

WARRANT FOR THE ANNUAL TOWN MEETING
May 15, 2023
SALISBURY ELEMENTARY SCHOOL

To: Jeremy Kelley, Constable of Salisbury

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the Town of Salisbury who are legally qualified to vote in Town affairs, to meet in the Hilton Senior Center/Council on Aging on Lafayette Road on the 9th of May, 2023, from 10:00 AM until 8:00 PM to act on Article One of this Warrant, and also to meet in the Salisbury Elementary School, 100 Lafayette Road, Salisbury, Massachusetts, on Monday, May 15, 2023, at 7:30 PM., to then and there act on the remaining Articles in this Warrant.

ARTICLE ONE

Election of Officers – Tuesday, May 9, 2023

One Selectman (three-year terms)

One Triton Regional School Committee Member from Salisbury (Three-year term)

One Triton Regional School Committee Member from Newbury (Three-year term)

One Triton Regional School Committee Member from Rowley (Three-year term)

QUESTION ONE:

Shall this Town approve the charter amendment proposed by Town Meeting summarized below?

Summary: At the October 24, 2022 Town Meeting, Town Meeting voted to approve a citizens' petition seeking to amend Section 3-2 C. of the Salisbury Home Rule Charter to authorize the Board of Selectmen, rather than the Town Manager, to appoint members of the Conservation Commission. A "Yes" vote will amend the Charter by making the Board of Selectmen the appointing authority for the Conservation Commission. A "No" vote will result in no change to the Charter, and the Town Manager will remain the appointing authority for the Conservation Commission.

ARTICLE TWO

To hear reports of the Boards, Committees and Commissions as may be presented.

ARTICLE THREE

To hear the report of the Warrant Advisory Committee and to raise and appropriate \$33,359,540.00 to fund the FY2024 annual operating budget of the Town, which includes \$15,275,658.00 to pay the Town's anticipated share of the Triton Regional School District's operating budget for FY2024, calculated in accordance with Mass. General Law Chapter 70, Section 6, and in accordance with the attached departmental breakdown of the budget; to appropriate \$3,315,000.00 to fund the FY2024 Sewer Enterprise Fund budget; to appropriate \$2,935,000.00 to fund the FY2024 Water Enterprise Fund budget; to transfer the sums of \$456,683.00 from the FY2024 Sewer Enterprise Fund budget and \$434,284.00 from the FY2024 Water Enterprise Fund budget to the General Fund; and to transfer the sums of \$25,000.00 from the Municipal Waterways Improvement and Maintenance Fund and \$65,759.00 from the Waterways Permit Fees Fund to the General Fund; and to transfer \$30,000.00 from the Conservation Commission Revolving Fund to the General Fund to fund a portion of the FY2024 salary and benefits of the Town's Conservation Agent; and to transfer \$15,000.00 from the Health Department Revolving Fund to the General Fund to fund a portion of FY2024 Health Department regulation enforcement costs; and to transfer \$13,500.00 from the Recycle Center Revolving Fund to the General Fund to fund a portion of the FY2024 Recycle Center's operational and maintenance costs; or to take any other action relative thereto.

ARTICLE FOUR

To see if the Town will vote to transfer the sum of \$350,000.00 from Sewer Enterprise Fund Retained Earnings to FY2024 Sewer Enterprise Fund budget line item number 6000.0440.5910 (Long-Term Debt Principal) and \$192,500.00 from Sewer Enterprise Fund Retained Earnings to FY2024 Sewer Enterprise Fund budget line item 6000.0440.5915 (Long-Term Debt Interest) for the purpose of paying the year four debt service costs for Lafayette Road Sewer Construction general obligation bonds issued on September 10, 2020; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

ARTICLE FIVE

To see if the Town will vote to transfer the sum of \$320,000.00 from Sewer Enterprise Fund Retained Earnings to FY2024 Sewer Enterprise Fund budget line item number 6000.0440.5925 (Short-Term Debt Interest) for the purpose of paying debt service costs for Lafayette Road Sewer Construction general obligation bond anticipation notes maturing on September 8, 2023; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

ARTICLE SIX

To see if the Town will vote to transfer the total sum of \$155,000.00 from the Ring's Island Water Main Replacement special revenue fund as follows: \$100,000.00 to FY2024 Water Enterprise Fund budget line item number 7000.0450.5910 (Long-Term Debt Principal) and \$55,000.00 to FY2024 Water Enterprise Fund budget line item 7000.0450.5915

(Long-Term Debt Interest) for the purpose of paying the year four debt service costs for Bridge Road Water Main general obligation bonds issued on September 10, 2020; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

ARTICLE SEVEN

To see if the Town will vote to transfer the total sum of \$67,000.00 from the Ring's Island Water Main Replacement special revenue fund to FY2024 Water Enterprise Fund budget line item number 7000.0450.5920 (Short-Term Debt Principal Paydown) and \$40,000.00 to FY2024 Water Enterprise Fund budget line item number 7000.0450.5925 (Short-Term Debt Interest) for the purpose of paying debt service costs for Bridge Road Water Main general obligation bond anticipation notes maturing September 8, 2023; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

ARTICLE EIGHT

To see if the Town will vote, pursuant to the provisions of G.L. c. 40, §5B, to create a new special purpose stabilization fund, to be known as the Opioid Remediation Stabilization Fund, which may be expended for all of the purposes allowed by law, including those outlined in applicable opioid litigation settlement documents, a document prepared by the Substance Abuse Bureau of the Commonwealth, Office of Health and Human Services Department, found at <https://mass.gov/doc/massachusetts-abatement-terms/download> entitled "Abatement Strategies", and consistent with any state guidelines or regulations further clarifying allowable uses of opioid litigation settlement funds; further, to adopt the last paragraph of said §5B and dedicate to such fund, without further appropriation, 100% of the opioid litigation settlement funds received by the Town; and, further, to transfer the sum of \$14,118.22 from Free Cash to said fund; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

ARTICLE NINE

To see if the Town will vote to amend the General Bylaws of the Town by adding a new Chapter 168, Parks and Recreation Commission, as outlined below, or to take any other action relative thereto:

Chapter 168. Parks and Recreation Commission

Section 1. Establishment; composition

- a. There is hereby established a Parks and Recreation Commission. Such Commission shall consist of five members, who shall be residents of the Town, and who shall serve without compensation.

Section 2. Appointment; term; officers; filling of vacancies; removal of members

- a. The members of the Commission shall be appointed by the Town Moderator in accordance with the provisions of Section 3-3(c) of the Town Charter. Members shall be appointed for initial terms as follows: one Member for one year; one Member for two years; one Member for three years; one Member for four years; and one Member for five years. At the expiration of the initial term, Members shall be appointed for five-year terms, to commence on July 1 and end on June 30.
- b. The Commission shall annually organize by electing one their members as chairperson, one as vice-chairperson, and one as secretary.
- c. A vacancy in the Commission shall be filled in like manner for the remainder of the unexpired term.
- d. A member of the Commission may be removed in accordance with the provisions of Section 7-10 of the Town Charter.

Section 3. Powers, duties and responsibilities generally

- a. The Commission shall act as the Board of Park Commissioners for the Town and shall have all the powers and duties that are conferred on such boards by law.
- b. The Commission shall be charged with the control, management and operation of the Town's public parks and recreation areas and facilities, and shall work in conjunction with the Department of Public Works to ensure that the Town's playgrounds, ballfields, indoor and outdoor recreation areas, and the Town Common are properly maintained and preserved for appropriate use by the public.

Section 4. Acquisition and management of playgrounds

- a. The Commission may acquire land within the Town, in fee or otherwise, by gift, purchase, or by the right of eminent domain, or may lease the land and prepare, equip and maintain it or any other land belonging to the Town and suitable for the purpose, as a public playground.

Section 5. Adoption of rules, policies and regulations

- a. The Commission shall have the power to adopt rules, policies and regulations for the proper conduct of public park and recreation activities, areas and facilities in the Town.

Section 6. Annual report

- a. The Commission shall, within 30 days of the end of each fiscal year, file an annual report with the Town Manager.

Section 7. Solicitation, receipt of gifts

- a. The Commission may solicit or receive any gifts or bequests of money or other personal property or any donation to be applied, principal or income, for temporary or permanent use for parks and recreation purposes.

Section 8. Permits and fees

- a. The Commission shall have the sole authority to issue permits for activities on any land designated for parks and recreational use, including the Town Common,

- requiring a separate permit for each activity taking place, and may delegate such authority to the Director of the Department of Public Works in their sole discretion.
- b. The Commission may charge a fee for the use of public parks and recreational space for private functions, according to a schedule of fees to be adopted and reviewed annually.
 - c. All fees received by the Commission shall be deposited into the Parks and Recreation Revolving Fund and shall only be dispensed in accordance with a vote of the Commission, unless the Commission designates an individual, such as the Recreation and Community Events Director, to expend monies from said Fund.

Section 9. Prohibited activities

- a. The following activities are strictly prohibited on parks and property reserved for recreational purposes:
 - (1) Destruction, defacement, removal, or disturbance of any sign, equipment, monument, marker, or planting
 - (2) Distribution or display of commercial advertising, soliciting of business, or any other commercial transaction, except in connection with sponsorship of a sports team or league, or in connection with a permitted event
 - (3) Operation of any device in violation of Section 170-4 of the Town's General Bylaws (Noise bylaw)
 - (4) Disorderly conduct
 - (5) Use of metal-detecting devices
 - (6) Non-permitted vehicles
 - (7) Mechanical rides or amusements, unless specifically permitted by the Commission
 - (8) Digging or disturbing the soil
 - (9) Drinking alcoholic beverages, except in connection with a permitted event
 - (10) Climbing on trees and fences
 - (11) Playing basketball, other sports activities and games between 10:00 PM and 8:00 AM, except in connection with a permitted event
 - (12) Using grills or making fires, except in connection with a permitted event
 - (13) Loitering, as defined by state law
 - (14) Smoking within 50 feet of the perimeter of any play structure, playground, basketball court, ballfield, or other organized use of property reserved for parks and recreational use.
- b. Penalties and enforcement
The Commission, Police Department and their designees are authorized to enforce this Bylaw. Violations of this Bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaints pursuant to G.L. c. 40, §21, or by noncriminal disposition pursuant to G.L. c. 40, §21D and Section 1-6 of the Town's General Bylaws. Violations of this Bylaw shall be subject to a fine of \$50.00. The Commission or their designee may also revoke any permit issued by the Commission following a violation of this Bylaw.

ON PETITION OF THE TOWN MANAGER

ARTICLE TEN

To see if the Town will vote to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$400,000.00 in accordance with General Laws Chapter 44, Section 7 or any other enabling authority, for the purpose of funding engineering, permitting, construction and utility relocation costs, including all incidental and related costs, for the replacement of a culvert and bridge on Gerrish Road; and further to authorize the Board of Selectmen to apply for, accept and expend any grants available for said purposes; and further to authorize the Board of Selectmen to execute any instruments and take any other action necessary to effectuate the vote taken hereunder; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

ARTICLE ELEVEN

To see if the Town will vote to amend the Town's Zoning Bylaw by deleting the existing Article XXII, being Sections 300-144 through 300-147 in its entirety and inserting the following, or to take any other action relative thereto:

ARTICLE XXII

Ground-Mounted Solar Photovoltaic Installations Zoning Bylaw

§300-144. Purpose

The purpose of this bylaw is to promote the creation of new ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety and minimize impacts on scenic, natural and historic resources.

The provisions set forth in this section shall apply to the construction, operation, modification and/or removal of ground-mounted solar photovoltaic installations.

§300-144.1. Applicability

This section applies to ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

§300-145. Definitions

PHOTOVOLTAIC BUFFER STRIP:

A strip of land between the solar photovoltaic arrays, and any structures accessor thereto, and the boundary of the parcel, reserved for plant material, berms, walls, or fencing to serve as a visual barrier. This visual barrier is only to block views from the ground level.

PHOTOVOLTAIC PLANT MATERIAL:

Trees or shrubs of a type and height that sufficiently screen the arrays without blocking necessary sun that would hinder the product performance, including ground cover that would screen the lower portion of the arrays.

ROOF-MOUNTED SOLAR ENERGY INSTALLATION:

Solar photovoltaic arrays placed on the roof of residences/carport, or commercial, industrial or institutional buildings and Town-owned municipal buildings.

SMALL-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION:

A solar photovoltaic system that is structurally mounted on the ground that occupies 2,100 square feet or less of surface area of solar panels.

MEDIUM-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION:

A solar photovoltaic system that is structurally mounted on the ground that occupies more than 2,100 square feet but less than 32,000 square feet of surface area of solar panels.

LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION:

A solar photovoltaic system that is structurally mounted on the ground that occupies 32,000 square feet or more of surface area of solar panels.

ON-SITE SOLAR PHOTOVOLTAIC INSTALLATION:

A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

SOLAR PHOTOVOLTAIC ARRAY:

An arrangement of solar photovoltaic panels

<p>§300-146. General Requirements for all Solar Photovoltaic Generation Installations</p>
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The following requirements are common to all ground-mounted solar photovoltaic installations to be sited in designated locations.

§300-146.1. Compliance with Laws, Ordinances and Regulations

The construction and operation of all ground-mounted solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a ground mounted solar photovoltaic installation shall be constructed in accordance with the State Building Code.

§300-146.2. Permitting Process

§300-146.2. (A) Small-Scale Ground-Mounted Solar Photovoltaic Installations

A. Building Permit and Inspection

No small-scale ground-mounted solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

B. Fees

The application for a building permit for a solar photovoltaic installation must be accompanied by the fee required for a building permit.

C. Permitting

Small-scale ground-mounted solar photovoltaic installations require only a building permit, except that a small-scale ground-mounted solar photovoltaic installation 15 feet in height or greater, at its maximum extension, shall require a height variance from the Zoning Board of Appeals. All data listed in §300-146.2(A)(D) shall be submitted to the Building Commissioner. All other necessary permits shall be obtained before a building permit is issued.

D. Required Documents

The following items from §300-147.1 are required to be submitted to the Building Commissioner with the building permit application:

- A. Site Plan
- B. Landscape Plan (Not necessary if only fencing will be used as a visual buffer)

E. As-built Plans

As-built plans shall be submitted prior to final inspection to the Building Commissioner and copied to the Planning Board.

§300-146.2. (B) Large-Scale & Medium-Scale Ground-Mounted Solar Photovoltaic Installations

A. Building Permit and Building Inspection

No large-scale or medium-scale ground-mounted solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit and site plan review approval.

B. Fees

The application for a building permit for a solar photovoltaic installation must be accompanied by the fee required for a building permit.

C. Site Plan Review

Large-scale, medium-scale, and onsite ground mounted solar photovoltaic installations with more than 2,100 square feet in size shall undergo site plan review by the Planning Board prior to construction, installation or modification as provided in this section. A large-scale or medium-scale solar photovoltaic installation shall

require site plan review as a major project under Article XVIII. The site plan review application shall be filed in accordance with Article XVIII.

The applicant shall demonstrate to the Planning Board's satisfaction that the following design process was followed in determining the layout of a proposed large-scale or medium-scale solar photovoltaic installation:

- (1) Understanding the development site. The first step is to inventory existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to determine the connection of these important features to each other.
- (2) Evaluating site context. The second step is to evaluate the site in its larger context by identifying physical (e.g., stream corridors, wetlands), transportation (e.g. road and bicycle networks), and cultural (e.g., recreational opportunities) connections to surrounding land uses and activities.

§300-147. Submission Requirements

§300-147.1. Required Documents All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

A. Pursuant to the site plan review process, the project proponent shall provide the following documents:

(a) A site plan showing:

- i. Property lines and physical features, including roads, for the project site;
- ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures;
- iii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures or vegetation;
- iv. One- or three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
- v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
- vi. Name, address, and contact information for proposed system installer;
- vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- viii. The name, contact information and signature of any agents representing the project proponent; and

(b) Sun and shadow diagrams specific to the proposed installation to determine the solar access.

- (c) Documentation of actual or prospective access and control of the project site (see also §300-147.2);
- (d) An operation and maintenance plan (see also §300-147.3);
- (e) Landscape plan (see also Section §300-147.7.B)
- (f) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
- (g) Proof of liability insurance; and
- (h) Description of financial surety that satisfies §300-147.8.C.3
- (i) And all other documents required in §465 Article III Site Plan Review Requirements

The Planning Board may waive documentary requirements as it deems appropriate.

§300-147.2. Site Control

The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed any ground mounted solar photovoltaic installation.

§300-147.3. Operation & Maintenance Plan

The project proponent shall submit a plan for the operation and maintenance of the large- scale & medium-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operation and maintenance of the installation.

§300-147.4. Utility Notification

No large-scale ground mounted solar photovoltaic installation shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

§300-147.5. Dimension and Density Requirements

A. Small-Scale Ground-Mounted Setbacks

The purpose of setbacks is to mitigate adverse impacts on abutting properties. For small-scale, ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

- a. Front yard setbacks for small-scale ground-mounted photovoltaic installation shall have a front lot setback no closer than the existing foundation of the principal structure to the front property line, except

when the existing foundation of the primary structure is more than 125 feet from the front property line the setback should be 50 feet.

- b. Side yard and rear yard setbacks for small-scale ground-mounted photovoltaic installation shall meet the side yard and rear yard setback as set forth in the Town of Salisbury Dimension Control Table.
- c. Every abutting property shall be visually screened by a buffer strip from the project through any one or combination of the following location, distance, plantings, existing vegetation and fencing (not to exceed 8 feet).

B. Large-Scale or Medium Scale Ground-Mounted Setbacks

The purpose of setbacks is to mitigate adverse impacts on abutting properties. For large-scale and medium-scale, ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

- a. Minimum of 50 feet
- b. Every abutting property shall be visually screened by a buffer strip from the project through any one or combination of the following location, distance, plantings, existing vegetation and fencing (not to exceed 8 feet)

C. Appurtenant Structures

All appurtenant structures to large-scale, medium-scale, and onsite ground-mounted solar photovoltaic installations shall be sited on the property in the manner and location approved by the Planning Board during the Site Plan Review Process based on consideration of the following criteria: safety, access, buffering from abutting properties, minimal site disturbance, the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations and onsite battery storage, shall be architecturally compatible with each other to the extent feasible. Whenever reasonable, structures should be shielded from view by existing vegetation or plantings and/or joined or clustered to avoid adverse visual impacts.

D. Frontage

The Planning Board may grant a waiver from the frontage requirements of the underlying zoning district for large-scale & medium scale photovoltaic installations if the applicant can demonstrate:

- a. That failing to do so would render the siting of the large-scale & medium-scale solar ground-mounted photovoltaic installation unfeasible; and
- b. That such waiver will not impede access or egress for maintenance personnel or emergency responders.

§300-147.6. Design Standards

A. Lighting

Lighting of any ground-mounted solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

B. Signage

Signs on ground-mounted solar photovoltaic installations shall comply with the town's sign bylaw. A sign consistent with the town's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number.

Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the installation.

C. Utility Connections

Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

§300-147.7. Safety and Environmental Standards

A. Emergency Services Plan

Prior to issuance of a building permit, the large-scale and medium-scale solar photovoltaic installation owner or operator shall provide a plan including but not limited to the project summary, electrical schematic, and site plan to the town's local safety officials including the Police Chief, Fire Chief and Building Inspector. Upon request the owner or operator shall cooperate with local safety officials in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

B. Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the ground-mounted solar photovoltaic installation and per practices of best management of natural areas or good husbandry of the land or forest otherwise prescribed by applicable laws, regulations, and bylaws.

Applicant shall submit a landscape plan detailing all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting and screening vegetation or structures. Lighting shall be designed to minimize glare on abutting properties and be directed downward with full cut-off fixtures to reduce light pollution.

§300-147.8. Monitoring and Maintenance

A. Solar Photovoltaic Installation Conditions

The ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

B. Modifications

All material modifications to a large-scale or medium-scale ground-mounted solar photovoltaic installation made after issuance of the required building permit shall require approval by the Planning Board through site plan review.

C. Abandonment or Decommissioning

1. Removal Requirements

Any ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with the Abandonment section of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations. Verification of proper disposal shall be submitted to the Board of Health and Building Department.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

2. Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than two year without the written consent of the Planning Board. If the owner or operator of the ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation, but is not required to do so.

3. Financial Surety

Proponents of large-scale, medium-scale, and on site ground mounted solar photovoltaic installations shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125% of the cost of removal and compliance with the additional requirements set forth herein, as mutually agreed upon between the town and the project proponent. Such surety will not be required for municipally or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

§300-148. Severability

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

ON PETITION OF THE TOWN MANAGER

ARTICLE TWELVE

To see if the Town will amend its General Bylaws by adding new Chapter 78, Erosion and Stormwater Control, as follows, or to take any other action relative thereto:

Chapter 78

EROSION AND STORMWATER CONTROL

§ 78-1. Purpose.

- A. The purpose of this chapter is to protect, maintain and enhance the public health, safety, environment and general welfare of the Town by establishing minimum requirements and procedures to control the adverse effects of soil erosion and sedimentation, construction site runoff, increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public,

protect water and aquatic resources, protect and enhance wildlife habitat, and promote groundwater recharge to protect surface and groundwater drinking supplies. This chapter seeks to meet that purpose through the following objectives:

- (1) Establish a mechanism by which the municipality can monitor and ensure compliance with requirements of its National Pollutant Discharge Elimination System (NPDES) MS4 General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems and other applicable state and federal mandates.
- (2) Establish decision making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources.
- (3) Require that new development, redevelopment and other land alteration activities maintain the after-development runoff characteristics as equal to or less than the pre-development runoff characteristics, where appropriate, in order to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats.
- (4) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality; establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land conversion activities from damages due to alterations in volume, velocity, frequency, duration, and peak flow rate of stormwater runoff; establish minimum design criteria for measures to eliminate or minimize to the extent feasible nonpoint source pollution from stormwater runoff which would otherwise degrade water quality.
- (5) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet or exceed the minimum post-development stormwater management standards.
- (6) Require, when feasible, the use of nonstructural stormwater management, better site design practices or "low-impact development practices," such as reducing impervious cover, minimizing the area of disturbance, increasing site-wide infiltration, and preserving open space and other natural areas, to the maximum extent practicable.
- (7) Promote water conservation through the re-use of stormwater for irrigation.
- (8) Establish provisions that require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities.
- (9) Establish provisions to ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are

incorporated into the site planning and design process and are implemented and maintained.

- (10) Establish provisions for the long-term responsibility for and maintenance and operation of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety or the environment.
 - (11) Establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this chapter.
 - (12) Establish administrative procedures for the submission, review, approval or disapproval of stormwater management plans, erosion and sediment controls, and for the inspection of approved active projects, and long-term follow up; establish certain administrative procedures and fees for the submission, review, approval, or disapproval of stormwater plans, inspection of construction sites, and the inspection of approved projects.
 - (13) Ensure that construction and waste materials, toxic materials, hazardous materials, hazardous wastes and other pollutants used and stored on site are prevented from mixing with stormwater runoff, which would degrade water quality.
 - (14) Establish the Town of Salisbury's legal authority and capacity to ensure compliance with the provisions of this chapter through funding, permitting, inspection, monitoring, and enforcement.
 - (15) Establish a permit mechanism and associated fees for activities covered under this chapter.
- B. Nothing in this Bylaw is intended to replace or supersede the requirements of the Town of Salisbury Zoning Bylaw, the Massachusetts Wetlands Protection Act, and/or any other bylaw that may be adopted by the Town of Salisbury, and/or any rules and regulations adopted thereunder.

§ 78-2. Definitions.

The following definitions shall apply in the interpretation and implementation of this chapter. Additional definitions may be adopted by separate regulation.

ALTER — Any activity that will measurably change the ability of a ground surface area to absorb water, will change existing surface drainage patterns, or will increase or decrease the rate or volume of flow from a site.

BEST MANAGEMENT PRACTICE (BMP) — Structural, nonstructural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce

point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. "Structural" BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. "Nonstructural" BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

BETTER SITE DESIGN — Site design approaches and techniques, including low-impact development (LID) that can reduce a site's impact on the watershed through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and green space, reducing impervious cover, using natural features for stormwater management, and providing site-wide infiltration.

COMMON PLAN OF DEVELOPMENT OR SALE - One plan for development or sale, separate parts of which are related by any announcement, piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, plat, blueprint, contract, permit application, zoning request, computer design, etc.), physical demarcation (including contracts) that identify the scope of the project. A plan may still be a common plan of development or sale even if it is taking place in separate stages or phases, is planned in combination with other construction activities, or is implemented by different owners or operators.

DEVELOPMENT — Any construction that disturbs or alters a parcel of land.

DISTURBANCE OF LAND — Any action causing removal of vegetation or a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

INFILTRATION — The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

ILLICIT CONNECTION — A surface or subsurface drain or conveyance which allows an illicit discharge into the Salisbury storm drain system regardless of whether said connection was previously allowed, permitted or applied for before the effective date of this Bylaw.

ILLICIT DISCHARGE — Direct or indirect discharge to the Salisbury storm drain system that is not composed entirely of stormwater, including and without limitation, sewage, processed stormwater or wash water, except as exempted in 57-7 of this Bylaw or in implementing regulations.

LOW-IMPACT DEVELOPMENT (LID) — An ecosystem-based approach to land development and stormwater management that ensures that each development site is designed to protect, or restore, the natural hydrology of the site.

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS — The latest version, as may be amended from time to time, of the Stormwater Management Standards and accompanying Stormwater Handbook issued by the Department of Environmental Protection pursuant to authority under the Wetlands Protection Act, MGL c. 131, § 40, and the Massachusetts Clean Waters Act, MGL c. 21, §§ 26 through 53. The Stormwater Management Standards are incorporated in the Wetlands

Protection Act Regulations, 310 CMR 10.05(6)(k), and the Water Quality Certification Regulations, 314 CMR 9.06(6)(a).

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

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

NORMAL MAINTENANCE — Activities that are regularly scheduled to maintain the health and condition of a landscaped area. Examples include removal of weeds or invasive species, pruning, mowing, raking, and other activities that are done at regular intervals within the course of a year.

PERMIT GRANTING AUTHORITY ("PGA") — The Conservation Commission or its agents designated to administer and enforce this chapter.

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

PRE-DEVELOPMENT — The conditions that exist prior to the proposed disturbance activity. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

RECHARGE — The replenishment of underground water reserves.

REDEVELOPMENT — Any construction, alteration, improvement, repaving, or resurfacing on a previously developed site. Redevelopment includes maintenance and improvement of existing roadways including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems and repaving; and remedial projects specifically designed to provide improved stormwater management such as stormwater retrofit projects

RUNOFF — Rainfall or snowmelt water flowing over the ground surface or other source which may result in transport of pollutants.

SITE — The entire parcel of land being developed.

STOCKPILING — The storage of material for future use, excluding the storage of materials 10 cubic yards or less secured and utilizing erosion controls to prevent erosion of material.

STORMWATER MANAGEMENT — The use of structural or nonstructural practices that are designed to control or treat stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates. Stormwater management includes the use of low-impact development (LID) management practices.

STORMWATER MANAGEMENT PERMIT (SMP) — A permit issued by the Conservation Commission in its capacity as the PGA, after review of an application, plans, calculations, and other supporting documents, which are designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

§ 78-3. Legislative authority.

This chapter is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34., and as authorized by the residents of the Town of Salisbury at Town Meeting dated May 15, 2023.

§ 78-4. Applicability.

A. This chapter shall be applicable to all new development and redevelopment, land disturbance and any other activity that will result in an increased amount of stormwater runoff or pollutants flowing from a parcel of land that exceed any of the stormwater management permit thresholds in § 78-4B, unless exempt pursuant to § 78-5 of this chapter. This chapter shall apply to land or parcels of land that are held in common ownership (including ownership by related or jointly controlled persons or entities) or part of a common plan of development as of the effective date of this chapter, if the total land-disturbing activities on said land or parcels, considered as a whole, would presently or ultimately exceed the minimum thresholds in § 78-4B and are not exempted by § 78-5. A development shall not be segmented or phased in a manner to avoid compliance with this chapter.

B. Stormwater management permit thresholds.

A minor stormwater management permit shall be required for any of the following, except for an activity exempt per § 78-6:

(1) **Administrative permit:**

- (a) The creation of new impervious area, or expansion of existing impervious area, greater than 200 square feet and less than 2,500 square feet.
- (b) Disturbance of land exceeding 1,000 square feet in area and not exceeding 5,000 square feet or 10% of a parcel, whichever is less.
- (c) Stockpiling of material 10 cubic yards or more

A major stormwater management permit shall be required for any of the following, except for an activity exempt per § 78-6:

(2) **Major permit:**

- (a) Any land disturbance exceeding an area of 5,000 square feet or more than 20% of a parcel or lot, whichever is less.
- (b) Any activity that will disturb land with a 10% or greater slope or where an area is proposed to have a 10% or greater finished slope, and where the land disturbance is greater than or equal to 2,500 square feet within the sloped area.
- (c) Creation of new impervious surface area, or expansion of existing impervious area, greater than 2,500 square feet.
- (d) The addition or on-site redistribution of more than 100 cubic yards of earth materials, including, but not limited to, sand, gravel, stone, soil, loam, clay, sod, fill and mineral products.

§ 78-5. Prohibited Activities & Allowable Non-Stormwater Discharges.

A. Prohibited Activities: The following activities are prohibited under this Bylaw:

- 1. Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the MS4, into a watercourse, or into the waters of the Commonwealth.
- 2. Illicit Connections. No person shall construct, use, allow maintain or continue any illicit connection to the Municipal Storm Drain System, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- 3. Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Highway Department.

B. Allowable Non-Stormwater Discharges: The following activities are allowed without the need for consultation with the Conservation Commission:

- 1. Discharge or flow resulting from firefighting activities.
- 2. Waterline flushing.
- 3. Flow from potable water sources.
- 4. Springs.
- 5. Natural flow from riparian habitats and wetlands.

6. Diverted stream flow.
7. Rising groundwater.
8. Uncontaminated groundwater infiltration as defined in CFR 35.2005(20), or uncontaminated pumped groundwater.
9. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation.
10. Discharge from landscape irrigation or lawn watering.
11. Water from individual residential car washing.
12. Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand one week prior to draining and the pool is drained in such a way as not to cause a nuisance.
13. Discharge from street sweeping.
14. Dye testing provided verbal notification is given to the Highway Department or Board of Health prior to the time of the test 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, 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 Highway Department as necessary to protect public health, safety, welfare or the environment.

§ 78-6. Exemptions.

Exemptions from this chapter apply to the following activities, provided that a project is solely comprised of any one of these activities:

- A. As authorized in the NPDES general permit for stormwater discharges for small MS4s for Massachusetts, an activity that is wholly subject to jurisdiction under the Wetlands Protection Act and demonstrates compliance with Massachusetts stormwater standards as reflected in an issued order of conditions, provided that the activity also demonstrates compliance with any additional performance standards contained in the regulations promulgated to implement this chapter.
- B. Construction of any single-family or duplex dwelling on a parcel under 1 acre.
- C. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulations at 310 CMR 10.04 ("Agricultural").

- D. Normal maintenance of Town-owned public land, ways and appurtenances.
- E. Repair, replacement, or reconstruction of an existing driveway, provided that erosion control measures are utilized to prevent runoff and sediment from entering a traveled way or adjacent properties.
- F. Any work or projects for which all necessary approvals and permits were issued before the effective date of this chapter.
- G. Normal maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling, provided erosion control measures are utilized to prevent runoff and sediment from entering a traveled way or adjacent properties.
- H. Construction of any fence that will not alter existing terrain or drainage patterns.
- I. Repair or replacement of septic systems or wells when approved by the Board of Health for the protection of public health on lots having an existing dwelling, provided that the Board of Health determines:
 - (1) There is minimal grading as defined in Title 5 of the State Environmental Code, 310 CMR 15.000;
 - (2) There is no change or expansion of use as defined by Title 5; and
 - (3) The work includes the use of BMPs to prevent erosion, sedimentation, and release of pollutants.
- I. Construction of utilities (gas, water, wastewater systems, electric, telephone, cable television, etc.) other than drainage which will not alter terrain, ground cover, or drainage patterns, so long as BMPs are used to prevent erosion, sedimentation and release of pollutants.
- J. Emergency repairs to any existing utilities (gas, water, wastewater systems, electric, telephone, cable television, etc.) and emergency repairs to any stormwater management facility or practice that poses a threat to public health or safety, designated by the PGA. Where such activity is subject to the jurisdiction of the Conservation Commission, the work shall not proceed without the issuance of an emergency certification by the Commission. This would require verbal authorization from the authority having jurisdiction.
- K. The maintenance, reconstruction or resurfacing of any public way, and the installation of drainage structures or utilities within or associated with public ways that have been approved by the appropriate authorities, provided that written notice be filed with the PGA 14 days prior to commencement of activity.
- L. The removal of earth products undertaken in connection with an agricultural use if the removal is necessary for or directly related to planting, cultivating or harvesting or the raising or care of animals.

§ 78-7. Administration.

- A. The Conservation Commission (PGA) shall be responsible for the administration, implementation, and enforcement of this chapter.
- B. Any powers granted to or duties imposed upon the PGA may be delegated, in writing, by the PGA to its employees or agents or other municipal employees as appropriate.
- C. Stormwater and erosion control regulations ("regulations"). The PGA may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), delegation of authority, procedures and administration of this chapter after conducting a public hearing to receive comments on the proposed rules and regulations or any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation at least seven days prior to the hearing date. Failure of the PGA to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this chapter.
- D. Massachusetts Stormwater Handbook. The PGA will utilize the policy, criteria and information, including specifications and standards, of the most recent edition of the Massachusetts Stormwater Handbook for execution of the provisions of this chapter. Unless otherwise specified in the regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.
- E. Stormwater management permit. The PGA's agent shall have the authority to issue an administrative stormwater management permit (ASMP) for projects exceeding the thresholds defined in § 78-4B(1) of this chapter and not otherwise exempted by §78-6. The PGA shall have the authority to issue a major stormwater management permit (SMP) for projects exceeding the thresholds defined in § 78-4B (2) of this chapter and not otherwise exempted by § 78-6. Requirements of the SMP may be defined and included within the regulations promulgated pursuant to § 78-7C of this chapter.
- F. Action by the PGA. Each application for a stormwater management permit that complies with the regulations, and is determined to be a complete application by the PGA, shall be acted upon within 45 days of the date of filing with the PGA and the Town Clerk, unless such application has been withdrawn from consideration. If the PGA determines the application is incomplete, including insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume, the PGA may disapprove the application and deny the permit. The PGA may take any of the following actions as a result of an application for a Stormwater Management Permit:

- (1) Approve the permit application upon finding that the proposed plan will protect water resources and meets the objectives and requirements of this chapter;
 - (2) Approve the permit application with conditions, modifications or restrictions that are required to ensure that the project will protect water resources and meets the objectives and requirements of this chapter; or
 - (3) Disapprove the permit application if the proposed plan will not protect water resources or fails to meet the objectives and requirements of this chapter.
- F. Appeals of action by the PGA. A decision of the PGA shall be final. Further relief of a decision by the PGA made under this chapter shall be to a court of competent jurisdiction.
- G. Waivers.
- (1) The PGA may waive strict compliance with some of the requirements of this chapter or the rules and regulations promulgated hereunder, if it determines that some of the application requirements are unnecessary because of the size or character of the development project or because of the natural conditions at the site and where such action:
 - (a) Is allowed by federal, state and local statutes and/or regulations;
 - (b) Is in the public interest; and
 - (c) Is not inconsistent with the purpose and intent of this chapter.
 - (2) Any request from an applicant for a waiver of these rules shall be submitted, in writing, to the PGA at the time of submission of the application. Such requests shall clearly identify the provision(s) of the requirement(s) from which relief is sought and be accompanied by a statement setting forth the reasons why, in the applicant's opinion, the granting of such a waiver would be in the public interest or the specific information required to show strict compliance is irrelevant to the project, and why a waiver would be consistent with the intent and purpose of this chapter and the rules and regulations promulgated hereunder.

§ 78-8. Performance standards.

Criteria for stormwater management standards shall be defined and included as part of any rules and regulations promulgated under § 78-7C of this chapter.

§ 78-9. Enforcement; violations and penalties.

- A. The PGA, or an authorized agent of the PGA, shall enforce this chapter, and any regulations, permits, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for violations.

- B. If a person violates the provisions of this chapter or its regulations, or a permit, notice or order issued thereunder, the PGA may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities which would create further violations or to compel the person to perform abatement or remediation of the violation.
- C. The PGA, or an authorized agent of the PGA, may issue a written order to enforce the provisions of this chapter or the regulations, which may include requirements to:
- (1) Cease and desist from land-disturbing activity until there is compliance with the Bylaw or provisions of an approved stormwater management permit;
 - (2) Maintain, install or perform additional erosion and sediment control measures;
 - (3) Perform monitoring, analyses, and reporting;
 - (4) Remediate erosion and sedimentation resulting directly or indirectly from land-disturbing activity;
 - (5) Comply with requirements in the stormwater management permit for operation and maintenance of stormwater management systems; and
 - (6) Remediate adverse impacts resulting directly or indirectly from malfunction of the stormwater management systems. If the PGA or its authorized agent determines that abatement or remediation is required, the order shall set forth a deadline by which such abatement or remediation must be completed.
- D. If the Conservation Commission or its authorized agent determines that abatement or remediation of a violation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further provide that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Salisbury may, at its option, pursue a court order allowing the Town to undertake such work, and expenses thereof shall be charged to the violator.
- E. Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Salisbury, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Conservation Department within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the Conservation Commission affirming or reducing the costs, or from a final decision of a court of competent jurisdiction affirming or reducing the costs, the costs shall constitute a municipal charge for purposes of G.L. c.40, §58, and a lien may be imposed on the property for the amount of the unpaid charge, pursuant to G.L. c.40, §58. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. c. 59 § 57 on the 31st day after the costs first become due.

- F. Entry to perform duties under this chapter. To the extent permitted by local, state or federal law, or if authorized by the owner or other party in control of the property, the members the Conservation Commission, including the Commission's agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Conservation Commission deems reasonably necessary. Refusal to grant voluntary access to a site may be grounds for denial of a stormwater permit application.
- G. Criminal penalties. Any person who violates any provisions of this chapter, regulation, order or permit issued hereunder may be subject to criminal penalties and prosecution in a court of competent jurisdiction and/or a fine of \$300 per violation. Each day a violation occurs or continues shall constitute a separate violation.
- H. Noncriminal disposition. As an alternative to criminal prosecution or civil action, the Town may utilize the noncriminal disposition procedure set forth in MGL Ch. 40, § 21D and §§ 1-6 of the Town Code, in which case any police officer of the Town of Salisbury, the Conservation Commission's Agent, or Building Inspector and such other persons as are authorized by the PGA shall be the enforcing person. If noncriminal disposition is used, any person who violates any provision of this chapter, regulation, order or permit issued thereunder shall be subject to a fine of \$50 for a first violation, and \$300 for a second and all subsequent violations. Each day or part thereof that a violation occurs or continues shall constitute a separate violation.
- I. Remedies not exclusive. The remedies listed in this chapter are not exclusive of any other remedies available to the PGA or the Town under any applicable federal, state or local law.

§ 78-10. Severability.

The invalidity of any section, provision, paragraph, sentence, or clause of this chapter shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

ON PETITION OF THE TOWN MANAGER

ARTICLE THIRTEEN

To take any other action that may be lawfully taken at this meeting.

And you are hereby directed to serve this Warrant by posting attested copies in at least ten (10) public places in Town over two consecutive Sundays before the time of said meeting.


Hereof fail not and make due return of this Warrant with your doings thereon, to the Town Clerk at the time and place of said meeting.


Given under our hands this 28 day of April, 2023.

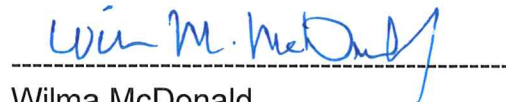
BOARD OF SELECTMEN
TOWN OF SALISBURY, MASSACHUSETTS


Chuck Takesian, Chairman


Donna Abdulla


Ronalee Ray-Parrott, Vice Chairman



Michael Colburn


Wilma McDonald

Pursuant to this Warrant so directed by the Honorable Board of Selectmen of the Town of Salisbury, in and for, to me, Jeremy Kelley, Constable of the Town of Salisbury, in and for have on this date, the 28 day of April, 2023, posted a copy of this notice in the nine (9) following places:

- | | |
|--------------------------------|--------------------------------|
| 1. Town Hall | 2. Municipal Center |
| 3. Public Library | 4. Salisbury Housing Authority |
| 5. US Post Office | 6. William Hilton Center |
| 7. Salisbury Elementary School | 8. Police Station |
| 9. Center Fire Station | 10. Town's Official Website |

I hereby warn the inhabitants of the Town of Salisbury who are qualified legally to vote in Town affairs, to meet at the time and place mentioned in the said Warrant for the purpose therein expressed.


Jeremy Kelley, Constable
Town of Salisbury, Massachusetts