

Town of Sterling



ARTICLES IN THE WARRANT for the **2021 ANNUAL TOWN MEETING**

Including informational summaries and recommendations of the
Sterling Select Board and Finance Committee

Monday, June 14, 2021
5:30 P.M.

Please bring this report to the meeting for use in the proceedings at the

STERLING AIRPORT
121 GREENLAND ROAD
Gates Open at 4:30 P.M.
(Enter at I-190 end of the Airport)

PLEASE NOTE: This is an outdoor, in-vehicle assembly to be held "rain or shine".
Vehicles will hear the proceedings via local broadcast on AM radio, Channel 1670.
Individual voting will be conducted with electronic devices issued at check-in.
COVID-19 safety protocols to followed per CDC Guidelines & Governor's Executive Orders

FINANCE COMMITTEE REPORT

To the Citizens of Sterling,

Your Finance Committee respectfully submits our report and our town's budget recommendation for the fiscal year beginning July 1, 2021 and ending June 30, 2022. We have reviewed each town department's budget request which we present within this warrant.

Each year, the Finance Committee begins its meetings in November to formulate its budget recommendations for the upcoming fiscal year. We met with individual department heads in March and continued to deliberate over the next several months, resulting in the final omnibus budget. Joint meetings with the Capital Planning Committee were also held to discuss and approve our capital expenditure recommendations for the upcoming year.

The COVID-19 pandemic continued to impact town operations and the Committee appreciates the efforts of town employees who facilitated our budget work and maintained town operations during challenging times. The recommended omnibus budget represents a 2.98% increase over this year's budget, if all spending Articles are adopted. The Committee again this year supports a 2% cost of living increase for our non-contract municipal employees.

Items of note in the recommended budget are the Committee's support for Article 23 and Article 24 of the warrant. Article 23 provides for the addition of a full time police officer, and Article 24 would establish a full-time daytime firefighter/paramedic position. Other budget areas to draw your attention to are the following:

- School District Assessments

The Wachusett Regional School District increased their overall assessment by 1.44% to \$12,341,971 while the Montachusett Regional Vocational Technical School District increased their assessment by 3.69% to \$939,069. Details of both district budgets are shown in lines 236-243 of the proposed budget.

- Capital Requests

After careful consideration and review of capital requests from all departments, the Finance Committee is recommending approval of a capital budget expenditure of \$1,751,587 to be funded from a combination of our Capital Investment Fund, certified free cash, transfers of unexpended funds from prior year appropriations, and borrowing. This amount includes \$130,000 budgeted for a playground structure at Houghton School found in Article 47. This recommendation balances the town's long term needs while guarding the town's financial

position. Funding the town's capital needs is a challenge each year and the Finance Committee and Capital Committee work collaboratively to meet these needs now and into the future. It is important to note that several major capital expenditures were deferred from the prior year due to the uncertainties surrounding the COVID-19 pandemic.

- Capital Fund

It is recommended that in order to fund the town's capital budget for FY 2022, a portion of these funds come from the Capital Investment Fund. As noted in warrant Article 7, that amount is \$283,250. The Capital Committee made its approval recommendations to the Finance Committee.

The Capital Investment Fund had a balance of \$ 3,483,361 as of May 19, 2021.

- Other Post-Employee Benefits (OPEB)

The Town of Sterling provides postemployment medical benefits to town retirees and their covered dependents commonly referred to as OPEB. As such, the liability to fund these benefits in the future is estimated using an actuarial valuation. Based on these calculations, Sterling has a substantial unfunded liability which requires a fundamental change in how we confront this issue. Migrating from a "pay as you go" to a pre-funded approach has been our first step in this process.

The Finance Committee has taken this liability seriously and continues to address this matter in its budget deliberations. Article 26 would appropriate \$150,000 from certified free cash to continue the town's funding of this liability. These funds would be added to an investment account already established for this purpose. As of May 19, 2021, the balance in this account was \$715,907.

Lastly, we would like to thank the voters, departments, boards and committees for their contributions and continued support of our efforts to provide a balanced budget to meet the needs of the town.

Respectfully Submitted;

The Town of Sterling Finance Committee

Todd Chapman, Chair

Mary Cliett

Christopher Paquette, Clerk

George Handy

Ezequiel Ayalla

INTRODUCTION

The Town's Annual Town Meeting (ATM) usually occurs the first Monday in May. However, for the second year in a row, the Select Board scheduled an alternative date and location for the meeting to be held outdoors at the Sterling Airport, 121 Greenland Road, in consideration of the public health and safety circumstances related to the Declaration of a State of Emergency due to COVID-19 (Corona Virus).

In accordance with MA G.L. c. 39, §9 and subsequent executive Orders of the Governor, the Annual Town Meeting will be held on Monday, June 14, 2021 at 5:30 P.M. Gates will open at 4:30 P.M. for in-vehicle voter check-in with the Town Clerk. Please note that CDC Guidelines should be followed with respect to the use of face coverings.

The change again in location from the Chocksett Middle School Gym to outdoors at the Sterling Airport allows us to continue the tradition of Annual Town Meeting safely under COVID-19 protocols - like the Annual Town Meeting that was held in 2020. Since the outdoor venue will not allow for any visual presentations, we have worked to make this Warrant booklet as informative as possible to prepare voters to take action on the 55 articles in the Warrant. Additional information on the articles and the public meetings are located on the Town's website at www.sterling-ma.gov and on the Sterling Lancaster Cable Webpage at <https://townhallstreams.com/towns/sterlingma>.

The Warrant follows the same general format to which you have become accustomed. Each article in the Warrant is enumerated, as required by law. An explanation or summary of the context of the article is provided as a courtesy. Due to the large number of articles in this year's Warrant, there are two (2) groups of Consent Calendar Articles. The use of a Consent Agenda or "Consent Calendar" process helps to make the Town Meeting more efficient by grouping similar and non-controversial items. With the Select Board, we have identified and grouped, for Town Meeting consideration, those articles we believe should generate no controversy and can be voted without debate. The first group of Consent articles represents routine, reoccurring annual appropriations. These articles are marked with a " * " symbol. This first Consent grouping will allow motions for Articles 2 through 8 to be acted upon as one unit and to be passed without debate with a majority vote.

The second grouping of Consent Calendar articles includes an assortment of various updates to the Town's Protective, or Zoning, Bylaws. These fourteen (14) Warrant articles, numbered from Article 28 through Article 41, are marked with a " ** " symbol and have been grouped together by the Town Administrator, Town Planner and the Select Board. Most of these amendments have been deferred and carried over since the 2019 Town Meeting. The articles have been reviewed multiple times, were subject to public hearing requirements and multiple rounds of discussion by residents, Town staff and their respective Boards and Committees. A vote of Town Meeting will formally codify these updates and help bring the Town's protective bylaws up to date. This grouping requires a 2/3rds vote for passage.

The proposed Fiscal Year 2022 Omnibus Budget is provided as Attachment A at the end of this booklet. The Warrant, its attachments, the 2020 Sterling Annual Town Report and any related meeting minutes or supporting information are available on the Town website.

Much time and effort has been invested to thoroughly review and deliberate on the matters that are formalized within the articles included in this Warrant. The Town's dedicated volunteers and officials from your elected and appointed Committees, Boards and Town Departments have held numerous public meetings, and they have reviewed countless documents in preparation for the Annual Town Meeting. They have met regularly to discuss, debate and vote on these important community needs, to consider departments' budget proposals, to offer feedback on bylaw amendments as provided in this document. With the support, commitment and technical and professional advice offered by our Town's knowledgeable staff – your fellow residents and community members have formulated the 55 Warrant articles compiled here for your votes.

This Warrant, and the proposed Fiscal Year 2022 budget priorities, reflect an investment in Sterling's quality of life. As we worked together through the budget process, particular attention was placed on initiatives that focus on long-term planning, capital investment, human resources management and financial policies and best practices. The Fiscal Year 2022 Budget and the articles in this Warrant aim to maximize limited resources by leveraging the use of new planning tools to capture grant funds; promote new economic development; support environmental sustainability; and to implement centralized personnel practices to attract and retain experienced and well-qualified staff.

I am filled with gratitude for the commitment and service that our team of dedicated employees provides to the community to keep it safe and functioning effectively. Your officials and staff continued the delivery of core municipal services during the pandemic, and also seized opportunities to improve and innovate services to support the Town as a whole.

Your Town Officials and staff have worked to ensure that the year ahead will provide our residents and visitors with a safe and healthy pathway between our homes, to the beautiful Town Common, to your municipal buildings and to a clean and welcoming Lake Waushacum. With the capital investments outlined in the attached Warrant, our roads, facilities, water quality and municipal equipment can better ensure efficient and effective service delivery to your homes and our businesses. As well, the Town's long-term planning efforts will be improved or strengthened for many years to come. With the investments proposed in our Town's public safety resources, personnel management systems and Land Use and Permitting operations, Sterling will be well-positioned to become a destination for visitors, new businesses and families looking for a friendly, safe and welcoming community to live, work and enjoy.

On behalf of the Select Board, I thank you, in advance, for your participation in Sterling's Annual Town Meeting – and for your thoughtful consideration of the Articles prior to your vote on Monday, June 14th. And I thank you kindly, for the honor and privilege to be of service to you as your Town Administrator.

Respectfully,



Kellie Hebert
Town Administrator



TOWN OF STERLING
2021 ANNUAL TOWN MEETING

INDEX OF ARTICLES

Article #	ANNUAL APPROPRIATIONS	Page #
Article 1.	Pay Bills of a Prior Fiscal Year	1
Article 2.	* Snow & Ice Deficit (<i>Consent Calendar One</i>)	2
Article 3.	* Elected Officers Compensation (<i>Consent Calendar One</i>)	2
Article 4.	* Municipal Light Board Compensation (<i>Consent Calendar One</i>)	2
Article 5.	* Wachusett Greenways & Sterling Land Trust (<i>Consent Calendar One</i>)	2
Article 6.	* East Lake Waushacum (<i>Consent Calendar One</i>)	3
Article 7.	* Stabilization Fund (<i>Consent Calendar One</i>)	3
Article 8.	* OPEB Trust Fund (<i>Consent Calendar One</i>)	3
GENERAL FUND BUDGET		
Article 9.	FY2022 Town Operating Budget	4
Article 10.	Wachusett Regional School District Assessment	4
Article 11.	Montachusett Regional Vocational School District Assessment	4
WATER ENTERPRISE FUND		
Article 12.	FY2022 Water Enterprise Operating Budget	5
Article 13.	Water Enterprise - Health Insurance & Pensions	5
Article 14.	Stormwater MS4 Permit Compliance	5
Article 15.	Water Meter Replacement	6
CAPITAL IMPROVEMENT PLAN		
Article 16.	FY2022 Capital Budget	6
Article 17.	Town Common Improvement Project	7
Article 18.	Assets Management & Roads Maintenance	8
Article 19.	Major Equipment & Large Capital Projects	9
PERSONNEL & HUMAN RESOURCES		
Article 20.	Personnel Bylaw & Wage Schedules	10
Article 21.	Personnel Management Systems	10
Article 22.	Classification & Compensation Analysis	11
Article 23.	Reserve Account for Wages & Salaries	11
Article 24.	Senior Volunteer Tax Relief Work-Off Program	12
Article 25.	Compensated Absences Account	12
Article 26.	New Police Officer	12
Article 27.	New Firefighter/Emergency Medical Technician-Paramedic	13
		<i>Continued...</i>

TOWN OF STERLING
2021 ANNUAL TOWN MEETING
INDEX OF ARTICLES

(Continued)

Article #	ZONING BYLAW UPDATES	Page #
Article 28.	** Select Board Citation <i>(Consent Calendar Two)</i>	13
Article 29.	** Site Plan Review <i>(Consent Calendar Two)</i>	13
Article 30.	** Display Setback <i>(Consent Calendar Two)</i>	16
Article 31.	** Signs <i>(Consent Calendar Two)</i>	16
Article 32.	** Dimensional Controls - Mixed Use Building <i>(Consent Calendar Two)</i>	16
Article 33.	** Use Regulations - Special Permits "PB" <i>(Consent Calendar Two)</i>	17
Article 34.	** Definitions - Mixed Use Building <i>(Consent Calendar Two)</i>	18
Article 35.	** Free Standing Unhabited Buildings <i>(Consent Calendar Two)</i>	18
Article 36.	** Rate of Development <i>(Consent Calendar Two)</i>	18
Article 37.	** Subdivision Phasing <i>(Consent Calendar Two)</i>	19
Article 38.	** Accessory Dwelling Units Use <i>(Consent Calendar Two)</i>	19
Article 39.	** Performance Zone to Commercial Zoning District <i>(Consent Calendar Two)</i>	21
Article 40.	** Mixed-Use Building with Residential Unit(s) <i>(Consent Calendar Two)</i>	23
Article 41.	** Use Regulations - Family Child Care <i>(Consent Calendar Two)</i>	23
Article 42.	Use Regulations - Commercial Kennels	24
GENERAL & ZONING BYLAWS		
Article 43.	Parks General Bylaw - Sholan Park	24
Article 44.	Groundwater Protection District - Protective Bylaw	27
Article 45.	Groundwater Protection District - Citations	35
Article 46.	Groundwater Protection District - Overlay Map	35
Article 47.	Earth Removal - General Bylaw	37
Article 48.	Earth Removal/Quarrying or Mining - Protective Bylaw	44
Article 49.	Earth Removal - Protective Bylaw	46
LANDOWNER & CITIZEN PETITIONS		
Article 50.	Landowner Petition: Zoning Map - RRF to NR	47
Article 51.	Citizen Petition: Playground Structure at Houghton School	48
Article 52.	Citizen Petition: Omnibus Budget Warrant Article	48
Article 53.	Citizen Petition: Capital Appropriations Warrant Articles	48
Article 54.	Citizen Petition: Eliminate the Board of Public Works	49
ELECTION WARRANT		
Article 55.	Annual Town Election & Election Warrant	50
ATTACHMENTS		
Attachment A.	Fiscal Year 2022 Proposed Omnibus Budget	
Attachment B.	Personnel Bylaw Amendments: Classification & Wage Schedules	
Attachment C.	Amendment to the General Bylaws: Chapter 113 Parks - Sholan Park	
TOWN ELECTION: MONDAY, JUNE 21, 2021 - 12:00 P.M. TO 7:00 P.M.		

* Consent Calendar Grouping for Articles 2 through 8

** Consent Calendar Grouping for Articles 28 through 41



1
2 THE COMMONWEALTH OF MASSACHUSETTS

3 TOWN OF STERLING

4 ANNUAL TOWN MEETING

5 JUNE 14, 2021

6
7 Worcester, ss.

8 To the Warrant Officer or either of the Constables of the Town of Sterling in the county of Worcester:

9 GREETINGS:

10 In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants
11 of the Town of Sterling qualified to vote in elections and Town affairs to meet at the Sterling Airport, 121
12 Greenland Road in Sterling on:

13 MONDAY EVENING, THE FOURTEENTH DAY OF JUNE, 2021 at Five Thirty (5:30 PM) in the evening, then
14 and there to act on the following articles:

15 **ARTICLE 1. BILLS OF A PRIOR FISCAL YEAR**

16 To see if the Town will vote to transfer from available funds, \$665 or any other sum, to pay outstanding
17 prior fiscal year invoices; or take any action in relation thereto.

18 *Passage requires a 4/5ths vote.*

19 Submitted by: Town Administrator / Town Accountant

20 Recommendations: Select Board recommends approval.

21 Finance Committee recommends approval.

22 *Summary: This article authorizes the transfer of funds to pay bills from a prior fiscal year. At the time that*
23 *this warrant was printed, one invoice was outstanding from KP Law for legal services provided in June*
24 *2019 and invoiced after the close of Fiscal Year 2020. Passage requires a 4/5ths vote per state statute.*

25 ******* FIRST CONSENT AGENDA - ARTICLES 2 THROUGH 8 *******

26 *The first grouping of "consent agenda" items includes seven (7) individual articles, numbered two (2)*
27 *through eight (8). These articles represent annual appropriations that are generally routine in nature,*
28 *reoccur each year and require a legal appropriation and vote of approval by Town Meeting.*

29 ***ARTICLE 2. SNOW & ICE DEFICIT** (Consent)
30 To see if the Town will vote to raise and appropriate or transfer from Free Cash, or from other available
31 funds, \$57,952 or any other sum, to the Snow and Ice Account to cover any deficit in the snow and ice
32 budget for the current fiscal year; or take any action in relation thereto.

33 Submitted by: Department of Public Works Board / Town Administrator
34 Recommendations: Select Board recommends approval.
35 Finance Committee recommends approval.

36 *Summary: This article transfers money into the Department of Public Works ("DPW") Snow and Ice*
37 *Account to cover the deficit in the account caused by the snow and ice storms of this fiscal year.*

38 ***ARTICLE 3. ELECTED OFFICERS COMPENSATION** (Consent)

39 To see if the Town will vote to fix the salaries and compensation of all elected officers of the Town as
40 provided by Chapter 41, Section 108 of the General Laws [MGL Ch. 41 §108] as follows and as presented
41 in Article 7 of this Warrant; or take any action in relation thereto.

42	Select Board Member:	\$1,500 per year
43	Board of Assessors Member:	\$1,500 per year
44	Board of Health Member:	\$103 per year
45	Planning Board Member:	\$300 per year
46	Department of Public Works Board Member:	\$600 per year
47	Town Moderator:	\$500 per year

48
49 Submitted by: Select Board
50 Recommendations: Select Board recommends approval.
51 Finance Committee recommends approval.

52 *Summary: This article authorizes and appropriates the compensation for elected officials as presented in*
53 *the general omnibus budget, except the Sterling Municipal Light Board.*

54 ***ARTICLE 4. MUNICIPAL LIGHT BOARD COMPENSATION** (Consent)

55 To see if the Town will vote to set the salary of the Sterling Municipal Light Board members as provided
56 by Chapter 41, Section 108 of the General Laws [MGL Ch. 41 §108], as follows: Chairman \$1,500; Clerk
57 \$1,500; Third member \$1,500; said sum to be an expense of the Sterling Municipal Light Department; or
58 take any action in relation thereto.

59 Submitted by: Sterling Municipal Light Board
60 Recommendations: Select Board recommends approval.
61 Finance Committee recommends approval.

62 *Summary: In accordance with MGL Ch. 41, §108, Town Meeting is required to annually set the salaries*
63 *of elected officials. This Article authorizes the salaries of the elected members of the Municipal Light Board.*
64 *The expense is funded by Light Department revenues and has no impact on the tax rate.*

65 ***ARTICLE 5. WACHUSETT GREENWAYS & STERLING LAND TRUST** (Consent)

66 To see if the Town will vote to raise and appropriate or transfer from Free Cash, or from other available
67 funds, \$2,700 or any other sum, to be used for the Wachusett Greenways and the Sterling Land Trust for
68 Fiscal Year 2022 expenses to be administered and expended by Wachusett Greenways and the Sterling
69 Land Trust, or take any action in relation thereto.

70 Submitted by: Select Board
71 Recommendations: Select Board recommends approval.
72 Finance Committee recommends approval.

73 *Summary: The Wachusett Greenways organization is an eight town collaborative that provides volunteers*
74 *to preserve and maintain the Rail Trail in the Town of Sterling. The Sterling Land Trust maintains various*
75 *parcels of preserved open space land within the Town for passive recreational use and enjoyment by*
76 *Sterling residents. Wachusett Greenways has requested \$1,400 and the Sterling Land Trust has requested*
77 *\$1,300 in support of their activities on behalf of the residents of Sterling.*

78 ***ARTICLE 6. EAST LAKE WAUSHACUM (Consent)**

79 To see if the Town will vote to raise and appropriate or transfer from Free Cash, or from other available
80 funds, \$13,000 or any other sum, to be used for the study and treatment of the lake, which is projected
81 to cost \$26,000 during Fiscal Year 2022; The remaining costs will be funded by the East Lake Waushacum
82 Association; or take any action in relation thereto.

83 Submitted by: Conservation Commission
84 Recommendations: Select Board recommends approval.
85 Finance Committee recommends approval.

86 *Summary: The Conservation Commission and the East Lake Waushacum Association have worked*
87 *together on a long term lake management program designed to address lake quality issues. These funds*
88 *will allow for the continued treatment of emergent vegetation. Town benefits from the continued protection*
89 *of water quality at the town beach.*

90 ***ARTICLE 7. STABLIZATION FUND (Consent)**

91 To see if the Town will vote to transfer \$75,000, or any sum of money from Certified Free Cash to the
92 Stabilization Fund, in accordance with the provisions of Chapter 40, Section 5B of the General Laws [MGL
93 Ch. 40 §5B], as amended; or take any action in relation thereto.

94 Submitted by: Finance Committee
95 Recommendations: Select Board recommends approval.
96 Finance Committee recommends approval.

97 *Summary: This article transfers funds from Certified Free Cash to the Stabilization Fund as part of the*
98 *Town's long-term savings plan.*

99 ***ARTICLE 8. OPEB TRUST FUND (Consent)**

100 To see if the Town will vote to transfer \$150,000, or any sum of money from Certified Free Cash to the
101 town's Other Post-Employment Benefits ("OPEB") Trust Fund, in accordance with the provisions of
102 Chapter 32B, Section 20 of the General Laws [MGL Ch.32B §20], as amended; or take any action in relation
103 thereto.

104 Submitted by: Finance Committee
105 Recommendations: Select Board recommends approval.
106 Finance Committee recommends approval.

107 *Summary: This article transfers funds from Certified Free Cash to the Other Post-Employment Benefits*
108 *("OPEB") Trust Fund as part of the Town's long-term savings plan.*

109 ***** **END OF FIRST CONSENT AGENDA** *****

110 ----- **GENERAL FUND OMNIBUS BUDGET** -----

111 **ARTICLE 9. FY2022 TOWN OPERATING BUDGET**

112 To see if the Town will vote to raise and appropriate or transfer from available funds, \$11,012,695 or any
113 other sum, and to further appropriate from the Ambulance Receipts Account, \$437,734 or any other sum,
114 and to further appropriate, from the Cemetery Perpetual Care Account, \$5,000 or any other sum; for a
115 total appropriation of \$11,455,429 for the payment of salaries and compensation, payment of debt and
116 interest and for charges, expenses and outlays of the Town Departments, for the ensuing fiscal year,
117 beginning July 1, 2021 and ending June 30, 2022, as shown in the municipal operating budget printed at
118 the back of this Warrant; or take any action in relation thereto.

- 119 Submitted by: Finance Committee
- 120 Recommendations: Select Board recommends approval.
- 121 Finance Committee recommends approval.

122 *Summary: This article authorizes spending and appropriates expenditures from the town's General Fund*
123 *for the Town's Fiscal Year 2022 Annual Operating Budget. Town departments and operations expenses*
124 *are projected and paid from the General Fund budget for the coming fiscal year beginning July 1, 2021. A*
125 *breakdown of the departmental budget requests, operations costs and town-wide unclassified expenses are*
126 *included at the end of this warrant.*

127 **ARTICLE 10. WACHUSETT REGIONAL SCHOOL DISTRICT ASSESSMENT**

128 To see if the Town will vote to raise and appropriate or transfer from available funds, \$12,341,971 or any
129 other sum, for the payment of the Town's assessment for the Wachusett Regional School District
130 ("WRSD") plus the cost of Sterling's share of WRSD transportation costs and the Town's portion of WRSD
131 debt and interest costs, for the ensuing fiscal year, beginning July 1, 2021 and ending June 30, 2022; or
132 take any action in relation thereto.

- 133 Submitted by: Wachusett Regional School Committee
- 134 Recommendations: Select Board recommends approval.
- 135 Finance Committee recommends approval.

136 *Summary: This article authorizes spending and the appropriation of funds from the town's General Fund*
137 *to pay the Wachusett Regional School Committee Assessment for the coming fiscal year.*

138 **ARTICLE 11. MONTACHUSETT VOCATIONAL REGIONAL SCHOOL ASSESSMENT**

139 To see if the Town will vote to raise and appropriate or transfer from available funds, \$939,069 or any
140 other sum, for the payment of the Town's assessment for the Montachusett Vocational Regional School
141 ("MVRS") for the ensuing fiscal year, beginning July 1, 2021 and ending June 30, 2022; or take any action
142 in relation thereto.

- 143 Submitted by: Montachusett Vocational Regional School Committee
- 144 Recommendations: Select Board recommends approval.
- 145 Finance Committee recommends approval.

146 *Summary: This article authorizes spending and appropriation of funds from the town's General Fund to*
147 *pay the Montachusett Vocational Regional School Committee Assessment for the coming fiscal year.*

148

----- WATER ENTERPRISE FUND -----

149 **ARTICLE 12. FY2022 WATER OPERATING BUDGET**

150 To see if the Town will vote to appropriate \$1,017,986, or any other sum, from Water Department
151 Revenue, and further to appropriate \$40,000 from Water Enterprise Retained Earnings, for extraordinary
152 or unforeseen expense as determined by the Department of Public Works ("DPW") Board and approved
153 by the Finance Committee, for a total appropriation of \$1,057,986 to operate the Water Enterprise Fund
154 for Fiscal Year 2022 under the provisions of Chapter 44, Section 5F1/2 of the General Laws [MGL Ch. 44
155 §53F1/2], as follows:

156	Salaries/Wages:	\$	274,851	
157	Employee Benefits:	\$	108,000	
158	Expenses:	\$	384,827	
159	Corrosion Control Testing:	\$	34,100	
160	Principle & Interest:	\$	216,208	
161		Subtotal:	\$ 1,017,986	from FY22 water charges and fees
162	Reserve Fund		\$ 40,000	from Retained Earnings
163		Total:	\$ 1,057,986	

164 Or take any action in relation thereto.

- 165 Submitted by: DPW Superintendent / Department of Public Works Board
- 166 Recommendations: Select Board recommends approval.
- 167 Finance Committee recommends approval.

168 *Summary: This article funds the Water Enterprise annual operating budget solely from water revenue*
169 *including charges, fees, and retained earnings; none is from taxation. This article includes a new expense*
170 *for Corrosion Control Study and Testing. This is a mandated activity required by the Massachusetts*
171 *Department of Environmental Protection. Also included is a Reserve Fund allocation for extraordinary or*
172 *unforeseen expenses - the reserve fund is only used upon the recommendation of the DPW Board and*
173 *approval of the Finance Committee. The total water revenue needed for Fiscal Year 2022 is \$1,057,986.*

174 **ARTICLE 13. WATER ENTERPRISE - HEALTH INSURANCE & PENSIONS**

175 To see if the Town will vote to transfer from Water Enterprise Retained Earnings, \$75,430 or any other
176 sum, to the General Fund; or take any action in relation thereto.

- 177 Submitted by: Town Administrator / Town Accountant
- 178 Recommendations: Select Board recommends approval.
- 179 Finance Committee recommends approval.

180 *Summary: This article appropriates expenditures to be transferred from the Water Enterprise Fund to the*
181 *town's General Fund to reimburse health insurance and pension costs for water department employees.*

182 **ARTICLE 14. STORMWATER MS4 PERMIT COMPLIANCE**

183 To see if the Town will vote to transfer from Water Enterprise Retained Earnings, \$134,000 or any other
184 sum, to be used for professional services to include, but not limited to, testing, monitoring, reporting and
185 updating the Town's Stormwater Management Plan to meet state and federal mandates for MS4
186 stormwater permit compliance and anything incidental or related thereto; or take any action in relation
187 thereto.

- 188 Submitted by: Interim DPW Superintendent / Town Administrator

189 Recommendations: Select Board recommends approval.
190 Finance Committee recommends approval.

191 *Summary: This article authorizes and appropriates expenditures to be transferred from the Water*
192 *Enterprise Fund's Retained Earnings to enter into a professional services agreement to contract with a*
193 *specialized firm to assist the Town with MSR permit compliance including dry weather outfall screening*
194 *and sampling, catchment investigations, stormwater regulations review, facilitation of annual IDDE and*
195 *SWPPP virtual training sessions, public education and outreach support, catch basin cleaning*
196 *optimization, post-construction stormwater management tasks, updating the Town's existing Stormwater*
197 *Management Plan ("SWMP") and compiling the Year 3, 4 and 5 Annual Reports.*

198 **ARTICLE 15. WATER METER REPLACEMENT**

199 To see if the Town will vote to transfer from Water Enterprise Retained Earnings, \$350,000 or any other
200 sum, to upgrade the current water meter system by purchasing and installing new meters and associated
201 equipment and anything incidental or related thereto, and to authorize the Town to enter into such
202 agreement and take other action as necessary to effectuate the purposes of this article, said sum to be
203 expended by the Department of Public Works Board with the approval of the Select Board and Town
204 Administrator/Chief Procurement Officer; And to meet this appropriation, to authorize the Treasurer,
205 with the approval of the Select Board, to borrow said sum under G.L. c.44, §7(1), or any other enabling
206 authority; and that the Select Board is authorized to execute all documents and take such actions as may
207 be necessary to effectuate the purposes of this vote; or take any action in relation thereto.

208 *Passage requires a 2/3rds vote.*

209 Submitted by: DPW Superintendent / Department of Public Works Board
210 Recommendations: Select Board recommends approval.
211 Finance Committee recommends approval.

212 *Summary: This article appropriates funding to purchase water meters, electronic meter readers and*
213 *associated equipment as part of the Sterling Water Meter Replacement Project. The article also authorizes*
214 *a transfer from the Water Enterprise Fund's Retained Earnings Account and authorizes borrowing so that*
215 *the Town can utilize short-term borrowing to purchase and install the equipment. Since the article*
216 *authorizes borrowing, a 2/3rds vote is required for passage per state statute.*

217 ----- **END OF WATER ENTERPRISE ARTICLES** -----

218 ----- **CAPITAL IMPROVEMENT PLAN** -----

219 *The Fiscal Year 2022 Capital Improvement Plan is presented as four (4) warrant articles. Based on the*
220 *respective funding sources, the articles are grouped to provide Town Meeting with a complete picture of*
221 *the Town's capital expenditures. The Moderator will address each item in turn during the presentation of*
222 *each of the four articles.*

223 **ARTICLE 16. FY2022 CAPITAL BUDGET – TRANSFER FROM FREE CASH**

224 To see if the Town will vote to transfer from free cash or any other available funds, \$470,300 or any other
225 sum, to be expended for the items listed below, as recommended by the Finance Committee and the
226 Capital Planning Committee:

Article:	Description:	Amount:
14A	Fire/EMS ALS Intercept SUV (Car 2 Replacement), purchase and equip	55,000
14B	Fire/EMS Forestry Pick Up Truck, purchase and equip	48,500
14C	Fire/EMS Jaws of Life Replacement	50,000
14D	Public Safety Radio Tower Site at Pratt's Junction	40,000
14E	DPW Leaf Blower Ride On, purchase and equip	10,000
14F	DPW Truck Loader for Leaves, purchase and equip	12,000
	<i>Sub-Total Equipment & Fleet Replacement:</i>	\$ 215,500
14G	Butterick Roof Repairs	120,000
14H	Butterick Land Use Records Management System	29,000
14I	Butterick Building – Remove Oil Tank	20,000
14J	1835 Old Town Hall Rehabilitation & Improvements	67,800
14K	Chocksett Cemetery Improvements	8,000
14L	Sterling School House Rehabilitation & Improvements	10,000
	<i>Sub-Total Town Assets & Facilities Improvements:</i>	\$ 254,800
	TOTAL:	\$ 470,300

227 Said amounts shall be for the purposes stated and all costs incidental or related thereto. Appropriated
228 funds to be administered under the direction of the requesting department; or take any action in relation
229 thereto.

230 Submitted by: Finance Committee
231 Recommendations: Select Board recommends approval.
232 Finance Committee recommends approval.
233 Capital Committee recommends approval.

234 *Summary: This article provides funding for a portion of the Town's Capital Plan for Fiscal Year 2022*
235 *related to the purchase of public safety and public works equipment and vehicles, and facilities*
236 *improvements. It is expected that this portion of the Capital Plan will be funded from Free Cash.*

237 **ARTICLE 17. TOWN COMMON IMPROVEMENT PROJECT – TRANSFERS**

238 To see if the Town will vote to appropriate \$152,913.89 to fund the purchase and installation of lighting
239 fixtures for the Town Common; to purchase Professional Services for project management, engineering
240 or professional plan design services, and preparation of bidding and contract documents; to purchase
241 construction materials or supplies; and for any expenses incidental and related to the project; And further,
242 to fund said appropriation by transferring unexpended balances from prior year appropriations as follows:

Fiscal Year	Article:	Account:	Description:	Amount:
2021	FY21 ATM #7B	01999-58008	Underground Utilities Project	44,000.00
2021	FY21 ATM #6A	01999-58001	Animal Control Vehicle	2,970.14
2021	FY21 ATM #6B	01999-58002	1835 Building Cleaning	3,000.00
2021	FY21 ATM #7D	01999-58010	Ford 550 Plow Truck & Wing	2,174.04
2020	FY20 ATM #8D	01999-58037	1835 Building Sprinkler System	22,775.38
2019	FY19 ATM #13C	01999-58119	DPW Radio Repeater	196.95
2018	FY18 ATM #9C	01999-58092	UHF Radio Improvements	59.60
2018	FY18 ATM #10A	01999-58099	Paving Repairs Facilities	6,264.00
2015	FY15 ATM #31	01999-58044	Fire Grant	2,600.00
2015	FY15 ATM #20	01999-58045	Rehab of 1984 Grader	307.81
			<i>Warrant Sub-Total:</i>	\$84,347.92

<i>Release of Excess Funds from the Overlay Surplus:</i>				
2013		01000-12314	Release of 2013 Overlay Surplus	34,600.06
2014		01000-12315	Release of 2014 Overlay Surplus	<u>33,965.91</u>
			Release of Excess Overlay Sub-Total:	68,565.97
			Grand Total:	\$ 152,913.89

243 Or take any action in relation thereto.

- 244 Submitted by: Town Administrator
- 245 Recommendations: Select Board recommends approval.
- 246 Finance Committee recommends approval.
- 247 Capital Committee recommends approval.

248 *Summary: This article authorizes the Town to capture funds remaining from previous town meeting*
 249 *warrant articles, to close these accounts, and to transfer these sums to fund lighting installation, the*
 250 *purchase of lighting fixtures, to fund project management services, engineering or design services, to*
 251 *develop construction bid documents in order to continue the Town Common Improvement Project.*
 252 *Professional services will be necessary to prepare bid documents, procure project management services*
 253 *and, if needed, to update any prior engineering or design plans. Construction materials may also be*
 254 *purchased only if the expense is necessary to advance any smaller components of the project, such as the*
 255 *permanent sidewalk repairs necessary after the underground utility project is completed by the Sterling*
 256 *Municipal Light Department. All of the projects listed above are complete, and the sums represent inactive*
 257 *accounts no longer needed for the voted intentions of previous Town Meetings. The transfers will fund the*
 258 *Town Common improvement project without any impact on the Fiscal Year 2022 budget or increases to the*
 259 *tax rate. As well, this funding will maximize the Town’s ability to apply and provide a “match” of services*
 260 *or materials that can generate additional grant funding available from state and federal resources.*

261 **ARTICLE 18. ASSETS MANAGEMENT & ROADS MAINTENANCE – CAPITAL FUND**

262 To see if the Town will vote to transfer from the Capital Investment Fund, or any other available funds,
 263 \$283,250 or any other sum, to be expended for the items listed below, as recommended by the Finance
 264 Committee and the Capital Planning Committee:

Article:	Title/Description:	Amount:
16A	DPW Road Resurfacing and Crack-Sealing	233,750
16B	Route 62/140 Traffic Intersection – Traffic Study	5,000
16C	Town Assets & Comprehensive Facilities Assessment	8,000
16D	Use & Feasibility Study for DPW Facility & Town-Wide Vehicle Storage	10,000
16E	Pavement Management Plan	<u>26,500</u>
	Total Assets Management & Roads Maintenance:	\$ 283,250

265 Said amounts shall be for the purposes stated and all costs incidental or related thereto. Appropriated
 266 funds to be administered under the direction of the requesting department; or take any action in relation
 267 thereto.

268 *Passage requires a 2/3rds vote.*

- 269 Submitted by: Finance Committee
- 270 Recommendations: Select Board recommends approval.
- 271 Finance Committee recommends approval.
- 272 Capital Committee recommends approval.

273 *Summary: This article provides funding for a portion of the Town's Capital Improvement Plan for Fiscal*
 274 *Year 2022 relating to asset management and road maintenance, including Town-wide road resurfacing*
 275 *and crack-sealing. It is expected that this portion of the Capital Plan will be funded with transfers from*
 276 *the Capital Investment Fund. A 2/3rds vote is required for passage since the Capital Investment Fund has*
 277 *been proposed as the funding source.*

278 **ARTICLE 19. MAJOR EQUIPMENT & LARGE CAPITAL IMPROVEMENTS**

279 To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, \$775,062
 280 or any other sum, to be expended for the items listed below, as recommended by the Finance Committee
 281 and the Capital Planning Committee; and to meet this appropriation, to authorize the Treasurer, with the
 282 approval of the Select Board to borrow said sum under G.L. c.44, §7(1), or any other enabling authority;
 283 and that the Select Board is authorized to execute all documents and take such actions as may be
 284 necessary to effectuate the purposes of this vote.

Article:	Title/Description:	Amount:
17A	Public Works Excavator or a Tractor with Mower, purchase and equip	240,000
17B	Public Works Six-Wheel Dump Truck, purchase and equip	185,062
17C	Fire/EMS Rescue 1 Apparatus (Replacement), purchase and equip	350,000
Total Large Equipment & Capital Improvements:		\$ 775,062
<i>Anticipated Annual Debt Service for 5-10 years:</i>		<i>\$150,000</i>

285 Said amounts shall be for the purposes stated and all costs incidental or related thereto. Appropriated
 286 funds to be administered under the direction of the requesting department; or take any action in relation
 287 thereto.

288 **Passage requires a 2/3rds vote.**

- 289 Submitted by: Finance Committee
- 290 Recommendations: Select Board recommends approval.
- 291 Finance Committee recommends approval.
- 292 Capital Committee recommends approval.

293 *Summary: This article authorizes and appropriates funding for a portion of the Town's Capital*
 294 *Improvement Plan. This group of capital items includes three (3) items of large equipment and are proposed*
 295 *for purchase in Fiscal Year 2022. Using a new informal capital funding policy, each item is valued at*
 296 *\$100,000 or more and has a "useful life" of at least five (5) or more years. The proposed funding plan*
 297 *requires authorization for borrowing so that the total costs for the purchase can be budgeted annually from*
 298 *the Debt Service line within the Town's Omnibus Operating Budget. The Town intends to utilize low-*
 299 *interest, short-term, state-issued notes to fund the purchase of these large capital equipment items. An*
 300 *estimated expense of \$150,000 a year is projected for paying the projected debt service over multiple years.*
 301 *The estimated repayment term is between five (5) to ten (10) years; however, the Town may pay off the*
 302 *notes sooner as funding or financial conditions may permit. The annual debt service costs will be paid*
 303 *within the Town's levy limit, and therefore, the purchase will not require a separate ballot vote for passage.*
 304 *The purchase will not require any override or debt exclusion since the projected debt service amount is*
 305 *well within the limits of the Town's property tax levy limitations. A 2/3rds vote is required for passage,*
 306 *since borrowing is proposed as a funding source. At the time this Warrant went to print, the DPW Board*
 307 *and Interim DPW Superintendent were carefully reviewing the benefits, functionality and cost/benefits of*
 308 *the multi-purpose excavator, or a traditional single-purpose tractor with mower. Only one (1) of these two*
 309 *(2) items will be proposed for purchase when a final motion is presented for a vote of Town Meeting.*

310 ----- **END OF CAPITAL IMPROVEMENT PLAN** -----

311 ----- PERSONNEL & HUMAN RESOURCES -----

312 **ARTICLE 20. PERSONNEL BYLAW & WAGE SCHEDULES**

313 To see if the Town will vote to amend certain provisions of the Town's Personnel Bylaw as included in
314 Attachment B of this Warrant as follows:

315 Under all Sections, to update the existing numbering and ordering system with any non-
316 substantive revisions by relabeling outdated citations and or updating references to ensure
317 internal consistency and to implement a standardized section numbering system;

318
319 Under Section 4, Classification Plan, B. Position Classification Plan, and Section 5, Compensation
320 Plan, B. Pay and Salary Schedule, to amend the Town's classification and compensation schedules
321 as included in Attachment B of this Warrant: By adding a new Public Works Classification Plan and
322 Wage Schedule; By adding a new Regular Employee Classification Plan and updated Hourly Wage
323 Schedule for hourly, non-exempt employees; And, by adding a new Regular Employee Salary
324 Schedule for salaried Department Heads;

325
326 And further, under Section 6, Employee Benefits, B. Holidays, add "Juneteenth" to the list of
327 official state holidays;

328
329 Or take any action in relation thereto.

330 Submitted by: Town Administrator/Personnel Director
331 Recommendations: Select Board will report at Town Meeting.
332 Finance Committee recommends approval.

333 *Summary: This article authorizes updates to the language of the Personnel Bylaw and the Town's non-*
334 *union Salary and Wage Schedules for Fiscal Year 2022. Any changes are subject to the appropriations*
335 *voted in the FY2022 operating budgets presented under Article 9 and Article 12 in this Warrant. Updated*
336 *wage and salary schedules incorporate a budgeted two (2%) percent increase over the base rates voted*
337 *last fiscal year at the 2020 Town Meeting. Other miscellaneous updates reflect "housekeeping" such as*
338 *the removal of vacant positions, deletion of outdated titles and edits to standardize titles. Updates to the*
339 *miscellaneous, stipend and seasonal tables reflect recent increases to the Massachusetts' Minimum Wage;*
340 *market and hiring trends; and survey findings from comparable communities. Lastly, in July, the*
341 *Commonwealth of Massachusetts' designated "Juneteenth" ("June Nineteenth") as "Juneteenth*
342 *Independence Day" as an official state holiday. This requires an update to the holiday language that is*
343 *currently included in the Personnel Bylaw.*

344
345 **ARTICLE 21. PERSONNEL MANAGEMENT SYSTEMS**

346 To see if the Town will vote to raise and appropriate or transfer from available funds, \$50,000, or any sum
347 of money to fund professional human relations services; to establish a centralized personnel records
348 management system, including purchase of related professional services and equipment; and, to purchase
349 a web-based Human Resources Information System, to include, but not be limited to, anything incidental
350 or related thereto; or take any action in relation thereto.

351 Submitted by: Select Board / Town Administrator
352 Recommendations: Select Board recommends approval.
353 Finance Committee recommends approval.

354 *Summary: This article will enable the Town Administrator to implement a new centralized personnel*
355 *management system and fund new human resources tools for the Town. Last year, the Personnel Board*
356 *was dissolved, and legal authority for Personnel and Human Resources was transferred to the Town*
357 *Administrator, who also serves as the Town's Personnel Director. The Town's Human Resources Director*
358 *position has been vacant - yet personnel, hiring, training and position control responsibilities continue year*
359 *around. Approval of this article will fund three (3) essential items for the Town's personnel management*
360 *system: A) Human resources professional consulting services – this will help avoid the need to hire a new*
361 *employee in FY2022; B) Professional services to consolidate town-wide personnel records, to create a*
362 *centralized record-keeping system, and to purchase secured storage and filing equipment that will meet*
363 *state and federal compliance; C) Purchase and implement a web-based or cloud-based, Human Resources*
364 *Information System ("HRIS") Solution to help ensure the efficient administration of a centralized town-*
365 *wide personnel management and related operations. The article will allow the Personnel Director and*
366 *Treasurer/Collectors Offices to centrally track the following: hiring processes, training, professional*
367 *certifications, payroll changes, performance evaluations and other human resources activities. It is*
368 *expected that this article will be funded through the use of certified free cash.*

369 **ARTICLE 22. CLASSIFICATION & COMPENSATION ANALYSIS**

370 To see if the Town will vote to raise and appropriate or transfer from available funds, \$25,000 or any sum
371 of money to fund a professional Classification and Compensation Analysis for non-union employees; or
372 take any action in relation thereto.

373 Submitted by: Select Board / Town Administrator
374 Recommendations: Select Board recommends approval.
375 Finance Committee recommends approval.

376 *Summary: This article will allow the Select Board and Town Administrator/Personnel Director to hire a*
377 *professional consulting firm to conduct a Classification and Compensation Analysis of the non-union town*
378 *employees. The Personnel Bylaw requires that the Town conduct such a study every three (3) years. The*
379 *project will fund a professional study to: Review and update the town's current classification system;*
380 *Conduct a benchmark survey of comparable communities; Review and update all job descriptions; Review*
381 *plans with respect to inclusive language, ADA compliance and pay equity standards; Recommend*
382 *adjustments, if any, to the Town's compensation plan; And, update the Town's Personnel Bylaw and*
383 *Employee Handbook to reflect new or amended employment laws or regulations. It is expected that this*
384 *article will be funded through the use of certified free cash.*

385 **ARTICLE 23. RESERVE ACCOUNT FOR SALARIES AND WAGES**

386 To see if the Town will vote to raise and appropriate or transfer from available funds, \$25,000 or any sum
387 of money to fund any salary wage adjustment that may result from a Classification and Compensation
388 Plan Analysis; and further that such sums be segregated for that purpose in a salary reserve account, or
389 take any other action relative thereto.

390 Submitted by: Select Board / Town Administrator
391 Recommendations: Select Board recommends approval.
392 Finance Committee recommends approval.

393 *Summary: This article utilizes available funds to allow the Select Board and Town*
394 *Administrator/Personnel Director to implement any salary or wage adjustments recommended by the*
395 *Classification and Compensation Analysis proposed for non-union town employees. As the first time for a*
396 *professional analysis to be conducted, a salary and wage reserve is proposed for appropriation by the*
397 *Select Board so pay rate adjustments are funded in FY2022 based on study findings. The Select Board must*
398 *vote on an implementation plan and pay rate adjustments when the plan is completed and presented to the*
399 *Select Board. Any unused funds will remain in the account for re-appropriation at a future Town Meeting.*

400 **ARTICLE 24. SENIOR VOLUNTEER TAX RELIEF WORK-OFF PROGRAM**

401 To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 59, Section
402 5K, providing for the adoption of a Senior Volunteer Tax Relief Work-Off Program, to be administered by
403 the Select Board, allowing persons over the age of 60 to volunteer to provide services to the Town in
404 exchange for which the Town shall reduce the real property tax obligations of such persons by abatement
405 in the amount of up to \$1,500.00 maximum in a given tax year, and further allowing the maximum
406 reduction of the real property tax bill to be based on 125 volunteer service hours in a given tax year, rather
407 than \$1,500 and allowing an approved representative, for persons physically unable, to provide such
408 services to the Town; or take any action in relation thereto.

409 Submitted by: Select Board / Town Administrator
410 Recommendations: Select Board recommends approval.
411 Finance Committee recommends approval.

412 *Summary: This article formerly accepts the provision of Massachusetts State Law that allows for a Senior*
413 *Volunteer Tax Relief Work-Off Program. A program is currently in place, however, adoption of this article*
414 *is a recommended "housekeeping" item to ensure that Sterling's eligible property owners may benefit.*

415 **ARTICLE 25. COMPENSATED BALANCES ACCOUNT**

416 To see if the Town will vote to accept G.L. c. 40, § 13D and establish a Compensated Absence Fund which
417 statute allows municipalities to provide for a reserve fund for future payment of accrued liabilities for
418 compensated absences due any employee or full-time officer of the Town upon the termination of
419 employment; and further to raise or transfer from available funds and appropriate \$50,000, or any sum
420 of money for said fund; or take any other action in relation thereto.

421 Submitted by: Select Board / Town Administrator
422 Recommendations: Select Board recommends approval.
423 Finance Committee recommends approval.

424 *Summary: A "Compensated Absences Fund" is intended to set aside funds to be used to pay employees*
425 *leaving employment for any accrued, unused paid leave like vacation time. The Select Board, as the chief*
426 *executive officer of the Town, is the default entity responsible for authorizing payments from this fund. It*
427 *is proposed that this fund be established utilizing available free cash for year one of implementation. In*
428 *year two, any funds used would be replenished within the Town's annual Omnibus Budget. This type of*
429 *fund is regularly utilized as a tool for stabilizing department budgets from year to year so that any*
430 *unexpected retirements or employee separations will not impact the Reserve Fund balance or other*
431 *departmental expenditures that are budgeted for non-personnel or operational costs.*

432 **ARTICLE 26. NEW POLICE OFFICER**

433 To see if the Town will vote to raise and appropriate or transfer from available funds, \$31,200, or any sum
434 of money, to be transferred to the Sterling Police Department to fund the hiring of one (1) new full-time
435 Police Officer, said sum to be expended by the Police Chief; or take any action in relation thereto.

436 Submitted by: Select Board / Town Administrator
437 Recommendations: Select Board recommends approval.
438 Finance Committee recommends approval.

439 *Summary: This article would authorize and appropriate funding to allow the hiring of one (1) new full-*
440 *time Police Officer for the Sterling Police Department in Fiscal Year 2022. The estimated annual wages*
441 *for a new full-time Police Officer is approximately \$62,200. If approved, the new position would be funded*
442 *with \$31,200 to be raised within the tax levy. The remaining \$31,000 will be transferred from the Police*
443 *Department's Overtime Account into the Police Department's Personnel Wages Account. Health insurance*
444 *and pension costs are funded in the unclassified General Fund as voted under Article 9 of this Warrant.*

445 **ARTICLE 27. NEW FIREFIGHTER/EMT-PARAMEDIC – FROM AMBULANCE RECEIPTS**
446 To see if the Town will vote to raise and appropriate, or transfer from available funds, \$62,286 or any sum
447 of money, to be transferred to the Sterling Fire Department to fund the hiring of one (1) new full-time
448 Firefighter/Emergency Medical Technician, said sum to be expended by the Fire Chief; or take any action
449 in relation thereto.

450 Submitted by: Select Board / Town Administrator
451 Recommendations: Select Board does not recommend approval.
452 Finance Committee recommends approval.

453 *Summary: This article would authorize and fund the hiring of a new full-time Firefighter/Emergency*
454 *Medical Technician-Paramedic (“FF/EMT-P”). This authorization would allow the Fire Chief to hire a*
455 *new full-time, benefitted FF/EMT for the Sterling Fire Department in Fiscal Year 2022. The cost for health*
456 *insurance is funded under the Town’s unclassified General Fund budget as voted under Article 9. The*
457 *additional wages for this new position will be fully offset by the Town’s collection of Ambulance Receipts*
458 *from the “Reserved for Appropriation” account. Call Firefighters are not as readily available to respond*
459 *during the daytime hours due to work and family commitments. With the exception of the Fire Chief, the*
460 *additional position will bring the number of full-time fire personnel to seven (7). The article will be funded*
461 *with a transfer of Ambulance Receipts into the Fire Department’s wages budget.*

462 ----- **PROTECTIVE ZONING BYLAW UPDATES** -----

463 *In accordance with Massachusetts General Laws, the passage of all Protective (Zoning) Bylaw*
464 *amendments require a 2/3rds vote for passage by Town Meeting.*

465 ***** **SECOND CONSENT AGENDA - ARTICLES 28 THROUGH 41** *****

466 ***ARTICLE 28. SELECT BOARD CITATION (Consent)**
467 To see if the Town will vote to amend the Protective Bylaws by replacing the words “Board of Selectmen”
468 in each place they appear and inserting the words “Select Board” in place thereof. Or take any action in
469 relation thereto.

470 *Passage requires a 2/3rds vote*

471
472 Submitted by: Select Board
473 Recommendation: Planning Board recommends approval.
474 Recommendation: Select Board recommends approval.

475 *Summary: This article updates the language of the Town’s Protective Bylaws to reflect a gender-neutral*
476 *citation. Last year, the Town’s General Bylaws were also updated by a vote at Annual Town Meeting. The*
477 *article replaces “Board of Selectmen” with “Select Board” in the Protective Bylaws.*

478 ***ARTICLE 29. SITE PLAN REVIEW (Consent)**
479 To see if the Town will vote to amend Article 6, Section 6.4 Site Plan Review, as follows:
480 Article 6, Section 6.4.6 Waiver of Technical Compliance by deleting this section in its entirety and
481 sequentially renumbering the sections thereafter with deletions shown in strikethrough:

482 ~~6.4.6 Waiver of Technical Compliance. The Planning Board may, upon written request of the applicant,~~
483 ~~waive any of the technical requirements of Section 6.4.4 or 6.4.5 where the project involves relatively~~

484 simple development plans or constitutes a minor site plan. Applications for permits to build, alter or
485 expand any non-residential building, structure or use in any district where such construction will exceed
486 a total gross floor area of 500 square feet but not exceed a total gross floor area of 2000 square feet, or
487 will not generate the need for more than 10 parking spaces, shall be deemed a minor site plan. For the
488 purposes of computing the total gross floor area of a minor site plan, the Planning Board shall aggregate
489 all such applications made within the five (5) previous calendar years. Minor site plans shall set forth all
490 of the information required by Section 6.4.4; provided, however, that the scale of the site plan may be
491 1"=80', and the plan may depict topographical contours at intervals available on maps provided by the
492 United States Geological Survey.

493 Table of Contents by deleting Section 6.4.6 "Waiver of Technical Compliance" and to renumber all
494 subsequent section thereafter.

495 Replace the following sections that contain the erroneous site plan review bylaw citations found in
496 Sections 4.6.5 (e), 4.7.5.5 (h), 4.7.6.2 & 4.7.6.4 and replace with Section 6.4.

497 Article 6, Section 6.4.1. Applicability by modifying the square footage trigger whereby projects under
498 1,200 SF do not require review or a waiver of technical compliance from the Planning Board and to
499 correct a typographical error, as shown below with additions shown in bold and deletions shown in
500 strikethrough:

501 6.4.1 **Applicability.** The following types of activities and uses require site plan review by the
502 Planning Board:

- 503 1. Construction, exterior alteration or exterior expansion of, or change of use within a
504 municipal, institutional, commercial, industrial or multi-family structure involving
505 more than 500 1,200 square feet;
- 506 2. Construction or expansion of a parking lot for a municipal, institutional, commercial,
507 industrial, or ~~multi~~ multi-family structure or purpose;

508 To amend Article 6, Section 6.4.2. Exemptions by adding a new subsection "2.", as follows:

- 509 2. The construction or enlargement of any non-residential building, structure or use in any
510 district where such construction will not exceed a total gross floor area of 1,200 square feet
511 or will not generate the need for more than 5 parking spaces.

512 To amend Article 6, Section 6.4.3 Procedures by clarifying the permitting, by modifying the number of
513 plan copies submitted, by requiring the publication and notification to abutters and by deleting Section
514 6.4.3.2. as follows with additions shown in **bold/underline** and deletions shown in strikethrough:

515 6.4.3 **Procedures.**

- 516 1. Use, Structure, or Activity Available As of Right **or Special Permit.** An application for a
517 building permit to perform work as set forth in Section 6.4.1 available as of right shall be
518 accompanied by an approved Site Plan. Prior to the commencement of any activity set
519 forth in Section 6.4.1 or available as of right, the project proponent shall obtain site plan
520 approval from the Planning Board. Applicants for site plan approval shall submit ~~five (5)~~
521 **fifteen (15)** copies of the site plan **and an electronic copy of all application materials** to
522 the Planning Board for review, **and for distribution** to the Board of Health,
523 Superintendent of Public Works, Police Chief, Fire Chief, the Building Inspector and the
524 Conservation Commission for their advisory review and comments. ~~The Planning Board~~
525 ~~shall review and act upon the site plan, with such conditions as may be deemed~~
526 ~~appropriate, within sixty (60) days of its receipt, and notify the applicant of its~~

527 decision. Approval for a site plan may be issued only after a public meeting held within
528 sixty (60) days of the filing of an application with the Planning Board. It is the applicant's
529 responsibility to obtain a certified list of names and addresses of all parties of interest,
530 as defined in MGL Ch. 40A, Section 11, by the Assessing Office. The Planning Board shall
531 notify all parties of interest by mail and notice of a public meeting shall be given by
532 publication in a newspaper of general circulation in the town in each of two (2)
533 consecutive weeks; the first publication to be not less than fourteen (14) days and the
534 second publication not less than seven (7) days before the day of the meeting. Said
535 notice and publication shall contain the name of the applicant, a description of the area
536 or premises, street address, or other adequate identification of the location, the date
537 and place of the public meeting, the subject matter of the hearing, and the nature of
538 the action requested. The decision of the Planning Board shall be upon a majority of those
539 present and shall be in writing.

540 No building permit shall be issued by the Building Inspector Commissioner without the
541 written approval of the site plan by the Planning Board, or unless 60 days lapse from the
542 date of the submittal of the site plan without action by the Planning Board.

543 ~~2. Use or Structure Available by Special Permit or Variance. An application for a special~~
544 ~~permit or a variance to perform work as set forth in Section 6.4.1 shall be accompanied~~
545 ~~by an approved Site Plan. Applicants for site plan approval shall submit five (5) copies of~~
546 ~~the site plan to the Planning Board for review, and within three (3) days thereafter shall~~
547 ~~also submit a copy of the site plan to the town Engineer, the Board of Health, Director of~~
548 ~~Public Works, Police Chief, Fire Chief, the Building Inspector and the Conservation~~
549 ~~Commission for their advisory review and comments. The Planning Board shall review and~~
550 ~~act upon the site plan, with such conditions as may be deemed appropriate, within sixty~~
551 ~~(60) days of its receipt, and notify the applicant of its decision. The decision of the~~
552 ~~Planning Board shall be upon a majority of those present and shall be in writing. No special~~
553 ~~permit or variance shall be issued by the Board of appeals without the written approval~~
554 ~~of the site plan by the Planning Board, or unless 60 days lapse from the date of the~~
555 ~~submittal of the site plan without action by the Planning Board. Where the Planning Board~~
556 ~~approves a site plan "with conditions", and said site plan accompanies a special permit or~~
557 ~~variance application to the Board of Appeals, the conditions imposed by the Planning~~
558 ~~Board shall be incorporated into the issuance, if any, of a special permit or variance by~~
559 ~~the Board of Appeals.~~

560 Or take any action in relation thereto.

561 **Passage requires a 2/3rds vote.**

562 Submitted by: Planning Board
563 Recommendation: Planning Board recommends approval.
564 Recommendations: Select Board recommends approval.

565 *Summary: This article modify the square footage trigger whereby projects under 1,200 SF do not require*
566 *review or a waiver of technical compliance from the Planning Board, corrects a typographical error, adds*
567 *a new subsection for exemptions whereby site plan is not required if construction or enlargement of any*
568 *non-residential building does not exceed 1,200 SF or will not require more than 5 parking spaces and*
569 *incorporate last year's Citizen's Petition to require abutter notification and legal ad for site plans in*
570 *addition to delete a repetitive paragraph dealing Special Permits by including it all in a single paragraph.*

571 ***ARTICLE 30. DISPLAY SETBACK** (Consent)

572 To see if the Town will vote to amend the Protective Bylaws, Article 2, Section 2.4.5. Display Setback by
573 deleting the words "or signs over two (2) square feet in area"; the word "front"; and, to delete the word "similar
574 commercial devices" and to replace it with "presentment" as follows with additions shown in bold/underline
575 and deletions shown in strikethrough:

576
577 2.4.5 Display Setback. In all districts, open display of goods or products, gasoline, pumps, vending machine
578 or any such similar commercial devices presentment, ~~or signs over two (2) square feet in area~~ shall be located
579 not less than twenty (20) feet from any ~~front~~ lot line.

580 Or take any action in relation thereto.

581 *Passage requires a 2/3rds vote.*

582 Submitted by: Zoning Board of Appeals
583 Recommendation: Planning Board recommends approval.
584 Recommendation: Select Board recommends approval.

585 *Summary: This proposed amendment, together with the proposed amendment in Article 31, will place all*
586 *provisions regarding signs in one section of the town's Protective Bylaws. It will not change the current*
587 *dimensional and setback requirements for signs.*

588 ***ARTICLE 31. SIGNS** (Consent)

589 To see if the Town will vote to amend the Protective Bylaws, Article 3, Section 3.1. as follows:

590 Add a new sub-section "(f)" to Section 3.1.1 to read as follows: "signs over two (2) square feet in area
591 shall be located not less than twenty (20) feet from the lot line."

592 Add a new sub-section "(e)" Section 3.1.2 to read as follows: "signs over two (2) square feet in area shall
593 be located not less than twenty (20) feet from the lot line."

594 Add a new sub-section, Section 3.1.3 to read as follows: "Authorization for Special Permit". The
595 following regulations shall apply, unless otherwise authorized by a special permit issued by the Zoning
596 Board of Appeals."

597 Or take any action in relation thereto.

598 *Passage requires a 2/3rds vote.*

599 Submitted by: Zoning Board of Appeals
600 Recommendation: Planning Board recommends approval.
601 Recommendation: Select Board recommends approval.
602

603 *Summary: This article affords the ZBA more flexibility in addressing requests to vary from the*
604 *requirements of the Protective Bylaw. Presently, applicants must file for a variance per MGL Ch. 40A,*
605 *§10, making it extremely unlikely that signage variances could be granted. The amendments would not*
606 *alter the specific requirements of the bylaws relating to dimensions, number of signs or setback*
607 *requirements; instead, the proposed amendments would allow the ZBA to deviate from those requirements*
608 *on a case by case basis, if the Board determines that the beneficial aspects of the application outweigh any*
609 *detrimental impacts to the Town.*

610 ***ARTICLE 32. DIMENSIONAL CONTROLS – MIXED USE BUILDING** (Consent)

611 To see if the Town will vote to amend the Protective Bylaws, Article 2, Section 2.5.1 Table of Dimensional
612 Controls by reducing the dimensional requirements in the Town Center zoning district for front yard from

613 40 feet to 0 and 15 feet; reducing side yard setback from 10 feet to 5 feet; and reducing rear yard setback
 614 from 25 feet to 5 feet; and adding a footnote to reference Section 2.4.1; and adding a second footnote to
 615 permit a greater front yard setback in the TC district with a Special Permit granted by the Zoning Board of
 616 Appeals for Residential Use, as follows with additions shown in bold/underline and deletions shown in
 617 strikethrough:

618 2.5.1 Single Family, Mixed-Use Building with Residential Dwelling Unit(s) and Nonresidential Buildings

619 ZONING	MINIMUM	MINIMUM	FRONT	EACH	REAR	FLOOR	MINIMUM
620 DISTRICT	LOT SIZE	LOT	YARD	SIDE	YARD	AREA	LOT
621		FRONTAGE				RATIO	WIDTH
622 Commercial ¹	----	----	40'	20'	25'	0.5	-----
623 Town Center	----	----	40' <u>0</u> ' ²	10' <u>5'</u>	25' <u>5'</u>	--	-----

624
 625 ¹ See Section 2.4.1.

626 ² In the Town Center zoning district, the maximum front yard setback for non-residential and mixed-
 627 use building with residential dwelling unit(s) (mixed-use defined as both non-residential and
 628 residential uses in a structure) is five (5) feet and for residential uses only is fifteen (15) feet unless
 629 a Special Permit by the ZBA is granted for a greater front yard setback.

630 Or take any action in relation thereto.

631 *Passage requires a 2/3rds vote.*

632 Submitted by: Planning Board
 633 Recommendation: Planning Board recommends approval.
 634 Recommendation: Select Board recommends approval.

635
 636 *Summary: This article will reduce the dimensional requirements in the Town Center zoning district and*
 637 *adds references and footnotes to promote economic development opportunities. Many buildings in the*
 638 *Town Center are located on the lot line with the sidewalk and invoke a traditional New England downtown*
 639 *core. These parcels of land are typically smaller in size so site constraints pose a great impediment to*
 640 *re/development. The existing minimum 40-foot front yard dimensional setback in the Town Center zoning*
 641 *district does not facilitate building placement with respect to existing patterns for the street on which it is*
 642 *located. Without this amendment, Sterling's iconic town center cannot be recreated and will be lost.*
 643 *Reducing the dimensional requirements promotes greater onsite maximization of development & reduces*
 644 *the quantity of structures that are currently non-conforming.*

645 ***ARTICLE 33. USE REGULATIONS (Consent)**

646 To see if the Town will vote to amend the Protective Bylaws, Article 2, Section 2.2.1. General, by deleting
 647 the words "PB – A use authorized under special permit from the Planning Board as provided under Section
 648 6.3". Or take any action in relation thereto.

649 *Passage requires a 2/3rds vote.*

650 Submitted by: Planning Board
 651 Recommendation: Planning Board recommends approval.
 652 Recommendation: Select Board recommends approval.

653 *Summary: This article seeks to remove wording that is not applicable to this section of Sterling's Protective*
 654 *Bylaw.*

655 ***ARTICLE 34. DEFINITIONS – MIXED USE BUILDING** (Consent)

656 To see if the Town will vote to amend the Protective Bylaws, Article 5, Definitions by inserting a new
657 definition in alphabetical order for “Mixed Use Building with Residential Unit(s)” to read as follows:

658 “Mixed Use Building with Residential Dwelling Unit(s) shall mean residential units that are located
659 in the rear, on the side and/or on the upper floors of business and commercial buildings with
660 means of egress separate from the commercial use.”

661 Or take any action in relation thereto.

662 *Passage requires a 2/3rds vote.*

663 Submitted by: Planning Board

664 Recommendation: Planning Board recommends approval.

665 Recommendation: Select Board recommends approval.

666
667 *Summary: This article seeks to provide a definition for the new use.*

668 ***ARTICLE 35. FREE STANDING UNINHABITED BUILDINGS** (Consent)

669 To see if the Town will vote to amend the Protective Bylaws, Article 2, Section 2.5.4 “Free Standing
670 Uninhabited Buildings” by inserting a paragraph at the end of the Section to read as follows:

671
672 “In the Town Center zoning district, free standing uninhabited buildings, regardless of square footage,
673 shall be set a minimum of 5 feet from the side yard and rear yard lot lines. No freestanding
674 uninhabited building shall be located between the principal inhabited building or principal structure
675 and the front lot line.”

676
677 Or take any action in relation thereto.

678 *Passage requires a 2/3rds vote.*

679 Submitted by: Planning Board

680 Recommendation: Planning Board recommends approval.

681 Recommendation: Select Board recommends approval.

682
683 *Summary: The passage of this article will allow for the reduction in setbacks for free standing, detached,
684 uninhabited buildings located in the Town Center zoning district. Currently, if this type of structure is over
685 500 SF, it would have to be located 40 feet back from the front lot line, which is out of character for the
686 Town Center zoning district and is difficult to achieve on smaller lots.*

687 ***ARTICLE 36. RATE OF DEVELOPMENT** (Consent)

688 To see if the Town will vote to amend the Protective Bylaws, Article 4, Section 4.3 – Rate of Development,
689 by deleting the entire text and replacing with “Reserved” and to amend the Table of Contents by deleting
690 “Rate of Development” and all its related subsections and by inserting the following new text “Reserved”
691 and to renumber all subsequent pages thereafter. Or take any action in relation thereto.

692 *Passage requires a 2/3rds vote.*

693 Submitted by: Planning Board

694 Recommendation: Planning Board recommends approval.

695 Recommendation: Select Board recommends approval.

696
697 *Summary: This article seeks to remove an expired section of the bylaw (expired over 8 years ago) whereby
698 more than 30 dwelling units could not be issued in one year.*

699 ***ARTICLE 37. SUBDIVISION PHASING** (Consent)

700 To see if the Town will vote to amend the Protective Bylaws, Article 4, Section 4.3A – Subdivision Phasing
701 by deleting the entire text and to amend the Table of Contents by deleting “Subdivision Phasing” and all
702 its related subsections and to renumber all subsequent pages thereafter. Or take any action in relation
703 thereto.

704 *Passage requires a 2/3rds vote.*

705 Submitted by: Planning Board

706 Recommendation: Planning Board recommends approval.

707 Recommendation: Select Board recommends approval.

708 *Summary: This article seeks to remove this bylaw whereby not more than 7 building permits for a*
709 *subdivision can be issued in any 12 month period. Sterling’s last subdivision (6 lots) was approved in 2005*
710 *– 16 years ago. If a subdivision of 7 or more lots gets approved, the building permit restriction increases*
711 *the cost of the project, materials and labor, thus making the price of homeownership more burdensome.*

712 ***ARTICLE 38. ACCESSORY DWELLING UNIT USE** (Consent)

713 To see if the Town will vote to amend the Protective Bylaws, Article 2, Section 2.3.5 by deleting Section
714 2.3.5 in its entirety and replacing it with a new Section 2.3.5 entitled “Accessory Dwelling Unit Use” as
715 follows:

716 2.3.5 Accessory Dwelling Unit Use

717 Accessory Dwelling Units (ADUs) offer the potential for assisting homeowners to produce
718 additional income to offset rising property taxes, maintenance and repair costs, and other housing
719 expenses that are often a burden for some homeowners. ADUs also add tax revenue to the
720 community based on the increase in square footage of living space. Adding moderately priced
721 rental units to the housing stock to meet the needs of smaller households and making housing
722 units available to moderate income households who might otherwise have difficulty finding
723 housing is critical in providing affordable housing to all income ranges.

724 One ADU is permitted on each lot in Single Family Dwelling use in Rural Residence and Farming,
725 Neighborhood Residence, Commercial, and Town Center Districts in the Town subject to this
726 Section 2.3.5. ADUs are prohibited in the Light Industrial District.

727 (A) Use by Right or by Special Permit

728 (1) By Right: Within a Single-Family Dwelling, including an attached garage.

729 (2) By Special Permit from the Board of Appeals: As or within a detached Accessory
730 Structure.

731

732 (B) ADU Requirements

733 Each ADU is subject to and shall comply with the following:

734 (1) The owner of the lot shall reside in either the Single-Family Dwelling or ADU.

735 (2) The ADU shall have a separate entrance from that used by the Single-Family Dwelling.

736 (3) The ADU shall contain separate sanitary, sleeping and cooking facilities.

737 (4) Prior to the issuance of a Building Permit or Special Permit for an ADU, the applicant
738 shall provide written proof from the Board of Health (or its qualified agent) that there
739 is an adequate supply of drinking water (town water or private well) and adequate
740 provision for sewage disposal (private septic system).

741 (5) For a by-right ADU, the outside appearance of the Single-Family Dwelling is and
742 remains that of a Single-Family Dwelling.

- 743 (6) The ADU shall have heat that is adequately supplied and controlled by a thermostat
744 located within the ADU.
- 745 (7) The ADU floor area shall not exceed eight hundred (800) square feet of living area,
746 unless the lot owner complies with the provisions of Section 2.3.5(D), Affordability
747 Restrictions for inclusion of the ADU on the Town's Subsidized Housing Inventory, in
748 which case the floor area of the ADU may be up to 50% of the gross floor area of the
749 Single-Family Dwelling or 1,200 square feet, whichever is smaller.
- 750 (8) All turnaround and parking areas shall be provided on the Lot.
- 751 (9) All dimensional controls set forth in Section 2.5 for a Single-Family use shall be met.
- 752 (10) Daily, weekly or short term rentals less than thirty (30) days are prohibited.
- 753 (11) On a nonconforming lot, that is nonconforming for lack of required lot area, an ADU
754 is allowed following all of the requirements of this Section and Section 2.2.4 of these
755 bylaws, as long as the lot is greater than 20,000 square feet.
- 756 (12) Any new ADU shall conform to all adopted state and town laws, bylaws, codes, and
757 regulations. No ADU shall be occupied until a certificate of occupancy has been issued
758 by the Building Commissioner where required.

759 C. New Construction

760 An ADU may be constructed as part of the original construction on a lot intended for Single-
761 Family Dwelling use subject to the requirements of this Section 2.3.5.

762 D. Affordability Restrictions

763 In order for an ADU to count towards the Town's Subsidized Housing Inventory maintained
764 by the Massachusetts Department of Housing and Community Development (DHCD), the lot
765 owner and the Town shall submit a Local Action Unit application under the Local Initiative
766 Program to DHCD. The lot owner and the Town shall do all things necessary to cause the ADU
767 to be counted on the Town's Subsidized Housing Inventory (SHI). DHCD approval is required
768 prior to the issuance of a building permit for an ADU exceeding 800 square feet of living area
769 if affordability restrictions are being proposed.

770
771 To revise Article 5 Definitions by renaming and revising the definition for Accessory Apartment with Accessory
772 Dwelling Unit, with additions shown in **bold/underline** and deletions shown in strikethrough:

773
774 "Accessory ~~Apartment~~ **Dwelling Unit (ADU)** shall mean a separate, complete dwelling unit that is; (a)
775 contained substantially within the structure of a ~~one-family residence~~ **Single-Family Dwelling**, is
776 served by a separate entry/exit and can be isolated from the principal ~~one-family dwelling unit~~ **Single-**
777 **Family Dwelling Unit**, or (b) contained entirely within an attached or detached accessory building ~~that~~
778 ~~is an enclosed garage and that has the apartment located above the parking area for the motor~~
779 ~~vehicles."~~

780
781 To revise Section 3.2.3(a) Table of Parking Requirements by replacing accessory apartment with accessory
782 dwelling unit (ADU), with additions shown in bold and deletions shown in strikethrough:

783
784 3.2.3a Principal Uses: Single-family, single family with accessory ~~apartment~~ dwelling unit (ADU),
785 two-family, or multifamily dwelling
786

787 To amend Section 2.3.1.A. Residential Uses by deleting #4 Accessory Apartment, as follows:

788
789 2.3 USE REGULATIONS

790 2.3.1 Table of Principal Uses.

791	PRINCIPAL USES	DISTRICTS				
		RR	NR	C	TC	LI
792						
793	A. RESIDENTIAL USES					
794	4. Accessory Apartment	SP	SP	SP	SP	N

795 Or take any action in relation thereto.

796 *Passage requires a 2/3rds vote.*

797 Submitted by: Zoning Board of Appeals
 798 Recommendation: Planning Board was split on the vote to approve.
 799 Recommendation: Select Board recommends approval.

800
 801 *Summary: This article will enact one of the recommended action plan strategies cited from the Town's*
 802 *Housing Production Plan, updated in 2019, and will assist the town to increase its Subsidized Housing*
 803 *Inventory ("SHI") closer to 10% per 40B regulations. Passage of this bylaw will allow attached ADUs by*
 804 *right, and detached ADUs by Special Permit. Square footage for ADUs over 1,200 SF would be required*
 805 *to count towards the SHI; B) The new definition for ADUs revises the old Accessory Apartment use*
 806 *definition; C) Passage will replace the words "accessory apartment" with ADUs; and, D) Removes*
 807 *"Accessory Apartment" from the Table of Principal Uses because this use is not principal, but accessory.*

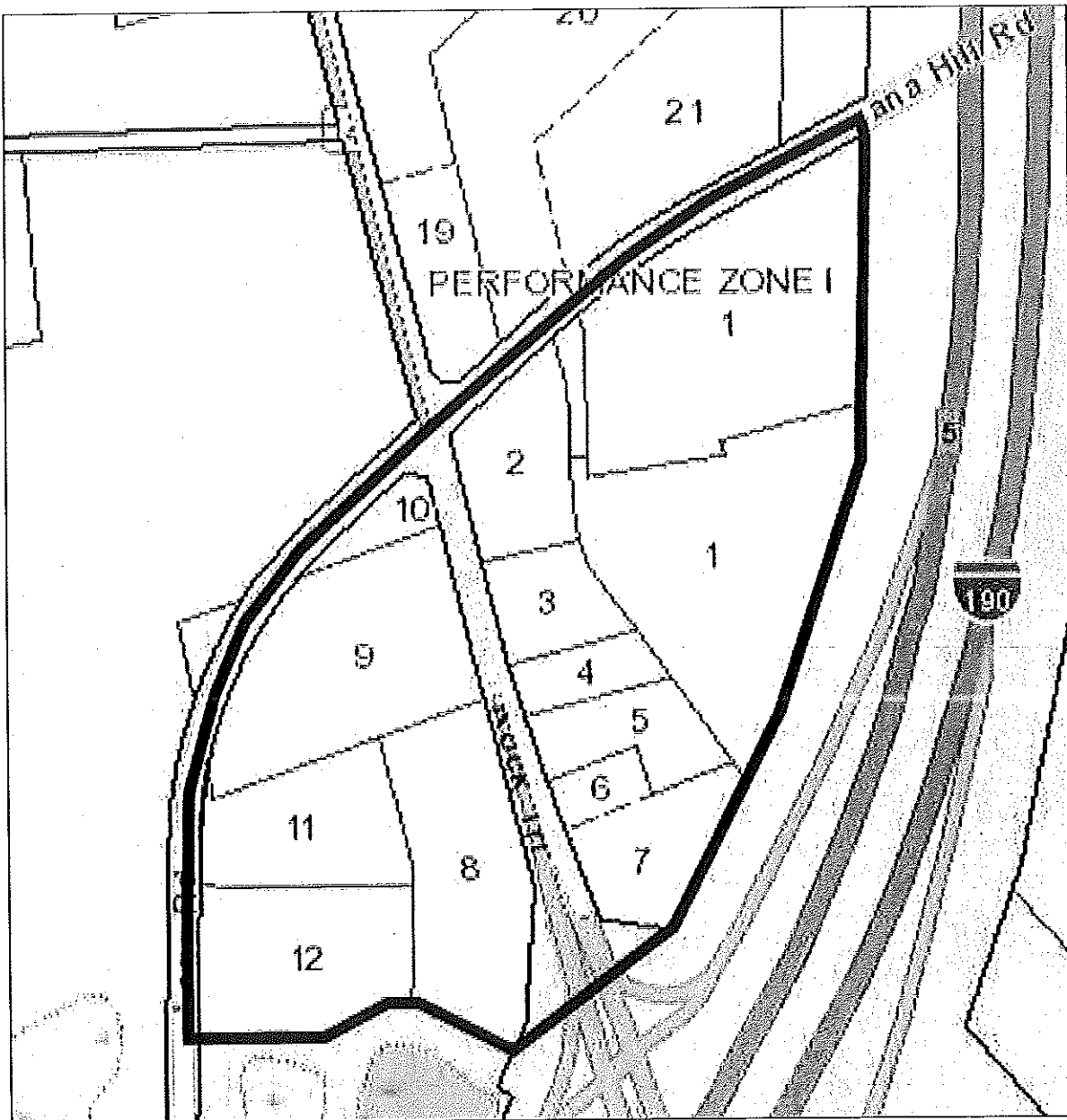
808 ***ARTICLE 39. PERFORMANCE ZONE TO COMMERCIAL ZONING DISTRICT (Consent)**

809 To see if the Town will vote to amend the Protective Bylaws and Zoning Map by rezoning the following 13
 810 parcels, currently zoned Performance Zone 1, to be included entirely within the Commercial (C) Zoning
 811 District:

812

Parcel #	Address	Area
144-1	11 Dana Hill Road	5.24 acres
159-1	9 Dana Hill Road	5.45 acres
159-2	43 Redemption Rock Trail	1.6 acres
159-3	41 Redemption Rock Trail	1.0 acres
159-4	37 Redemption Rock Trail	0.65 acres
159-5	35 Redemption Rock Trail	1.1 acres
159-6	Redemption Rock Trail	0.42 acres
159-7	Redemption Rock Trail	1.4 acres
159-8	32 Redemption Rock Trail	3.091 acres
159-9	44 Redemption Rock Trail	3.6 acres
159-10	0 Redemption Rock Trail	0.44 acres
159-11	4 Legg Road	2 acres
159-12	6 Legg Road	2.58 acres
Total Parcels: 13		28.57 acres* exclusive of road centerline

813 Parcels included in this zoning map amendment are outlined in red.



814 Or take any action in relation thereto.

815 **Passage requires a 2/3rds vote.**

816 Submitted by: Planning Board

817 Recommendation: Planning Board recommends approval.

818 Recommendation: Select Board recommends approval.

820 **Summary:** This article seeks to rezone thirteen (13) parcels from the "Performance Zone" district to the
821 "Commercial" Zoning District. This area has evolved over time from a residential area to a more
822 commercial one. There are no residential uses left in this locus, and the Commercial Zoning District allows
823 for greater opportunities for development/ redevelopment.

824

825 ***ARTICLE 40. MIXED-USE BUILDING WITH RESIDENTIAL DWELLING UNIT(S)** (Consent)
 826 To see if the Town will vote to amend the Protective Bylaws, Article 2, Section 2.3.1.A (Table of Principal
 827 Uses) to insert a new use, "Mixed Use Building with Residential Dwelling Unit(s)" to be permitted as a
 828 Special Permit in the "C" district and would be allowed by-right in the "TC" district and would be prohibited
 829 in the "RR", "NR" or "LI" districts as follows with additions shown in bold and deletions shown in
 830 strikethrough:

831 2.3 USE REGULATIONS
 832 2.3.1 Table of Principal Uses.
 833 PRINCIPAL USES

PRINCIPAL USES	DISTRICTS				
	RR	NR	C	TC	LI
<u>A. RESIDENTIAL USES</u>					
<u>Mixed Use Building with Residential Dwelling Unit(s)</u>	<u>N</u>	<u>N</u>	<u>SP</u>	<u>Y</u>	<u>N</u>

836 Or take any action in relation thereto.

837 *Passage requires a 2/3rds vote.*

838 Submitted by: Planning Board
 839 Recommendation: Planning Board recommends approval.
 840 Recommendation: Select Board recommends approval.

841
 842 *Summary: This article will permit mix-use development in the Town Center zoning district. The traditional*
 843 *New England Town Center, whereby there is a mix of commercial and residential uses within buildings, is*
 844 *not currently permitted in Sterling's Protective Bylaw. Additionally, this use would be required by Special*
 845 *Permit in the Commercial zoning district.*

846
 847 ***ARTICLE 41. USE REGULATIONS FAMILY CHILD CARE** (Consent)

848 To see if the Town will vote to amend the Protective Bylaws, Article 2, Section 2.3.1. Table of Principal
 849 Uses, as shown, with additions shown in bold/underline and deletions shown in strikethrough:

850
 851 2.3 USE REGULATIONS
 852 2.3.1 Table of Principal Uses.

PRINCIPAL USES	DISTRICTS	RR	NR	C	TC	LI
<u>B. EXEMPT USES AND COMMUNITY FACILITIES</u>						
3. Licensed day care facility for the daycare of six or fewer children <u>Family child care home, large family child care home</u>		Y	Y	Y	Y	Y
4. Child care facility		Y	Y	Y	<u>SPY</u>	Y
<u>C. COMMERCIAL USES</u>						
8. Commercial Recreation or Sports Facility		SP	N	Y	N	<u>NY</u>
15. Retail Sales, including antique shops		N	N	Y	Y	<u>NSP</u>
16. Service, repair, or trade shop		N	N	Y	Y	<u>NY</u>
17. Business or professional office		N	N	Y	Y	<u>NY</u>
20. Open air display area; outdoor retail sales		N	N	SP	SP	<u>NSP</u>
21. Motor vehicle service station		N	N	SP	SP	<u>NSP</u>
23. Sale or rental of new or used cars and trailers in open lot		N	N	SP	N	<u>NSP</u>
<u>D. INDUSTRIAL, WHOLESALE OR EXTENSIVE USES</u>						
5. Open lot storage of building materials, contractor's equipment		N	N	<u>NSP</u>	N	Y

8. Manufacturing, assembly, processing, packaging or other industrial operation <u>with or without retail and/or showroom component</u>	N	N	<u>NSP</u>	N	Y
---	---	---	------------	---	---

857 Or take any action in relation thereto.

858 *Passage requires a 2/3rds vote.*

- 859 Submitted by: Zoning Board of Appeals
- 860 Recommendation: Planning Board recommends approval.
- 861 Recommendation: Select Board recommends approval.

862 *Summary: Passage of this article will help to promote economic development and permits uses currently*
 863 *in demand in its appropriate zoning district.*

864 ***** **END OF SECOND CONSENT AGENDA** *****

865 **ARTICLE 42. USE REGULATIONS – COMMERCIAL KENNELS**

866 To see if the Town will vote to amend the Protective Bylaws, Article 2, Section 2.3.1. Table of Principal
 867 Uses as shown, with additions shown in bold and deletions shown in strikethrough:

- 868 2.3 USE REGULATIONS
- 869 2.3.1 Table of Principal Uses.
- 870 PRINCIPAL USES DISTRICTS

	RR	NR	C	TC	LI
C. COMMERCIAL USES	<u>SPN</u>	N	SP	SP	<u>NSP</u>
10. Commercial Kennel, Animal Hospital, Veterinarian's Office					
1. Nonexempt agricultural use, except fur farms and piggeries <u>and commercial kennels</u>	Y	Y	Y	Y	Y

872 Or take any action in relation thereto.

873 *Passage requires a 2/3rds vote.*

- 874 Submitted by: Zoning Board of Appeals
- 875 Recommendation: Planning Board does not recommend approval for Use #10;
- 876 Planning Board was split on the vote regarding Use #1.
- 877 Recommendation: Select Board will report at Town Meeting.

878 *Summary: This proposed amendment would prohibit packs or collections of more than four dogs per*
 879 *household in residential neighborhoods, but would allow packs or collections of more than four dogs in*
 880 *light industrial districts. Existing kennels and commercial activities involving dogs considered exempt*
 881 *under state law would not be affected.*

882 ----- **GENERAL & ZONING BYLAWS** -----

883 **ARTICLE 43. PARKS – AMEND GENERAL BYLAW**

884 To see if the town will vote to amend Chapter 113 of the General Bylaws, relative to Parks, with deletions
 885 shown in ~~strikethrough~~ and additions shown in bold/underline, or take action in relation thereto:

- 886 Chapter 113. Parks
- 887 Article 1. Sholan Park
- 888 Section 1. Parking hours; overnight pass

- 889 A. Parking at and use of Sholan Park is permitted only between the hours of 5:00 AM and 9:00 PM
890 daily and all persons must vacate and all vehicles must be removed by 9:00 pm, unless otherwise
891 posted or permitted through issuance of an overnight pass.
892 B. ~~All visitors and vehicles must vacate the park by 9 PM unless an overnight pass has been issued~~
893 ~~by the Department of Public Works for the Town of Sterling.~~

894 Section 2. Parking

- 895 A. Parking at Sholan Park is restricted to the designated parking area only.
896 B. Only those vehicles displaying the appropriate Town of Sterling resident permit, a temporary
897 guest or visitor pass, a non-resident parking pass, or emergency vehicles are authorized to park
898 within this parking area. ~~Unauthorized vehicles parked in the parking area or undesignated areas~~
899 ~~are subject to a fifty dollar (\$50.00) fine and/or towing at the owners expense.~~
900 C. ~~Owners and/or operators of vehicles parked in violation are subject to non-criminal dispositions~~
901 ~~(citations) pursuant to MGL Chapter 40, Sec 21D, issued by the members of the Sterling Police~~
902 ~~Department. Payment for violations should be made to the Town Clerk for the Town of Sterling in~~
903 ~~person or by mail within (21) twenty one days of the alleged violation.~~

904 Section 3. Permits and Passes

- 905 A. Permits and passes issued by the Town of Sterling, for the purposes described herein, remain the
906 property of the Town. Permits and passes are non-transferable. Holders of permits and passes
907 must make available the assigned registration, license and/or the permit or pass upon request.
908 Unauthorized use of permits and passes may result in suspension or revocation and/or the
909 assessment of fines, ~~are subject to revocation.~~
910 B. A resident permit of appropriate design shall be issued upon proof of residency for a specific
911 vehicle and must be affixed to said vehicle.
912 C. Beginning April 1st of each year a limited number of non-resident parking passes shall be issued
913 for a one year term on a first-come-first-served basis. Non-resident parking passes shall be issued
914 for a specific vehicle and must be displayed unobstructed and in full view on said vehicle
915 dashboard. Non-residents will be charged a parking fee as determined by the ~~Board of Selectmen.~~
916 Select Board.

917 Section 4. Animals

- 918 A. ~~Pets~~ ~~Animals~~ shall not be allowed on the beach and picnic areas of the Park. Violators are subject
919 to a fine of \$25.00 for each offense.
920 B. This section shall not apply to service animals, as defined by the Americans with Disabilities Act
921 or other applicable law, provided that said animals are under the handler's direct control at all
922 times. Animals whose sole function is to provide comfort or emotional support are not service
923 animals and shall be subject to the prohibition on pets, ~~as any guide dog, signal dog, or other~~
924 ~~animal individually trained to provide assistance to an individual with a disability.~~
925 C. ~~This section shall be enforced by the Animal Control Division of the Town of Sterling.~~

926 Section 5. Safety Rule

- 927 A. Alcohol beverages are not permitted at Sholan Park.
928 B. Residents and visitors must comply with all rules and regulations established for Sholan Park and
929 designated swim areas.
930 C. Boaters must comply with the current Massachusetts boating regulations and local by-laws, as
931 posted.
932 D. ~~These rules will be enforced by the Recreation Department staff and/or police department, as required.~~

933 Section 6. East Lake Waushacum

- 934 A. East Lake Waushacum is a sensitive natural resource and subject to the spread of invasive aquatic
935 weeds and mussels, as defined by the State's Department of Agricultural Resources.
- 936 B. Recipients of a resident permit, guest, or visitor pass, or non-resident permit and intending to use
937 a boat, trailer and/or other equipment in the lake are responsible to make sure it that their boat,
938 trailer or equipment is free of invasive species before entering the park/water park and water
939 and must submit to inspections for said weeds and mussels. The recipient also agrees, as a
940 condition of accepting a resident permit or pass, that said boat, trailer and/or equipment is
941 subject to inspection for weeds and mussel species.
- 942 C. Should any person refuse to submit to an inspection or attempt to enter with a vehicle, boat or
943 equipment with visible weeds or mussels, they will be denied entry. -Any evidence of weeds,
944 mussels or denying the inspection will be sufficient cause to deny access to the boat ramp and
945 parking area.
- 946 D. All vehicles, boats and equipment shall immediately be removed from the park and/or the
947 water when ordered to do so.

948 Section 7. Regulations

949 The Select Board may enact reasonable regulations relative to access to and the use of the properties
950 subject to this Bylaw.

951 Section 8. Enforcement and Penalties

- 952 A. This bylaw may be enforced by any employee of the Town's Recreation Department, any
953 member of the Town's Police Department, and/or any member of the Town's Animal Control
954 Department (with respect to the presence of animals only).
- 955 B. Whoever violates any provision of this Bylaw issued pursuant thereto may be penalized by a
956 noncriminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal
957 disposition by-law, if noncriminal disposition is elected, then the non-criminal fine for each such
958 violation, if not otherwise specified, shall be \$300 for each offense. Each day or portion thereof
959 shall constitute a separate offense. If more than one, each condition violated shall constitute a
960 separate offense.
- 961 C. Whoever violates any provision of this Bylaw may be penalized by indictment or on complaint
962 brought in the district court. Except as may be otherwise provided by law and as the district
963 court may see fit to impose, the maximum penalty for each violation or offense shall be three
964 hundred dollars (\$300). Each day or portion thereof shall constitute a separate offense. If more
965 than one, each condition violated shall constitute a separate offense.
- 966 D. The Park Department may suspend or revoke any permit issued pursuant to this Bylaw for any
967 violation of this Bylaw, or any other applicable General Law, regulation or bylaw. Any person
968 aggrieved by such suspension or revocation may request a hearing before Select Board;
969 provided, however, that the suspension or revocation shall remain in effect unless and until the
970 decision is reversed or modified by the Select Board.
- 971 E. Any person found on a property subject to this Bylaw outside of the designated hours or
972 otherwise in violation of any provision of this Bylaw or any regulations issued pursuant thereto,
973 will be considered a trespasser and will be asked to leave and if they refuse to do so they may
974 be subject to arrest, in the discretion of the responding officer, pursuant to Massachusetts
975 General Laws, Chapter 266, Section 120 or any other applicable law. Unattended vehicles found
976 on the property after the designed hours and/or without proper proof of parking privileges may
977 be towed at the owner's expense.

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

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981 Submitted by: Conservation Commission

982 Recommendations: Select Board recommends approval.

983 *Summary: This warrant article is an update to existing regulations in response to issues that have surfaced*
984 *in the day-to-day operations at the Sholan Park area. The updates will enhance the Town's ability to enforce*
985 *violations of existing regulations and noncompliance with inspections of boats that enter the East*
986 *Lake. Inspections are especially important for boats that have been used outside of Sterling or are being*
987 *brought in by a non-resident. The inspections and requirements that boats be free of any foreign debris is*
988 *the most assured method of the prevention for nuisance weeds that enter the lake. The weeds, if allowed to*
989 *take hold, can prevent residents from enjoying swimming and fishing activities traditionally available to*
990 *the residents of the community.*

991 **ARTICLE 44. GROUNDWATER PROTECTION DISTRICTS**

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993 To see if the Town will vote to amend the Protective Bylaws by deleting Section 4.6 "Aquifer and Water
994 Resource Protection Districts" and replacing it with the proposed "Groundwater Protection Districts" as
995 printed in this Warrant as follows:

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4.6 GROUNDWATER PROTECTION DISTRICTS

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4.6.1 Purpose. The purposes of this Article, in addition to those enumerated in Article 1 of the Town
of Sterling Protective By-laws are to:

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- a. promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the Town of Sterling;
- b. preserve and protect existing and potential sources of drinking water;
- c. conserve natural resources in the Town of Sterling; and
- d. prevent temporary and permanent contamination of the environment.

4.6.2 Scope of Authority

The Groundwater Protection Districts (GWPD) is an overlay district(s) superimposed on the zoning districts. This overlay district shall apply to all new construction, reconstruction (any construction totaling 50% or more of the assessed value of an existing structure), or expansion of existing buildings and new or expanded uses. Compliance with this bylaw applies only to the portion of the lot or parcel that falls within the Groundwater Protection District. Uses prohibited in the underlying zoning districts shall not be permitted in the Groundwater Protection Districts.

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4.6.3 Definitions

Aquifer: A geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.

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CMR: Code of Massachusetts Regulations.

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Commercial Fertilizer: Any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use, or claimed to have value in promoting plant growth, except un-manipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and gypsum, and other products exempted by state regulations.

1022 Discharge: The accidental or intentional disposal, deposit, injection, dumping, spilling, leaking,
1023 pouring, or placing of toxic or hazardous material or hazardous waste upon or into any land or
1024 water such that it may enter the surface or ground waters.

1025 Dry Well: A subsurface pit with open-jointed lining or holes through which storm-water drainage
1026 from roofs, basement floors, foundations or other areas seep into the surrounding soil.

1027 Groundwater Protection Districts: The land area consisting of aquifers and Town of Sterling
1028 Zone II recharge areas as identified on a map and adopted pursuant to this bylaw.

1029 Hazardous Material: Any substance in any form which because of its quantity, concentration, or
1030 its chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics,
1031 either separately or in combination with one or more substances, constitutes a present or
1032 potential threat to human health, safety, welfare, or to the environment, when improperly
1033 stored, treated, transported, disposed of, used, or otherwise managed. Hazardous material
1034 includes, without limitation, synthetic organic chemicals, petroleum products, heavy metals,
1035 radioactive or infectious materials, and all substances defined as toxic or hazardous under MGL
1036 c. 21E. This term shall not include hazardous waste or oil.

1037 Hazardous Waste: A substance or combination of substances, which because of quantity,
1038 concentration, or physical, chemical or infectious characteristics may cause, or significantly
1039 contribute to an increase in mortality or an increase in serious irreversible, or incapacitating
1040 reversible illness or pose a substantial present or potential hazard to human health, safety, or
1041 welfare or to the environment when improperly treated, stored, transported, used or disposed
1042 of, or otherwise managed. This term shall include all substances identified as hazardous
1043 pursuant to the Hazardous Waste Regulations, 310 CMR 30.000.

1044 Historical High Groundwater Table Elevation: A groundwater elevation determined from
1045 monitoring wells and historical water table fluctuation data compiled by the United States
1046 Geological Survey.

1047 Impervious Surface: Material or structure on, above, or below the ground that does not allow
1048 precipitation or surface water runoff to penetrate into the soil.

1049 Interim Wellhead Protection Area (IWPA): The MassDEP designated protection radius around a
1050 public water well that lacks a Zone II.

1051 Landfill: A facility established in accordance with a valid site assignment for the purposes of
1052 disposing solid waste into or on the land, pursuant to the Solid Waste Regulations, 310 CMR
1053 19.006.

1054 MassDEP: Massachusetts Department of Environmental Protection.

1055 MGL: Massachusetts General Law.

1056 Petroleum Product: Includes, but not limited to, fuel oil; gasoline; diesel; kerosene; aviation jet
1057 fuel; aviation gasoline; lubricating oils; oily sludge; oil refuse; oil mixed with other wastes; crude
1058 oils; or other liquid hydrocarbons regardless of specific gravity. Petroleum product shall not
1059 include liquefied petroleum gas including, but not limited to, liquefied natural gas, propane or
1060 butane.

1061 Non-Sanitary Wastewater: Wastewater discharges from industrial and commercial facilities
1062 containing wastes from any activity other than collection of sanitary sewage including, but not
1063 limited to, activities specified in 310 CMR 15.004(6).

1064 Open Dump: A facility operated or maintained in violation of the Resource Conservation and
1065 Recovery Act 42 U.S.C. 4004(a)(b), or state regulations and criteria for solid waste disposal.

1066 Recharge Areas: Land areas, such as a Zone II or Interim Wellhead Protection Area, where
1067 precipitation and surface water infiltrates into the ground to replenish groundwater and
1068 aquifers used for public drinking water supplies.

1069 Septage: The liquid, solid, and semi-solid contents of privies, chemical toilets, cesspools, holding
1070 tanks, or other sewage waste receptacles. This term shall not include any material that is a
1071 hazardous waste, as defined by 310 CMR 30.000.

1072 Sludge: The solid, semi-solid, and liquid residue that results from a process of wastewater
1073 treatment or drinking water treatment including wastewater residuals. This term shall not
1074 include grit, screening, or grease and oil which are removed at the head-works of a facility

1075 Small Quantity Generator: As defined in 310 CMR 30.000. Any public or private entity, other
1076 than residential, which generates between 100 kilograms and 1,000 kilograms a month of
1077 hazardous waste or waste oil and/or less than 1 kilogram acutely hazardous waste as defined in
1078 310 CMR 30.136. The waste must be shipped in 90 days and accumulation is limited to 6,000
1079 kilograms in tanks and containers for no more than 180 days.

1080 Treatment Works: Any and all devices, processes and properties, real or personal, used in the
1081 collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation, or reuse
1082 of waterborne pollutants, but not including any works receiving a hazardous waste from off the
1083 site of the works for the purpose of treatment, storage, or disposal.

1084 Utility Works: Regulated activities providing for public services, including roads, water, sewer,
1085 electricity, gas, telephone, transportation and their associated maintenance activities. This term
1086 shall include the installation of detention and retention basins for the purpose of controlling
1087 storm water.

1088 Very Small Quantity Generator: As defined in 310 CMR 30.000. Any public or private entity,
1089 other than residential, which generates less than 100 kilograms a month of hazardous waste or
1090 waste oil, generates no acutely hazardous waste as defined in 310 CMR 30.136 and accumulates
1091 no more than 1,000 kilograms at any one time.

1092 Waste Oil Retention Facility: A waste oil collection facility for automobile service stations, retail
1093 outlets, and marinas which is sheltered and has adequate protection to contain a spill, seepage,
1094 or discharge of petroleum waste products in accordance with MGL c.21. s.52A. 4.7.4

1095 Zone II: The delineated recharge area to a public drinking water well as approved by MassDEP
1096 and defined under the Massachusetts Drinking Water Regulations 310 CMR 22.00.

1097 **4.6.4 Establishment and Delineation of Groundwater Protection Districts**

1098 (a) The Groundwater Protection Districts are all land areas in the town of Sterling which overlie
1099 those portions of the Aquifer which have a potential well yield greater than one hundred
1100 (100) gallons per minute as shown in the USGS Hydrological Investigation Atlas 276 (Water

1101 Resources of the Nashua and Souhegan River Basins. Massachusetts, by Richard A. Brackley
 1102 1977), and any future refinements thereof.

1103 (b) The Groundwater Protection Districts are all land areas in the town of Sterling which are
 1104 within either a delineated Town of Sterling Water Department Zone II or are within a one-
 1105 half mile radius of an existing municipal well which has no delineated Zone II.

1106 (c) The boundaries of the Districts, as presented on any plan, must meet the approval of the
 1107 Planning Board. Where bounds as delineated are in doubt or in dispute, the burden of proof
 1108 shall be on the owner(s) of the land in question to show where they should properly be
 1109 located.

1110 **4.6.5 District Boundary Disputes**

1111 (a) If the location of the Groundwater Protection District in relation to a particular parcel is in
 1112 doubt, resolution of the boundary dispute shall be through a Special Permit application to
 1113 the Special Permit Granting Authority. Any application for a special permit for this purpose
 1114 shall be accompanied by adequate documentation.

1115 (b) Burden of proof shall be upon the land owner to demonstrate that the location of the
 1116 Groundwater Protection District with respect to a particular parcel(s) of land is uncertain.
 1117 At the request of the land owner, the Town may engage a professional engineer,
 1118 hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the
 1119 Groundwater Protection District with respect to a particular parcel(s) of land, and may
 1120 charge the owner for the cost of the investigation.

1121 **4.6.6 Uses Regulations**

1122 (a) Within the Groundwater Protection Districts the requirements of the underlying districts
 1123 continue to apply except as modified in Table 4.6.6 below. In Table 4.6.6, uses which are
 1124 prohibited are indicated with an "N", uses which require a special permit are indicated with
 1125 an "SP" and uses which are permitted are indicated with a "Y".
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Table 4.6.6 Groundwater Protection Districts Use Regulation

	Type of Use	GWPD
1	Landfills and open dumps.	N
2	Automobile graveyards and junkyards.	N
3	Landfills receiving only wastewater residuals and/or septage, including those approved by MassDEP pursuant to MGL c. 21 §26 through §53, MGL c.111 §17, and MGL c.83 §6 and §7.	N
4	Facilities that generate, treat, store, or dispose of hazardous waste that are subject to MGL c. 21C and 310 CMR 30.00, except for the following:	N
	a. Very small generators as defined under 310 CMR 30.000;	Y
	b. Small generators as defined under 310 CMR 30.000;	SP
	c. Household hazardous waste centers and events under 310 CMR 30.390;	Y
	d. Waste oil retention facilities required by MGL c. 21, §52A;	Y
	e. Water remediation treatment works approved by the MassDEP for the treatment of contaminated waters;	Y
5	Petroleum, fuel oil, and heating oil bulk stations and terminals including, but not limited to, those listed under North American Industry Classification System (NAICS) Codes 424710 and 454311, except for liquefied petroleum gas.	N

6	Storage, use or production of liquid or solid hazardous materials or liquid petroleum products except for the following:	N
	a. Within a building, or other structure, above ground level and on an impervious surface which by design* will contain any release, or storage which is within an aboveground double walled container capable of containing 110% of the primary container's contents and with additional precautionary measures to protect from vandalism, corrosion, or other environmental factors and whose piping and/or other related equipment includes similar safeguards;	Y
	b. Outdoors in covered container(s) above ground level and on an impervious surface or above ground tank(s) on an impervious surface which by design* will contain any release, or storage which is within an aboveground double walled container capable of containing 110% of the primary container's contents and with additional precautionary measures to protect from vandalism, corrosion, or other environmental factors and whose piping and/or other related equipment includes similar safeguards;	Y
	c. Approved portable containers related to normal building and property use;	Y
	d. Emergency electrical generators required by statute, rule or regulation;	Y
	e. Treatment works approved by the MassDEP designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters;	Y
	f. Building heating;	Y
	g. Waste oil retention facilities required by MGL c. 21, §52A; and	Y
	Provided that such storage listed in d, e, f and g are within a building, or other structure, which by design* will contain any release, or storage which is within an aboveground double walled container capable of containing 110% of the primary container's contents and with additional precautionary measures to protect from vandalism, corrosion, or other environmental factors and whose piping and/or other related equipment includes similar safeguards.	
7	Storage of sludge and septage as defined in 310 CMR 32.05 except for the following:	N
	a. Storage must be in compliance with 310 CMR 32.30 and 310 CMR 32.31.	Y
8	Discharge to the ground of non-sanitary wastewater including industrial and commercial process wastewater except for the following:	N
	a. The replacement or repair of an existing treatment works that will not result in an increase in design capacity of the existing treatment works;	Y
	b. Treatment works approved by MassDEP designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13); and	Y
	c. Publicly owned treatment works.	Y
9	Individual sewage disposal except for the following:	N
	a. Systems designed in accordance with 310 CMR 15.00 having the leaching area of the system a minimum of six (6) feet above the high ground water elevation as measured in accordance with 310 CMR 15.101, 15.102 and 15.103.	Y
10	Outdoor storage of deicing chemicals (such as but not limited to sodium chloride, calcium chloride, etc.) and chemically treated abrasives or other	N

	chemicals used for the removal of ice and snow on roads except for the following:	
	a. Where enclosed to prevent generation and escape of contaminated runoff or leachate.	Y
11	Storage of animal manure, except for the following:	N
	a. Quantities generated on site incidental to household garden use. Storage must be covered and contained in accordance with specification of the United States Soil Conservation Service;	Y
	b. Quantities generated off site.	N
12	Storage of commercial fertilizers except for the following:	N
	a. Where covered to prevent generation and escape of contaminated runoff or leachate.	Y
13	Stockpiling and disposal of snow and ice that contains deicing chemicals that is imported from outside the Groundwater Protection Districts.	N
14	The removal of soil, loam, sand, gravel or any other mineral substances within six (6) feet of the historical high groundwater table elevation. Excavations for the construction of building foundations, the installation of utility works, and the dredging or maintenance of water bodies and drainage systems are permitted without a Special Permit.	SP
15	Floor drain systems located in a hazardous material or hazardous waste process area or hazardous material or hazardous waste storage area within a commercial or industrial facility and which discharges to the ground without a MassDEP permit or authorization. Any existing facility with such a system shall be required to either seal the floor drain in accordance with the state plumbing code 248 CMR 10.00, connect the drain to a municipal sewer system (with all appropriate permits and pre-treatment), or connect the drain to a holding tank meeting the requirements of all appropriate MassDEP regulations and policies.	N

*Town of Sterling may require documentation to be submitted by the owner/operator with regards to the integrity of such design.

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4.6.7 Additional Requirements for Permitted Uses.

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- (a) All runoff from impervious surfaces or otherwise due to industrial and commercial development, or due to the construction of new roads, shall be recharged on site by being diverted to stormwater infiltration basins covered with natural vegetation for surface infiltration to the greatest extent possible, or as otherwise directed by the Planning Board. Dry wells and leaching catch basins, when allowed by the Planning Board must be preceded by oil, grease and sedimentation traps to facilitate removal of contaminants. Commercial and Industrial infiltration and recharge structures shall be kept permanently in full working order by the owner of the site. A maintenance report for the operation of the recharge system(s) shall be submitted annually to, and approved by, the Planning Board and Conservation Commission to assure that the methods used for on-site recharge and infiltration remain effective.
- (b) All lawful uses not prohibited by the Article 4.6 which are wholly or partially within the areas regulated by the Article 4.6 and which are required to undergo site plan review under Article 6.4 of the Town of Sterling Protective Bylaw must conform to the following as part of that site plan review:

- 1149 (1) The site plans must delineate the boundaries of the Groundwater Protection
- 1150 District(s),
- 1151 (2) The plans will state the proposed use(s),
- 1152 (3) The Planning Board must be satisfied that the project has been designed to
- 1153 eliminate any significant threat of contamination to the ground water. In making
- 1154 such a determination, the Planning Board shall give consideration to the simplicity,
- 1155 reliability and feasibility of the control measures proposed and the degree and
- 1156 threat to water quality which would result if the control measures fail. Any
- 1157 modifications, deletions or additions to the plans required by the Planning Board
- 1158 for the purposes of insuring protection of the ground water must be made prior to
- 1159 the issuance of any Building Permit or Certificate of Use and Occupancy.
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4.6.8 Pre-existing Uses and Structures.

- 1162 (a) Structures. Any existing structure, or use of such structure, lawful on the effective date of
- 1163 this Article 4.6 may continue although such structure does not conform to the requirements
- 1164 of this Article 4.6. Any such existing structure may be repaired, enlarged, maintained and
- 1165 improved, however, any enlargement greater than a one-time enlargement of 2,500 square
- 1166 feet or less must conform to the regulations contained in this Article 4.6.
- 1167 (b) Uses. Any existing use lawful on the effective date of this Article 4.6 may continue although
- 1168 such use does not conform to the requirements of this Article 4.6. Any change, expansion,
- 1169 extension or repair of such non-conforming use must, however, conform to the regulations
- 1170 contained in this Article 4.6, and must conform as much as possible, in the opinion of the
- 1171 Planning Board, to the regulations contained in this Article and to the regulations of the
- 1172 Town of Sterling.
- 1173 (c) Hardship. To avoid undue hardship, nothing in this Article 4.6 shall be deemed to require a
- 1174 change in the design, construction or use of any structure with respect to which a building
- 1175 permit was legally issued prior to the effective date of this Article 4.6 and such building
- 1176 permit had not lapsed prior to the start of construction.

4.6.9 Special Permit Procedures

1177 Special Permits required under this Article 4.6.9 shall be in addition to, and separate from, any

1178 other Special Permit required under any article of this Zoning Bylaw or any other law or

1179 regulation. The town of Sterling Planning Board is hereby established as the Special Permit

1180 Granting Authority under Article 4.6 Groundwater Protection Districts. Special Permits required

1181 under this Article 4.6 shall be issued in accordance with Article 6.3 of the Zoning Bylaw, and in

1182 accordance with the additional requirements specified below:

1183

- 1184 (a) Special Permit Requirements. A Special Permit shall only be granted if the Permit Granting
- 1185 Authority determines that the intent of this bylaw as well as its specific criteria are fully met.
- 1186 (b) Application Requirements. Requests for a Special Permit shall be made in writing and clearly
- 1187 state the provision or requirement from which the Special Permit is sought. The following
- 1188 application requirements are the minimum criteria for submitting a complete application:

- 1189 1. In addition to the copy filed with the Special Permit Granting Authority, copies of
- 1190 the application for Special Permit shall be filed by the applicant with the Board of
- 1191 Health, Conservation Commission, Building Inspector, Department of Public Works,
- 1192 Police Department and Fire Department.

- 1193 2. A site plan, prepared by a professional engineer or land surveyor, showing existing
 1194 and proposed structures and facilities. Minimum requirements for information
 1195 included on the site plan are outlined in Article 6.4.4.
 1196 3. A description of the proposed work plan including a construction schedule.
 1197 4. A description of measures that will be taken to ensure that the quantity and quality
 1198 of on-site groundwater recharge will not be significantly diminished by the
 1199 proposal.
 1200 5. A description of all chemicals, pesticides, fuels, or other potentially toxic or
 1201 hazardous materials to be used, generated, or stored on the site; together with a
 1202 description of pre-cautionary measures that will be taken to protect from
 1203 vandalism, corrosion, leakage, or other adverse environmental effects;
 1204 6. Identify any public or private wells and surface water, and the distance between
 1205 proposed activities or uses.

1206 (c) Inter-Agency Review. Upon receipt of the application, the agencies listed in 4.6.9 (b) 1. shall
 1207 review the application and make recommendations as they deem appropriate to the Special
 1208 Permit Granting Authority. Failure of the reviewing parties to make recommendations
 1209 within thirty-five (35) days after having received copies of all such required materials shall
 1210 be deemed a lack of opposition thereto,

1211 (d) Public Hearing. The public hearing shall be given in accordance with Article 6.3.3.

1212 (e) Decision Process. The Special Permit Granting Authority's decision shall consider the
 1213 accuracy of the information provided in the application, the reliability of the proposed
 1214 control measures, and recommendations of the other review boards, and shall issue its
 1215 decision in accordance with MGL c.40A unless said period is extended in accordance with
 1216 MGL c.40A. The Special Permit Granting Authority may only grant a Special Permit if it finds
 1217 that the proposed use:

- 1218 1. Is in harmony with the purpose and intent of this Bylaw; and
 1219 2. It will not be detrimental or injurious to the Groundwater Protection Districts.

1220 (f) Posting. The Special Permit or a clear and concise summary of the Special Permit shall be
 1221 posted in a conspicuous location at or near the operation, facility, or system requiring said
 1222 permit.

1223 **4.6.10 Enforcement and Violations.**

1224 The enforcement of this Article 4.6 shall be as described in Article 6.1.2 and 6.1.3 of this Bylaw
 1225 and General Bylaw, III, §1-7 to §1-9

1226 **4.6.11 Savings Clause.**

1227 If any subsection or part thereof of this Article 4.6 is held to be invalid the remainder of this
 1228 Article 4.6 shall not be affected thereby.

1229 Or take any action in relation thereto.

1230 *Passage requires a 2/3rds vote.*

- 1231 Submitted by: Select Board
 1232 Recommendation: The Planning Board recommends approval.
 1233 Recommendation: Select Board recommends approval.

1234 *Summary: This article is based and is closely modeled upon the Massachusetts' Department of*
1235 *Environmental Protection ("MassDEP") Groundwater Protection District Bylaw that complies with*
1236 *MassDEP's Wellhead Protection Regulations 310 CMR 22.21(2). The Town's existing Section 4.6 Bylaw*
1237 *is much more restrictive than the model bylaw. Sterling's current bylaw confusingly uses the terms*
1238 *"Aquifer" and "Water Resource" and incorrectly assigns permit granting authority to the Board of Health,*
1239 *contrary to state statute.*

1240 **ARTICLE 45. GROUNDWATER PROTECTION DISTRICTS – CITATIONS**

1241 To see if the Town will vote to amend the Protective Bylaws, as follows:

1242 Table of Contents by amending the Table of Contents by deleting "Aquifer and Water Resource
1243 Protection Districts" and existing subsections 4.6.1-4.6.9, and replacing that with "Groundwater
1244 Protection Districts" and new subsections 4.6.1-4.6.11, to Amend Article 4.6 to rename, reorganize and
1245 renumber all the related subsections accordingly and to renumber all subsequent pages thereafter.
1246

1247 Article 2, Section 2.1.1. Establishment, by deleting the words "Aquifer and Water Resource Protection
1248 District" and replacing it with "Groundwater Protection Districts."
1249

1250 Article 4, Section 4.7.3., by deleting the words "Aquifer and Water Resource Protection Districts" and
1251 replacing it with "Groundwater Protection Districts."
1252

1253 Article 4, Section 4.7.5.2(b)(i), by deleting the words "Aquifer and Water Resource Protection Districts Bylaw
1254 4.6.5 (c)" and replacing it with "Groundwater Protection Districts."
1255

1256 Article 4, Section 4.7.5.2(d), by deleting the words "Aquifer and Water Resource Protection Districts By-law"
1257 and replacing it with "Groundwater Protection Districts."

1258 Or take any action in relation thereto.

1259 ***Passage requires a 2/3rds vote.***

1260 Submitted by: Planning Board

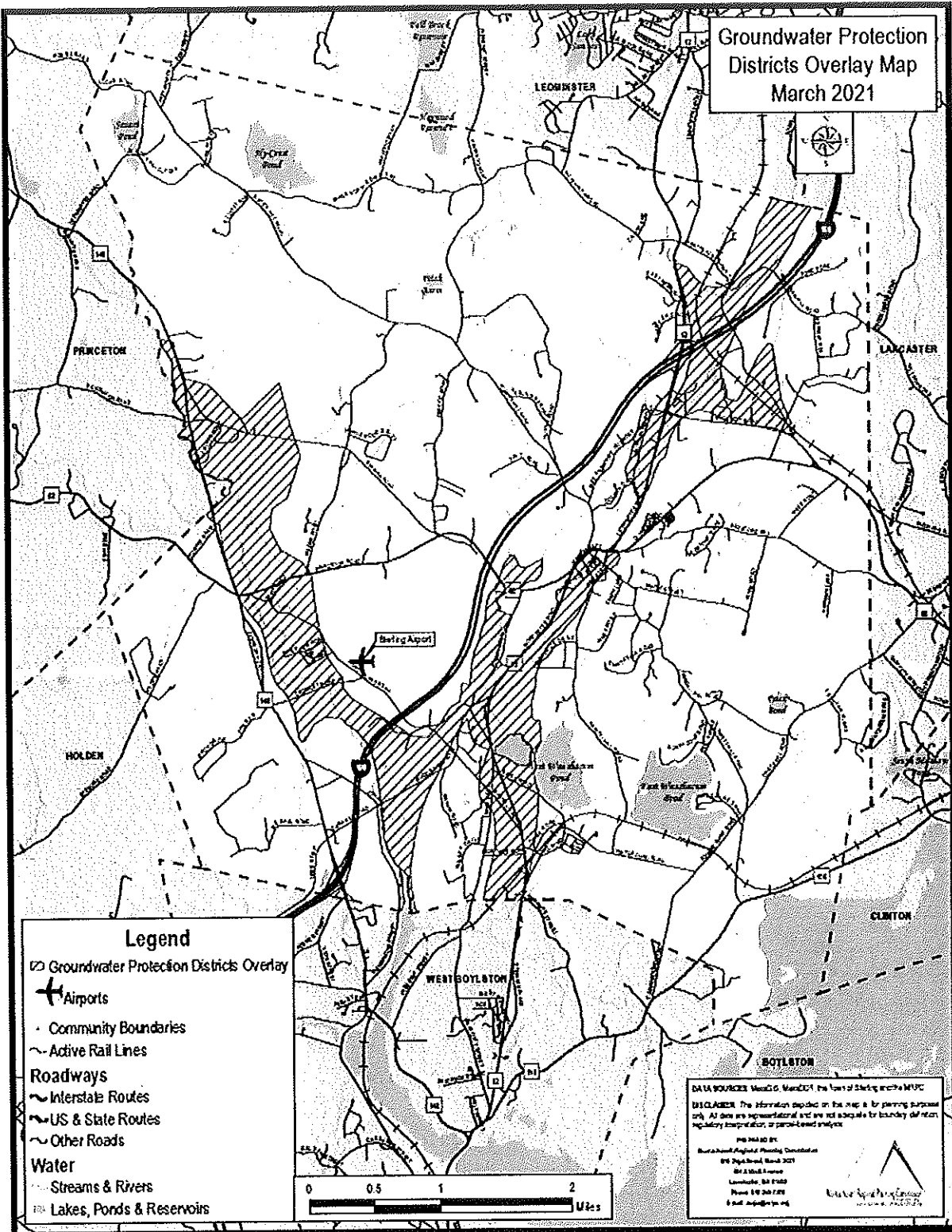
1261 Recommendation: The Planning Board recommends approval.

1262 Recommendation: Select Board recommends approval.

1263 *Summary: These proposed changes are "housekeeping" in nature with language updates that will replace*
1264 *the former bylaw reference with the new proposed name in all instances of the Protective Bylaw.*

1265 **ARTICLE 46. GROUNDWATER PROTECTION DISTRICTS - OVERLAY MAP**

1266 To see if the Town will vote to amend the Protective Bylaws by deleting the Aquifer and Water Resource
1267 Protection Overlay District Map and replace it with the proposed Groundwater Protection Districts
1268 Overlay Map.



1269 Or take any action in relation thereto.

1270 Passage requires a 2/3rds vote.

1271 Submitted by: Planning Board

- 1272 Recommendation: Planning Board recommends approval.
- 1273 Recommendation: Select Board recommends approval.

1274 *Summary: The proposed new overlay encompasses Sterling's Zone II areas, being the high and medium*
1275 *yield zones. The current overlay is overly broad and contains, high, medium and low yield zones, in*
1276 *addition to extra extraneous locations. Pursuant to 310 CMR 22.21(1)(e), Sterling is not legally bound to*
1277 *provide land use prohibitions/controls in this area as it does not own or operate the Leominster wells.*

1278 ----- **EARTH REMOVAL BYLAWS** -----

1279 **ARTICLE 47. EARTH REMOVAL - GENERAL BYLAW**

1280 To see if the Town will vote to amend the General Bylaws by removing the entire Chapter 63 Earth
1281 Removal and replacing with a new Chapter 63: Earth Removal, as follows:

1282 **Chapter 63: Earth Removal**

1283 § 63-1 Purpose.

1284 The purpose of this bylaw is to protect the health and safety of the public by regulating the
1285 removal of earth, with consideration given to the natural topography of the Town of Sterling (i)
1286 to avoid creating hazardous conditions, washouts, excessive dust, or noise and (ii) to protect
1287 natural resources within the Town of Sterling.

1288 § 63-2 Definitions.

1289 **Earth**

1290 "Earth" shall include soil, loam, sand, gravel, clay, rocks, minerals, or other earth material.

1291 **Permit Granting Authority (PGA)**

1292 The Select Board of the Town of Sterling is authorized to grant permits for earth removal
1293 pursuant to this Bylaw.

1294 **Quarrying or Mining**

1295 "Quarrying or mining" shall mean earth removal for the purpose of extracting soil, loam, sand,
1296 gravel, clay, rocks, minerals, or other earth material, including establishments engaged in
1297 operating sand and gravel pits and in washing, screening, or preparing sand and gravel for
1298 construction or industrial uses. "Quarrying or mining" shall exclude grading of a lot in preparation
1299 for the construction of a structure or associated appurtenances for which a building permit or
1300 other similar permit has been issued by the town.

1301 § 63-3 Permit Required.

1302 The following earth removal operations are required to obtain an earth removal permit from the
1303 PGA under this bylaw:

1304 A. Quarrying or mining operations.

1305 B. Earth removal from a single lot or a single site, unless exempt pursuant to §63-4.

1306 § 63-4 Exemptions from Permit Requirements.

1307 The following earth removal operations are exempted from the requirement to obtain an earth
1308 removal permit under this bylaw.

1309 A. Earth removal of less than an aggregate of 1,000 cubic yards *in situ* from a single lot or a

- 1310 single site within any five (5) year period (commencing on the date the Notification of Intent
1311 is filed with the PGA) and not in connection with a building permit granted by the Town of
1312 Sterling shall not require a permit under this bylaw, but operations shall be required to
1313 comply with the Earth Removal Operation Criteria set forth in §63-7. In order to claim this
1314 exemption, the owner of the lot or site shall, at a public meeting of the PGA, file a Notice of
1315 Intent for Earth Removal with the PGA indicating full compliance with the Earth Removal
1316 Operation Criteria.
- 1317 B. Earth removal from a single lot or a single site in connection with a building permit granted
1318 by the Town of Sterling, so long as the quantity shall not exceed 110% of the amount of
1319 material displaced by the below grade portion of the construction of permitted building or
1320 structure.
- 1321 C. Earth removal associated with the installation of septic systems shall be governed by the
1322 Commonwealth of Massachusetts Environmental Code (Title 5, 310 CMR 15.000), provided
1323 that the quantity of materials removed shall not exceed the amount of material displaced by
1324 the permitted septic system components (septic tank, distribution box, pump chamber,
1325 dosing chamber, grease trap, manhole and soil absorption system) below grade as approved
1326 by the Board of Health.
- 1327 D. Earth removal from one parcel of land to a contiguous parcel of land, held in common
1328 ownership and located within the Town of Sterling, subject to compliance with the Earth
1329 Removal Operation Criteria in §63-7. If there is a group of parcels that are (i) contiguous to
1330 each other, (ii) held in common ownership and (iii) located within the Town of Sterling, earth
1331 removal from one parcel of land in the group to any other parcel of land in the same group
1332 is exempt under this section. For example, an owner of four contiguous parcels on a public
1333 way would be allowed to remove earth from parcel one to parcel four since all four parcels
1334 are contiguous with at least one other parcel in the same group.
- 1335 E. Earth removal from any parcel of land in a definitive subdivision subject to the subdivision
1336 control process under Massachusetts General Laws Chapter 41, as amended, that has been
1337 approved by the Planning Board. In this instance, the Planning Board shall have full authority
1338 to regulate the amount and disposition of earth to be removed from such parcel(s) of land
1339 shown on the subdivision plan.
- 1340 F. Earth removal required for a certain parcel of land subject to the town of Sterling Site Plan
1341 Review process as defined in Article 6, Section 6.4 of the Town of Sterling Protective Bylaws
1342 as amended that has been approved by the Planning Board. In this instance, the Planning
1343 Board shall have full authority to regulate the amount and disposition of earth to be removed
1344 from such a site as shown on the site plan.
- 1345 G. Earth removal for land falling within the Town's Wetland Resource Area and associated
1346 buffer zones shall be governed by the Wetland Protection Act, MGL Chapter 131, Section 40,
1347 administered solely by the Town of Sterling's Conservation Commission.
- 1348 H. Earth removal operations in continuous operation prior to November 12, 1973 are permitted
1349 to continue on the same parcel(s) of land as existed on the date of adoption of this
1350 amendment; provided, however, an expansion of such earth removal operations to a new
1351 or additional parcel(s) of land following the adoption of this Bylaw amendment shall require
1352 an earth removal permit consistent with this Bylaw.
- 1353 I. Earth removal from land in public use, including the extraction and processing for road

1354 maintenance materials and safety by the Town of Sterling from municipal-owned property
1355 by the Town of Sterling's Department of Public Works.

1356 J. Earth removal for the construction, maintenance and repair of existing public roadways or
1357 the installation of public utilities and appurtenances.

1358 K. Earth Removal related to the construction, repair, and maintenance of fire ponds, being an
1359 engineered design structure with hydraulic capacity and a withdrawal mechanism such as a
1360 dry barrel hydrant, shall be under the jurisdiction of the Conservation Commission.

1361 L. Earth removal required in the customary use of land for agriculture of less than an aggregate
1362 of 1,000 cubic yards *in situ* on a single lot within any five (5) year period (commencing on the
1363 date of the Notification of Intent is filed with the PGA), subject to compliance with the Earth
1364 Removal Operation Criteria in §63-7.

1365 M. Any of the exempted earth removal operations listed in §63-4 A through L shall be exempted
1366 from any fees for earth removal operations.

1367 § 63-5 Public Hearing.

1368 After a complete new permit application has been filed, the PGA shall set a date for a public
1369 hearing under this General Bylaw and so notify the applicant. Notice of the hearing shall be given
1370 as follows:

1371 A. The PGA shall publish a notice in a newspaper of general circulation in each of two successive
1372 weeks, the first publication being not less than 14 days before the day of the hearing.

1373 B. The applicant shall give written notice of the hearing to all abutters and abutters to the
1374 abutters within three hundred (300) feet of the property line as shown on the most recent
1375 tax list certified by the Board of Assessors. The applicant shall mail the written notice of the
1376 hearing to the abutters and abutters to the abutters by regular U.S. mail no less than
1377 fourteen (14) days prior to the hearing. The applicant shall request a certificate of mailing
1378 from the post office and provide it to the PGA as proof of mailing.

1379 All publication and mailing costs shall be borne by the applicant. Final approval for the permit
1380 shall not be made until all hearing fees have been paid in full.

1381 § 63-6 Submission and Plan Requirements.

1382 The form of the application for an earth removal permit as well as plan requirements shall be
1383 determined in accordance with rules and regulations adopted by the PGA.

1384 § 63-7 Earth Removal Operation Criteria.

1385 All earth removal operations shall comply with the Earth Removal Operation Criteria listed
1386 below, unless specifically waived or modified by the PGA at a public meeting. Applicants shall
1387 submit a written statement certifying how each of the following criteria shall be addressed
1388 and/or mitigated.

1389 All earth removal operations:

1390 A. Shall be in compliance with the Massachusetts Endangered Species Act and the Wetlands
1391 Protection Act.

1392 B. Shall be respectful of and work with the natural topography in order to minimize, wherever

- 1393 appropriate, the amount of cut and/or fill on the premises.
- 1394 C. Shall not endanger the public safety, public health or constitute a nuisance.
- 1395 D. Shall not produce noise, dust, or other noxious effects beyond the lot lines of the property.
- 1396 E. Shall not result in the transportation of materials in such manner as to cause traffic
1397 congestion, dust, spillage, noise, or other nuisances, hazards or damage, particularly on
1398 residential streets or adjacent land.
- 1399 F. Shall not result in a change of topography or loss of ground cover that shall cause soil erosion,
1400 increased rate of stormwater runoff or adversely impact drainage on the site, adjacent
1401 streets or abutting properties.
- 1402 G. Shall not cause pollution or particle infiltration to surrounding watercourses or groundwater.
- 1403 H. Shall not result in the removal/stripping of loam in an amount that would leave less than six
1404 (6) inches of organic soil cover that shall be reseeded, unless waived by the PGA, to provide
1405 vegetative cover and be maintained until the area has been stabilized.
- 1406 I. Shall not create a slope greater than five (5) feet in height that exceeds 1 vertical unit to 2
1407 horizontal units (1:2) and does not exceed twenty (20) feet in vertical height except when in
1408 *competent* bedrock as determined by a geotechnical engineer. In *competent* bedrock earth
1409 removal shall not create a slope greater than five (5) feet in height that exceeds 1 vertical
1410 unit to 1 horizontal unit (1:1) and does not exceed twenty (20) feet in vertical height.
- 1411 J. Shall not encroach a distance of ten (10) feet from any property line.
- 1412 K. Shall have a lowest excavated point no less than six (6) feet above the existing seasonal
1413 high groundwater table except when incidental to the construction for which a building
1414 permit has been obtained. To ensure this depth the applicant shall, at applicant's expense,
1415 install observation wells in accordance with the designated agent of the Town of Sterling's
1416 Board of Health.

1417
1418 The PGA may issue an order to any earth removal operation that does not appear to comply with
1419 the Earth Removal Operation Criteria (i) to submit evidence that it does comply, (ii) to bring the
1420 earth removal operation into compliance with this Bylaw, and/or (iii) to obtain an earth removal
1421 permit.

1422 § 63-8 Site Standards, Requirements and Operations.

1423 In approving the issuance of a permit, the PGA shall require conformity with the standards and
1424 requirements set forth below. The PGA may, where appropriate under the circumstances, waive,
1425 modify, state more specifically, or add to the following standards and requirements provided
1426 that the intent of this Bylaw is maintained and the Earth Removal Operation Criteria stated in
1427 §63-7 are observed. Any deviations from the following standards and requirements shall be
1428 stated as conditions to and noted upon the permit.

- 1429 A. All non-exempted earth removal operations in §63-3 shall be required to be accompanied
1430 with an initial Close Out or Reclamation Plan in addition to a non-waivable statement as
1431 stipulated by the PGA, and stamped by a Professional Civil Engineer attesting that all Earth
1432 Removal Operation Criteria in §63-7, except those for which the PGA has issued a waiver,
1433 shall be met for the duration of the earth removal. Following completion of earth removal
1434 operations, the applicant shall provide a final Close Out or Reclamation Plan as stipulated by

1435 the PGA, stamped by a Professional Civil Engineer, along with a report or a statement signed
1436 by a geotechnical engineer stating that the geotechnical engineer has inspected the site
1437 prior, during and upon completion of earth removal operations and certifying the structural
1438 integrity of the site and related slopes as shown on the final plan.

1439 B. The contractor hired to perform the earth removal or the applicant, if the applicant shall be
1440 the entity performing the earth removal, shall provide the Town with a current certificate of
1441 liability insurance in the amount of \$1 million per occurrence and \$3 million in the aggregate,
1442 issued by an insurance company licensed in Massachusetts, and if the earth removal work
1443 abuts Town-owned land or a Town accepted way, the certificate of liability shall name the
1444 Town as an additional insured. The applicant shall be responsible for providing the Town with
1445 a current certificate of insurance throughout the duration of the earth removal operations.

1446 C. The site standards and requirements include:

1447 (1) Except for fire ponds as provided in §63-4 K, no area shall be excavated so as to cause
1448 the accumulation of free-standing water. Permanent drainage shall be provided as
1449 needed in accordance with accepted engineering and conservation practices.
1450 Measures shall be taken to insure that silting and sedimentation of nearby streams is
1451 not caused by a temporary or permanent drainage system on site. Drainage shall not
1452 lead directly into streams, ponds, abutting properties nor shall drainage from access
1453 roads drain directly onto public ways.

1454 (2) If erosion control structures are utilized, these devices shall be in place and stabilized
1455 before excavation can begin in the affected area. These structures shall be inspected
1456 and maintained in accordance with the approved plan and the capacity of the
1457 structural device.

1458 (3) If the earth removal operation occurs in phases, one phase shall be completed and
1459 seeded, unless waived by the PGA prior to the commencement of the next phase.

1460 (4) Quarrying or mining operations shall be contained within the current property limits,
1461 as shown on the plan. The expansion to additional property must be authorized by a
1462 new permit by the PGA.

1463 (5) During earth removal operations, a fence or suitable barrier shall be erected, as
1464 deemed necessary and approved by the PGA.

1465 (6) Operations shall be conducted during the hours 7:00 A.M. to 5:00 P.M., Monday
1466 through Saturday. No earth is to be excavated or removed on Sundays or
1467 Massachusetts legal holidays. These hours of operation may be altered only upon
1468 written authorization of the PGA. Loaded trucks shall leave the premises only during
1469 permitted hours. All loaded vehicles shall be suitably covered to prevent dust and
1470 contents from spilling and blowing from the load.

1471 (7) All trucking routes and methods may be subject to approval by the Chief of Police and
1472 the Superintendent of Public Works.

1473 (8) Earth removal permits are only transferable upon approval of the PGA in its sole
1474 discretion and shall automatically expire on the earliest to occur of (i) one year from
1475 the date of issuance, (ii) completion of the earth removal for which it was issued, or
1476 (iii) at such time as may be specified in the permit. In no case shall a permit be issued
1477 for a period longer than one year. A permit may be renewed by the PGA in its sole

1478 discretion after evidence is presented that (i) all conditions of the expiring permit have
1479 been complied with and (ii) the work authorized under the permit was delayed for
1480 good cause. All renewal applications shall be filed not more than 90 days nor less than
1481 30 days prior to the expiration of the then current permit and shall include a copy of
1482 the previous conditions of approval. When the applicant intends to increase the scope
1483 of the earth removal, a new application and public hearing shall be required.

1484 D. This bylaw was adopted in conjunction with eliminating a requirement in the Protective
1485 Bylaws of the Town of Sterling that an applicant be granted a variance by the Zoning Board
1486 of Appeals for earth removal over 1,000 cubic yards if the lot or site was located in a Rural
1487 Residential (RR) or Neighborhood Residential (NR) zoning district. That requirement was
1488 deemed to be too restrictive. Therefore, any permits granted by the PGA under this bylaw
1489 will be at the reasonable discretion of the PGA, taking into account all of the facts and
1490 circumstances of the application, the zoning district in which the property is located, the
1491 intended use or uses of the property, and the amount of earth the applicant desires to
1492 remove.

1493 § 63-9 Site Reclamation or Close Out.

1494 A. All debris, stumps, boulders, and similar material shall be removed from the site or disposed
1495 of in an approved location on site. The PGA may, at its sole discretion and where
1496 appropriate, require areas to be reseeded so as to provide a vegetative cover with a
1497 minimum of six (6) inches of organic soil cover that shall be maintained until the area is
1498 stabilized. Vegetation not surviving one growing season shall be replanted by the applicant
1499 in accordance with standard US Department of Agriculture Natural Resources Conservation
1500 Service methods in order to prevent erosion. Alternatives to this method of Site Reclamation
1501 or Close Out shall be subject to the approval of the PGA.

1502 B. Upon completion of the operation, the land shall be left so that the natural drainage flow
1503 exits the property at the original drainage points or empties into the original drainage
1504 channel; and when it does so, the volume of runoff or flow at any one point is not increased
1505 above that which was normal for that particular point in the absence of the earthwork
1506 operation. This shall be documented and certified by a Professional Civil Engineer upon the
1507 Close Out or Reclamation Plan as stipulated by the PGA.

1508 C. All large stones and boulders that protrude above the finished grade shall be removed or
1509 buried. Alternatives to this method of site reclamation or close out shall be subject to
1510 approval by the PGA.

1511 § 63-10 Engineering Review Consultant, Bonding & Security and Release.

1512 A. Engineering Review Consultant. The PGA, at its sole discretion, may determine that a
1513 proposed project's size, scale, complexity, or potential impact warrants retaining the use of
1514 licensed professional independent consultants in any given respective field. Such consultants
1515 shall provide professional guidance to assist the PGA with the necessary review and analysis
1516 needed to make informed decisions that comply with all relevant laws and regulations
1517 regarding complex issues, including hydrological testing, noise analysis, and other analyses
1518 deemed necessary. The PGA shall select and retain for a reasonable fee such consultants at
1519 the expense of the Applicant, in accordance with the provisions of G.L. c. 44, §53G.

1520 B. Bonding & Security. In determining the effect upon the town, the PGA shall require a surety
1521 bond, in a form approved by Town Counsel and issued by a surety licensed by the

1522 Commonwealth of Massachusetts, which shall not expire until all conditions of the permit
1523 have been satisfied. The bond shall be for an amount estimated to meet the conditions of
1524 the permit, in the event the earth removal operations are abandoned, and the Town must
1525 take steps to secure the site, and to satisfy the requirements of §63-9 Site Reclamation or
1526 Close Out.

1527 C. Release. After completion of work, the applicant shall submit a Close Out or Reclamation
1528 Plan as stipulated by the PGA, prepared by a registered professional engineer, showing
1529 grades at the conclusion of the operation, along with a report by geotechnical engineer
1530 certifying that the site and resulting slopes are stable. The PGA shall release the bond after
1531 the submission of the plan and with a determination that the Permit conditions have been
1532 met and when sufficient time has lapsed to ascertain that vegetation planted has
1533 successfully been established and that drainage is satisfactory.

1534 § 63-11 Violations.

1535 A. As a condition of receiving a permit, the applicant authorizes the PGA and/or its engineering
1536 consultant to: (i) enter on the site to conduct inspections on behalf of the PGA and (ii) inspect
1537 the relevant business records of the operator of the earth removal operation, including the
1538 delineation of the area to be removed. The PGA and/or its engineering consultant shall
1539 contact the applicant in advance to arrange such inspections.

1540 B. If a violation of this Bylaw or any condition of a permit is suspected, the PGA shall, at a public
1541 meeting and after notifying the permit-holder and/or the operator of the earth removal
1542 operation in writing, determine whether a violation exists or occurred. The PGA shall take
1543 appropriate action, up to and including issuing a fine, ordering the permit-holder and/or
1544 earth removal operator to cure the violation, imposing additional conditions to safeguard
1545 against the violation, or issuing an order to cease earth removal operations.

1546 C. In the case where an emergency cease and desist order requiring immediate cessation of all
1547 work on the property is warranted, the PGA shall designate an agent to serve the order
1548 regarding the violation. The PGA shall hold a public hearing to review the facts and to
1549 determine whether a violation has occurred. If a violation is found, the PGA may revoke,
1550 revise, or modify the conditions or restrictions of the permit.

1551 D. If a permit-holder and/or operator of earth removal operation persists in such violation, the
1552 PGA shall, after notifying the permit-holder and/or the operator of the earth removal
1553 operation in writing, seek an imposition of penalties authorized by MGL Chapter 40, Section
1554 21, Paragraph 17, and shall be subject to a fine of not more than \$50 for the first offense,
1555 not more than \$100 for the second offense and not more than \$200 for any subsequent
1556 offense. Each day during any portion of which such violation is allowed to continue shall be
1557 considered a separate offense. This Bylaw may also be enforced through the non-criminal
1558 disposition procedures set forth in MGL c. 40, section 21D and impose fines up to the amount
1559 of \$300.00, as provided in Chapter 1, Article III of the Town's General Bylaws.

1560 E. The PGA may seek injunctive relief to restrain violations or to compel abatement or
1561 remediation of violations.

1562 F. If the violator holds a permit issued under this article, the PGA may, after a public meeting
1563 and after notifying the permit-holder and/or the operator of the earth removal operation in
1564 writing, either (i) revoke the permit or (ii) suspend the permit, at which point all operations
1565 shall cease until such time as the necessary measures are taken to assure compliance with

1566 this article and a new permit or reinstatement of existing permit is issued.

1567 § 63-12 Authority to Adopt Rules and Regulations.

1568 The PGA may adopt and periodically amend rules and regulations for the implementation of this
1569 article by majority vote after conducting a public hearing concerning such amendments. The
1570 hearing shall be published by the PGA in a newspaper of general circulation in each of two
1571 successive weeks, the first publication being not less than 14 days before the day of the hearing.
1572 Such rules and regulations may set forth performance standards for earth removal, impose filing
1573 and consultant fees, define additional terms not inconsistent with the article, and establish
1574 administrative procedures. Failure by the PGA to adopt such rules and regulations or a legal
1575 declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of
1576 this article.

1577 § 63-13 Appeal.

1578 Appeals of the decisions of the PGA shall be conducted in accordance with Massachusetts
1579 General Law Chapter 249 Section 4, as amended.

1580 § 63-14 Severability.

1581 The provisions of this bylaw are severable, and the invalidity of any section, subsection,
1582 paragraph, or other part of this bylaw shall not affect the validity or effectiveness of the
1583 remainder of the bylaw.

1584 § 63-15 Dissolution of Earth Removal Board.

1585 Upon adoption of this bylaw by a majority of voters during a town meeting and following
1586 approval of this bylaw by the Attorney General, the Earth Removal Board shall be dissolved. All
1587 current Earth Removal Permits shall remain valid and shall transfer under the jurisdiction of the
1588 PGA under this amended bylaw. Following approval of this bylaw by the Attorney General, all
1589 pending and future earth removal issues shall be processed according to §63-1 through §63-14.

1590 Or take any action in relation thereto.

1591 Submitted by: Select Board

1592 Recommendations: Select Board recommends approval.

1593 *Summary: This warrant article replaces the current Earth Removal Bylaw with an improved version that*
1594 *will ensure greater protections to the health and safety of the public by regulating the removal of earth so*
1595 *as not to create hazardous conditions, washouts, excessive dust or noise and to protect the natural*
1596 *resources within the Town of Sterling. This new Earth Removal Bylaw is simpler to understand, eliminates*
1597 *ambiguity and will ultimately protect the Town, and hence the taxpayers, money from litigation.*

1598 **ARTICLE 48. EARTH REMOVAL/QUARRYING OR MINING - PROTECTIVE BYLAW**

1599 To see if the Town will vote to amend the Protective Bylaws relative to Earth Removal and Quarrying or
1600 Mining, as wet forth below:

1601 Article 2, Use, Dimensional and Timing Regulations, Section 2.3.1.D. (Table of Principal Uses) to delete
1602 the following use #7 "Earth removal" and to replace therewith with a new use, #7 "Quarrying or Mining"
1603 with no alteration of use in the zoning districts; it would remain permitted in the LI zoning district and
1604 would not be permitted in the RR, NR, C and TC zoning districts. The existing footnote #1 would remain
1605 as follows with additions shown in **bold/underline** and deletions shown in strikethrough:

1606 2.3 USE REGULATIONS
1607

1608 2.3.2 Table of Principal Uses.
 1609 PRINCIPAL USES DISTRICTS
 1610 RR NR C TC LI

1611 D. INDUSTRIAL, WHOLESALE OR EXTENSIVE
 1612 USES

1613

 1614 7. ~~Earth removal~~ Quarrying or Mining¹ N N N N Y

¹ See the Earth Removal By-law in the General By-laws.

1615
 1616 Article 5, Definitions, by inserting, in alphabetical order, a new definition for "Quarrying or Mining" and
 1617 by deleting the existing definition of "Earth Removal" as follows with additions shown in bold and
 1618 deletions shown in strikethrough:
 1619

1620 ~~Earth Removal shall mean the removal of clay, gravel, sand, sod, loam, soil, stone or other earth~~
 1621 ~~materials as may be permitted pursuant to the By-laws of the town of Sterling.~~

1622 Quarrying or Mining shall mean earth removal for the purpose of extracting soil, loam, sand,
 1623 gravel, clay, rocks, minerals, or other earth material, including establishments engaged in
 1624 operating sand and gravel pits and in washing, screening, or preparing sand and gravel for
 1625 construction or industrial uses, but excluding grading of a lot in preparation for the construction
 1626 of a structure or associated appurtenances for which a building permit or other similar permit has
 1627 been issued by the town.

1628 Article 3, Site Development Requirements, Section 3.3.2, Erosion Control, subsection 3.3.2.2 by inserting
 1629 at the beginning of the subsection the following new text: "With the exception of where an Earth
 1630 Removal permit has been issued" shown in bold:

1631 3.3.2.2 **With the exception of where an Earth Removal permit has been issued**, any construction
 1632 which will expose more than 60,000 square feet of bare earth during development through either
 1633 removal or filling on the same parcel or on contiguous parcels in the same ownership must comply
 1634 with the following..."

1635 Article 6, Administration and Procedures, Section 6.2, Board of Appeals, by deleting subsection
 1636 6.2.2.2.a.4. in its entirety, thereby deleting the current requirement to obtain a use variance from the
 1637 Board of Appeals for earth removal in the RR and NR zoning districts, shown in strikethrough:

1638 ~~4. in RR or NR Districts, no soil shall be removed from the premises except to facilitate grading~~
 1639 ~~for a proposed building for which a variance or a building permit has been granted, or to serve~~
 1640 ~~an established agricultural operation or an extension thereof. Removal of less than 1000 cubic~~
 1641 ~~yards of soil from any premises does not require a variance, nor does removal of soil necessary~~
 1642 ~~for building the infrastructure of a Definitive Subdivision Plan approved by the Planning Board.~~
 1643 ~~Removal of soil in an amount greater than or equal to 1000 cubic yards does require a~~
 1644 ~~variance. (Note: Reference should also be made to the Earth Removal By-law of the town of~~
 1645 ~~Sterling's General By-laws.)~~

1646 Or an action in relation thereto.

1647 *Passage requires a 2/3rds vote.*

1648 Submitted by: Select Board
 1649 Recommendation: Planning Board recommends approval.
 1650 Recommendation: Select Board recommends approval.
 1651

1652 *Summary: This article revised the bylaw to: provide and treat Quarrying or Mining as a principal use;*
1653 *deletes Earth Removal as a principal use (as it is a site preparation activity); provides a new definition;*
1654 *clarifies an existing section; and, removes a non-applicable section if the new general bylaw is adopted.*

1655 **ARTICLE 49. EARTH REMOVAL PROTECTIVE BYLAWS**

1656 To see if the Town will vote to amend the Protective Bylaws, as follows:

1657 Section 2.3.1 Table of Principal Uses, D. Industrial, Wholesale or Extensive Uses, by deleting #7. Earth
1658 Removal, shown in strikethrough:

1659

1660	2.3	USE REGULATIONS							
1661	2.3.2	Table of Principal Uses.							
1662		PRINCIPAL USES							DISTRICTS
1663									RR NR C TC LI
1664		<u>D. INDUSTRIAL, WHOLESALE OR EXTENSIVE</u>							
1665		<u>USES</u>							
1666									
1667		<u>7. Earth removal</u>							N N N N Y

1668 ¹See the Earth Removal By-law in the General By-laws.

1669

1670 Article 5. Definitions, by deleting the definition for Earth Removal, shown in strikethrough:

1671 ~~Earth Removal shall mean the removal of clay, gravel, sand, sod, loam, soil, stone or other earth~~
1672 ~~materials as may be permitted pursuant to the By-laws of the town of Sterling.~~

1673

1674 Section 6.2 Board of Appeals, by deleting Section 6.2.2.2.a.4., shown in strikethrough:

1675 ~~4. in RR or NR Districts, no soil shall be removed from the premises except to facilitate grading~~
1676 ~~for a proposed building for which a variance or a building permit has been granted, or to serve~~
1677 ~~an established agricultural operation or an extension thereof. Removal of less than 1000 cubic~~
1678 ~~yards of soil from any premises does not require a variance, nor does removal of soil necessary~~
1679 ~~for building the infrastructure of a Definitive Subdivision Plan approved by the Planning Board.~~
1680 ~~Removal of soil in an amount greater than or equal to 1000 cubic yards does require a~~
1681 ~~variance. (Note: Reference should also be made to the Earth Removal By-law of the town of~~
1682 ~~Sterling's General By-laws.)~~

1683 Or take any action in relation thereto.

1684 *Passage requires a 2/3rds vote.*

1685 Submitted by: Zoning Board of Appeals
1686 Recommendation: Planning Board does not recommend approval.
1687 Recommendation: Select Board does not recommend approval.

1688 *Summary: The purpose of this article is to remove earth removal from the purview of the Zoning Board of*
1689 *Appeals ("ZBA"). Given the requirements of MGL Ch. 40A, §10, it is very unlikely that an applicant*
1690 *seeking earth removal could obtain relief through a variance process, and is more properly addressed*
1691 *through a permitting process controlled by the Select Board and governed by a separate general bylaw.*

1692 ----- **END OF GENERAL & ZONING BYLAWS** -----

1693

----- LAND OWNER & CITIZEN PETITIONS -----

1694

ARTICLE 50. LANDOWNER PETITION - ZONING MAP AMENDMENT

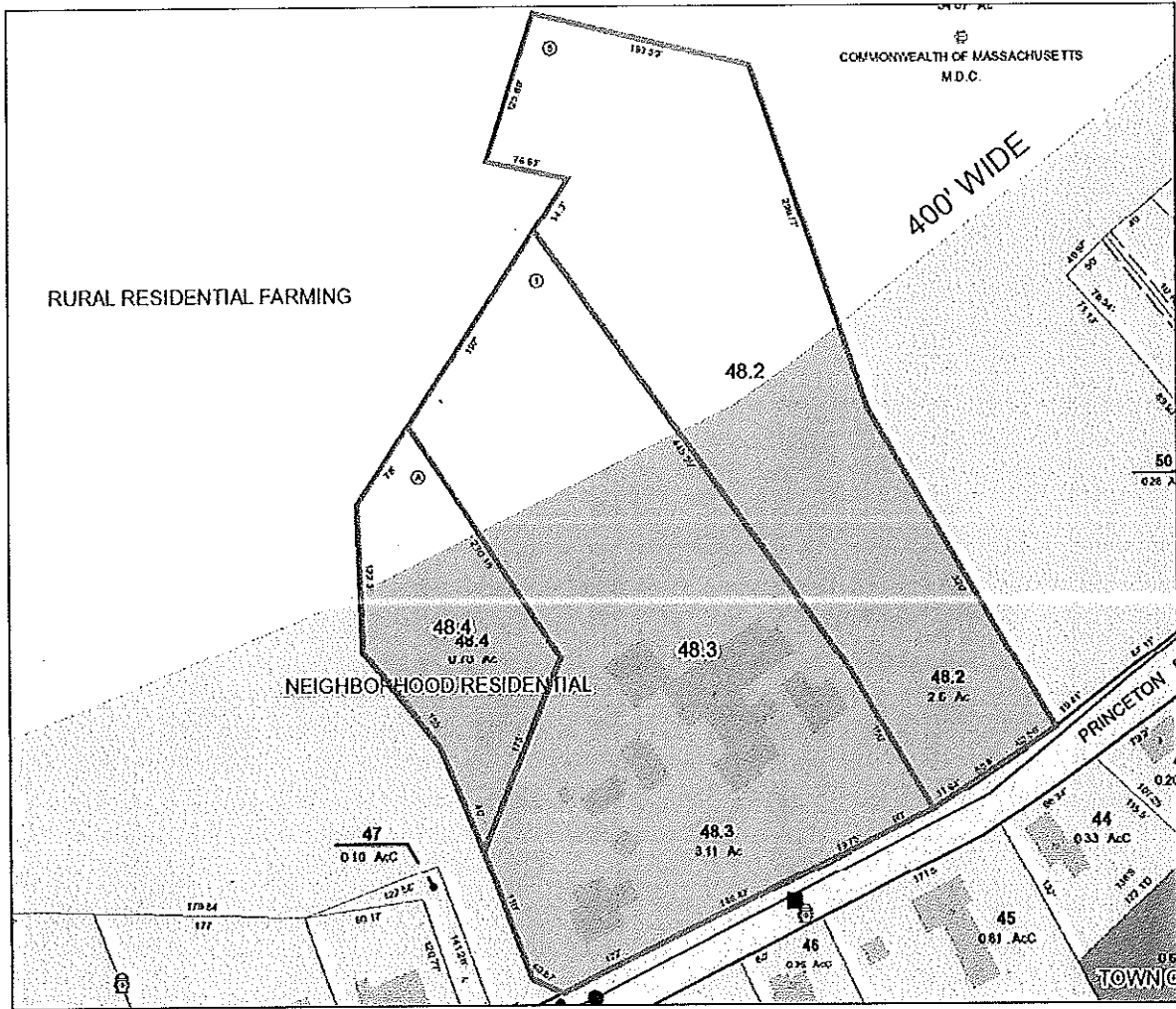
1695

To see if the Town will vote to amend the Town of Sterling Zoning Map by rezoning Parcels 93 48.2, 93-48.3 & 93-48.4, which are currently split-zoned between Neighborhood Residential and Rural Residential & Farming Zoning Districts to be included entirely within the Neighborhood Residential Zoning District.

1696

1697

1698



1699

Or take any other action relative thereto.

1700

Passage requires a 2/3rds vote.

1701

Submitted by: Landowner

1702

Recommendation: Planning Board recommends approval.

1703

Recommendation: Select Board will report at Town Meeting.

1704

1705

Summary: These 3 lots are commonly owned by the same landowner and are split zoned between the "Neighborhood Residential" Zoning District (shown in pink) and the "Rural Residential & Farming" Zoning District (shown in white). While the left-most parcel is not buildable, and the center parcel is already built upon, the right-most parcel is buildable (complies with frontage & area) only if the owner builds within the pink portion of the lot. If the owner seeks to build a residence in the rear white portion, the parcel lacks adequate frontage. Hence, this amendment seeks to remove the split-zone and to make the entire parcels "Neighborhood Residential" (pink/grey).

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1712 **ARTICLE 51. CITIZENS PETITION: PLAYGROUND STRUCTURE AT HOUGHTON SCHOOL**

1713 To see if the Town will vote to raise and appropriate or transfer from available funds \$130,000 or any
1714 other sum, to be used to replace the current playground climbing structure at the Houghton Elementary
1715 School. Said sum to be expended by the Town Administrator with the consent of the Board of Selectmen;
1716 Or take any other action relative thereto.

1717 Submitted by: Citizens' Petition
1718 Recommendations: Finance Committee recommends approval.

1719 *Summary: The current playground was installed over 20 years ago. Since that time it has become old and*
1720 *dated and no longer meets national guidelines concerning ADA compliance. Many of the existing structure*
1721 *features have become unsafe. Numerous injuries such as broken bones and sprained ankles occur every*
1722 *year on the monkey bars and zip line. This is even more troubling considering the structure can only*
1723 *accommodate half the class at a time. The proposed structure will enable the entire Houghton student body*
1724 *to enjoy the structure. As well, the structure will be fully compliant with the Americans with Disabilities*
1725 *Act and therefore, no students will be excluded from its use.*

1726 **ARTICLE 52. CITIZENS PETITION: OMNIBUS BUDGET TOWN MEETING WARRANT ARTICLES**

1727 The undersigned hereby Petition for an Article in the Warrant of the next Annual Town Meeting to see
1728 if the Town will vote to Amend the Town of Sterling General By-Laws, specifically Ch. 180, the Town
1729 Meeting By-Laws, by prohibiting, henceforth, so-called 'Omnibus Budget' Town Meeting Warrant
1730 articles, as follows: No so-called 'Omnibus Budget' article shall be submitted in any Annual or Special
1731 Town Meeting Warrant. Rather, the Town of Sterling municipal budget shall be submitted in a
1732 separate warrant article not conjoined with any other proposed budget or appropriation request.
1733 The Wachusett Regional School District budget or appropriation request shall be submitted in a
1734 separate warrant article not conjoined with any other proposed budget or appropriation request. The
1735 Montachusett Regional School District budget or appropriation request shall be submitted in a
1736 separate warrant article not conjoined with any other proposed budget or appropriation request. Or
1737 take any action relative thereto.

1738 Submitted by: Citizens' Petition
1739 Recommendations: Finance Committee recommends approval.

1740 **ARTICLE 53. CITIZENS PETITION: CAPITAL PLAN CONSOLIDATED SPENDING ITEM TOWN**
1741 **MEETING WARRANT ARTICLES**

1742 The undersigned hereby Petition for an Article in the Warrant of the next Annual Town Meeting to
1743 see if the Town will vote to Amend the Town of Sterling General By-Laws, specifically Ch. 180, the
1744 Town Meeting By-Laws, by prohibiting, henceforth, so-called 'Capital Plan' consolidated spending
1745 item Town Meeting Warrant articles, as follows: No so-called 'Capital Plan' articles, listing or
1746 consolidating diverse proposed capital acquisition or expenditure items, shall be submitted in
1747 any Annual or Special Town Meeting Warrant. Rather, each proposed capital acquisition or
1748 spending item, a capital acquisition or spending item to include related sub-components for one
1749 particular purpose or project, shall be set forth in a separate and distinct warrant article not
1750 conjoined with any other capital acquisition or spending items or proposals. Capital acquisition
1751 or spending items shall include, but not be limited to, buildings, building construction, building
1752 repair or remodeling, land acquisition, site work, septic systems, vehicles, heavy equipment,
1753 computer systems and networks, radio communication towers, radio equipment, and
1754 telecommunications infrastructure, whether the proposed or requested funding is from free

1755 cash, the capital investment account, the reserve fund, the stabilization fund, or from raising and
1756 appropriation. Or take any action relative thereto.

1757 Submitted by: Citizens' Petition

1758 Recommendations: Finance Committee does not recommend positive action.

1759 **ARTICLE 54. CITIZENS PETITION: ELIMINATE THE PUBLIC WORKS BOARD**

1760 To see if the Town will vote to authorize the Select Board to petition the General Court for special
1761 legislation eliminating the Board of Public Works in the Town of Sterling, as set forth below; provided,
1762 however, that the General Court may make clerical or editorial changes of form only to the article, unless
1763 the Select Board approves amendments to the article before enactment by the General Court which are
1764 within the scope of the general public objectives of the petition, and to authorize the Select Board to
1765 approve such amendments, or take any other action relative thereto:

1766 AN ACT ELIMINATING THE BOARD OF PUBLIC WORKS

1767 Section 1: Notwithstanding any other General or Special Law to the contrary, the Town of Sterling
1768 is hereby deleting Section A604-1, List of Special Acts Enactment, L. 1970, c. 622, in its entirety,
1769 and the Board of Public Works shall thereupon be abolished

1770 Section 2: As of the effective date of this Article, the terms of any incumbent members of the
1771 Board of Public Works serving as of such a date shall immediately terminate.

1772 Section 3: The powers, duties and responsibilities of the Board of Public Works shall be
1773 transferred by operation of law to the Select Board. No contracts or liabilities then in force shall
1774 be affected by such abolition and the Select Board shall in all respects be the lawful successor of
1775 the Board of Public Works. The Select Board may delegate the powers, duties and responsibilities
1776 of the Board of Public Works to another entity at its discretion.

1777 Section 4: This Article shall take effect upon passage.

1778 Per the Town of Sterling's 2009 Government Study, 44 towns in the population grouping for which
1779 they collected data, 36 towns had no DPW board, 3 towns had a DPW board appointed by the
1780 Selectmen, and 3 towns (Sterling included) had elected boards.

1781 Submitted by: Citizens' Petition

1782 ----- **END OF LAND OWNER & CITIZEN PETITIONS** -----

1880 **ARTICLE 55. ANNUAL TOWN ELECTION**

1881 To elect by ballot on Monday, June 21, 2020 from 12:00pm to 7:00pm at the Houghton
1882 Elementary School Gym on 32 Boutelle Road, the following officers:

- 1883 (1) Board of Assessors for 3 year term
- 1884 (1) Board of Health for 3 year term
- 1885 (1) Select Board for 3 year term
- 1886 (1) Department of Public Works Board for 3 year term
- 1887 (2) Board of Library Trustees each for 3 year terms
- 1888 (1) Town Moderator for 3 year term
- 1889 (1) Planning Board for 5 year term
- 1890 (2) Sterling Housing Authority for 5 year term
- 1891 (1) Sterling Municipal Light Board for 3 year term
- 1892 (1) Wachusett Regional School Committee for 3 year term

1893 Also, to choose by ballot or otherwise, such other officers as may be necessary.

1894 Given under our hands this 2nd day of June, 2021.

1895 **STERLING SELECT BOARD:**

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Maureen Cranson John Kilcoyne Arden Sonnenberg
 Maureen Cranson John Kilcoyne Arden Sonnenberg

1899 **TO THE TOWN CONSTABLE:**

1900 You are directed to serve this Warrant by posting on the Town Website and posting attested
1901 copies at the following municipal locations, and one in each precinct at least seven (7) days before
1902 the holding said meeting:

- 1903 Butterick Municipal Building (Precinct 1) Police Station (Precinct 2)
- 1904 Conant Free Library Post Office
- 1905 Sterling Municipal Light Building Sterling Senior Center

1906 Hereof fail not and make due return of this Warrant with your doings thereto to the Town Clerk at the
1907 time and place of meeting as aforesaid.

1908 Hereof fail not and make return of this Warrant with your doings thereon at the time and place of said
1909 voting. Given under our hands this 2nd day of June, 2021.

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POSTED by: [Signature] on: 6/4/21
 Method of Service of Warrant Constable's Signature Date

ATTACHMENT A

Town of Sterling
FISCAL YEAR 2022 PROPOSED OMNIBUS BUDGET

Account Number	Description	2019 Budget	2020 Budget	2021 Budget	FY22 Dept Request	FY22 \$ Change	FY22 % Change
	ACCOUNTANT						
01135-51100	ACCOUNTANT SALARY	30,862.00	29,948.00	30,877.00	32,438.00	1,561.00	5.06%
01135-57000	ACCOUNTANT EXPENSE	9,050.00	10,361.00	10,961.00	11,200.00	239.00	2.18%
	Department Total	39,912.00	40,309.00	41,838.00	43,638.00	1,800.00	4.30%
	ADA COORDINATOR						
01196-51200	ADA COORDINATOR STIPEND	1,500.00	1,500.00	1,500.00	1,500.00	0.00	0.00%
	Department Total	1,500.00	1,500.00	1,500.00	1,500.00	0.00	0.00%
	AGRICULTURAL						
01177-57000	AGRICULTURAL EXPENSE	318.74	750.00	750.00	750.00	0.00	0.00%
	Department Total	318.74	750.00	750.00	750.00	0.00	0.00%
	ANIMAL INSPECTOR						
01250-51100	ANIMAL INSPECTOR SALARY	2,250.00	3,000.00	3,400.00	3,468.00	68.00	2.00%
01250-57000	ANIMAL INSPECTOR EXPENSE	900.00	900.00	900.00	900.00	0.00	0.00%
	Department Total	3,150.00	3,900.00	4,300.00	4,368.00	68.00	1.58%
	ASSESSOR						
01141-51100	ASSESSOR STIPEND	4,500.00	4,500.00	4,500.00	4,500.00	0.00	0.00%
01141-51200	ASSESSOR WAGES	46,192.00	47,100.00	50,066.00	51,064.00	998.00	1.99%
01141-57000	ASSESSOR EXPENSE	71,700.00	79,515.00	79,580.00	81,200.00	1,620.00	2.04%
	Department Total	122,392.00	131,115.00	134,146.00	136,764.00	2,618.00	1.95%
	AUDIT						
01136-57000	AUDIT EXPENSE	21,500.00	21,500.00	21,500.00	21,500.00	0.00	0.00%
	Department Total	21,500.00	21,500.00	21,500.00	21,500.00	0.00	0.00%
	BOARD OF HEALTH						
01510-51100	BOH STIPEND	309.00	309.00	309.00	309.00	0.00	0.00%
01510-51110	BOH SALARY	91,243.00	101,282.00	69,625.00	71,018.00	1,393.00	2.00%

FISCAL YEAR 2022 PROPOSED OMNIBUS BUDGET

Account Number	Description	2019 Budget	2020 Budget	2021 Budget	FY22 Dept Request	FY22 \$ Change	FY22 % Change
26	01510-51200 BOH WAGES	0.00	0.00	62,242.00	80,340.00	18,098.00	29.08%
27	01510-53000 BOH WACHUSETT HOME HEALTH CARE	0.00	0.00	0.00	0.00	0.00	0.00%
28	01510-53001 BOH MONTACHUSETT PUBLIC HEALTH	3,200.00	3,200.00	3,200.00	3,200.00	0.00	0.00%
29	01510-57000 BOH EXPENSE	4,530.00	4,530.00	5,730.00	5,730.00	0.00	0.00%
30	01510-57001 BOH KIOSK	2,900.00	2,900.00	2,900.00	2,900.00	0.00	0.00%
31	01510-57002 BOH PRINTER/COPIER	2,970.00	655.00	655.00	655.00	0.00	0.00%
32	Department Total	105,152.00	112,876.00	144,661.00	164,152.00	19,491.00	13.47%
33							
34	CONSERVATION						
35	01171-51200 CONSERVATION AGENT WAGES	24,904.00	25,402.00	26,933.00	27,471.00	538.00	2.00%
36	01171-57000 CONSERVATION COMMITTEE EXPENSE	1,000.00	1,000.00	1,000.00	1,000.00	0.00	0.00%
37	01171-57001 CENTRAL MASS STORMWATER COALITION	5,000.00	5,000.00	5,000.00	5,000.00	0.00	0.00%
38	Department Total	30,904.00	31,402.00	32,933.00	33,471.00	538.00	1.63%
39	COUNCIL ON AGING						
40	01540-57000 SENIOR CENTER OPERATIONS	15,935.00	21,755.00	19,112.00	19,112.00	0.00	0.00%
41	01541-51200 COA WAGES	153,330.95	182,805.22	204,969.00	218,189.00	13,220.00	6.45%
42	01541-53000 COA HOME CARE	400.00	400.00	400.00	400.00	0.00	0.00%
43	01541-53001 COA TITLE VII NUTRITION AND WHEAT	4,300.00	4,300.00	4,300.00	4,300.00	0.00	0.00%
44	01541-57000 COA EXPENSE	16,050.00	16,050.00	16,050.00	16,050.00	0.00	0.00%
45	Department Total	190,015.95	225,310.22	244,831.00	258,051.00	13,220.00	5.40%
46	CULTURAL COUNCIL						
47	01542-57000 CULTURAL COUNCIL	50.00	3,550.00	3,550.00	3,550.00	0.00	0.00%
48	Department Total	50.00	3,550.00	3,550.00	3,550.00	0.00	0.00%
49	DPW						
50	01422-51100 DPW SALARY	73,227.45	74,692.00	77,440.00	81,312.00	3,872.00	5.00%
51	01422-51110 DPW BOARD STIPEND	1,800.00	1,800.00	1,800.00	1,800.00	0.00	0.00%
52	01422-51200 DPW WAGES	629,172.00	641,755.00	659,394.00	672,581.00	13,187.00	2.00%

FISCAL YEAR 2022 PROPOSED OMNIBUS BUDGET

Account Number	Description	2019 Budget	2020 Budget	2021 Budget	FY22 Dept Request	FY22 \$ Change	FY22 % Change
53	01422-52000 DPW STREET LIGHTS	19,062.00	16,132.00	16,132.00	18,012.00	1,880.00	11.65%
54	01422-52700 DPW HYDRANT RENTAL	26,675.00	26,675.00	0.00	0.00	0.00	0.00%
55	01422-52900 DPW TRASH PICKUP	558,000.00	602,000.00	620,000.00	620,000.00	0.00	0.00%
56	01422-52901 REGIONAL RECYCLING	4,181.00	4,181.00	4,809.00	4,809.00	0.00	0.00%
57	01422-52902 LANDFILL MONITORING	16,500.00	16,500.00	16,500.00	0.00	-16,500.00	-100.00%
58	01422-57000 DPW EXPENSE	319,420.00	322,420.00	322,420.00	371,420.00	49,000.00	15.20%
59	01422-57001 DPW EQUIPMENT LEASE	29,692.00	29,692.00	29,692.00	0.00	-29,692.00	-100.00%
60	Department Total	1,677,729.45	1,735,847.00	1,748,187.00	1,769,934.00	21,747.00	1.24%
61	DPW SNOW & ICE						
62	01423-57000 SNOW & ICE EXPENSE	176,000.00	181,000.00	181,000.00	181,000.00	0.00	0.00%
63	Department Total	176,000.00	181,000.00	181,000.00	181,000.00	0.00	0.00%
64	ECONOMIC DEVELOPMENT						
65	01178-57000 ECONOMIC DEVELOPMENT COMMITTEE EXPENSE	26,000.00	26,000.00	27,000.00	15,000.00	-12,000.00	-44.44%
66	Department Total	26,000.00	26,000.00	27,000.00	15,000.00	-12,000.00	-44.44%
67	EXTENSION SERVICE						
68	01690-57000 EXTENSION SERVICE	510.00	510.00	510.00	510.00	0.00	0.00%
69	Department Total	510.00	510.00	510.00	510.00	0.00	0.00%
70	FACILITIES						
71	01192-51100 FACILITIES SALARY	0.00	0.00	34,215.00	34,900.00	685.00	2.00%
72	01192-51200 FACILITIES WAGES	33,197.00	33,860.94	24,000.00	24,480.00	480.00	2.00%
73	01192-57000 FACILITIES EXPENSE	76,576.00	76,576.00	96,981.00	100,000.00	3,019.00	3.11%
74	Department Total	109,773.00	110,436.94	155,196.00	159,380.00	4,184.00	2.70%
75	FINANCE BOARD						
76	01131-51100 FINANCE BOARD STIPEND	0.00	0.00	0.00	0.00	0.00	0.00%
77	01131-57000 FINANCE BOARD EXPENSE	280.00	280.00	280.00	280.00	0.00	0.00%
78	Department Total	280.00	280.00	280.00	280.00	0.00	0.00%
79	FIRE-EMT						
80	01220-51100 FIRE CHIEF SALARY	100,258.00	102,264.00	112,390.00	114,636.00	2,246.00	2.00%

FISCAL YEAR 2022 PROPOSED OMNIBUS BUDGET

Account Number	Description	2019 Budget	2020 Budget	2021 Budget	FY22 Dept Request	FY22 \$ Change	FY22 % Change
81	01220-51200 FIRE WAGES	598,610.00	642,394.00	691,817.00	734,801.00	42,984.00	6.21%
82	01220-51500 FIRE EMERGENCY MANAGEMENT STIPEND	10,000.00	10,000.00	10,000.00	10,000.00	0.00	0.00%
83	01220-57000 FIRE EXPENSE	133,900.00	176,500.00	176,500.00	193,600.00	17,100.00	9.69%
84	01220-57001 FIRE EMERGENCY MANAGEMENT EXPENSE	1,500.00	1,500.00	1,500.00	1,500.00	0.00	0.00%
85	01220-57002 FIRE EQUIPMENT LEASE	62,148.05	62,148.05	0.00	0.00	0.00	0.00%
86	Department Total	906,416.05	994,806.05	992,207.00	1,054,537.00	62,330.00	6.28%
87	FIRE-AMBULANCE						
88	01231-51100 AMBULANCE CHIEF SALARY	12,566.00	12,817.00	13,073.00	13,334.00	261.00	2.00%
89	01231-51200 AMBULANCE WAGES	342,387.00	354,796.00	440,810.00	464,403.00	23,593.00	5.35%
90	01231-57000 AMBULANCE EXPENSE	78,500.00	97,700.00	91,500.00	94,500.00	3,000.00	3.28%
91	01231-57002 AMBULANCE LEASE	0.00	0.00	0.00	0.00	0.00	0.00%
92	Department Total	433,453.00	465,313.00	545,383.00	572,237.00	26,854.00	4.92%
93	HISTORICAL COMMISSION						
94	01670-57000 HISTORICAL EXPENSE	2,500.00	2,500.00	2,500.00	2,500.00	0.00	0.00%
95	Department Total	2,500.00	2,500.00	2,500.00	2,500.00	0.00	0.00%
96	HUMAN RESOURCES						
97	01152-57000 COMPENSATING ABSENCE	0.00	0.00	0.00	0.00	0.00	0.00%
98	Department Total	0.00	0.00	0.00	0.00	0.00	0.00%
99	INFORMATION TECHNOLOGY						
100	01155-57000 IT EXPENSE	136,930.00	145,548.00	145,548.00	150,055.00	4,507.00	3.10%
101	Department Total	136,930.00	145,548.00	145,548.00	150,055.00	4,507.00	3.10%
103	INSPECTIONAL SERVICES						
104	01241-51100 BUILDING INSPECTOR SALARY	61,792.00	63,041.00	64,541.00	58,292.00	-6,249.00	-9.68%
105	01241-51101 INSPECTION WIRE INSP. SALARY	0.00	0.00	0.00	0.00	0.00	0.00%
106	01241-51102 INSPECTION PLUMBING INSP SALARY	10,716.00	10,930.00	11,149.00	0.00	-11,149.00	-100.00%
107	01241-51103 INSPECTOR GAS INSP SALARY	5,895.00	6,012.00	6,132.00	0.00	-6,132.00	-100.00%

FISCAL YEAR 2022 PROPOSED OMNIBUS BUDGET

Account Number	Description	2019 Budget	2020 Budget	2021 Budget	FY22 Dept Request	FY22 \$ Change	FY22 % Change
108 01241-51200	BUILDING INSPECTOR WAGES	36,602.00	37,500.17	30,769.00	58,760.00	27,991.00	90.97%
109 01241-57000	INSPECTION EXPENSE	5,500.00	5,500.00	5,500.00	5,500.00	0.00	0.00%
110 01241-57001	SEALER OF WEIGHT & MEASURES EXPENSE	1,200.00	1,200.00	1,200.00	1,200.00	0.00	0.00%
111	Department Total	121,705.00	124,183.17	119,291.00	123,752.00	4,461.00	3.74%
112	INSURANCE-BENEFITS						
113 01910-59020	INSURANCE-BENEFITS	1,580,261.79	1,490,875.00	1,492,766.00	1,600,454.00	107,688.00	7.21%
114	Department Total	1,580,261.79	1,490,875.00	1,492,766.00	1,600,454.00	107,688.00	7.21%
115	LEGAL SERVICES						
116 01151-53000	LEGAL SERVICES	60,000.00	62,000.00	62,000.00	62,000.00	0.00	0.00%
117	Department Total	60,000.00	62,000.00	62,000.00	62,000.00	0.00	0.00%
118	LIBRARY						
119 01610-51100	LIBRARY SALARY	79,505.00	81,098.69	90,797.00	92,613.00	1,816.00	2.00%
120 01610-51200	LIBRARY WAGES	217,659.00	229,785.00	249,974.00	258,950.00	8,976.00	3.59%
121 01610-57000	LIBRARY EXPENSE	131,750.00	133,807.00	133,807.00	133,807.00	0.00	0.00%
122	Department Total	428,914.00	444,690.69	474,578.00	485,370.00	10,792.00	2.27%
123	MEMORIAL AND VETERANS DAY						
124 01699-57000	MEMORIAL AND VETERANS DAY	5,600.00	5,600.00	5,600.00	5,600.00	0.00	0.00%
125	Department Total	5,600.00	5,600.00	5,600.00	5,600.00	0.00	0.00%
126	MODERATOR						
127 01114-51100	MODERATOR STIPEND	500.00	500.00	500.00	500.00	0.00	0.00%
128 01114-57000	MODERATOR EXPENSE	150.00	150.00	150.00	150.00	0.00	0.00%
129	Department Total	650.00	650.00	650.00	650.00	0.00	0.00%
130	OPEN SPACE						
131 01179-57000	OPEN SPACE EXPENSE	822.64	2,011.11	1,500.00	1,500.00	0.00	0.00%
132	Department Total	822.64	2,011.11	1,500.00	1,500.00	0.00	0.00%
133	PLANNING						
134 01175-51100	PLANNING STIPEND	1,500.00	1,500.00	1,500.00	1,500.00	0.00	0.00%

FISCAL YEAR 2022 PROPOSED OMNIBUS BUDGET

Account Number	Description	2019 Budget	2020 Budget	2021 Budget	FY22 Dept Request	FY22 \$ Change	FY22 % Change
135	01175-51200 PLANNING WAGES	0.00	0.00	21,116.00	37,260.00	16,144.00	76.45%
136	01175-56310 MRPC EXPENSE	2,772.00	2,850.00	2,850.00	2,820.00	-30.00	-1.05%
137	01175-57000 PLANNING EXPENSE	17,867.00	19,231.00	1,597.00	1,500.00	-97.00	-6.07%
138	Department Total	22,129.00	23,581.00	27,063.00	43,080.00	16,017.00	59.18%
139	POLICE						
140	01210-51100 POLICE SALARY	135,337.00	138,041.00	148,885.00	151,863.00	2,978.00	2.00%
141	01210-51200 POLICE WAGES	1,329,426.00	1,356,014.50	1,394,725.00	1,411,675.00	16,950.00	1.22%
142	01210-57000 POLICE EXPENSE	103,800.00	105,575.00	105,575.00	105,575.00	0.00	0.00%
143	01210-58500 POLICE CRUISER	40,000.00	41,000.00	52,000.00	52,000.00	0.00	0.00%
144	Department Total	1,608,563.00	1,640,630.50	1,701,185.00	1,721,113.00	19,928.00	1.17%
145	POLICE-ANIMAL CONTROL						
146	01249-51200 ANIMAL CONTROL WAGES	21,798.00	22,233.96	25,119.00	25,621.00	502.00	2.00%
147	01249-57000 ANIMAL CONTROL EXPENSE	4,000.00	4,000.00	4,000.00	4,000.00	0.00	0.00%
148	Department Total	25,798.00	26,233.96	29,119.00	29,621.00	502.00	1.72%
149	POLICE-DISPATCH						
150	01215-51200 COMMUNICATION WAGES	270,427.00	275,835.54	281,353.00	286,980.00	5,627.00	2.00%
151	01215-57000 COMMUNICATION EXPENSE	93,958.00	103,397.16	103,397.00	123,999.00	20,602.00	19.93%
152	Department Total	364,385.00	379,232.70	384,750.00	410,979.00	26,229.00	6.82%
153	RECREATION						
154	01630-51100 RECREATION SALARY	51,642.00	52,674.84	57,877.00	64,853.00	6,976.00	12.05%
155	01630-51200 RECREATION WAGES	41,449.00	44,119.00	45,469.00	47,276.00	1,807.00	3.97%
156	01630-57000 RECREATION EXPENSE	7,956.00	28,100.00	28,100.00	28,662.00	562.00	2.00%
157	Department Total	101,047.00	124,893.84	131,446.00	140,791.00	9,345.00	7.11%

FISCAL YEAR 2022 PROPOSED OMNIBUS BUDGET

Account Number	Description	2019 Budget	2020 Budget	2021 Budget	FY22 Dept Request	FY22 \$ Change	FY22 % Change
158	SELECT BOARD						
159	01122-51100 SELECT BOARD STIPEND	4,500.00	4,500.00	4,500.00	4,500.00	0.00	0.00%
160	01122-57000 SELECT BOARD EXPENSE	2,500.00	8,400.00	7,750.00	7,750.00	0.00	0.00%
161	01241-57001 SEALER OF WEIGHT & MEASURES EXPENSE	0.00	0.00	0.00	0.00	0.00	0.00%
162	Department Total	7,000.00	12,900.00	12,250.00	12,250.00	0.00	0.00%
163	TOWN ADMINISTRATOR						
164	01129-51203 ASSISTANT TOWN ADMINISTRATOR SALARY	0.00	0.00	0.00	0.00	0.00	0.00%
165	01129-51100 TOWN ADMINISTRATOR SALARY	100,332.00	102,338.64	122,400.00	127,296.00	4,896.00	4.00%
166	01129-51200 TOWN ADMINISTRATOR WAGES	81,642.00	65,625.31	58,220.00	61,165.00	2,945.00	5.06%
167	01129-51201 OPERATIONS MANAGER WAGES	44,040.00	44,920.80	46,314.00	48,646.00	2,332.00	5.04%
168	01129-51202 TOWN PLANNER SALARY	0.00	74,970.00	76,470.00	79,559.00	3,089.00	4.04%
169	01129-57000 TOWN ADMINISTRATOR EXPENSE	55,347.00	60,757.50	50,475.00	50,370.00	-105.00	-0.21%
170	01129-57001 COA SENIOR WORKOFF PROGRAM	15,000.00	15,000.00	15,000.00	22,500.00	7,500.00	50.00%
171	01129-57002 TOWN PLANNER EXPENSE	0.00	7,750.00	7,600.00	7,600.00	0.00	0.00%
172	Department Total	296,361.00	371,362.25	376,479.00	397,136.00	20,657.00	5.49%
173	TOWN CLERK						
174	01161-51100 TOWN CLERK SALARY	65,920.00	67,238.40	64,260.00	65,546.00	1,286.00	2.00%
175	01161-51200 TOWN CLERK WAGES	45,347.00	46,253.94	44,342.00	45,229.00	887.00	2.00%
176	01161-52000 TOWN CLERK TRAINING	3,500.00	3,500.00	2,300.00	3,500.00	1,200.00	52.17%
177	01161-57000 TOWN CLERK EXPENSE	11,000.00	11,000.00	11,000.00	20,650.00	9,650.00	87.73%
178	01162-51200 ELECTION WAGES	11,149.00	6,660.00	15,480.00	4,370.00	-11,110.00	-71.77%
179	01162-57000 ELECTION EXPENSE	8,900.00	10,700.00	14,765.00	5,900.00	-8,865.00	-60.04%
180	Department Total	145,816.00	145,352.34	152,147.00	145,195.00	-6,952.00	-4.57%

FISCAL YEAR 2022 PROPOSED OMNIBUS BUDGET

Account Number	Description	2019 Budget	2020 Budget	2021 Budget	FY22 Dept Request	FY22 \$ Change	FY22 % Change
181	TREASURER/COLLECTOR						
182	01145-51100 TREASURER/COLLECTOR SALARY	73,885.00	75,363.00	77,188.00	79,952.00	2,764.00	3.58%
183	01145-51200 TREASURER/COLLECTOR WAGES	105,102.40	96,803.00	102,068.00	106,792.00	4,724.00	4.63%
184	01145-57000 TREASURER/COLLECTOR EXPENSE	43,500.00	51,800.00	62,166.00	67,772.00	5,606.00	9.02%
185	Department Total	222,487.40	223,966.00	241,422.00	254,516.00	13,094.00	5.42%
186	VETERANS						
187	01543-57000 VETERANS EXPENSE	20,000.00	20,000.00	20,000.00	20,000.00	0.00	0.00%
188	01543-57700 VETERANS BENEFITS	30,000.00	25,000.00	36,000.00	25,000.00	-11,000.00	-30.56%
189	Department Total	50,000.00	45,000.00	56,000.00	45,000.00	-11,000.00	-19.64%
190	WORC COUNTY RETIREMENT						
191	01910-59060 WORCESTER COUNTY RETIREMENT	883,175.00	855,519.00	958,159.00	1,001,204.00	43,045.00	4.49%
192	Department Total	883,175.00	855,519.00	958,159.00	1,001,204.00	43,045.00	4.49%
193	ZONING BOARD OF APPEALS						
194	01176-51200 BOARD OF APPEALS WAGES	0.00	0.00	0.00	0.00	0.00	0.00%
195	01176-57000 BOARD OF APPEALS EXPENSE	7,000.00	5,000.00	5,000.00	5,000.00	0.00	0.00%
196	Department Total	7,000.00	5,000.00	5,000.00	5,000.00	0.00	0.00%
197	DEBT SERVICE						
198	01710-59000 DEBT - LONG TERM PRINCIPAL	1,581,000.00	1,545,000.00	420,000.00	220,000.00	-200,000.00	-47.62%
199	01750-59010 DEBT - LONG TERM INTEREST	216,255.00	155,435.00	93,935.00	77,041.00	-16,894.00	-17.98%
200	01751-59010 DEBT - SHORT TERM INTEREST	0.00	0.00	0.00	0.00	0.00	0.00%
201	Department Total	1,797,255.00	1,700,435.00	513,935.00	297,041.00	-216,894.00	-42.20%
202	Article OPEB						
203	01910-59060 OPEB	0.00	0.00	25,000.00		-25,000.00	-100.00%
204	Department Total	0.00	0.00	25,000.00	0.00	-25,000.00	-100.00%
205	Article Reserve Fund						
206	01132-56900 RESERVE FUND	100,000.00	100,000.00	0.00	100,000.00	100,000.00	0.00%
207	Department Total	100,000.00	100,000.00	0.00	100,000.00	100,000.00	0.00%

FISCAL YEAR 2022 PROPOSED OMNIBUS BUDGET

Account Number	Description	2019 Budget	2020 Budget	2021 Budget	FY22 Dept Request	FY22 \$ Change	FY22 % Change
	Municipal Operating Budget			11,198,160.00	11,455,429.00	257,269.00	2.30%

208							
209							
210	Article WACHUSETT REGIONAL SCHOOL DIST			12,089,494.00	12,263,653.00	174,159.00	1.44%
211	01300-57000 WACHUSETT RSD	9,011,589.00	11,696,595.00	78,318.00	78,318.00	0.00	0.00%
212	WRSD VOCATIONAL SCHOOL OUTPLACEMENT	0.00	0.00				
213	Department Total	9,011,589.00	11,696,595.00	12,167,812.00	12,341,971.00	174,159.00	1.43%
215	Article MONTACHUSETT REG. SCH00L DIST			905,635.00	939,069.00	33,434.00	3.69%
216	01301-57000 MONTACHUSETT REGIONAL VOC TECH	847,677.00	821,969.00	905,635.00	939,069.00	33,434.00	3.69%
217	Department Total	847,677.00	821,969.00	905,635.00	939,069.00	33,434.00	3.69%
218				24,271,607.00	24,736,469.00	464,862.00	1.92%

Warrant Articles, Affirmative Vote - Budget Impact

Description	Amount	Article #
Land Trust	1,300.00	5
Wachusett Greenway	1,400.00	5
Washacum	13,000.00	6
Borrow	150,000.00	16
Firefighter	62,286.00	20
Police Officer	31,200.00	21
Total	724,048.00	2.98%

----- ATTACHMENT B -----

PERSONNEL BYLAW AMENDMENTS

SECTION 4 CLASSIFICATION PLAN – POSITION CLASSIFICATION

The affirmative passage of Article 18, will amend Section 4 of the Personnel Bylaw, relative to Classification Plan, B. Position Classification. If all proposed changes are approved without further amendment, the updated tables will appear in the Personnel Bylaw Attachments as follows:

Attachment A-1

Classification Plan - Regular Hourly Positions

Grade	Position Title
I	Library Technician Custodian Van Driver
II	Administrative Assistant Library Associate I Meal Site Coordinator Outreach Aide
III	Animal Control Officer Assistant Town Clerk Assistant Town Collector Assistant Town Treasurer Associate Health Agent Executive Assistant Library Associate II Operations Coordinator Program Assistant
IV	Assistant Library Director Conservation Agent Facilities Maintenance Technician Senior Executive Assistant

Attachment A-2

Classification Plan - Department Head Salary Positions

Grade	Position Title
V	Building Commissioner COA Director Health Agent Recreation Director Town Accountant/Operations Manager Town Clerk Town Planner Town Treasurer Collector
VI	DPW Superintendent

----- ATTACHMENT B -----

(Personnel Bylaw Amendments Continued)

Attachment A-3

Classification Plan - Public Works Hourly Positions

Grade	Position Title
A	Foreman
B	Working Foreman Mechanic Water Operator I
C	Heavy Equipment Operator/Lead Operator
D	Water Operator II Driver/Laborer
E	Laborer

SECTION 5 COMPENSATION PLAN – PAY AND SALARY SCHEDULES

Summary: The affirmative passage of Article 18 will amend Section 5 of the Personnel Bylaw, relative to Compensation Plan - Pay and Salary Schedules, as well as "Attachment B" to the Personnel Bylaw. If all proposed changes to this article are approved without further amendment, the updated Pay and Salary Schedules will go into effect on July 1, 2021. The updated Fiscal Year 2022 Pay and Salary Schedules incorporate a two (2%) percent Cost of Living Adjustment ("COLA"). Any resulting changes to existing pay rates are subject to appropriation as voted under Article 7 in this Warrant. Upon successful passage, the updated Town of Sterling Wage and Salary Schedules will read as follows:

Attachment B-1

Pay Schedule – Regular Hourly Positions

Grade	Minimum	Mid-Point	Maximum
I	\$14.69	\$17.63	\$20.57
II	\$15.91	\$19.88	\$22.26
III	\$18.28	\$22.86	\$26.52
IV	\$21.44	\$26.29	\$31.11

ATTACHMENT B

(Personnel Bylaw Amendments Continued)

Attachment B-2

Compensation Schedule – Department Head Salary Positions

Grade	Minimum	Mid-Point	Maximum
A	\$52,488	\$62,986	\$73,483
B	\$60,361	\$72,433	\$84,505
C	\$69,415	\$83,298	\$97,181
D	\$79,828	\$95,794	\$111,759
E	\$91,802	\$110,162	\$128,523
F	\$105,572	\$126,687	\$147,801

Attachment B-3

Pay Schedule - Public Works Hourly Positions

		Minimum	2	3	4	5	6	Maximum
A	Foreman	27.54	28.64	29.78	30.98	32.22	33.51	34.18
B	Mechanic	25.50	26.52	27.58	28.68	29.84	31.02	31.65
	Water Operator I							
	Working Foreman							
C	HEO/Lead Operator	23.46	24.40	25.38	26.39	27.45	28.54	29.12
D	Water Operator II	21.93	22.81	23.72	24.66	25.65	26.68	27.22
	Driver/Laborer							
E	Laborer	18.87	19.62	20.41	21.23	22.07	22.95	23.41

Attachment C

Compensation Schedule - Call Fire Force

Minimum	Mid-Point	Maximum
\$14.49	\$22.03	\$28.53

Attachment D

Stipend Positions

Position Title	Amount
ADA Coordinator	\$1,500
Animal Inspector	\$3,400
Emergency Management Director	\$10,000
Sealer of Weights and Measures	\$1,200

----- ATTACHMENT B -----

(Personnel Bylaw Amendments Continued)

Attachment E
Temporary Positions

Position Title	Minimum/Hour	Maximum/Hour
Police Special Officer	State Minimum	\$18.00
Constable	State Minimum	State Minimum + \$1.00/hr.
Cell Monitor	State Minimum	\$26.50
Election Officer	State Minimum	State Minimum
Board of Registrars	State Minimum	State Minimum + \$1.00/hr.
Assistant Board of Registrars	State Minimum	State Minimum
Deputy Election Warden	State Minimum	State Min + \$1.00/hr.
Election Warden	State Minimum	State Minimum + \$5.00/hr.

Attachment F
Miscellaneous & Seasonal Positions

Position Title	Minimum/Hour	Maximum/Hour
Seasonal Laborer	State Minimum	\$18.00
Seasonal Truck Driver	\$17.00	\$25.00
Seasonal Recreation Staff	State Minimum	\$20.00
Food Inspector	State Minimum	\$40.00
Parking Clerk	State Minimum	\$25.00
Alternate Inspector		\$50.00 per inspection

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-----ATTACHMENT C-----

AMENDMENT TO THE GENERAL BYLAWS

CHAPTER 113 PARKS – ARTICLE 1: SHOLAN PARK

The affirmative passage of Article 29, will amend Chapter 113 of the General Bylaws, relative to Parks. If all proposed changes are approved without further amendments, the bylaw will read as follows:

Chapter 113. Parks

Article 1. Sholan Park

Section 1. Parking hours; overnight pass

- A. Parking at and use of Sholan Park is permitted only between the hours of 5:00 AM and 9:00 PM daily.
- B. All persons must vacate and all vehicles must be removed by 9:00 pm, unless otherwise posted or permitted through issuance of an overnight pass.

Section 2. Parking

- A. Parking at Sholan Park is restricted to the designated parking area only.
- B. Only those vehicles displaying the appropriate Town of Sterling resident permit, a temporary guest or visitor pass, a non-resident parking pass, or emergency vehicles are authorized to park within this parking area.

Section 3. Permits and Passes

- A. Permits and passes issued by the Town of Sterling, for the purposes described herein, remain the property of the Town. Permits and passes are non-transferable. Holders of permits and passes must make available the assigned registration, license and/or the permit or pass upon request. Unauthorized use of permits and passes may result in suspension or revocation and/or the assessment of fines.
- B. A resident permit of appropriate design shall be issued upon proof of residency for a specific vehicle and must be affixed to said vehicle.
- C. Beginning April 1st of each year a limited number of non-resident parking passes shall be issued for a one year term on a first-come-first-served basis. Non-resident parking passes shall be issued for a specific vehicle and must be displayed unobstructed and in full view on said vehicle dashboard. Non-residents will be charged a parking fee as determined by the Select Board.

Section 4. Animals

- A. Pets shall not be allowed on the beach and picnic areas of the Park. Violators are subject to a fine of \$25.00 for each offense.
- B. This section shall not apply to service animals, as defined by the Americans with Disabilities Act or other applicable law, provided that said animals are under the handler's direct control at all times. Animals whose sole function is to provide comfort or emotional support are not service animals and shall be subject to the prohibition on pets.

Section 5. Safety Rule

- A. Alcohol beverages are not permitted at Sholan Park.
- B. Residents and visitors must comply with all rules and regulations established for Sholan Park and designated swim areas.
- C. Boaters must comply with the current Massachusetts boating regulations and local by-laws, as posted.

----- ATTACHMENT C -----

(Amendment to Parks General Bylaw Continued)

Section 6. East Lake Waushacum

- A. East Lake Waushacum is a sensitive natural resource and subject to the spread of invasive aquatic weeds and mussels, as defined by the State's Department of Agricultural Resources.
- B. Recipients of a resident permit, guest, or visitor pass, or non-resident permit are responsible to make sure that their boat, trailer or equipment is free of invasive species before entering the park/water and must submit to inspections for said weeds and mussels.
- C. Should any person refuse to submit to an inspection or attempt to enter with a vehicle, boat or equipment with visible weeds or mussels, they will be denied entry.
- D. All vehicles, boats and equipment shall immediately be removed from the park and/or the water when ordered to do so.

Section 7. Regulations

The Select Board may enact reasonable regulations relative to access to and the use of the properties subject to this Bylaw.

Section 8. Enforcement and Penalties

- A. This bylaw may be enforced by any employee of the Town's Recreation Department, any member of the Town's Police Department, and/or any member of the Town's Animal Control Department (with respect to the presence of animals only).
- B. Whoever violates any provision of this Bylaw issued pursuant thereto may be penalized by a noncriminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition by-law, if noncriminal disposition is elected, then the non-criminal fine for each such violation, if not otherwise specified, shall be \$300 for each offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- C. Whoever violates any provision of this Bylaw may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be three hundred dollars (\$300). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- D. The Park Department may suspend or revoke any permit issued pursuant to this Bylaw for any violation of this Bylaw, or any other applicable General Law, regulation or bylaw. Any person aggrieved by such suspension or revocation may request a hearing before Select Board; provided, however, that the suspension or revocation shall remain in effect unless and until the decision is reversed or modified by the Select Board.
- E. Any person found on a property subject to this Bylaw outside of the designated hours or otherwise in violation of any provision of this Bylaw or any regulations issued pursuant thereto, will be considered a trespasser and will be asked to leave and if they refuse to do so they may be subject to arrest, in the discretion of the responding officer, pursuant to Massachusetts General Laws, Chapter 266, Section 120 or any other applicable law. Unattended vehicles found on the property after the designed hours and/or without proper proof of parking privileges may be towed at the owner's expense.
- F. The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one remedy shall not preclude enforcement through any other lawful means.

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