**TOWN OF SAUGUS**

Essex, ss.

To the Constable of the Town of Saugus

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Saugus, qualified to vote in Town affairs for the Annual Town Meeting at the Saugus Town Hall located at 298 Central Street on May 7, 2018 at 7:30 PM to hear and act on the following articles: viz;

**Article 1.** To hear and act on reports of Committees.

**Article 2.** To see what sum of money the Town will vote to raise and appropriate for Town charges for the ensuing Fiscal Year 2019. (Town Manager)

**Article 3.** To see if the Town will vote to make supplementary appropriations to be used in conjunction with money appropriated under Article 2 of the 2017 Annual Town Meeting during the current fiscal year, and determine whether the money shall be provided by transfer from available funds; or to see what other action the Town wishes to take in the matter. (Town Manager)

**Article 4.** To see if the Town will vote to make supplementary appropriations to be used in conjunction with money appropriated under Article 6 of the 2017 Annual Town Meeting during the current fiscal year, and determine whether the money shall be provided by transfer from available funds; or to see what other action the Town wishes to take in the matter. (Town Manager)

**Article 5.** To see if the Town will vote to make supplementary appropriations to be used in conjunction with money appropriated under Article 7 of the 2017 Annual Town Meeting during the current fiscal year, and determine whether the money shall be provided by transfer from available funds; or to see what other action the Town wishes to take in the matter. (Town Manager)

**Article 6.** To see what sums of money the Town will vote to raise and appropriate for the Water Enterprise Fund for the ensuing Fiscal Year 2019. (Town Manager)

**Article 7.** To see what sums of money the Town will vote to raise and appropriate for the Sewer Enterprise Fund for the ensuing Fiscal Year 2019. (Town Manager)

**Article 8.** To see if the Town will vote to authorize an amount to be expended from each of the revolving funds listed below and authorized under the Town of Saugus Bylaws as amended April 9, 2018 as Section 405.00 Departmental Revolving Funds for the ensuing Fiscal Year 2019:

 Saugus Senior Center Programs and Activities

 Saugus Senior Center Lunch Program

 Water System Cross-Connection Program

 Town of Saugus Compost Program

 Youth & Recreation Programs and Activities

(Town Manager)

**Article 9.** To see if the Town will vote to raise and appropriate or transfer from available funds (FY 2019 Chapter 90 Highway) a sum of money for street resurfacing, handicapped ramps and sidewalks. Said sum will be reimbursed by the Commonwealth under the provisions of MGL chapter 90, Section 34. (Town Manager)

**Article 10.** To see if the Town will vote to increase water rates with all receipts to be held within the Water Enterprise Fund to be used exclusively for water expenses, water maintenance, water debt and interest and water improvement programs, or take any other action relating thereto. (Town Manager)

**Article 11.** To see if the Town will vote to authorize the Treasurer with the approval of the Board of Selectmen, to borrow a certain amount at 0% interest from the MWRA Local Pipeline Assistance Program for the purpose of designing and constructing improvements to water pipelines or to take any other action relative thereto. (Town Manager)

**Article 12.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be transferred to the Stabilization Fund. (Town Manager)

**Article 13.** To see if the Town will vote to appropriate a sum of money for construction and reconstruction of various streets and sidewalks, including the payment of costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto. (Town Manager)

**Article 14.** To see if the Town will vote to amend the zoning bylaws of the Town of Saugus by adding the following:

Amend **Article III – DEFINITIONS** to include, in the appropriate alphabetical order, the following:

**Marijuana Establishment:** A commercial marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of marijuana-related business, subject to regulation under G.L. 94G; provided, however, that a Registered Medical Marijuana Dispensary shall not be deemed to be a Marijuana Establishment

Amend **Article V – REGULATIONS**, adding the following:

**SECTION 5.8 – MARIJUANA ESTABLISHMENT**. The operation of any marijuana establishment, as defined in G.L. c. 94G, §1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other licensed marijuana-related business, is prohibited in all zoning districts of the Town. This prohibition shall not apply to the sale, distribution, or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012.

Amend **Article V – REGULATIONS Table of Use and Parking Regulations**, adding the following at the end of the section on Retail Services-Commercial:

12. Marijuana Establishment, as defined in G.L. c.94G, §1

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| R-1 | R-2 | R-3 | R-4 | B-1 | B-2 | B-3 | I-1 | I-2 | F.P. |
| -- | -- | -- | -- | -- | -- | -- | -- | -- | -- |

(Town Manager)

**Article 15.** To see if the Town will vote to amend the general bylaws of the Town of Saugus by adding the following section:

 **705.00 Stormwater**

**705.01 – General**

**SECTION 1 – Authority**

This By-Law is adopted by the Town under its home rule powers, its police powers to protect public health and welfare, and its specific authorization under M.G.L c. 40, Sections 21 and 21D, c. 83, Sections 1, 10, and 16, and pursuant to the regulations of the Federal Clean Water Act (40 CFR 122.34).

**SECTION 2 - Purpose, Objectives and Intent**

Regulation of discharges to the municipal storm drainage system is necessary for the protection of the Town’s waterbodies and groundwater, and to safeguard public health, safety, welfare, and environment. The purpose of this By-law is to improve and protect water quality, reduce erosion and sedimentation, promote environmentally sensitive site design practices, and ensure long term maintenance of stormwater controls. This By-law is required to meet all applicable federal and state requirements of the Town’s National Pollutant Discharge Elimination System Small Municipal Separate Storm Sewer Systems Permit, commonly known as the “NPDES MS4 permit”.

The purposes, objectives, and intent of this By-law are as follows:

A. To prevent pollutants from entering the Town’s Municipal Storm Drainage System and Waters of the Commonwealth of Massachusetts;

B. To establish an Authorized Enforcement Agency to promulgate, adopt, implement, enforce and amend stormwater regulations;

C. To prohibit non-stormwater and unauthorized discharges, connections and obstructions to the municipal storm drainage system;

D. To require the removal of all such illicit discharges, connections and/or obstructions;

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

F. To establish procedures to regulate construction and post-construction stormwater runoff management from new development and redevelopment; and

G. To establish legal authority to ensure compliance with the provisions of this By-law through inspection, monitoring, and enforcement.

**SECTION 3 - Definitions.**

AUTHORIZED ENFORCEMENT AGENCY - The Director of the Department of Public Works, its employees, officers, or agents are designated to enforce this By-law.

BY-LAW - Refers to Section 705.00, Stormwater By-law of the “Town of Saugus By-laws”.

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

DISCHARGE OF POLLUTANTS - The addition from any source of any pollutant or combination of pollutants into the municipal storm drainage system or into the waters of the United States or Commonwealth of Massachusetts from any source.

GROUNDWATER -Water beneath the surface of the ground.

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

ILLICIT DISCHARGE - Direct or indirect discharge to the municipal storm drainage system that is not composed entirely of stormwater, except as exempted in 705.02, Section 2 of this By-law. The term does not include a discharge in compliance with a NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit, or resulting from firefighting activities exempted pursuant to 705.02, Section 2 of this By-law.

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

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

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

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

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

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

POLLUTANT - Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth of Massachusetts. Pollutants shall include without limitation:

A. Paints, varnishes, and solvents;

B. Oil and other automotive fluids;

C. Non-hazardous liquid and solid wastes and yard wastes;

D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;

E. Pesticides, herbicides, and fertilizers;

F. Hazardous materials and wastes;

G. sewage, fecal coliform and pathogens;

H. Dissolved and particulate metals;

I. Animal wastes;

J. Rock, sand, salt, soils;

K. Construction wastes and residues; and

L. Noxious or offensive matter of any kind.

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

STORMWATER - Any water resulting from rainfall or other precipitation that runs off surfaces during or after a storm, including stormwater runoff, snowmelt runoff, and surface water runoff and drainage.

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

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

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

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

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

WETLANDS - Coastal and freshwater wetlands, including wet meadows, marshes, swamps, and bogs, as defined and determined pursuant to G.L. c. 131, § 40 and 310 CMR 10.00 et seq.

**SECTION 4 - Applicability.**

**A. Municipal Storm Drainage System and Waters of the Commonwealth of Massachusetts.**

1. This By-law shall apply to flows entering the Town’s Municipal Storm Drainage System and Waters of the Commonwealth of Massachusetts.

**B. Construction and Post-Construction Activities**

1. Any construction activity, including clearing, grading, and excavation that will disturb equal to or greater than one acre of land or will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land draining to the Town municipal separate drain system without a Stormwater Management Permit from the Enforcement Agency. After the initial common plan construction activity is completed for a particular parcel, any subsequent development or redevelopment of that parcel would be regarded as a new plan of development. For example, after a house is built and occupied, any future construction on that lot (e.g., reconstructing after fire, adding a pool or parking area, etc.), would stand alone as a new common plan for purposes of calculating acreage disturbed to determine if a Stormwater Management Permit is required. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or the original purpose of the site.

2. Exemptions.

a) Construction activities waived from permit coverage under the NPDES General Permit for Stormwater Discharges from Construction Activities.

b) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;

c) Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;

d) The construction of fencing that will not substantially alter existing terrain or drainage patterns;

e) Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;

f) Emergency work to protect life, limb, or property.

**SECTION 5 - Responsibility for Administration.**

The Authorized Enforcement Agency shall administer, implement and enforce this By-Law, and any rules and regulations adopted thereunder. Any powers granted to or duties imposed upon the Authorized Enforcement Agency may be delegated in writing by the Authorized Enforcement Agency to employees or agents of the Authorized Enforcement Agency.

**SECTION 6 - Regulations**.

The Authorized Enforcement Agency may adopt and periodically amend rules and regulations, not inconsistent, herewith, to effectuate the purposes of this By-law. Said regulations may include but shall not be limited to provisions regarding: administration; application requirements and fees; permitting procedures and requirements; design standards; surety requirements; inspection and site supervision requirements; waivers and exemptions; and enforcement procedures. Failure by the Authorized Enforcement Agency to promulgate such rules and regulations shall not have the effect of suspending or invalidating this By-law.

**SECTION 7 - Enforcement.**

The Authorized Enforcement Agency or appointed designee shall enforce this By-law and any regulations, orders, violation notices, enforcement orders, and permit conditions on behalf of the Town, and may pursue all civil and criminal remedies for such violations pursuant thereto.

1. Civil Relief. If a person violates the provisions of this By-law, regulations, permit, notice, or order issued there under, the Authorized Enforcement Agency may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
2. Orders.
3. The Authorized Enforcement Agency or an authorized agent of the Authorized Enforcement Agency may issue a written order to enforce the provisions of this By-law or the regulations there under, which may include:

a) Elimination of illicit connections or discharges to the municipal storm drainage system;

b) Performance of monitoring, analyses, and reporting;

c) That unlawful discharges, practices, or operations shall cease and desist; and

d) Remediation of contamination in connection therewith.

2. If the Authorized Enforcement Agency determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work.

C. Criminal Penalty. Any person who violates any provision of this By-law, regulation, order or permit issued there under, shall be punished by a fine of not more than $300 for each violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

D. Non-criminal Disposition. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the noncriminal disposition procedure. The penalty for the 1st violation shall be $100. The penalty for the 2nd violation shall be $200. The penalty for the 3rd and subsequent violations shall be $300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

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

F. Appeals. The decisions or orders of the Authorized Enforcement Agency shall be final. Further relief shall be to a court of competent jurisdiction.

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

**SECTION 8 - Severability.**

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

**SECTION 9 - Transitional provisions**.

Residential property owners shall have 90 days from the effective date of this By-law to comply with its provisions provided good cause is shown for the failure to comply with this By-law during that period.

**705.02 – Non-Stormwater Discharges, Connections and Obstructions**

**SECTION 1 - Prohibited Activities.**

A. Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal storm drainage system, into a watercourse, or into the waters of the Commonwealth of Massachusetts.

B. Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drainage system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

C. Obstruction of Municipal Storm Drainage System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drainage system without prior written approval from the Authorized Enforcement Agency.

**SECTION 2 - Exemptions.**

The following exemptions are applicable to 705.02, Section 1.

A. Discharge or flow resulting from firefighting activities.

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

1. Waterline flushing;

2. Flow from potable water sources;

3. Springs;

4. Natural flow from riparian habitats and wetlands;

5. Diverted stream flow;

6. Rising groundwater;

7. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;

8. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;

9. Discharge from landscape irrigation or lawn watering;

10. Water from individual residential car washing;

11. Discharge from dechlorinated swimming pool water (less than one ppm chlorine) with written authorization to discharge received from the Authorized Enforcement Agency, provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;

12. Street wash water by methods approved by Town;

13. Dye testing, provided verbal notification is given to the Authorized Enforcement Agency prior to the time of the test;

14. Non-stormwater discharge permitted under a NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and

15. Discharge for which advanced written approval is received from the Authorized Enforcement Agency as necessary to protect public health, safety, welfare or the environment.

**SECTION 3 - Emergency Suspension of Municipal Storm Drainage System Access.**

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

**SECTION 4 - Notification of spills.**

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

**705.03 – Construction and Post Construction Stormwater Management of New Developments and Redevelopments.**

**SECTION 1 – Permit Required**

A. No person may undertake a construction activity, including clearing, grading, and excavation that results in a land disturbance that will disturb equal to or greater than one acre of land or will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land in the Town of Saugus without a Stormwater Management Permit from the Enforcement Agency pursuant to this By-law and regulations promulgated hereunder.

B. Exemptions.

1. Construction activities waived from permit coverage under the NPDES General Permit for Stormwater Discharges from Construction Activities.

2. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;

3. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;

4. The construction of fencing that will not substantially alter existing terrain or drainage patterns;

5. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;

6. Emergency work to protect life, limb, or property.

**SECTION 2 – Permits and procedures.**

Permits and Procedures shall be defined and included as part of any rules and regulations promulgated under this By-law.

**SECTION 3 – Fee structure.**

The Enforcement Agency shall establish and may periodically amend a schedule of fees under this Bylaw. The Enforcement Agency shall obtain with each submission an Application and Review Fee and an Inspection Fee fixed by the Enforcement Agency to cover expenses connected with the application review of the Stormwater Management Permit and to cover DPW costs in ensuring adherence to the applicant’s permit conditions. Authority for the Enforcement Agency is granted pursuant to MGL c.40, § 22F. The Applicant must hire a Registered Professional Engineer (P.E.) in the Commonwealth of Massachusetts to certify that the plans are in accordance with the Town’s standards. The Enforcement Agency is authorized to retain professional consultation at the applicant’s expense from applicable Town Departments or a third party professional consultant for expert engineering or other services to advise the Enforcement Agency on any or all aspects of the applicant’s permit.

**SECTION 4 – Waivers.**

A. The Enforcement Agency may waive strict compliance with any requirement of this By-law or the rules and regulations promulgated hereunder, where:

 1. Such action is allowed by federal, state and local statutes and/or regulations,

2. Is in the public interest, and

3. Is not inconsistent with the purpose and intent of this By-law.

B. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of this By-law does not further the purposes or objectives of this By-law.

C. All waiver requests shall be reviewed by the Enforcement Agency and if necessary, discussed with other Town departments.

D. If in the Enforcement Agency's opinion, additional time or information is required for review of a waiver request, the Enforcement Agency may continue a hearing to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied. (Town Manager)

**Article 16.** To see if the Town will vote to amend the Town’s Zoning Map and Zoning By-Law by rezoning lots A-10 to A-41 inclusive, Lot A-248 to A-250 inclusive, on Assessors Plan 2029 and Lots A-105 and A-110 on Assessors Plan 2028 from (R-1) single family residential to (BHSD) Business Highway sustainable development zoning district. The properties are located between and including 42 to 61 Eagle Road. (Richard Magnan)