TOWN OF BOXBOROUGH

OFFICE OF THE TOWN CLERK

GENERAL BYLAWS

TOWN OF BOXBOROUGH

As amended through ATM May 2013

Effective October 31, 2013

A true copy
ATTEST:

Elizabeth A. Markiewicz
Town Clerk of Boxborough

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ACCEPTANCE OF LAND AND ROADS

Whenever a petitioner offers to donate or gift land to the Town regardless of the purpose of the gift, all property taxes must be paid in full through the date of the acceptance. The Board of Selectmen may, in its discretion, waive the requirement that all taxes be paid if it is in the Town's best interest. The petition to gift the land must include a metes and bounds description of the parcel, and notice of any proposed restrictions for the use of the land. Within thirty (30) days of the Town Meeting Vote to accept the property, a signed deed shall be delivered to the Board of Selectmen. Accompanying the deed the petitioner must provide proof that he/she is the sole owner of the land and that the land is free from mortgage or other encumbrances. All easements on the property shall be clearly indicated. The Board of Selectmen shall have the right to not place on the Warrant for acceptance, any gift of land from a petitioner it deems has not complied with this Bylaw. Any petitioner who through fault of his own fails to deliver such signed deed to the Town of Boxborough Board of Selectmen within said thirty (30) days, is responsible for all property taxes then accrued through the date of delivering such deed.

Whenever an applicant petitions the Town to accept a private or subdivision road, two (2) copies of a plan of the road and a metes and bounds description shall be provided to the Board of Selectmen by the petitioner. Before any way is accepted by the Town, the petitioner shall have executed and delivered to the Board of Selectmen, a signed deed conveying such way subject to Town Meeting approval. The petitioner shall provide proof to the Town, that he/she is the sole owner of the property to be conveyed and that the land is free from mortgage or other encumbrances. The Board of Selectmen may, in its discretion, waive the requirement that the land is free from mortgage or other encumbrances if it is in the Town's best interest. Such a waiver shall be specific in definition of the encumbrance(s) and of the liability incurred by the Town as the result of executing the waiver. All easements in the roadway and right of way shall be clearly indicated and registered or recorded before conveyance. The Board of Selectmen shall have the right to not place on the Warrant for acceptance any roadway from a petitioner it deems is not in compliance with this Bylaw.

All acceptance of gifts of land and roadways shall be contingent upon the petitioners compliance with this Bylaw.

Adopted:	May 19, 1993
Approved by the Attorney General:	August 26, 1993

AFFORDABLE HOUSING TRUST BYLAW

Section 1: Pursuant to the vote of the 2005 Annual Town Meeting accepting c. 491 of Acts of 2004, and the provisions of G.L. c. 44, sec. 55C, there is hereby established in the Town of Boxborough a Municipal Affordable Housing Trust (the "Trust"), having five Trustees (the "Trustees") to be appointed by the Board of Selectmen as follows:

- One member of the Board of Selectmen to serve for a term of two years;
- One at-large resident of the Town to serve for a term of two years;
- One member of the Finance Committee to serve for an initial term of one year, and thereafter for a term of two years;
- Two members of the Boxborough Housing Board, one to serve for an initial term of one year, and, thereafter, for a term of two years, and one to serve for a term of two years.

In the event that a vacancy shall occur on the Board of Trustees, the Board of Selectmen shall fill said vacancy for the unexpired term in accordance with this bylaw.

The Trustees are hereby authorized to execute a Declaration of Trust and Certificate of Trust for the Boxborough Affordable Housing Trust to be recorded with Middlesex South Registry of Deeds and filed with Middlesex South Registry District of the Land Court.

Section 2: The purpose of the Trust shall be to provide for the creation and preservation of affordable housing for the benefit of low and moderate income households, and to support the activities of the Boxborough Housing Board through grants of real and personal property.

Section 3: The Trustees shall have the following powers and duties:

(1) to accept and receive personal property by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation grants of funds or other property tendered to the Trustees in connection with provisions of any zoning bylaw or any other bylaw or vote of Town Meeting. The Trustees shall have no authority to acquire, other than by the transfer pursuant to General laws c. 40, section 15A, an interest in real property; it being the intention of this bylaw that the Boxborough Housing Board be the principal board in the Town responsible for the acquisition of interests in real property for affordable housing purposes;

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

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

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

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

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

(7) to apportion receipts and charges between incomes and principal as the Trustees deem advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
(8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
(9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Trustees may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Trustees may deem necessary and appropriate;
(10) to carry property for accounting purposes other than acquisition date values;
(11) to borrow money, subject to Town Meeting approval, on such terms and conditions and from such sources as the Trustees deem advisable, to mortgage and pledge Trust assets as collateral;.
(12) to make distributions or divisions of principal in kind;
(13) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Trustees may deem appropriate;
(14) to manage or improve real property; and to abandon any property which the Trustees determine not to be worth retaining;
(15) to hold all or part of the Trust property uninvested for such purposes and for such time as the Trustees may deem appropriate; and
(16) to extend the time for payment of any obligation to the Trust.

Adopted:	May 14, 2007
Approved by the Attorney General:	June 13, 2007

ANNUAL TOWN MEETING

The Annual Town Meeting for the election of town officers shall take place on the third Monday in May of each year and that the Annual Meeting for the transaction of other business shall take place on the second Monday in May of each year.

Adopted:	February 4, 1957
No evidence of going to Attorney General.	
Amended:	November 21, 1966
Approved by the Attorney General:	May 21, 1968.
Amended:	March 5, 1974
Approved by the Attorney General:	April 9, 1974.

ANTI-LITTERING BYLAW

No person shall, without the prior written consent of the Selectmen, deposit, place, drop, throw, litter or cause to be deposited, placed, dropped, thrown and permit any dirt, filth, rubbish, trash, litter, snow, ice, paper, wood, timber, glass, metal, garbage, refuse or other waste material or substance to remain in or upon any way within the Town of Boxborough, unless such material is deposited into a receptacle provided for this purpose by the Town. In the absence of proof to the contrary, the registered owner of any motor vehicle from which any such material is deposited in the Town of Boxborough shall be presumed to be the person causing such disposal. Whoever shall breach or violate any provision of this Bylaw, as the same may have been amended from time to time, shall be punished by a fine not exceeding fifty ($50.00) dollars for each offense or for each day of a continued offense.

Adopted:	May 11, 1976
Approved by the Attorney General:	September 9, 1976

APARTMENT AND CONDOMINIUM TENANT INFORMATION BYLAW

On or before December 1st of each year, every Condominium Association or apartment manager shall register with the Town Clerk and shall supply a list of all owners, tenants, and correct mailing addresses. Failure to submit the required information is subject to a fine of one hundred ($100.00) dollars.

Adopted:	May 29, 1990
Approved by the Attorney General:	September 13, 1990

BID BYLAW

Unless otherwise provided by a vote of Town Meeting, the Board of Selectmen or Town Administrator is authorized to enter into any contract for the exercise of the Town's corporate powers for matters involving General Government, and the School Committee for school matters, on such terms and conditions as are deemed appropriate. Unless authorized by the General Laws or town meeting, any Town officer or board so authorized may solicit and award contracts for the procurement of goods and services for terms exceeding three years, but not to exceed five (5) years, including any renewal, extension or option, provided in each instance that the longer term is determined to be in the best interest of the Town. Notwithstanding the foregoing, the Board of Selectmen, Town Administrator, or School Committee, shall not contract for any purpose, on any terms, or under any conditions inconsistent with any applicable provision of any general or special law.

Adopted by Annual Town Meeting:	May 29, 1990
Approved by Attorney General:	September 30, 1990
Amended by Special Town Meeting:	November 8, 1999
Approved by Attorney General:	February 9, 2000
Amended by Annual Town Meeting:	May 12, 2009
Approved by Attorney General:	August 27, 2009

COLLECTOR OF TAXES

The Collector of Taxes is authorized to use all means of collecting taxes, which a Town Treasurer may use when appointed a collector of taxes.

Adopted:	March 4, 1963
Approved by the Attorney General:	June 18, 1963

CONSTRUCTION SITE ACTIVITY

The operation of heavy construction equipment at construction sites excluding work done by a homeowner at their primary residence, shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday and shall be prohibited on Sundays and legal state holidays.

The Inspector of Buildings or his designee shall be responsible for enforcement of this Bylaw. The provisions of non-criminal disposition or any other remedy allowed by law may be used to enforce this Bylaw.

Violations of this Bylaw shall be punished by the following fines:

First Offense:	$25.00
Second Offense:	$50.00
Each Subsequent Offense:	$100.00

Adopted:	October 23, 1995
Approved by Attorney General:	December 4, 1995

COUNCIL ON AGING BYLAW

Section 1: Composition

There shall be established in the Town of Boxborough a Council on Aging in accordance with Chapter 40, Section 8B, of the Massachusetts General Laws, for the purpose of providing and advancing those programs and services which will enrich the lives of senior residents living in the Boxborough Community. For the purpose of this bylaw, a senior resident shall henceforth be defined as any person residing in the Town of Boxborough who is sixty years of age or older.

The Council on Aging shall consist of no fewer than five (5) residents of the Town of Boxborough, at least a majority of whom shall be sixty years of age or older. The members shall be appointed by the Board of Selectmen and shall serve without compensation.

Each member shall serve for a term of three years, except that the Board of Selectmen may make initial appointments to staggered terms so that, as nearly as possible, an equal number of members shall be appointed each year. Members of the existing Council on Aging in office upon the effective date of this bylaw shall continue to serve until their current terms expire. Members whose terms have expired shall be eligible for reappointment.

The Council on Aging shall, annually, at their first regularly scheduled meeting in the fiscal year, select from its membership a Chair, Vice Chair and Secretary; provided, however, that no member shall hold such office for a period of more than two consecutive years.

In the event a vacancy occurs for any reason on the Council on Aging, the remaining members shall notify the Board of Selectmen, who shall thereupon fill such vacancy for the unexpired term.

The Council on Aging may also appoint Associate Members to assist the Council in any way it deems appropriate and necessary. Associate members shall not, however, be entitled to vote.

Section 2: Reason for Removal

The Board of Selectmen may remove any member of the Council on Aging after a hearing, for cause. Cause shall include, but not be limited to, the absence from more than one half of the regular meetings in any one calendar year without justification or extenuating circumstances.

Section 3: Responsibilities

The duties of the said Council shall be as follows:

1. Support the Council on Aging Coordinator with regard to fulfilling the job description of said position, including assisting with the design and implementation of senior resident services and programs.
2. Identify the total needs of the community's senior residents.
3. Educate the community and enlist support and participation to fill identified senior resident needs.
4. Coordinate existing senior resident services in the community.
5. Promote and support any other programs which are designed to assist senior resident services in the community or coordinate existing services.
6. Function as an advisory board to the Board of Selectmen on the program needs of the Boxborough Council on Aging as well as to maintain an effective flow of communication between the senior resident population of Boxborough and the town's policy makers.

The Council on Aging shall coordinate with the Commonwealth of Massachusetts Executive Office of Elder Affairs and shall be cognizant of all state and federal legislation concerning funding, information exchange and program planning which exists for better community programming for elders.

The Council shall prepare and submit an annual report to the Town of Boxborough and shall send a copy thereof to the Commonwealth of Massachusetts Executive Office of Elder Affairs.

Section 4: Quorum

The quorum for the transaction of business shall be a majority of the Council.

Section 5: Adoption of Bylaw

Upon approval of this bylaw, the previous bylaw amended and approved by Town Meeting on May 10, 1999, under Article 23 is superceded.

Adopted:	May 14, 1975
Approved by Attorney General:	September 10, 1975
Amended:	May 29, 1990
Amendments approved by Attorney General:	September 13, 1990
Amended:	October 23, 1995
Amendments approved by Attorney General:	November 22, 1995
Amended:	May 10, 1999
Amendments approved by Attorney General:	August 9, 1999
Amended:	May 9, 2006
Amendments approved by Attorney General:	July 13, 2006

DESIGNATED HANDICAPPED PARKING

A. Designated parking spaces for vehicles owned and operated by disabled veterans or by handicapped persons and bearing the distinctive number plates or placards authorized by Massachusetts General Laws Annotated Chapter 90, Section 2 or distinctive number plates or placards or other devices authorized and issued for the same purpose by any other state, country, province or territory, shall be provided in public and private off-street parking areas.

B. Any person or body that has lawful control of a public or private way, or of improved or enclosed property used as off-street parking areas for business, shopping, malls, theaters, auditoriums, sporting or recreational facilities, cultural center, multi-unit residential dwellings for rent or lease for any term, except single two-family residences which are the only residences on the lot, or for any other areas where the public has a right of access as invitees or licensee shall be required to reserve spaces in said off-street parking areas for any vehicle owned and/or operated by a disabled veteran of handicapped person whose vehicle displays the distinguishing license plate or placard authorized by Section A according to the following formula:

Total Spaces:	Required Handicap Parking:
1-14	1 space
15-25	1 space
26-40	2 spaces
41-75	3 spaces
76-100	4 spaces
101-150	5 spaces
151-200	6 spaces
201-300	7 spaces
301-400	8 spaces
401-500	9 spaces
501 or more	2% of total spaces
Outpatient Medical Facilities	10% of total spaces
Facilities specializing in treatment or services for people with mobility impairments	20% of total spaces

C. Designated Handicap Parking Spaces shall be placed, constructed and sized as follows: Accessible spaces shall be level. Accessible spaces shall be at least 8 feet wide with level access aisles at least 5 feet wide marked on pavement. Access aisles shall be designated by “slashes” or “cross-hatches” permanently marked on pavement. Parking areas not paved shall allow the same dimensions for each handicap parking space as paved areas. Two accessible spaces may share a common aisle. These spaces should be in a location providing the shortest route of travel to an accessible entrance. If there is more than one accessible entrance, the spaces shall be located near each accessible entrance. Sidewalks at such spaces shall have curb cuts at each access aisle constructed so that a handicapped person is not required to enter the flow of traffic to access the curb cut.

D. One in eight designated handicap parking spaces with a minimum of one shall be designated as a “van accessible.” Van accessible spaces shall be 8 feet wide with an aisle 8 feet wide allowing a van to operated a lift. Alternatively, all spaces may be “universal” spaces 11 feet wide with an access aisle 5 feet wide.

E. There shall be an above grade sign at each designated space. The bottom of the sign shall not be lower than 5 feet from the ground. The top of the sign shall show at minimum the “International

Symbol of Access" in white on blue background or in blue on a white background. All "van accessible" spaces shall be marked as such either on the above grade sign or directly below using the words "Van Accessible" in white on a blue background or blue on a white background. All signs and markings shall be subject to the approval of the Chief of Police or ADA Coordinator or his/her designee.

F. The leaving of unauthorized vehicles within parking spaces designed for use by disabled veterans or handicap persons as authorized by sections A and B or in such a manner as to obstruct a curb cut or ramp designed for use by handicapped persons as a means of access to a public way, or to a place to which members of the public rights of access as invitees or license shall be prohibited.

G. The penalty for violations of Sections A, B, C, D, or E shall be $10.00 per day per violation after the person or body having lawful control of the ways or property described in Section B has been given written notice and not less than thirty (30) days to comply.

H. The penalty for violations of Section F shall be One Hundred dollars ($100.00). The vehicle(s) may be removed pursuant to Massachusetts General Laws Annotated Chapter 266 Section 120D. Violators shall be cited in accordance with M.G.L.A. Chapter 90 Sections 20A and 20A+.
Violations of Sections A, B, C, D, or E shall be enforced by the Police Department or the Building Inspector under the provisions of Non-Criminal Disposition pursuant to M.G.L. Chapter 40 Section 21D. Or take any other action in relation thereto.

Adopted by Town Meeting:	October 28, 1996
Approved by the Attorney General:	January 10, 1997

DISPOSITION OF TOWN PROPERTY

Whenever a board or officer having charge of personal property or materials belonging to the Town shall determine that such property has become obsolete or is no longer needed, said board or officer may sell, or otherwise dispose of said property or material if the fair market value of said property or materials does not, in the opinion of the Selectmen, exceed four thousand ($4,000) dollars.

Adopted:	May 10, 1983
Approved by Attorney General:	July 22, 1983

DOG CONTROL BYLAW

A. Underlying Philosophy:

All citizens are entitled to fully enjoy their property and the public ways and lands. Those citizens who own or keep dogs are entitled to enjoy their animals, but only to the extent that such animals do not unreasonably impinge upon the activities of other persons.

B. Bylaw:

No person owning or keeping any dog in the Town of Boxborough shall permit the animal to go at large to the injury or nuisance of others or to constitute a nuisance or danger in any other way. Any dog shall be deemed at large if said dog is outside the boundaries of the property of its owner or keeper and not under the direct care and control of a person demonstrating the ability to properly care and control the animal.

C. Responsibility for Enforcement:

Responsibility for enforcing the bylaw and the provisions of the General Laws concerning dogs in Chapter 140 is vested with the Animal Control Officer – Dogs and Cats, any police officer of the Town of Boxborough, in an emergency, or any other person so appointed by the Board of Selectmen. In addition to any powers or authority granted under Chapter 140 of the General Laws, in order to carry out this responsibility effectively they are empowered to:

1. Consider all complaints that the bylaw or other provisions of the General Laws relating to dogs have been violated;

2. Catch and impound dogs, order dogs muzzled or restrained, dispose of dogs in accordance with applicable provisions of Chapter 140 of the General Laws, issue citations for violations of the bylaw, or take such other actions as shall be necessary to enforce the bylaw and the provisions of the General Laws, including filing a complaint with the selectmen pursuant to M.G.L. Chapter 140, Section 157.

3. Any person may make a written complaint to the selectmen that any dog owned or kept within the Town of Boxborough is a Nuisance Dog or a Dangerous Dog, as those terms are defined in M.G.L. Chapter 140, Section 157. The Board of Selectmen shall investigate or cause to be investigated such complaint, including an examination under oath of the complainant at a public hearing in the municipality to determine whether the dog is a Nuisance Dog or a Dangerous Dog, and shall make such order concerning the restraint or disposal of such dog as provided in M.G.L. c.140, Section 157. Violations of such orders shall be subject to the enforcement provisions of M.G.L. Chapter 140, Section 157 and 157A, Section D of this bylaw and/or any other remedy available at law or equity.

D. Fines

In accordance with M.G.L. Chapter 140, Section 173A, and M.G.L. Chapter 40, Section 21D, Non-Criminal Disposition Fines may be used to enforce this bylaw. The Animal Control Officer – Dogs and Cats, any police officer of the Town of Boxborough or any other person so appointed by the Board of Selectmen may issue notices of violation of bylaw. The fines for such violations, per dog, shall be as follows:

First offense:	Written warning, no fine
Second offense:	Fifty Dollars ($50.00)

Third offense:	Sixty Dollars ($60.00)
Subsequent offenses:	One Hundred Dollars ($100.00) for each offense.

Fines shall be paid to the Town of Boxborough before redemption of the dog, if impounded, or within twenty-one (21) days of issuance of the imposed fine when impoundment has not occurred. An owner or keeper of any dog so impounded for violation of this bylaw shall, in addition to any applicable fees and penalties, pay the Animal Control Officer – Dogs and Cats a boarding charge of not less than forty dollars ($40.00) per day while such animal is impounded, nor more than the actual cost for the boarding and care of such animal in any commercial kennel or animal hospital.

The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

E. Violation Abatement or Good Behavior Abatement

After a period of three (3) years from the date of the last violation, any subsequent offenses will be treated as new offenses under Section D.

Adopted by Annual Town Meeting:	May 12, 1997
Approved by Attorney General:	August 4, 1997
Amended by Annual Town Meeting:	May 11, 2010
Approved by Attorney General:	August 19, 2010
Amended by Annual Town Meeting:	May 14, 2013
Approved by Attorney General:	September 16, 2013

DOG LICENSING BYLAW

Section 1. All dogs six months or older in the Town of Boxborough shall be licensed by the Town Clerk annually beginning January 1st and not later than March 10th of each calendar year. Upon receipt of payment of the licensing fee, the Town Clerk shall issue a license and a tag. The tag, along with current rabies tag, shall be worn by the dog on a collar or harness when the dog is off its owner*s* or keeper's property. The License Period shall be January 1 to December 31 of each calendar year.

Section 2. Fees for dog licenses are:

Spayed/Neutered	$10.00
Intact	$15.00
Up to 4 dogs	$25.00
Kennel 5 - 10 dogs	$50.00
Kennel 11+ dogs	$75.00

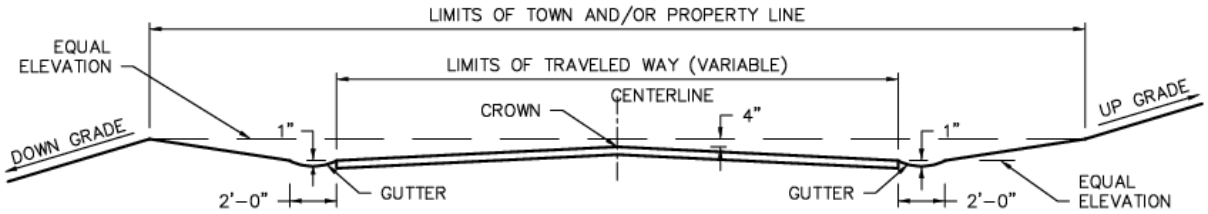
Section 3. Any person who is the owner or keeper of a dog in the Town of Boxborough and who fails to license said dog by the March 10 deadline in any year, shall be subject to a penalty of fifty dollars ($50.00) per dog to be payable to the Town Clerk upon demand by the Animal Control Officer – Dogs and Cats, in addition to the license fee. Any penalties collected pursuant to this section shall be deposited into the Dog License Fees Revolving Fund and may be paid to the Animal Control Officer – Dogs and Cats as compensation.

Section 4. Any person who by March 20 fails to license a dog which is owned or kept in the Town of Boxborough shall be subject to a penalty of seventy-five dollars ($75.00) per dog to be payable to the Town upon demand by the Animal Control Officer – Dogs and Cats, in addition to the license fee. Any penalties collected pursuant to this section shall be deposited into the Dog License Fees Revolving Fund and may be paid to the Animal Control Officer – Dogs and Cats as compensation.

Section 5. Any person who by March 30 fails to license a dog which is owned or kept in the Town of Boxborough shall receive a demand from the Animal Control Officer – Dogs and Cats by certified and regular mail for immediate payment of the license fee, one hundred dollars ($100.00) fine per dog and the cost of the postage. Any penalties collected pursuant to this section shall be deposited into the Dog License Fees Revolving Fund and may be paid to the Animal Control Officer – Dogs and Cats as compensation. Those who continue to fail to comply with the provisions of this bylaw will have their names turned over to the Boxborough Police for enforcement and possible court action.

Adopted by Annual Town Meeting:	May 14, 1992
Approved by Attorney General:	August 26, 1992
Amended by Annual Town Meeting	May 14, 1998
Approved by Attorney General:	August 30, 1998
Amended by Annual Town Meeting:	May 11, 2004
Approved by Attorney General:	July 12, 2004
Amended by Annual Town Meeting:	May 11, 2010
Approved by Attorney General:	August 19, 2010
Amended by Annual Town Meeting:	May 14, 2013
Approved by Attorney General:	September 16, 2013

DRIVEWAY APPROACH BY-LAW



TYPICAL DRIVEWAY APPROACH SECTION WHEN
MEETING THE EDGE OF A TRAVELED WAY.
VARIANCES MAY BE GRANTED.

Section 1. No persons shall break or dig up the ground in any street for any purpose whatever, or set or place any fence, post, tree or edgestone, or alter or change the position or direction of any fence, post or edgestone, or swing any door or gate in, upon or over, or change the grade or width of any public way without, in the case of a single house lot, a written permit of the Director of Public Works, or in all other cases, approval granted by the Planning Board.

Section 2. When meeting the edge of the present traveled way of a street with driveways, walks, etc., the construction of the same shall be as shown above. This type of construction permits the storm water run-off to be contained within the limits of the street and to run properly in the gutters. It also eliminates damage to driveways, walks, etc. during the clearing and plowing necessary for maintenance. Driveways not installed properly shall be corrected by the Highway Department at the expense of the owner.

Adpoted: April 17, 1964
Approved by Attorney General: June 29, 1964
Amended: February 3, 1975
Approved by Attorney General: May 20, 1975
Amended: May 14, 1985
Amendment Approved by Attorney General: August 5, 1985
Amended: May 8, 2000
Approved by Attorney General: August 21, 2000

EARTH REMOVAL BYLAW

Upon the effective date of the Earth Removal Bylaw all other by-laws regulating the removal of sand, gravel, loam or other earth products shall be null and void. Authority for the following Bylaw is under the Massachusetts General Laws, Chapter 40, Section 21, Paragraph 17.

I. Definitions.

A. For the purpose of this Bylaw, "earth" shall include soil, loam, sand, gravel, clay, peat, rock, or other earth material in solid form.

B. For the purpose of this Bylaw, "Board" shall mean the Planning Board of the Town of Boxborough.

May 07 C. For the purpose of this Bylaw, "abutters" shall be parties of interest as defined in MGL c. 40A, section 11.

II. Earth Removal Procedure.

A. No person shall remove earth from any parcel of land in the Town except in conformity with this Bylaw and any subsequent amendments.

B. No earth shall be removed from any parcel of land in the Town without a written permit from the Board, and in accordance with the Zoning Bylaws of the Town of Boxborough.

May 07 C. Any person wishing to obtain a permit or to renew a permit to remove earth material from a property in the Town, or to use any public way within the Town for transporting such material from one part of a property to another part, shall file an application pursuant to the Rules and Regulation as most recently adopted by the Board.

D. No permit for the removal of earth, and no renewal thereof, shall be issued until a public hearing has been held by the Board, as defined in MGL c. 40A, section 11, except in those cases specifically exempted in Section III-B. Notice of said hearing shall be given at least fourteen (14) days in advance in a newspaper commonly used for such notices by the Town, and the posting of copies thereof on municipal bulletin boards. The applicant, and all abutters as determined from the most recent tax list and annual street listing, shall be notified of the purpose, date, time and place o the hearing by registered mail.

May 07 E. No earth removal permit can be granted pursuant to this By-Law until the applicant shall have paid a fee as established in the Earth Removal Rules & Regulations.

F. Any permit issued is non-transferable and shall automatically expire upon completion of the earth removal project for which it was issued or at such time as may be specified in such permit. In no case shall a permit be issued for a period longer than three (3) years. A permit may be renewed for up to two (2) years or lesser time as determined

by the Planning Board after evidence is presented that all conditions of the expiring permit have been complied with and the work has been performed in good faith. A public hearing may be required by the Planning Board for renewal of permits not otherwise exempted by Section III-C of this Bylaw.

III. Exemptions.

A. No permit shall be required for the moving of earth entirely within an individual parcel, and provided that no public way is used therefor, and no other Bylaw of the Town is violated thereby, and provided, further, that one or more of the following conditions shall apply:

1. Such earth moving is necessary in the construction of a building, a permit for which has been issued by the Inspector of Buildings.

2. Such earth moving is necessary in the construction of a public or private road, walkway, bicycle path, bridle path or similar pathway.

3. For construction of a water hole for fire protection.

4. Such earth moving is necessary in connection with farm, garden or nursery operations.

5. Such earth moving is necessary in connection with a cemetery.

6. When incidental to landscaping, construction of a swimming pool, or similar activities in connection with an existing building.

B. No earth work operation exempted from a permit under subsection III-A shall be conducted, maintained, and/or left in a condition so as to alter the natural drainage flow beyond the property; or cause dust, silt, soil, or other materials to be deposited on adjacent properties; or to otherwise cause nuisances, hazards, or other objectionable conditions detrimental to health, safety, or property values in adjacent areas. The Planning Board shall upon petition by an abutter or by any Town Official or Town Board, review the operation and may determine that, because of the nature and scope of the earthwork, an earth removal permit is required; or may require that the restoration standards contained in Section V-B of this Bylaw be observed. The Planning Board shall, in cases where the public health or public safety are threatened, request that the Board of Health or the Board of Selectmen take action to abate such practices or conditions as contribute thereto.

C. The Inspector of Buildings may permit the removal of up to 200 cubic yards of earth from a site when such earth removal is necessary in connection with the construction of a building, driveway or roadway, provided that no loam is removed from the Town of Boxborough.

D. Without a public hearing, the Board may issue permits for the removal of more than 200 cubic yards of earth for the following purposes provided the activities are not in violation of any other by-law of the Town.

1. Where necessary when in connection with activities exempted in subsection III-A when an access or earth fill has been created which is not needed or not useable at the site.

2. When such earth is not necessary in connection with the construction of a building, the amount to be removed to be limited to the volume of the foundations and basement of the building.

3. When such earth is not needed in connection with the construction of a private or public road provided that the quantities of earth removed shall be limited to the excess of cut and fill required to satisfy Planning Board standards with respect to width grade, and construction of the roadway.

4. Where the moving of earth occurs entirely within an individual parcel but where a public way is used for the transportation of the material; provided that, where it is evident that the scale of the operation would be greater than that normally anticipated under Items 1 through 3 above, the Planning Board may require a public hearing.

IV. General Limitations.

No permit shall be issued or renewed for the removal of earth in any location if such removal:

1. Will endanger the public safety, public health or constitute a nuisance.

2. Will produce noise, dust, or other noxious effects observable at the lot lines of the property in amounts objectionable or detrimental to the normal use of adjacent properties.

3. Will result in the transportation of materials in such manner as to cause traffic congestion, dust, spillage, noise, or other nuisances or hazards, particularly on residential streets.

4. Will result in the transportation over ways which will be unduly injured thereby.

5. Will result in a change of topography and cover which will be disadvantageous to the most appropriate final use of the land or to the use of lands adjacent to the site.

6. Will destroy any part of an unusual natural feature of the land including but not limited to the Boxborough Esker.

7. Will cause irreparable harm to or loss of important wildlife or rare plant species indigenous to the area.

V. Standards and Requirements.

In approving the issuance of a permit, the Board shall require conformity with the following standards and requirements. The Board may where appropriate to the circumstances, waive, modify, or more specifically state, or add to the following standards and requirements provided that the intent of this Bylaw is maintained and the General Limitations stated in Section IV above are observed. Any such deviations from the following standards and requirements shall be stated as conditions to and noted upon the permit.

A. Operation Standards.

1. No excavation shall be closer than 200 feet to an existing public way unless specifically permitted by the Planning Board and no excavation shall be permitted to occur within 50 feet of any lot line. Wherever existing natural vegetation occurs, it shall be maintained on the undisturbed land for screening and noise reduction purposes.

May 07 2. Operations shall be conducted during the hours 7:30 A.M. to 5:00 P.M., Monday through Friday. No earth is to be excavated or removed on Saturdays, Sundays or Massachusetts legal holidays. These hours of operation may be altered only upon written authorization of the Planning Board. Loaded trucks shall leave the premises only during permitted hours. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling and blowing from the load.

3. The active gravel removal area shall not exceed a total area of five (5) acres at any one time.

May 07 4. All trucking routes and methods shall be subject to approval by the Chief of Police and the Director of Public Works.

May 07 5. All access roads leading to public ways shall be treated with a suitable material approved by the Planning Board for a distance of at least 200 feet back from the public way, and shall be maintained so as to confine dust and mud to the premises.

6. Access roads shall be constructed with the approval of the Planning Board and shall provide for maximum public safety and screening of the operation from public view.

7. No gravel, soil, loam, or other earth material shall be removed within any elevation five (5) feet above spring high water table, or at any other higher elevation that would preclude subsequent re-use of the area in accordance with existing public health standards. This elevation shall be established from test pits and the level related to permanent monuments and/or temporary points of reference on the property. This information shall show on the topographic plan or other suitable data submitted with Form ER-1.

8. During operations, when an excavation is located closer than 200 feet from a residential area or public way and where the excavation will have a depth of more

than 15 feet, with a slope in excess of 1:1, a fence at least three (3) feet high, or as directed by the Planning Board, shall be erected to limit access to this area.

9. No area shall be excavated so as to cause the accumulation of free standing water. Permanent drainage shall be provided as needed in accordance with accepted engineering and conservation practices. Measures shall be taken to insure that silting and sedimentation of nearby streams is not caused by an temporary or permanent drainage systems on site.

10. Sufficient topsoil shall be stripped from the operation area and stockpiled for use in restoring the area after the removal operation has ceased. No loam shall be removed from the Town of Boxborough.

11. Any temporary shelters or buildings erected on the premises, for use by personnel or storage or maintenance of equipment, shall be screened from public view. These structures shall be removed from the premises within thirty (30) days after conclusion of the operation(s) or expiration of the permit.

12. The Planning Board or their agents shall be free to inspect the premises at any time.

13. No excavation shall be allowed that is in violation of Chapter 131 of the Massachusetts General Laws, the so-called "Wetlands Acts".

B. Restoration Standards.

1. No slope shall be left with a grade steeper than one foot (1') vertical to two feet (2') horizontal. Any disturbed land within 200 feet of an existing or private way shall be graded at a slope not to exceed two percent (2%).

2. All debris, stumps, boulders, and similar material, shall be removed from the site or disposed of in an approved location on site. Organic material such as stumps, brush, wood and similar materials shall be covered with a minimum of two feet (2') of soil

3. Prior to the release of the Performance Guarantee, and/or expiration of the permit, ground levels and grades shall be established as shown on the topographic plan.

4. Subsoil shall be spread over the disturbed area to a minimum of four inches (4"). This soil shall be treated with three tons of lime per acre and 1,000 pounds of 10-10-10 fertilizer per acre and seeded with grass or legums mixture prescribed by the Middlesex Conservation District, or other treatment and seeding or planting as approved by the Planning Board. Trees or shrubs may be planted in order to provide screening, natural beauty, and to reduce erosion. The planted area shall be protected from erosion during the establishment period.

5. Upon completion of the operation, the land shall be left so that the natural drainage flow exits the property at the original drainage points or empties into the original drainage channel; and when it does so, the volume of runoff or flow at any one point

is not increased above that which was normal for that particular point in the absence of the earthwork operation.

6. Before release of performance guarantee and/or expiration of the permit, "as built" drawings shall be prepared by a registered engineer or land surveyor at a scale of 1"=40' or other scale acceptable to the Planning Board. The drawings shall show final grades; location and elevations of monuments; location, type, and size or capacity of underground drainage and other utilities installed; the location, boundaries and depth of organic fill areas; the location of access roads; and similar permanent improvements. An original opaque ink or mylar or other suitable permanent and reproducible plan, and one print thereof shall be submitted to the Planning Board. The plan shall include an insert "locus plan" at a scale of 1"=200', showing the area in relation to nearby streets, natural features and surrounding areas.

C. Performance Guarantee.

A performance bond, bank deposit, check or similar security shall be required for each area on which the permit has been issued. The amount of such surety shall be five thousand dollars ($5,000) per acre of removal and restoration area depending on conditions at the site, or such other amount as may be determined by the Planning Board as necessary to ensure final compliance with the restoration standards, including the preparation of "as built" drawings required in V-8-6. The performance guarantee will be released upon request of the permit holder after the Planning Board shall have determined that the holder has completed the operation and restored the area excavated in conformity with his permit and the standards and requirements of this Bylaw.

VI. General Administration.

A. The Board or its agent may, from time to time enter upon the premises involved to inspect or determine whether the work is being properly conducted.

May 07 B. Upon petition and payment of applicable filing fee by the owner, permit holder, abutters, or upon the vote of the Board, the Planning Board may hold a new hearing and/or reissue or modify an existing permit subject to any regulations not in conflict with this Bylaw. The filing fee shall be reimbursed by the permit holder if it is determined that a violation of the conditions of the permit has occurred.

C. The Board may order the revocation or suspension of a permit if the conditions established thereunder are not complied with; but the permit holder in such situation shall not be relieved of his obligations thereunder.

VII. Violations.

A. If a violation is determined, a notice shall be sent by certified mail ordering the cessation of earth removal activities.

May 07 B. If a permit holder or other offender persists in such violation, the Board shall seek an imposition of penalties authorized by MGL c. 40, section 21, of $50 for the first

offense, $100 for the second offense, and $200 for each subsequent offense, or seek to obtain a court order to compel compliance with this Bylaw. Each day in violation of the provisions of this Bylaw, after warning thereof, shall be considered a separate offense unless the operator shall initiate immediate actions to bring the operation to compliance with this Bylaw. This Bylaw may also be enforced through the non-criminal disposition procedures set forth in MGL c. 40, section 21D. The enforcing officer under this Bylaw shall be the Building Inspector or any police officer of the Town of Boxborough.

C. If the offender holds a permit issued under this Bylaw such permit may be revoked and operations shall cease until such time as the necessary measures are taken to assure compliance with this Bylaw and a new permit is issued.

Adopted:	February 4, 1952
Amended:	November 7, 1955
Amended:	March 6, 1961
Approved by Attorney General:	July 7, 1961
Amended:	March 10, 1969
Approved by Attorney General:	July 28, 1969
Amended:	March 13, 1972
Approved by the Attorney General:	May 12, 1972
Amended:	February 3, 1975
Approved by the Attorney General:	May 20, 1975
Amended:	November 9, 1981
Approved by Attorney General:	February 25, 1982
Amended:	May 20, 1999
Approved by Attorney General:	August 9, 1999
Amended:	May 17, 2007
Approved by Attorney General:	July 26, 2007
Effective:	August 22, 2007

ENFORCEMENT

a. Criminal Complaint

Whoever violates any provision of these bylaws may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation, or offense, brought in such manner, shall be three hundred ($300.00) dollars.

b. Noncriminal Disposition

Whoever violates any provision of these bylaws, may be penalized by a noncriminal disposition as provided in General Law, Chapter 40, section 21D. The noncriminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department, which is subject to a specific penalty. Each day on which a violation is cited shall be deemed to be a separate offense.

Unless otherwise provided for by law or in these bylaws, the penalty for violation of any of these by-laws shall be as follows:

First offense:	$ 25.00
Second offense:	$ 50.00
Each subsequent offense:	$100.00

Without intending to limit the generality of the foregoing, it is the intention of this provision, that in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the following municipal personnel shall also be enforcing persons: the Inspector of Buildings and designees, the Board of Health and designees, the Dog Officer and designees, and such other officials as the Board of Selectmen may from time to time designate, each with respect to violation of bylaws and rules and regulations within their respective jurisdiction.

Adopted:	May 29, 1990
Approved by the Attorney General:	September 13, 1990

FINANCE COMMITTEE BYLAW

Section 1. There shall be a Finance Committee, as authorized by the General Laws, Chapter 39, section 16, consisting of no fewer than five (5) and no more than nine (9) members, all of whom shall be registered voters of the Town. No appointed or elected official of the Town, except for a member serving on the Personnel Board, Capital Budget Committee, Affordable Housing Trust or a building or public works committee, shall be eligible to serve simultaneously on the Finance Committee. Commencing on the effective date of this bylaw, the Moderator shall appoint members to staggered terms. A quorum of the Finance Committee shall be a majority of the number of members. No committee member shall serve for more than three (3) consecutive terms. Any member of said Committee who shall be appointed or elected to Town office or a committee or board other than the Personnel Board, Capital Budget Committee, Affordable Housing Trust or a building or public works committee shall forthwith upon his qualification in such office, and any member who shall remove from the Town shall upon such removal, cease to be a member of said Committee. Members absent from one-third of the regular meetings in any calendar year may be removed by a two-thirds vote of the other members, present and voting. Said Committee shall choose its own officers. The members of said Committee shall serve without salary.

Section 2. The Finance Committee may employ, subject to an appropriation therefor, an Executive Secretary.

Section 3. In the event of any vacancy in its membership, the Finance Committee shall notify the Moderator in writing, and the Moderator shall thereupon fill such vacancy.

Section 4. The Finance Committee shall consider all matters of business included within the articles of any Warrant for a Town Meeting, and shall after due consideration report thereon in print its recommendation as to each article. The Finance Committee shall cause its report to be delivered or mailed to each place of residence in Town where at least one (1) registered voter resides at least fourteen (14) days in advance of a Town Meeting. The said delivery or mailing of this report shall not constitute a legal prerequisite for any Town Meeting or affect the validity of any other action taken thereat. The report shall state the total amount of the appropriations on the entire warrant and the approximate effect on the tax rate based on such appropriations. The report shall also state the same information with regard to the warrant articles receiving their affirmative recommendation. The report for the annual Town Meeting shall contain a statement of the doings of the Committee during the year, with such recommendations or suggestions as it may deem advisable on any matters pertaining to the welfare of the Town. It may issue recommendations on referenda and other matters on any ballot other than the choice of individuals for offices.

Section 5. The Finance Committee shall have authority at any time to investigate the books, accounts and management of any department of the Town, and to employ such expert and other assistance as it may deem advisable for that purpose and the inspection of the Committee and any person employed by it for that purpose. The Committee may appoint sub-committees and delegate to them such of its powers as it deems expedient.

Section 6. The various Town boards, officers and committees charged with the expenditure of Town money and those voters submitting special articles authorizing expenditures of Town money shall, not later than the fifteenth of January of each year, prepare in duplicate on forms provided by the Finance Committee for the purpose, detailed estimates of the amounts deemed by them necessary for the administration of the respective offices or departments for the ensuing fiscal year, with explanatory statements of the reasons for any changes from the amounts appropriated for the same purpose in the preceding year. They shall also prepare, in like form, estimates of all probable items of income which

may be received by them during the ensuing year in connection with the administration of their departments or offices, and a statement of the amount of appropriation requested by them for the ensuing fiscal year. Such estimates and statements shall be filed with the Finance Committee who shall at once transmit a copy of same to the Town Accountant.

Section 7. The Finance Committee shall duly consider the estimates and statements filed by the Town boards, officers and committees, and may confer with said boards, officers and committees and hold hearings, if they deem it advisable. The Finance Committee shall thereupon recommend such sums and in such division of items as it considers necessary and convenient.

Section 8. Upon approval of this bylaw, the previous bylaw established under Article 2 of the Special Town Meeting of November 21, 1966, is superseded.

Adopted:	February 7, 1955
Approved by Attorney General:	
Amended by Town Meeting:	November 21, 1966
Approved by Attorney General:	
Amended by Town Meeting:	March 10, 1969
Approved by Attorney General:	July 28, 1969
Amended by Town Meeting:	March 5, 1974
Approved by Attorney General:	April 9, 1974
Amended by Town Meeting:	November 9, 1981
Approved by Attorney General:	February 25, 1982
Amended by Town Meeting:	May 29, 1990
Approved by Attorney General:	September 13, 1990
Amended by Town Meeting:	May 21, 2008
Approved by Attorney General:	September 23, 2008
Amended by Town Meeting:	May 14, 2013
Approved by Attorney General:	October 15, 2013

FIRE ALARM AND PROTECTIONS SYSTEM BYLAW

Section 1. Purpose and Intent

The proliferation of fire alarm systems monitored by the Boxborough Fire Department has imposed an increasing burden on said Department. In addition, the erroneous and mistaken use of fire alarm systems and those that are not installed, maintained or operated properly has resulted in increased responses and associated costs by the Boxborough Fire Department and is creating a hazard to the members of said Department and to the general public. The purpose of this chapter is to regulate the use of said alarm systems and to reduce the incidence of false alarms.

Section 2. Definition

(a) Alarm System: Any assembly of equipment, mechanical or electrical, arranged to transmit a signal to the Department of the occurrence of a fire emergency to which firefighters are expected to respond. For the purpose of this bylaw this would also include, but not be limited to, a fire protections system such as an automatic sprinkler or extinguishing system.

(b) Approval: Approval by the Fire Chief or his designee.

(c) Automatic Alarm Dialing Device: Any alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of a fire emergency.

(d) Department: The Boxborough Fire Department.

(e) False Alarm:

(1) Error or mistake. Any action by any alarm system permit-holder owning, leasing, operating or controlling an alarm system installed in any dwelling, building or place in the Town of Boxborough or any action by any agent or employee of, or anyone in privity with, said person, which results in the unintentional activation of said alarm system when no fire emergency exists.

(2) Malfunction. Any unintentional activation of any alarm system caused by a flaw in the design or installation of, or the improper maintenance of the system. This shall not include the activation caused by violent conditions of nature or other extraordinary circumstances, not reasonably subject to the control of the alarm system permit-holder.

(3) Intentional misuse. Any intentional activation of an alarm system when no fire emergency is in progress.

(f) Fire Chief: Chief of the Boxborough Fire Department or such other officer as the Fire Chief may appoint as his designee.

(g) Person: Any person, firm, corporation or other entity except the Town of Boxborough.

(h) Town: Shall mean the Town of Boxborough.

Section 3. Administrative Rules

The Fire Chief may from time to time promulgate such rules and regulations as may be necessary for the implementation and use of this bylaw and the installation of an alarm system and related components. These rules and regulations may be amended as the need arises by the Fire Chief.

Section 4. Fees and Penalties

After due notice and a public hearing, the Board of Selectmen, upon recommendation from

the Fire Chief, may from time to time adopt and amend a fee schedule associated with this bylaw, a copy of which shall be filed in the office of the Town Clerk and posted on the town's website. Said schedule shall include registration and permit fees, annual fire alarm service fees, reconnection fees, penalties for false alarms and fines associated with violations of any provisions of this bylaw.

Section 5. Registration and Permits

No person shall place any alarm system in service, or cause any such system to be placed in service after installation in any dwelling, business or place within the Town of Boxborough until such time as said alarm system has been registered with the Department and a permit for said system issued. Any alarm system in service on the effective date hereof shall be registered with the Department within sixty (60) days of notification by the Department of the adoption of this bylaw.

Alarm system permits may be obtained by completion of a registration form provided by the Department and payment of an initial permit fee as specified in the *Schedule of Fees and Penalties*. Permits shall expire on January 1st of every odd numbered year unless renewed. Renewal permits will be issued after payment of a fee as specified in the *Schedule of Fees and Penalties*. It shall be the responsibility of each permit holder to notify the Department in writing within ten (10) days of any change in registration information.

In addition to any other information requested on the registration form the registrant shall submit the names, addresses and telephone numbers of at least two (2) persons who shall have access to said building and alarm system day and night and the knowledge and ability to make, and the responsibility for making said alarm secure in case of activation.

In addition, registration information shall include the name, address and telephone number of the person responsible for servicing the alarm system.

Section 6. Annual Fire Alarm Service Fee

An annual fee subject to the following provisions shall be paid by the owners of property utilizing the municipal fire alarm system of the Town of Boxborough, when such fire alarm system exists, by connection of a master fire alarm box to the municipal fire alarm system. This fee is intended to offset the projected annual cost to the Town of Boxborough for the operation and maintenance of the master fire alarm system.

(a) Property owned by or under the jurisdiction of the Town of Boxborough, and School Department of the Town of Boxborough, shall be exempt from payment of the annual fee.

(b) The fire alarm service fee shall be determined annually by the Boxborough Fire Department, subject to the approval of the Board of Selectmen, and shall be specified in the *Schedule of Fees and Penalties*.

(c) The fee period will be from July 1st through June 30th for the specified fiscal year.

(d) New master fire alarm boxes installed between July 1st and March 31st will be charged the full amount of the annual fee. New master fire alarm boxes installed between April 1st and June 30th will not be charged until the following fiscal year.

(e) All bills for the Fire Alarm Service Fee shall be due and payable on July 1st of each fiscal year or thirty (30) days from the mailing date, whichever is the later date.

(f) In the event that the bill is not paid within thirty (30) days of its due date, the service shall be disconnected, and notification of disconnection be mailed to the owner.

(g) In the event that service is disconnected, the service may be reconnected upon payment of any outstanding bills and a reconnection fee, as specified in the *Schedule of Fees and Penalties*.

Section 7 Regulations

(a) No alarm system shall be installed until the plans and specifications relating to said alarm system have been approved by the Fire Chief. The Fire Chief shall have the right at all reasonable times to inspect any alarm system within his jurisdiction.

(b) The location of all alarm system components shall be provided on a floor plan to be kept at the site of the alarm system in or adjacent to the alarm system panel.

Section 8 Secured Key Access

Any building other than a residential building of less than six (6) units which has an alarm system or other fire protection system shall provide a secure Key Box installed in a location accessible to the Department in case of an emergency. This Key Box shall contain keys to the structure served by the alarm system; keys to fire alarm control panels and other keys necessary to operate or service fire protection systems. In addition, if required by the Fire Chief, a lock-box sufficient in size, shall be obtained and shall contain a list and Material Safety Data Sheet for all hazardous substances present on the site in significant quantities. As used herein the phrases "hazardous substances" and "significant quantities" shall be defined in accordance with applicable Town, State of Massachusetts and Federal Regulations governing the storage of these substances.

The Key Box shall be a type approved by the Fire Chief and compatible with the Key Box system presently in use. The Key Box shall be located and installed as approved by the Chief.

No permit for an alarm system as required pursuant to Section 5 shall be issued until the permit applicant has first installed a Key Box as specified above.

Any building owner violating Section 8 of this bylaw after receiving due notice by the Department shall be subject to a fine as specified in the *Schedule of Fees and Penalties*.

Section 9 Response

(a) Except as provided in this section, when any alarm system is activated, the Department shall respond to the alarm and notify the person or persons listed in the registration form as having responsibility for securing said alarm system. Said person shall immediately go the place where the alarm is sounding to meet the fire officers, secure the building and reset the alarm.

Should any person responsible for securing and resetting any alarm system, when notified of its activation, refuse to respond pursuant to this section or within a reasonable time period, the officers on the scene shall check the property thoroughly, silence the alarm and secure the location as much as possible. If in the opinion of the fire officer in charge, the cause for the alarm is readily apparent and the system can be readily reset by a reset switch provided for this purpose, the system will be reset.

(b) If any dwelling, building or place is required by law to maintain a fire alarm system, as herein defined, and if said alarm system fails to function and cannot be returned to service within a reasonable time, and if in the opinion of the Fire Chief or Officer in Charge the absence of a properly functioning alarm system may pose a threat to life and property, the Fire Chief or Officer may require the special duty assignment of one or more firefighters to patrol the premises until the alarm system has been returned to service. The cost of any special duty assignment shall be the responsibility of the alarm system permit holder. Payment for such special duty services shall be made at such rates and in accordance with such terms as are established pursuant to the Personnel

Classification Plan or other Contractual Agreement which is then in effect, provided, however, that notwithstanding the provisions of the immediately preceding sentence, payments shall be in an amount not less than that required to reimburse firefighters at one and one-half times their regular salary rate.

Section 10 False Alarms - Errors, Mistakes or Malfunctions; Penalty

(a) No alarm system shall be activated by error, mistake or malfunction in any dwelling, building or place, when no fire emergency exists which results in the response of the Department.

(b) The following fines and charges shall be imposed upon the alarm system permit holder for activation of an alarm system by error, mistake or malfunction, as the case may be, in violation of subsection (a) hereof:

(1) Up to three (3) such false fire alarms may occur in a one year period without the imposition of a penalty.

(2) The fourth (4th) such false alarm and every such subsequent false fire alarm during any one year period shall result in a fine per false alarm in an amount specified in the Schedule of Fees and Penalties.

(c) As soon as possible after the second (2nd) such false alarm, and if time permits, a registered written warning shall be sent by the Department to the alarm system permit holder.

(d) Upon occurrence of the third (3rd) such false alarm, a written order from the Department requiring the alarm system to be inspected and the Department notified of corrective action taken shall be issued to the alarm system permit holder.

Section 11 Same-Intentional; Penalty

(a) No person shall knowingly or intentionally activate any alarm system when no fire emergency exists.

(b) No person shall knowingly or intentionally test, repair, adjust, alter or perform maintenance on an alarm system, or cause the same to be tested, repaired, adjusted, altered or maintained if such action could result in a false alarm without first notifying the Department and receiving approval for same. The Department shall be notified immediately upon completion of any such test, repair, adjustment, alteration or maintenance. The Fire Chief may restrict or refuse to permit the testing, repair, adjustment, alteration or maintenance of an alarm system if such could result in a false alarm when such restriction or refusal is necessary due to manpower limitations.

(c) Any person who violates subsections (a) or (b) of this section shall be fined an amount as specified in the *Schedule of Fees and Penalties*, and where applicable, may additionally be subject to prosecution under the Massachusetts General Laws for falsely reporting an incident. All fines assessed hereunder shall be paid to the Town Treasurer for deposit in the General Fund.

Section 12 Enforcement

The provisions of Non-Criminal Disposition, MGL Chapter 40 section 21D may be used to enforce this bylaw.

(a) A written notice will be issued by the Fire Chief to the offender. The notice shall include the following:

(1) direct the offender to appear before the clerk-magistrate of the local district court within twenty-one (21) days;

(2) as an alternative, pay a specified fine within twenty-one (21) days; or

(3) as an alternative, request a hearing on the violations.

Hearings will be held either before a judge, a clerk or assistant clerk. The Town will present its case and a decision will be rendered by the court.

(b) When an offender does not pay or appear within the specified twenty-one (21) days, it

shall be the right of the Fire Chief to disconnect the alarm from the Town of Boxborough fire alarm system fifteen (15) days after notification by registered letter to the permit holder.

(c) The Town may apply to the district court for a criminal complaint when an offender does not pay or appear within the specified twenty-one (21) days.

Section 13 Exterior Audible Alarm-Duration

Unless required by law or specifically prohibited by manufacturers listing, no alarm system which produces an exterior audible signal shall be installed unless its operation is automatically restricted to a maximum of thirty (30) minutes or the system is provided with an alarm silence switch in a locked cabinet of a type approved by the Fire Chief. Any exterior audible alarm system in use as of the effective date of this chapter must comply with this section within one hundred twenty (120) days of notification by the Department of adoption of this bylaw.

Section 14 Automatic Alarm System Dialing Devices

Automatic Alarm System Dialing Devices shall not be used to call the Town of Boxborough Fire Department emergency telephones.

Section 15 Liability, Invalidity

The Town shall be under no duty or obligation to maintain a dispatch panel, communication console, receiving module or other specialized equipment for the monitoring of alarm systems. The installation and maintenance of alarm systems permitted by this chapter shall be made at no cost to the Town.

No liability whatsoever is assumed by the Town of Boxborough for the failure of such alarm systems or monitoring facilities or for failure to respond to alarms, or for any other act or omission in connections with such alarm systems. Each alarm system permit holder shall be deemed to hold and save harmless the Town, its departments, officers, agents and employees from liability in connection with the
permit holder's alarm system.

The invalidity of any provision or provisions contained in this chapter shall not affect the validity of the remaining provisions hereof.

Adopted by Annual Town Meeting:	May 11, 1989
Approved by Attorney General:	August 19, 1989
Amended by Annual Town Meeting:	May 9, 2006
Approved by Attorney General:	July 13, 2006
Amended by Annual Town Meeting:	May 10, 2011
Approved by Attorney General:	May 27, 2011

FIRE LANES

A. The Fire Chief may designate Fire Lanes within the limits of any private way, parking area or driveway for the access of emergency apparatus to multiple family dwellings, stores, motels, schools, and places of public assembly.

B. The owner of record of any area designated as a Fire Lane shall provide and install signs that shall read “FIRE LANE - TOW ZONE”, painted yellow lines denoting area of restriction on pavement with the words “FIRE LANE - TOW ZONE”. The size, materials and location of such signs or painted zones shall be approved by the Fire Chief.

C. It shall be unlawful to obstruct or block any area designated as a “FIRE LANE” with a vehicle or any other means.

D. Any vehicle parked or left unattended within a designated FIRE LANE may be removed or towed under the direction of a Police Officer or Fire Officer at the owner’s expense.

E. Any person violating section “B.” shall, for each offense, be punished by a fine of fifty ($50.00) dollars. Each day that such violation continues shall be a separate offense.

F. Any person violating section “C.” or Section “D.” shall for each offense be punished by a fine of fifteen ($15.00) dollars.

Adopted:	May 13, 1991
Approved by Attorney General:	August 23, 1991

HOUSING BOARD BYLAW

SECTION 1.0 Establishment

1.1 There is hereby established a permanent Board that shall be known as the Boxborough Housing Board. The members of said Board shall consist of not less than five voting members who shall be residents of the Town of Boxborough appointed by the Board of Selectmen for staggered three-year terms, such appointments to be made annually on or before June thirtieth. Current voting members of other statutory town boards, whether elected or appointed, shall not be eligible to serve as voting members of said Housing Board. The Board of Selectmen shall invite other boards to designate ex-officio representatives to serve in an advisory capacity as non-voting members.

1.2 A voting member of said Board may be removed for cause by the Board of Selectmen.

1.3 Members shall serve until their successors are appointed. Any vacancy in said Board, however occurring, may be filled by the Board of Selectmen for the unexpired portion of the term.

1.4 A majority of the voting members of said Board shall constitute a quorum.

1.5 The Boxborough Housing Board shall be responsible for developing, implementing and executing the Boxborough Affordable Housing Long-Range Plan (the Plan) to provide for affordable housing in the Town of Boxborough. The Boxborough Housing Board shall exercise its powers and perform its duties for the purpose of investigating, implementing, managing, and providing a diverse stock of affordable housing in accordance with said Plan and the requirements and guidelines of MGL Ch 40B, and regulations issued thereunder as amended.

1.6 Within the broader context of the Boxborough Master Plan, the Affordable Housing Long-Range Plan shall provide sufficient details and rationale to guide the formulation of specific proposals for the production of affordable housing units.

1.7 The Housing Board shall be responsible for periodic updates and amendments to the Affordable Housing Long-Range Plan.

1.8 Said Plan or any substantive amendment or revision thereto shall become effective upon approval by majority vote at Town Meeting. Said Board shall hold a public hearing on the Affordable Housing Long-Range Plan or amendments thereto prior to placement on the warrant for Town Meeting.

1.9 The Housing Board shall conduct a substantive review, including public hearings, of the Affordable Housing Long-Range Plan at intervals not greater than five years from the previous amendment or revision.

1.10 Minor revisions to said Plan for accuracy and convenience in execution may be made without requiring Town Meeting approval, provided that the Board of Selectmen agrees to the revision and shall so signify by formal acceptance of a revised plan document. No revision to said Plan shall be submitted for consideration and approval by the Board of Selectmen until the Boxborough Housing Board has held a public hearing on the proposed changes.

1.11 Excepting funds provided by the Town for clerical and consulting support, the Housing Board shall only expend funds pursuant to and/or consistent with an approved Plan, as it may be amended from time to time.

1.12 The Boxborough Housing Board shall, following a public hearing on the matter, adopt and publish a set of operational and policy guidelines to be employed by the Town in the development of affordable housing.

1.13 The liability of said Board and its members shall be limited to the same extent as the liability of a public employer and public employees as are limited by law.

1.14 The Boxborough Housing Board may, at its discretion, delegate specific operational or oversight responsibilities to the Town Administrator.

1.15 The Boxborough Housing Board shall submit a written annual report to the Town on the status of affordable housing in Boxborough, and the receipt and expenditure of funds. The report shall include a statement of the activities of the Boxborough Housing Board during the year, together with such recommendations as it may deem advisable on matters pertaining to affordable housing. Said Board shall also provide to the Board of Selectmen an annual affordable housing certification report adhering to reporting requirements for such purposes as set forth by the Massachusetts Department of Housing and Community Development.

SECTION 2.0 Powers

2.1 The Boxborough Housing Board shall have the following powers, provided however, that no such power shall be exercised either in a manner inconsistent with this bylaw, or with any general or special law or bylaw or to carry on any activity which is not in furtherance of the purposes set forth in this bylaw:

(a) to adopt, amend and repeal rules for the regulation and conduct of its business including, but not limited to, the conduct of its meetings;

(b) to elect a chairman and vice-chairman, each of whom shall be voting members of said Board, and a secretary who need not be a member of said Board. In the absence of the chairman, the vice-chairman shall chair meetings of said Board. The secretary shall be the custodian of all records of said Board;

(c) to make and execute all contracts and all other instruments necessary or convenient for the exercise of its powers and functions, subject to the approval of the town counsel of the Town of Boxborough as to form;

(d) in compliance with Massachusetts General Laws or applicable statutes relating to the acquisition and disposal of municipal property, and the Town Bylaw on Acceptance of Land and Roads, to acquire or lease, by gift, purchase or exchange, on behalf of the Town, and to hold such property under the Board's care, custody, management and control, and use such property on such terms and conditions and in such a manner as it may deem proper and to exchange, grant options on, sell, transfer, convey, assign, lease, pledge, mortgage, encumber, grant liens on and security interests in or to otherwise dispose of, on such terms and conditions as it may deem proper, real, personal or mixed real and personal property or any interest, easement or rights therein and any assets or

revenues of the Boxborough Housing Board, as may be necessary or appropriate to carry out its purposes;

(e) with the approval of the Board of Selectmen, to enter into agreements or other transactions with the Commonwealth or any political subdivision or public instrumentality thereof, the United States government or any federal, state or other governmental agency;

(f) to enter into contracts or agreements with, and to engage from time to time, contractors, architects, engineers, consultants, attorneys, accountants, construction, financial and other experts, superintendents, managers and such other agents as may be necessary in its judgment;

(g) to appear on behalf of the Town before boards, commissions, departments or other agencies of municipal, state, or federal government;

(h) to formulate and to carry out or monitor plans for projects involving the acquisition or operation of affordable housing consistent with the objectives and provisions of the Boxborough Affordable Housing Long-Range Plan, as amended, and to construct, reconstruct, renovate, expand, extend, improve, repair, remodel, equip, furnish, maintain, manage and operate such facilities;

(i) to fix and revise from time to time and to charge and collect rates, fees, rentals and other charges and sale prices for or in connection with the use, occupancy or other disposition of any affordable housing facility or other property or portion thereof under its control;

(j) to establish, impose, grant or amend, by deed, lease or any other means or method, and on behalf of the Town to hold the benefit of, monitor, exercise and enforce lawful restrictions on the rental, sale, resale, use or occupancy of affordable housing facilities or other property under its control, or other facilities or property designated by the Board of Selectmen, or restrictions with respect to the income of owners, tenants or occupants of such housing facilities or other property, or options and rights of first refusal with respect to such facilities or property and to waive, release, or discharge any such options, rights or restrictions;

(k) to enter into, perform or monitor agreements or other transactions with contractors, developers, brokers, or other real estate professionals or any other person relating to the provisions of affordable housing;

(l) to do any and all things necessary or convenient to carry out its purposes and exercise the powers conferred by this bylaw; provided, however, that said Board may delegate to any subcommittee or member of said Board any action which said Board is empowered to do or make or which said Board shall have power to conduct by itself.

2.2 No binding contract of agreement to purchase or accept as a gift, any right, interest, or title to real property, shall be entered into until a site inspection has been made and a report received from a qualified person regarding the presence of hazardous materials or substances, as defined in MGL Ch 21E on or at the property. This requirement may be waived by the Board in acquiring a unit or units in a residential condominium.

Adopted:	October 30, 2000
Approved by Attorney General:	January 12, 2001
Amended by Town Meeting:	May 21, 2008
Approved by Attorney General:	September 23, 2008

HUNTING AND TRAPPING BYLAW

Section 1.
No person shall hunt or trap, or enter upon any land within the Town of Boxborough for the purpose of hunting or trapping without the express permission of the landowner.

Section 2.
No person shall carry a rifle, pistol, shotgun or other firearm, or a trap or traps on any private land within the Town of Boxborough without the express permission of the landowner, except a law enforcement officer in the discharge of his duties.

Section 3.
No person shall discharge a firearm within the limits of any public way in the Town of Boxborough except a law enforcement officer in the discharge of his duties.

Section 4.
Any person who violates any of the foregoing provisions shall be subject to a fine of twenty ($20.00) dollars, to be collected as provided in the General Laws.

Adopted:	March 7, 1960
Approved by Attorney General:	April 20, 1960

NEWSPAPER VENDING MACHINES REGULATIONS

REQUIREMENTS:
No person shall erect a newspaper box in the Town of Boxborough until a permit has been issued by the Board of Selectmen and such location complies with the regulations contained herein. The Board of Selectmen shall issue such permit within a reasonable time after submission of an application demonstrating that the newspaper vending machine will conform to the criteria set forth herein.

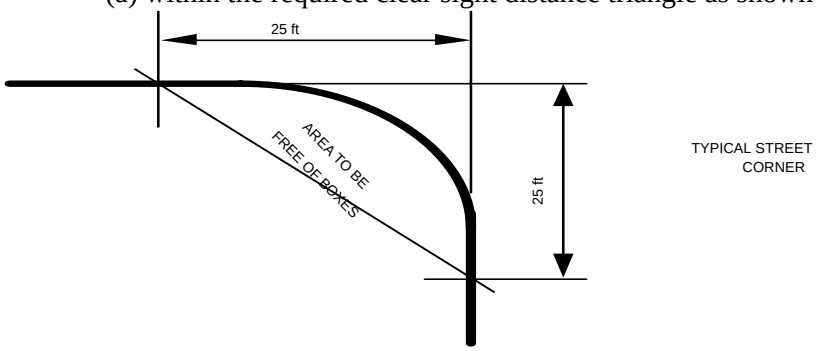
FEE:
A fee of ten ($10.00) dollars to cover the administrative costs for issuing a permit shall be submitted with the application form. The applicant shall also attach a map, adequate for identification, of the proposed location of the newspaper vending machine(s).

REMOVAL:
Owners shall remove all newspaper vending machines within ten (10) days of being notified that the Town intends to perform maintenance or roadwork in the area where any such newspaper vending machine is located until such maintenance or roadwork is completed.

LIABILITY:
Any permit issued pursuant to this bylaw shall contain the following condition: "The Town shall not be responsible for any newspaper vending machines damaged as a result of snow removal or other maintenance operations on Town Roadways."

LOCATION:
Newspaper vending machines shall not impede the flow of traffic or access to streets, crosswalks or buildings. Newspaper vending machines shall not be located in the following locations:

(a) within the required clear sight distance triangle as shown below:



REQUIRED CLEAR SIGHT DISTANCE TRIANGLE

(b) within ten (10) feet of a fire hydrant, a dry hydrant, or other emergency facility;
(c) within five (5) feet of any driveway;
(d) within five (5) feet of a handicap ramp;
(e) within the right-of-way of a scenic road, so designated pursuant to a bylaw or other provision of law;
(f) within the right-of-way of a road fronting on land zoned Agricultural-Residential.

Newspaper vending machines on public street rights-of-way shall be placed in such a fashion that there is an adequate area for cars or delivery trucks to pull off the traveled roadway while the driver of such vehicle is purchasing a newspaper or refilling the vending machine without blocking passage on such traveled way.

No trees shall be removed to accommodate a newspaper vending machine.

SIZE AND GROUPING:

Newspaper vending machines shall not exceed four feet six inches (4' 6") in height or two feet (2') in depth. Not more than five (5) newspaper vending machines shall be grouped together.

VIOLATIONS:

Violations of this bylaw shall be subject to "Noncriminal Disposition" fines as provided in General Laws, Chapter 40, section 21D. A fine of fifty ($50.00) dollars shall be imposed for each violation of this bylaw and each day on which any violation exists shall be deemed to be a separate offense. The enforcing persons for purposes of this provision shall be the Town Police Officers. In the event a newspaper vending machine is placed on public property within the Town without a proper license being secured therefore, the Board of Selectmen shall give written notice to the owner that the machine will be removed by the Town at the owner's expense after ten (10) days, unless the machine is brought into compliance with this bylaw and is licensed or the owner has filed an application therefore. If there is no such compliance or application, the Town will be authorized to remove said machine at the expiration of the ten (10) day period. When, in the opinion of the Board of Selectmen, a newspaper vending machine has been located in such a manner as to create a public safety hazard, or so as to unreasonably interfere with or impede the flow of vehicular traffic, the Board may order such vending machine removed subject to notice to the owner and a hearing to be held within ten (10) days of such removal or such later date as the owner of such vending machine shall request. If, after such hearing, the owner is found to have located such newspaper vending machine in such a manner as to have created a public safety hazard or so as to have unreasonably interfered with or impeded the flow of vehicular traffic, the cost of said removal shall be borne by the owner. Each newspaper vending machine shall be required to have a label providing the name of the owner and an address where such owner may be contacted.

Adopted:	November 25, 1991
Approved by Attorney General:	February 28, 1992

NON-CRIMINAL DISPOSITION

In addition to the procedures for enforcement of the Zoning Bylaw provided for under the provisions of MGL Chapter 40A, the Inspector of Buildings or designee may enforce violations of the Zoning Bylaw by non-criminal complaint pursuant to the provisions of Chapter 40, section 21D. Each day on which a violation is cited shall be deemed to be a separate offense. The penalty for violation of any provision of this Bylaw shall be as follows:

First Offense:	$ 25.00
Second Offense:	$ 50.00
Each Subsequent Offense:	$100.00

Adopted:	May 12, 1988
Approved by Attorney General:	September 13, 1990
Amended:	May 29, 1990
Approved by Attorney General:	September 13, 1990

NOTICE OF TOWN MEETINGS

The Board of Selectmen shall give notice of all Town Meetings by posting attested copies of the Warrant calling the same, in not less than five (5) public places in the Town at least fourteen (14) days before the time of holding the Meeting. The Selectmen shall also cause to be delivered or mailed to each place of residence in the Town where one or more registered voter resides, a summary of the Warrant for each Town Meeting, fourteen (14) days at least before the time named in the Warrant for holding such Meeting.

Adopted: March 5, 1974
Approved by Attorney General: April 9, 1974
Amended: February 28, 1977
Approved by Attorney General: May 19, 1977
Amended: November 19, 1981
Approved by Attorney General: February 25, 1982
Amended: May 19, 1994
Approved by Attorney General: August 25, 1994

POLICE DEPARTMENT BYLAW

1. On the effective date of this Bylaw, no alarm system or equipment designed to summon the Police Department shall be installed without first obtaining an alarm permit from the Police Chief or designee. Existing alarm systems must obtain a permit within three (3) months of the effective date of this Bylaw. The Board of Selectmen shall prescribe an application form for alarm permits. The fee for each application shall be specified in the *Schedule of Fees and Penalties*.

2. Whenever an alarm system or equipment is disconnected, removed or substantially altered, the owner or user thereof shall notify the Police Chief in writing so that an appropriate notation may be made on the permit.

3. No automatic dialing device shall be connected to any telephone numbers at the Police Department after the effective date of this Bylaw. Within three (3) months after the effective date of this Bylaw, all automatic dialing devices interconnected to any telephone numbers at the Police Department shall be disconnected therefrom. Any persons using an automatic dialing device may have the device interconnected to a telephone line transmitting to a central station, an answering service or any privately-owned or privately operated facility or terminal.

4. All alarm systems installed after the effective date of this Bylaw which use an audible horn or bell shall be equipped with a device that will shut off the horn or bell within ten (10) minutes after activation of the alarm system. All existing alarm systems using an audible bell or horn shall be equipped with such a device within three (3) months after the effective date of this Bylaw.

5. Every alarm user shall submit with the permit application, the names and telephone numbers of at least two (2) other persons who may be reached in the event of an alarm and who are authorized to respond to the alarm and have access to the alarmed premises. This list shall be updated annually.

6. No alarm system designed to transmit emergency messages directly to the Police Department will be allowed. Permission is not required to test or demonstrate alarm devices not transmitting emergency messages directly to the Police Department.

7. The Police Chief may suspend or revoke an alarm permit for just cause in accordance with the following procedures:

   a. The Chief or the designee shall issue to the permit holder a written notice, by certified mail, of his intent to suspend or revoke the alarm permit. Notice will include the date of the intended suspension or revocation, and notice that the permit holder is entitled to a hearing upon written request.

   b. Upon receipt of a notice of suspension or revocation, the permit holder may, within five (5) working days of receipt, submit a written request for a hearing before the Board of Selectmen or designee. At the hearing the permit holder shall have the right to present evidence, cross-examine witnesses and be represented by counsel. The hearing shall be informal and shall not be subject to rules of evidence or formal courtroom procedure. After the hearing, the hearing officer may issue a written order of suspension for a given period of time, or revoke the permit. The hearing officer may also withdraw any previous order of suspension or revocation.

   c. During the appeal period, the alarm system shall remain in operation.

8. False Alarms: Each alarm user shall be assessed a penalty, as specified in the *Schedule of Fees and Penalties*, for each false alarm, except for those alarms due to a power outage, or other systematic disturbance over which the user has no control. After five (5) false alarms not exempted by the above conditions, the Chief of Police shall begin the suspension or revocation procedure as provided for in Section 7 above. Alarm owners will not be assessed a fee for the first two (2) alarms occurring after the effective date of this Bylaw.

9. The Town of Boxborough and its Police Department does not profess to nor assume any additional responsibility or special duty for the protection of property, or to the owner or user of alarm systems. The Town does not hold itself out to greater protection of alarm users and owners.

10. Violation of any provision above shall constitute a violation of the Town of Boxborough Bylaws, and may be enforced under the provisions of M.G.L. Chapter 40, sec. 21D Non-Criminal Disposition, and punished by assessment of a fine as specified in the *Schedule of Fees and Penalties*.

11. **Fees and Penalties**
After due notice and a public hearing, the Board of Selectmen may from time to time adopt and amend a fee schedule associated with this bylaw, a copy of which shall be filed in the office of the Town Clerk. Said schedule shall include application fees, penalties for false alarms and fines associated with violations of any provisions of this bylaw.

Adopted:	May 29, 1990
Approved by Attorney General:	September 13, 1990
Amended:	May, 1991
Amendments approved by Attorney General:	August 23, 1991
Amended:	May 9, 2006
Amendments Approved By Attorney General:	July 13, 2006

THE PRESERVATION OF HISTORICALLY SIGNIFICANT BUILDINGS

Section 1: Intent and Purpose

This Bylaw is enacted for the purpose of preserving and protecting significant buildings within the Town which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the Town and to limit the detrimental effect of demolition of such buildings on the character of the Town. Through this Bylaw, owners of preferably preserved buildings are encouraged to seek out alternative options that will preserve, rehabilitate or restore such buildings and residents of the Town are alerted to impending demolitions of significant buildings. By preserving and protecting significant buildings, this Bylaw promotes the public welfare by making the Town a more attractive and desirable place in which to live and work. To achieve these purposes the Historical Commission is authorized to advise the Building Inspector with respect to demolition permit applications. The issuance of demolition permits is regulated as provided by this Bylaw.

Section 2: Definitions

APPLICANT - Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the subject building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.

APPLICATION - An application for the demolition of a building.

BUILDING - Any structure assembled in a fixed location, having a roof supported by columns or walls, to form a shelter for persons, animals or property.

BUILDING INSPECTOR - The person occupying the office of Building Inspector or the person otherwise authorized to issue demolition permits in the Town of Boxborough.

COMMISSION – The Boxborough Historical Commission.

DEMOLITION - Any act of pulling down, destroying, removing, dismantling or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

DEMOLITION PERMIT - The building permit issued by the Building Inspector for a demolition of a building, excluding a building permit issued solely for the demolition of the interior of a building.

PREFERABLY PRESERVED - Any significant building which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished. A preferably preserved building is subject to the twelve (12) month demolition delay period of this Bylaw unless an earlier demolition permit is allowed under provisions of paragraph 3.12 of this Bylaw.

SIGNIFICANT BUILDING – Any building or portion thereof which appears on the list of historically significant buildings generated by the Historical Commission. This list is maintained by the Commission, is supplied to the Building Inspector for purposes of this Bylaw and is part of the public record. Included on this list shall be any building or portion thereof which:

a. is listed on, or is within an area listed on, the National Register of Historic Places; or is the subject of a pending application on said National Register; or
b. is included in the Historical Resources Inventory prepared by the Commission including those buildings listed for which complete surveys may be pending and which is voted onto said historically significant list by the Commission; or

c. has been determined by vote of the Commission to be historically or architecturally significant in terms of period, style, method of building construction or association with a recognized architect or builder or by reason of its association with a person or event of importance to the Town's history provided that the owner of such building and the Building Inspector have been notified, in hand or by certified mail, within ten (10) days prior to such a vote.

Section 3: **Procedure**

3.1 No demolition of a significant building or any portion thereof a significant building shall be permitted except in conformance with the provisions of this Bylaw.

3.2 Upon receipt of an application for a demolition permit for a significant building the Building Inspector shall forward a copy thereof to the Commission. No demolition permit shall be issued at that time.

3.3 An applicant proposing to demolish a building subject to this Bylaw shall file with the Building Inspector an application containing the following information:

- The address of the building to be demolished.
- The owner's name, address and telephone number.
- A description of the building.
- The reason for requesting a demolition permit.
- A brief description of the proposed reuse, reconstruction or replacement.
- A photograph or photograph(s) of the building.

3.4 The Building Inspector shall within seven (7) days forward a copy of the application to the Commission. The Commission shall, within fifteen (15) days after receipt of the application, make a written confirmation of whether the building is still considered significant.

3.5 Upon determination by the Commission that the building is no longer considered significant, due to its present condition or status, the Commission shall so notify the Building Inspector and applicant in writing. The Building Inspector may then issue the demolition permit. The subject building shall be removed from the historically significant list and no further action taken under provisions of this bylaw.

3.6 Upon determination by the Commission that the building remains significant, the Commission shall so notify the Building Inspector and the applicant in writing. No demolition permit may be issued at this time. If the Commission does not notify the Building Inspector within fifteen (15) days of receipt of the application, the Building Inspector may proceed to issue the demolition permit.

3.7 If the Commission confirms that the building is significant, it shall hold a public hearing within thirty (30) days of the written notification to the Building Inspector. The Commission shall hold a public hearing and shall give public notice thereof by publishing notice of the time, place and purpose of the hearing in a local newspaper at least fourteen (14) days prior to said hearing. Also the Commission shall, within seven (7) days prior to the date of said hearing, mail a copy of the notice to the applicant and to the Building Inspector.

3.8 The Commission shall decide at the public hearing or within fourteen (14) days after the public hearing whether the building should be preferably preserved. If agreed to in writing by the applicant, the determination of the Commission may be postponed.

3.9 If the Commission determines that the building is not preferably preserved, the Commission shall

so notify the Building Inspector and applicant in writing. The Building Inspector may then issue the demolition permit.

3.10 If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Inspector and applicant in writing. No demolition permit may then be issued for a period of twelve (12) months from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Inspector in writing within twenty-one (21) days of the public hearing, the Building Inspector may issue the demolition permit.

3.11 Upon a determination by the Commission that any building which is the subject of an application is a preferably preserved building, no building permit for new construction or alterations on the premises shall be issued for a period of twelve (12) months from the date of the determination unless otherwise agreed to by the Commission.

3.12 Notwithstanding the preceding sections, the Building Inspector may issue a demolition permit for a preferably preserved significant building at any time after receipt of written advice from the Commission to the effect that:

i. the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building, or
ii. the Commission is satisfied that for at least twelve months the owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject building and that such efforts were unsuccessful, or
iii. the Commission is satisfied that the owner's actions do not detract from the historical character of the property.

3.13 Following the twelve month delay period, the Building Inspector may issue the demolition permit.

<u>Section 4:</u> Emergency Demolition

4.1 Notwithstanding the foregoing provisions if after an inspection, the Building Inspector finds that a building subject to this Bylaw is found to pose an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building or structure, then the Building Inspector may issue an emergency demolition permit to the owner of the building or structure. In addition, if the Building Inspector finds that the building is structurally unsound or unfit for human habitation a demolition permit may be issued. The Building Inspector shall then prepare a report explaining the condition of the building and the basis for his decision, which shall be forwarded to the Commission.

4.2 No provision of this Bylaw is intended to conflict with any obligations or rights under G.L. c. 143 regarding removal or demolition of dangerous or abandoned structures.

<u>Section 5:</u> Enforcement and Remedies

5.1 The Commission and/or the Building Inspector may enforce the requirements of this Bylaw.

5.2 No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this Bylaw for a period of two (2) years from the date of such demolition. As used herein "premises" includes the parcel of land upon which the demolished significant building was located.

5.3 Upon the determination by the Commission that a building is a preferably preserved significant building, the owner shall be responsible for properly securing the building if vacant, to the satisfaction of the Building Inspector. Should the owner fail to secure said building, the loss of such building through fire of other cause shall be considered voluntary demolition for the purposes of paragraph 5.2.

Section 6: **Severability**

In case any section, paragraph or part of this Bylaw be for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

Adopted:	May 15, 2003
Approved by the Attorney General:	September 15, 2003.

PUBLIC DRINKING BYLAW

No person shall drink or possess an unsealed container of any alcoholic beverage as defined in Chapter 138, Section 1 of the Massachusetts General Laws while in or upon any public way or any way which the public has a right of access, whether in or upon a vehicle, or on foot, or while in or upon any public place or public building or playground, or while in or upon a private parking lot, or a private way to which the public has access as invitees or licensees, or in or upon any private land or place without the prior consent of the owner or authorized person in control thereof. A police officer may arrest without a warrant any person who commits a violation of this bylaw in his presence and may seize the alcoholic beverages, which shall be kept by him and destroyed upon adjudication or returned to the person entitled to lawful possession. The penalty for any violation hereof shall be a fine not exceeding fifty ($50.00) dollars for each offense.

Adopted:	October 27, 1986
Approved by Attorney General:	November 18, 1986

RESIDENCY REQUIREMENT BYLAW

All persons appointed to boards, committees, commissions and authorities shall be residents of the Town of Boxborough provided, however, that this bylaw shall not apply to appointments to those boards, committees, commissions or authorities whose charge or enabling legislation specifically allows for or requires appointment of non-resident members. If an appointed member of a board, committee, commission or authority shall remove from the Town, such member shall, after a hearing held by the Board of Selectmen, be deemed to have vacated his office. If an appointed member of a board, committee, commission or authority moves within the Town, notice shall be provided to the Board of Selectmen within 30 days of such move.

Applicants for appointment and reappointment to municipal boards, committees, commissions and authorities shall provide to the appointing authority proof of residence in the Town. For purposes of this bylaw, proof of residence shall include, but not be limited to, a driver's license, recent utility bill, rent receipt on a landlord's printed letterhead, lease, duplicate copy of a voter registration affidavit, or any other government-issued printed identification which contains the person's name and address. The appointing authority may require provision of additional evidence of residence.

Adopted:	May 17, 2007
Approved by the Attorney General's Office:	July 26, 2007
Effective:	August 22, 2007

REVOCATION OR SUSPENSION OF LOCAL LICENSES

(a) The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the Licensing Authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the Party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve (12) month period, and that such Party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

(b) The Licensing Authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the Licensing Authority from the Tax Collector; provided, however, that written notice is given to the Party and the Tax Collector, as required by applicable provisions of law, and the Party is given a hearing, to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any Party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the Licensing Authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the Licensing Authority receives a certificate issued by the Tax Collector that the Party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges payable to the municipality as of the date of issuance of said certificate.

(c) Any Party shall be given an opportunity to enter into a payment agreement, thereby allowing the Licensing Authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

(d) The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in MGL Chapter 268A, section 1 in the business or activity conducted in or on said property.

(e) This section shall not apply to the following licenses and permits granted under the General Laws of the Commonwealth of Massachusetts: Open burning; section 13 of chapter 48; bicycle permits; section 11-A of chapter 85; sales of articles for charitable purposes; section 33 of chapter 101; children work permits; section 69 of chapter 149; clubs, associations dispensing food or beverages license; section 21-E of chapter 140; dog licenses; section 137 of chapter 140; fishing, hunting, trapping license; section twelve of chapter one hundred and thirty-one; marriage licenses; section 28 of chapter 207; and theatrical events, public exhibition permits; section 181 of chapter 140.

Adopted: October 20, 1986
Approved by Attorney General: November 18, 1986

RIGHT TO FARM BYLAW

Section 1 Legislative Purpose and Intent

The purpose and intent of this Bylaw is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Boxborough restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment").

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

Section 2 Definitions

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

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

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

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

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;

- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

Section 3 Right To Farm Declaration

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

Section 4 Signage

There shall be maintained on roadways at town borders signage stating that Boxborough is a "Right to Farm" community.

Section 5 Resolution of Disputes

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

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

Section 6 Severability Clause

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

Adopted by Annual Town Meeting: May 17, 2012
Approved by Attorney General: August 31, 2012

SOLICITOR BYLAW

Every person who engages in a temporary or a transient business selling goods, wares, periodicals or merchandise or who goes door-to-door for any commercial selling purposes, either as a principal or agent, shall, before commencing business in the Town of Boxborough, make written application, under oath, for a license to the Chief of Police stating his or her name and address, the name and address of the owner or parties in whose interest said business is to be conducted, their business address, and a brief description of the business he wishes to conduct in Boxborough. He shall permit the Police Department to photograph him and to take his fingerprints for the purpose of identification.

No later than one (1) week after the filing of such application, the Chief shall issue him a license in the form of a badge showing the name and a photograph of the licensee authorizing him to do the business described in his application subject to the Bylaws of the Town of Boxborough and the laws of the Commonwealth of Massachusetts. The fee for such a license shall be five ($5.00) dollars and said license shall expire within thirty (30) days, or on the day of its surrender or of the filing of an affidavit of its loss if it is earlier surrendered or if such affidavit is earlier filed.

Such license shall be affixed in a prominent place to the outer garment of each licensee whenever he or she shall be engaged in such business so that it may readily be seen by all prospective customers.

Failure so to display the license shall be punishable by revocation thereof and fine not to exceed fifty ($50.00) dollars.

The provisions of this section shall not apply to any person who engages in a temporary or transient business at a Town function upon the written invitation of a Town committee or official, nor shall it apply to any person who engages in a temporary or transient business on private property with the permission of the owner.

The provisions of this section shall not apply to any person conducting a “garage sale” nor to any person who goes door-to-door to sell goods, wares, periodicals or merchandise on behalf of any group organized for any of the purposes described in G.L. Chapter 180, section 4.

Soliciting is prohibited before the hours of 9:00 a.m. and after 8:00 p.m. There shall be no solicitation on Sundays or holidays.

Adopted:	May 10, 1978
Approved by Attorney General:	August 23, 1978
Amended:	May 19, 1993
Approved by Attorney General:	August 26, 1993

STONE WALLS BYLAW

Section 1: AUTHORITY

This Bylaw is adopted pursuant to the Town's Home Rule authority under Section 8 of Article 89 of the Amendments to the Massachusetts Constitution and the Town's general powers under G.L. c. 40, §21(1).

Section 2: PURPOSE

The purpose of this Bylaw is to facilitate the preservation of stone walls and to protect the scenic quality and character of public ways in the Town by regulating the removal, tearing down, or destruction of stone walls and the construction of new stone walls within or on the boundary of Town Ways. Additionally, this Bylaw is intended to set forth the process for obtaining Planning Board (the Board) approval for such activities.

Section 3: DEFINITIONS

The following terms contained in this Bylaw shall mean and be construed as follows:

3.1 Town Way

Shall mean the entire right-of-way of any way in the Town of Boxborough which has been either laid out and accepted as a public way by statutory process, or has been used by the general public and maintained by the Town as a public way, but shall not include State highways. When the boundary of the Town Way is uncertain, so that a dispute arises as to whether or not certain stone walls or portions thereof are within or on the boundary of the way, the stone walls shall be presumed to be within or on the boundary of the way unless the contrary is shown by survey.

3.2 Stone Wall

Shall mean a man-made continuous grouping of stones forming a straight or curved line.

3.3 Removal, Tearing Down, or Destruction of Stone Walls

Shall mean any act to remove stones; to move stones except for the purposes of repair or maintenance; to cover over stones with non-stone materials or paint; to bury stones; or any other act by which a stone wall or portion thereof is removed, broken down, relocated, or obscured with other materials.

3.4 Preservation

Shall mean the act or process of applying measures necessary to sustain the historic form, integrity and material of an existing stone wall.

3.5 Construction

Shall mean the act or process of creating, by means of new construction, a stone wall.

Section 4: APPLICABILITY

Preservation of existing stone walls shall be exempt from review and approval by the Board.

Prior written approval of the Board in accordance with the provisions of this Bylaw shall be required for:

4.1. The removal, tearing down, or destruction of stone walls or portions thereof within or on the boundary of any Town Way.

4.2 The construction of a new stone wall within or on the boundary of any Town Way.

Section 5: PROCEDURES

5.1 Application

Any person, organization, municipal agency, utility or other entity intending to undertake any of the activities described in Section 4 of this Bylaw shall, prior to proceeding with such activity, file a written application for approval with the Board, providing details about the proposed activity and its location.

5.2 Public Meeting and Notice

Upon receiving an application under this Bylaw, the Board shall promptly schedule a public meeting with a notice of the meeting sent to abutters within 300 feet and posted in the Town Hall at least fourteen days prior to the meeting. The meeting notice shall specify the time, date, place and purpose of the meeting, and shall include a brief description of the action proposed and its location. Copies of the meeting notice shall also be sent to the Board of Selectmen, the Public Works Director/Tree Warden, and the Building Inspector.

Conformance with the requirements of this Bylaw will not relieve the applicant from the necessity of complying with all other applicable Town and State laws including, but not limited to, the Boxborough Driveway Approach Bylaw, the Public Shade Tree law, G.L. c. 87, §1, et seq. and the Scenic Roads law, G.L. c. 40, §15C; provided, however, that the Board may consolidate its meeting under this Bylaw with any hearing required under the Scenic Roads law.

Section 6: COMPENSATORY ACTIONS

Since the purpose of this Bylaw is to protect the scenic quality and character of the Town Ways, the Board may require, as conditions of approval, measures to avoid or reduce visual impacts resulting from alteration of existing stone walls. Such measures may include, but are not limited to, requirements for the redesign or relocation of a proposed driveway entrance, the relocation or reconstruction of portions of stone walls which are proposed to be removed or torn down, or the repair or restoration of portions of stone walls which, although not proposed under the application to be removed or torn down, have fallen into disrepair or have been previously torn down, removed or destroyed.

Section 7: ENFORCEMENT

No removal, tearing down, or destruction of stone walls within or on the boundary of a Town Way shall occur without prior written approval from the Board. In the event of unauthorized removal, tearing down or destruction of such stone walls, the Building Inspector may enforce this Bylaw by criminal prosecution, or by non-criminal disposition in accordance with G. L. c. 40, §21D. A violation of this Bylaw shall be subject to a fine of one hundred dollars ($100.00) per offense, with each day that such violation continues constituting a separate offense.

Adopted by Annual Town Meeting:	May 11, 2010
Approved by Attorney General:	August 19, 2010

STORMWATER BYLAW
DISCHARGES INTO STORM DRAINS

SECTION 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 storm drains is necessary for the protection of the town's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

The objectives of this bylaw are:

1. to prevent pollutants from entering storm water;

2. to prohibit illicit connections and unauthorized discharges to storm drains;

3. to require the removal of all such illicit connections;

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

5. to establish the legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

SECTION 2. DEFINITIONS

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

AUTHORIZED ENFORCEMENT AGENCY: The Boxborough Board of Health, its employees or agents, or any town appointed board official or municipal employee or contractor designated by the Board to enforce this bylaw.

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

BOARD: The Boxborough Board of Health

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

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into a storm drain 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 a storm drain, 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 bylaw.

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

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.

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 a storm drain 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;
10) construction wastes and residues; and
11) 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.

STORM DRAIN: Any publicly or privately owned 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 a storm drain

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 G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

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

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

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

SECTION 3. APPLICABILITY

This bylaw shall apply to flows entering any storm drains located in the Town of Boxborough.

SECTION 4. AUTHORITY

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

SECTION 5. RESPONSIBILITY FOR ADMINISTRATION

The Board shall administer, implement and enforce this bylaw. 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, or to any town appointed board official or municipal employee designated by the Board to enforce this bylaw.

SECTION 6. REGULATIONS

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

SECTION 7. PROHIBITED ACTIVITIES

Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into a storm drain, 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 a storm drain, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

Obstruction of Storm Drain. No person shall obstruct or interfere with the normal flow of stormwater into or out of a storm drain without prior written approval from the Board.

SECTION 8. EXEMPTIONS

The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwater provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:

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 [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;

15) Discharge for which advanced written approval is received from the Board as necessary to protect public health, safety, welfare or the environment;

16) Discharge from the routine application of salt and sand by the Town's Department of Public Works; and

17) Discharge from agricultural or lawn care fertilizer products which have been applied in accordance with manufacturer's specifications.

18) Discharge or flow resulting from fire fighting activities.

SECTION 9. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

The Board may suspend storm drain 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 Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

SECTION 10. NOTIFICATION OF SPILLS

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to a storm drain 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 and the Board, as well as the appropriate state and federal agencies as may be required by law. 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.

SECTION 11. ENFORCEMENT

The Board or an authorized agent of the Board shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations; provided, however, that the Board is not authorized to take any enforcement action under this section unless and until the Board shall have taken a sample of the discharge, and has determined through appropriate testing protocol that the discharge contains a Pollutant.

Civil Relief. If a person violates the provisions of this bylaw, 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 bylaw or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to a storm drain; (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 may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

In the event that the violator or property owner fails to abate or remediate within the specified deadline, and
within thirty (30) days after the Town completes all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the 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 G.L. Ch. 59, 57 after the thirty-first day at which the costs first become due, or if a protest is filed, on the date at which the adjudicated costs have been determined by the Board or a court of competent jurisdiction.

Criminal Penalty. Any person who violates any provision of this bylaw, regulation, order or permit issued thereunder, shall be punished by a fine of not less than $100, and not more than $300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the town may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, section 21D, in which case the Board of Health or any police officer of the Town shall be the Authorized Enforcing Agent. The penalty for the 1st violation shall be $100. The penalty for the 2nd

violation shall be $200. The penalty for the 3rd and subsequent violations shall be $300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Entry to Perform Duties under this Bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Board deems reasonably necessary.

Appeals. Any person aggrieved by any decision or order by the Board under this bylaw shall have the right to request a hearing before the Board, which, after such hearing, shall issue a written decision explaining the reasons for its decision. Such written decision shall be final. Further relief shall be to a court of competent jurisdiction.

Remedies Not Exclusive. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 12. SEVERABILITY

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

SECTION 13. TRANSITIONAL PROVISIONS

Residential property owners shall have sixty (60) days from the effective date of the bylaw to comply with its provisions provided good cause is shown for the failure to comply with the bylaw during that period.

Adopted:	May 17, 2007
Approved by the Attorney General's Office:	July26, 2007
Effective Date:	August 22, 2007

STREET NUMBERING BYLAW

1. The purpose of this Bylaw is to ensure public safety by establishing a consistent numbering system, which will be used for emergency, postal, and general identification purposes. In accord with the provisions of G.L. chapter 40, section 21, all dwellings, including apartments or condominiums, and all buildings used for commercial purposes shall be identified by a number assigned to the location by the Building Department. Said numbers shall be displayed on all mail boxes, the front doors of all apartments, or at any other location which is clearly visible from the way on which the building faces, in numerals which shall be at least 2 1/2 inches high. All other alphabetical or numbering systems now used to identify apartments or condominiums shall be discontinued.

2. The number assigned to each location will approximate the number of feet from the beginning of the road divided by 10, the point of beginning shall be designated by even numbers and all locations on the right side of said road shall be considered the point of beginning for all roads running generally north and south therefrom and the easterly end of all roads which generally run in a westerly direction will be considered the point of beginning in each instance.

3. A street number shall be obtained prior to the issuance of an occupancy permit.

4. Whoever shall breach or violate any provision of this law, as the same may have been amended from time to time, shall be punished by a fine not exceeding twenty five ($25.00) dollars for each offense or for each day of continued offense.

Adopted:	June 8, 1976
Approved by Attorney General:	September 27, 1976
Amended:	May 17, 1995
Approved by Attorney General:	July 24, 1995

SWIMMING POOL SAFETY DEVICES

Every person owning land on which there is situated a swimming pool, which contains, or is capable of containing, twenty-four (24) inches or more of water in depth at any point, shall erect and maintain thereon an adequate enclosure either surrounding the property or pool area, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, must be not less than four (4) feet above the underlying ground; all gates must have latches placed four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children. A natural barrier, hedge or other protective device, which, upon application, has been approved by the Building Inspector may be used so long as the degree of protection afforded by the substituted devices or structures is not less than the protection afforded by the enclosure, gate and latch described herein. Such enclosure shall be constructed, or the other approved protective device shall be completed no later than June 1st, 1987. The penalty for any violation hereof shall be a fine not exceeding three hundred ($300) dollars for each offense. Each day upon which there is a violation of this bylaw shall be considered a separate offense.

Adopted:	October 20, 1986
Approved by the Attorney General:	November 18, 1986

TOBACCO SMOKING AND SALE BYLAW

SECTION I. AUTHORITY

There exists: (1) Conclusive evidence that tobacco smoke causes cancer, respiratory and cardiac diseases, and precipitates allergic and hypersensitivity reactions of the lungs, eyes, nose and throat in nonsmokers exposed to second-hand smoke; and (2) Ample concern that minors have access to tobacco products, despite State laws that prohibit such access. Therefore, this bylaw is adopted to protect and maintain the good health of the residents of Boxborough, Massachusetts. Future tobacco regulations, if necessary, may be made by the Board of Health, separate and aside from this bylaw, pursuant to M.G.L. Chapter 111, section 122.

SECTION II. DEFINITIONS

As used in this bylaw:

Bar: An area that is dedicated primarily to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

Private Business: Any non-municipal enterprise that does not come into daily contact with the public as part of its normal course of business, except for certain places in their buildings, including elevators, stairwells, halls, entranceways, and public restrooms which will be regarded as public places.

Public Place: An enclosed, indoor area open to and used by the general public, including but not limited to the following facilities: auditoriums; licensed childcare locations; educational facilities; churches; elevators accessible to the public; hotel lobbies; stairwells, halls, entranceways, and public restrooms; libraries; municipal buildings; retail stores; retail food establishments; indoor sports arenas or facilities; and any rooms or halls when used for public meetings. A room or hall used for a private social function in which the sponsor of the private function and not the owner or proprietor has control over the seating arrangements shall not be construed as a public place. Private businesses, except for those areas mentioned above, will not be considered public places.

Restaurant: Any establishment serving food for consumption on the premises.

Retail Food Establishment: Any business commonly known as a convenience store, supermarket, or grocery store in which the primary activity is the sale of food items to the public for off-premises consumption.

Smoking means the lighting of any cigar, cigarette, pipe, or other tobacco product or possessing any lighted cigar, cigarette, pipe or other tobacco product.

SECTION III. PROHIBITION ON SMOKING IN PUBLIC PLACES

A. Places Affected

No person shall smoke in any public place except as where specifically defined herein. No place shall be required to provide smoking areas.

1. Restaurants and Bars
    a. Smoking is prohibited in all restaurants with the exception of the bar (see below).

b. Seats at a bar, within ten (10) feet of the bar counter, may be designated as a smoking area.

2. All other Public Areas
   Tobacco smoking is prohibited in all other Public Areas (as previously defined).

3. All other Areas
   Smoking is permitted with the consent of the owner, in all areas not specifically addressed elsewhere in this bylaw. This includes but is not limited to: private residences, private hotel lodgings, hotel conference/meeting rooms, and private assembly rooms while these places are being used for private functions.

B. Implementation

The proprietor of other person(s) in charge of a public place shall prevent smoking in nonsmoking areas by all of the following:

1. Conspicuously posting:
   a. A notice or sign at each entrance to the public place indicating smoking is prohibited therein; and
   b. "No Smoking" signs, or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) in every area where smoking is restricted by this bylaw;

2. Asking patrons who may be smoking in the nonsmoking area to either refrain from smoking or to move to a smoking area;

3. Using any other means which may be reasonable and appropriate to enforce this bylaw, including the summoning of the police, if necessary.

C. Enforcement

1. Any member of the Boxborough Police Department, Boxborough Board of Health, the Health Agent for the Nashoba Associated Boards of Health or other individuals so designated by the Boxborough Board of Health, is hereby authorized to enforce this bylaw.

2. Any person who smokes in a non smoking area shall be subject to a fine of twenty ($20.00) dollars for each violation.

3. Any proprietor(s) or other person(s) in charge of a public place who fail(s) to comply with these regulations shall be subject to both:
   a. A fine of fifty ($50.00) dollars, for each day a violation continues; and
   b. Suspension of any license issued by the Board of Health for the public place for a period of up to two (2) days for each day of noncompliance. Reissue of such license shall require payment of the usual and customary application fee for that license.

SECTION IV. PREVENTING TOBACCO SALES TO MINORS

A. Current Massachusetts State Law Provides:

1. Sales to Minors
   In conformance with M.G.L., Chapter 270, Section 6, available from the Massachusetts Department of Public Health, any person who sells tobacco in any of its forms to any person under the age of eighteen (18) or, not being his parent or guardian, gives tobacco in any of its forms to any person under the age of eighteen (18), shall be punished by a fine of not less than one hundred ($100.00) dollars for the first offense, not less than two hundred ($200.00) dollars for the second offense and not less than three hundred ($300.00) dollars for any third or subsequent offense.

2. Posting of State Law
   In conformance with M.G.L., Chapter 270, Section 7, a copy of M.G.L., Chapter 270, Section 6, shall be posted conspicuously by the owner or other person in charge thereof in the establishment used to sell cigarettes at retail. The notice shall be at least 48 square inches and shall be posted at the cash register which receives the greatest volume of single cigarette package sales in such a manner that it may be readily seen by a person standing at or approaching the cash register. Such notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor. For all other cash registers through which tobacco products are sold, a notice shall be attached which is no smaller than nine (9) square inches, which is the size of the sign provided by the Massachusetts Department of Public Health.

B. Boxborough Bylaw

1. Sales to Minors
   No person or business shall sell or provide tobacco in any of its forms to any person under the age of eighteen (18).

2. Vending Machines
   Cigarette vending machines, or any other devices used for the sale or distribution of tobacco products, are prohibited, unless said machine is equipped with an operational lock-out device approved by the Board of Health. This device shall prevent sales from the machine unless an employee manually releases the lock for a single sale. The release mechanism must not allow continuous operation and must not be accessible to non-employees. Vending machines shall be posted with a sign stating that it is equipped with a lock-out device and identify the person(s) to contact to purchase cigarettes from the machine. The holder of the vending machine permit shall be liable for all illegal sales to minors, as specified below under (C) Enforcement.

3. Location of Free-standing Displays
   Free-standing Displays of cigarette products, from which individual packages or cartons may be accessed, must be located behind the counter or otherwise beyond arm's reach of customers.

4. Sales by Persons Under Age 18
   No persons or entity selling tobacco products shall allow anyone under eighteen (18) years of age to sell cigarettes or other tobacco products until such employee reads the Board of Health regulations and state laws regarding the sale of tobacco and signs a statement, a copy of which will be placed on file in the office of the Board of Health, that he/she understands and will uphold this bylaw.

5. Permit Required
It shall be unlawful for a retailer to sell cigarettes or other tobacco products unless that retailer holds and maintains a valid tobacco retailer permit from the Town of Boxborough. Any person, business, or establishment currently selling tobacco within Boxborough shall file an application for a tobacco sales permit or cease all tobacco sales. The term of the permit shall be one calendar year if, and only if, the licensee complies with this bylaw. This permit requirement shall not apply to cigarette vending machines licensed pursuant to M.G.L., Chapter 64C, Section 2.

a. Fee for Permit
The fee for a one-year tobacco retailer's permit is twenty-five ($25.00) dollars, for each retail location.

b. Non-transferability
A tobacco retail permit is non-transferable, however a new permit will be issued to a tobacco retailer who changes location within the Town of Boxborough.

C. Enforcement

1. Fines and Revocation of Tobacco Permit for Sales to Minors
Fines shall be levied and permit suspended as follows:
   i In the case of a first violation, the licensee shall be fined one hundred ($100.00) dollars and shall be notified in writing of penalties levied for further violations.
   ii In the case of a second violation with twelve (12) months of the first, the licensee shall be fined two hundred ($200.00) dollars and the permit shall be suspended for not less than seven (7) consecutive business days, nor more than thirty (30) calendar days.
   iii In the case of three or more violations within any twelve (12) month period, the licensee shall be fined three hundred ($300.00) dollars and the permit shall be revoked for not less than thirty (30) calendar days nor more than six (6) calendar months from the date of revocation.

2. Any person who violates any aspect of this bylaw, other than the sale of tobacco products to minors (see above), shall be punished by a fine of twenty-five ($25.00) dollars.

3. The aforementioned State Laws and Boxborough Town Bylaws are hereby enforceable by the Boxborough Police Department, Boxborough Board of Health, the Health Agent for the Nashoba Associated Board of Health, or other designated by the Boxborough Board of Health. Monitoring for compliance with this bylaw may be enforced through periodic inspections. Inspections may include the attempted purchase of tobacco products by minors under the supervisions of an agent of the enforcing authority. Such an inspection shall not be construed as "entrapment".

SECTION V. OTHER APPLICABLE LAWS

This bylaw shall not be interpreted or construed as to permit smoking where it is otherwise restricted by other applicable health, safety, or fire codes, regulations or statutes.

SECTION VI. VARIANCES

The Board of Health, following a public hearing, may allow a variance of any provisions of this bylaw with respect to any particular case or circumstance when, in the opinion of the Board, the enforcement thereof would cause a manifest injustice. Any variance granted shall be in writing with a copy available to the public during normal business hours in the office of the Town Clerk and Board of Health.

SECTION VII. SEVERABILITY

If any provision of this bylaw is declared invalid or unenforceable, the other provisions shall not be affected thereby, but shall continue in full force and effect.

SECTION VIII.

The provisions of this bylaw may be enforced through Non-Criminal Disposition or other civil action. The individuals designated in Section III, Part C, Subpart 1, are hereby authorized to enforce this bylaw through non-criminal disposition.

Adopted: May 17, 1995
Approved by Attorney General: July 24, 1995

TOWN CLERK'S BYLAW

Effective for the 2010 Annual Town Election, the Town Clerk shall be elected by ballot for a term of three (3) years.

The Town Clerk and any assistant or temporary Town Clerk shall pay into the Town Treasury, as the property of the Town, all fees received by virtue of their office.

Adopted: May 18, 1995
Approved by Attorney General: July 24, 1995
Amended by Town Meeting: May 12, 2009
Approved by Attorney General: August 27, 2009

TOWN CLERK AND DOG OFFICER BYLAW

The Town Clerk and the Dog Officer shall on a quarterly basis submit to the Town Treasurer an accounting of all fees collected pursuant to their official duties.

Adopted:	May 19, 1993
Approved by the Attorney General:	August 26, 1993

TOWN MEETING FACILITIES BYLAW

The warrant for an annual meeting or special town meeting may specify that the meeting is to be held in a suitable auditorium or other facility in any town contiguous to the Town of Boxborough, or if no such suitable location is available, at any other location determined by the Board of Selectmen to be expedient.

Adopted:	May 13, 1999
Approved by Attorney General:	August 9, 1999

WETLAND BYLAW

1.0 PURPOSE. The purpose of this Bylaw is to preserve and protect the wetlands in the Town of Boxborough by regulating and controlling activities deemed to have a significant effect upon the functions and characteristics of such wetlands, including but not limited to the following: the public or private water supply, the ground water supply, flood control, erosion control, storm damage prevention, prevention of pollution, protection of land containing wildlife, recreation and aesthetics. These functions and characteristics are herein referred to collectively as "the interests of this Bylaw".

2.0 DEFINITIONS. Wherever used in this Bylaw, the following words and phrases shall mean:

2.1 Alter: To engage in any one or more of the following activities deemed to have a significant effect upon the functions and characteristics of any wetland or within 100 feet of any wetland:

a) removing, excavating or dredging of soil, sand, gravel or aggregate materials of any kind;
b) filling with any material;
c) dumping or discharging anything which may degrade water quality;
d) changing drainage characteristics, flushing characteristics, sedimentation patterns, flow patterns or flood retention characteristics;
e) draining, or otherwise disturbing, the water level or water table;
f) driving of pilings, erection of buildings or structures of any kind;
g) destroying plant life which may have a significant effect upon the interests of this Bylaw;
h) changing the water temperature, biochemical oxygen demand or other physical or chemical characteristics of the water.

2.2 Buffer Zone: Land within 100 feet horizontally landward from the perimeter or outer border of any wetland.

2.3 Determination of Applicability: A written decision of the Conservation Commission as to whether this Bylaw applies to any activity proposed in a wetland or buffer zone.

2.4 Land in Agricultural Use: Land primarily used in the raising of animals, the raising of plants for human food or animal feed, the production of flowers, sod, trees, nursery and greenhouse products, or ornamental plants and shrubs, or any combination thereof.

2.5 Normal Maintenance: When applied to land in agricultural use, "normal maintenance" shall mean only:

a) tilling and harvesting practices customarily used in raising crops;
b) the pasturing of animals, including the construction and maintenance of such fences and protective structures as may be required;
c) the use of fertilizers, pesticides, herbicides and other such materials, subject to all state and federal regulations governing their use; and
d) maintenance of existing drainage patterns.

2.6 Notice of Intent: A complete written description of any activity proposed in a wetland or buffer zone which shall be filed by the applicant with the Conservation Commission pursuant to the provisions of this Bylaw. This Notice of Intent can be

used pursuant to the provisions of G.L. Chapter 131, section 40 and 310 CMR 10.

2.7 Order of Conditions: A written order of the Conservation Commission imposing such conditions upon the activity proposed as will contribute to the protection of the interests of this Bylaw.

2.8 Owner: The person or persons whose name(s) is recorded as the grantee or holder of the title to a parcel of wetland and or buffer zone that may be affected by an alteration proposed.

2.9 Person: The term "person" as used in this Bylaw shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or any political subdivision thereof, administrative agency, public or quasi-public corporation or body, or any legal entity or its legal representative, agents or assigns.

2.10 Significance: The standard to be used by the Conservation Commission in determining whether the interests of this Bylaw will be affected by the activity proposed. Without limiting the generality of the foregoing, any activity will be deemed significant to the interests of this Bylaw whenever it is proposed to be carried on in any one or more of the following contexts:

a) Any actual or potential contamination to public, private or ground water supply including aquifers or recharge areas, land containing wildlife including the biological life necessary to support a fresh-water ecosystem.

b) Any change in the flood storage capacity of a freshwater wetland, river, stream or creek.

c) Any alteration of a river, stream or creek that results in any increase in the volume or velocity of water which may cause flooding.

d) Any actions which shall remove, fill, dredge or alter any area subject to this Bylaw and will result in any threat to the health, welfare and safety of the individual or the community.

e) An area consisting of "very poorly drained soil" as described by the National Cooperative Soils Survey of the U.S. Department of Agriculture, Soil Conservation Service.

f) An area which is designated a wetland on a restrictive map approved by the Conservation Commission.

2.11 Wetland: Any marsh, wet meadow, bog, or swamp. or any brook, stream, creek, river, pond, or lake in the Town of Boxborough, or any land under said waters, whether or not said wetlands are shown on a series of twelve maps numbered 1 through 12 inclusive prepared by the Planning Board of the Town of Boxborough, collectively entitled "W-District Map" and dated May 4, 1974. Without limiting the generality of the foregoing, the wetlands are further defined as follows:

a) marsh: Any area where a vegetational community exists in standing or running water during the growing season and where a significant part of the vegetational community is composed of, but not limited to nor necessarily including all of, the following plants or groups of plants: arums (Araceae), bladder worts (Utricularia), bur reeds (Sparaganiaceae), button bush (Cephalthus occidentalis), cattails (Typha), duck weeds (Lemnaceae), eel grass (Vallisneria), frog bits (Hydrocharitaceae) horsetails (Equisetaceae), hydrophilic grasses (Hydrophilic Gramineae), leather leaf (Chamaedaphne calyculata), pickerel

weeds (Pontederiaceae), pipeworts (Eriocaulon), pond weeds (Potamogeton), rushes (Juncaceae), sedges (Cyperaceae), smartweeds (Polygonum), sweet gale (Myrica gale), water milfoil (Halcragaceae), water willow (Decondon verticillatus).

b) wet meadow: Areas where ground water is at the surface for a significant part of the growing season and near the surface throughout the year and where a significant part of the vegetational community is composed of various grasses, sedges and rushes; made up of, but not limited to nor necessarily including all of the following plants or groups of plants: blue flag (Iris), dock (Rumex), false loosestrife (Ludwigia), hydrophilic grasses (Hydrophilic Gramineae), loosestrife (Lythrum), marsh fern (Dryopteris thelypteris), rushes (Juncaceae), sedges (Cyperaceae), sensitive fern (Onoclea sensibilis), smartweed (Polygonum), thorough wort (Eupatorium), vervain (Verbena).

c) bog: Any area where standing or slowly running water is near or at the surface during a normal growing season and where a significant portion of the ground or water surface is covered with sphagnum (Sphagnum) and where a significant portion of the vegetational community is made up of one or more of, but not limited to nor necessarily including all, the following plants or groups of plants: aster (Aster nemoralis), azaleas (Rhodendenron canadense and R. Viscosum), black spruce (Picea mariana), bog cotton (Eriophorum), cranberry (Vaccinium macrocarpon), high-bush blueberry (Vaccinium corymbosum), larch (Larix laricina), laurels (Kalmia angustifolia and K. polifolia), leatherleaf (Chamaedaphine calyculata), orchids (Arethusa, Calopogon, Pogonia), pitcher plants (Sarracenia purpurea), sedges (Cyperaceae), sundews (Droseraceae), sweet gale (Myrica gale), white cedar (Chamaecyparis thyoides).

d) swamps: Areas where ground water is at or near the surface of the ground for a significant part of the growing season or where runoff water from surface drainage frequently collects above the soil surface, and where a significant part of the vegetational community is made up of, but not limited to nor necessarily includes all of the following plants or groups of plants: alders (alnus), ashes (Fraxinus), azaleas (Rhodedendron canadense and R. viscosum), black alder (Ilex verticillata), button bush (Cephalanthus occidentalis), American or white elm (Ulmus americana), white Hellebore (Verartrum viride), hemlock (Tsuga canadensis), high-bush blueberry (Vaccinium corymbosum), larch (Larix laricina), cowslip (Caltha palustris), red maple (Acer rubrum), skunk cabbage (Symplocarpus foetidus), phagnum mosses (Sphagnum), spice bush (Lindera benzoin), black spruce (Picea mariana), poison sumac (Toxicodendron vernix), black gum tupelo (Nyssa sylvatica), sweet pepper bush (Clethra alnifolis), white cedar (Chamaecyparis thyoides), willow (Salicaceae).

3.0 JURISDICTION

3.1 No person shall remove, fill, dredge, or alter any wetland or buffer zone in the Town of Boxborough without first filing written notice of his intention to do so with the Conservation Commission in accord with the provisions set forth in this Bylaw and without receiving and complying with the Order of Conditions of said Commission and provided that all appeal periods shall have elapsed, unless the Commission shall have determined that this Bylaw does not apply to the activity proposed.

3.2 This Bylaw shall not apply to the following activities:

a) Emergency projects necessary for the protection of the health or safety of the residents of Boxborough which are to be performed or which are ordered to be performed by a board, committee or commission of the Town and certified by the Conservation Commission of the Town of Boxborough. No emergency project may continue beyond the time or exceed the scope needed to abate the emergency.

b) Maintenance, repair or replacement, without substantial change or enlargement, of existing lawfully located structures or facilities used to provide electric, gas, water, telephone, telegraph or other telecommunication services to the public, except when excavation is proposed in a wetlands or a buffer zone.

c) Normal maintenance of land is agricultural use. The Conservation Commission shall determine whether the requirements of this Bylaw apply to activities proposed that may change land in agricultural use and affect the interests protected by this Bylaw.

3.3 In the event that the Conservation Commission shall determine, following the public hearing provided herein, that the interests of this Bylaw can not be preserved and protected by the imposition of conditions, safeguards and limitations on time and or use, it may prohibit the activity or activities proposed by sending written notice of its decision to the applicant and the owner, if the applicant is not the owner, by certified mail.

3.4 Any person who desires a determination as to whether this Bylaw applies to an area or to any activity proposed there shall submit a written Request for Determination of Applicability to the Conservation Commission signed by the owner of the area on a form obtainable from the Commission, together with plans showing the existing characteristics of the area and the nature and extent of the activities to be performed there. The plan or plans required need not be endorsed by a registered engineer. The information submitted shall also include: a list, certified by the Board of Assessors, of the names and addresses of all abutters and any property owner within 300 feet of the property line where the activity is proposed, lot lines, town ways, the location of all wet areas and buffer zones, estimated distances, existing buildings and all changes proposed. The request for a determination shall be delivered to the Conservation Commission or its authorized representative together with a certification that all abutters and any property owner within 300 feet of the property line where the activity is proposed, and the owner(s), if the person making the request is other than the owner, have been sent notice that a determination is being requested hereunder. Notification shall be in writing and delivered by hand, or by certified mail, return receipt requested, or by certificate of mailing. Proof of such notification, with a copy of the notice mailed or hand delivered, shall be filed with the Conservation Commission.

A person delivering this request by hand shall be given a dated receipt. The Commission shall send its Determination of Applicability to the applicant, and the owner of the site, if a person other than the applicant, by certified mail within twenty-one (21) days after it has received the request therefor. If the Conservation Commission shall determine that the bylaw applies to the activity proposed, the applicant must file a full Notice of Intent; but if the Commission fails to execute its Determination of Applicability within twenty-one (21) days, no Notice of Intent will be required.

4.0 PROCEDURE

4.1 Notice of Intent: Unless the Conservation Commission shall have determined that this Bylaw

does not apply to such activity pursuant to Section 3.4 above, every person who wishes to remove, fill, dredge or alter any wetland or buffer zone shall first file a written notice of intent with the Commission signed by the owner of the area on a form available from the Commission, together with a list, certified by the Board of Assessors, of the names and addresses of all abutters and any property owner within 300 feet of the property line of the land where the activity is proposed, and with such plans and additional information as the Commission may deem necessary to describe the nature of the activity proposed and its effect on the wetlands and buffer zones. The plans shall show the location of wetland boundaries and shall be at a scale of 1" = 40' or any other scale that the Conservation Commission may approve. In addition, the notice of intent shall show lot lines, town ways, the names of all abutters and any property owner within 300 feet of the property line of the land where the activity is proposed, the location of all wet areas and buffers, estimated distances, existing buildings, and all changes proposed. Notification of all abutters and any property owner within 300 feet of the property line of the land where the activity is proposed shall be at the applicant's expense, and shall state where copies of the notice of intent may be examined and obtained and where information regarding the date, time and location of the public hearing may be obtained. Notification shall be in writing and delivered by hand, or by certified mail, return receipt requested, or by certificate of mailing. Proof of such notification, with a copy of the notice mailed or hand delivered, shall be filed with the Conservation Commission. In order to comply with the provisions of this Bylaw, each such notice must be complete as filed. No such Notice shall be sent before all permits, variances and approvals required by the Bylaws of the Town of Boxborough with respect to the proposed activity, which are obtainable at the time of such notice, have been applied for or obtained. Such notice shall include any information submitted in connection with such permits, variances and approvals which is necessary to describe the effect of the proposed activity on the environment.

The Notice of Intent shall be sent by certified mail, or be hand delivered to the Conservation Commission or its authorized representative. A person filing a Notice of Intent by hand shall be given a dated receipt.

4.2 Public Hearing: The Conservation Commission shall hold a public hearing on the activity proposed within twenty-one (21) days of receiving such Notice of Intent. Notice of the time and place of such hearing shall be given by the Conservation Commission not less than five (5) days prior to the public hearing, by publication in a newspaper of general circulation in Boxborough and by mailing a notice by certified mail to the applicant, owner, if a person other than the applicant, and to all abutters to the area subject to the Notice of Intent. The Commission shall also send the notice of the hearing to the Board of Health, the Town Clerk, the Planning Board, the Selectmen and the Zoning Board of Appeals. All publications and notices shall contain the name of the applicant, a description of the area where the activity is proposed by street address, if any or any other adequate identification of the location, of the area or premises which is the subject of the notice, the date, time and place of the public hearing, the subject matter of the hearing, and the nature of action or relief requested if any. Such hearing may be held at the same time and place as any public hearing required to be held under G.L. Chapter 40A, section 9, G.L. Chapter 131, section 40 or otherwise. If the Commission determines that additional information is necessary, the hearing may be continued to a future date for as many hearings as may be deemed necessary by the Commission. The Conservation Commission, its members and employees, may enter upon privately owned land for the purpose of performing their duties under this Bylaw.

4.3 Burden of Proof: The applicant shall bear the burden of proving that the activity proposed in the notice of intent will not harm any of the interests protected by this ByLaw. The Commission may continue any such hearing to another date to receive additional evidence concerning the wetland, buffer zone and the activity proposed.

4.4 Conservation Commission Action: If, after the hearing, the Conservation Commission shall determine that the activity proposed is significant to one or more of the interests of this Bylaw, the Conservation Commission may, by written order issued within twenty-one (21) days after such hearing, impose such conditions, safeguards and limitations on time and use upon such activity as it deems necessary to protect those interests; but the Commission may prohibit such activity altogether, in the event that it finds that the interests of this Bylaw can not be preserved and protected by the imposition of such conditions, safeguards or limitations. Due consideration shall be given to any hardship, financial or otherwise, that may be suffered by the applicant in the event that the activity proposed shall be prohibited. If the Conservation Commission shall determine that the activity proposed does not require the imposition of conditions to preserve and protect the interests of this By-Law, the applicant shall be so notified in writing.

4.5 Security: Before issuing an Order of Conditions, the Conservation Commission may require the applicant, or the owner of the area where the activity proposed is to be carried out, to execute and deliver to the Town Treasurer a covenant in a form suitable for recording, acceptable to the Town Counsel and running with the land, to secure compliance by the applicant and owner with all of the conditions, safeguards and limitations contained in any Order of Conditions requested pursuant to this Bylaw. The Commission may also require the applicant and/or the owner to execute and deposit money, negotiable securities and or a proper bond of a surety company qualified to do business in the Commonwealth of Massachusetts and satisfactory to the Town Counsel, sufficient, in the opinion of the Commission, to secure their compliance with the Order of Conditions applied for. The amount of security required by this Commission shall not, however, exceed either the estimated cost of the work required to secure the faithful and satisfactory compliance with the final Order of Conditions, or the estimated cost of the work required to restore the wetlands, buffer zone and other properties that may be affected if the work is not performed as required, whichever is greater.

4.6 Order of Conditions: All Orders of Conditions shall expire three (3) years after the date of issuance, unless renewed prior to their expiration. An order of conditions may be renewed for one (1) year upon the request of the applicant. No activity governed by an Order of Conditions shall be carried on unless and until all permits, approvals and variances required by the Bylaws of the Town of Boxborough shall have been obtained, such order of conditions or notification shall have been recorded at the Middlesex South District Registry of Deeds or in the South Middlesex Registry District of the Land Court and until all applicable appeal periods have expired. The Conservation Commission shall have the right to file its Order of Conditions with said Registry or Registry District if the applicant shall fail to do so within sixty (60) days. In the event that an Order of Conditions issued pursuant to this Bylaw is identical to a final Order of Conditions issued pursuant to the provisions of G.L. Chapter 131, section 40, only one (1) such order need be recorded.

4.7 Failure to Act: If the Conservation Commission shall have failed to hold a public

hearing within the twenty-one (21) day period required, or if after holding such a hearing, it shall have failed within twenty-one (21) days from the date of the adjournment of the public hearing to issue an Order of Conditions, the applicant may notify the Board of Selectmen of such failure and the Selectmen shall, within ten (10) days, instruct the Commission to act within a period of ten (10) days from the date of their instruction. If the Conservation Commission shall fail, once more, to act within the time limited by the Selectmen, the activity proposed shall be deemed to require no conditions or safeguards.

4.8 Modification or Amendment: The Conservation Commission shall have the power, on its own motion or upon the petition of any person interested, to modify or amend any such Order of Conditions after notice to all persons interested and a public hearing.

5.0 CERTIFICATE OF COMPLIANCE. The Conservation Commission shall, within thirty (30) days after receiving a request therefor, inspect the wetlands and buffer zone where the activity governed by an Order of Conditions was carried out and issue a Certificate of Compliance to the owner of the property in a form suitable for recording, if it shall determine that all of the activity or activities, or portions thereof, limited thereby have been completed in accord with said Order.

6.0 RESPONSIBILITY FOR COMPLIANCE. Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this Bylaw or in violation of any order issued thereunder, shall forthwith comply with any such Order of Conditions or restore such real estate to its condition prior to any such violation; provided, however, that no action, civil or criminal, shall be brought against such person unless such action is commenced within three (3) years following the recording of the deed or the date of the death by which such real estate was acquired by such person.

7.0 RULES AND REGULATIONS. After due notice and a public hearing, the Commission may from time to time adopt and promulgate rules and regulations to carry out the purposes of this Bylaw, provided, however, that:

7.1 said rules and regulations shall not be inconsistent with this Bylaw;

7.2 a copy of said rules and regulations shall be filed in the office of the Town Clerk;

7.3 any amendment or change of rules and regulations shall not apply to any Order of Conditions outstanding; and

7.4 the failure of the Commission to promulgate such rules and regulations or a declaration by a court of law that they, or any of them, are invalid, shall not act to suspend or invalidate the effect of this Bylaw.

8.0 ENFORCEMENT. In accord with the provisions of G.L. Chapter 40, sections 21D and 31, as well as every other authority and power that may have been or may hereafter be conferred upon it, the Town of Boxborough may enforce the provisions of this Bylaw, restrain violations thereof and seek injunctions and judgments to secure compliance with its Order of Conditions. Without limiting the generality of the foregoing:

8.1 Any person who violates any provision of this Bylaw or of any Order of Conditions

issued thereunder shall be punished by a fine of not more that two hundred ($200) dollars. Each day during which a violation continues shall constitute a separate offense.

8.2 In the event of a violation of this Bylaw or of any order issued thereunder, the Inspector of Buildings may deliver a stop order to the owner, the applicant or his agent by certified mail, return receipt requested, and by posting the same in a conspicuous location on said site. The order shall describe the nature of the violation, and the date on which said order shall expire, which date shall not be greater than six (6) days after the date of the order. Any person who shall violate the provisions of a stop order shall be deemed in violation of the Bylaw; but the failure of the Inspector to deliver a stop order for any reason shall not prevent the Town from pursuing any other legal remedy at law or in equity to restrain violations of this Bylaw and to secure compliance with its orders.

8.3 The penalty provisions of this Bylaw may be imposed upon the owner, the applicant, his general agent, architect(s), engineer(s), contractor(s), or any and all persons having an interest in the area affected by the activity or activities which shall have violated this Bylaw or of any order issued pursuant thereto, including holders of mortgages, attachments and mechanics liens.

8.4 The Town of Boxborough shall be the beneficiary of all fines imposed on account of the violation of this Bylaw in order to defray the expense of enforcing the same.

8.5 This Bylaw may be enforced by a police officer of the Town of Boxborough, the Inspector of Buildings, the Conservation Commission or the Selectmen.

8.6 Upon request of the Conservation Commission, the Board of Selectmen shall instruct the Town Counsel to initiate such legal action as may be necessary to restrain violations of this Bylaw and to secure compliance with orders of the Commission.

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

10.0 SEVERABILITY. The invalidity of any section(s) or provision(s) of this Bylaw shall not invalidate any other section or provision thereof.

Adopted:	October 4, 1982
Approved by the Attorney General:	January 11, 1983
Amended by Annual Town Meeting:	May 14, 1984
Approved by Attorney General:	September 14, 1984
Amended by Annual Town Meeting:	May 15, 2008
Approved by Attorney General:	September 23, 2008
Amended by Annual Town Meeting:	May 11, 2010
Approved by Attorney General:	August 19, 2010

WIRE, OIL AND GAS INSPECTION

1. The Selectmen shall appoint annually the following inspectors:

   (a) A wire inspector and deputy wire inspector, pursuant to Chapter 32 of the General Laws.

   (b) An inspector of oil burners and petroleum storage, pursuant to Chapter 148 of the General Laws.

   (c) An inspector of gas piping and gas appliances, pursuant to Chapter 143 of the General Law.

2. Such inspectors shall have the duties prescribed by said laws and acts and amendments thereof and regulations made there under.

3. The Selectmen shall fix the fees to be charged by such inspectors, each of whom shall be compensated by an amount to be set by the Selectmen. Each inspector shall turn over fees collected by him to the Town Treasurer.

Adopted:	March 5, 1962
Approved by Attorney General:	
Amended:	October 30, 2000
Approved by Attorney General:	January 12, 2001