

Article XLVII – Personnel By-Law

Establishes a five (5) member personnel board and a personnel compensation and classification plan, as set forth in the Compensation and Classification Plan.

Copies of the Personnel By-Law may be obtained at the Town Clerk's office.

Passed 5-10-05, Amended 5-9-06

Article XLVIII Protect & Preservation of Town-owned Parks, Commons & Cemeteries.

“There shall be no unauthorized digging within the confines of any Town-owned cemetery, park, or ball field. Flowers and/or shrubbery may be planted at designated locations within the cemeteries according to the Cemetery Department Rules and Regulations on file in the Town Clerk's office. All other digging must be approved in writing by the Cemetery Department or performed by the Cemetery Department.

This bylaw shall carry a fine of not less than \$100.00 and no more than \$300.00. This bylaw may also be enforced by any police officer of the Town of Templeton in the method provided in Section 21D of Chapter 40 of the Massachusetts General Laws. Any person who violates any provision of this bylaw shall be subject to a penalty of \$100.00 for the first offense, \$200.00 for the second offense, and \$300.00 for the third and each subsequent offense. Each day that a violation exists shall be deemed a separate offense.”

Passed 5-16-06, Approved by AG 7-3106

8.3 Commercial-Industrial-A Zoning District (C-I-A)

The purpose of the C-I-A zoning district is to reserve an area for tax-generating non-residential uses that can be located in Templeton without detrimental impact to the community or the surrounding neighborhood. The C-I-A district accommodates larger business and industry than in the other business districts and maintains a quality of design through vegetative buffers to residential areas and other design standards. No building or use shall be constructed, altered, or expanded without Site Plan Approval by the Planning Board (PB) in accordance with Article XII Zoning, Section 9.0, General Administration and Procedures, Section 9.4, Site Plan Review.

The location of the C-I-A District shall be as described on the zoning map at the office of the Town Clerk.

8.3.1 Uses Allowed by Right in the C-I-A District

The following uses are allowed by right in the C-I-A zoning district, with site plan approval from the PB in accordance with Article XXI Zoning, Section 9.0 Administration and Procedures, Section 9.4 Site Plan Review. See the Dimensional Table for maximum floor area ratio and lot coverage requirements.

- A. Retail establishments with a minimum of 20,000 square feet in size.
- B. Lumber yard, contractor's yard, building trade supplier or other open-air establishment, at a minimum of 20,000 square feet in building size, not stated elsewhere herein for the storage, distribution, or sale at wholesale or retail, of materials (excluding salvage materials), merchandise, products or equipment provided that any and all open storage of materials and vehicles are screened from public view;
- C. Research and Development (R&D) or light manufacturing including general offices with research, testing, training, light manufacturing or warehouse facilities for computer, telecommunication, photographic, instrumentation, biomedical or similar high-technology or light manufacturing uses, including processing, fabrication and assembly; where such uses are conducted within the confines of a building;
- D. Distribution facilities; including wholesale product preparation, storage and transfer of goods provided that any and all open storage of materials and vehicles are screened from public view.

8.3.2 Uses Allowable by Special Permit in the C-I-A Zoning District

- A. No use allowed by a Special Permit within this section of the bylaw shall be allowed until the Planning Board has been satisfied by the applicant, agents of the applicant and/or agents of the Town of Templeton that the use that may be allowed by Special Permit is not injurious to any natural, cultural or historic resource within the Town of Templeton. Applicants seeking approval of a use by Special Permit, Article XXI Zoning, Section 6.0 General Regulations, paragraphs B) through J), below.
- B. Gasoline and/or repair service stations with or without mini-market. An establishment for the repair, maintenance, and painting of automobiles or other motor vehicles, provided that all but minor repairs shall be conducted wholly within a building sufficiently sound-insulated and ventilated to confine disturbing noise and odors to the premises.
- C. Automobile showrooms, new and used automobile lots; Vehicular dealerships, including salesroom and related dealership facilities for automobiles, boats, motorcycles, trucks, off-road vehicles or farm implements.
- D. Light Manufacturing, packaging, processing and testing, including printing or publishing plant, bottling works, manufacturing establishment, or other assembling, packaging, finishing or processing use where the

proposed use does not cause negative environmental or neighborhood impacts associated with noise, smoke, odors, or traffic that cannot be successfully mitigated;

- E. Warehouse or other storage facilities;
- F. Wireless communications facilities;
- G. Office building or Office Park, providing for one or more buildings on a lot integrated to provide for attractive and functional office space, vehicular and pedestrian circulation and overall site plan;
- H. Conference Center;
- I. Outdoor recreational facilities on five (5) acres or more, including camping area, golf course, miniature golf, ski areas and accessory structures, and other similar uses;
- J. Any accessory use customarily incidental to any of the above uses.

Passed 5-9-06, Approved by A/G 8-24-06

8.4 Commercial-Industrial-B Zoning District (C-I-B)

The purpose of the C-I-B district is to reserve an area for tax-generating non-residential uses that can be located in Templeton without detrimental impact to the community or the surrounding neighborhood. The C-I-B district accommodates larger business and industry than in the other business districts and maintains a quality of design through vegetative buffers to residential areas and other design standards. No building or use shall be constructed, altered, or expanded without Site Plan Approval by the Planning Board (PB) in accordance with Article XII Zoning, Section 9.0, General Administration and Procedures, Section 9.4, Site Plan Review.

In order to provide adequate protection of any Zone One Aquifer Zone, Zone Two Aquifer Zone, Aquifer Protection and/or Water Protection District, any use allowed in the C-I-B zoning district, by right or by special permit from the Planning Board, must also apply for and obtain a “C-I-B Land Protection Use Permit” from the Planning Board to operate such use within the C-I-B Zoning District. Any and all Zone One Aquifer Zone, Zone Two Aquifer Zone, Aquifer Protection and/or Water Protection District may be represented on a map available at the Office of the Town Clerk and as may be periodically updated.

The location of the C-I-B District shall be as described on the zoning map at the office of the Town Clerk.

8.4.1 Uses Allowed by Right in the C-I-B District

The following uses are allowed by right in the Commercial-Industrial (C-I-B) District, with site plan approval from the PB in accordance with Article XXI Zoning, Section 9.0 Administration and Procedures, Section 9.4 Site Plan

Review. See the Dimensional Table for maximum floor area ratio and lot coverage requirements.

- A. Retail establishments with a minimum of 20,000 square feet in size.
- B. Lumber yard, contractor's yard, building trade supplier or other open-air establishment, at a minimum of 20,000 square feet in building size, not stated elsewhere herein for the storage, distribution, or sale at wholesale or retail, of materials (excluding salvage materials), merchandise, products or equipment provided that all open storage of materials and vehicles are screened from public view;
- C. Research and Development (R&D) or light manufacturing including general offices with research, testing, training, light manufacturing or warehouse facilities for computer, telecommunication, photographic, instrumentation, biomedical or similar high-technology or light manufacturing uses, including processing, fabrication and assembly; where such uses are conducted within the confines of a building;
- D. Distribution facilities; including wholesale product preparation, storage and transfer of goods provided that all open storage of materials and vehicles are screened from public view.

8.4.2 Uses Allowable by Special Permit in the C-I-B District

- A. No use allowed by a Special Permit within this section of the bylaw shall be allowed until the Planning Board has been satisfied by the applicant, agents of the applicant and/or agents of the Town of Templeton that the use that may be allowed by Special Permit is not injurious to any natural, cultural or historic resource within the Town of Templeton. Applicants seeking approval of a use by Special Permit, Article XXI Zoning, Section 6.0 General Regulations, paragraphs B) through K), below.
- B. Gasoline and/or repair service stations with or without mini-market. An establishment for the repair, maintenance, and painting of automobiles or other motor vehicles, provided that all but minor repairs shall be conducted wholly within a building sufficiently sound-insulated and ventilated to confine disturbing noise and odors to the premises.
- C. Automobile showrooms, new and used automobile lots; Vehicular dealerships, including salesroom and related dealership facilities for automobiles, boats, motorcycles, trucks, off-road vehicles or farm implements.
- D. Light Manufacturing, packaging, processing and testing, including printing or publishing plant, bottling works, manufacturing establishment, or other assembling, packaging, finishing or processing use where the proposed use does not cause negative environmental or neighborhood impacts associated with noise, smoke, odors, or traffic that cannot be successfully mitigated;
- E. Warehouse or other storage facilities;

- F. Wireless communications facilities;
- G. Office building or Office Park, providing for one or more buildings on a lot integrated to provide for attractive and functional office space, vehicular and pedestrian circulation and overall site plan;
- H. Conference Center;
- I. Outdoor recreational facilities on five (5) acres or more, including camping area, golf course, miniature golf, ski areas and accessory structures, and other similar uses;
- J. Any accessory use customarily incidental to any of the above uses;
- K. Uses classified as adult entertainment as per MGL Chapter 272, Section 31 (Definitions) and all other applicable state statutes concerning the permitting of adult entertainment establishments may be allowed by a Special Permit from the Planning Board.

Passed 5-9-06, Approved by A/G 8-24-06

Town voted to amend the existing Templeton Bylaw, Article XXI, Zoning, by adopting and representing a Commercial-Industrial-A (C-I-A) Zoning District Map.

Passed 5-9-06, Approved by A/G 8-24-06

Town voted to amend the existing Templeton Bylaw, Article XXI, Zoning, by adopting and representing a Commercial-Industrial-B (C-I-B) Zoning District Map.

Passed 5-9-06, Approved by A/G 8-24-06

Town voted to amend the existing Templeton Bylaw, Article XXI, Zoning, by adopting and representing a Commercial-Industrial-A (C-I-A) Zoning District Map and a Commercial-Industrial-B (C-I-B) Zoning District Map.

Passed 5-9-06, Approved by A/G 8-24-06

Town voted to change the zoning for the property at 1 Maple Street from Residential-Agricultural 2 to the Village District.

Passed 5-15-07, Approved by AG 6-12-07

Article XLIX Governing Illicit Connections and Discharges to the Storm Drain System:

SECTION 1. PURPOSE:

The purpose of this bylaw is to regulate illicit connections and discharges to the storm drain system, which is necessary for the protection of Templeton water bodies and groundwater, and

to safeguard the public health, safety, welfare and the environment. This bylaw is a requirement of the federal National Pollutant Discharge Elimination System Stormwater General Permit issued to the town of Templeton.

The objectives of this by-law are:

1. To prevent pollutants from entering the Templeton 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 Stormwater discharges; and
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. DEFINITIONS:

For the purposes of this bylaw, the following shall mean:

AUTHORIZED ENFORCEMENT AGENCY: The Templeton Board of Selectmen, (The Board) its employees or agents designated to enforce this bylaw.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of Stormwater runoff.

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

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

GROUNDWATER: Water beneath the surface of the ground.

ILLEGAL DISCHARGE: Any direct or indirect non-stormwater discharge to the municipal storm drain system, except as exempted in Section 8. The term does not include a discharge in compliance with an NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit, pursuant to Section 8, subsection 15, of this by-law or resulting from emergency fire fighting activities.

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

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water 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 stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, 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 Templeton.

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

NON-STORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of Stormwater.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, 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 nonpoint source, that is or may be introduced into any Stormwater or drain system or waters of the Commonwealth. Pollutants shall include without limitation:

- (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, ordnances, accumulations and floatables;
- (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: 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.

STORMWATER: Runoff from precipitation and snowmelt.

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

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

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

WATERS OF THE COMMONWEALTH: 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 municipal storm drainage system in the town of Templeton.

SECTION 4. AUTHORITY:

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act and G.L. c. 83 Sec. 1 and 10, as amended by St. 2004, c. 149 Subsections 135-140, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

SECTION 5. RESPONSIBILITY FOR ADMINISTRATION:

The Board of Selectmen (“The Board”) shall administer, implement and enforce this bylaw. Any powers granted to, or duties imposed upon, the Board may be delegated in writing by the Board to employees or agents of the Board.

SECTION 6. REGULATIONS:

The Board may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure by the Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

SECTION 7. PROHIBITED ACTIVITIES:

Illegal Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the Commonwealth.

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

Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of Stormwater into or out of the municipal storm drain system without prior written approval from the Board.

SECTION 8. EXEMPTIONS:

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

- (1) Municipal waterline flushing
- (2) Discharge from landscape or agricultural irrigation or lawn watering
- (3) Water from individual residential car washing and temporary fund-raising car washes
- (4) Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- (5) non-emergency fire fighting activities
- (6) Discharge from street sweeping;
- (7) Non-Stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations
- (8) Rising groundwater
- (9) Natural flow from riparian habitats and wetlands
- (10) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation
- (11) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater
- (12) Flow from potable water sources
- (13) Springs

The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system, and a written permit is approved by the Board of Selectmen or its agent:

- (1) Diverted stream flow
- (2) Dye testing, provided verbal notification is given to the Board prior to the time of the test;
- (3) Uncontaminated groundwater discharge from a sump pump
- (4) Discharge for which advanced written approval is received from the Board of Selectman or agents designated to enforce this bylaw, as necessary to protect public health, safety, welfare or the environment of Templeton.

SECTION 9. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS:

1. The Board may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Board or its authorized agent 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 bylaw may have their storm drain system access terminated if such termination would abate or reduce an illicit discharge. The Board, or its agent, will notify a violator of the proposed termination of storm drain system access. The violator may petition the Board 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.

SECTION 10. NOTIFICATION OF SPILLS:

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

SECTION 11. ENFORCEMENT:

The Board or an authorized agent of the Board shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

Civil Relief. If a person violates the provisions of this by-law, regulations, permit, notice, or order issued thereunder, the Board may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Orders. The Board or an authorized agent of the Board may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include:

(a) elimination of illicit connections or discharges to the MS4; (b) termination of access to the storm drainage system; (c) performance of monitoring, analyses, and reporting; (d) that unlawful discharges, practices, or operations shall cease and desist; and (e) remediation of contamination in connection therewith. If the Board or its authorized agent determines that abatement or

remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the town may, at its option, undertake such work, 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 Selectman 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 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. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, s57 after the thirty-first day at which the costs first become due.

Criminal Penalty. Any person who violates any provision of this by-law, regulation, order or permit issued thereunder, shall be punished by a fine. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the town may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40 Sec. 21D, and this bylaw of the Town of Templeton, in which case the Board or its authorized agent shall be the enforcing person. The penalty for the 1st violation shall be \$100.00. The penalty for the 2nd violation shall be \$200.00. The penalty for the 3rd and subsequent violations shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

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

Appeals. The decisions or orders of the Board shall be final. Further relief shall be to a court of competent jurisdiction.

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

SECTION 12. SEVERABILITY:

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this bylaw 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 bylaw.

SECTION 13. TRANSITIONAL PROVISIONS:

Residential property owners shall have 120 days from the effective date of the bylaw to comply with its provisions provided good cause is shown for the failure to comply with the bylaw during that period.

Passed 5-16-07, Approved by AG 6-18-07

Article L Templeton Community Preservation Committee Bylaw

Chapter 1: Establishment

There is hereby established a Community Preservation Committee (“CPC”), consisting of nine (9) voting members pursuant to MGL Chapter 44B (the “Act”). The composition of the CPC, the appointment authority and the term of office for the CPC members shall be as follows:

One member of the Templeton Conservation Commission as designated by that Commission.

One member of the Templeton Historical Commission as designated by that Commission.

One member of the Templeton Housing Authority as designated by that Authority.

One member of the Templeton Recreation Committee as designated by that Committee.

One member of the Templeton Planning Board as designated by that Board.

One member of the Templeton Board of Assessors as designated by that Board.

Three members to be elected at large from the registered voters of the Town.

Appointed members of the CPC shall serve for two-year terms or until they no longer serve on the appointing body, whichever comes first. A vacancy in an appointed position shall be filled for the remainder of the unexpired term by the appointing Commission, Committee, Board or Authority. Persons appointed to fill a vacancy in an appointed position shall be sworn into office no later than fourteen (14) days after appointment or such appointment will expire and the appointing Commission, Committee, Board of Authority shall make a new appointment.

Elected members of the CPC shall serve for three-year alternating terms; provided, however, that upon the effective date of this bylaw, the Board of Selectmen shall appoint three members to serve until their successors are elected and qualified at the next Annual Town Election, and such positions shall be placed upon the ballot at such election for initial terms of one, two and three-

years. A vacancy in an elected position shall be filled in accordance with G.L. c. 41, §11.

Vacancies in elected positions are filled in accordance with G.L. c.41, §11. General Laws c.41, §11 requires that the Committee at issue give notice to the Board of Selectmen of the vacancy within one month thereof, and that the Board of Selectmen and remaining members of the Committee make a joint appointment to the position, after one week's notice of the joint meeting. If the Committee fails to give notice, the Board of Selectmen may fill the vacancy on its own.

The terms of all appointed and elected members of the CPC shall commence on June 1; provided, however, that the terms of the initial appointments made hereunder shall commence after appointments have been made in accordance with Section 7 and the appointees have qualified in accordance with the requirements of G.L. c.41, §107.

Should any of the Commissions, Boards, Authorities, or Committees who have appointment authority under this Chapter cease to exist for what ever reason, the appointment authority for that Commission, Board, Authority, or Committee shall become the responsibility of the Board of Selectmen.

Any appointed member of the CPC may, after a public hearing, be removed for cause by majority vote of the appointing Commission, Committee, Board or Authority.

Chapter 2: Duties

(1). The Community Preservation Committee shall study the needs, possibilities, and resources of the town regarding community preservation. The CPC shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Recreation Committee, the Open Space Committee and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the CPC shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town. The CPC will provide an annual report on its activities for inclusion in the Templeton annual report.

(2). The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the CPC shall recommend, wherever possible, the

reuse of existing buildings or construction of new buildings on previously developed sites.

(3). The Community Preservation Committee may include, in its recommendation to the Town Meeting, a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending for general purposes that are consistent with community preservation.

(4). The Community Preservation Committee shall work within the provisions of the Community Preservation Act as it may be amended from time to time.

Chapter 3: Requirement for a quorum and cost estimates

The Community Preservation Committee shall not conduct business without the presence of a quorum. A majority of the members of the CPC shall constitute a quorum. The CPC shall approve its actions by majority vote. Recommendations to the Town Meeting shall include the CPC's anticipated costs.

Chapter 4: Amendments

This Chapter may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not cause a conflict to occur with MGL, Chapter 44B.

Chapter 5: Exemptions

Applications for an exemption from the Community Preservation surcharge shall be filed with the Board of Assessors no later than 90 days following the issuance of the actual tax bill.

Chapter 6: Severability

In case any section, paragraph or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Chapter 7: Effective Date

Provided that the Community Preservation Act is accepted by the voters at the 2007 or 2008 Annual Town Election, this bylaw shall take effect upon approval by the Attorney General of the Commonwealth and after all the requirements of G.L. c.40, §32 have been met. Each appointing authority shall have 30 days after approval by the Attorney General to make its initial appointments.

Passed 5-16-07, Passed by AG 6-18-07

Article LI Recreation Commission

“The Board of Selectmen shall appoint a Recreation Commission consisting of seven (7) members: three (3) members to be appointed from Precinct A, three (3) members to be appointed from Precinct B, and one (1) member to be appointed at-large. The term for each shall be one year. Any seat that becomes vacant during the one-year term shall be filled by the appointing authority for the remainder of the unexpired term.”

Passed 11-29-07, Approved by AG 3-4-08

Article LII Emergency Radio Communications

1. Emergency Communications Ability Required:

The construction of a new building or structure; a) containing a floor area equal to or greater than 12,000 square feet, b) substantial renovation or alteration of an existing building containing 12,000 square feet or more, or which, after such renovation or alteration, will contain 12,000 square feet or more, shall provide for “public emergency radio communication” as required hereunder. For purposes of this bylaw “public emergency radio communications” shall provide the unimpeded ability for emergency responders to communicate with each other over public emergency radio frequencies from any point within the building to any other point within the building, and from any point within the building to any area exterior of the building within 200 feet of the building.

2. Building Permit Review:

As a part of and in addition to any existing Fire Department building permit application review, all building permit applications for structures that are or will be required to comply with obligation to provide “public emergency radio communication” in accordance with Section 1, above, shall undergo a review by the Fire Department to determine whether the design and construction materials, as proposed, are consistent with the obligation to provide unimpeded communications between and among emergency responders in accordance with Section 1, above. Should the Fire Department have cause to believe that there is likelihood that such design or construction materials may be inconsistent with the obligation to provide unimpeded communication between and among emergency responders; the applicant shall be required to engage an independent radio engineer, acceptable to the Fire Department, at the applicant’s sole and exclusive expense, to provide a written evaluation addressed to the Fire Department, based upon commonly accepted engineering standards, of the likelihood that the

building design and construction materials, as proposed, will provide unimpeded communications between and among emergency responders, in accordance with Section 1, above. In addition, such report shall contain recommendations for changes or modifications to the building design or construction materials in order to ensure such unimpeded communications. prior to Fire Department approval of any such building permit application, the application shall incorporate any and all changes or modifications to the building design and/or construction materials as recommended by such independent radio engineer.

3. Existing Buildings:

Existing buildings shall only be required to comply if they undergo substantial renovations or alterations as defined in the Massachusetts State Building Code.

4. New Construction:

All new construction, regardless of use of occupancy, over 12,000 square feet shall meet the requirements.

5. Equipment:

Any “public emergency radio communication system” installed in accordance with this bylaw shall comply with all applicable rules and regulations, as amended from time to time, issued by the Federal Communication Commission, or of any other local, state, or federal agency having jurisdiction over such communication systems. The design of such system must be occupancy-based, and must be engineered and designed taking into account the machinery and equipment to be used by the occupant(s) of such building.

Any such communications system that requires a power source shall have a battery backup power source that provides power for no less than two (2) hours without an external power source. All “public emergency radio communication systems” must be powered from circuits that are separate and distinct and not subject to being tripped by other equipment. All power cords to devices in the system must be restrained in a manner acceptable to the Fire Department to prevent accidental or easy removal. All equipment must be installed by licensed vendors who have secured the necessary permits. All such installations shall meet applicable sections of the National Electrical Code, as amended from time to time.

All power-sourced equipment shall be protected from access thereto and shall contain such safeguards as are acceptable to the Fire Department to prevent such equipment from being accidentally turned off. Any cabinet used for Emergency Radio equipment must be locked and such cabinets or equipment used for emergency radio communication shall be marked “Authorized Personnel Only.” The applicant shall supply a copy of the key to any such equipment cabinet and a key to any room where equipment is stored. Such keys shall be kept in the building’s lock box.

Any system installed in accordance with this bylaw shall provide an audible device and white strobe light, both of which shall be activated by the failure of the system. Any amplifier equipment powering the audible device shall

have a monitoring system that monitors amplifier operation and primary power. The system may permit the audible signal to be silenced during a failure, but such system shall not permit the strobe light to be turned off during a failure and it shall remain illuminated at all times until the fault has been corrected. The strobe light shall be located in an accessible location authorized by the Fire Department. The applicant shall cause a sign to be located at the strobe light with the name and telephone number of the equipment maintenance contractor. The Fire Department must be notified of any failures that extend past the two (2) hour time limit.

No secondary usage of any emergency radio equipment shall be permitted without written approval of the Fire Department. Such secondary usage shall not interfere with or degrade the operational ability of the system. To the extent that such secondary use interferes with or degrades the operation of the system for the public safety purposes set forth in this bylaw, such use shall cease immediately regardless of any approval that may have been granted by the Fire Department.

6. Compliance Testing:

Prior to the Fire Department approval of a request for an occupancy permit for any building requiring a “public emergency radio communication system” in accordance with Section 1, above, the Fire Department shall test the system for compliance with the requirements of this bylaw. Such compliance testing shall be done upon completion of construction and prior to occupancy using then existing equipment in use by the town. No occupancy certificate shall be issued until and unless the system is tested and determined to be in compliance with the requirements of this bylaw.

Adequate radio coverage is defined as meeting a minimum of 3 and 3 for signal strength and intelligibility as is defined below:

Signal Strength-

- 0 – No detectable signal
- 1 – Barely detectable
- 2 – Detectable with difficulty
- 3 – Detectable at all times
- 4 – Strong signal, detectable at all times
- 5 – Any increase in signal would overload the system

Intelligibility-

- 0 – Unintelligible
- 1 – Intelligible with extreme difficulty (many repetitions required)
- 2 – Intelligible with difficulty (repetition required)
- 3 – Intelligible (repetition seldom required)
- 4 – Intelligible at all times
- 5 – Hard to imagine how it could be better (super hi-fi)

7. Annual Testing:

The Fire Department shall conduct annual compliance testing of all “public emergency radio communication systems” installed in accordance with this bylaw. Any system requiring battery backup shall be tested on battery for no less than one (1) hour to verify that it will operate during an actual power outage.

The Fire Department shall provide written notice to the building owner of any noncompliance of such system with the requirements of this bylaw, as amended from time to time. Any such non-compliance shall be fully remedied to the satisfaction of the Fire Department within thirty (30) days of such notice. Upon request of the Fire Department, the building owner shall provide a written report from an independent radio engineer, acceptable to the Fire Department, at the applicant's sole and exclusive expense, to provide a written evaluation addressed to the Fire Department, based upon commonly accepted engineering standards, that the proposed remedy will bring the system into compliance with the requirements of this bylaw.

8. Modifications:

No modifications to the "public emergency radio communication system" shall be made without the prior written authorization of the Fire Department. Upon completion of any such approved modifications, a performance test shall be conducted by the Fire Department in addition to any yearly performance test.

9. Responsibilities:

The building owner shall be solely responsible for maintaining the "public emergency radio communication system" and assuring its compliance with the requirements of this bylaw. The owner shall maintain a contract with a qualified radio service contractor for all systems that require power, which contract shall provide for next day service for such systems.

The owner of the building must notify the Fire Department with regard to any change to its Emergency Radio Equipment maintenance contract.

To the extent that the owner fails to maintain such systems and/or to ensure compliance of such systems with this bylaw, the town may, after due notice, undertake such repairs to bring such system into compliance with the requirements of this bylaw. Any costs incurred by the town in bringing such systems into compliance with this bylaw shall constitute a municipal lien against such real property.

10. Violations and Penalties:

Any person violating any provision of this bylaw shall be fined not more than \$300 for each offense per day until appropriate compliance is reached. The Fire Chief shall be the enforcement authority.

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