

# TOWN OF SEEKONK

## WARRANT/ MINUTES



May 14, 2018

### Spring Town Meeting

**Town Moderator**

Peter Hoogerzeil

**Town Clerk**

Florice Craig

**Board of Selectmen**

David J. Andrade, Chairman

Nelson Almeida, Vice Chairman

David F. Viera, Clerk

Michelle A. Hines

Christopher Zorra

**Finance Committee**

Russell Horsman, Chairperson

Matthew Salisbury

Anne Hartnett

Jack Horton

Justin Sullivan

**Town Administrator**

Shawn E. Cadime

# Town of Seekonk

## SPRING TOWN MEETING

BRISTOL, SS.

Town Clerk opened meeting with the Pledge of Allegiance.

Town Clerk read the greeting: In the name of the Commonwealth of Massachusetts, you are hereby requested to notify the inhabitants of the Town who are qualified to vote in Town affairs, to meet at Seekonk High School, 261 Arcade Avenue, Seekonk, Massachusetts on: **Monday, May 14, 2018 at 7:00 P. M.** to vote on the following articles.

The Meeting was called to order by the Town Clerk at 7:00PM with a quorum count of ( 75 ) registered voters and the meeting was turned over to the Town Moderator, who presided at said Meeting.

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**A motion was made** by the Town Moderator to allow the Town Moderator to declare a 2/3 vote on articles requiring that vote.

**Action on the motion: Motion passed with a unanimous vote.**

**A motion was made** to allow the following non-residents to speak at the meeting:

Shawn Cadime, Town Administrator; Lorraine Sorel, Asst. Town Clerk, Peter Fuller, Library Director; Theodora Gabriel, Town Assessor; Bruce Alexander, Director of Finance; Bernadette Huck, Director, Human Services Council; Christine DeFontes, Treasure/Collector; John Aubin, III Town Planner; Arlene Bosco, School Superintendent; Town Counsel, KP LAW; James LaFlame, Veterans Agent; Jennifer Miller, Conservation Agent; Christopher Campbell, Director of Communications; Rob Bernardo, Water Superintendent; Shaun Whalen, Seekonk Firefighters Local 1931, Greg Smolley, DRA Architects, Steve Sloan, Open Space Results.

**Action on the motion: Motion passed with a unanimous vote.**

**A motion was made** by the Town Moderator to allow the Town Moderator to proceed with all articles, even those that affect him/her personally.

**Action on the motion: Motion passed with a unanimous vote.**

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## **ARTICLE 1**

To receive the reports of Town Officers, or Committees, if any, and to act thereon, or take any action relative thereto.

*A Motion was made that the Town vote to receive the reports of Town Officers, or Committees, and to place them on file with the Town Clerk*

**Action on the motion: Motion passed with a unanimous vote.**

## **ARTICLE 2**

To see what sums of money the Town will vote to raise and appropriate, or transfer from available funds or borrow for Operating Expenses and the Sanitation Enterprise Fund of the Town for the Fiscal Year commencing July 1, 2018 and ending June 30, 2019, as shown in the column entitled Board of Selectmen/FinComm Recommended Budget 2019, or take any other action relative thereto.

*A Motion was made that the Town appropriate the sum of \$53,052,059 to defray charges and expenses of the Town for Fiscal Year 2019 for the purposes and amounts set forth in Budget Schedules A through J in column titled Board of Selectmen/FinComm Recommended Budget 2019: The sum of \$41,443,320 to be raised by taxation within the levy limit under proposition 2 ½; The sum of \$500, 000 to be transferred from the Overlay Surplus; The sum of 784,476 to be transferred from Ambulance Fees; the sum of \$48,737 to be transferred from the Sanitation Enterprise Fund; The sum \$300,000 to be transferred from Dedicated Receipts; The sum of \$20,920 to be transferred from Septic Payback*

**Action on the motion: Motion passed with a unanimous vote.**

## **ARTICLE 2 Cont.**

*A Motion was made that the Town appropriate the sum of \$1,260,586 to defray charges and expenses of operating the Sanitation Enterprise Fund for the Fiscal Year 2019 for the purpose and amount set forth in Schedule K in the column titles Board of Selectmen/FinComm Recommended Budget 2019:*

*The Sum of \$1,246,411 to be provided from revenues of the Sanitation Enterprise.*

*The Sum of \$14,175 to be provided from the Sanitation Enterprise fund Retained Earnings*

**Action on the motion: Motion passed with a unanimous vote.**

### ARTICLE 3

To see if the Town will vote to fix the salary and compensation for the following elected officials of the Town as provided by GL c 41, s108 for their services for the fiscal year commencing July 1, 2018 as follows, provided that any part-time elected official may waive receipt of compensation, or take any other action relative thereto:

Board of Selectmen, Chairman	\$2,400
Board of Selectmen, Member	\$2,100
School Committee, Chairman	\$1,400
School Committee, Member	\$1,000
Board of Assessor, Chair	\$3,139
Board of Assessor, Member	\$2,789
Town Clerk	\$69,219.

***A Motion was made*** that the Town vote to fix the salary and compensation for the following elected officials of the Town as provided by G.L. c. 41, s. 108 for their services for the fiscal year commencing July 1, 2018 as follows, provided that any part-time elected official may waive receipt of compensation.

<i>Board of Selectmen, Chairman</i>	<i>\$2,400</i>
<i>Board of Selectmen, Member</i>	<i>\$2,100</i>
<i>School Committee, Chairman</i>	<i>\$1,400</i>
<i>School Committee, Member</i>	<i>\$1,000</i>
<i>Board of Assessor, Chair</i>	<i>\$3,139</i>
<i>Board of Assessor, Member</i>	<i>\$2,789</i>
<i>Town Clerk</i>	<i>\$69,219</i>

**Action on the motion: Motion passed with a majority vote.**

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## **ARTICLE 4**

To see if the Town will vote to transfer the sum of \$1,000,000.00 from Free Cash to the Municipal Capital Stabilization Fund, or take any other action relative thereto.

*A Motion was made that the Town transfer from Free Cash to the Municipal Capital Stabilization Fund the sum of \$1,000,000.00*

**Action on the motion: Motion passed with a majority vote.**

## **ARTICLE 5**

To see if the Town will vote to transfer the sum of \$10,000 from the Dog License Receipts Reserved account #23063000 to Dog License Receipts Appropriated account #23064000, to be expended by the Animal Control Department as provided by Town By-law, or take any other action relative thereto.

*A Motion was made that the Town vote to transfer the sum of \$10,000 from the Dog License Receipts Reserved account #23063000 to Dog License Receipts Appropriated account #23064000, to be expended by the Animal Control Department as provided by Town By-law.*

**Action on the motion: Motion passed with a unanimous vote.**

## **ARTICLE 6**

To see if the Town will vote to authorize the Board of Selectmen to enter into a lease purchase agreement in accordance with the provisions of G.L. c.44, S21C for a period in excess of three years for the purchase and equipping a new fire truck/pumper, and to appropriate a sum of money for the first year payment of such agreement, or take any action relative thereto.

*A Motion was made that the Town will vote to authorize the Board of Selectmen to enter into a lease purchase agreement in accordance with the provisions of G.L. c.44, S21C for a period in excess of three years for the purchase and equipping a new fire truck/pumper, and to appropriate \$78,571.43 from the Municipal Capital Stabilization Fund for the first year payment of such agreement, or take any action relative thereto.*

**Action on the motion: Motion passed with a majority vote.**

## **ARTICLE 7**

To see if the Town will raise and appropriate, transfer from free cash or available funds in the treasury, or transfer from designated funds that have been reserved for appropriation the following sums to be expended for departmental equipment, including new or continuing leases for such equipment, and further to authorize appropriate Town officials to enter into contracts for more than three years for such purposes, as applicable, or take any other action relative thereto:

A. From the Municipal Capital Stabilization Fund the following sums to be expended as follows:

1. Year Four (4) of a seven (7) year lease/purchase of an aerial fire apparatus for the Fire Department to be expended under the direction of the Board of Selectmen \$106,852.00
2. Year Three (3) of seven (7) year lease/purchase of a Fire Engine to be expended under the direction of the Board of Selectmen \$80,713.47
3. Year Three (3) of a five (5) year lease/purchase for large and medium dump trucks for the Department of Public Works to be expended under control of the Board of Selectmen \$62,745.43
4. Year Two (2) of a four (4) year lease/purchase of an Elgin road sweeper for the Department of Public Works to be expended under the direction of the Board of Selectmen \$71,274.50
5. Phase 2 of the Seekonk Public Library RFID implementation project, including all incidental and related expenses to be expended under the control of the Board of Library Trustees \$25,000.00
6. Purchase and Install two (2) industrial dish washers at George Martin Elementary School and Dr. Kevin Hurley Middle School, to be expended under the control of the School Committee \$64,340.00
7. Purchase of one (1) precision cut surround mower for use by the Department of Public Works, to be expended under the direction of the Board of Selectmen \$65,000.00
8. Purchase firearm and related duty gear for use by the Police Department, to be expended under the direction of the Board of Selectmen \$44,000.00
9. Purchase one (1) roadside mower for use by the Department of Public Works, to be expended under the direction of the Board of Selectmen \$110,000.00
10. Purchase one (1) medium duty dump truck/utility truck for use by the Department of Public Works, to be expended under the direction of the Board of Selectmen \$70,000.00
11. Purchase and install Town Hall Backup and Data Recovery server to be used in town wide data network, to be expended under the direction of the Board of Selectmen \$15,676.00
12. Resurface and recondition the athletic track at Seekonk High School, to be expended under the direction of the School Committee \$60,413.00

**A Motion was made** that the Town vote to appropriate from the Municipal Capital Stabilization Fund the following monies in the amounts and for the purposes designated, and further to authorize appropriate Town officials to enter into contracts for more than three years for such purposes, as applicable:

1. Year Four (4) of a seven (7) year lease/purchase of an aerial fire apparatus for the Fire Department to be expended under the direction of the Board of Selectmen \$106,852.00
2. Year Three (3) of seven (7) year lease/purchase of a Fire Engine to be expended under the direction of the Board of Selectmen \$80,713.47
3. Year Three (3) of a five (5) year lease/purchase for large and medium dump trucks for the Department of Public Works to be expended under control of the Board of Selectmen \$62,745.43
4. Year Two (2) of a four (4) year lease/purchase of an Elgin road sweeper for the Department of Public Works to be expended under the direction of the Board of Selectmen \$71,274.50
5. Phase 2 of the Seekonk Public Library RFID implementation project to be expended under the direction of the Board of Library Trustees \$25,000.00
6. Purchase and Install two (2) industrial dish washers at George Martin Elementary School and Dr. Kevin Hurley Middle School, to be expended under the control of the School Committee \$64,340.00
7. Purchase of one (1) precision cut surround mower for use by the Department of Public Works, to be expended under the direction of the Board of Selectmen \$65,000.00
8. Purchase firearm and related duty gear for use by the Police Department, to be expended under the direction of the Board of Selectmen \$44,000.00
9. Purchase one (1) roadside mower for use by the Department of Public Works, to be expended under the direction of the Board of Selectmen \$110,000.00
10. Purchase one (1) medium duty dump truck/utility truck for use by the Department of Public Works, to be expended under the direction of the Board of Selectmen \$70,000.00
11. Purchase and install Town Hall Backup and Data Recovery server to be used in town wide data network, to be expended under the direction of the Board of Selectmen \$15,676.00
12. Resurface and recondition the athletic track at Seekonk High School, to be expended under the direction of the School Committee \$60,413.00

**Action on the motion: Motion passed with a majority 2/3 vote.**

## **ARTICLE 8**

To see if the Town will vote to transfer from Free Cash or other available funds, a sum of money for the purpose of balancing the Fiscal Year 2018 Budget, or take any other action relative thereto.

*A motion was made that the Town indefinitely postpone article 8*

**Action on the motion: Motion to indefinitely postpone passed with a unanimous vote.**

## **ARTICLE 9**

To see if the Town of Seekonk will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2019 Community preservation Budget and to appropriate from the Community Preservation Fund, pursuant to G.L. c. 44B, § 6, a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2019; and to reserve for later appropriation monies from the Community Preservation annual revenues or available funds in the amounts recommended by the Community Preservation Committee for open space, historic resources and community housing purposes, as well as a sum of money to be placed in the Fiscal Year 2019 budgeted reserve for general Community Preservation Act purposes, with each item to be considered a separate appropriation, as follows:

### **Appropriations:**

From FY 2019 estimated revenues for Committee Administrative Expenses	\$17,700
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### **Reserves:**

From FY 2019 estimated revenues for Historic Resources Reserve	\$35,400
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From FY 2019 estimated revenues for Community Housing Reserves	\$35,400
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From FY 2019 estimated revenues for Open Space Reserve	\$35,400
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And further to appropriate from the Community Preservation Fund a sum or sums of money for Community Preservation Act projects or purposes as recommended by the Community Preservation Committee. Or take any other action thereon



***A Motion was made*** that the Town vote to appropriate from the Community Preservation Fund 2019 estimated annual revenues the sum of \$17,700 for administrative expenses of the Community Preservation Act Committee for the fiscal year ending June 30, 2019; and further to reserve for future appropriation the following sums recommended by the Community Preservation Committee, with each item to be considered a separate reserve, from FY 2019 Community Preservation estimated revenue:

Historic Resources Reserve	\$35,400
Community Housing Reserve	\$35,400
Open Space Reserve	\$35,400

**Action on the motion: Motion passed with a majority vote.**

## **ARTICLE 10**

To see if the Town will vote to authorize the Board of Selectmen to dispose of surplus property or material, exclusive of buildings and land, but including compost, no longer needed by the Town, or take any other action relative thereto.

***A Motion was made*** that the Town vote to authorize the Board of Selectmen to dispose of surplus property or material, exclusive of buildings and land, but including compost, no longer needed by the Town.

**Action on the motion: Motion passed with a unanimous vote.**

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## **ARTICLE 11**

To see if the Town will vote to authorize the Treasurer with the approval of the Board of Selectmen, to borrow in anticipation of revenue for the Fiscal Year beginning July 1, 2018, in accordance with the provisions of General Laws, Chapter 44, Section 4, and to renew any note or notes with the provisions of General Laws, Chapter 44, Section 17, or to take any other action relative thereto.

***A Motion was made*** that the Town vote to authorize the Treasurer with the approval of the Board of Selectmen to borrow in anticipation of revenue for the Fiscal Year beginning July 1, 2018 in accordance with provisions of General Laws, Chapter 44, Section 4, and to renew any note or notes in accordance with the provisions of General Laws, Chapter 44, Section 17.

**Action on the motion: Motion passed with a unanimous vote.**

## **ARTICLE 12**

To see if the Town will vote to transfer a sum of money from Free Cash to the FY 2018 Town Meeting Operating Budget Line Item #68 (Snow and Ice Payroll) and to the FY 2018 Town Meeting Operating Budget Line Item #69 (Snow & Ice Expenses), or take any other action relative thereto.

***A Motion was made*** that the Town vote to transfer the sum of \$10,965.88 from Free Cash to FY 2018 Town Meeting Line Item #68 (Snow & Ice Payroll), and \$97,265.89 from Free Cash to FY 2018 Town Meeting line #69 (snow & Ice Expense).

**Action on the motion: Motion passed with a majority vote.**

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## ARTICLE 13

To see if the Town will vote authorize to the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, a permanent Agricultural Preservation Restriction pursuant to the provisions of MGL c. 184, s. 31-33 on a parcel of land at 287 North Wheaton Avenue in Seekonk, consisting of approximately 9.8 acres of undeveloped land identified as all or a portion of Lot 4 on Seekonk Assessor Map 3, being a portion of the property described in a deed recorded with the Bristol North Registry of Deeds, in Book 8002, page 40, as shown on a plan titled "Land Owned by the Estate of Maria M. Reposa in Seekonk, Massachusetts" dated December 4, 1997, recorded with the Bristol North Registry of Deeds in Plan Book 367, Page 51, on file in the Town Clerk's Office which restriction is to be held jointly by the Massachusetts Department of Agricultural Resources and The Town of Seekonk, to be under the care, custody, and control of the Conservation Commission, and to transfer \$82,000.00 from the Community Preservation Fund for such purpose, and to authorize the Board of Selectmen to execute any instruments and to take any other action necessary to carry out the purpose of this vote, or take any other action relative thereto

*A Motion was made that the Town authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, a permanent Agricultural Preservation Restriction pursuant to the provisions of MGL c. 184, s. 31-33 on a parcel of land at 287 North Wheaton Avenue in Seekonk, consisting of approximately 9.8 acres of undeveloped land identified as all or a portion of Lot 4 on Seekonk Assessor Map 3, being a portion of the property described in a deed recorded with the Bristol North Registry of Deeds, in Book 8002, page 40, as shown on a plan titled "Land Owned by the Estate of Maria M. Reposa in Seekonk, Massachusetts," dated December 4, 1997, recorded with the Bristol North Registry of Deeds in Plan Book 367, Page 51, on file in the Town Clerk's Office which restriction is to be held jointly by the Massachusetts Department of Agricultural Resources and The Town of Seekonk to be under the care, custody, and control of the Conservation Commission and to appropriate \$82,000.00 from the Community Preservation Fund, \$45,000.00 from the Open Space Reserve and \$37,000.00 from Community Preservation unreserved for such purpose, and to authorize the Board of Selectmen to execute any instruments and to take any other action necessary to carry out the purpose of this vote.*

**Action on the motion: Motion passed with a majority vote.**

## **ARTICLE 14**

To see if the Town will vote to amend the Seekonk Zoning By-Laws, as set forth below and numbered, for convenience, Amendments 1- 9, with text to be deleted indicated by ~~strike through~~ and text to be inserted indicated by underline, or take any other action relative thereto:

### **AMENDMENT 1: Section 1. AUTHORITY, PURPOSE, DEFINITIONS, AND GENERAL PROVISIONS**

#### **1.3 Definitions**

...

**COMMERCIAL BOARDING AND TRAINING KENNEL:** An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of such animal; provided, however, “commercial boarding and training kennel” shall not include an animal shelter or animal control facility, a pet shop licensed under chapter 129 MGL section 39A, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others

...

**KENNEL:** Except for a use that establishes eligibility for the agricultural use exemption provided for under G.L. c.40A, §3, a kennel shall be defined as one pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes and including any shop where dogs are on sale, commercial boarding and training kennels as defined herein, and also including every pack or collection of more than three dogs three months old or over owned or kept by a person on a single premises irrespective of the purpose for which they are maintained.

### **AMENDMENT 2: Section 2. ADMINISTRATION**

#### **2.1.3 Appeals Procedure**

...

When reviewing an application for approval, the Board may determine that the assistance of outside consultants is warranted due to a project’s potential impacts. The cost of such outside consultants shall be borne by the applicant. Review fees shall be in the form of a check made out to the Board’s reviewing engineer or via a dedicated account established with and administered by the Finance Department. Said review fee should be forwarded to the Board for payment to the Board’s reviewing engineer.

### **AMENDMENT 3: Section 2. ADMINISTRATION**

#### **2.4 Public Hearing**

##### **2.4.4 Reviewing Agencies**

All applications for special permits, petitions for variance, or appeals submitted to the Zoning Board of Appeals ~~shall~~ may, at the discretion and upon the request of the permit granting authority be submitted to and

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reviewed by the following, and such reviews may be held jointly: the Board of Selectmen, the Board of Health, the Planning Board, the Building Official, the Superintendent of Public Works, and the Conservation Commission and the Industrial Development Commission. Any such board or agency to which said petitions, or appeals, or applications are referred for review shall make such recommendations as they deem appropriate and shall send copies thereof to the Zoning Board of Appeals and to the applicant, provided, however, that failure of any such board or agency to make recommendations within 35 days shall be deemed lack of opposition thereto.

## **AMENDMENT 4: Section 2. ADMINISTRATION**

### **2.8 Site Plan Review**

#### **2.8.3 Applicability**

Any construction or alteration of a non-residential structure or change of use of a building or property to a non-residential use that would necessitate an on-site change to any of the design standards of Section 7 shall be subject to Site Plan Review. Residential uses shall be exempt from this section.

Notwithstanding the aforesaid, all activities subject to the provisions in Section 6.8 of the Zoning By-law (Solar Photovoltaic Facility Overlay District) and the associated Site Plan Review process shall not be subject to Site Plan Review as described in this section.

Where an applicant requires both Zoning Board of Appeals approval and site plan approval for a proposed use, structure, or development the applicant shall first obtain the require zoning relief prior to appearing before the Planning Board. Failure of an applicant to obtain necessary zoning relief prior to appearing before the Planning Board may be grounds for denial of an application.

#### **2.8.5 Procedure**

Applicants shall submit an application for Site Plan Review in accordance with the rules and regulations effectuating the purposes of this By-law adopted and periodically amended by the Board. Said application shall be deemed complete by the Town Planner in accordance with the required items for a completed application as outlined in the rules and regulations. An application will be deemed either complete or incomplete within one week of its receipt. The Town Planner shall issue a Certificate of Completeness for all complete applications which shall note any peer reviews recommended for the application (or waivers requested by the applicant therefrom) and set an anticipated date for the Planning Board's site plan review. Applicants who have submitted incomplete applications will then be notified of which required items are missing.

Notwithstanding any peer reviews identified by the Town Planner in the Certificate of Completeness. When reviewing an application for approval, the Board may determine that the assistance of outside consultants is warranted due to a project's potential impacts. The cost of such outside consultants shall be borne by the applicant. Review fees shall be in the form of a check made out to the Board's reviewing engineer. Said review fee should be forwarded to the Board for payment to the Board's reviewing engineer or via a dedicated account established with and administered by the Finance Department.

Where the a property, for which a site plan approval is filed, abuts residential zoned or used property, notice shall be provided to all abutters, as identified by the Seekonk Tax Assessor, within 300' of the property of

the time and place of the Planning Board's review of the application. Said notice shall be provided at least fourteen (14) days prior to the Planning Board meeting at which the application will be reviewed and shall be mailed by regular mail by the applicant in a form to be provided by the Planning Board. Upon completing such mailing the applicant or their representative shall either file an affidavit attesting to the provision of notice with the Planning Board or enter testimony on the record that such notice has been accomplished.

## **AMENDMENT 5: Section 4. USE REGULATIONS**

### **4.2 Use Table**

#### **3.2.4 Business and Commercial Uses**

Principal Uses (unless specified otherwise)	Business Districts			Industrial District	Residence Districts			
	L B D	H BD	LC VD	I	R-1	R-2	R-3	R-4
<b>Business and Commercial Uses</b>								
1. <u>Motor Vehicle sales and rentals</u>	<u>SP</u>	<u>Y</u>	<u>N</u>	<u>SP<sup>2</sup></u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
2. <u>a. as accessory to an otherwise permitted use</u>	<u>SP</u>	<u>Y</u>	<u>SP</u>	<u>SP<sup>2</sup></u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

<sup>2</sup>Shall be consistent with the intent of an industry district as outlined in Section 4.1.2.4

## **AMENDMENT 6: Section 4. USE REGULATIONS**

### **4.3 Non-Conforming Uses and Structures**

#### **4.2.5**

#### **Discontinuance or Abandonment of a Nonconforming Use**

No lawfully nonconforming building, structure or use, other than an agriculture, horticulture, or floriculture use, which has been abandoned or ceased to be used for two years or more shall again be devoted to a nonconforming use.

No lawfully nonconforming agricultural, horticultural, or floricultural use on a parcel of five acres or less in size in areas not zoned for agriculture, horticulture, or floriculture which has ceased for more than five years shall be devoted again to a nonconforming use, unless the use is protected under G.L. c.40A, §3.

The involuntary interruption of a nonconforming use or destruction of a nonconforming structure, such as by fire or natural catastrophe does not establish an intent to abandon a nonconforming use. However, the two and five year abandonment periods referenced in the preceding two paragraphs of this section shall remain applicable even in the event of an involuntary interruption of the non-conforming use or damage or destruction of a nonconforming structure. A nonconforming structure destroyed or otherwise damaged by fire or natural catastrophe may be repaired or rebuilt to the same size and dimension as previously existed but may only be expanded in conformance with this By-law.

## **AMENDMENT 8: Section 5. DIMENSIONAL REGULATIONS**

## Section 5.1 General Standards

### 5.1.4 Dimensional Table

District	Minimum Lot Area (Square Feet) <sup>12</sup>	Maximum <del>Lot</del> Building Coverage (%) <sup>12</sup>	Minimum Frontage <sup>1</sup> (feet)	Minimum Depth of Front Yard/ Corner Side Yard (feet) <sup>2</sup>	Minimum Depth of Rear Yard (feet)	<del>Minimum Depth of Both Front and Rear Yards</del>	Minimum Width of Each Interior Side Yard	Maximum Height (Stories/ Feet)
R-1 <sup>3</sup>	14,400 <sup>5</sup>	--	100	35/35	25	50% of longest side	15 feet + 5 feet for each story over one	3/40 <sup>4</sup>
R-2 <sup>3</sup>	22,500 <sup>5</sup>	--	120	35/35	50	--	20 feet + 5 feet for each story over one	3/40 <sup>4</sup>
R-3 <sup>3</sup>	40,000 <sup>5</sup>	--	150	50/50	70	--	35 feet + 5 feet for each story over one	3/40 <sup>4</sup>
R-4 <sup>3</sup>	62,500 <sup>5</sup>	--	200	50/50	80	--	35 feet + 5 feet for each story over one	3/40 <sup>4</sup>
LBD	10,000	40	50	<del>10/10</del> <sup>6,7</sup> 15/15	See note 8	--	15 feet <sup>6,7</sup>	3/40
HBD	10,000	30	50	70/50 <sup>6,7</sup>	See note 8	--	15 feet <sup>6,7</sup>	3/40
LCVD	10,000	75	50	0/50 <sup>6,7</sup>	See note 8	--	5 feet <sup>6,7</sup>	4/45
I	20,000	50	50	50	20 <sup>9,10</sup>	--	20 <sup>9,10</sup>	3/40 <sup>11</sup>

<sup>1</sup>In any district, a lot having frontages on two streets that do not intersect shall have two front yards each of a depth as provided in this By-law.

<sup>2</sup> In any residence district, the required front yard of any residence hereafter erected shall conform to the average alignment of any existing dwellings on the same side of the street within 250 feet except that no residence shall have a front yard of less than 10 feet in depth or need have a front yard of greater depth than 50 feet in an R-4 District or 50 feet in an R-3 District or 35 feet in an R-2 District or 35 feet in an R-1 District.

<sup>3</sup>Alternate to Standard Minimums in Residential Districts: this alternate is offered to encourage more normally acceptable lot configurations, increased open space, decreased density, reduced lengths of roads, utilities and drains, and to legalize potential nonconforming uses:

- The minimum lot area shall be increased by 250 square feet for each foot, or fraction thereof, of reduction of the minimum frontage measured at the street line.
- The minimum frontage may be reduced to not less than 75% of the standard minimum of the affected zone, but not to less than 100 feet.

- Any lot designed under this alternate shall be prominently identified on plans submitted for approval and/or endorsement.

<sup>4</sup>However, with respect to buildings or structures used for municipal purposes, including water and sewerage, no restrictions relative to height shall apply.

<sup>5</sup>Residential lots being subdivided in the R-2, R-3, and R-4 zones shall be designed geometrically as to show a 100 foot square resting at the midpoint of the setback line at its perpendicular. Residential lots being subdivided in the R-1 zone shall be designed geometrically as to show a 60 foot square resting at the midpoint of the setback line at its perpendicular.

<sup>6</sup>When a side yard adjoins a lot in a residence district, the side yard shall be of the same width as the required side yard in the more restrictive district.

<sup>7</sup>The side and rear yard adjoining any district or use shall include a minimum of 15 feet around any buildings. This includes appurtenances extending out from any building, or other items, which in the opinion of the Planning Board unduly constitute an obstruction or which impeded safe vehicular travel by current emergency vehicles.

<sup>8</sup>When a rear yard abuts a lot in a residence district, the rear yard shall be of the same depth as the required more restrictive yard, side or rear. When a rear yard abuts a street, the rear yard shall be of sufficient depth to provide the required off-street loading space.

<sup>9</sup>Except along boundaries abutting railroad tracks.

<sup>10</sup>Minimum side and rear yards when adjacent to a residence district shall be 50 feet.

<sup>11</sup>Whichever is less.

<sup>12</sup>For lots within the Water Resource Protection District see Section 6.4 for additional dimensional requirements

## **AMENDMENT 9: Section 8. DEVELOPMENT AND DESIGN STANDARDS**

### **6.8 Signs**

#### **6.8.1 Illumination of Signs: Local Business, Highway Business, Industrial and Residential**

**6.8.1.1 ANY SIGNS PERMITTED MAY BE STEADILY ILLUMINATED EITHER FROM WITHIN OR BY SOME OUTSIDE SOURCE, SUBJECT TO THE FOLLOWING FURTHER PROVISIONS:**

- a.) **No sign shall be intermittently illuminated, nor have traveling, flashing or animated lighting, except that there may be displayed to the public by changing or intermitting letters, numbers or lights, information as to the time of day (or night), temperature, weather forecast, visibility, or pollution index or other similar information. The public information section intermittently illuminated in any sign shall not exceed forty (40) square feet in any zoning district. No sign shall rotate.**
- b.) **Signs shall neither emit nor reflect light with an intensity greater than fifty (50) foot candles at one hundred (100) feet from the sign.**
- c.) **The illumination of signs for commercial or business or industrial purposes shall be permitted in Residence or Local Business Zones only between seven o'clock in the morning and eleven o'clock in the evening and in the Highway Business and Industrial Zones during the hours such business is open and/or operating.**

**d.) LED-EMC message board signs may be allowed subject to the following:**



- 
1. There will be no change of script except daily;
  2. No intermittent illumination or traveling, flashing or animated lighting is allowed;
  3. The sign will be made available for emergency public messages. The sign petitioner will contact the Fire Chief and Police Chief in writing of provision;
  4. To the extent possible, the sign shall be rustic in nature;
  5. The hours of operation shall be in compliance with the bylaws;
  6. The sign by law shall apply in all other respects;
  7. The sign will be equipped with automatic photo cell dimming during darkness.

***A Motion was made** that the Town amend the Zoning Bylaws of the Town of Seekonk, Massachusetts as presented in this warrant for Town Meeting.*

**Action on the motion: Motion passed with a majority 2/3 vote.**

## **ARTICLE 15**

To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of Seekonk School Committees for Mildred H. Aitken Elementary School, 165 Newman Avenue, Seekonk, MA 02771 – Accelerated Repairs Project – Exterior Window, Door Replacements and Associated Work, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town has applied for a school construction grant from the Massachusetts School Building Authority (“MSBA”); The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA’s Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town, or take any other action relative there to.

***A Motion was made*** that the Town appropriate the amount of \$1,379,902 for the purpose of paying costs of the Mildred H. Aitken Elementary School, 165 Newman Avenue, Seekonk, MA 02771 – Accelerated Repairs Project – Exterior Window, Door Replacements and Associated Work, including the payment of all costs incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the Town of Seekonk has applied for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of Seekonk School Committee. To meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority and issue bonds and notes therefor; the Town of Seekonk acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA’s Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the Town of Seekonk incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town of Seekonk; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½); and that, if invited to collaborate with the MSBA on the proposed repair project, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Seekonk and the MSBA. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**Action on the motion: Motion passes with a 2/3 majority vote.**

## **ARTICLE 16**

To see if the Town will vote to transfer the sum of \$73,247.82 from the Ambulance Receipts account for the lease payment for the Third (3) year of a four (4) year lease purchase of an ambulance/EMS vehicle for the fire department, and further to authorize appropriate Town officials to enter into a contract for more than three years for such purposes, or take any other action relative thereto.

***A Motion was made** that the Town transfer the sum of \$73,247.82 from the Ambulance Receipts account for the lease payment for the third year of a four (4) year lease purchase of an ambulance/EMS vehicle for the fire department, and further to authorize appropriate Town officials to enter into a contract for more than three years for such purposes.*

**Action on the motion: Motion passed with a unanimous vote.**

## **ARTICLE 17**

To see if the Town will vote pursuant to G.L. c.43B, §10, to amend Article 6 Section 6 of the Home Rule Charter of Seekonk, Massachusetts, as amended June 26, 1995, Appointment Recommendations of the Town Administrator, as set forth below:

### **Current Reading**

#### **Board/Commission**

Conservation Commission

#### **Number of Members**

7

### **Amend To**

Conservation Commission

5

Or take any other action relative thereto.

***A Motion was made** that the Town amend Article 6 Section 6 of the Home Rule Charter of Seekonk, Massachusetts to change the number of members of the Conservation Commission from Seven (7) members to Five (5) members*

**Action on the motion: Motion passed with a 2/3 majority vote.**

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## **ARTICLE 18**

To see if the Town will raise and appropriate, transfer from Free Cash or available funds in the treasury, or transfer from designated funds that have been reserved for appropriation the sum of \$450,000.00 to fund the cost items of the collective bargaining agreement with the International Association of Fire Fighters, Local 1931, or take any other action relative thereto:

*A Motion was made that the Town appropriate from Free Cash the sum of \$450,000 to fund the cost items of the collective bargaining agreement with the International Association of Fire Fighters, Local 1931.*

**Action on the motion: Motion passes with a unanimous vote.**

## **ARTICLE 19**

To see if the Town will raise and appropriate, transfer from Free Cash or available funds in the treasury, or transfer from designated funds that have been reserved for appropriation the sum of \$30,000 to fund the cost items of the collective bargaining agreement with the AFSCME Council 93, Local 1701 DPW, or take any other action relative thereto:

*A Motion was made that the Town appropriate from Free Cash the sum of \$30,000 to fund the cost items of the collective bargaining agreement with the AFSCME Council 93, Local 1701 DPW.*

**Action on the motion: Motion passes with a unanimous vote.**

**A motion was made to** change the chronological order of warrant articles 20 and 21 to hear and vote on Article 21 before Article 20.

**Action on the motion: Motion passed with a majority of 2/3 vote.**

## **ARTICLE 21**

To see if the Town will vote to amend the Seekonk Zoning By-Law by deleting in its entirety Section 7 entitled, "Temporary Moratorium on Recreational Marijuana", which moratorium would otherwise have expired on June 30, 2018, and reserving said section of the Zoning By-law for future use, or take any other action relative thereto.

**~~Section 7. TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA~~**

## ~~TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS-RESERVED~~

### 7.1—Purpose

~~On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreation purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a “Recreational Marijuana Establishment”), as defined in G.L. c. 94G, §1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreation Marijuana Establishments. The regulation of recreation marijuana raises novel legal, planning and public safety issues, and the Town needs time to study and consider the regulation of potential impact of the state regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town of Recreational Marijuana Establishments so as to allow sufficient time to address the effect of such structures and uses in the Town and to exact bylaws in a consistent manner.~~

### 7.2—Definition

~~“Recreational Marijuana Establishment” shall mean a “marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business as defined in General Laws Chapter 94G”~~

### 7.3—Expiration

~~For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a~~  
~~, the Town hereby adopts a temporary moratorium on the use of land or structures for a~~

~~Non-Medical Marijuana Establishment and other uses related to personal use of marijuana. The moratorium shall be in effect through June 30, 2018 or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall~~

~~consider adopting Zoning Bylaw amendments in response to these new issues. This temporary moratorium shall not affect in any way the use of land or structures for Registered Marijuana Dispensaries, (for medical marijuana), which are governed by Section 7.10 of this Zoning By-law."~~

*A Motion was made that the Town amend Article 21 to retain "Section 7 Temporary Moratorium on Recreational Marijuana Establishments" in its entirety with the single amendment of changing the date on subsection 7.3 Expiration from June 30, 2018 to December 31, 2018."*

**Action on the motion: Motion passed with a majority of 2/3 vote.**

## **ARTICLE 20**

To see if the Town will vote to amend the Seekonk Zoning By-Laws, as set forth below and numbered, for convenience, Amendments 1- 3, with text to be deleted indicated by ~~strikethrough~~ and text to be inserted indicated by underline or take any other action relative thereto:

### **AMENDMENT 1: Section 3. ESTABLISHMENT OF ZONING DISTRICTS**

#### **3.1 Classification of Districts**

For the purpose of this ordinance, the Town of Seekonk is hereby divided into classes of districts, designated as follows

##### **Overlay and Special Districts**

1. Planned Unit Development District
2. Wetlands and Floodplain Protection District
3. Mixed Use Zone
4. Groundwater Aquifer Protection District
5. Adult Entertainment Overlay District
6. Multifamily Development Overlay District
7. Telecommunication Facilities Overlay District
8. Solar Photovoltaic Overlay District
9. Economic Development Area Overlay District
10. ~~Medical~~ Marijuana Overlay District
11. Continuing Care Residency Campus Overlay District

### **AMENDMENT 2: Section 6. OVERLAY AND SPECIAL DISTRICTS**

#### **8.10 ~~Medical~~ Marijuana Overlay District (MMOD)**

##### **8.10.1 Establishment**

The ~~Medical~~ Marijuana Overlay District (“~~M~~MOD”) is established as an overlay district. The boundaries of the ~~M~~MOD are shown on the Zoning Map on file with the Town Clerk. Within the ~~M~~MOD, all requirements of the underlying district(s) remain in effect, except where this section provides an alternative to such requirements. Land within the ~~M~~MOD may be used ~~either~~ for:

- (1) a Registered Marijuana Dispensary also known as a Medical Marijuana Treatment Center (“RMD”), in which case the requirements set forth in this section shall apply;
- (2) Marijuana Cultivator, in which case the requirements set forth in this section shall apply;
- (3) Craft Marijuana Cultivator Cooperative, in which case the requirements set forth in this section shall apply
- (4) Marijuana Product Manufacturer, in which case the requirements set forth in this section shall apply;
- (5) Marijuana Retailer, in which case the requirements set forth in this section shall apply;
- (6) ;
- (7) Marijuana Research Facility, in which case the requirements set forth in this section shall apply;
- (8) Independent Testing Laboratory, in which case the requirements set forth in this section shall apply;
- (9) Standards Testing Laboratory, in which case the requirements set forth in this section shall apply;
- (10) Third Party Transporter, in which case the requirements set forth in this section shall apply;
- (11) Marijuana Microbusiness, in which case the requirements set forth in this section shall apply; or
- (12) A use allowed in the underlying district, in which case the requirements of the underlying district shall apply.

The above uses identified in subsection 2-10 shall be referred to collectively herein as Recreational Marijuana Facilities (RMF’s). If the provisions of the ~~M~~MOD are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the ~~M~~MOD conflict with the requirements of the underlying district, the requirements of the ~~M~~MOD shall control. All uses as described above in Section 6.10.1.(1-13) shall require a special use permit in accordance with the procedures described in this section as well as site plan approval as applicable pursuant to Section 2.8 on this Zoning By-law.

#### 8.10.2 Purpose

To provide for the placement of RMDs, in accordance with the Humanitarian Medical Use of Marijuana Act, as it may be superseded by G.L. c.94I, and RMF’s in accordance with G.L. c. 94G in locations suitable for lawful ~~medical~~ marijuana facilities and to minimize adverse impacts of RMDs and RMF’s on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security, and removal of RMDs and RMF’s.

#### 8.10.3 Definitions

Where not expressly defined in the Zoning By-laws, terms used in the ~~M~~MOD By-law shall be interpreted as defined in the Act for the Humanitarian Use of Medical Marijuana, as it may be superseded by G.L. c.94I.; and the Department of Public Health Regulations promulgated thereunder, 105 CMR 725.000; The Regulation of the Use and Distribution of Marijuana Not Medically Prescribed, G.L. c.94G, and the Cannabis Control Commission Regulations promulgated thereunder, 935 CMR 500.00; and otherwise by their plain language.

##### 8.10.3.1 Registered Marijuana Dispensary (RMD)

Also known as a Medical Marijuana Treatment Center, means an entity registered under 105 CMR 725.100, to be known as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products (“MIPs”), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

- 8.10.3.2 Marijuana Cultivator: A marijuana cultivator may cultivate, process, and package marijuana, to deliver marijuana to marijuana establishments, but not to consumers.
- a. Tier 1: up to 1,000 square feet of canopy;
  - b. Tier 2: 1,001 to 5,000 square feet of canopy;
  - c. Tier 3: 5001,10,000 square feet of canopy; and
  - d. Tier 4: 10,001 and over square feet of canopy
- 8.10.3.3 Craft Marijuana Cultivator Cooperative A craft marijuana cultivator cooperative must consist of Massachusetts residents who have formed a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth to cultivate; obtain, manufacture, process, package and brand marijuana and marijuana products to transport marijuana to marijuana establishments, but not to consumers.
- 8.10.3.4 Marijuana Product Manufacturer: An entity authorized to obtain, manufacture, process and package marijuana and marijuana products, to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.
- 8.10.3.5 Marijuana Retailer: An entity authorized to purchase marijuana and marijuana products from marijuana establishments and to sell, or otherwise transfer this product to marijuana establishments and to consumers. A marijuana retailer that provides a retail location accessible to the consumers 21 years or age or, if the retail store is co-located with a RMD, in possession of a registration card demonstrating that the individual is a registered qualifying patient with the Medical Use of Marijuana Program. Marijuana Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purpose of on-site social consumption on the premises of a marijuana establishment.
- 8.10.3.6 Marijuana Research Facility: An academic institution, non-profit corporation or domestic corporation or entity authorized to do business in the Commonwealth of Massachusetts authorized to cultivate, purchase, or otherwise acquire marijuana for the purpose of conducting research regarding marijuana and marijuana products. A marijuana research facility may not sell marijuana cultivated under its research license.
- 8.10.3.7 Independent Testing Laboratory: An entity that does not hold any other type of marijuana establishment license and is properly accredited to perform test in compliance with the testing requirements established by the Cannabis Control Commission..
- 8.10.3.8 Third Party Transporter: An entity registered to do business in Massachusetts that does not hold another marijuana establishment license pursuant to 935 CMR 5000.050 and is not registered as a RMD pursuant to 105 CMR 725.000



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8.10.3.9 Marijuana Microbusiness: A microbusiness is either a marijuana cultivator or product manufacturer or a colocated establishment with both uses, subject to the growth and production limitations imposed by the Cannabis Control Commission. . . .

8.10.4 **Location**

a.) RMDs and RMF's may be permitted in the MMOD pursuant to a Special Permit.

b.) RMDs may not be located within 1,000 feet of the following:

- (i) School, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
- (ii) Child Care Facility;
- (iii) Library;
- (iv) Playground;
- (v) Public Park;
- (vi) Youth center;
- (vii) Public swimming pool
- (viii) Video arcade facility; or
- (ix) Similar facility in which minors commonly congregate.

c.) RMFs may not be located within 500 feet of the following:

- (i) School, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
- (ii) Child Care Facility
- (iii) Library
- (iv) Playground
- (v) Public Park
- (vi) Youth center
- (vii) Public swimming pool;
- (viii) Video arcade facility; or
- (ix) Similar facility in which minors commonly congregate.

⇒ d) The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses identified in Sections 4.b and 4.c. to the nearest point of the property line of the proposed RMD or RMF.

⇒ e) The distance requirement may be reduced by twenty-five percent or less, but only if:

- i. The applicant demonstrates that the RMD or RMF would otherwise be effectively prohibited within the municipality;

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- ii. The applicant demonstrates that the RMD or RMF will employ adequate security measures to prevent diversion of medical marijuana to minors who are not qualifying patients pursuant to 105 CMR 725.004 or recreational marijuana to consumers under the age of 21.

#### 8.10.4.2 Procedure

The Zoning Board of Appeals shall be the Special Permit Granting Authority (SPGA) for a RMD or RMF special permit.

- a.) Application: In addition to the materials required under Section 2.2. Special Permits, the applicant shall include:
  - i. A copy of its registration as an RMD from the Massachusetts Department of Public Health (“DPH”) or for RMF’s and RMDs after oversight of such entities transfers to the Massachusetts Cannabis Control Commission, a copy of all appropriate approvals, licenses and authorizations of the Massachusetts Cannabis Control Commission;
  - ii. A detailed floor plan of the premises of the proposed RMD or RMF that identifies the square footage available and describes the functional areas of the RMD or RMF, including areas for any preparation of MIPs;
  - iii. Detailed site plans that include the following information:
    - (1) Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this By-law;
    - (2) Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;
    - (3) Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected to be substantially affected by on-site changes;
    - (4) Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;
    - (5) Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
    - (6) Adequacy of water supply, surface and subsurface drainage and light.
  - iv. A description of the security measures, including employee security policies, approved by DPH for the RMD or the CCC for the RMF;
  - v. A copy of the emergency procedures approved by DPH for the RMD or the CCC for the RMF;
  - vi. A copy of the policies and procedures for patient or personal caregiver home-delivery approved by DPH for the RMD or a copy of any policies and procedures for delivery approved by the CCC for the RMF;
  - vii. A copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between RMDs approved by DPH or the CCC for the RMF

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- viii. A copy of proposed waste disposal procedures; and
  - ix. A description of any waivers from DPH regulations issued for the RMD or a description of any waivers from CCC regulations issued for the RMF.
- b.) The SPGA shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, the Conservation Commission, the Highway Department, Board of Water Commissioners, and the Planning Board. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within thirty-five (35) days of referral of the application shall be deemed lack of opposition.
- c.) After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and departments, the SPGA may act upon such a permit.
- 8.10.4.3 Special Permit Conditions on RMDs and RMF's
- The SPGA shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant's RMD or RMF, the SPGA shall include the following conditions in any special permit granted under this By-law:
- a.) Hours of Operation, including dispatch of home deliveries for RMDs.
  - b.) The permit holder shall file a copy of any Incident Report required under 105 CMR 725.110(F), or 935 CMR 500.110(7) for RMF's, with the Zoning Enforcement Officer and the SPGA within 24 hours of creation by the RMD or RMF. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations.
  - c.) The permit holder shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by DPH the Cannabis Control Commission or the Division of Administrative Law Appeals, as applicable, regarding the RMD or RMF with the Zoning Enforcement Officer and SPGA within 48 hours of receipt by the RMD or RMF.
  - d.) The permit holder shall provide to the Zoning Enforcement Officer, ~~and~~ Chief of the Police Department, and Director of the Department of Communications, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
  - e.) The special permit shall lapse within two years of its issuance. If the permit holder wishes to renew the special permit, an application to renew the special permit must be submitted at least 120 days prior to the expiration of the special permit.
  - f.) The special permit shall be limited to the current applicant and shall lapse if the permit holder ceases operating the RMD or RMF.
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- g.) The special permit shall lapse upon the expiration or termination of the applicant's registration by DPH or any approvals, licenses and authorizations of the Massachusetts Cannabis Control Commission, as applicable.
- h.) The permit holder shall notify the Zoning Enforcement Officer and SPGA in writing within 48 hours of the cessation of operation of the RMD or RMF; the expiration or termination of the permit holder's registration with DPH; or the expiration any approvals, licenses and authorizations of the Massachusetts Cannabis Control Commission, as applicable.

#### 8.10.4.4 Prohibition Against Nuisances

No use shall be allowed in the MMOD which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

#### 8.10.4.5 Severability

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

*A Motion was made that Article 20 be referred back to the Seekonk Planning Board*

**Action on the motion: Motion passed with a majority 2/3 vote.**

## **ARTICLE 22**

To see if the Town will vote to amend the General Bylaws, Category 6, Late Charges for Municipal Collections by deleting the language noted below in bold strikethrough and by adding the language set forth in bold underline below, or take any other action relative thereto:

Category 6, Late Charges for Municipal Collections

All municipal charges and bills shall be due and payable within thirty (30) days of date of mailing by the Treasurer/Collector or other Town official empowered to do so.

All receivables which remain unpaid after said 30 days shall accrue interest payable to the ~~as permitted by State Law~~ **Town at the interest rate set forth in G.L. c. 59, §57.**

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This By-law is authorized under the provisions of Chapter 40, Section 21E, of the Massachusetts General Laws.

*A Motion was made that the Town amend the General Bylaws Category 6 of the Town of Seekonk, Massachusetts as presented in this warrant for Town Meeting.*

**Action on the motion: Motion passed with a unanimous vote.**

## **ARTICLE 23**

To see if the Town will vote to amend the General Bylaws, Category 20A, Illicit Connections and Discharges to the Storm Drain System by deleting the language noted below in bold strikethrough and by adding the language set forth in bold underline below, or take any other action relative thereto:

### **CATEGORY 20A – ILLICIT CONNECTIONS AND DISCHARGES TO THE STORM DRAIN SYSTEM**

#### **Section 1 – Purpose and Authority**

The purpose of this By-law is to regulate illicit connections and discharges to the storm drain system, which is necessary for the protection of Seekonk's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

The objectives of this By-law are:

1. To prevent pollutants from entering Seekonk's municipal separate storm sewer system. (MS4);
2. To prohibit illicit connections and unauthorized discharges to the MS4;
3. To require the removal of all such illicit connections;
4. To comply with state and federal statutes and regulations relating to storm water discharges;
5. To establish the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.
6. To prevent contamination of drinking water supplies.

#### **Section 2 – Authority**

The Board of Health and Department of Public Works shall administer, implement and enforce this By-law. Any powers granted to or duties imposed upon the Board of Health or the Department of Public Works may be delegated in writing to employees or agents by the Board of Health or the Department of Public Works.

#### **Definitions**

For the purposes of this by-law, the following shall mean:

**“Authorized Enforcement Agency”**: The Board of Health or the Department of Public Works, its employees or agents designated to enforce this by-law.

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**“Best Management Practice (BMP)”**: An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of storm water runoff.

**“Clean Water Act”**: The Federal Water Pollution Control Act (33 U.S.C. s 1251 et seq.) As hereafter amended.

**“Discharge of Pollutants”**: The addition from any source of any pollutant or combination of pollutants into storm drain systems or into the waters of the United States or Commonwealth from any source.

**“Groundwater”**: All water beneath the surface of the ground.

**“Illegal Discharge”**: Any direct or indirect non-storm water discharge to storm drain systems, except as specifically exempted in Section 6. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or resulting from firefighting activities exempted pursuant to Section 6, subsection 4, of this ordinance.

**“Illicit Connection”**: Any surface or subsurface drain or conveyance, which allows an illegal discharge into storm drain systems. Illicit connections include conveyances which allow a non-stormwater discharge to storm drain systems including sewage, processed wastewater or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this ordinance.

**“Impervious Surface”**: Any material or structure on or above the ground that prevents water from infiltrating the underlying soil.

**“Municipal separate storm sewer system (MS4) or municipal storm drain system”**: The system of conveyances designed or used for collecting or conveying storm water, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Seekonk.

**“National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit”**: A permit issued by the United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

**“Non-Storm Water Discharge”**: Any discharge to the storm drain systems not composed entirely of storm water.

**“Person”**: Any individual, partnership, association, firm, company, trust, corporation, and, any agency, authority, and department ~~or political subdivision of the Commonwealth or the federal government~~, to the extent permitted by law, and any officer, employee, or agent of such person.

**“Pollutant”**: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or non-point source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include:

1. Paints, varnishes, and solvents;
2. Oil and other automotive fluids;
3. Non-hazardous liquid and solid wastes and yard wastes;
4. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, accumulations and floatables;

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5. Pesticides, herbicides, and fertilizers;
  6. Hazardous materials and wastes; sewage, fecal coliform and pathogens;
  7. Dissolved and particulate metals;
  8. Animal wastes;
  9. Rock; sand; salt; soils;
  10. Construction wastes and residues;
  11. And noxious or offensive matter of any kind.

**“Process Wastewater”:** means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

**“Recharge”:** The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

**“Storm water”:** Runoff from precipitation or snow melts.

**“Storm Drain System”:** The system of conveyances designed or used for collecting or conveying storm water, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system on public or private ways within the Town of Seekonk.

**“Toxic or Hazardous Material or Waste”:** Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.000.

**“Uncontaminated”:** Water containing no pollutants.

**“Watercourses”:** A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

**“Waters of the Commonwealth”:** All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

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

### **Section 3 – Applicability**

This By-law shall apply to flows entering the municipally owned storm water and drainage system on public or private ways within the Town of Seekonk.

### **Section 4 – Regulations**

The Board of Health or the Department of Public Works may promulgate rules, regulations and a permitting process to effectuate the purposes of this by-law. Failure by the Board of Health or the Department of Public Works to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

**A. Remediation of Illicit Connections**

1. If an illicit connection is found to be from a septic system or other septic waste sources; remediation must commence within forty-eight hours (48) and be completed in seven (7) days.
2. If an illicit connection is found to be from a gray water source such as washing machine water, a sink or a similar discharge, remediation must begin within forty-eight hours (48) and be completed within seven (7) days.
3. If an illicit connection is found to be from a sump pump or similar discharge, the property owner must eliminate the connection, acquire the proper permit, conform to other requirements stated herein, and remediation completed in ninety (90) days.
4. A control manhole shall be installed at the property line before water is discharged into a catch basin or waterway. The manhole will also have a Tee connector installed vertically to act as an oil water separator. A light weight cover shall be provided to allow access for inspection purposes.

All cost associated with corrective measures are the sole responsibility of the homeowner.

**Section 5 – Prohibited Activities**

**1. Illegal Discharges**

No person shall dump, discharge, cause or allow to be discharged any pollutant or non-storm water discharge into storm drain systems, watercourse, or into the waters of the Commonwealth.

**2. Illicit Connections**

No person shall construct, use, allow, maintain or continue any illicit connection to storm drain systems, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

**3. Obstruction of Storm Drain Systems**

No person shall obstruct or interfere with the normal flow of storm water into or out of storm drain systems without prior approval from the Board of Health or the Department of Public Works or its designated agent.

**4. Exemptions**

This by-law shall not apply to any of the following non-storm water discharges or flows provided that the source is not a significant contributor of a pollutant to storm drain systems and further provided that such discharge does not result in icing conditions.

- A. Municipal waterline flushing;
- B. Discharges from landscape irrigation or lawn watering;
- C. Water from individual residential car washing and temporary fund-raising car wash events.
- D. Discharges from de-chlorinated swimming pool water provided it is allowed to stand for one week prior to draining, or tested for chlorine levels with a pool test kit prior to draining (less than one parts per million chlorine), and the pool is drained in such a way as not to cause a nuisance;
- E. Discharges from street sweepers of minor amounts of water during operations;
- F. Discharges or flows resulting from firefighting activities;
- G. Non- storm water discharges permitted under a NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations.



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5. Exemptions with Permit from Board of Health or the Department of Public Works.

This by-law shall not apply to any of the following non-storm water discharges or flows provided that the source is not a significant contributor of a pollutant to storm drain systems, provided that a permit is approved by the Board of Health or the Department of Public Works.

- A. Flows from potable water sources;
- B. Springs;
- C. Natural flows from riparian habitats and wetlands;
- D. Diverted stream flows;
- E. Rising ground water;
- F. Uncontaminated ground water infiltration as defined in 40 CFR 35.2005 (20), or uncontaminated pumped groundwater.
- G. Uncontaminated groundwater discharge from a sump pump, with approved spill containment area for oil tanks, a containment area surrounding sump pump basins and a permit from the Board of Health or the Department of Public Works, in accordance with Section 5;
- H. Water from exterior foundation drains, footing drains (not including active ground water dewatering systems, such as dewatering excavations for foundation or pipelines), crawl space pumps, or air conditioning condensation;
- I. Dye testing, provided verbal notification is given to the Board of Health or the Department of Public Works prior to the time of the test.

The Board of Health or the Department of Public Works shall develop criteria for issuing permits under this section, based on the need to maintain capacity of the storm drain system and to protect public health, safety, welfare or the environment.

#### **Section 6 – Suspension of Storm Drainage System Access**

1. The Board of Health or the Department of Public Works may suspend storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened illegal discharge that presents or may present imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.
2. Any person discharging to a municipal storm drain system in violation of this By-law may have their storm drain system access terminated if such termination would abate or reduce an illicit discharge. The Board of Health or the Department of Public Works will notify a violator of the proposed termination of storm drain system access. The violator may petition the Board of Health or the Department of Public Works for reconsideration and hearing. A person commits an offense if the person reinstates storm drain system access to premises terminated pursuant to this section, without prior approval from the Board of Health or the Department of Public Works.

#### **Section 7 – Notification of Spills**

Not with standing any other requirements of local, state or federal law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials at that facility operation which is resulting or may result in illegal discharge of pollutants that person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police department, Department of Public Works and Board of Health. In the event of a release of non-hazardous material, said person shall notify the Authorized Enforcement Agency no later than the next business day.

Written confirmation of all telephone, facsimile or in person notifications shall be provided to the Authorized Enforcement Agency within three business days thereafter. If the discharge of prohibited materials is from a

commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

## Section 8 – Enforcement

### 1. Regulatory Controls

The Board of Health, the Department of Public Works or its authorized agent shall enforce this by-law, and the regulations promulgated there under, as well as the terms and conditions of all permits, notices, and orders, and may pursue all civil and criminal remedies for such violations.

### 2. Civil Relief

If anyone violates the provisions of this by-law, regulations, permit, notice, or order issued there under, the Board of Health or the Department of Public Works shall issue a stop work order to restrain the person from activities which would create further violations or compelling the person to abate or remediate the violation.

### 3. Orders

The Board of Health or the Department of Public Works may issue a written order to enforce the provisions of this by-law or the regulations there under, which may include:

- A. elimination of illicit connections or discharges to the storm drainage system;
- B. termination of access to the storm drainage,
- C. performance of monitoring, analysis, and reporting;
- D. cessation of unlawful discharges, practices, or operations; and
- E. remediation of contamination in connection therewith.

If the Board of Health or the Department of Public Works determines that abatement or remediation of contamination is required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the town may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board of Health or the Department of Public Works within thirty (30) days of receipt of the notification of the costs incurred. **Pursuant to G.L. Ch. 40, § 58, the Town is hereby authorized to impose and record a municipal charges lien on the property for any costs that have not been paid to the Town by the applicable due date, and unpaid charges shall be added to the tax on the property, in the manner provided in said statute.** Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. c.59, §57 after the thirtieth (30) day at which the costs first become due.

### 4. Criminal and Civil Penalties

Any individual who violates this By-law shall be subject to fines in accordance with Category 39 of the By-law and the fine schedule established in Attachment A.

### 5. Non-Criminal Disposition

As an alternative to criminal prosecution or civil action, the Town of Seekonk may elect to utilize the non-criminal disposition procedure set forth in G.L. Chapter 40, s 21D. The Board of Health or the Department of Public Works shall be the enforcing entity.

6. Entry to Perform Duties Under this By-Law

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board of Health, the Department of Public Works, its agents, or officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and regulations and may make or cause to be made such examinations, surveys or sampling as the Board of Health or the Department of Public Works deems reasonably necessary.

7. Appeals

The decisions or orders of the Board of Health or the Department of Public Works shall be final. Further relief shall be to a court of competent jurisdiction.

8. Remedies Not Exclusive

The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

### Section 9 – Severability

If any provision, paragraph, sentence, or clause, of this by-law shall be held invalid for any reason, all other provisions shall continue in full force and effect.

### Section 10 – Transitional Provision

Residential property owners shall comply with this by-law on a schedule set forth in the Board of Health and Department of Public Works compliance order, but such property owners shall in no case have more than six months from the effective date of the by-law to comply with its provisions, unless good cause is shown for the failure to comply with the by-law during that period.

*A Motion was made that the Town amend the General Bylaws Category 20A, Illicit Connections and Discharges to the Storm Drain System, of the Town of Seekonk, Massachusetts as presented in this warrant for Town Meeting.*

**Action on the motion: Motion passed with a unanimous vote.**

## ARTICLE 24

To see if the Town will vote to amend the General Bylaws, Category 20B, Stormwater Management; Construction Erosion and Sedimentation Control, by deleting the language noted below in bold strikethrough and by adding the language set forth in bold underline below, or take any other action relative thereto:

CATEGORY 20B – STORMWATER MANAGEMENT; CONSTRUCTION EROSION AND SEDIMENTATION CONTROL

**Section 1 – Purpose**

The purpose of this bylaw is to eliminate or reduce the harmful impacts of soil erosion and sedimentation on the public health, safety, and welfare, and the environment by prohibiting increase in sediment-laden runoff from land-disturbing activities and by prohibiting stream bank erosion along bodies of water. This bylaw regulates activities with potential for such impacts by requiring erosion and sedimentation control plans and pre-activity review. By implementing the controls in this bylaw, and in regulations promulgated pursuant to this bylaw, erosion and sediment shall be controlled so as to protect water quality, flood storage, stream flow, wildlife habitat, aquatic resources, and public safety.

- A. The harmful impacts of soil erosion and sedimentation are:
  - 1. impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
  - 2. contamination of drinking water supplies;
  - 3. alteration or destruction of aquatic and wildlife habitat; flooding; and,
  - 4. overloading or clogging of municipal catch basins and storm drainage systems.
- B. The objectives of this bylaw are to:
  - 1. protect water resources;
  - 2. require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities;
  - 3. promote infiltration and the recharge of groundwater;
  - 4. ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained;
  - 5. require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
  - 6. comply with state and federal statutes and regulations relating to stormwater discharges; and,
  - 7. establish the Town of Seekonk's legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

**Section 2 – Definitions**

**ABUTTER:** The owner(s) of land abutting the activity.

**AGRICULTURE:** The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

**APPLICANT:** Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting approval of an soil erosion and sediment control plan for proposed land-disturbance activity.

**AUTHORIZED ENFORCEMENT AGENCY:** The Planning Board, its employees or agents designated to administer, implement and enforce this by-law.

**CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC):** A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

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**CONSTRUCTION AND WASTE MATERIALS:** Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

**CLEARING:** Any activity that removes the vegetative surface cover.

**EROSION:** The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

**EROSION AND SEDIMENTATION CONTROL PLAN (E & S Control Plan):** A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

**ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS:** Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

**LAND-DISTURBING ACTIVITY:** Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

**MASSACHUSETTS ENDANGERED SPECIES ACT:** (G.L. c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the “taking” of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

**MASSACHUSETTS STORMWATER MANAGEMENT POLICY:** The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 §. 40 and Massachusetts Clean Waters Act M.G.L. c. 21, §. 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

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

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

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

**PRE-CONSTRUCTION:** All activity in preparation for construction.

**PRIORITY HABITAT OF RARE SPECIES:** Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

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**RUNOFF:** Rainfall, snowmelt, or irrigation water flowing over the ground surface.

**SEDIMENT:** Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

**SEDIMENTATION:** The process or act of deposition of sediment.

**SITE:** Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

**SLOPE:** The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

**SOIL:** Any earth, sand, rock, gravel, or similar material.

**STABILIZATION:** The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

**STORMWATER:** Storm water runoff, snowmelt runoff, and surface water runoff and drainage.

**STRIP:** Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

**VERNAL POOLS:** Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

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

**WETLAND RESOURCE AREA:** Areas specified in the Massachusetts Wetlands Protection Act G.L. c.131, §40 and in the Town of Seekonk's conservation Commission General Wetlands Protection By-Law.

**WETLANDS:** Tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps and bogs.

### **Section 3 – Authority**

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

### **Section 4 – Applicability**

- A. This bylaw shall apply to all activities that result in disturbance of one or more acres of land or will disturb less than one acre but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land. Except as authorized by the Planning Board in an erosion and sedimentation control plan or as otherwise provided in this bylaw, no person shall perform any activity that results in disturbance of an acre or more of land. Normal maintenance and improvement of land in agricultural or aquaculture use, as defined by the Wetlands Protection Act regulation 310 CMR 10.4, and or the Seekonk Wetlands Protection By-Law are exempt. In addition, as authorized in the Phase II Small MS4 General Permit for Massachusetts, storm water discharges resulting from the above activities that are subject to jurisdiction under the Wetlands Protection Act and or the Seekonk Wetlands Protection By-Law which demonstrate compliance with the

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Massachusetts Storm Water Management Policy as reflected in an Order of Conditions issued by the Conservation Commission are exempt from compliance with this bylaw.

- B. Waiver. The Planning Board may waive strict compliance with any requirement of this by-law or the rules and regulation promulgated hereunder, where:
  - a. such action is allowed by federal, state and local statutes and/or regulations,
  - b. is in the public interest, and,
  - c. is not inconsistent with the purpose and intent of this by-law.

### **Section 5 – Responsibility for Administration**

The Planning Board shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Planning Board may be delegated in writing to its employees or agents.

The Planning Board may adopt, and periodically amend rules and regulations to effectuate the purposes of this by-law. Failure by the Planning Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

### **Section 6 – Application Procedures**

Where an erosion and sedimentation control plan is required by Section 4 of this by-law an Erosion and Sedimentation Control Application shall be filed with the Planning Board. The application shall be signed by the owner of the property on which the proposed activity is to be conducted. In addition, the applicant, if the applicant is not the owner, shall sign the application. If the owner or applicant is a business entity, the chief executive officer or other officer with authority shall sign the application. A copy of the application shall be filed with the Town Clerk, and upon receipt, the application shall be marked with the date and time received. The Planning Board shall incorporate the application and enforcement of this By-law in all site plan, subdivision or other formal reviews of development proposals properly placed before it. A separate application as described herein shall not be required in such formal proceedings so long as any decision of the Board includes appropriate restrictions, conditions, limitations, and safeguards to effectuate the purpose of this By-law.

- A. A permit must be obtained prior to the commencement of land disturbing activity that may result in the disturbance of an area of one acre or more. The Erosion and Sedimentation Control Application package shall include:
  - 1. a complete Application Form with original signatures of all owners and applicants;
  - 2. ten (10) copies of the Erosion and Sedimentation Control Plan as specified in Section 7 of this by-law;
  - 3. payment of the application and review fees; and,
  - 4. one (1) copy of the Application Form filed with the Town Clerk.
- B. Entry. Filing an application grants the Planning Board or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with the approved Erosion and Sedimentation Control Plan.
- C. Public Hearing. The Planning Board shall hold a public hearing within thirty (30) days of the receipt of a complete application and shall take final action within ninety (90) days from the time of the close of the hearing unless such time is extended by agreement between the applicant and the Planning Board. Notice of the public hearing shall be given by public hearing notice to the Town Clerk, and be posted at the Seekonk Town Hall, on the Town of Seekonk cable channel and on the Town of Seekonk website. The Planning Board shall make the application available for inspection by the public during business hours at the Seekonk Town Hall.
- D. Information request. The applicant shall submit all additional information requested by the Planning Board to issue a decision on the application.



E. Action by the Planning Board. The Planning Board may:

1. Approve the Erosion and Sedimentation Control Application and issue an approval if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this by-law;
2. Approve the Erosion and Sedimentation Control Application and issue an approval with conditions, modifications or restrictions that the Planning Board determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this by-law; or,
3. Disapprove the Erosion and Sedimentation Control Application and deny the permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this by-law.

F. Final approval, if granted, shall be endorsed on the Erosion and Sedimentation Control Plan by the signature of the majority of the Planning Board (or by the signature of the person officially authorized by the Planning Board).

G. Failure of the Planning Board to take final action upon an Application within the time specified above shall be deemed to be approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without the Planning Board's action, the Erosion and Sedimentation Control Plan shall be issued by the Planning Board.

H. Project Changes. The applicant, or their agent, must notify the Planning Board in writing of any change or alteration of a land-disturbing activity authorized in an Erosion and Sedimentation Control Plan before any change or alteration occurs. If the Planning Board determines that the change or alteration is substantial, the Planning Board may require that an amended application shall be submitted. If any change or alteration takes place during land-disturbing activities, the Planning Board may require the installation of interim erosion and sedimentation control measures before the change or alteration may be approved.

#### **FEES**

The Planning Board by regulation shall promulgate an application fee schedule for Erosion and Sedimentation Control applications and compliance certificates. The fee specified in such a fee schedule shall be made payable to the Town of Seekonk and shall accompany the permit application or request for certificate of compliance. The Planning Board shall require a fee for review of any Erosion & Sedimentation Control Plan. Said services may include but are not necessarily limited to soil survey and delineation, hydro geologic and drainage analysis, erosion and sedimentation potential, and environmental/land use law.

Each application must be accompanied by the appropriate application fee as established by the Planning Board. Applicants shall pay review fees as determined by the Planning Board sufficient to cover any expenses connected with the public meeting and review of the Erosion and Sedimentation Control Application before the review process commences. Review fees shall be in the form of a check made out to the Board's reviewing engineer. Said review fee should be forwarded to the Board for payment to the Board's reviewing engineer. The Planning Board is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Planning Board on any or all aspects of the Application.

#### **COMPLIANCE**

No land-disturbing activity shall take place, unless exempt by the terms of this bylaw, without compliance with an Erosion and Sedimentation Control Plan issued by the Planning Board.

#### **Section 7 – Erosion and Sedimentation Control Plan**

- A. The Erosion and Sedimentation Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent



areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements listed in Section 7.B. below.

B. The design requirements of the Erosion and Sedimentation Control Plan are:

1. Minimize total area of disturbance;
2. Sequence activities to minimize simultaneous areas of disturbance;
3. Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Policy;
4. Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
5. Divert uncontaminated water around disturbed areas;
6. Maximize groundwater recharge;
7. Install and maintain all Erosion and Sedimentation Control measures in accordance with the manufacturers specifications and good engineering practices;
8. Prevent off-site transport of sediment;
9. Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);
10. Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
11. Prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;
12. Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site;
13. Properly manage on-site construction and waste materials; and,
14. Prevent off-site vehicle tracking of sediments.

C. Erosion and Sedimentation Control Plan Content. The Plan shall contain the following information:

1. Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
2. Title, date, north arrow, names of abutters, scale, legend, and locus map;
3. Location and description of natural features including:
  - a. Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for areas not assessed on these maps;
  - b. Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper ten (10) inches or larger, noting specimen trees and forest communities; and,
  - c. Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity.
4. Lines of existing abutting streets showing drainage and driveway locations and curb cuts;
5. Existing soils, volume and nature of imported soil materials;

6. Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed;
7. Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;
8. Drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);
9. Location and details of erosion and sedimentation control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;
10. Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
11. Location and description of industrial discharges, including stormwater discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by this permit;
12. Stormwater runoff calculations in accordance with the Department of Environmental Protection's Stormwater Management Policy;
13. Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
14. A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
15. A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;
16. Plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts or a Certified Professional in Erosion and Sedimentation Control; and,
17. Such other information as is required by the Planning Board.

## **Section 8 – Inspection and Site Supervision**

- A. Pre-construction Meeting. Prior to starting the clearing, excavation, construction, or land disturbing activity the applicant, the applicant's technical representative, the general contractor or any other person with authority to make changes to the project, may be required to meet with the Planning Board, to review the approved plans and their implementation. The need for a pre-construction meeting shall be determined by the Planning Board based on the project scope.
- B. Planning Board Inspection. The Planning Board or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the applicant wherein the work fails to comply with the Erosion and Sedimentation Control Plan as approved. The approved E & S Control Plan and associated plans for grading, stripping, excavating, and filling work, bearing the signature of approval of the Planning Board, shall be maintained at the site during the progress of the work. In order to obtain inspections, the applicant shall notify the Planning Board at least two (2) working days before each of the following events:
  1. Erosion and sedimentation control measures are in place and stabilized;
  2. Site Clearing has been substantially completed;
  3. Rough Grading has been substantially completed;
  4. Final Grading has been substantially completed;
  5. Close of the Construction Season; and,
  6. Final landscaping (permanent stabilization) and project final completion.
- C. Applicant Inspections. The applicant or his/her agent shall conduct and document inspections of all control measures) no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the E & S Control Plan, and the need for maintenance or additional control measures. The applicant

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or his/her agent shall submit monthly reports to the Planning Board or designated agent in a format approved by the Planning Board.

- D. Access Permission. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Planning Board, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as the Planning Board deems reasonably necessary to determine compliance with the permit.

### **Section 9 – Surety**

The Planning Board may require the applicant to post before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by the Town Treasurer, and be in an amount deemed sufficient by the Planning Board to ensure that the work will be completed in accordance with the plan approval. If the project is phased, the Planning Board may release part of the bond as each phase is completed in compliance with the approved plan but the bond may not be fully released until the Planning Board has received the final report as required by Section 10 and issued a certificate of completion.

### **Section 10 – Final Reports**

Upon completion of the work, the applicant shall submit a report (including certified as-built construction plans) from a Professional Engineer (P.E.), surveyor, or Certified Professional in Erosion and Sedimentation Control (CPESC), certifying that all erosion and sedimentation control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved plan. Any discrepancies shall be noted in the cover letter.

### **Section 11 – Enforcement**

- A. The Planning Board or an authorized agent of the Planning Board shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- B. Orders:
1. The Planning Board or an authorized agent of the Planning Board may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include:
    - i. a requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the approved erosion and sedimentation control plan;
    - ii. maintenance, installation or performance of additional erosion and sedimentation control measures;
    - iii. monitoring, analyses, and reporting; and,
    - iv. remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.
  2. If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Seekonk may, at its option, undertake such work, and the property owner shall reimburse the Town of Seekonk expenses.  
 Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Seekonk, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Planning Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount

due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Planning Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, ~~the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs.~~ Pursuant to G.L. Ch. 40, § 58, the Town is hereby authorized to impose and record a municipal charges lien on the property for any costs that have not been paid to the Town by the applicable due date, and unpaid charges shall be added to the tax on the property, in the manner provided in said statute. Interest shall begin to accrue on any unpaid costs at the statutory rate, as provided in G.L. c.59, §57, after the thirty-first day following the day on which the costs were due.

- C. Any individual who violates this By-law shall be subject to fines in accordance with Category 39 of the By-law and the fine schedule established in Attachment A.
- D. Appeals. The decisions or orders of the Planning Board shall be final. Further relief shall be to a court of competent jurisdiction.
- E. Remedies Not Exclusive. The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

### **Section 12 – Certificate of Completion**

The Planning Board will issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the approved E & S control plan has been satisfactorily completed in conformance with this bylaw.

### **Section 13 – Severability**

If any provision, paragraph, sentence, or clause of this by-law shall be held invalid for any reason, all other provisions shall continue in full force and effect.

***A Motion was made that the Town amend the General Bylaws Category 20B, Stormwater Management: Construction Erosion and Sedimentation Control, of the Town of Seekonk, Massachusetts as presented in this warrant for Town Meeting.***

**Action on the motion: Motion passed with a unanimous vote.**

## **ARTICLE 25**

To see if the Town will vote to amend the General Bylaws, Category 32, Public Consumption of Alcoholic Beverages Prohibited, by deleting the language noted below in bold strikethrough or take any other action relative thereto:

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#### CATEGORY 32 – PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED

No person shall drink any alcoholic beverages as defined in Chapter 138, Section 1, of the Massachusetts General Laws, while on, in, or upon any public way to which the public has access; any public park, playground, conservation area, cemetery, parking lot, municipal buildings and the grounds appurtenant thereto. ~~A violation of this By-law shall be deemed to be a breach of the peace.~~ Nothing herein shall be construed to prohibit the use and consumption of said liquor in or upon private properties or dwellings as may be permitted by law. Any individual who violates this By-law shall be subject to fines in accordance with Category 39 of the By-law and the fine schedule established in Attachment A.

*A Motion was made that the Town amend the General Bylaws Category 32, Public Consumption of Alcoholic Beverages Prohibited, of the Town of Seekonk, Massachusetts as presented in this warrant for Town Meeting.*

**Action on the motion: Motion passed with a majority vote.**

### **ARTICLE 26**

To see if the Town will vote to amend the General Bylaws, to insert a new Bylaw, Category 33, Temporary Transient Business: Door-to-Door Canvassing and Solicitation, as printed in the warrant or take any other action relative thereto:

#### **CATEGORY 33 – TEMPORARY TRANSIENT BUSINESS: DOOR-TO-DOOR CANVASSING AND SOLICITATION.**

This Bylaw shall be known as the “Door-to-Door Solicitation Law of the Town of Seekonk.”

##### Section 1. Purpose

This article, adopted pursuant to Chapter 43, Section 13, of the General Laws and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts, establishes registration requirements and specific operational requirements for persons intending to engage in door-to-door canvassing or solicitation in the Town of Seekonk in order to protect its citizens from disruption of the peaceful enjoyment of their residences and from the perpetration of fraud or other crimes; and, to allow for reasonable access to residents in their homes by persons or organizations who wish to communicate either commercial or non-commercial messages.

##### Section 2. Definitions

For the purpose of this Bylaw, the following definitions shall apply:

“Soliciting” shall mean and include any one or more of the following door-to-door activities:

- a) selling, or seeking to obtain orders for the purchase of goods or services, including advertising in any type of publication, for any kind of consideration whatsoever;
- b) selling, or seeking to obtain prospective customers for application for purchase of insurance of any kind;
- c) selling, or seeking to sell subscriptions to books, magazines, periodicals, newspapers or any other type of publication;
- d) seeking to obtain gifts or contributions of money, or any valuable thing for the support or benefit of any association, organization, corporation or project wholly or in part for commercial purposes or by a professional solicitor or commercial co-venturer for a charitable or other non-commercial organization; and
- e) seeking to obtain information on the background, occupation, economic status, political affiliation, attitudes, viewpoints, or the like of the occupants of a residence for the purpose of selling or using such data, wholly, or in part, for commercial purposes.

“Canvassing” shall mean and include any one or more of the following door-to-door activities:

- a) person-to-person distribution of literature, periodicals, or other printed materials for commercial purposes, but shall not include placing or dropping off printed materials on the premises;
- b) seeking to enlist membership in any organization for commercial purposes; and
- c) seeking to present, in person, organizational information for commercial purposes.

“Residence” shall mean and include every individual dwelling unit occupied for residential purposes by one or more persons.

“Registered solicitor” shall mean any person who has obtained a valid certificate of registration from the Town as required by this Bylaw.

“Charitable Organization,” “Professional Solicitor” and “Commercial Co-venturer” shall be defined as set forth in Chapter 68, Section 18, of the General Laws.

### Section 3. Registration

Every person or organization intending to engage in soliciting or canvassing door-to-door in the Town of Seekonk must apply for a permit with the Chief of Police by filing a registration application form with the Chief of Police. Applications for individual registration shall be filed at least ten business days in advance. Applications for organizational registration shall be filed at least three business days in advance.

Organization application forms shall include the following information:

- a) The name and address of the organization applying for registration, and the names and addresses of the organizations’ principal officers. If the organization is a charitable organization, a certification that the

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most recent Annual Registration Statement required to be filed with the Attorney General's Division of Public Charities has been so filed.

If the organization is a Professional Solicitor or a Commercial Co-venturer for a charitable organization, a copy of the contract with the charitable organization must be provided with this application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon;

- b) The name, title and phone number, and valid driver's license or other government-issued photo identification of the persons filing the application form;
- c) The names and addresses of the person(s), if any, who will be directly supervising the solicitation or canvassing operation in the Town of Seekonk;
- d) A list of the names, addresses, dates of birth of all individuals who will be employed in solicitation or canvassing by the applicant;
- e) Period of time for which certificate of registration is needed (note: no certificate may be granted for longer than a 60-day period);
- f) Names of the last three communities (if any) in which the organization has conducted a solicitation or canvassing operation, complete with the date issued and date expired; and
- g) Insurance information and license, if applicable.

Individual registration forms shall be required for all individuals, including those who are affiliated with an organization registered hereof. Individual registration forms shall contain the following information:

- a) Name and address of the present place of residence and length of residence at that address; if less than three years residence at present address, the address of residence(s) during the past three years;
- b) Date of birth;
- c) Name, address and telephone number of the person or organizations whom the applicant represents and the length of time the applicant has been associated with or employed by that person or organization. If the individual is a professional solicitor or a commercial co-venturer for a charitable organization, a copy of the contract, if any, with the charitable organization must be provided with this application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon;
- d) Period of time for which certificate of registration is needed (note: no certificate may be granted for longer than a 60-day period);
- e) Name of the last three communities (if any) in which the applicant has solicited or canvassed door-to-door, complete with the date of issue and expiration date;
- f) Valid driver's license or other government issued photo identification; and

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- g) Make, model and registration number of any vehicle to be used by the applicant while soliciting or canvassing.

#### Section 4. Registration Fee

There shall be no application fee or charge for an individual registration card. Each organizational applicant for registration or re-registration shall pay to the Town an application fee of \$75.00.

#### Section 5. Registration Cards

The Chief of Police, after a review, but in no event more than ten (10) business days after receipt of a fully-completed application, shall furnish each person with a registration card which shall contain the following information:

- (a) The name of the person;
- (b) A recent photograph of the person;
- (c) The name of the organization (if any) which the person represents;
- (d) A statement that the individual has been registered with the Town of Seekonk Police Department but that registration is not an endorsement of any individual or organization; and
- (e) Specific dates or period of time covered by the registration.

Persons engaged in solicitation or canvassing as defined in this Bylaw must display their Town issued registration card on the outermost portion of their clothing at all times while soliciting or canvassing and show such card to any person solicited or upon the request of any police officer.

Registration cards are valid only for the specific dates or time period specified thereon and in no case for longer than 60 days.

The Police Chief shall routinely grant registrations without further inquiry but shall refuse registration to an organization or an individual whose registration has been revoked for violation of this Bylaw within the previous two-year period or who has been convicted of murder/manslaughter, rape, robbery, arson, burglary/breaking and entering, felony assault, or larceny over \$250, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The Police Chief shall also refuse to register a person who is a sex offender required to register with the Sex Offenders Registry Board and who is finally classified as Level 2 or Level 3 Sex Offender, as such persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex crimes.

#### Section 6. Exceptions

Registration shall not be required for officers or employees of the Town, County, State or Federal governments when on official business.

Individual registration shall not be required for minors under the age of 18, except in connection with canvassing or soliciting on behalf of a for-profit organization, newspaper carriers excepted.



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Nothing in this Bylaw shall be construed to impose any registration requirement or otherwise restrict or in any way regulate any activity for religious, political, newspaper distribution or public policy purposes or other non-commercial purposes, regardless of whether such activity includes acts that would otherwise constitute soliciting or canvassing.

#### Section 7. Duties of Persons Going Door-to-Door

Upon going into any residential premises in the Town of Seekonk, every solicitor, canvasser or other person must first examine any notice that may be posted prohibiting solicitation or other activities. If such a notice is posted, the solicitor, canvasser or other person shall immediately and peacefully depart from the premises.

Any solicitor, canvasser or other person who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

Immediately upon gaining entrance to any residence, each Solicitor or Canvasser as defined in this Bylaw must do the following:

- (a) Present his registration card for inspection by the occupant;
- (b) Request that the occupant read the registration card; and
- (c) Inform the occupant in clear language of the nature and purpose of his business and, if he is representing an organization, the name and nature of that organization.

#### Section. 8. Restrictions on Methods of Solicitation, Canvassing, or Other Door-to-Door Activities

It shall be unlawful for a solicitor, canvasser or other person to do any of the following:

- (a) Falsely represent, directly or by implication, that the solicitation, canvassing or other activity is being done on behalf of a governmental organization, or on behalf of any municipal employee or elected official;
- (b) Solicit, canvass or conduct any other activity at any residence where there is a posted sign prohibiting the same, without express prior permission of an occupant;
- (c) Solicit, canvass or conduct any other activity at any residence without express prior permission of an occupant, before 8:00 a.m. or after 9:00 p.m. where there is no sign posted otherwise limiting solicitation or the hours of solicitation or such other activities;
- (d) Utilize any form of endorsement from any department head currently employed or serving the Town of Seekonk; and
- (e) Solicit, canvass or conduct any other activity at any residence in a threatening, abusive or illegal fashion.

#### Section 9. Penalty

Any person or organization who shall violate any of the provisions of this Bylaw or any applicable state or federal laws governing soliciting or canvassing, including, but not limited to Chapter 68 of the General Laws, shall be subject to a fine not to exceed \$300.00 for each offense.

Any person or organization who for himself, herself, itself, or through its agents, servants or employees is found after investigation by a police officer to have:

- (a) violated any provision of this Bylaw, or any applicable state or federal laws governing soliciting or canvassing, including but not limited to Chapter 68 of the General Laws; or
- (b) knowingly provided false information on the registration application shall have his, her or its registration revoked by the Chief of Police by written notice delivered to the holder of the registration in person, or sent to the holder by certified mail at the address set forth in the application.

#### Section 11. Appeals

Any person or organization who is denied registration or whose registration has been revoked may appeal by filing a written notice of appeal with the Board of Selectmen. Such appeal must be filed within 5 days after receipt of the notice of denial or revocation. The Board of Selectmen shall hear the appeal at its next scheduled meeting after the filing of the written notice of appeal, provided, however, that if the Board of Selectmen fails to make a determination within 30 days after the filing of the appeal, the registration shall be deemed granted or reinstated as the case may be.

#### Section 12. Severability

Invalidity of any individual provision of this Bylaw shall not affect the validity of the Bylaw as a whole.

***A Motion was made that the Town amend the General Bylaws Category 33, Temporary Transient Business: Door to Door Canvassing and Solicitations, of the Town of Seekonk, Massachusetts as presented in this warrant for Town Meeting.***

**Action on the motion: Motion passed with a unanimous vote.**

## ARTICLE 27

To see if the Town will vote to amend the General Bylaws, Attachment A- Fine Schedule, by deleting the language noted below in bold strikethrough and adding the language in bold underline, or take any other action relative thereto:

By-Law Category	Fine Description	Fine 1st Warning	Fine 2nd Warning	Fine Subsequent Warnings
11	Mandatory Recycling Program	Written Warning	\$25	\$50
11	Ownership of Recyclable/Compostable Material	\$50	\$100	\$100
13	Animal Control - Vicious/Habitual Nuisance Dog	\$25	\$50	\$50/ or permanent confinement
14	Control of Dogs - Trash Disturbance	\$25	\$25	\$25
14	Control of Dogs - Confining Dog in Heat	\$25	\$25	\$25
14	Control of Dogs - Male Nuisance Dog/Dog in Heat	\$25	\$25	\$25
14A	Control of Dogs - "At Large" or "Out of Control"	\$25	\$40	\$40
14A	Control of Dogs - Restrained Dogs	\$25 or Hearing before BOS	\$50	\$50
14A	Control of Dogs - Removal of Fecal Matter	\$25	\$35	\$50
14A	Control of Dogs - Nuisance by Unreasonable Barking	\$25	\$50	\$50
14B	Failure to License Dog	\$50		
14B	Failure to Vaccinate Against Rabies	\$100		
14B	List of Dogs - Refuses to Answer/Answers Falsely	\$25		
14B	<del>Failure to comply with Board of Selectmen Order</del>	<del>\$500</del>		
14B	<del>Failure to comply with Board of Selectmen Order</del>	<del>\$300</del>		
14B	<del>Failure to comply with Board of Selectmen Order</del>	<del>\$1,000</del>		
14B	<del>Failure to comply with Board of Selectmen Order</del>	<del>\$300</del>		
14B	Selectmen Order to Restrain all Dogs	\$40		
14B	<del>Cruelty to Animals</del>	<del>\$2,500</del>		
14B	<del>Cruelty to Animals</del>	<del>\$300</del>		
14B	<del>Willfully Injuring Police Dogs/Horses</del>	<del>Not less than \$100 but not more than \$500, arrest without warrant and up to 2 1/2 years imprisonment</del>		
14B	<del>Willfully Injuring Police Dogs/Horses</del>	<del>Not less than \$100 but not more than \$300</del>		
14B	Mutilation, Exhibition, Unauthorized Taking	\$250		
14B	Failure to Report Striking/Killing of Dog or Cat with Vehicle	\$50		
14B	Wrongful killing, enticing or harboring	\$100		
17A	Earth Removal	\$50	\$100	\$200
17B	Placement of Fill	\$100	\$200	\$300
18	Right of Way Opening	\$100	\$200	\$300
18A	Curb Cuts and Driveways	\$100	\$200	\$300
19	Depositing Snow on Town Streets	\$150	\$150	\$150
20	Water Discharged			
20A	Illicit Connections and Discharges to Storm Water Drain	\$100	\$200	\$300
20B	Stormwater Management - Construction	\$100	\$200	\$300
20C	Stormwater Management - Post Construction	\$100	\$200	\$300
21	<del>Illegal Dumping</del>	<del>\$500</del>	<del>\$500</del>	<del>\$500</del>
21	<del>Illegal Dumping</del>	<del>\$300</del>	<del>\$300</del>	<del>\$300</del>
22	Fencing of Swimming Pools	\$50	\$50	\$50
24	Sale of Motor Vehicles	\$50	\$50	\$50
25	Unregistered Vehicles	\$50	\$50	\$50
26	Hawkers and Peddlers	\$200	\$200	\$200
29	Anti-Noise	\$100	\$200	\$200
30	Building Numbers	\$25	\$25	\$25
32	Public Consumption of Alcoholic Beverages	\$50	\$50	\$50
33	Solicitors and Canvassers	\$200	\$200	\$200
34	Licensing of Dealers in Junk/Second-Hand	\$300	\$300	\$300
35	Open Air/Transient and Temp. Business Licenses	\$50	\$50	\$50
36	Garage and Yard Sales	\$100	\$150	\$200
37	Loitering or Misuse of Public Ways	\$50	\$50	\$50
38	Fire Department Regulations	\$100	\$500	\$1000 (all other)
38A	False Alarm	\$100 (4th Alarm)	\$150 (5th Alarm)	\$200 (6th), \$250 (7th), \$300 (all other)
39	Public Safety Contact Info	\$50	\$50	\$50
41	Wetland Protections	\$100	\$200	\$300
47	Public Consumption of Marijuana	\$300	\$300	\$300
50	Automated Electronic Retail Check Out - Price Misrepresentation	\$100	\$250	\$300
50	Price Misrepresentation - Alternative to Criminal Prosecution or civil Action	each violation shall be \$100, up to a maximum of \$2,500		
51	Class II Motor Vehicle Violations and Penalties	\$50 per day		

*A Motion was made that the Town amend the General Bylaws Attachment A Fine Schedule of the Town of Seekonk, Massachusetts as presented in this warrant for Town Meeting.*

**Action on the motion: Motion passed with a majority vote.**

## **ARTICLE 28**

To see if the Town will vote to authorize the School Committee to enter into a lease for a term in excess of three years for a term in excess of three years for two modular classroom units, one to be installed at the Martin Elementary School and one to be installed at the Aitken Elementary School, upon such terms and conditions as determined by the School Committee to be in the best interest of the Town, and to appropriate the sum of \$400,000 for the setup and removal of said units, or take any other action relative thereto.

*A Motion was made to see if the Town will vote to authorize the School Committee to enter into a lease for a term in excess of three years for a term in excess of three years for two modular classroom units, one to be installed at the Martin Elementary School and one to be installed at the Aitken Elementary School, upon such terms and conditions as determined by the School Committee to be in the best interest of the Town, and to appropriate the sum of \$400,000 from Free Cash for the setup and removal of said units, or take any other action relative thereto.*

**Action on the motion: Motion passed with a majority vote.**

**A motion was made to dissolve the town meeting at 10:00PM.**

**Action on the motion: Motion passed with a unanimous vote.**