations and/or by February 1, 2020, whichever occurs first.

Proposed by Board of Selectmen – Gordon C. Andrews

**Passed**

ARTICLE 15 Voted to transfer $2,369.85 from Article 4 of the Special Town Meeting of August 26, 2016 (Elementary School Roof Feasibility Study) to pay unpaid bills from K P Law from Fiscal Year 2019.

Proposed by the Board of Selectmen – Troy E. Garron

Nine-tenths vote required

**Passed – declared by the Moderator**

**A motion was made by Troy E. Garron and seconded to dissolve the Special Town Meeting. The meeting dissolved at 9:20 p.m.**

Respectfully submitted,

Barbara J. Gaynor, CMMC

Town Clerk