



TOWN OF HOLLISTON
GENERAL BY-LAWS

MAY 2016

(WITH AMENDMENTS THROUGH ATM-May 2016)

(Approved by AG Sept. 6, 2016)

TOWN OF HOLLISTON
 GENERAL BY-LAWS
 2016
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ARTICLE I

TOWN MEETINGS

#1. DATE AND TIME OF ANNUAL MEETING. The Town shall have an Annual Town Meeting where registered voters may transact business not required to be determined by official ballot. The Town will hold two regularly scheduled Annual Town Meetings. The Spring Annual Town Meeting shall commence on the first Monday following the first Friday in May. The Fall Annual Town Meeting will be held the last Monday in October, unless the last Monday in October is October 31, in which case the Fall Special Town Meeting will be held on the fourth Monday in October. The first four sessions shall be known as "Town Meeting Week". Notwithstanding the above, whenever an election by official ballot is to be held within Town Meeting Week or it is likely that a significant number of the Town's voters will observe a religious holiday within Town Meeting Week, the Selectmen shall change the date of the first session of Town Meeting and Town Meeting Week to the first Monday of the week thereafter in which Town Meeting Week can be held without the likelihood of such a conflict.

Approved 5/5/1998, Amended 5/9/2005, Amended 5/10/2011, Amended 5/10/2016

#2. WARRANT OF ANNUAL MEETING. The warrant for the Annual Meeting shall state the time and place of holding the Meeting and the subjects to be acted upon. No action shall be valid and no motion shall be entertained unless the subject matter thereof is contained in the warrant. The Selectmen may insert in the warrant for the Annual Meeting any subject the Selectmen may deem appropriate and shall insert in the warrant all subjects, the insertion of which shall be requested of them in writing by ten (10) or more registered voters of the Town.

#3. NOTICE OF ANNUAL MEETING. The Selectmen shall give notice of the Annual Town Meeting by:

- a. announcing publicly and posting notice of the date of the first session in a conspicuous place or places on or within the Town Hall on or before January 1 of each year in which the Meeting is to be held; and
- b. sending a copy of the warrant to the Moderator and the Chairperson of the Finance Committee forthwith after the completion of the warrant by the Selectmen; and
- c. posting an attested copy of the warrant in a conspicuous place or places on or within the Town Hall at least seven (7) days before the date of the Meeting; and
- d. distributing printed copies of the warrant and the Finance Committee's recommendations to voters at the Senior Center, the Town Hall and the Public Library; and posting the warrant and Finance Committee's recommendations to voters on the Town's web site in a form capable of being copied; both at least seven (7) days prior to the date of the meeting; and
Amended May 5, 2008
- e. publishing notice of the Meeting in one or more newspapers having substantial circulation in the Town at least seven (7) days before the date of the Meeting.

#4. CALLING OF SPECIAL MEETINGS. The Selectmen may call Special Town Meetings from time to time as they deem necessary. In addition, the Selectmen shall call a Special Town Meeting upon the request in writing of two hundred (200) registered voters or twenty (20%) percent of the

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time to time adjourn any such Meeting. Notwithstanding the above, whenever an article at a Special Town Meeting involves only the transfer of funds within Town accounts, forty (40) registered voters of the Town shall be necessary to constitute a quorum for the transaction of such article or to postpone an article requiring a quorum of one hundred (100) to a time certain. For the purposes of this Section "free cash" shall not be considered a Town account.

#10. ORDER OF ARTICLES. All articles in the warrant shall be taken up in the order of their arrangement unless otherwise decided by a two-thirds (2/3) vote of the voters present and voting.

#11. LENGTH OF SPEECHES. Except in the discretion of the Moderator, no person shall speak more than two times or more than a total of fifteen (15) minutes upon any question without obtaining leave of the Meeting unless to correct an error or answer a question.

#12. MOTIONS. Any action taken by a Town Meeting shall be by vote upon a motion. All motions, if required by the Moderator, shall be reduced to writing before being submitted to the Meeting. Any motions included in the Finance Committee Report on the warrant shall be considered as motions presented to the Meeting, but any registered voter may present a different motion on a question and this motion shall take precedence over any prepared motion in the Finance Committee Report.

#13. RULES FOR MOTIONS OR POINTS. For the purposes of establishing rules for the most common motions or points, the following schedule shall be controlling:

Rank of Motion in Order of Precedence	Motions or Points	Second Required	Debatable	Amendable	Vote Required	May Reconsider	May Interrupt Debate to make a motion
1	Adjourn to a fixed time or recess	Yes	Yes	Yes	Majority	No	No
2	Point of no quorum	No	No	No	None	No	Yes
3	Fix time and date to which to adjourn	Yes	Yes	Yes	Majority	Yes	No
4	Point of personal privilege	No	No	No	None	No	Yes
5	Reconsideration (see S. 15)	Yes	Yes	No	Majority	No	Yes
6	Lay on the table	Yes	Yes	No	Majority	Yes	No
7	Move the question (see S. 14)	Yes	No	No	Majority	No	No
8	Extend the speaker's time (see S. 11)	Yes	No	No	2/3	No	No
9	Postpone an article to a time certain	Yes	Yes	Yes	Majority	Yes	No
10	Commit or refer a matter	Yes	Yes	Yes	Majority	Yes	No
11	Amend (not amendable more than twice)	Yes	Yes	Yes	Majority	Yes	No
12	Postpone indefinitely (if not main motion)	Yes	Yes	No	Majority	Yes	No
None	Main motion	Yes	Yes	Yes	Variable	Yes	No
None	Take from the table	Yes	No	No	Majority	No	No
None	Advance an article from order in Warrant	Yes	Yes	Yes	2/3	No	No
*	Point of order or procedural information	No	No	No	None	No	Yes
*	Appeal ruling of Moderator	Yes	Yes	No	3/4	No	Yes
*	Divide a question	Yes	Yes	Yes	Majority	Yes	No

- a. posting an attested copy of the warrant calling the election in a conspicuous place or places on or within the Town Hall; and
- b. publishing notice of the election in one or more newspapers having substantial circulation in the Town.

ARTICLE III BOARD OF SELECTMEN

#1. MEMBERSHIP AND TERM OF OFFICE. The Town shall have a Board of Selectmen, consisting of three (3) members, elected for a term of three (3) years each, and so elected that the term of only one (1) shall expire in any one year.

#2. GENERAL POWERS & DUTIES. The Board of Selectmen shall have any and all powers granted to them under General Laws and shall serve as the Chief Executive Board of the Town. They shall have general supervision over all matters not assigned by the General Laws or these By-laws to other Town officers, boards, committees or commissions.

#3. POWER TO ENFORCE BY-LAWS. The Board of Selectmen shall have the power and responsibility to enforce the provisions of these By-laws.

#4. POWER TO APPOINT. The Board of Selectmen shall have the power to appoint various officers, constables and members of Town boards, commissions and committees as provided or allowed by the General Laws and these By-laws.

#5. POWER OVER POLICE DEPT. The Board of Selectmen shall be responsible for the direction of the police department and shall appoint a chief of police and such other officers and special officers as the Board deems necessary.

#6. POWER OVER FIRE DEPT. The Board of Selectmen shall be responsible for the direction of the fire department and shall appoint a chief of the fire department and such other officers and firemen as the Board deems necessary.

#7. POWER TO INVESTIGATE. The Board of Selectmen may investigate the conduct and operation of any Town department and may hold hearings on matters within its authority at which the Board shall have the power to summon witnesses to testify and produce records concerning any Town office or department.

#8. PROPERTY. The Board of Selectmen shall have control over all Town owned real and personal property except that property which by law or vote of the Town is placed in charge of any other board, officer or department and shall have control over land acquired by the Town through foreclosure of tax titles.

#9. LICENSING AUTHORITY. The Board of Selectmen may issue permits and licenses for a variety of purposes as provided by the General Laws and these By-laws and shall act as the licensing authority of the Town except where otherwise provided by law or the zoning By-laws. The Board of Selectmen may license suitable persons to act as pawnbrokers or as dealers in junk, old metals or

Section 4. The Finance Committee shall consider any and all municipal questions for the purpose of making reports or recommendations to the Town, including but not limited to matters relating to the appropriation, the borrowing and the expenditure of money, municipal debt, property valuations and assessments, and the administration of the Town offices and departments.

Section 5. The various Town boards, officers and committees involved with the expenditure of money shall, on or before a date specified by the Finance Committee, prepare detailed estimates of the amounts deemed by them necessary for the administration of their respective offices and 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.

Section 6. All officers, boards, or committees of the Town, elected or appointed shall on request, furnish to the Finance Committee or to any delegated member or authorized agent thereof any desired information about Town affairs and Town funds under their control relevant to financial decisions.

Amended 10/26/2015

Section 7. The Finance Committee shall submit, at least seven days prior to any Town Meeting, a printed report of its recommendations to the voters including a copy of the warrant and an explanation of its recommendations. The report submitted prior to the Annual Town Meeting shall also contain an appropriate form which would encourage citizen participation in Town boards and committees. No appropriation shall be made until a report thereon has been received from the Finance Committee.

Section 7 passed May 4, 1987

ARTICLE V SCHOOL COMMITTEE

#1. MEMBERSHIP AND TERM OF OFFICE. The Town shall have a School Committee, consisting of seven (7) members, elected for a term of three (3) years each, and so elected that the term of no more than three (3) nor less than two (2) shall expire in any one year.

#2. GENERAL POWERS AND DUTIES. The School Committee shall have general charge of the Holliston public schools and such functions and powers as provided in the General Laws, including but not limited to Chapter 71.

ARTICLE VI TOWN CLERK

Section 1. The Town shall have a Town Clerk who shall be elected for a term of three (3) years and he or she shall assume office on the seventh day succeeding his or her election or until qualified as required by General Laws, Chapter 41, Section 107, as amended.

Section 2. The Town Clerk, as soon as practicable after a motion of the Town Meeting has been passed which relates to or affects the duties of any officer, board, department, committee, commission, authority or trusteeship of the Town, shall furnish a copy of the motion to said officer, board, department, committee, commission, authority or trusteeship.

Section 3. The Town Clerk shall promptly notify each person who is elected or appointed to any office, board, committee, commission, authority or trusteeship in the Town.

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Section 1. The Town shall have a Board of Assessors, consisting of three (3) members, elected for a term of three (3) years each, and so elected that the term of only one (1) will expire in any one (1) year.

Section 2. At their first Meeting after such Annual election, the Assessors shall organize by choosing one of their members as chairman and another as secretary or clerk of said board.

Section 3. During his or her term of office, no assessor shall hold the office of Collector of Taxes or Deputy Collector of Taxes.

Section 4. The Assessors shall be responsible for determining or estimating the value of property in the Town for the purpose of taxation in accordance with the General Laws of Massachusetts. When making any assessment, the Assessors shall use their best skill and judgement, and shall assess all taxable property truly and impartially, neither overvaluing nor undervaluing.

Section 5. All applicants for a tax abatement shall be treated in a fair manner and, if such applicant requests in writing, shall be given a reasonable opportunity to present, in person, his or her case for abatement before the board.

ARTICLE XI PARK COMMISSION

Section 1. The Town shall have a Park Commission, consisting of five (5) members, elected for a term of three (3) years each, and so elected that the term of no more than two (2) shall expire in any one (1) year. At the first election after enactment of this by-law, two (2) commissioners shall be elected for a term of three (3) years and one commissioner for a term of two (2) years.

Section 2. The Park Commission shall have the over-all supervision and administration of recreational programs and facilities conducted and maintained by the Town.

Section 3. No person shall damage or destroy any real or personal property belonging to the Town and under the jurisdiction of the Park Commission.

Section 4. No person shall within any park or playground area:

- a. break any glass or throw any stone or missile;
- b. have possession of or discharge any destructive weapon, firearm, fireworks, torpedo or explosive, except by written permission of the Park Commissioners;
- c. make a fire except where allowed by the Park Commissioners;
- d. paint, or affix any sign, notice, circular, program, placard or other advertising device except by written consent of the Park Commissioners;
- e. drop or place and suffer to remain any piece of paper, garbage or other refuse, except in the receptacles designated therefor, nor throw a lighted match, cigar, cigarette or other burning substance in said receptacles or upon the ground; or

Section 2. The duties of the Wire Inspector shall be the enforcement of the rules and regulations as established under General Laws, Chapter 166, Section 32, as amended.

Section 3. The Wire Inspector may, so far as is necessary for the performance of his or her duties, enter any building within the Town after reasonable notice.

Section 4. The Board of Selectmen may at any time appoint for such terms as they determine, one or more Assistant Wire Inspectors to act in the absence or disability of the Wire Inspector and while so acting each of them shall have and may exercise all of the powers and duties of the Wire Inspector.

Section 5. The installation and maintenance of all electrical wires shall be under the supervision of the Wire Inspector and all wires and structures supporting or carrying the same, and all devices connected thereto shall be in accordance with the then latest edition of the Massachusetts Department of Public Safety Electrical Code and the Holliston Building Code.

Section 6. Every corporation or person proposing to install wires designed to carry a current of electricity for light, heat or power purposes, shall give notice thereof to the Wire Inspector before commencing any work. Such notice shall indicate the general character of the proposed installation and the number, rating and kind of current consuming devices to be connected. Upon receipt of such notice, a permit for the commencement of the work as described shall be issued by the Wire Inspector, provided all requirements as stated above have been observed. There shall be a fee for each such permit payable to the Town when issued. Fees shall be determined by a schedule as maintained on file at the office of the Building Inspector.

ARTICLE XIV GAS INSPECTOR

Section 1. The Board of Selectmen shall appoint annually, in April, an inspector of gas piping and gas appliances to be known as the Gas Inspector who shall hold office until his or her successor is appointed and qualified.

Section 2. The duties of the Gas Inspector shall be the enforcement of the rules and regulations as established under General Laws, Chapter 25, Section 12H, as amended.

Section 3. The Gas Inspector may, in so far as is necessary for the performance of his or her duties, enter any building or mobile home within the Town after reasonable notice.

Section 4. The Board of Selectmen may at any time appoint for such terms as they determine, one or more Assistant Gas Inspectors to act in the absence or disability of the Gas Inspector and while so acting each of them shall have and may exercise all of the powers and duties of the Gas Inspector.

Section 5. Every corporation or person proposing installation of any gas lines or fixtures for heat or utility purposes shall give notice to the Gas Inspector before commencing any work. This notice shall indicate the general character of the proposed work. If approved, a permit for the commencement of the work as described shall be issued by the Gas Inspector. There shall be a fee according to a schedule maintained on file in the Building Inspector's office, for each such permit payable to the Town when issued.

Section 6. This article shall apply to the use of natural, manufactured and bottled gas.

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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 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 purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such 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.

Section 3. 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 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.

Section 4. 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 section one of chapter two hundred and sixty-eight A (C.268A) of the General Laws in the business or activity conducted in or on said property.

Section 5. This Article shall not apply to the following licenses and permits: open burning under Section thirteen of Chapter forty-eight (S.13, C.48); bicycle permits under Section eleven A of chapter eighty-five (S.11A, C.85); sales of articles for charitable purposes under Section thirty-three of chapter one hundred and one (S. 33, C. 101); children work permits under Section sixty-nine of chapter one hundred and forty-nine (S. 69, C. 149); clubs and associations dispensing food or alcoholic beverages under Section twenty-one E of Chapter one hundred and forty (S. 21E, C. 140); dog licenses under Section one hundred and thirty-seven of Chapter one hundred and forty (S. 137, C.140); fishing, hunting and trapping licenses under Section twelve of Chapter one hundred and thirty-one (S.12, C. 131); marriage licenses under Section twenty-eight of Chapter two hundred and seven (S.28, C. 207); and theatrical events and public exhibition permits under Section one hundred and eighty-one of Chapter one hundred and forty (S.181, C. 140). *Passed May 4, 1987*

ARTICLE XVII RECYCLING & WASTE DISPOSAL

Section 1. In order to protect the environment and resources, and to provide for the proper disposal of solid waste, the Town hereby establishes a program of recycling in conjunction with the disposal of solid waste within the Town.

Section 2. No person shall deposit any refuse or rubbish within the Town other than at times and places in accordance with regulations established by the Board of Selectmen. The following items are excluded from the collection of solid waste: auto parts, such as large pieces of body metal and

- c. he or she refuses to do so.

As used in this Section "public place" shall mean a place to which the public at large or a substantial group has access including a public way and "public way" shall mean any public highway or sidewalk, private way dedicated to public use and any way or parking lot upon which the public has a right of access or has access as invitees or licensees.

Section 3. The Superintendent of Streets, for the purpose of removing or plowing snow or removing ice from any way, may remove or cause to be removed to a public garage or some other convenient place any vehicle interfering with such work and the owner thereof shall be liable in contract to the Town for all reasonable costs of such removal and storage.

Section 4. No person shall operate for recreational purposes a snowmobile, motorcycle, minibike, all terrain vehicle (ATV's), or any other motor driven vehicle, on or through the land of another, without first obtaining written permission from the property owner or tenant.

All such vehicles must be equipped with an operating exhaust muffler that meets or exceeds the current state standards for sound suppression. The operation of such vehicles, except when registered for highway use shall be limited to the hours from 8 o'clock in the morning to 11 o'clock in the evening, unless a special permit is obtained from the Board of Selectmen. The operation of such vehicles on Town owned property is permitted only on those areas designated for the purpose by the appropriate authority.

Section 5. No person shall drink or consume any alcoholic beverages, as defined in General Laws, Chapter 138, Section 1, as amended, while in, on or upon any public way, public park, playground, recreation or conservation area, or private way or area to which the public has a right of access as invitees or licensees, without the consent of the authority responsible for the maintenance and protection thereof, if public, or the owner or person in control thereof, if private. All alcoholic beverages used in violation of this by-law shall be seized as evidence of the offense and safely held until final adjudication of the complaint against the person or persons charged, at which time the evidence seized shall be returned to the person or persons entitled to lawful possession. Any person convicted of a violation of this Section shall be punished by a fine of no less than \$20.00 for the first offense and a fine of no less than \$50.00 for a second or subsequent offense committed during any twelve-month period. Any person who violates this Section may be arrested by a police officer without a warrant if the violation occurs in the presence of the officer.

Section 6. Except in an emergency, no person shall park or leave parked on a public way between the hours of 9:00 P.M. and 7:00 A.M. a truck cab, a truck trailer or a truck which weighs unloaded 2 1/2 tons or more. If such prohibition causes a substantial hardship to any person, the Selectmen, after a public hearing, may grant desirable relief and may impose limitations both of time and use, providing such relief is made without substantial detriment to the public good and without creating a nuisance or devaluation of surrounding property.

ARTICLE XIX BOARD OF HEALTH

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community and to offer as wide a variety of opinion and expression as is practicable. In no case should books or other library materials be excluded because of the race or nationality or the social, political or religious views of the authors, and no books or other library materials should be proscribed or removed from the Town library only because of partisan or doctrinal disapproval.

ARTICLE XXI EQUAL OPPORTUNITY

Section 1. It shall be the policy of the Town of Holliston to provide equal opportunity to all persons without discrimination because of race, color, religious creed, national origin, sex, age or ancestry of any individual.

Section 2. No Town agency shall knowingly enter into any contract for the purchase of goods or services or for the construction, maintenance, renovation or repair of any building, structure, street, way, utility or other public work with any contractor, sub-contractor or supplier which does not provide equal employment opportunity for all qualified persons without regard to race, color, religious creed, national origin, sex, age or ancestry, unless based upon a bonafide occupational qualification.

Section 3. All contracts for goods and services made with the Town in excess of ten thousand dollars (\$10,000) shall include provisions designed to insure compliance with this by-law and Chapter 151B of the General Laws, as amended.

ARTICLE XXII REMOVAL OF EARTH PRODUCTS

Section 1. The removal from any premises of more than ten (10) cubic yards of earth products, including sod, loam, sand or gravel, shall be prohibited except when incidental to and in connection with the construction of a building or street or other activity authorized in the zoning by-law or Article XLI Stormwater Management and Land Disturbance By-Law.

Section 2. Removal of earth products prohibited by Section 1 of Article XXII may be authorized by the Board of Appeals by Special Permit provided it determines that the activities involved are not harmful or detrimental to the present or future character of the neighborhood or the Town. Before issuing such a special permit the petitioner shall file a bond or other security satisfactory to the board to guarantee performance of the conditions of the special permit. The permit issued shall be granted only to the petitioner as a personal right and shall not be transferable. *Approved 8/24/90*

Section 3. All areas which are disturbed, topsoil removed therefrom shall be stockpiled on site until completion of operations and promptly thereafter each disturbed area, on which structures, parking lots or ways are not in place, shall be recovered with topsoil to a depth of at least that which previously existed, but, in any event, with no less than four inches (4) of compacted topsoil in the uppermost layer.

Section 4. Removal of earth products other than specifically permitted in the zoning by-law or in this by-law is prohibited.

Section 4. No person shall enter upon the premises of another for the purpose of committing any wanton or malicious act, nor for the purpose or with intention of invading the privacy of another by peeping into the window of a house or spying upon any person or person's resident therein.

Section 5. No person shall post, affix, or in any way attach any poster, handbill, notice, advertisement or placard to or upon any post, wall, fence, building or structure without permission of the owner or his agent.

Section 6. No person shall write, paint, mark, stamp or cut any symbol, notice or advertisement upon or into any wall, fence, post, street, sidewalk, tree, rock, ledge, building or structure without the permission of the owner or his agent.

Section 7. No person shall have more than one (1) unregistered car or truck ungaraged on his or her premises at any one time. If such prohibition causes a substantial hardship to any person, the Selectmen, after a public hearing, may grant desirable relief and may impose limitations both of time and use, provided such relief is made without substantial detriment to the public good and without creating a nuisance, unsightliness or devaluation of surrounding property. This Section shall not apply to unregistered cars or trucks on the property of a business operated in a lawful place and manner when necessary to the operation of such business.

Section 8. Unless otherwise provided in these By-laws or by the General Laws, a violation of each by-law creating a duty to act or refrain from acting shall be punishable by a fine of not more than three hundred dollars (\$300) per offense. Each day of a continuing offense shall be considered a separate offense. Whoever violates any provision of these By-laws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in General Laws Chapter 40, Section 21D in the following manner:

a. A written warning, clearly stating the nature of the violation, the Section of the by-law violated, the required corrective action and the right of appeal to the Board of Selectmen, shall be issued to an alleged violator. This warning may be appealed to the Selectman within twenty-one (21) days from receipt.

b. Thirty (30) days after issuance of the warning, a fine may be imposed in accordance with the provisions of General Laws Chapter 40, Section 21D if the violation is not corrected or an appeal has not been made to the Board of Selectmen within the aforementioned twenty-one (21) days or upon appeal, the Selectmen find that the warning is legitimate. The non-criminal 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. Without intending to limit the generality of the foregoing, it is the intention of this provision that the following By-laws and Sections of By-laws are to be included within the scope of this subsection, that the specific penalties as listed here shall apply in such cases and that in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed for each Section, if any, shall also be enforcing persons for such Sections. Any fine imposed may be appealed to the Clerk-Magistrate of the Framingham District Court.

Amended 5/00 & A.G. Approved 9/00

Article XI	Park Property Regulations	\$25.00
Article XV	Section 7 Numbering of buildings (Building Inspector, Fire Chief)	\$25.00

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"Demolition" - The act of substantially or totally pulling down, destroying, removing, or razing a building or structure, or commencing the work of total or substantial destruction with the intent of completing the same.

"Historically Significant Building or Structure" - Any building or structure within the Town which is in whole or in part seventy-five (75) or more years old and

- (a) Which is within any local, state or national historic district; or
- (b) Which is listed on or is within an area listed on, the National Register of Historic Places, or which is the subject of a pending application for listing on said National Register; or
- (c) Which is or has been designated by the Commission to be a significant building or structure either:
 - (i) Is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic, or social history of the Town or the Commonwealth, or
 - (ii) Is historically or architecturally significant (in terms of period, style, method of building construction, or association with a famous architect or builder) either by itself or in the context of a group of buildings.

Procedure

The building inspector shall forward a copy of each demolition permit application for a building or structure to the Commission within five (5) business days of the filing of such application.

Within thirty (30) days from its receipt of a demolition permit application, the Commission shall determine whether the building or structure is historically significant. The applicant for the permit shall be entitled to make a presentation to the Commission if he or she so chooses. If the Commission determines that the building or structure is not historically significant the Commission shall so notify the Building Inspector in writing and the Building Inspector may issue a demolition permit.

If the Commission determines that the building or structure is historically significant, the Commission shall notify the Building Inspector in writing that a demolition review must be made prior to the issuance of any demolition permit. If the Commission fails to notify the Building Inspector of its determination within thirty (30) days of its receipt of the application, then the building or structure shall be deemed not historically significant and the Building Inspector may issue a demolition permit.

Demolition Plan Review.

Not less than sixty (60) days after the Commission's determination that a building or structure is historically significant, the applicant for the permit shall submit to the Commission ten (10) copies of a demolition plan which shall include the following information:

- (i) A map showing the location of the building or structure to be demolished on its property and with reference to neighboring properties;

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permit from the Building Inspector. As soon as practicable after receipt of such request, the Building Inspector shall arrange to have the property inspected. After inspection of the building or structure and consultation with the other members of the board, the Building Inspector shall determine whether the condition of the building or structure represents a serious and imminent threat to public health and safety and whether there is any reasonable alternative to the immediate demolition of the building or structure which would protect public health and safety. If the Building Inspector finds that the condition of the building or structure poses a serious and imminent threat to public health and safety 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.

Whenever the Building Inspector issues an emergency demolition permit, he shall prepare a written report describing the condition of the building or structure and the basis of his decision to issue an emergency demolition permit. A copy of this written report shall be filed with the Commission.

Enforcement and Remedies.

The Commission and/or Building Inspector are each specifically authorized to institute all actions and proceedings, in law or in equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this By-law or to prevent a threatened violation thereof.

No building permit shall be issued with respect to any premises upon which a building or structure seventy-five years or more old has been voluntarily demolished otherwise than pursuant to a demolition permit granted after compliance with the provisions of this By-law for a period of two years after the date of the completion of such demolition. As used herein "premises" refers to the parcel of land upon which the demolished building or structure was located and all adjoining parcels of land under which the demolished building or structure was located and all adjoining parcels of land under common ownership or control.

Severability.

In case any section, paragraph, or part of this By-law is for any reason declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph and part shall continue in full force and effect. (replaced previous Sec.11 in its entirety- passed ATM 5/9/01. AG approval 9/20/01)

Section 11. All members of any Town board, commission or committee, whether elected or appointed, shall vote and be recorded.

Section 12. Every private swimming pool shall be completely enclosed by a fence, wall, building or combination thereof, not less than five (5) feet in height. All gates or door openings through such enclosure shall be not less than five (5) feet in height and shall be self-closing with a self-latching device located not more than one (1) foot below the top for keeping the gate or door securely closed at all times when not in actual use, except that the door of any building which forms a part of the enclosure need not be so equipped. Such gate shall not be required for above-ground pools utilizing an access ladder which can be elevated and locked, if approved by the Inspector of Buildings. Each gate, door or ladder shall be kept locked at all times when the swimming pool area is not in use.

Section 13. Whenever allowed by law, all Town officers, except constables, shall pay into the Town treasury all fees and other charges received by them by virtue of their office.

Section 16. Any municipal board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of persons, may, from time to time, fix reasonable fees for all such licenses, permits or certificates issued pursuant to statutes or regulations wherein the entire proceeds of the fee remain with the Town, and may fix reasonable charges to be paid for any services rendered or work performed by the Town or any department thereof, for any person or class of persons.

No such fee may be implemented or charged until after a public hearing has been held by the appropriate board or officer for the purpose of receiving and considering public comment regarding the proposed fee. Notice of any such hearing must be published at least seven (7) days prior to the hearing in a newspaper of general circulation in the Town and posted on the official bulletin board at Town Hall.

A.G. approved 8/26/92

Section 17. It shall be unlawful to obstruct or park a vehicle in any fire lane, such fire lane to be designated by the Board of Selectmen upon the recommendation of the Fire Chief and to be posted as such. Fire lanes shall generally be a distance of twelve (12) feet from the curbing of a sidewalk in a commercial or multi-dwelling unit area. In the absence of a sidewalk, a fire lane shall generally be a distance of eighteen (18) feet from the building. (A.G. approved 6/5/96).

Section 18. Trench Safety (Promulgated under MGL 82A, sec.2 and 520 CMR 14:00)

1. Purpose: Whereas, the Commonwealth of Massachusetts Department of Public Safety and Division of Occupational Safety have promulgated regulations in accordance with Chapter 82A of the General Laws relative to excavation and trench safety; and,

Whereas, the Town of Holliston has been directed by these regulations to designate an officer or board within the town as the local ‘permitting authority’; and,

Whereas, the local permitting authority shall be responsible for the issuance of required trench permits on both municipal and private property, the collection of optional permit fees, and for the enforcement of these requirements for the protection of the General Public;

Now therefore, the Board of Selectmen is hereby designated as the local “permitting authority” for issuing trench permits under the regulations.

2. Definitions:

- a. Trench – A trench is defined as a subsurface excavation greater than three feet (3’) in depth, and is fifteen feet (15’) or less between the soil walls as measured from the bottom.

3. Authority:

- a. The Board of Selectmen may designate by vote certain Building Department and Highway Department staff to act as their agent for permit processing and approval and for the enforcement of trench rules and regulations and conditions of permits.
- b. The Board of Selectmen may, from time to time, and after a public hearing, enact fees to cover the costs of processing said permits and for enforcement thereof.

Section 2. If any part of these By-laws is found invalid, the validity of the remaining provisions shall not be affected thereby.

ARTICLE XXVI GENERAL PROVISIONS FOR TOWN COMMITTEES

Section 1. All committees, except as otherwise provided by law or by vote of the Town Meeting, shall be appointed by the Selectmen as soon as possible after the passage of the vote creating the committee. In choosing a committee by nominations from the floor, no person shall nominate from the floor more than one member of such committee until others have had an opportunity to make nominations.

Section 2. Unless otherwise provided, the first named member of a committee shall promptly call all the members of the committee together for the purpose of organization and election of officers. Each committee shall thereafter proceed with its duties and report to the appointing authority as promptly as possible.

Section 3. No report of a committee shall be acted upon at a Town Meeting, other than to be received or published and distributed, unless it has been included in the warrant.

Section 4. A vote by a Town Meeting to accept a final report of a committee shall, unless otherwise provided, discharge the committee, but it shall not operate as an adoption of the recommendations of such report without a vote duly passed to that effect.

Section 5. All Annual reports of committees shall be in writing and shall be permanently filed for preservation with the Town Clerk, and if the Board of Selectmen deem best, or the Town so votes, the report of any committee shall be published as part of the next Annual Town report. The Annual Town report, and the reports of the boards, commissions, committees, officers and officials of the Town required to be contained therein, shall be for the last completed fiscal year, commencing with the fiscal year ending June thirtieth, nineteen hundred and ninety. Such report shall be prepared and distributed not later than the third Monday in December of each year and all reports required to be contained in the Annual Report must be filed with the Selectmen no later than September 1.

Approved 8/24/1990

Section 6. The chairman of any appointed committee shall notify the Board of Selectmen whenever one of the committee members is absent without cause from five (5) consecutive Meetings, and the Selectmen may, within their discretion, remove such member from said committee and appoint a replacement.

Section 7. Any Town Meeting or other Town body established by law or by-law may create committees under its authority. Any such committee shall be appointed for terms of one year or less. At the end of each term, such committee shall submit to the appointing authority a written report of its progress and activities. No such committee shall be re-appointed until the report is submitted. Any such committee shall be dissolved automatically upon the completion of its specific assignment.

Section 8. No Town board, committee or commission, or any subcommittee, shall convene a meeting or sponsor an event at any time during a Town election or Town Meeting, except as may be

ANIMAL CONTROL

Section 1. General

Statement of Purpose - This By-law is intended to guide those persons owning or keeping dogs in their role as responsible pet owners so as not to adversely affect the residents of Holliston.

Reference to Massachusetts General Laws - Any reference to a "section" in this By-law shall mean Chapter 140 of the Massachusetts General Laws, unless otherwise stated. The provisions of Massachusetts General Laws Chapter 140, sections 136A through 174D inclusive, as may be amended from time to time and except as modified herein, are incorporated into this By-law relating to the regulations of dogs.

If any provision of this bylaw shall be deemed unenforceable, the remaining provisions shall continue in full force and effect.

Section 2. Definitions

Unless otherwise set out in this By-law, any term defined in section 136A shall have the same meaning in this By-law, and shall be expressly incorporated herein.

ANIMAL CONTROL OFFICER: The person or firm appointed to enforce the provisions of this By-Law.

OWNER: Any person or persons, individual, partnership, company, firm, association or corporation owning, keeping or harboring a dog within the Town.

LICENSE PERIOD: From January 1st of each year to December 31st of the same year.

KENNEL: One pack or collection of four (4) or more dogs on a single premise.

Section 3. License Required.

Any owner or keeper of a dog six (6) months of age or older in the Town of Holliston shall cause said dog to be licensed within thirty (30) days of its becoming six (6) months old or thirty (30) days of becoming its owner or keeper, whichever shall last occur, as required by Massachusetts General Laws, Chapter 140 commencing on January 2nd of each year.

The registering, numbering, describing and licensing of a dog shall be done by the Town Clerk on a form prescribed and supplied by the Town Clerk, and shall be subject to the conditions expressed therein that the dog which is the subject of the license shall be controlled and restrained from killing, chasing or harassing livestock, fowls or wildlife.

The owner of a licensed dog shall cause it to wear around its neck or body a collar or harness of leather or other suitable materials, to which shall be securely attached a tag on a form prescribed by and distributed by the Town Clerk when a license is issued. Such tag shall state "Town of Holliston", the year of issue and tag number. The Town Clerk shall maintain a record of the identifying numbers. If any such tag is lost, the owner shall secure a substitute tag issued by the Town Clerk. The Town Clerk shall not grant any license until and unless a current rabies vaccination certificate for the animal to be licensed has been presented.

Section 4. Rabies Vaccination.

When applying for a license the applicant must show proof of rabies vaccination by a veterinarian's certificate or a notarized letter from a veterinarian that a certification was issued,

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(a) for having bitten any person; (b) if found at large or unmuzzled, as the case may be, while an order for the restraint of such dog is in effect; (c) if found in a school, school yard or public recreational area; (d) for having killed or maimed or otherwise damaged any other domesticated animal; (e) for chasing any vehicle upon any public way or way open to public travel in the Town; (f) for any violation of Section 11.

Upon restraining or muzzling, or issuing an interim order to restrain or muzzle, the Animal Control Officer shall submit in writing to the Selectmen a report of action and the reasons therefor. Upon receipt of such report, the Selectmen may make such order concerning the restraint, muzzling or disposal of such dog as may be deemed necessary. If the Selectmen fail to act upon the report during the period the dog is restrained or muzzled, upon expiration of the period, the interim order automatically is vacated. The owner of the animal shall have the right to appeal the interim order to the Board of Selectmen, who may vacate the order.

Section 9. Animal Control Officer Authorization.

The Board of Selectmen shall annually appoint the Animal Control Officer who shall have, in addition to any other statutory authority contained in Massachusetts General Laws Chapter 140, the authority to enter a complaint before the Board of Selectmen for the purpose of obtaining an order with respect to the control or disposition of a dog found to be uncontrollable or whose owner or keeper is unresponsive to any other penalties contained in this bylaw.

Section 10. Kennels.

Any owner or keeper of four dogs or more, six months of age or older, shall apply to the Town Clerk for a kennel license. Kennel licenses shall not be issued unless a report has been received from the Animal Control Officer. The report of the Animal Control Officer shall be based on the annual inspection of the premises as provided in General Laws Chapter 140, Section 137C, in addition to complaints, if any, registered and violations committed in the previous twelve (12) month period against the owner/keeper. The Town Clerk shall, upon application and without charge, issue a kennel license to any domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse and for the relief of suffering among animals.

The Animal Control Officer may at any time inspect any kennel located in the Town.

Petitions or complaints against any such kennel shall be filed with the Board of Selectmen. The Board, as well as the Town Administrator or their designee, shall have investigatory powers over any such petitions or complaints. Said investigation shall be conducted by the Town Administrator or his designee, who within seven (7) days after the filing of such petition or complaint, shall give notice to all parties of interest of a public hearing to be held before the Board of Selectmen within twenty-one (21) days after the date of such notice. After such public hearing, the Board may make an order either revoking or suspending such kennel license or otherwise regulating such kennel, or dismissing said petition. Within ten (10) days after receipt of such order, the holder of such license may bring a petition in the district court as outlined in section 137c. Any person maintaining a kennel after the license has been revoked or while such license is suspended, shall be punished as set forth in the penalty provision of this By-law.

Section 11. Property Damage.

An owner or keeper of dogs, if known, is responsible for any damages caused to property, livestock or fowl belonging to any other resident. Whoever suffers loss by the worrying, maiming or killing of his livestock or fowls by dogs, whose owner/keeper is unknown, may inform the Animal Control

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animal species, agriculture, aquaculture, and recreation values, deemed important to the community (collectively, the “resource area values protected by this bylaw”).

This bylaw is intended to utilize the Home Rule authority of the Town so as to protect the resource areas under the Wetlands Protection Act (G.L. Ch.131 §40; the “Act”) to a greater degree, to protect additional resource areas beyond the Act recognized by the Town as significant, to protect all resource areas for their additional values beyond those recognized in the Act, and to impose in local regulations and permits additional standards and procedures stricter than those of the Act and regulations thereunder (310 CMR 10.00), subject, however, to the rights and benefits accorded to agricultural uses and structures of all kinds under the laws of the Commonwealth and other relevant bylaws of the Town of Holliston.

Section 3. Jurisdiction

Except as permitted by the Conservation Commission no person shall commence to remove, fill, dredge, build upon, discharge into, or otherwise alter the following resource areas:

- A. Any wetlands, marshes, wet meadows, bogs, swamps, vernal pools, springs, banks, reservoirs, lakes, ponds of any size, beaches, and any lands under water bodies and/or intermittent or perennial streams, brooks and creeks;
- B. lands adjoining the resource areas specified in Section II.A out to a distance of 100 feet, known as the buffer zone;
- C. perennial rivers, streams, brooks and creeks;
- D. lands adjoining the resource areas specified in Section II.C out to a distance of 200 feet, known as the riverfront area;
- E. any lands subject to flooding or inundation by groundwater or surface water;

Collectively the areas specified in Sections II.A-E, constitute the “resource areas protected by this bylaw”. Said resource areas shall be protected whether or not they border surface waters.

Section 4. Exemptions and Exceptions

The applications and permits required by this bylaw shall not be required for work performed for normal maintenance or improvement of land in agricultural and aquacultural use as defined by the Wetlands Protection Act regulations at 310 CMR 10.04.

The applications and permits required by this bylaw shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, sewer, drainage, telephone, telegraph, or other telecommunication services, provided that written notice has been given to the Conservation Commission prior to commencement of work, and provided that the work conforms to any performance standards and design specifications in regulations adopted by the Commission.

The applications and permits required by this bylaw shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this bylaw. Upon

notice of the selection of a consultant, identifying the consultant, the amount of the fee to be charged to the applicant, and a request for payment of that fee. Notice shall be deemed to have been given on the date it is mailed or delivered. The applicant may withdraw the application or request within five (5) business days of the date notice is given without incurring any costs or expenses.

The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within ten (10) business days of the request for payment shall be cause for the Commission to declare the application administratively incomplete and deny the permit without prejudice, except in the case of an appeal. The Commission shall inform the applicant and DEP of such a decision in writing.

The applicant may appeal the selection of an outside consultant to the Board of Selectmen, who may disqualify the consultant only on the grounds that the consultant has a conflict of interest or is not properly qualified. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue, or a related field. The applicant shall make such an appeal in writing, and must be received within ten (10) business days of the date that request for consultant fees was made by the Commission. Such appeal shall extend the applicable time limits for action upon the application.

Section 6. Notice and Hearings

Any person filing a permit application with the Conservation Commission at the same time shall give written notice thereof, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 100 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice shall state a brief description of the project or other proposal and the date of any Commission hearing or meeting date if known. The notice to abutters also shall include a copy of the application or request, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a Determination of Applicability is other than the owner, the request, the notice of the hearing and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

The Commission shall conduct a public hearing on any permit application provided that written notice is given at the expense of the applicant, at least five business days prior to the hearing, in a newspaper of general circulation in the Town of Holliston. The Commission shall commence the public hearing within 21 days from receipt of a completed permit application unless an extension is authorized in writing by the applicant. The Commission shall have authority to continue the hearing to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information from the applicant or others as deemed necessary by the Commission in its discretion, based on comments and recommendations of the boards and officials listed in §VI.

The Commission shall issue its permit, other order or determination in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.

The Commission may combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act (G.L. Ch.131 §40) and regulations (310 CMR 10.00).

Section 7. Coordination with Other Boards

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that avoidance, minimization and mitigation have been employed to the maximum extent feasible; and that the waiver is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.

In reviewing activities within the buffer zone, the Commission shall presume such areas are important to the protection of other resource areas because activities undertaken in close proximity have a high likelihood of adverse impact, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. This presumption is rebuttable and may be overcome by credible evidence from a competent source that such buffer zones are not important to protection of other resource areas. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss or degradation of wildlife and wildlife habitat. The Commission may establish, in its regulations, design specifications, performance standards, and other measures and safeguards, including setbacks, no-disturb areas, no-build areas, and other work limits for protection of buffer zones, including without limitation, area strips of continuous, undisturbed vegetative cover. Such design specifications, performance standards, and other measures and safeguards shall apply unless the applicant convinces the Commission that the buffer zone area or part of it may be disturbed without harm to the values protected by the bylaw.

In reviewing activities within the riverfront area, the Commission shall presume the riverfront area is important to all the resource area values unless demonstrated otherwise, and no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this bylaw, has proved by a preponderance of the credible evidence that (1) there is no practicable alternative to the proposed project with less adverse effects, and that (2) such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this bylaw. The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, or industrial), logistics, existing technology, costs of the alternatives, and overall project costs.

To prevent resource area loss, the Commission shall require applicants to avoid alteration wherever feasible; to minimize alteration; and, where alteration is unavoidable and has been minimized, to provide full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation but, because of the high likelihood of failure of replication, only with specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting to assure success.

The Commission may require a wildlife habitat study of the project area, to be paid for by the applicant, whenever it deems appropriate, regardless of the type of resource area or the amount or type of alteration proposed. The decision to require a wildlife habitat study shall be based upon the Commission's estimation of the importance of the habitat area considering (but not limited to) such factors as proximity to other areas suitable for wildlife, importance of wildlife "corridors" in the area, or actual or possible presence of rare plant or animal species in the area. The work shall be performed by an individual who meets or exceeds the minimum qualifications set out in the wildlife habitat section of the Wetlands Protection Act regulations (310 CMR 10.60) and, when required by the Commission, has direct professional experience with the wildlife species or wildlife habitat at issue.

The term “**agriculture**” shall refer to the definition as provided by G.L. Ch. 128, §1A.

The term “**alter**” shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this bylaw:

- A. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind
- B. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics
- C. Drainage, or other disturbance of water level or water table
- D. Dumping, discharging, or filling with any material which may degrade water quality
- E. Placing of fill, or removal of material, which would alter elevation
- F. Driving of piles, erection, expansion or repair of buildings, or structures of any kind
- G. Placing of obstructions or objects in water
- H. Destruction of plant life including cutting or trimming of trees, shrubs, or undergrowth
- I. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters
- J. Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater
- K. Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this bylaw.

The term “**bank**” shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

The term “buffer zone”, as defined in Section II.B above, is that resource area which extends one hundred feet (100’) from the edge of those wetland resource areas identified in Section II.A.

- a. **50-Foot No-Disturbance Zone is that portion of the Buffer Zone which extends fifty (50) feet from the edge of those wetland resource areas identified in Section II.A; however, it is possible that these resource areas will overlap in some instances (e.g., Riverfront Area and Land Subject to Flooding). Disturbance of any kind is prohibited within this Zone including but not limited to grading, landscaping, vegetation removal, pruning, cutting, filling, excavation, roadway construction and /or driveway construction.**
- b. **100-Foot No-Disturbance Zone is that buffer zone area that extends one hundred (100) feet from the edge of any Vernal Pool that is located in an upland area or, in the case of a larger wetland resource area that encompasses the pool, within one hundred (100) feet from the edge of the said larger wetland resource area. Disturbance of any kind is prohibited within this Zone including but not limited to grading, landscaping, vegetation removal, pruning, cutting, filling, excavating, roadway construction and/or driveway construction. The extent and location of this No-Disturbance Zone is subject to change based on the results of a biological and/or habitat evaluation, which may be required to determine the migratory pathways and other important habitat usage of Vernal Pool breeders.**

The term “**build upon**” shall mean construction of any kind of structure, whether on land or in water; and/or placing of obstructions or objects in water (other than fish or shellfish traps, pens or trays used in conjunction with aquaculture, or aids to navigation).

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recreational activities shall not have a significant effect on other wetlands values identified in §I of this chapter.

The term “**spring**” shall mean any point in the natural environment where water discharges to the surface of the earth from underground.

The term “**vernal pool**” shall include, in addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the resource area for vernal pools shall be the mean annual high-water line defining the depression.

The term “**wildlife**” shall mean all non-domesticated mammals, birds, reptiles, amphibians, fishes or invertebrates. Special consideration shall only be given to members of the class Insecta if they are rare or endangered as defined by the Massachusetts Natural Heritage Program or its successor, or if they are a major food source of other wildlife, but not if the insect species is determined by the Commission and the Board of Health to constitute a pest whose protection under the By-law would be a risk to man at the proposed project site.

The term “**wildlife habitat**” shall mean areas having plant community composition and structure, hydrologic regime, or other characteristics sufficient to provide shelter, nutrient sourcing, growing conditions, nesting or breeding sites conducive to the propagation and preservation of wildlife. Except as otherwise provided in this bylaw or in associated regulations of the Conservation Commission, the definitions of terms and the procedures in this bylaw shall be as set forth in the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00).

Section 11. Security

As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Conservation Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by one or both of the methods described below:

A. By a proper bond, deposit of money or negotiable securities under a written third-party escrow arrangement, or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a COC for work performed pursuant to the permit.

B. By accepting a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant, shall not impose on the Commission any monitoring, reporting, or maintenance duties or obligations, and a charitable corporation or trust must be a grantee in addition to the Commission.

Section 12. Enforcement

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This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00) thereunder. It is the intention of this bylaw that the purposes, jurisdiction, authority, exemptions, regulations, specifications, standards, and other requirements shall be interpreted and administered as stricter than those under the Wetlands Protection Act and regulations.

Section 16. Severability

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.

ARTICLE XXXI ACCOUNTANT

Section 1. The Town shall have an Accountant who shall be appointed by the Town Administrator. (Approved 5/5/98).

Section 2. The Accountant shall examine the books and accounts of all Town officers and committees entrusted with the receipt, custody or expenditure of money, and all original bills and vouchers on which money has been or may be paid from the Town's treasury.

Section 3. The Accountant shall have such other functions and powers as provided in the General Laws as amended, including but not limited to Chapter 4I.

ARTICLE XXXII PERSONNEL BOARD

Section 1. The Town shall have a Personnel Board, consisting of five members, appointed by the Board of Selectmen, in May, for a term of three years each, and so appointed that the term of no more than two (2) shall expire in any one year; provided, however, that of the members originally appointed, two (2) shall be appointed for a term of one year, two (2) for a term of two years and one for a term of three (3) years, as designated by the Selectmen. Appointees hereunder shall continue to hold their offices until the appointment and qualification of their successors. At least one member of the Personnel Board shall be qualified by reason of his or her experience in personnel administration. No person shall serve on said Board who is at the same time an employee or elected official of the Town. Three (3) members shall constitute a quorum for the transaction of the business of the Board and the affirmative vote of a majority of the members present shall be necessary to any official act of the Board.

A.G. approved 8/17/1994

Section 2. The Personnel Board shall prepare for approval by the Town a Consolidated Personnel By-law the provisions of which shall include, but not be limited to, the following: definitions, job classification plan, job compensation plan, fringe benefits, personnel appeals, record keeping procedures and rules of procedure. Until such time as a Consolidated Personnel by-law is adopted by the Town, the Selectmen may authorize the Personnel Board to study and advise on specific personnel matters and may require periodic reports of their progress in preparing a Consolidated

Section 3. SUB-COMMITTEE. In order to review and summarize the various Capital Improvement Program Reports, the Finance Committee may appoint a sub-committee in its stead. Such a committee shall have as its chairperson a member of the Finance Committee. Except for members of the Finance Committee, no person holding any Town office, elected or appointed and no employee of the Town shall be eligible to serve as a voting member on any capital improvement review sub-committee. The Executive Secretary shall be a nonvoting member of any such subcommittee for the purpose of fulfilling those duties outlined in Article XXXV of this by-law. The Finance Committee may appoint other Town employees or persons holding Town office as nonvoting ex-officio members of any such sub-committee.

Amended S.T.M. 11/21/1991

Section 4. REPORT. The resulting review and summary shall be known as the Annual Capital Improvement Summary. This summary, along with the Finance Committee's relevant recommendations, shall be included in and published as a separate Section in the Annual Finance Committee Report and in the Town Report.

ARTICLE XXXV TOWN ADMINISTRATOR

The Board of Selectmen of the Town of Holliston, by an affirmative vote of at least a majority of the full membership of the board shall appoint a Town administrator for an indefinite term and shall fix the compensation for such person within the amount annually appropriated for that purpose. The position of Town administrator shall not be subject to the By-laws of the Town relative to personnel, nor shall it be included in any certification of any collective bargaining unit. The Town administrator shall have the duties and responsibilities set forth in Chapter 94 of the Acts of 1994.

*Approved ATM 5/9/95 *see appendix I*

ARTICLE XXXVI WATER SUPPLY EMERGENCY

Section 1. AUTHORITY. This Article is adopted by the Town of Holliston under its home rule powers, its police powers to protect public health and welfare and its specific authorization under General Laws Chapter 40, Section 21(7), and 21D.

Section 2. PURPOSE. The purpose of this Article is to protect, preserve and maintain the public health, safety and welfare, whenever there is in force a state of water supply emergency, by providing for enforcement of duly imposed restrictions, requirements, provisions or conditions imposed by the Town of Holliston or by the Department of Environmental Protection and included in the Town of Holliston plan approved by the Department of Environmental Protection to abate the emergency or by any other duly authorized local, state or federal governmental body or officer.

Section 3. DEFINITIONS. For the purpose of this Article, the following terms shall have the meanings indicated:

Section 4. ENFORCEMENT AUTHORITY. The Town of Holliston Board of Water Commissioners and Superintendent of Water having the responsibility for the operation and maintenance of the water supply, the Health Department, the Town police, special police and any other locally designated body having police powers.

This by-law may be enforced pursuant to General Laws Chapter 40, Section 21D, by any officer or board authorized pursuant to Section 4 of this Article.

ARTICLE XXXVII COMMUNITY PRESERVATION COMMITTEE

Section 1. Establishment. There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to Chapter 44B of the General Laws. The composition of the committee, the appointment authority and the term of office for committee members shall be as follows:

One member of the Conservation Commission as designated by the Commission for a term of three years.

One member of the Historical Commission as designated by the Commission for a term of three years.

One member of the Planning Board as designated by the Board for a term of three years.

One member of the Park Commission as designated by the Commission for an initial term of one year and thereafter for a term of three years.

One member of the Housing Authority as designated by the Council for an initial term of two years and thereafter for a term of three years.

Four members to be appointed by the Board of Selectmen, two members to be appointed for a term of one year and thereafter for a term of three years and two members to be appointed for a term of two years and thereafter for a term of three years.

Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Chapter be no longer in existence for whatever reason, the appointment authority for that Commission, Board, Council, or Committee shall become the responsibility of the Board of Selectmen. Each member of the Community Preservation Committee appointed by an entity other than the Board of Selectmen shall serve for the term indicated above, until such member no longer serves on the commission, board, department or committee making the appointment.

Section 2. Duties.

(1) The Community Preservation Committee shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Park Commission, the Housing Authority, the Water Department and the Open Space Committee, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.

(2) The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for

**ARTICLE XXXVIII
BROWNFIELDS TAX ABATEMENTS**

Section 1. Purpose. Pursuant to the provisions of section 59A of Chapter 59 of the General Laws, it is the intent of the town to offer tax abatements to encourage the continued environmental cleanup and redevelopment of sites zoned for industrial and commercial use from or at which there has been a release of oil or hazardous material.

Section 2. Subject Properties. Property which may be the subject of tax abatement agreements pursuant to this By-law must:

1. Be a site or portion of a site from or at which there has been a release of oil or hazardous material;
2. Be owned by an eligible person, as that term is defined in section 2 of Chapter 21E of the General Laws; and
3. Be zoned for commercial or industrial use.

Section 3. Abatement Agreements. The Treasurer/Collector is hereby authorized to negotiate agreements from the abatement of real estate taxes (hereinafter "Abatement Agreements") with owners of eligible properties, the terms of which Abatement Agreements shall be subject to approval by the Board of Selectmen for abatements not exceeding \$50,000. Abatements above this amount shall also be subject to approval of Town Meeting. Abatement Agreements may allow for reductions in outstanding taxes, interest, and/or penalties. Abatement Agreements shall include, but not be limited to:

- a. The amount of outstanding real estate taxes;
- b. The percent of interest to accrue if determined applicable by the Treasurer/Collector and the property owner;
- c. The description of quantifiable monthly payments;
- d. The inception date of monthly payments;
- e. The date of the final payment;
- f. The late penalties to be imposed; and
- g. Any and all other contractual terms as arranged between the Treasurer/Collector and the property owner.

All Abatement Agreements shall be signed by the Chairman of the Board of Selectmen and the property owner, whose signatures shall be notarized, and attested to by the Town Clerk. Copies of all Abatement Agreements shall be provided to the Massachusetts Department of Environmental Protection, the United States Environmental Protection Agency, the Massachusetts Commissioner of Revenue, the Board of Selectmen and the property owner.

(Amended TM 10/29/01, AG approved 1/11/02)

**ARTICLE XXXIX
AGRICULTURAL COMMISSION**

Section 1. Purpose and Intent

The purpose and intent of this By-law 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,

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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 By-law 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 Right to Farm By-law 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. Disclosure Notification

The Town shall annually notify the community of this By-law.

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 Zoning Enforcement 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 Zoning Enforcement 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

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Holliston hereby declares the provisions of this By-law to be severable; or take any action relative thereto.

deleted previous XXXIX added new XXXIX 5/8/2006

Article XL

PENALTIES FOR IMPROPER USE OF BURGLAR ALARMS

Section 1. Definitions

(a) Burglar Alarm Systems - any assembly of equipment and devices or a single device such as a solid-state unit connecting directly to a 110 volt alternating current line arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. The provisions of penalties section shall apply to all users.

(b) False Alarm - (i) the activation of an alarm system through mechanical failure, malfunction, improper installation or negligence on the part of the user of an alarm system, or his employees or agents; (ii) any signal, live voice message or automatic dialing device transmitted to the Police Department requesting, requiring or resulting in a response on the part of the Police Department when there has been no unauthorized intrusion, robbery, burglary or attempted threat. For the purposes of this definition, activation of alarm systems for the purpose of testing with prior approval by the Police Department, or by act of God, including but not limited to power outages, hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbances shall not be deemed to be a false alarm.

ARTICLE XLI STORMWATER MANAGEMENT AND LAND DISTURBANCE

Section 1. Purpose

The purpose of this by-law is to control the adverse impacts of increased post-development stormwater runoff, nonpoint source pollution associated with development and redevelopment as well as erosion and sedimentation associated with land disturbance and construction. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surface are major causes of: impairment of water quality and flow, contamination of drinking water supplies, erosion of stream channels, alteration or destruction of habitat and flooding.

This bylaw seeks to meet the following objectives:

- Minimize damage to public and private property and infrastructure;
- Safeguard the public health, safety, environment and general welfare;
- Protect water resources and prevent contamination of drinking water supplies;
- Require practices that limit soil erosion and sedimentation on construction sites;
- Require practices that control volume and rate of stormwater runoff resulting from land disturbance activities;
- Establish the Town of Holliston's legal authority to ensure compliance with the provisions of this by-law through permitting, inspection, monitoring and enforcement.

Section 2. Authority

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, pursuant to the regulations of the federal Clean Water Act, found at 40 CFR 122.34. This bylaw is intended to meet certain provisions of the Town's requirement to comply with the National Pollutant discharge Elimination System (NPDES) Regulations (Phase I and II Rules).

Section 3. Applicability

No person shall undertake an activity which may include clearing, grading, excavation or other site work that will result in a land disturbance exceeding any of the following thresholds, without a Land Disturbance Permit from the Planning Board:

1. Any activity that will result in soil disturbance of 10,000 s.f. or more, or more than 25% of the parcel or lot, whichever is less;
2. Paving in excess of a total of 500 s.f. of commercial and industrial driveways, parking lots and other impervious non-roadway surfaces;
3. Any activity that will disturb over 250 s.f. of land with 10% or greater slope.
4. An alteration, redevelopment or conversion of land use involving the following: auto fueling, service and sale facilities, fleet storage yards, commercial nurseries and landscaping facilities.

Section 4. Exemptions

1. Projects which require a Special Permit, Site Plan Review or Definitive Subdivision approval from the Planning Board or which require an Order of Conditions from the Conservation Commission.*, or requires Board of Health approval of a septic system upgrade.
2. Normal maintenance and improvement of land in agricultural or logging use which is consistent with MGL, c. 40A, s. 3 and 310 CMR 10.04.

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shall commence on any part of the development site until the application has been reviewed and approved in accordance with this by-law and its' implementing regulations.

4. Failure of the Planning Board to take final action upon an application within 30 calendar days of receipt of a complete application shall be deemed to be approval of such application. Upon certification by the Town Clerk that the allowed time has passed without action by the planning Board, the Permit shall be issued.
5. Project Completion. At completion of the project, the permittee shall submit as-built drawings of all structural stormwater controls and treatment best management practices required for the site. This requirement may be waived at the Planning Board's discretion. No occupancy permit shall be granted unless and until the construction of all site improvements are complete or the work remaining to be done is secured.

Section 7. Appeals. A decision of the Planning Board shall be final.

Section 8. Enforcement. The Planning Board or an authorized agent shall enforce this bylaw and its implementing regulations and may pursue all civil and criminal remedies for such violations. Enforcement shall be further defined and included as part of any regulations promulgated as permitted under this bylaw.

Section 9. Severability. If the provisions of any portion of this by-law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of the by-law.

Accepted 5/5/2008

ARTICLE XLII STRETCH ENERGY CODE

Section 1. Definitions

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8th edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

Section 2. Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for both new construction and existing buildings.

Section 3. Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable.

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

SECTION 1. To the extent that the provisions of this act modify or repeal existing General Laws and special acts or that body of law which constitutes the town charter under Section 9 or Article LXXXIX of the Amendments to the Constitution of the Commonwealth, this act shall govern. For the purposes of this act, all references to officers, employees or other personnel shall be read as applying equally to males and females regardless of the gender or pronoun used.

SECTION 2. The Board of Selectmen of the town of Holliston, by an affirmative vote of at least a majority of the full membership of the board shall appoint a Town Administrator for an indefinite term and shall fix the compensation for such person within the amount annually appropriated for that purpose. The position of Town Administrator shall not be subject to the by-laws of the town relative to personnel, nor shall it be included in any certification of any collective bargaining unit.

SECTION 3. The Town Administrator shall be appointed solely on the basis of executive and administrative qualifications and shall be a person of proven professional ability especially fitted by education, training and previous full-time paid experience in business or public administration to perform the duties of the office. The person shall not have served in an elective office in or for the town of Holliston for at least thirty-six months prior to his appointment. The person shall devote full time to the office and shall not hold any other public office, elective or appointive, nor shall engage in any other business, occupation, or profession during the term of office, unless such action is approved in advance, in writing, by the Board of Selectmen. The town may, from time to time, by by-law, establish such additional qualifications it seems necessary and appropriate. The Board of Selectmen may enter into a formal contract with the Town Administrator consistent with the provisions of this act which shall take precedence over any personnel by-laws. The Town Administrator shall be a citizen of the United States of America and need not be a resident of the town of Holliston. The Board of Selectmen shall evaluate annually the performance of the town administrator, based on mutually established predetermined goals, standards or criteria for performance and the evaluation shall, at least in summary form, be a public record.

SECTION 4. Before entering upon the duties of his office, the Town Administrator shall be sworn in the presence of a majority of the Selectmen, to the faithful and impartial performance thereof by the town clerk or a notary public. The Town Administrator shall execute a bond in favor of the town of Holliston for the faithful performance of his duties in such sum and with such surety or sureties as may be fixed by the selectmen. The cost of said bond shall be paid by the town.

SECTION 5. The Town Administrator shall appoint, based upon merit and fitness alone and remove subject to the provisions of the General Laws and town by-laws where applicable, the Treasurer/Collector, Accountant, Building Inspector and Senior Center Director. The Town Administrator shall approve, upon the recommendation of department heads under the jurisdiction of the Board of Selectmen, the appointment and removal of all employees and subordinates, subject to the provisions of the General Laws and town by-laws where applicable. Department heads shall select, on merit and fitness alone, all department employees for such recommendation. Appointments to permanent positions made by the Town Administrator shall become effective on the fifteenth day following the day notice of the appointment is filed with the Board of Selectmen, unless the Board of Selectmen shall, within that period, by a majority of all members, vote to reject any such appointment. The Town Administrator shall consider the recommendations of committees and

(i) The Town Administrator shall act as the Chief Procurement Officer and be responsible for the approval of the purchase of all supplies, materials, equipment and other services for all departments or agencies under the Selectman's jurisdiction, pursuant to the Uniform Procurement Act. He may make purchases for departments and activities not under his supervision upon and in accordance with a requisition duly signed by the head of any such department.

(j) The Town Administrator shall be responsible for the use, maintenance, repair and rental of all town facilities and equipment and property under the jurisdiction of the Board of Selectmen. He shall be responsible for the preparation of plans and the supervision of work on all construction, reconstruction, alterations, improvements and other undertakings authorized by the Selectmen.

(k) The Town Administrator may recommend to the Board of Selectmen, consistent with the provisions of this act and the General Laws, measures to reorganize, consolidate, create, divide or abolish boards, departments, agencies, committees, commissions or offices under the jurisdiction of the Board of Selectmen, in whole or in part; measures to establish such new boards, departments, agencies, committees, commissions or offices as he deems necessary; and for such purpose, measures to transfer the duties and powers of one board, department, agency, committee, commission or office to another.

(l) The Town Administrator shall develop and maintain a full and complete inventory of all town owned real and personal property.

(m) The Town Administrator shall see that all provisions of General Laws, by-laws, and other votes of the town meeting and votes of the Board of Selectmen which require enforcement, direction and supervision of the Town Administrator office are faithfully carried out and performed.

(n) The Town Administrator shall keep the Board of Selectmen fully advised as to the needs of the town and shall recommend to the Selectmen for adoption such measures requiring action by them or by the town as he may deem necessary or expedient. In addition, the Town Administrator shall have access to all town books, papers and documents for information necessary for the proper performance of his duties.

(o) The Town Administrator shall keep full and complete records of his office and shall render as often as may be required by the Board of Selectmen a full report of all operations during the period reported on.

(p) The Town Administrator shall attend all regular and special meetings of the Board of Selectmen, unless requested and allowed to be excused, and shall have a voice but not vote in all its discussions. Said administrator shall be accessible and available for consultation to the Board of Selectmen and shall make accessible and available to them all such data and records of his office as may be requested in connection with their official duties.

(q) The Town Administrator shall attend all sessions of the town meeting and shall be available to answer all questions concerning warrant articles which are directed to the office and relate to matters under the person's general supervision.

(r) The Town Administrator shall perform such other duties, consistent with his office, as may be required of him by the by-laws of the town, a majority vote of the Board of Selectmen or a vote of town meeting.

SECTION 7. Any vacancy in the office of Town Administrator shall be filled as soon as possible by the Board of Selectmen. Pending the appointment of a Town Administrator or the filling of any vacancy, the Board of Selectmen shall, within seven days, appoint a suitable person to perform the duties of the office.

SECTION 8. The Town Administrator may designate, subject to the approval of the Board of Selectmen, by letter filed with the Town Clerk, a qualified officer of the town to perform his duties during his temporary absence or disability. In the event of failure of the administrator to make such