

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

FINANCE COMMITTEE REPORT, Continued.

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.

INTRODUCTION, Continued.

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



2021 ANNUAL TOWN MEETING

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*Consent Calendar I – Grouping for Articles 2 through 8 (Majority Vote Required)

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1 THE COMMONWEALTH OF MASSACHUSETTS

2 TOWN OF STERLING

3 ANNUAL TOWN MEETING

4 JUNE 14, 2021

5
6 Worcester, ss.

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

8 GREETINGS:

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

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

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

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

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

18 Submitted by: Town Administrator / Town Accountant
19 Recommendations: Select Board recommends approval.
20 Finance Committee recommends approval.

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

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

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

28 ***ARTICLE 2. SNOW & ICE DEFICIT** (Consent)

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

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

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

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

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

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

47
48 Submitted by: Select Board
49 Recommendations: Select Board recommends approval.
50 Finance Committee recommends approval.

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

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

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

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

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

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

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

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

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

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

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

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

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

89 ***ARTICLE 7. STABILIZATION FUND (Consent)**

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

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

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

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

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

102 Submitted by: Finance Committee
103 Recommendations: Select Board recommends approval.
104 Finance Committee recommends approval.

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

107 ***** END OF FIRST CONSENT AGENDA *****

108 ----- **GENERAL FUND OMNIBUS BUDGET** -----

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

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

117 Submitted by: Finance Committee
118 Recommendations: Select Board recommends approval.
119 Finance Committee recommends approval.

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

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

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

130 Submitted by: Wachusett Regional School Committee
131 Recommendations: Select Board recommends approval.
132 Finance Committee recommends approval.

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

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

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

139 Submitted by: Montachusett Vocational Regional School Committee
140 Recommendations: Select Board recommends approval.
141 Finance Committee recommends approval.

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

144

145 ----- **WATER ENTERPRISE FUND** -----

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

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

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

160 Or take any action in relation thereto.

161 Submitted by: DPW Superintendent / Department of Public Works Board
162 Recommendations: Select Board recommends approval.
163 Finance Committee recommends approval.

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

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

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

173 Submitted by: Town Administrator / Town Accountant
174 Recommendations: Select Board recommends approval.
175 Finance Committee recommends approval.

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

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

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

183 Submitted by: Interim DPW Superintendent / Town Administrator
184 Recommendations: Select Board recommends approval.
185 Finance Committee recommends approval.

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

ARTICLE 15. WATER METER REPLACEMENT

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

Passage requires a 2/3rds vote.

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

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

----- END OF WATER ENTERPRISE ARTICLES -----

----- CAPITAL IMPROVEMENT PLAN -----

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

ARTICLE 16. FY2022 CAPITAL BUDGET – TRANSFER FROM FREE CASH

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

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

223 Submitted by: Finance Committee
 224 Recommendations: Select Board recommends approval.
 225 Finance Committee recommends approval.
 226 Capital Committee recommends approval.

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

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

231 To see if the Town will vote to appropriate **\$152,913.89** to fund the purchase and installation of lighting fixtures
 232 for the Town Common; to purchase Professional Services for project management, engineering or professional
 233 plan design services, and preparation of bidding and contract documents; to purchase construction materials or
 234 supplies; and for any expenses incidental and related to the project; And further, to fund said appropriation by
 235 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	33,965.91
			<i>Release of Excess Overlay Sub-Total:</i>	68,565.97
			Grand Total:	\$ 152,913.89

236 Or take any action in relation thereto.

237 Submitted by: Town Administrator
238 Recommendations: Select Board recommends approval.
239 Finance Committee recommends approval.
240 Capital Committee recommends approval.

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

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

254 To see if the Town will vote to transfer from the Capital Investment Fund, or any other available funds, **\$283,250**
255 or any other sum, to be expended for the items listed below, as recommended by the Finance Committee and the
256 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	26,500
Total Assets Management & Roads Maintenance:		\$ 283,250

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

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

260 Submitted by: Finance Committee
261 Recommendations: Select Board recommends approval.
262 Finance Committee recommends approval.
263 Capital Committee recommends approval.

264 *Summary: This article provides funding for a portion of the Town's Capital Improvement Plan for Fiscal Year*
265 *2022 relating to asset management and road maintenance, including Town-wide road resurfacing and crack-*
266 *sealing. It is expected that this portion of the Capital Plan will be funded with transfers from the Capital Investment*
267 *Fund. A 2/3rds vote is required for passage since the Capital Investment Fund has been proposed as the funding*
268 *source.*

269

ARTICLE 19. MAJOR EQUIPMENT & LARGE CAPITAL IMPROVEMENTS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, \$775,062 or any other sum, to be expended for the items listed below, as recommended by the Finance Committee and the Capital Planning Committee; and to meet this appropriation, to authorize the Treasurer, with the approval of the Select Board to borrow said sum under G.L. c.44, §7(1), or any other enabling authority; and that the Select Board is authorized to execute all documents and take such actions as may be 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
	Anticipated Annual Debt Service for 5-10 years:	\$150,000

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

Passage requires a 2/3rds vote.

Submitted by: Finance Committee
Recommendations: Select Board recommends approval.
Finance Committee recommends approval.
Capital Committee recommends approval.

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

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

301 ----- PERSONNEL & HUMAN RESOURCES -----

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

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

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

308
309 Under Section 4, Classification Plan, B. Position Classification Plan, and Section 5, Compensation Plan, B.
310 Pay and Salary Schedule, to amend the Town's classification and compensation schedules as included in
311 Attachment B of this Warrant: By adding a new Public Works Classification Plan and Wage Schedule; By
312 adding a new Regular Employee Classification Plan and updated Hourly Wage Schedule for hourly, non-
313 exempt employees; And, by adding a new Regular Employee Salary Schedule for salaried Department
314 Heads;

315
316 And further, under Section 6, Employee Benefits, B. Holidays, add "Juneteenth" to the list of official
317 state holidays;

318
319 Or take any action in relation thereto.

320 Submitted by: Town Administrator/Personnel Director
321 Recommendations: Select Board will report at Town Meeting.
322 Finance Committee recommends approval.

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

333 **ARTICLE 21. PERSONNEL MANAGEMENT SYSTEMS**

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

339 Submitted by: Select Board / Town Administrator
340 Recommendations: Select Board recommends approval.
341 Finance Committee recommends approval.

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

ARTICLE 22. CLASSIFICATION & COMPENSATION ANALYSIS

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

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

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

ARTICLE 23. RESERVE ACCOUNT FOR SALARIES AND WAGES

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

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

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

ARTICLE 24. SENIOR VOLUNTEER TAX RELIEF WORK-OFF PROGRAM

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

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

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

ARTICLE 25. COMPENSATED BALANCES ACCOUNT

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

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

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

ARTICLE 26. NEW POLICE OFFICER

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

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

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

430 **ARTICLE 27. NEW FIREFIGHTER/EMT-PARAMEDIC – FROM AMBULANCE RECEIPTS**

431 To see if the Town will vote to raise and appropriate, or transfer from available funds, \$62,286 or any sum of
432 money, to be transferred to the Sterling Fire Department to fund the hiring of one (1) new full-time
433 Firefighter/Emergency Medical Technician, said sum to be expended by the Fire Chief; or take any action in
434 relation thereto.

435 Submitted by: Select Board / Town Administrator
436 Recommendations: Select Board does not recommend approval.
437 Finance Committee recommends approval.

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

447 ----- **PROTECTIVE ZONING BYLAW UPDATES** -----

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

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

451 ***ARTICLE 28. SELECT BOARD CITATION** (Consent)

452 To see if the Town will vote to amend the Protective Bylaws by replacing the words "Board of Selectmen" in each
453 place they appear and inserting the words "Select Board" in place thereof. Or take any action in relation thereto.

454 *Passage requires a 2/3rds vote*
455

456 Submitted by: Select Board
457 Recommendation: Planning Board recommends approval.
458 Recommendation: Select Board recommends approval.

459 *Summary: This article updates the language of the Town's Protective Bylaws to reflect a gender-neutral citation.*
460 *Last year, the Town's General Bylaws were also updated by a vote at Annual Town Meeting. The article replaces*
461 *"Board of Selectmen" with "Select Board" in the Protective Bylaws.*

462 ***ARTICLE 29. SITE PLAN REVIEW** (Consent)

463 To see if the Town will vote to amend Article 6, Section 6.4 Site Plan Review, as follows:

464 Article 6, Section 6.4.6 Waiver of Technical Compliance by deleting this section in its entirety and sequentially
465 renumbering the sections thereafter with deletions shown in strikethrough:

466 ~~6.4.6 Waiver of Technical Compliance. The Planning Board may, upon written request of the applicant, waive any~~
467 ~~of the technical requirements of Section 6.4.4 or 6.4.5 where the project involves relatively simple development~~
468 ~~plans or constitutes a minor site plan. Applications for permits to build, alter or expand any non-residential~~

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

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

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

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

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

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

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

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

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

6.4.3 **Procedures.**

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

responsibility to obtain a certified list of names and addresses of all parties of interest, as defined in MGL Ch. 40A, Section 11, by the Assessing Office. The Planning Board shall notify all parties of interest by mail and notice of a public meeting shall be given by publication in a newspaper of general circulation in the town in each of two (2) consecutive weeks; the first publication to be not less than fourteen (14) days and the second publication not less than seven (7) days before the day of the meeting. Said notice and publication shall contain the name of the applicant, a description of the area or premises, street address, or other adequate identification of the location, the date and place of the public meeting, the subject matter of the hearing, and the nature of the action requested. The decision of the Planning Board shall be upon a majority of those present and shall be in writing.

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

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

Or take any action in relation thereto.

Passage requires a 2/3rds vote.

Submitted by:	Planning Board
Recommendation:	Planning Board recommends approval.
Recommendations:	Select Board recommends approval.

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

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

550 To see if the Town will vote to amend the Protective Bylaws, Article 2, Section 2.4.5. Display Setback by deleting
551 the words "or signs over two (2) square feet in area"; the word "front"; and, to delete the word "similar commercial
552 devices" and to replace it with "presentment" as follows with additions shown in bold/underline and deletions
553 shown in strikethrough:
554

555 2.4.5 Display Setback. In all districts, open display of goods or products, gasoline, pumps, vending machine or any
556 such similar commercial devices-presentment, ~~or signs over two (2) square feet in area~~ shall be located not less than
557 twenty (20) feet from any ~~front~~ lot line.

558 Or take any action in relation thereto.

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

560 Submitted by: Zoning Board of Appeals
561 Recommendation: Planning Board recommends approval.
562 Recommendation: Select Board recommends approval.

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

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

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

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

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

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

574 Or take any action in relation thereto.

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

576 Submitted by: Zoning Board of Appeals
577 Recommendation: Planning Board recommends approval.
578 Recommendation: Select Board recommends approval.
579

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

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

587 To see if the Town will vote to amend the Protective Bylaws, Article 2, Section 2.5.1 Table of Dimensional Controls
588 by reducing the dimensional requirements in the Town Center zoning district for front yard from 40 feet to 0 and
589 15 feet; reducing side yard setback from 10 feet to 5 feet; and reducing rear yard setback from 25 feet to 5 feet;
590 and adding a footnote to reference Section 2.4.1; and adding a second footnote to permit a greater front yard

setback in the TC district with a Special Permit granted by the Zoning Board of Appeals for Residential Use, as follows with additions shown in **bold/underline** and deletions shown in strikethrough:

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

ZONING DISTRICT	MINIMUM LOT SIZE	MINIMUM LOT FRONTAGE	FRONT YARD	EACH SIDE YARD	REAR YARD	FLOOR AREA RATIO	MINIMUM LOT WIDTH
Commercial ¹	-----	-----	40'	20'	25'	0.5	-----
Town Center	-----	-----	40'-0' ²	10'-5'	25'-5'	--	-----

¹ See Section 2.4.1.

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

Or take any action in relation thereto.

Passage requires a 2/3rds vote.

Submitted by: Planning Board
Recommendation: Planning Board recommends approval.
Recommendation: Select Board recommends approval.

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

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

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

Passage requires a 2/3rds vote.

Submitted by: Planning Board
Recommendation: Planning Board recommends approval.
Recommendation: Select Board recommends approval.

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

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

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

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

634 Or take any action in relation thereto.

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

636 Submitted by: Planning Board

637 Recommendation: Planning Board recommends approval.

638 Recommendation: Select Board recommends approval.
639

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

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

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

644
645 “In the Town Center zoning district, free standing uninhabited buildings, regardless of square footage, shall
646 be set a minimum of 5 feet from the side yard and rear yard lot lines. No freestanding uninhabited building
647 shall be located between the principal inhabited building or principal structure and the front lot line.”
648

649 Or take any action in relation thereto.

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

651 Submitted by: Planning Board

652 Recommendation: Planning Board recommends approval.

653 Recommendation: Select Board recommends approval.
654

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

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

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

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

665 Submitted by: Planning Board

666 Recommendation: Planning Board recommends approval.

667 Recommendation: Select Board recommends approval.

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

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

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

673 Submitted by: Planning Board

674 Recommendation: Planning Board recommends approval.

675 Recommendation: Select Board recommends approval.

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

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

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

683 2.3.5 Accessory Dwelling Unit Use

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

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

694 (A) Use by Right or by Special Permit

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

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

697

698 (B) ADU Requirements

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

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

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

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

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

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

709 (6) The ADU shall have heat that is adequately supplied and controlled by a thermostat located
710 within the ADU.

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

C. New Construction

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

D. Affordability Restrictions

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

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

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

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

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

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

2.3 USE REGULATIONS

2.3.1 Table of Principal Uses.

PRINCIPAL USES

	DISTRICTS				
	RR	NR	C	TC	LI

A. RESIDENTIAL USES

760 Or take any action in relation thereto.

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

762 Submitted by: Zoning Board of Appeals

763 Recommendation: Planning Board was split on the vote to approve.

764 Recommendation: Select Board recommends approval.
765

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

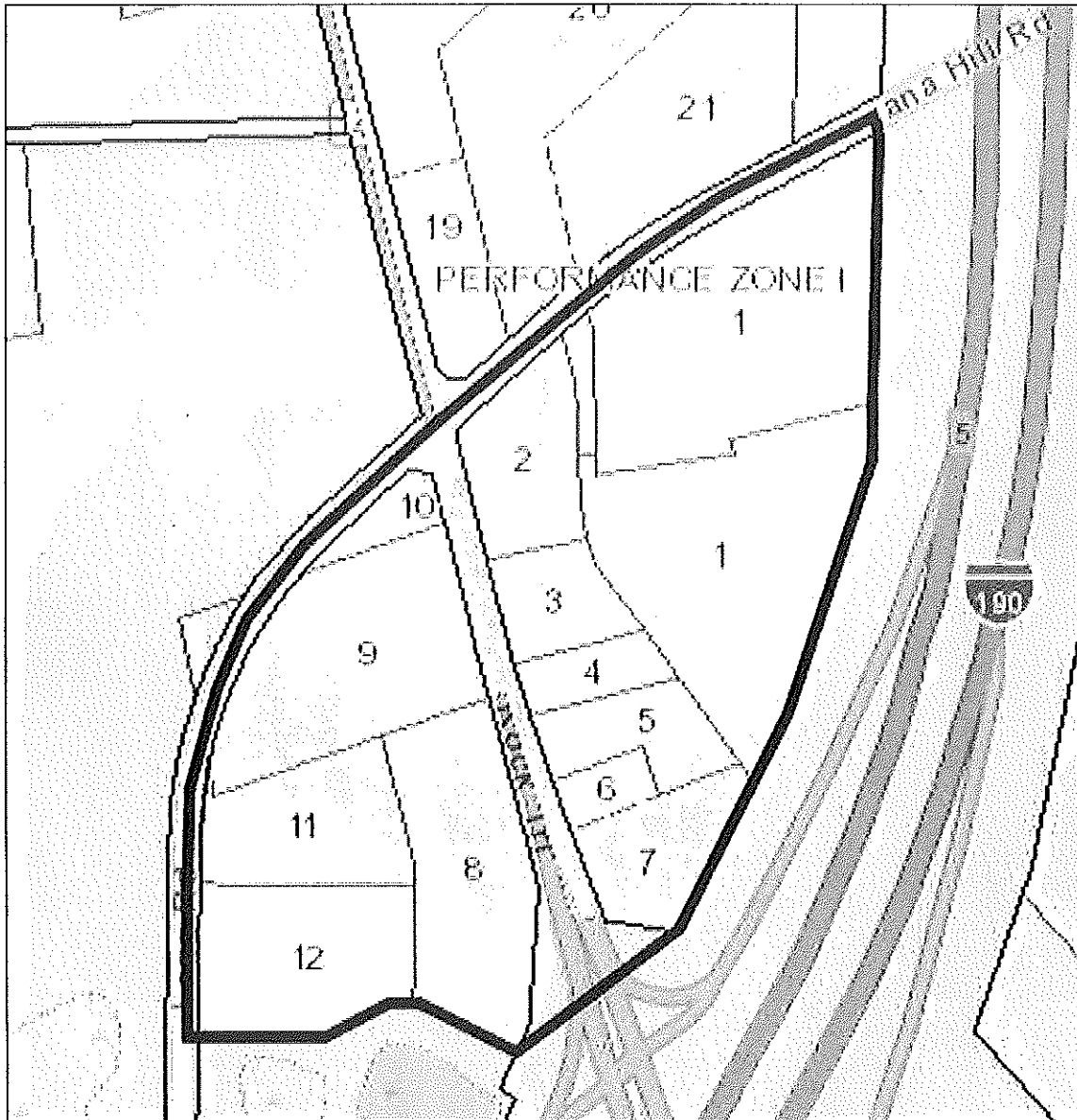
773 ***ARTICLE 39. PERFORMANCE ZONE TO COMMERCIAL ZONING DISTRICT (Consent)**

774 To see if the Town will vote to amend the Protective Bylaws and Zoning Map by rezoning the following 13 parcels,
775 currently zoned Performance Zone 1, to be included entirely within the Commercial (C) Zoning District:
776

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

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

778



803 Or take any action in relation thereto.

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

805 Submitted by: Planning Board

806 Recommendation: Planning Board recommends approval.

807 Recommendation: Select Board recommends approval.

808
809 ***Summary:*** This article seeks to rezone thirteen (13) parcels from the "Performance Zone" district to the
810 "Commercial" Zoning District. This area has evolved over time from a residential area to a more commercial one.
811 There are no residential uses left in this locus, and the Commercial Zoning District allows for greater opportunities
812 for development/ redevelopment.

***ARTICLE 40. MIXED-USE BUILDING WITH RESIDENTIAL DWELLING UNIT(S)** (Consent)

To see if the Town will vote to amend the Protective Bylaws, Article 2, Section 2.3.1.A (Table of Principal Uses) to insert a new use, "Mixed Use Building with Residential Dwelling Unit(s)" to be permitted as a Special Permit in the "C" district and would be allowed by-right in the "TC" district and would be prohibited in the "RR", "NR" or "LI" districts as follows with additions shown in bold and deletions shown in strikethrough:

2.3 USE REGULATIONS

2.3.1 Table of Principal Uses.

PRINCIPAL USES

DISTRICTS

RR NR C TC LI

A. RESIDENTIAL USES

Mixed Use Building with Residential Dwelling Unit(s)	<u>N</u>	<u>N</u>	<u>SP</u>	<u>Y</u>	<u>N</u>
--	----------	----------	-----------	----------	----------

Or take any action in relation thereto.

Passage requires a 2/3rds vote.

Submitted by: Planning Board
Recommendation: Planning Board recommends approval.
Recommendation: Select Board recommends approval.

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

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

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

2.3 USE REGULATIONS

2.3.1 Table of Principal Uses.

PRINCIPAL USES DISTRICTS

RR NR C TC LI

B. EXEMPT USES AND COMMUNITY FACILITIES

3. Licensed day care facility for the daycare of six or fewer children	Y	Y	Y	Y	Y
Family child care home, large family child care home					

4. Child care facility	Y	Y	Y	<u>SP</u>	Y
------------------------	---	---	---	-----------	---

C. COMMERCIAL USES

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>

D. INDUSTRIAL, WHOLESALE OR EXTENSIVE USES

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
---	---	---	------------	---	---

844 Or take any action in relation thereto.

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

846 Submitted by: Zoning Board of Appeals

847 Recommendation: Planning Board recommends approval.

848 Recommendation: Select Board recommends approval.

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

851 ***** **END OF SECOND CONSENT AGENDA** *****

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

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

855 2.3 USE REGULATIONS

856 2.3.1 Table of Principal Uses.

857 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

859 Or take any action in relation thereto.

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

861 Submitted by: Zoning Board of Appeals

862 Recommendation: Planning Board does not recommend approval for Use #10;

863 Planning Board was split on the vote regarding Use #1.

864 Recommendation: Select Board will report at Town Meeting.

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

869 ----- **GENERAL & ZONING BYLAWS** -----

870 **ARTICLE 43. PARKS GENERAL BYLAW - SHOLAN PARK**

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

873 **Chapter 113. Parks**

874 Article 1. Sholan Park

875 Section 1. Parking hours; overnight pass

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

881 Section 2. Parking

- 882 A. Parking at Sholan Park is restricted to the designated parking area only.
883 B. Only those vehicles displaying the appropriate Town of Sterling resident permit, a temporary guest or
884 visitor pass, a non-resident parking pass, or emergency vehicles are authorized to park within this parking
885 area. ~~Unauthorized vehicles parked in the parking area or undesignated areas are subject to a fifty dollar~~
886 ~~(\$50.00) fine and/or towing at the owners expense.~~
887 C. ~~Owners and/or operators of vehicles parked in violation are subject to non-criminal dispositions~~
888 ~~(citations) pursuant to MGL Chapter 40, Sec 21D, issued by the members of the Sterling Police~~
889 ~~Department. Payment for violations should be made to the Town Clerk for the Town of Sterling in person~~
890 ~~or by mail within (21) twenty one days of the alleged violation.~~

891 Section 3. Permits and Passes

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

903 Section 4. Animals

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

912 Section 5. Safety Rule

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

D. ~~These rules will be enforced by the Recreation Department staff and/or police department, as required.~~

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 and ~~intending to use a boat, trailer and/or other equipment in the lake~~ are responsible to make sure it that their boat, trailer or equipment is free of invasive species before entering the park/water park and water and must submit to inspections for said weeds and mussels. ~~The recipient also agrees, as a condition of accepting a resident permit or pass, that said boat, trailer and/or equipment is subject to inspection for weeds and mussel species.~~
- 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. ~~Any evidence of weeds, mussels or denying the inspection will be sufficient cause to deny access to the boat ramp and parking area.~~
- 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 designated hours and/or without proper proof of parking privileges may be towed at the owner's expense.

960 **F. The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, and the**
961 **election of one remedy shall not preclude enforcement through any other lawful means.**
962

963 Submitted by: Conservation Commission
964 Recommendations: Select Board recommends approval.

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

972 **ARTICLE 44. GROUNDWATER PROTECTION DISTRICTS**
973

974 To see if the Town will vote to amend the Protective Bylaws by deleting Section 4.6 "Aquifer and Water Resource
975 Protection Districts" and replacing it with the proposed "Groundwater Protection Districts" as printed in this
976 Warrant as follows:
977

978 **4.6 GROUNDWATER PROTECTION DISTRICTS**

979 **4.6.1 Purpose.** The purposes of this Article, in addition to those enumerated in Article 1 of the Town of Sterling
980 Protective By-laws are to:

- 981 a. promote the health, safety, and general welfare of the community by ensuring an adequate
982 quality and quantity of drinking water for the Town of Sterling;
983 b. preserve and protect existing and potential sources of drinking water;
984 c. conserve natural resources in the Town of Sterling; and
985 d. prevent temporary and permanent contamination of the environment.
986

987 **4.6.2 Scope of Authority**

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

994 **4.6.3 Definitions**
995

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

998 CMR: Code of Massachusetts Regulations.

999 Commercial Fertilizer: Any substance containing one or more recognized plant nutrients which is used
1000 for its plant nutrient content and which is designed for use, or claimed to have value in promoting plant
1001 growth, except un-manipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and
1002 gypsum, and other products exempted by state regulations.

1003 Discharge: The accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, pouring,
1004 or placing of toxic or hazardous material or hazardous waste upon or into any land or water such that it
1005 may enter the surface or ground waters.

1006 Dry Well: A subsurface pit with open-jointed lining or holes through which storm-water drainage from
1007 roofs, basement floors, foundations or other areas seep into the surrounding soil.

1008 Groundwater Protection Districts: The land area consisting of aquifers and Town of Sterling Zone II
1009 recharge areas as identified on a map and adopted pursuant to this bylaw.

1010 Hazardous Material: Any substance in any form which because of its quantity, concentration, or its
1011 chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either
1012 separately or in combination with one or more substances, constitutes a present or potential threat to
1013 human health, safety, welfare, or to the environment, when improperly stored, treated, transported,
1014 disposed of, used, or otherwise managed. Hazardous material includes, without limitation, synthetic
1015 organic chemicals, petroleum products, heavy metals, radioactive or infectious materials, and all
1016 substances defined as toxic or hazardous under MGL c. 21E. This term shall not include hazardous waste
1017 or oil.

1018 Hazardous Waste: A substance or combination of substances, which because of quantity, concentration,
1019 or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase
1020 in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial
1021 present or potential hazard to human health, safety, or welfare or to the environment when improperly
1022 treated, stored, transported, used or disposed of, or otherwise managed. This term shall include all
1023 substances identified as hazardous pursuant to the Hazardous Waste Regulations, 310 CMR 30.000.

1024 Historical High Groundwater Table Elevation: A groundwater elevation determined from monitoring
1025 wells and historical water table fluctuation data compiled by the United States Geological Survey.

1026 Impervious Surface: Material or structure on, above, or below the ground that does not allow
1027 precipitation or surface water runoff to penetrate into the soil.

1028 Interim Wellhead Protection Area (IWPA): The MassDEP designated protection radius around a public
1029 water well that lacks a Zone II.

1030 Landfill: A facility established in accordance with a valid site assignment for the purposes of disposing
1031 solid waste into or on the land, pursuant to the Solid Waste Regulations, 310 CMR 19.006.

1032 MassDEP: Massachusetts Department of Environmental Protection.

1033 MGL: Massachusetts General Law.

1034 Petroleum Product: Includes, but not limited to, fuel oil; gasoline; diesel; kerosene; aviation jet fuel;
1035 aviation gasoline; lubricating oils; oily sludge; oil refuse; oil mixed with other wastes; crude oils; or other
1036 liquid hydrocarbons regardless of specific gravity. Petroleum product shall not include liquefied
1037 petroleum gas including, but not limited to, liquefied natural gas, propane or butane.

1038 Non-Sanitary Wastewater: Wastewater discharges from industrial and commercial facilities containing
1039 wastes from any activity other than collection of sanitary sewage including, but not limited to, activities
1040 specified in 310 CMR 15.004(6).

1041 Open Dump: A facility operated or maintained in violation of the Resource Conservation and Recovery
 1042 Act 42 U.S.C. 4004(a)(b), or state regulations and criteria for solid waste disposal.

1043 Recharge Areas: Land areas, such as a Zone II or Interim Wellhead Protection Area, where precipitation
 1044 and surface water infiltrates into the ground to replenish groundwater and aquifers used for public
 1045 drinking water supplies.

1046 Septage: The liquid, solid, and semi-solid contents of privies, chemical toilets, cesspools, holding tanks,
 1047 or other sewage waste receptacles. This term shall not include any material that is a hazardous waste,
 1048 as defined by 310 CMR 30.000.

1049 Sludge: The solid, semi-solid, and liquid residue that results from a process of wastewater treatment or
 1050 drinking water treatment including wastewater residuals. This term shall not include grit, screening, or
 1051 grease and oil which are removed at the head-works of a facility

1052 Small Quantity Generator: As defined in 310 CMR 30.000. Any public or private entity, other than
 1053 residential, which generates between 100 kilograms and 1,000 kilograms a month of hazardous waste
 1054 or waste oil and/or less than 1 kilogram acutely hazardous waste as defined in 310 CMR 30.136. The
 1055 waste must be shipped in 90 days and accumulation is limited to 6,000 kilograms in tanks and containers
 1056 for no more than 180 days.

1057 Treatment Works: Any and all devices, processes and properties, real or personal, used in the collection,
 1058 pumping, transmission, storage, treatment, disposal, recycling, reclamation, or reuse of waterborne
 1059 pollutants, but not including any works receiving a hazardous waste from off the site of the works for
 1060 the purpose of treatment, storage, or disposal.

1061 Utility Works: Regulated activities providing for public services, including roads, water, sewer,
 1062 electricity, gas, telephone, transportation and their associated maintenance activities. This term shall
 1063 include the installation of detention and retention basins for the purpose of controlling storm water.

1064 Very Small Quantity Generator: As defined in 310 CMR 30.000. Any public or private entity, other than
 1065 residential, which generates less than 100 kilograms a month of hazardous waste or waste oil, generates
 1066 no acutely hazardous waste as defined in 310 CMR 30.136 and accumulates no more than 1,000
 1067 kilograms at any one time.

1068 Waste Oil Retention Facility: A waste oil collection facility for automobile service stations, retail outlets,
 1069 and marinas which is sheltered and has adequate protection to contain a spill, seepage, or discharge of
 1070 petroleum waste products in accordance with MGL c.21. s.52A. 4.7.4

1071 Zone II: The delineated recharge area to a public drinking water well as approved by MassDEP and
 1072 defined under the Massachusetts Drinking Water Regulations 310 CMR 22.00.

1073 **4.6.4 Establishment and Delineation of Groundwater Protection Districts**

1074 (a) The Groundwater Protection Districts are all land areas in the town of Sterling which overlie those
 1075 portions of the Aquifer which have a potential well yield greater than one hundred (100) gallons per
 1076 minute as shown in the USGS Hydrological Investigation Atlas 276 (Water Resources of the Nashua
 1077 and Souhegan River Basins. Massachusetts, by Richard A. Brackley 1977), and any future
 1078 refinements thereof.

1079 (b) The Groundwater Protection Districts are all land areas in the town of Sterling which are within
 1080 either a delineated Town of Sterling Water Department Zone II or are within a one-half mile radius

of an existing municipal well which has no delineated Zone II.

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

4.6.5 District Boundary Disputes

- (a) If the location of the Groundwater Protection District in relation to a particular parcel is in doubt, resolution of the boundary dispute shall be through a Special Permit application to the Special Permit Granting Authority. Any application for a special permit for this purpose shall be accompanied by adequate documentation.
- (b) Burden of proof shall be upon the land owner to demonstrate that the location of the Groundwater Protection District with respect to a particular parcel(s) of land is uncertain. At the request of the land owner, the Town may engage a professional engineer, hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the Groundwater Protection District with respect to a particular parcel(s) of land, and may charge the owner for the cost of the investigation.

4.6.6 Uses Regulations

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

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	Y

	environmental factors and whose piping and/or other related equipment includes similar safeguards;	
	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 chemicals used for the removal of ice and snow on roads except for the following:	N
	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.

4.6.7 Additional Requirements for Permitted Uses.

- (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:
 - (1) The site plans must delineate the boundaries of the Groundwater Protection District(s),
 - (2) The plans will state the proposed use(s),
 - (3) The Planning Board must be satisfied that the project has been designed to eliminate any significant threat of contamination to the ground water. In making such a determination, the Planning Board shall give consideration to the simplicity, reliability and feasibility of the control measures proposed and the degree and threat to water quality which would result

1126 if the control measures fail. Any modifications, deletions or additions to the plans required
1127 by the Planning Board for the purposes of insuring protection of the ground water must be
1128 made prior to the issuance of any Building Permit or Certificate of Use and Occupancy.
1129

1130 **4.6.8 Pre-existing Uses and Structures.**

- 1131 (a) Structures. Any existing structure, or use of such structure, lawful on the effective date of this Article
1132 4.6 may continue although such structure does not conform to the requirements of this Article 4.6.
1133 Any such existing structure may be repaired, enlarged, maintained and improved, however, any
1134 enlargement greater than a one-time enlargement of 2,500 square feet or less must conform to the
1135 regulations contained in this Article 4.6.
- 1136 (b) Uses. Any existing use lawful on the effective date of this Article 4.6 may continue although such
1137 use does not conform to the requirements of this Article 4.6. Any change, expansion, extension or
1138 repair of such non-conforming use must, however, conform to the regulations contained in this
1139 Article 4.6, and must conform as much as possible, in the opinion of the Planning Board, to the
1140 regulations contained in this Article and to the regulations of the Town of Sterling.
- 1141 (c) Hardship. To avoid undue hardship, nothing in this Article 4.6 shall be deemed to require a change
1142 in the design, construction or use of any structure with respect to which a building permit was legally
1143 issued prior to the effective date of this Article 4.6 and such building permit had not lapsed prior to
1144 the start of construction.

1145 **4.6.9 Special Permit Procedures**

1146 Special Permits required under this Article 4.6.9 shall be in addition to, and separate from, any other
1147 Special Permit required under any article of this Zoning Bylaw or any other law or regulation. The town
1148 of Sterling Planning Board is hereby established as the Special Permit Granting Authority under Article
1149 4.6 Groundwater Protection Districts. Special Permits required under this Article 4.6 shall be issued in
1150 accordance with Article 6.3 of the Zoning Bylaw, and in accordance with the additional requirements
1151 specified below:

- 1152 (a) Special Permit Requirements. A Special Permit shall only be granted if the Permit Granting Authority
1153 determines that the intent of this bylaw as well as its specific criteria are fully met.
- 1154 (b) Application Requirements. Requests for a Special Permit shall be made in writing and clearly state
1155 the provision or requirement from which the Special Permit is sought. The following application
1156 requirements are the minimum criteria for submitting a complete application:
- 1157 1. In addition to the copy filed with the Special Permit Granting Authority, copies of the
1158 application for Special Permit shall be filed by the applicant with the Board of Health,
1159 Conservation Commission, Building Inspector, Department of Public Works, Police
1160 Department and Fire Department.
 - 1161 2. A site plan, prepared by a professional engineer or land surveyor, showing existing and
1162 proposed structures and facilities. Minimum requirements for information included on the
1163 site plan are outlined in Article 6.4.4.
 - 1164 3. A description of the proposed work plan including a construction schedule.
 - 1165 4. A description of measures that will be taken to ensure that the quantity and quality of on-
1166 site groundwater recharge will not be significantly diminished by the proposal.

5. A description of all chemicals, pesticides, fuels, or other potentially toxic or hazardous materials to be used, generated, or stored on the site; together with a description of precautionary measures that will be taken to protect from vandalism, corrosion, leakage, or other adverse environmental effects;
 6. Identify any public or private wells and surface water, and the distance between proposed activities or uses.
- (c) Inter-Agency Review. Upon receipt of the application, the agencies listed in 4.6.9 (b) 1. shall review the application and make recommendations as they deem appropriate to the Special Permit Granting Authority. Failure of the reviewing parties to make recommendations within thirty-five (35) days after having received copies of all such required materials shall be deemed a lack of opposition thereto,
- (d) Public Hearing. The public hearing shall be given in accordance with Article 6.3.3.
- (e) Decision Process. The Special Permit Granting Authority's decision shall consider the accuracy of the information provided in the application, the reliability of the proposed control measures, and recommendations of the other review boards, and shall issue its decision in accordance with MGL c.40A unless said period is extended in accordance with MGL c.40A. The Special Permit Granting Authority may only grant a Special Permit if it finds that the proposed use:
1. Is in harmony with the purpose and intent of this Bylaw; and
 2. It will not be detrimental or injurious to the Groundwater Protection Districts.
- (f) Posting. The Special Permit or a clear and concise summary of the Special Permit shall be posted in a conspicuous location at or near the operation, facility, or system requiring said permit.
- 4.6.10 Enforcement and Violations.**
- The enforcement of this Article 4.6 shall be as described in Article 6.1.2 and 6.1.3 of this Bylaw and General Bylaw, III, §1-7 to §1-9
- 4.6.11 Savings Clause.**
- If any subsection or part thereof of this Article 4.6 is held to be invalid the remainder of this Article 4.6 shall not be affected thereby.
- Or take any action in relation thereto.
- Passage requires a 2/3rds vote.**
- Submitted by: Select Board
- Recommendation: The Planning Board recommends approval.
- Recommendation: Select Board recommends approval.
- Summary: This article is based and is closely modeled upon the Massachusetts' Department of Environmental Protection ("MassDEP") Groundwater Protection District Bylaw that complies with MassDEP's Wellhead Protection Regulations 310 CMR 22.21(2). The Town's existing Section 4.6 Bylaw is much more restrictive than the model bylaw. Sterling's current bylaw confusingly uses the terms "Aquifer" and "Water Resource" and incorrectly assigns permit granting authority to the Board of Health, contrary to state statute.*

1204 **ARTICLE 45. GROUNDWATER PROTECTION DISTRICTS – CITATIONS**

1205 To see if the Town will vote to amend the Protective Bylaws, as follows:

1206 Table of Contents by amending the Table of Contents by deleting “Aquifer and Water Resource Protection
1207 Districts” and existing subsections 4.6.1-4.6.9, and replacing that with “Groundwater Protection Districts” and
1208 new subsections 4.6.1-4.6.11, to Amend Article 4.6 to rename, reorganize and renumber all the related
1209 subsections accordingly and to renumber all subsequent pages thereafter.
1210

1211 Article 2, Section 2.1.1. Establishment, by deleting the words “Aquifer and Water Resource Protection District”
1212 and replacing it with “Groundwater Protection Districts.”
1213

1214 Article 4, Section 4.7.3., by deleting the words “Aquifer and Water Resource Protection Districts” and replacing it with
1215 “Groundwater Protection Districts.”
1216

1217 Article 4, Section 4.7.5.2(b)(i), by deleting the words “Aquifer and Water Resource Protection Districts Bylaw 4.6.5
1218 (c)” and replacing it with “Groundwater Protection Districts.”
1219

1220 Article 4, Section 4.7.5.2(d), by deleting the words “Aquifer and Water Resource Protection Districts By-law” and
1221 replacing it with “Groundwater Protection Districts.”

1222 Or take any action in relation thereto.

1223 ***Passage requires a 2/3rds vote.***

1224 Submitted by: Planning Board

1225 Recommendation: The Planning Board recommends approval.

1226 Recommendation: Select Board recommends approval.

1227 ***Summary: These proposed changes are “housekeeping” in nature with language updates that will replace the***
1228 ***former bylaw reference with the new proposed name in all instances of the Protective Bylaw.***

1229 **ARTICLE 46. GROUNDWATER PROTECTION DISTRICTS - OVERLAY MAP**

1230 To see if the Town will vote to amend the Protective Bylaws by deleting the Aquifer and Water Resource Protection
1231 Overlay District Map and replace it with the proposed Groundwater Protection Districts Overlay Map.

1233 *Passage requires a 2/3rds vote.*

1234 Submitted by: Planning Board

1235 Recommendation: Planning Board recommends approval.

1236 Recommendation: Select Board recommends approval.

1237 *Summary: The proposed new overlay encompasses Sterling's Zone II areas, being the high and medium yield zones.*
1238 *The current overlay is overly broad and contains, high, medium and low yield zones, in addition to extra extraneous*
1239 *locations. Pursuant to 310 CMR 22.21(1)(e), Sterling is not legally bound to provide land use prohibitions/controls*
1240 *in this area as it does not own or operate the Leominster wells.*

1241 ----- **EARTH REMOVAL BYLAWS** -----

1242 **ARTICLE 47. EARTH REMOVAL - GENERAL BYLAW**

1243 To see if the Town will vote to amend the General Bylaws by removing the entire Chapter 63 Earth Removal and
1244 replacing with a new Chapter 63: Earth Removal, as follows:

1245 **Chapter 63: Earth Removal**

1246 § 63-1 Purpose.

1247 The purpose of this bylaw is to protect the health and safety of the public by regulating the removal of
1248 earth, with consideration given to the natural topography of the Town of Sterling (i) to avoid creating
1249 hazardous conditions, washouts, excessive dust, or noise and (ii) to protect natural resources within the
1250 Town of Sterling.

1251 § 63-2 Definitions.

1252 **Earth**

1253 "Earth" shall include soil, loam, sand, gravel, clay, rocks, minerals, or other earth material.

1254 **Permit Granting Authority (PGA)**

1255 The Select Board of the Town of Sterling is authorized to grant permits for earth removal pursuant to this
1256 Bylaw.

1257 **Quarrying or Mining**

1258 "Quarrying or mining" shall mean earth removal for the purpose of extracting soil, loam, sand, gravel,
1259 clay, rocks, minerals, or other earth material, including establishments engaged in operating sand and
1260 gravel pits and in washing, screening, or preparing sand and gravel for construction or industrial uses.

1261 "Quarrying or mining" shall exclude grading of a lot in preparation for the construction of a structure or
1262 associated appurtenances for which a building permit or other similar permit has been issued by the
1263 town.

1264 § 63-3 Permit Required.

1265 The following earth removal operations are required to obtain an earth removal permit from the PGA
1266 under this bylaw:

1267 A. Quarrying or mining operations.

1268 B. Earth removal from a single lot or a single site, unless exempt pursuant to §63-4.

1269 § 63-4 Exemptions from Permit Requirements.

1270 The following earth removal operations are exempted from the requirement to obtain an earth removal
1271 permit under this bylaw.

1272 A. Earth removal of less than an aggregate of 1,000 cubic yards *in situ* from a single lot or a single site
1273 within any five (5) year period (commencing on the date the Notification of Intent is filed with the
1274 PGA) and not in connection with a building permit granted by the Town of Sterling shall not require
1275 a permit under this bylaw, but operations shall be required to comply with the Earth Removal
1276 Operation Criteria set forth in §63-7. In order to claim this exemption, the owner of the lot or site
1277 shall, at a public meeting of the PGA, file a Notice of Intent for Earth Removal with the PGA indicating
1278 full compliance with the Earth Removal Operation Criteria.

1279 B. Earth removal from a single lot or a single site in connection with a building permit granted by the
1280 Town of Sterling, so long as the quantity shall not exceed 110% of the amount of material displaced
1281 by the below grade portion of the construction of permitted building or structure.

1282 C. Earth removal associated with the installation of septic systems shall be governed by the
1283 Commonwealth of Massachusetts Environmental Code (Title 5, 310 CMR 15.000), provided that the
1284 quantity of materials removed shall not exceed the amount of material displaced by the permitted
1285 septic system components (septic tank, distribution box, pump chamber, dosing chamber, grease
1286 trap, manhole and soil absorption system) below grade as approved by the Board of Health.

1287 D. Earth removal from one parcel of land to a contiguous parcel of land, held in common ownership
1288 and located within the Town of Sterling, subject to compliance with the Earth Removal Operation
1289 Criteria in §63-7. If there is a group of parcels that are (i) contiguous to each other, (ii) held in
1290 common ownership and (iii) located within the Town of Sterling, earth removal from one parcel of
1291 land in the group to any other parcel of land in the same group is exempt under this section. For
1292 example, an owner of four contiguous parcels on a public way would be allowed to remove earth
1293 from parcel one to parcel four since all four parcels are contiguous with at least one other parcel in
1294 the same group.

1295 E. Earth removal from any parcel of land in a definitive subdivision subject to the subdivision control
1296 process under Massachusetts General Laws Chapter 41, as amended, that has been approved by the
1297 Planning Board. In this instance, the Planning Board shall have full authority to regulate the amount
1298 and disposition of earth to be removed from such parcel(s) of land shown on the subdivision plan.

1299 F. Earth removal required for a certain parcel of land subject to the town of Sterling Site Plan Review
1300 process as defined in Article 6, Section 6.4 of the Town of Sterling Protective Bylaws as amended that
1301 has been approved by the Planning Board. In this instance, the Planning Board shall have full
1302 authority to regulate the amount and disposition of earth to be removed from such a site as shown
1303 on the site plan.

1304 G. Earth removal for land falling within the Town's Wetland Resource Area and associated buffer zones
1305 shall be governed by the Wetland Protection Act, MGL Chapter 131, Section 40, administered solely
1306 by the Town of Sterling's Conservation Commission.

1307 H. Earth removal operations in continuous operation prior to November 12, 1973 are permitted to
1308 continue on the same parcel(s) of land as existed on the date of adoption of this amendment;
1309 provided, however, an expansion of such earth removal operations to a new or additional parcel(s)
1310 of land following the adoption of this Bylaw amendment shall require an earth removal permit
1311 consistent with this Bylaw.

- 1312 I. Earth removal from land in public use, including the extraction and processing for road maintenance
1313 materials and safety by the Town of Sterling from municipal-owned property by the Town of
1314 Sterling's Department of Public Works.
- 1315 J. Earth removal for the construction, maintenance and repair of existing public roadways or the
1316 installation of public utilities and appurtenances.
- 1317 K. Earth Removal related to the construction, repair, and maintenance of fire ponds, being an
1318 engineered design structure with hydraulic capacity and a withdrawal mechanism such as a dry
1319 barrel hydrant, shall be under the jurisdiction of the Conservation Commission.
- 1320 L. Earth removal required in the customary use of land for agriculture of less than an aggregate of 1,000
1321 cubic yards *in situ* on a single lot within any five (5) year period (commencing on the date of the
1322 Notification of Intent is filed with the PGA), subject to compliance with the Earth Removal Operation
1323 Criteria in §63-7.
- 1324 M. Any of the exempted earth removal operations listed in §63-4 A through L shall be exempted from
1325 any fees for earth removal operations.

1326 § 63-5 Public Hearing.

1327 After a complete new permit application has been filed, the PGA shall set a date for a public hearing
1328 under this General Bylaw and so notify the applicant. Notice of the hearing shall be given as follows:

- 1329 A. The PGA shall publish a notice in a newspaper of general circulation in each of two successive weeks,
1330 the first publication being not less than 14 days before the day of the hearing.
- 1331 B. The applicant shall give written notice of the hearing to all abutters and abutters to the abutters
1332 within three hundred (300) feet of the property line as shown on the most recent tax list certified by
1333 the Board of Assessors. The applicant shall mail the written notice of the hearing to the abutters and
1334 abutters to the abutters by regular U.S. mail no less than fourteen (14) days prior to the hearing. The
1335 applicant shall request a certificate of mailing from the post office and provide it to the PGA as proof
1336 of mailing.

1337 All publication and mailing costs shall be borne by the applicant. Final approval for the permit shall not
1338 be made until all hearing fees have been paid in full.

1339 § 63-6 Submission and Plan Requirements.

1340 The form of the application for an earth removal permit as well as plan requirements shall be determined
1341 in accordance with rules and regulations adopted by the PGA.

1342 § 63-7 Earth Removal Operation Criteria.

1343 All earth removal operations shall comply with the Earth Removal Operation Criteria listed below, unless
1344 specifically waived or modified by the PGA at a public meeting. Applicants shall submit a written
1345 statement certifying how each of the following criteria shall be addressed and/or mitigated.

1346 All earth removal operations:

- 1347 A. Shall be in compliance with the Massachusetts Endangered Species Act and the Wetlands Protection
1348 Act.
- 1349 B. Shall be respectful of and work with the natural topography in order to minimize, wherever
1350 appropriate, the amount of cut and/or fill on the premises.

- 1351 C. Shall not endanger the public safety, public health or constitute a nuisance.
- 1352 D. Shall not produce noise, dust, or other noxious effects beyond the lot lines of the property.
- 1353 E. Shall not result in the transportation of materials in such manner as to cause traffic congestion, dust,
1354 spillage, noise, or other nuisances, hazards or damage, particularly on residential streets or adjacent
1355 land.
- 1356 F. Shall not result in a change of topography or loss of ground cover that shall cause soil erosion,
1357 increased rate of stormwater runoff or adversely impact drainage on the site, adjacent streets or
1358 abutting properties.
- 1359 G. Shall not cause pollution or particle infiltration to surrounding watercourses or groundwater.
- 1360 H. Shall not result in the removal/stripping of loam in an amount that would leave less than six (6) inches
1361 of organic soil cover that shall be reseeded, unless waived by the PGA, to provide vegetative cover
1362 and be maintained until the area has been stabilized.
- 1363 I. Shall not create a slope greater than five (5) feet in height that exceeds 1 vertical unit to 2 horizontal
1364 units (1:2) and does not exceed twenty (20) feet in vertical height except when in *competent* bedrock
1365 as determined by a geotechnical engineer. In *competent* bedrock earth removal shall not create a
1366 slope greater than five (5) feet in height that exceeds 1 vertical unit to 1 horizontal unit (1:1) and
1367 does not exceed twenty (20) feet in vertical height.
- 1368 J. Shall not encroach a distance of ten (10) feet from any property line.
- 1369 K. Shall have a lowest excavated point no less than six (6) feet above the existing seasonal high
1370 groundwater table except when incidental to the construction for which a building permit has been
1371 obtained. To ensure this depth the applicant shall, at applicant's expense, install observation wells
1372 in accordance with the designated agent of the Town of Sterling's Board of Health.
- 1373
- 1374 The PGA may issue an order to any earth removal operation that does not appear to comply with the
1375 Earth Removal Operation Criteria (i) to submit evidence that it does comply, (ii) to bring the earth
1376 removal operation into compliance with this Bylaw, and/or (iii) to obtain an earth removal permit.

1377 § 63-8 Site Standards, Requirements and Operations.

1378 In approving the issuance of a permit, the PGA shall require conformity with the standards and
1379 requirements set forth below. The PGA may, where appropriate under the circumstances, waive, modify,
1380 state more specifically, or add to the following standards and requirements provided that the intent of
1381 this Bylaw is maintained and the Earth Removal Operation Criteria stated in §63-7 are observed. Any
1382 deviations from the following standards and requirements shall be stated as conditions to and noted
1383 upon the permit.

- 1384 A. All non-exempted earth removal operations in §63-3 shall be required to be accompanied with an
1385 initial Close Out or Reclamation Plan in addition to a non-waivable statement as stipulated by the
1386 PGA, and stamped by a Professional Civil Engineer attesting that all Earth Removal Operation Criteria
1387 in §63-7, except those for which the PGA has issued a waiver, shall be met for the duration of the
1388 earth removal. Following completion of earth removal operations, the applicant shall provide a final
1389 Close Out or Reclamation Plan as stipulated by the PGA, stamped by a Professional Civil Engineer,
1390 along with a report or a statement signed by a geotechnical engineer stating that the geotechnical
1391 engineer has inspected the site prior, during and upon completion of earth removal operations and
1392 certifying the structural integrity of the site and related slopes as shown on the final plan.

- 1393 B. The contractor hired to perform the earth removal or the applicant, if the applicant shall be the entity
1394 performing the earth removal, shall provide the Town with a current certificate of liability insurance
1395 in the amount of \$1 million per occurrence and \$3 million in the aggregate, issued by an insurance
1396 company licensed in Massachusetts, and if the earth removal work abuts Town-owned land or a
1397 Town accepted way, the certificate of liability shall name the Town as an additional insured. The
1398 applicant shall be responsible for providing the Town with a current certificate of insurance
1399 throughout the duration of the earth removal operations.
- 1400 C. The site standards and requirements include:
- 1401 (1) Except for fire ponds as provided in §63-4 K, no area shall be excavated so as to cause the
1402 accumulation of free-standing water. Permanent drainage shall be provided as needed in
1403 accordance with accepted engineering and conservation practices. Measures shall be taken to
1404 insure that silting and sedimentation of nearby streams is not caused by a temporary or
1405 permanent drainage system on site. Drainage shall not lead directly into streams, ponds,
1406 abutting properties nor shall drainage from access roads drain directly onto public ways.
- 1407 (2) If erosion control structures are utilized, these devices shall be in place and stabilized before
1408 excavation can begin in the affected area. These structures shall be inspected and maintained
1409 in accordance with the approved plan and the capacity of the structural device.
- 1410 (3) If the earth removal operation occurs in phases, one phase shall be completed and seeded,
1411 unless waived by the PGA prior to the commencement of the next phase.
- 1412 (4) Quarrying or mining operations shall be contained within the current property limits, as shown
1413 on the plan. The expansion to additional property must be authorized by a new permit by the
1414 PGA.
- 1415 (5) During earth removal operations, a fence or suitable barrier shall be erected, as deemed
1416 necessary and approved by the PGA.
- 1417 (6) Operations shall be conducted during the hours 7:00 A.M. to 5:00 P.M., Monday through
1418 Saturday. No earth is to be excavated or removed on Sundays or Massachusetts legal holidays.
1419 These hours of operation may be altered only upon written authorization of the PGA. Loaded
1420 trucks shall leave the premises only during permitted hours. All loaded vehicles shall be
1421 suitably covered to prevent dust and contents from spilling and blowing from the load.
- 1422 (7) All trucking routes and methods may be subject to approval by the Chief of Police and the
1423 Superintendent of Public Works.
- 1424 (8) Earth removal permits are only transferable upon approval of the PGA in its sole discretion and
1425 shall automatically expire on the earliest to occur of (i) one year from the date of issuance, (ii)
1426 completion of the earth removal for which it was issued, or (iii) at such time as may be specified
1427 in the permit. In no case shall a permit be issued for a period longer than one year. A permit
1428 may be renewed by the PGA in its sole discretion after evidence is presented that (i) all
1429 conditions of the expiring permit have been complied with and (ii) the work authorized under
1430 the permit was delayed for good cause. All renewal applications shall be filed not more than
1431 90 days nor less than 30 days prior to the expiration of the then current permit and shall
1432 include a copy of the previous conditions of approval. When the applicant intends to increase
1433 the scope of the earth removal, a new application and public hearing shall be required.
- 1434 D. This bylaw was adopted in conjunction with eliminating a requirement in the Protective Bylaws of
1435 the Town of Sterling that an applicant be granted a variance by the Zoning Board of Appeals for earth

1436 removal over 1,000 cubic yards if the lot or site was located in a Rural Residential (RR) or
1437 Neighborhood Residential (NR) zoning district. That requirement was deemed to be too restrictive.
1438 Therefore, any permits granted by the PGA under this bylaw will be at the reasonable discretion of
1439 the PGA, taking into account all of the facts and circumstances of the application, the zoning district
1440 in which the property is located, the intended use or uses of the property, and the amount of earth
1441 the applicant desires to remove.

1442 § 63-9 Site Reclamation or Close Out.

1443 A. All debris, stumps, boulders, and similar material shall be removed from the site or disposed of in an
1444 approved location on site. The PGA may, at its sole discretion and where appropriate, require areas
1445 to be reseeded so as to provide a vegetative cover with a minimum of six (6) inches of organic soil
1446 cover that shall be maintained until the area is stabilized. Vegetation not surviving one growing
1447 season shall be replanted by the applicant in accordance with standard US Department of Agriculture
1448 Natural Resources Conservation Service methods in order to prevent erosion. Alternatives to this
1449 method of Site Reclamation or Close Out shall be subject to the approval of the PGA.

1450 B. Upon completion of the operation, the land shall be left so that the natural drainage flow exits the
1451 property at the original drainage points or empties into the original drainage channel; and when it
1452 does so, the volume of runoff or flow at any one point is not increased above that which was normal
1453 for that particular point in the absence of the earthwork operation. This shall be documented and
1454 certified by a Professional Civil Engineer upon the Close Out or Reclamation Plan as stipulated by the
1455 PGA.

1456 C. All large stones and boulders that protrude above the finished grade shall be removed or buried.
1457 Alternatives to this method of site reclamation or close out shall be subject to approval by the PGA.

1458 § 63-10 Engineering Review Consultant, Bonding & Security and Release.

1459 A. Engineering Review Consultant. The PGA, at its sole discretion, may determine that a proposed
1460 project's size, scale, complexity, or potential impact warrants retaining the use of licensed
1461 professional independent consultants in any given respective field. Such consultants shall provide
1462 professional guidance to assist the PGA with the necessary review and analysis needed to make
1463 informed decisions that comply with all relevant laws and regulations regarding complex issues,
1464 including hydrological testing, noise analysis, and other analyses deemed necessary. The PGA shall
1465 select and retain for a reasonable fee such consultants at the expense of the Applicant, in accordance
1466 with the provisions of G.L. c. 44, §53G.

1467 B. Bonding & Security. In determining the effect upon the town, the PGA shall require a surety bond,
1468 in a form approved by Town Counsel and issued by a surety licensed by the Commonwealth of
1469 Massachusetts, which shall not expire until all conditions of the permit have been satisfied. The bond
1470 shall be for an amount estimated to meet the conditions of the permit, in the event the earth removal
1471 operations are abandoned, and the Town must take steps to secure the site, and to satisfy the
1472 requirements of §63-9 Site Reclamation or Close Out.

1473 C. Release. After completion of work, the applicant shall submit a Close Out or Reclamation Plan as
1474 stipulated by the PGA, prepared by a registered professional engineer, showing grades at the
1475 conclusion of the operation, along with a report by geotechnical engineer certifying that the site and
1476 resulting slopes are stable. The PGA shall release the bond after the submission of the plan and with
1477 a determination that the Permit conditions have been met and when sufficient time has lapsed to
1478 ascertain that vegetation planted has successfully been established and that drainage is satisfactory.

1479 § 63-11 Violations.

- 1480 A. As a condition of receiving a permit, the applicant authorizes the PGA and/or its engineering
1481 consultant to: (i) enter on the site to conduct inspections on behalf of the PGA and (ii) inspect the
1482 relevant business records of the operator of the earth removal operation, including the delineation
1483 of the area to be removed. The PGA and/or its engineering consultant shall contact the applicant in
1484 advance to arrange such inspections.
- 1485 B. If a violation of this Bylaw or any condition of a permit is suspected, the PGA shall, at a public meeting
1486 and after notifying the permit-holder and/or the operator of the earth removal operation in writing,
1487 determine whether a violation exists or occurred. The PGA shall take appropriate action, up to and
1488 including issuing a fine, ordering the permit-holder and/or earth removal operator to cure the
1489 violation, imposing additional conditions to safeguard against the violation, or issuing an order to
1490 cease earth removal operations.
- 1491 C. In the case where an emergency cease and desist order requiring immediate cessation of all work on
1492 the property is warranted, the PGA shall designate an agent to serve the order regarding the
1493 violation. The PGA shall hold a public hearing to review the facts and to determine whether a
1494 violation has occurred. If a violation is found, the PGA may revoke, revise, or modify the conditions
1495 or restrictions of the permit.
- 1496 D. If a permit-holder and/or operator of earth removal operation persists in such violation, the PGA
1497 shall, after notifying the permit-holder and/or the operator of the earth removal operation in writing,
1498 seek an imposition of penalties authorized by MGL Chapter 40, Section 21, Paragraph 17, and shall
1499 be subject to a fine of not more than \$50 for the first offense, not more than \$100 for the second
1500 offense and not more than \$200 for any subsequent offense. Each day during any portion of which
1501 such violation is allowed to continue shall be considered a separate offense. This Bylaw may also be
1502 enforced through the non-criminal disposition procedures set forth in MGL c. 40, section 21D and
1503 impose fines up to the amount of \$300.00, as provided in Chapter 1, Article III of the Town's General
1504 Bylaws.
- 1505 E. The PGA may seek injunctive relief to restrain violations or to compel abatement or remediation of
1506 violations.
- 1507 F. If the violator holds a permit issued under this article, the PGA may, after a public meeting and after
1508 notifying the permit-holder and/or the operator of the earth removal operation in writing, either (i)
1509 revoke the permit or (ii) suspend the permit, at which point all operations shall cease until such time
1510 as the necessary measures are taken to assure compliance with this article and a new permit or
1511 reinstatement of existing permit is issued.

1512 § 63-12 Authority to Adopt Rules and Regulations.

1513 The PGA may adopt and periodically amend rules and regulations for the implementation of this article
1514 by majority vote after conducting a public hearing concerning such amendments. The hearing shall be
1515 published by the PGA in a newspaper of general circulation in each of two successive weeks, the first
1516 publication being not less than 14 days before the day of the hearing. Such rules and regulations may set
1517 forth performance standards for earth removal, impose filing and consultant fees, define additional
1518 terms not inconsistent with the article, and establish administrative procedures. Failure by the PGA to
1519 adopt such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to
1520 suspend or invalidate the effect of this article.

1521 § 63-13 Appeal.
1522 Appeals of the decisions of the PGA shall be conducted in accordance with Massachusetts General Law
1523 Chapter 249 Section 4, as amended.

1524 § 63-14 Severability.
1525 The provisions of this bylaw are severable, and the invalidity of any section, subsection, paragraph, or
1526 other part of this bylaw shall not affect the validity or effectiveness of the remainder of the bylaw.

1527 § 63-15 Dissolution of Earth Removal Board.
1528 Upon adoption of this bylaw by a majority of voters during a town meeting and following approval of this
1529 bylaw by the Attorney General, the Earth Removal Board shall be dissolved. All current Earth Removal
1530 Permits shall remain valid and shall transfer under the jurisdiction of the PGA under this amended bylaw.
1531 Following approval of this bylaw by the Attorney General, all pending and future earth removal issues
1532 shall be processed according to §63-1 through §63-14.

1533 Or take any action in relation thereto.

1534 Submitted by: Select Board
1535 Recommendations: Select Board recommends approval.

1536 *Summary: This warrant article replaces the current Earth Removal Bylaw with an improved version that will*
1537 *ensure greater protections to the health and safety of the public by regulating the removal of earth so as not to*
1538 *create hazardous conditions, washouts, excessive dust or noise and to protect the natural resources within the Town*
1539 *of Sterling. This new Earth Removal Bylaw is simpler to understand, eliminates ambiguity and will ultimately*
1540 *protect the Town, and hence the taxpayers, money from litigation.*

1541 **ARTICLE 48. EARTH REMOVAL/QUARRYING OR MINING - PROTECTIVE BYLAW**

1542 To see if the Town will vote to amend the Protective Bylaws relative to Earth Removal and Quarrying or Mining,
1543 as wet forth below:

1544 Article 2, Use, Dimensional and Timing Regulations, Section 2.3.1.D. (Table of Principal Uses) to delete the
1545 following use #7 "Earth removal" and to replace therewith with a new use, #7 "Quarrying or Mining" with no
1546 alteration of use in the zoning districts; it would remain permitted in the LI zoning district and would not be
1547 permitted in the RR, NR, C and TC zoning districts. The existing footnote #1 would remain as follows with
1548 additions shown in bold/underline and deletions shown in strikethrough:

1549 2.3 USE REGULATIONS

1550 2.3.2 Table of Principal Uses.

PRINCIPAL USES	DISTRICTS				
	RR	NR	C	TC	LI
D. INDUSTRIAL, WHOLESALE OR EXTENSIVE USES					
7. <u>Earth removal</u> <u>Quarrying or Mining</u> ¹	N	N	N	N	Y

1555 ¹ See the Earth Removal By-law in the General By-laws.

1556 Article 5, Definitions, by inserting, in alphabetical order, a new definition for "Quarrying or Mining" and by
1557 deleting the existing definition of "Earth Removal" as follows with additions shown in bold and deletions shown
1558 in strikethrough:

1559 ~~Earth Removal shall mean the removal of clay, gravel, sand, sod, loam, soil, stone or other earth materials~~
1560 ~~as may be permitted pursuant to the By-laws of the town of Sterling.~~

1561 **Quarrying or Mining** shall mean earth removal for the purpose of extracting soil, loam, sand, gravel, clay,
1562 rocks, minerals, or other earth material, including establishments engaged in operating sand and gravel
1563 pits and in washing, screening, or preparing sand and gravel for construction or industrial uses, but
1564 excluding grading of a lot in preparation for the construction of a structure or associated appurtenances
1565 for which a building permit or other similar permit has been issued by the town.

1566 Article 3, Site Development Requirements, Section 3.3.2, Erosion Control, subsection 3.3.2.2 by inserting at the
1567 beginning of the subsection the following new text: "With the exception of where an Earth Removal permit has
1568 been issued" shown in bold:

1569 3.3.2.2 **With the exception of where an Earth Removal permit has been issued**, any construction which
1570 will expose more than 60,000 square feet of bare earth during development through either removal or
1571 filling on the same parcel or on contiguous parcels in the same ownership must comply with the
1572 following..."

1573 Article 6, Administration and Procedures, Section 6.2, Board of Appeals, by deleting subsection 6.2.2.a.4. in its
1574 entirety, thereby deleting the current requirement to obtain a use variance from the Board of Appeals for earth
1575 removal in the RR and NR zoning districts, shown in strikethrough:

1576 ~~4. in RR or NR Districts, no soil shall be removed from the premises except to facilitate grading for a~~
1577 ~~proposed building for which a variance or a building permit has been granted, or to serve an~~
1578 ~~established agricultural operation or an extension thereof. Removal of less than 1000 cubic yards of~~
1579 ~~soil from any premises does not require a variance, nor does removal of soil necessary for building~~
1580 ~~the infrastructure of a Definitive Subdivision Plan approved by the Planning Board. Removal of soil in~~
1581 ~~an amount greater than or equal to 1000 cubic yards does require a variance. (Note: Reference should~~
1582 ~~also be made to the Earth Removal By-law of the town of Sterling's General By-laws.)~~

1583 Or an action in relation thereto.

1584 **Passage requires a 2/3rds vote.**

1585 Submitted by: Select Board
1586 Recommendation: Planning Board recommends approval.
1587 Recommendation: Select Board recommends approval.

1588 *Summary: This article revised the bylaw to: provide and treat Quarrying or Mining as a principal use; deletes*
1589 *Earth Removal as a principal use (as it is a site preparation activity); provides a new definition; clarifies an existing*
1590 *section; and, removes a non-applicable section if the new general bylaw is adopted.*

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RR	NR	C	TC	LI
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$$N-N-N-N-Y$$

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

1627

ARTICLE 50. LANDOWNER PETITION - ZONING MAP AMENDMENT

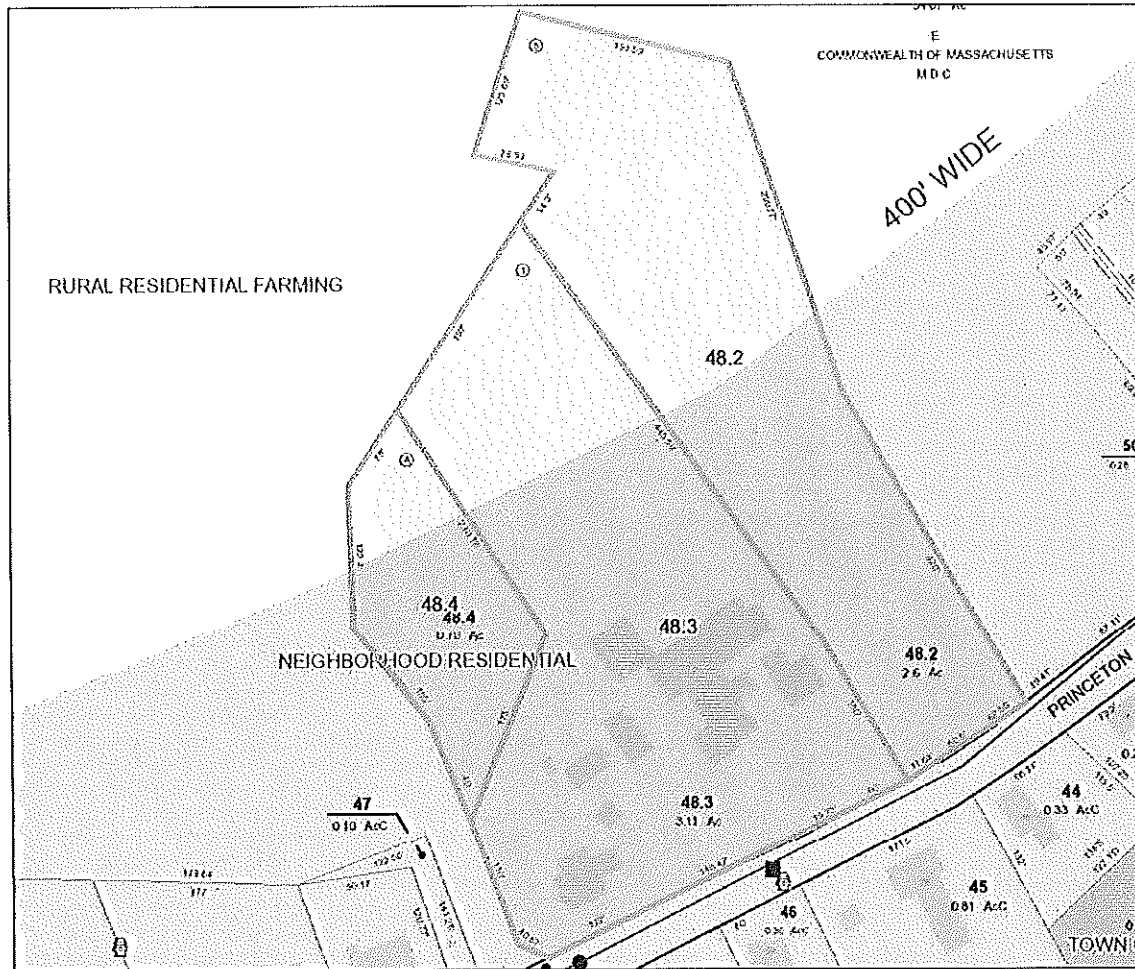
1628

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.

1629

1630

1631



1632 Or take any other action relative thereto.

1633 **Passage requires a 2/3rds vote.**

1634 Submitted by: Landowner

1635 Recommendation: Planning Board recommends approval.

1636 Recommendation: Select Board will report at Town Meeting.

1637

1638 *Summary: These 3 lots are commonly owned by the same landowner and are split zoned between the*
1639 *"Neighborhood Residential" Zoning District (shown in pink) and the "Rural Residential & Farming" Zoning*
1640 *District (shown in white). While the left-most parcel is not buildable, and the center parcel is already built upon,*
1641 *the right-most parcel is buildable (complies with frontage & area) only if the owner builds within the pink portion*
1642 *of the lot. If the owner seeks to build a residence in the rear white portion, the parcel lacks adequate frontage.*
1643 *Hence, this amendment seeks to remove the split-zone and to make the entire parcels "Neighborhood Residential"*
1644 *(pink/grey).*

1645 **ARTICLE 51. CITIZENS PETITION: PLAYGROUND STRUCTURE AT HOUGHTON SCHOOL**

1646 To see if the Town will vote to raise and appropriate or transfer from available funds \$130,000 or any other sum,
1647 to be used to replace the current playground climbing structure at the Houghton Elementary School. Said sum to
1648 be expended by the Town Administrator with the consent of the Board of Selectmen; Or take any other action
1649 relative thereto.

1650 Submitted by: Citizens' Petition

1651 Recommendations: Finance Committee recommends approval.

1652 *Summary: The current playground was installed over 20 years ago. Since that time it has become old and dated*
1653 *and no longer meets national guidelines concerning ADA compliance. Many of the existing structure features have*
1654 *become unsafe. Numerous injuries such as broken bones and sprained ankles occur every year on the monkey bars*
1655 *and zip line. This is even more troubling considering the structure can only accommodate half the class at a*
1656 *time. The proposed structure will enable the entire Houghton student body to enjoy the structure. As well, the*
1657 *structure will be fully compliant with the Americans with Disabilities Act and therefore, no students will be excluded*
1658 *from its use.*

1659 **ARTICLE 52. CITIZENS PETITION: OMNIBUS BUDGET TOWN MEETING WARRANT ARTICLES**

1660 The undersigned hereby Petition for an Article in the Warrant of the next Annual Town Meeting to see if the
1661 Town will vote to Amend the Town of Sterling General By-Laws, specifically Ch. 180, the Town Meeting By-
1662 Laws, by prohibiting, henceforth, so-called 'Omnibus Budget' Town Meeting Warrant articles, as follows: No
1663 so-called 'Omnibus Budget' article shall be submitted in any Annual or Special Town Meeting Warrant. Rather,
1664 the Town of Sterling municipal budget shall be submitted in a separate warrant article not conjoined with any
1665 other proposed budget or appropriation request. The Wachusett Regional School District budget or
1666 appropriation request shall be submitted in a separate warrant article not conjoined with any other proposed
1667 budget or appropriation request. The Montachusett Regional School District budget or appropriation request
1668 shall be submitted in a separate warrant article not conjoined with any other proposed budget or
1669 appropriation request. Or take any action relative thereto.

1670 Submitted by: Citizens' Petition

1671 Recommendations: Finance Committee recommends approval.

1672 **ARTICLE 53. CITIZENS PETITION: CAPITAL PLAN CONSOLIDATED SPENDING ITEM TOWN MEETING**
1673 **WARRANT ARTICLES**

1674 The undersigned hereby Petition for an Article in the Warrant of the next Annual Town Meeting to see if the
1675 Town will vote to Amend the Town of Sterling General By-Laws, specifically Ch. 180, the Town Meeting By-
1676 Laws, by prohibiting, henceforth, so-called 'Capital Plan' consolidated spending item Town Meeting Warrant
1677 articles, as follows: No so-called 'Capital Plan' articles, listing or consolidating diverse proposed capital
1678 acquisition or expenditure items, shall be submitted in any Annual or Special Town Meeting Warrant.
1679 Rather, each proposed capital acquisition or spending item, a capital acquisition or spending item to
1680 include related sub-components for one particular purpose or project, shall be set forth in a separate
1681 and distinct warrant article not conjoined with any other capital acquisition or spending items or
1682 proposals. Capital acquisition or spending items shall include, but not be limited to, buildings, building
1683 construction, building repair or remodeling, land acquisition, site work, septic systems, vehicles, heavy
1684 equipment, computer systems and networks, radio communication towers, radio equipment, and
1685 telecommunications infrastructure, whether the proposed or requested funding is from free cash, the
1686 capital investment account, the reserve fund, the stabilization fund, or from raising and appropriation.
1687 Or take any action relative thereto.

1688 Submitted by: Citizens' Petition
1689 Recommendations: Finance Committee does not recommend positive action.

1690 **ARTICLE 54. CITIZENS PETITION: ELIMINATE THE PUBLIC WORKS BOARD**

1691 To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation
1692 eliminating the Board of Public Works in the Town of Sterling, as set forth below; provided, however, that the
1693 General Court may make clerical or editorial changes of form only to the article, unless the Select Board approves
1694 amendments to the article before enactment by the General Court which are within the scope of the general
1695 public objectives of the petition, and to authorize the Select Board to approve such amendments, or take any
1696 other action relative thereto:

1697 **AN ACT ELIMINATING THE BOARD OF PUBLIC WORKS**

1698 Section 1: Notwithstanding any other General or Special Law to the contrary, the Town of Sterling is
1699 hereby deleting Section A604-1, List of Special Acts Enactment, L. 1970, c. 622, in its entirety, and the
1700 Board of Public Works shall thereupon be abolished

1701 Section 2: As of the effective date of this Article, the terms of any incumbent members of the Board of
1702 Public Works serving as of such a date shall immediately terminate.

1703 Section 3: The powers, duties and responsibilities of the Board of Public Works shall be transferred by
1704 operation of law to the Select Board. No contracts or liabilities then in force shall be affected by such
1705 abolition and the Select Board shall in all respects be the lawful successor of the Board of Public
1706 Works. The Select Board may delegate the powers, duties and responsibilities of the Board of Public
1707 Works to another entity at its discretion.

1708 Section 4: This Article shall take effect upon passage.

1709 Per the Town of Sterling's 2009 Government Study, 44 towns in the population grouping for which they
1710 collected data, 36 towns had no DPW board, 3 towns had a DPW board appointed by the Selectmen, and
1711 3 towns (Sterling included) had elected boards.

1712 Submitted by: Citizens' Petition

1713 ----- **END OF LAND OWNER & CITIZEN PETITIONS** -----

1714 **ARTICLE 55. ANNUAL TOWN ELECTION**

1715 To elect by ballot on Monday, June 21, 2020 from 12:00pm to 7:00pm at the Houghton Elementary
1716 School Gym on 32 Boutelle Road, the following officers:

- 1717 (1) Board of Assessors for 3 year term
1718 (1) Board of Health for 3 year term
1719 (1) Select Board for 3 year term
1720 (1) Department of Public Works Board for 3 year term
1721 (2) Board of Library Trustees each for 3 year terms
1722 (1) Town Moderator for 3 year term
1723 (1) Planning Board for 5 year term
1724 (2) Sterling Housing Authority for 5 year term
1725 (1) Sterling Municipal Light Board for 3 year term
1726 (1) Wachusett Regional School Committee for 3 year term

1727 Also, to choose by ballot or otherwise, such other officers as may be necessary.

1728 Given under our hands this 2nd day of June, 2021.

1729 **STERLING SELECT BOARD:**

1730

1731 _____
1732 Maureen Cranson John Kilcoyne Arden Sonnenberg

1733 **TO THE TOWN CONSTABLE:**

1734 You are directed to serve this Warrant by posting on the Town Website and posting attested copies at
1735 the following municipal locations, and one in each precinct at least seven (7) days before the holding
1736 said meeting:

1737 Butterick Municipal Building (Precinct 1) Police Station (Precinct 2)
1738 Conant Free Library Post Office
1739 Sterling Municipal Light Building Sterling Senior Center

1740 Hereof fail not and make due return of this Warrant with your doings thereto to the Town Clerk at the time and
1741 place of meeting as aforesaid.

1742 Hereof fail not and make return of this Warrant with your doings thereon at the time and place of said voting.
1743 Given under our hands this _____ day of June, 2021.

1744

1745 _____ by: _____ on: _____
1746 Method of Service of Warrant Constable's Signature Date

Town of Sterling

ATTACHMENT A

Town of Sterling
FY2022 RECOMMENDED OMNIBUS BUDGET

	Description	2019 Budget	2020 Budget	2021 Budget	FY22 Dept Request	FY22 \$ Change	FY22 % Change
1	ACCOUNTANT						
2	ACCOUNTANT SALARY	30,862	29,948	30,877	32,438	1,561	5.06%
3	ACCOUNTANT EXPENSE	9,050	10,361	10,961	11,200	239	2.18%
4	Department Total	39,912	40,309	41,838	43,638	1,800	4.30%
5	ADA COORDINATOR						
6	ADA COORDINATOR STIPEND	1,500	1,500	1,500	1,500	0	0.00%
7	Department Total	1,500	1,500	1,500	1,500	0	0.00%
8	AGRICULTURAL						
9	AGRICULTURAL EXPENSE	319	750	750	750	0	0.00%
10	Department Total	319	750	750	750	0	0.00%
11	ANIMAL INSPECTOR						
12	ANIMAL INSPECTOR SALARY	2,250	3,000	3,400	3,468	68	2.00%
13	ANIMAL INSPECTOR EXPENSE	900	900	900	900	0	0.00%
14	Department Total	3,150	3,900	4,300	4,368	68	1.58%
15	ASSESSOR						
16	ASSESSOR STIPEND	4,500	4,500	4,500	4,500	0	0.00%
17	ASSESSOR WAGES	46,192	47,100	50,066	51,064	998	1.99%
18	ASSESSOR EXPENSE	71,700	79,515	79,580	81,200	1,620	2.04%
19	Department Total	122,392	131,115	134,146	136,764	2,618	1.95%
20	AUDIT						
21	AUDIT EXPENSE	21,500	21,500	21,500	21,500	0	0.00%
22	Department Total	21,500	21,500	21,500	21,500	0	0.00%
23	BOARD OF HEALTH						
24	BOH STIPEND	309	309	309	309	0	0.00%
25	BOH SALARY	91,243	101,282	69,625	71,018	1,393	2.00%
26	BOH WAGES	0	0	62,242	80,340	18,098	29.08%
27	BOH WACHUSETT HOME HEALTH CARE	0	0	0	0	0	0.00%
28	BOH MONTACHUSETT PUBLIC HEALTH	3,200	3,200	3,200	3,200	0	0.00%
29	BOH EXPENSE	4,530	4,530	5,730	5,730	0	0.00%
30	BOH KIOSK	2,900	2,900	2,900	2,900	0	0.00%
31	BOH PRINTER/COPIER	2,970	655	655	655	0	0.00%
32	Department Total	105,152	112,876	144,661	164,152	19,491	13.47%
33	CONSERVATION						
34	CONSERVATION AGENT WAGES	24,904	25,402	26,933	27,471	538	2.00%
35	CONSERVATION COMMITTEE EXPENSE	1,000	1,000	1,000	1,000	0	0.00%
36	CENTRAL MASS STORMWATER COALITION	5,000	5,000	5,000	5,000	0	0.00%
37	Department Total	30,904	31,402	32,933	33,471	538	1.63%

Town of Sterling

ATTACHMENT A
Town of Sterling
FY2022 RECOMMENDED OMNIBUS BUDGET, Continued

38	COUNCIL ON AGING						
39	SENIOR CENTER OPERATIONS	15,935	21,755	19,112	19,112	0	0.00%
40	COA WAGES	153,331	182,805	204,969	218,189	13,220	6.45%
41	COA HOME CARE	400	400	400	400	0	0.00%
42	COA TITLE VII NUTRITION AND WHEAT	4,300	4,300	4,300	4,300	0	0.00%
43	COA EXPENSE	16,050	16,050	16,050	16,050	0	0.00%
44	Department Total	190,016	225,310	244,831	258,051	13,220	5.40%
45	CULTURAL COUNCIL						
46	CULTURAL COUNCIL	50	3,550	3,550	3,550	0	0.00%
47	Department Total	50	3,550	3,550	3,550	0	0.00%
48	DPW						
49	DPW SALARY	73,227	74,692	77,440	81,312	3,872	5.00%
50	DPW BOARD STIPEND	1,800	1,800	1,800	1,800	0	0.00%
51	DPW WAGES	629,172	641,755	659,394	672,581	13,187	2.00%
52	DPW STREET LIGHTS	19,062	16,132	16,132	18,012	1,880	11.65%
53	DPW HYDRANT RENTAL	26,675	26,675	0	0	0	0.00%
54	DPW TRASH PICKUP	558,000	602,000	620,000	620,000	0	0.00%
55	REGIONAL RECYCLING	4,181	4,181	4,809	4,809	0	0.00%
56	LANDFILL MONITORING	16,500	16,500	16,500	0	-16,500	-100.00%
57	DPW EXPENSE	319,420	322,420	322,420	371,420	49,000	15.20%
58	DPW EQUIPMENT LEASE	29,692	29,692	29,692	0	-29,692	-100.00%
59	Department Total	1,677,729	1,735,847	1,748,187	1,769,934	21,747	1.24%
60	DPW SNOW & ICE						
61	SNOW & ICE EXPENSE	176,000	181,000	181,000	181,000	0	0.00%
62	Department Total	176,000	181,000	181,000	181,000	0	0.00%
63	ECONOMIC DEVELOPMENT						
64	ECONOMIC DEVELOPMENT COMMITTEE EXPENSE	26,000	26,000	27,000	15,000	-12,000	-44.44%
65	Department Total	26,000	26,000	27,000	15,000	-12,000	-44.44%
66	EXTENSION SERVICE						
67	EXTENSION SERVICE	510	510	510	510	0	0.00%
68	Department Total	510	510	510	510	0	0.00%
69	FACILITIES						
70	FACILITIES SALARY	0	0	34,215	34,900	685	2.00%
71	FACILITIES WAGES	33,197	33,861	24,000	24,480	480	2.00%
72	FACILITIES EXPENSE	76,576	76,576	96,981	100,000	3,019	3.11%
73	Department Total	109,773	110,437	155,196	159,380	4,184	2.70%
74	FINANCE BOARD						
75	FINANCE BOARD STIPEND	0	0	0	0	0	0.00%
76	FINANCE BOARD EXPENSE	280	280	280	280	0	0.00%
77	Department Total	280	280	280	280	0	0.00%

Town of Sterling

ATTACHMENT A
Town of Sterling
FY2022 RECOMMENDED OMNIBUS BUDGET, Continued

78	FIRE-EMT						
79	FIRE CHIEF SALARY	100,258	102,264	112,390	114,636	2,246	2.00%
80	FIRE WAGES	598,610	642,394	691,817	734,801	42,984	6.21%
81	FIRE EMERGENCY MANAGEMENT STIPEND	10,000	10,000	10,000	10,000	0	0.00%
82	FIRE EXPENSE	133,900	176,500	176,500	193,600	17,100	9.69%
83	FIRE EMERGENCY MANAGEMENT EXPENSE	1,500	1,500	1,500	1,500	0	0.00%
84	FIRE EQUIPMENT LEASE	62,148	62,148	0	0	0	0.00%
85	Department Total	906,416	994,806	992,207	1,054,537	62,330	6.28%
86	FIRE-AMBULANCE						
87	AMBULANCE CHIEF SALARY	12,566	12,817	13,073	13,334	261	2.00%
88	AMBULANCE WAGES	342,387	354,796	440,810	464,403	23,593	5.35%
89	AMBULANCE EXPENSE	78,500	97,700	91,500	94,500	3,000	3.28%
90	AMBULANCE LEASE	0	0	0	0	0	0.00%
91	Department Total	433,453	465,313	545,383	572,237	26,854	4.92%
92	HISTORICAL COMMISSION						
93	HISTORICAL EXPENSE	2,500	2,500	2,500	2,500	0	0.00%
94	Department Total	2,500	2,500	2,500	2,500	0	0.00%
95	HUMAN RESOURCES						
96	COMPENSATING ABSENCE	0	0	0	0	0	0.00%
97	Department Total	0	0	0	0	0	0.00%
98	INFORMATION TECHNOLOGY						
99	IT EXPENSE	136,930	145,548	145,548	150,055	4,507	3.10%
100							
101	Department Total	136,930	145,548	145,548	150,055	4,507	3.10%
102	INSPECTIONAL SERVICES						
103	BUILDING INSPECTOR SALARY	61,792	63,041	64,541	58,292	-6,249	-9.68%
104	INSPECTION WIRE INSP SALARY	0	0	0	0	0	0.00%
105	INSPECTION PLUMBING INSP SALARY	10,716	10,930	11,149	0	-11,149	-100.00%
106	INSPECTION GAS INSP SALARY	5,895	6,012	6,132	0	-6,132	-100.00%
107	BUILDING INSPECTOR WAGES	36,602	37,500	30,769	58,760	27,991	90.97%
108	INSPECTION EXPENSE	5,500	5,500	5,500	5,500	0	0.00%
109	SEALER OF WEIGHT & MEASURES EXPENSE	1,200	1,200	1,200	1,200	0	0.00%
110	Department Total	121,705	124,183	119,291	123,752	4,461	3.74%
111	INSURANCE-BENEFITS						
112	INSURANCE-BENEFITS	1,580,262	1,490,875	1,492,766	1,600,454	107,688	7.21%
113	Department Total	1,580,262	1,490,875	1,492,766	1,600,454	107,688	7.21%
114	LEGAL SERVICES						
115	LEGAL SERVICES	60,000	62,000	62,000	62,000	0	0.00%
116	Department Total	60,000	62,000	62,000	62,000	0	0.00%

Town of Sterling

ATTACHMENT A
Town of Sterling
FY2022 RECOMMENDED OMNIBUS BUDGET, Continued

117	LIBRARY						
118	LIBRARY SALARY	79,505	81,099	90,797	92,613	1,816	2.00%
119	LIBRARY WAGES	217,659	229,785	249,974	258,950	8,976	3.59%
120	LIBRARY EXPENSE	131,750	133,807	133,807	133,807	0	0.00%
121	Department Total	428,914	444,691	474,578	485,370	10,792	2.27%
122	MEMORIAL AND VETERANS DAY						
123	MEMORIAL AND VETERANS DAY	5,600	5,600	5,600	5,600	0	0.00%
124	Department Total	5,600	5,600	5,600	5,600	0	0.00%
125	MODERATOR						
126	MODERATOR STIPEND	500	500	500	500	0	0.00%
127	MODERATOR EXPENSE	150	150	150	150	0	0.00%
128	Department Total	650	650	650	650	0	0.00%
129	OPEN SPACE						
130	OPEN SPACE EXPENSE	823	2,011	1,500	1,500	0	0.00%
131	Department Total	823	2,011	1,500	1,500	0	0.00%
132	PLANNING						
133	PLANNING STIPEND	1,500	1,500	1,500	1,500	0	0.00%
134	PLANNING WAGES	0	0	21,116	37,260	16,144	76.45%
135	MRPC EXPENSE	2,772	2,850	2,850	2,820	-30	-1.05%
136	PLANNING EXPENSE	17,857	19,231	1,597	1,500	-97	-6.07%
137	Department Total	22,129	23,581	27,063	43,080	16,017	59.18%
138	POLICE						
139	POLICE SALARY	135,337	138,041	148,885	151,863	2,978	2.00%
140	POLICE WAGES	1,329,426	1,356,015	1,394,725	1,411,675	16,950	1.22%
141	POLICE EXPENSE	103,800	105,575	105,575	105,575	0	0.00%
142	POLICE CRUISER	40,000	41,000	52,000	52,000	0	0.00%
143	Department Total	1,608,563	1,640,631	1,701,185	1,721,113	19,928	1.17%
144	POLICE-ANIMAL CONTROL						
145	ANIMAL CONTROL WAGES	21,798	22,234	25,119	25,621	502	2.00%
146	ANIMAL CONTROL EXPENSE	4,000	4,000	4,000	4,000	0	0.00%
147	Department Total	25,798	26,234	29,119	29,621	502	1.72%
148	POLICE-DISPATCH						
149	COMMUNICATION WAGES	270,427	275,836	281,353	286,980	5,627	2.00%
150	COMMUNICATION EXPENSE	93,958	103,397	103,397	123,999	20,602	19.93%
151	Department Total	364,385	379,233	384,750	410,979	26,229	6.82%
152	RECREATION						
153	RECREATION SALARY	51,642	52,675	57,877	64,853	6,976	12.05%
154	RECREATION WAGES	41,449	44,119	45,469	47,276	1,807	3.97%
155	RECREATION EXPENSE	7,956	28,100	28,100	28,662	562	2.00%
156	Department Total	101,047	124,894	131,446	140,791	9,345	7.11%

Town of Sterling

ATTACHMENT A
Town of Sterling
FY2022 RECOMMENDED OMNIBUS BUDGET, Continued

157	SELECT BOARD						
158	SELECT BOARD STIPEND	4,500	4,500	4,500	4,500	0	0.00%
159	SELECT BOARD EXPENSE	2,500	8,400	7,750	7,750	0	0.00%
160	SEALER OF WEIGHT & MEASURES EXPENSE	0	0	0	0	0	0.00%
161	Department Total	7,000	12,900	12,250	12,250	0	0.00%
162	TOWN ADMINISTRATOR						
163	ASSISTANT TOWN ADMINISTRATOR SALARY	0	0	0	0	0	0.00%
164	TOWN ADMINISTRATOR SALARY	100,332	102,339	122,400	127,296	4,896	4.00%
165	TOWN ADMINISTRATOR WAGES	81,642	65,625	58,220	61,165	2,945	5.06%
166	OPERATIONS MANAGER WAGES	44,040	44,921	46,314	48,646	2,332	5.04%
167	TOWN PLANNER SALARY	0	74,970	76,470	79,559	3,089	4.04%
168	TOWN ADMINISTRATOR EXPENSE	55,347	60,758	50,475	50,370	-105	-0.21%
169	COA SENIOR WORKOFF PROGRAM	15,000	15,000	15,000	22,500	7,500	50.00%
170	TOWN PLANNER EXPENSE	0	7,750	7,600	7,600	0	0.00%
171	Department Total	296,361	371,362	376,479	397,136	20,657	5.49%
172	TOWN CLERK						
173	TOWN CLERK SALARY	65,920	67,238	64,260	65,546	1,286	2.00%
174	TOWN CLERK WAGES	45,347	46,254	44,342	45,229	887	2.00%
175	TOWN CLERK TRAINING	3,500	3,500	2,300	3,500	1,200	52.17%
176	TOWN CLERK EXPENSE	11,000	11,000	11,000	20,650	9,650	87.73%
177	ELECTION WAGES	11,149	6,660	15,480	4,370	-11,110	-71.77%
178	ELECTION EXPENSE	8,900	10,700	14,765	5,900	-8,865	-60.04%
179	Department Total	145,816	145,352	152,147	145,195	-6,952	-4.57%
180	TREASURER/COLLECTOR						
181	TREASURER/COLLECTOR SALARY	73,885	75,363	77,188	79,952	2,764	3.58%
182	TREASURER/COLLECTOR WAGES	105,102	96,803	102,068	106,792	4,724	4.63%
183	TREASURER/COLLECTOR EXPENSE	43,500	51,800	62,166	67,772	5,606	9.02%
184	Department Total	222,487	223,966	241,422	254,516	13,094	5.42%
185	VETERANS						
186	VETERANS EXPENSE	20,000	20,000	20,000	20,000	0	0.00%
187	VETERANS BENEFITS	30,000	25,000	36,000	25,000	-11,000	-30.56%
188	Department Total	50,000	45,000	56,000	45,000	-11,000	-19.64%
189	WORC COUNTY RETIREMENT						
190	WORCESTER COUNTY RETIREMENT	883,175	855,519	958,159	1,001,204	43,045	4.49%
191	Department Total	883,175	855,519	958,159	1,001,204	43,045	4.49%
192	ZONING BOARD OF APPEALS						
193	BOARD OF APPEALS WAGES	0	0	0	0	0	0.00%
194	BOARD OF APPEALS EXPENSE	7,000	5,000	5,000	5,000	0	0.00%
195	Department Total	7,000	5,000	5,000	5,000	0	0.00%

Town of Sterling

ATTACHMENT A
Town of Sterling
FY2022 RECOMMENDED OMNIBUS BUDGET, Continued

196	DEBT SERVICE						
197	DEBT - LONG TERM PRINCIPAL	1,581,000	1,545,000	420,000	220,000	-200,000	-47.62%
198	DEBT - LONG TERM INTEREST	216,255	155,435	93,935	77,041	-16,894	-17.98%
199	DEBT - SHORT TERM INTEREST	0	0	0	0	0	0.00%
200	Department Total	1,797,255	1,700,435	513,935	297,041	-216,894	-42.20%
201	OPEB						
202	OPEB	0	0	25,000		-25,000	-100.00%
203	Department Total	0	0	25,000	0	-25,000	-100.00%
204	Reserve Fund			FY21 Free Cash			
205	RESERVE FUND	100,000	100,000	0	100,000	100,000	
206	Department Total	100,000	100,000	0	100,000	100,000	0.00%
207	Municipal Operating Budget			11,198,160	11,455,429	257,269	2.30%
208	WACHUSETT REGIONAL SCHOOL DIST						
209	WACHUSETT RSD	9,011,589	11,696,595	12,089,494	12,263,653	174,159	1.44%
210	WRSD VOCATIONAL SCHOOL OUTPLACEMEN	0	0	78,318	78,318	0	0.00%
211	Department Total	9,011,589	11,696,595	12,167,812	12,341,971	174,159	1.43%
212	MONTACHUSETT REG. SCHOOL DIST						
213	MONTACHUSETT REGIONAL VOC TECH	847,677	821,969	905,635	939,069	33,434	3.69%
214	Department Total	847,677	821,969	905,635	939,069	33,434	3.69%
215	Total Including Schools			24,271,607	24,736,469	464,862	1.92%
216							
217							
218							
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221							
222							
223							
224							
225							

Warrant Articles Affirmative Vote - Budget Impact

Description	Amount	Article #
Land Trust	1,300	5
Wachusett Greenway	1,400	5
Washacum	13,000	6
Borrow	150,000	16
Firefighter	62,286	20
Police Officer	31,200	21
24,995,655	724,048	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

###

----- 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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