

COMMONWEALTH OF MASSACHUSETTS
TOWN OF TEMPLETON
WARRANT FOR ANNUAL TOWN MEETING
MAY 10th, 11th & 17th 2005

WORCESTER, ss

To either of the Constables of the Town of Templeton in said County.

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the precincts of the Town of Templeton, County of Worcester, qualified to vote in elections and Town affairs to meet in the Narragansett Regional Middle School in said Templeton on Tuesday, May 10, 2005 at 7:00 p.m. then and there to act on the following articles:

Article 1. To see if the Town will vote to accept the reports of the Town Officers as printed in the 2004 Town Report, or take any other action relative thereto.

On a motion duly made and seconded the Town voted to accept the reports of the Town Officers as printed in the 2004 Town Report.

Passed Unanimously/May 10th @ 7:07

Article 2. To see if the Town will vote to allow any of the Town Committees to present their reports and to take any other action relative thereto.

On a motion duly made and seconded the Town voted to allow any of the Town Committees to present their reports.

Passed Unanimously/May 10th @ 7:09

Article 3. To see if the Town will vote to transfer the interest income from the Otis G. Rice Fund to the Narragansett Regional School District for school activities, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to transfer the interest income in the amount of Seventy-Four Dollars and Sixty-Seven Cents **(\$74.67)** from the Otis G. Rice Fund to the Narragansett Regional School District for school activities.

Passed Unanimously/May 10th @ 7:10

Article 4. To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow money from time to time in anticipation of the revenue of the financial year beginning July 1, 2005, in accordance with the provisions of General Laws, Chapter 44, Section 4, and to issue a note or notes as may be given for a period of less than one year in accordance with General Laws, Chapter 44, Section 17, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to authorize the Town Treasurer, with the approval of the Selectmen, to borrow money from time to time in anticipation of the revenue of the financial year beginning July 1, 2005, in accordance with the provisions of General Laws, Chapter 44, Section 4, and to issue a note or notes as may be given for a period of less than one year in accordance with General Laws, Chapter 44, Section 17.

Passed Unanimously/May 10th @ 7:12

Article 5. To see if the Town will vote to authorize the Selectmen to apply for and to accept and expend, consistently with their provisions, any and all State and Federal grants for which no additional appropriation by the Town is required for the ensuing year, and to apply for such other grants, as they deem appropriate, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to authorize the Selectmen to apply for and to accept and expend, consistently with their provisions, any and all State and Federal grants for which no additional appropriation by the Town is required for the ensuing year, and to apply for such other grants, as they deem appropriate.

Passed Unanimously/May 10th @ 7:12

Article 6. To see if the Town will vote to authorize the Selectmen to accept and expend without further appropriation, when received, Arts Lottery grant funds not requiring appropriation of additional Town funds and to vote to authorize the Selectmen to accept all other Arts Lottery grant funds, when received. All Arts Lottery grants funds accepted as authorized by this article are to be used by the Templeton Cultural Council (formerly referred to as the Arts Council) on approved arts projects, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to authorize the Selectmen to accept and expend without further appropriation, when received, Arts Lottery grant funds not requiring appropriation of additional Town funds and to vote to authorize the Selectmen to accept all other Arts Lottery grant funds, when received. All Arts Lottery grants funds accepted as authorized by this article are to be expended by the Templeton Cultural

Council (formerly referred to as the Arts Council) on approved arts projects.
Passed Unanimously/May 10th @ 7:14

- Article 7. To see if the Town will vote to appropriate the sum of Seventy-Two Thousand Dollars (**\$72,000.00**) from the surplus funds of the operating account of the Municipal Lighting Plant as of December 31, 2004, for use by the Assessors to reduce the tax rate for the fiscal year ending June 30, 2006, or to take any other action relative thereto.

No Motion

- Article 8. To see if the Town will vote to appropriate the sum of One Million, Three Hundred Nine Thousand, Five Hundred Thirty-Nine Dollars and Eighty-One Cents (**\$1,309,539.81**) to operate the Water Department, which sum is to be raised from water receipts, or take any other action relative thereto.

Submitted by the Water Department

On an amended motion duly made and seconded the Town voted to appropriate the sum of One Million, Three Hundred Nine Thousand, Nine Hundred Twenty-Three Dollars and Eighty-One Cents (**\$1,309,923.81**) to operate the Water Department, in accordance with the budget submitted by the Water Department, which sum is to be raised from water receipts.

Passed Unanimously/May 10th @ 7:21

- Article 9. To see if the Town will vote to transfer from the excess overlay reserve account the sum of Thirty-Six Thousand, Five Hundred Dollars (**\$36,500.00**) for the 2006 Revaluation Program and Interim Year Adjustment, or to take any other action relative thereto.

Submitted by the Board of Assessors

On a motion duly made and seconded the Town voted to transfer from the excess overlay reserve account the sum of Thirty-Six Thousand, Five Hundred Dollars (**\$36,500.00**) for the 2006 Revaluation Program and Interim Year Adjustment.

Passed Unanimously/May 10th @ 7:22

- Article 10. To see if the Town will vote to transfer from the excess overlay reserve account the sum of Three Thousand Dollars (**\$3,000.00**) for updating the Assessors' maps, or to take any other action relative thereto.

Submitted by the Board of Assessors

On a motion duly made and seconded the Town voted to transfer from the excess overlay reserve account the sum of Three Thousand Dollars

(\$3,000.00) for updating the Assessors' maps
Passed Unanimously/May 10th @ 7:23

Article 11. To see if the Town will vote to increase the cost of living adjustment, as provided by the Department of Revenue, to the 2006 amount of 2.8 percent that may be used to increase the exemption granted to certain senior citizens and surviving spouses and minors under MGL, Chapter 59, Section 5, Clauses 17, 17C, 17C1/2 or 17D. This article was voted for on May 3, 1999, at the Annual Town Meeting, Article #17. This exemption is reimbursable by the Department of Revenue, or to take any other action relative thereto.

Submitted by the Board of Assessors

On an amended motion duly made and seconded the Town voted to increase the cost of living adjustment, as provided by the Department of Revenue, to the 2006 amount of 2.8 percent that **shall** be used to increase the exemption granted to certain senior citizens and surviving spouses and minors under MGL, Chapter 59, Section 5, Clauses 17, 17C, 17C1/2 or 17D.

Passed Unanimously/May 10th @ 7:26

Article 12. To see if the Town will vote to appropriate the sum of One Million, Four Hundred Eighty Thousand Dollars **(\$1,480,000.00)** for salaries, operating, maintenance, legal, engineering, construction and other expenses of the Templeton Sewer Department and Publicly Owned Treatment Works. Such money to be raised by sewer user receipts and fees, entrance fees, tipping fees paid by disposal contractors, and other fees collected as per Sewer Department Rules, to the Town of Templeton Sewer Department, or to take any other action relative thereto.

Submitted by the Sewer Department

On a motion duly made and seconded the Town voted to appropriate the sum of One Million, Four Hundred Eighty Thousand Dollars **(\$1,480,000.00)** for salaries, operating, maintenance, legal, engineering, construction and other expenses of the Templeton Sewer Department and Publicly Owned Treatment Works in accordance with the budget submitted by the Sewer Department. Such money to be raised by sewer user receipts and fees, entrance fees, tipping fees paid by disposal contractors, and other fees collected as per Sewer Department Rules, to the Town of Templeton Sewer Department

Passed Unanimously/May 10th @ 7:28

Article 13. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide, a sum of money for the Templeton Scholarship

Fund for the purpose of awarding scholarships to eligible applicants from the Town of Templeton, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to raise and appropriate, the sum of Six Hundred Dollars (**\$600.00**) for the Templeton Scholarship Fund for the purpose of awarding scholarships to eligible applicants from the Town of Templeton,
Passed Unanimously/May 10th @ 7:29

- Article 14. To see if the Town will vote to appropriate a total sum of Three Hundred Twelve Thousand, One Hundred Thirty-Eight Dollars (**\$312,138.00**) for the Worcester Regional Retirement System assessment; said sum to be provided as follows: the sum of Sixty-Six Thousand, Two Hundred Forty-One Dollars and Seventy-Nine Cents (**\$66,241.79**) to be transferred from the Light Department, the sum of Twenty-Seven Thousand, Five Hundred Eighty-Two Dollars and Eight-One Cents (**\$27,582.81**) to be transferred from the Water Department, the sum of Twenty-Seven Thousand, Seventy-Five Dollars and Four Cents (**\$27,075.04**) to be transferred from the Sewer Department, and the sum of One Hundred Ninety-One Thousand, Two Hundred Thirty-Eight Dollars and Thirty-Six Cents (**\$191,238.36**) to be raised by taxation, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to appropriate a total sum of Three Hundred Twelve Thousand, One Hundred Thirty-Eight Dollars (**\$312,138.00**) for the Worcester Regional Retirement System assessment; said sum to be provided as follows:

The sum of Sixty-Six Thousand, Two Hundred Forty-One Dollars and Seventy-Nine Cents (**\$66,241.79**) to be transferred from the Light Department Maintenance Account.

The sum of Twenty-Seven Thousand, Five Hundred Eighty-Two Dollars and Eight-One Cents (**\$27,582.81**) to be transferred from the Water Department Non- Salary Operations Account.

The sum of Twenty-Seven Thousand, Seventy-Five Dollars and Four Cents (**\$27,075.04**) to be transferred from the Sewer Department Operating Expense Account.

The sum of One Hundred Ninety-One Thousand, Two Hundred Thirty-Eight Dollars and Thirty-Six Cents (**\$191,238.36**) to be raised by taxation.

Passed Unanimously/May 10th @ 7:31

- Article 15. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money to pay the Town's Maturing Principal and Interest on Long-term Debt incurred through bonds and notes issued in accordance with Town Meeting votes, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to appropriate the total sum of One Million, Three Hundred Eight Thousand, Four Hundred Forty-Six Dollars and Fifty Cents (**\$1,308,446.50**) to pay the Maturing Principal and Interest on the various Debt Obligations of the Town, said sum of money to be paid as follows:

The sum of Four Hundred Fifty-Six Thousand, Four Hundred Ninety-Five Dollars (**\$456,495.00**) to be transferred from the Municipal Water Department Maintenance Account.

The sum of Seventy-One Thousand, Nine Hundred Forty-Five Dollars and Fifty Cents (**\$71,945.50**) to be transferred from the Sewer Betterment Account.

The sum of Fifty-Three Thousand, Seven Hundred Fifty-Seven Dollars and Fifty Cents (**\$53,757.50**) from the Sewer Enterprise Non-Salary Operations Account.

The sum of Seven Hundred Twenty-Six Thousand, Two Hundred Forty-Eight Dollars and Fifty Cents (**\$726,248.50**) to be raised by taxation.

Passed Unanimously/May 10th @ 7:37

- Article 16. To see if the Town will vote to amend the General Bylaws by adopting, pursuant to G.L. c. 41, §§108A and 108C, a personnel bylaw which establishes a five (5) member personnel board and a personnel compensation and classification plan, a copy of which is on file at the Town Clerk's office, or to take any other action relative thereto.
Submitted by the Board of Selectmen as directed by the voters at the May 11, 2004, Annual Town Meeting, Article 42.

On a motion duly made and seconded the Town voted to amend the General Bylaws by adopting, pursuant to G.L. c. 41, §§108A and 108C, a personnel bylaw which establishes a five (5) member personnel board and a personnel compensation and classification plan, as set forth in the Compensation and Classification Plan.

Passed/May 10th @ 7:53

On a motion duly made and seconded the Town voted to adjourn the Annual Town Meeting to open the Special Town Meeting.

Passed Unanimously/May 10th @ 8:22

On a motion duly made and seconded the Town voted to take Article 25 out of order.

Passed/May 10th @ 9:15

On a motion duly made and seconded the Town voted to adjourn the Annual Town Meeting.

Passed Unanimously/May 10th @ 9:18

Article 17. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide, a sum of money to pay town charges for municipal operational expenses for fiscal year 2006 and to set the salary and compensation of all Elected and Appointed Officers of the Town as provided by Section 108 of Chapter 41 of the Massachusetts General Laws, and that it raise and appropriate an additional sum of money to fully fund the requested budgets, and thereby approve the town charges as requested, provided that this additional appropriation be contingent upon the approval of a levy limit override question under the General Laws Chapter 59, Section 21C(g), or to take any other action relative thereto.

An amended motion was made and seconded to raise line #225-Board of Health Salary from Sixty-Eight Thousand, Seven Hundred Seventy Dollars (\$68,770.00) to Seventy-Seven Thousand, One Hundred Seventy Dollars (\$77,152.00).

Defeated/May 11th @ 7:40

A motion was duly made and seconded to move the question.

Passed by 2/3 vote/May 11th @ 7:44

On a motion duly made and seconded the Town voted to raise and appropriate the sum of Three Million, Four Hundred Four Thousand, Two Hundred Sixty-Seven Dollars (**\$3,404,267.00**), transfer from the surplus funds of the Operating Account of the Light Department the sum of Seventy-Two Thousand (**72,000.00**), transfer from the Revolving Fund for the Planning Board the sum of Twenty-Five Thousand Dollars (**\$25,000.00**), transfer from the Planning board Master Plan Account, the sum of Twenty Thousand, Six Hundred Forty-Four Dollars (**\$20,644.00**), transfer from the Reserve Expenses/Cellular Telephone Account, the sum of Five Thousand Dollars (**\$5,000.00**), and transfer from the Regular Revolving Fund for the Board of Health, the sum of Three Thousand Dollars (**\$3,000.00**) to a total sum of Three Million, Five Hundred Twenty-Nine Thousand, Nine Hundred Eleven Dollars (**\$3,529,911.00**) to pay town charges for municipal operational expenses of all Elected and Appointed Officers of the Town as provided by Section 108 of Chapter 41 of the Massachusetts General Laws as follows:

General Government

Moderator	
Moderator Salary	252.00
Moderator Expenses	<u>50.00</u>
Total Moderator	302.00
Selectmen	
Selectmen Salaries	23,260.00

Town Coordinator	45,000.00
Selectmen's Office Salaries	60,500.00
Selectmen's Office Expenses	17,600.00
Audit Expense	<u>0.00</u>
Total Selectmen	146,360.00
Advisory Committee	
Chairman Advisory Committee	240.00
Advisory Board Clerical Support	300.00
Advisory Committee Expenses	1,025.00
Emergency Reserve	<u>0.00</u>
Total Advisory Board	1,565.00
Town Accountant	
Town Accountant Salary	24,000.00
Town Accountant SW License Fee	500.00
Town Accountant Expense	<u>90.00</u>
Total Town Accountant	24,590.00
Assessors'	
Assessors' Salaries	13,957.00
Assessors' Office Salary	34,346.00
Assessor's Office Expenses	10,385.00
Assessors' Property Revaluation	0.00
Assessors' Mapping	<u>0.00</u>
Total Assessors'	58,688.00
Town Treasurer	
Town Treasurer Salary	32,000.00
CMMT Certification	0.00
Assistant Town Treasurer Salary	6,864.00
Town Treasurer Office Expenses	8,600.00
Tax Taking Expenses	<u>7,200.00</u>
Total Town Treasurer	54,664.00
Town Collector	
Town Collector Salary	31,994.00
Assistant Town Collector Salary	9,750.00
Town Collector Office Expense	14,600.00
CMMT Certification	1,000.00
Tax Liens Expenses	<u>3,000.00</u>
Total Town Collector	60,344.00
Town Counsel	
Town Council Expenses	<u>80,000.00</u>
Total Town Council	80,000.00
Town Clerk	
Town Clerk Salary	34,471.00
Assistant Town Clerk Salary	16,899.00
Town Clerk Office Expense	<u>19,485.00</u>
Total Town Clerk	70,855.00
Conservation Commission	

Conservation Comm. Chairman Salary	250.00
Conservation Comm. Clerk	2,163.00
Conservation Commission Expenses	735.00
Conservation Agent	<u>8,320.00</u>
Total Conservation Comm.	11,468.00
Planning Board	
Planning Board Salaries	4,200.00
Planning Board Secretary Wages	11,266.00
Planning Board Expenses	<u>4,380.00</u>
Total Planning Board	19,846.00
Board of Appeals	
Board of Appeals Expenses	<u>500.00</u>
Total Board of Appeals	500.00
Town Buildings	
Town Buildings-Temp. Office Rent	36,012.00
Town Buildings-Expenses	55,760.00
Town Building-Repairs and Maint.	<u>55,863.00</u>
Total Town Building	147,635.00
Town Reports/Street Listing	
Town Report/Street Listing Wages	1,250.00
Town Report/Street Listing Expenses	<u>5,860.00</u>
Total Town Reports/St. Listing	7,110.00
Town Vehicles	
Town Vehicles-Fuel Expenses	<u>60,000.00</u>
Total Town Vehicles	60,000.00
Town Travel	
Town Travel Expenses	<u>2,275.00</u>
Total Town Travel	2,275.00
Insurance	
General Insurance Expenses	156,500.00
Unemployment Comp Ins Expense	33,228.00
Group Insurance Expenses	<u>548,000.00</u>
Total Insurance	737,728.00
Other General Government	
Town Technology Expenses	17,600.00
Town Telephone Expenses	17,349.00
Town Website Salaries	<u>500.00</u>
Total Other General Government	35,449.00
Total General Government	1,519,379.00

Public Safety

Police Department	
Police Department Salaries	529,571.00
Police Department Expenses	<u>50,429.00</u>

Total Police Department	580,000.00
Fire Department	
Fire Chief Salary	27,513.00
Deputy Fire Chiefs Salaries	1,170.00
Fire Department Salaries	43,680.00
Fire Department Expenses	<u>43,354.00</u>
Total Fire Department	115,717.00
Building Inspector	
Building Inspector Salaries	28,080.00
Building Inspector Clerk	17,021.00
Building Inspector Expenses	2,000.00
Building Inspector Demolition, A/C	2,000.00
Building Inspector Travel Expense	<u>0.00</u>
Total Building Inspector	49,101.00
Sealer of Weights & Measures	
Sealer of Weights & Measures Salary	0.00
Sealer of Weights & Measures Expenses	<u>1,109.00</u>
Total Sealer Weights & Measures	1,109.00
Animal Inspector	
Animal Inspector Salary	<u>1,070.00</u>
Total Animal Inspector	1,070.00
Emergency Management	
Mema/Civil Defense Director Salary	416.00
Mema/Civil Defense Expenses	<u>1,000.00</u>
Total Emergency Management	1,416.00
Animal Control Officer	
Animal Control Officer Salary	9,350.00
Animal Control Officer Expenses	7,794.00
Asst. Animal Control Officer	<u>500.00</u>
Total Animal Control Officer	17,644.00
Tree Warden	
Tree Warden Salaries	3,750.00
Tree Warden Expenses	<u>7,000.00</u>
Total Tree Warden	10,750.00
Communication Commission	
Communication Commission Wages	188,328.00
Communication Commission Expenses	22,928.00
Communication Comm. Training	9,000.00
Cell Phone Expenses	<u>9,000.00</u>
Total Communication Comm.	229,256.00
Field Driver	
Field Driver Salary	<u>52.00</u>
Total Field Driver	52.00
Other Public Safety	
Pest Control Expenses	3,122.00
Right to Know Law Expenses	130.00

Public Safety Committee	<u>236.00</u>
Total Other Public Safety	3,488.00

Total Public Safety 1,009,603.00

Public Works and Facilities

Highway Department	
Highway Department Salaries	266,585.00
Highway Department Expenses	<u>111,889.00</u>
Total Highway Department	378,474.00
Vehicle/Machinery Maintenance	
Town Vehicle Maint. Salaries	0.00
Mechanic's Salary	38,439.00
Asst. Mechanic's Salary	0.00
Town Vehicle/Machinery Maint. Exp.	<u>64,213.00</u>
Total Town Veh./Mach. Maint.	102,652.00
Snow & Ice Removal	
Snow & Ice Removal Expenses	<u>80,000.00</u>
Total Snow & Ice Removal	80,000.00
Street Lighting	
Street Lighting Expense	<u>23,516.00</u>
Total Street Lighting	23,516.00
Solid Waste Disposal	
Solid Waste Disposal Expense	<u>4,500.00</u>
Total Waste Disposal	4,500.00
Cemetery Department	
Cemetery Commissioner's Salary	884.00
Cemetery/Parks Dept. Salaries	119,825.00
Cemetery/Parks Dept. Secretary's Wages	11,270.00
Cemetery/Parks Dept. Expenses	31,155.00
Cemetery Dept. Sold/Sail Grave	<u>600.00</u>
Total Cemetery Department	163,734.00

Total Public Works and Facilities 752,876.00

Human Services

Board of Health	
Board of Health Salaries	7,488.00
Board of Health Office Salaries	68,770.00
Board of Health Office Expenses	2,800.00
Board of Health Rabies Control	0.00
Board of Health Hazardous Waste Day	<u>0.00</u>
Total Board of Health	79,058.00
Council on aging	

Council on Aging Salaries	30,823.00
Council on Aging Expenses	<u>6,290.00</u>
Total Council on Aging	37,113.00
Veteran's Services	
Veterans Services District	21,169.00
Veterans Benefits	<u>8,000.00</u>
Total Veteran's Services	29,169.00
Total Human Services	145,340.00

Culture and Recreation

Boynton Library	
Boynton Library Salaries	34,223.00
Boynton Library Expenses	<u>13,477.00</u>
Total Library Department	47,700.00
Recreation Commission	
Recreation Commission Salaries	12,890.00
Recreation Commission Expenses	<u>4,450.00</u>
Total Recreation Commission	17,340.00
Arts Council	
Arts Council Salary	0.00
Arts Council Expenses	<u>1,000.00</u>
Total Arts Council	1,000.00
Historical Commission	
Historical Commission Expenses	<u>525.00</u>
Total Historical Commission	525.00
Cable Commission	
Cable Comm. Expense	<u>1,090.00</u>
Total Cable Commission	1,090.00
Celebrations	
Memorial/Veterans Day Expenses	<u>1,205.00</u>
Total Celebrations	1,205.00
<u>Total Culture and Recreation</u>	<u>68,860.00</u>

Debt Services-Short-Term

Interest on Temporary Debt	
Interest on Tax Anticipation Notes	12,000.00
Interest Hwy. Chap. 90 Borrowing	<u>17,000.00</u>
Total Debt Services-Short-Term	29,000.00
Intergovernmental Charges	
Mont. Reg. Planning Commission	<u>1,669.00</u>
Total Intergovernmental Charges	1,669.00
School Committee Salaries	

School Committee Salaries	<u>3,184.00</u>
Total School Comm. Salaries	3,184.00

TOTAL TOWN CHARGES **\$3,529,911.00**

Passed/May 11th @ 7:44

Article 18. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money for the Narragansett Regional School District for the fiscal year 2006, or to take any other action relative thereto.

Submitted by the Narragansett Regional School District Committee

On a motion duly made and seconded the Town voted to raise and appropriate the sum of Two Million, Eight Hundred Forty-Two Thousand, Nine Hundred Seven Dollars (**\$2,842,907.00**) for the Narragansett Regional School District for the fiscal year 2006

Passed Unanimously/May 11th @ 7:54

A motion was duly made and seconded to reconsider Article #17.

Defeated/May 11th @ 7:56

Article 19. To see if the Town will vote, as a member of the Narragansett Regional School District, and pursuant to the provisions of the Massachusetts General Laws, Chapter 71, Section 16B, to reallocate the total of the two sums of money required by the Department of Education as the required Minimum Local Contribution by Phillipston and Templeton to the Narragansett Regional School District, in accordance with the District's Regional Agreement, said reallocation of the total of the regional Minimum Local Contribution of each Town to be reallocated in accordance with the terms of the Narragansett Regional District Regional Agreement which provides for a percentage allocation based upon actual student enrollments from each Town as of October first preceding the beginning of each Fiscal Year; with the following provisos: (a) that the total of the required Minimum Contribution shall not be decreased; (b) that this reallocation must be approved by each member Town by a majority vote in the Annual or Special Town Meeting; and (c) the Commissioner of Education will be notified if this article is adopted by both member Towns, or to take any other action relative thereto.

Submitted by the Narragansett Regional School District Committee

On a motion duly made and seconded the Town voted, as a member of the Narragansett Regional School District, and pursuant to the provisions of the Massachusetts General Laws, Chapter 71, Section 16B, to

reallocate the total of the two sums of money required by the Department of Education as the required Minimum Local Contribution by Phillipston and Templeton to the Narragansett Regional School District, in accordance with the District's Regional Agreement, said reallocation of the total of the regional Minimum Local Contribution of each Town to be reallocated in accordance with the terms of the Narragansett Regional District Regional Agreement which provides for a percentage allocation based upon actual student enrollments from each Town as of October first preceding the beginning of each Fiscal Year; with the following provisos: (a) that the total of the required Minimum Contribution shall not be decreased; (b) that this reallocation must be approved by each member Town by a majority vote in the Annual or Special Town Meeting; and (c) the Commissioner of Education will be notified if this article is adopted by both member Towns.
Passed by hand count-Yes-65, No-47/May 11th @ 8:00

Article 20. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Three Hundred Thousand Five Hundred Seventy-Seven Dollars (**\$300,577.00**) for the Narragansett Regional School District for the fiscal year 2006 by reallocation of the minimum contribution subject to the acceptance of Chapter 71, Section 16B, or to take any other action relative thereto.
Submitted by the Narragansett Regional School District Committee

On a motion duly made and seconded the Town voted to raise and appropriate the sum of Three Hundred Thousand, Five Hundred Seventy-Seven Dollars (**\$300,577.00**) for the Narragansett Regional School District for the fiscal year 2006 by reallocation of the minimum contribution subject to the acceptance of Chapter 71, Section 16B, contingent upon the approval of the reallocation of the total of the regional Minimum Local Contribution and funding thereof by Phillipston
Passed/May 11th @ 8:06

Article 21. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Thirteen Thousand, Five Hundred Sixty-Seven Dollars (**\$13,567.00**) for payment of the Narragansett Regional School District's fiscal year 2006 Teachers' Deferral Assessment, or to take any other action relative thereto.
Submitted by the Narragansett Regional School District Committee

On a motion duly made and seconded the Town voted to raise and appropriate the sum of Thirteen Thousand, Five Hundred Sixty-Seven Dollars (**\$13,567.00**) for payment of the Narragansett Regional School District's fiscal year 2006 Teachers' Deferral Assessment.
Passed Unanimously/May 11th @ 8:07

Article 22. To see if the Town will vote to raise and appropriate the sum of Three Hundred Eighty-Six Thousand, Six Hundred Fifty-Seven Dollars **(\$386,657.00)** for payment of the long-term debt for the expansion and renovation of the Narragansett Regional High School/Narragansett Middle School in accordance with a debt exclusion voted on January 22, 1996, or to take any other action relative thereto.

Submitted by the Narragansett Regional School District Committee

On a motion duly made and seconded the Town voted to raise and appropriate the sum of Three Hundred Eighty-Six Thousand, Six Hundred Fifty-Seven Dollars **(\$386,657.00)** for payment of the long-term debt for the expansion and renovation of the Narragansett Regional High School/Narragansett Middle School in accordance with a debt exclusion voted on January 22, 1996.

Passed Unanimously/May 11th @ 8:08

Article 23. To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum of money for a new roof and fascia boards at the Templeton Center School, or to take any other action relative thereto.

Submitted by the Board of Selectmen

No Motion

Article 24. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Twenty-Five Thousand Dollars **(\$25,000.00)** to conduct a feasibility study for the reuse of the three existing elementary school buildings, or to take any other action relative thereto.

Submitted by the Board of Selectmen

No Motion

Article 25. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of One Hundred Ninety-Five Thousand One Hundred Eighty-Five Dollars **(\$195,185.00)** for the Montachusett Regional Vocational Technical School District for the fiscal year 2006, or to take any other action relative thereto.

Submitted by the Montachusett Regional Vocational Technical School Committee

On a motion duly made and seconded the Town voted to raise and appropriate the sum of One Hundred Ninety-Five Thousand, One Hundred Eighty-Five Dollars **(\$195,185.00)** for the Montachusett Regional Vocational Technical School District for the fiscal year 2006.

Passed Unanimously/May 10th @ 9:16

Article 26. To see if the Town will vote to authorize Revolving Funds for certain Town departments in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 53E1/2, for fiscal year 2006 as follows, or to take any other action relative thereto:

- a) Revolving Fund for the Council on Aging: to deposit fees charged from the use of the Council on Aging Van and to authorize the director to expend such funds for wages and expenses for operation of the van, provided that the amount to be expended in fiscal year 2006 shall not exceed Three Thousand Dollars **(\$3,000.00)**;
- b) Revolving Fund for the Cemetery Department: to deposit fees charged for weekend burials, and to authorize the Cemetery Commissioners to expend such funds for wages associated with such burials, provided that the amount to be expended in fiscal year 2006 shall not exceed Eight Thousand Dollars **(\$8,000.00)**;
- c) Revolving Fund for the Electrical, Plumbing and Gas Inspectors: to deposit fees charged for inspections and to authorize the Inspectors to expend such funds for wages and expenses for inspections, provided that the amount to be expended in fiscal year 2006 shall not exceed Twenty Thousand, Five Hundred Dollars **(\$20,500.00)**;
- d) Revolving Fund for the Parking Clerk: to deposit fines for parking violations and to authorize the parking Clerk to expend such funds for expenses incurred in the collection of such fines, provided that the amount to be expended in fiscal year 2006 shall not exceed Five Hundred Dollars **(\$500.00)**;
- e) Revolving Fund for the Planning Board: to deposit fees collected for development plans and documents and to authorize the Planning Board to expend such funds to pay for expenses and services incurred for review of said plans and documents, and also for educational purposes provided that the amount to be expended in fiscal year 2006 shall not exceed Twenty Thousand Dollars **(\$20,000.00)**;
- f) Revolving Fund for the Board of Appeals: to deposit application fees and to authorize the Board of Appeals to expend such funds to pay for expenses and salaries related to hearings and applications. Fees collected by the Chair or the designee may be deposited to this account, provided that the amount to be expended for fiscal year 2006 shall not exceed Three Thousand Dollars **(\$3,000.00)**;

- g) Regular Revolving Fund for the Board of Health: to deposit fees collected for site assignment hearings and housing inspections and for the Board of Health to expend such funds in relation to said site assignments and housing inspections, provided that the amount to be expended in fiscal year 2006 shall not exceed Two Thousand Dollars **(\$2,000.00)**;
- h) Revolving Fund for the Board of Health: to deposit receipts collected from the sale of recycling equipment and disposal of recyclable goods and to authorize the Board of Health to expend such funds to expand the recycling program, provided that the amount to be expended in fiscal year 2006 shall not exceed Five Thousand Dollars **(\$5,000.00)**;
- i) Compost Bin Revolving Fund for the Board of Health: to deposit fees collected for the sale of compost bins and to authorize the Board of Health to pay for expenses related to compost bins, provided that the amount to be expended in fiscal year 2006 shall not exceed Two Thousand Dollars **(\$2,000.00)**;
- j) Revolving Fund for the Animal Control Officer: to deposit fees collected for adoption, spay and neutering deposits, the town's portion of dog licensing, pick-up fees, donations, and kenneling fees and to authorize the Animal Control Officer to expend such funds collected for expenses incurred in the care of animals in the animal shelter, provided that such sum for fiscal year 2006 shall not exceed Ten Thousand Dollars **(\$10,000.00)**;
- k) Revolving Fund for the Fire Department: to deposit receipts collected from the sale of burning permits and to authorize said Department to expend such funds to replace Forest Fire Equipment, provided that the amount to be expended in fiscal year 2006 shall not exceed Five Thousand Dollars **(\$5,000.00)**;
- l) Revolving Fund for the Highway Department: to deposit receipts collected from driveway permits and road-cut openings and to authorize the Highway Department to expend such funds for infrastructure upgrades or repairs and wages that are directly related to those repairs and upgrades, provided that the amount to be expended shall not exceed Ten Thousand Dollars **(\$10,000.00)**.
- m) Revolving Fund for the Emergency Medical Service: to deposit receipts collected from operation of the ambulance service and to authorize the Fire Department to expend such receipts for the purpose of maintaining the ambulance service, provided that the amount to be expended in fiscal year 2006 shall not exceed One Hundred Thousand Dollars **(\$100,000.00)**.

On a motion duly made and seconded the Town voted to authorize Revolving Funds for certain Town departments in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 53E1/2, for fiscal year 2006 as follows:

- a) Revolving Fund for the Council on Aging: to deposit fees charged from the use of the Council on Aging Van and to authorize the director to expend such funds for wages and expenses for operation of the van, provided that the amount to be expended in fiscal year 2006 shall not exceed Three Thousand Dollars **(\$3,000.00)**;

Passed Unanimously/May 11th @ 8:14

- b) Revolving Fund for the Cemetery Department: to deposit fees charged for weekend burials, and to authorize the Cemetery Commissioners to expend such funds for wages associated with such burials, provided that the amount to be expended in fiscal year 2006 shall not exceed Eight Thousand Dollars **(\$8,000.00)**;

Passed Unanimously/May 11th @ 8:14

- c) Revolving Fund for the Electrical, Plumbing and Gas Inspectors: to deposit fees charged for inspections and to authorize the Inspectors to expend such funds for wages and expenses for inspections, provided that the amount to be expended in fiscal year 2006 shall not exceed Twenty Thousand, Five Hundred Dollars **(\$20,500.00)**;

Passed Unanimously/May 11th @ 8:14

- d) Revolving Fund for the Parking Clerk: to deposit fines for parking violations and to authorize the parking Clerk to expend such funds for expenses incurred in the collection of such fines, provided that the amount to be expended in fiscal year 2006 shall not exceed Five Hundred Dollars **(\$500.00)**;

Passed Unanimously/May 11th @ 8:14

- e) Revolving Fund for the Planning Board: to deposit fees collected for development plans and documents and to authorize the Planning Board to expend such funds to pay for expenses and services incurred for review of said plans and documents, and also for educational purposes provided that the amount to be expended in fiscal year 2006 shall not exceed Twenty Thousand Dollars **(\$20,000.00)**;

An amended motion was duly made and seconded to have Article #26 E to read as follows: Revolving Fund for the Planning Board: To deposit fees collected for development plans and documents and to authorize the Planning Board to expend such funds to pay for expenses and services incurred for review of said plans and documents, for educational **and**

clerical purposes, and benefits associated with clerical salary if required, provided that the amount to be expended in fiscal year 2006 shall not exceed Twenty Thousand Dollars **(\$20,000.00)**.

Defeated/May 11th @ 8:25

On the original motion that was duly made and seconded the Town voted Revolving Fund for the Planning Board: to deposit fees collected for development plans and documents and to authorize the Planning Board to expend such funds to pay for expenses and services incurred for review of said plans and documents, and also for educational purposes provided that the amount to be expended in fiscal year 2006 shall not exceed Twenty Thousand Dollars **(\$20,000.00)**.

Passed/May 11th @ 8:25

f) Revolving Fund for the Board of Appeals: to deposit application fees and to authorize the Board of Appeals to expend such funds to pay for expenses and salaries related to hearings and applications. Fees collected by the Chair or the designee may be deposited to this account, provided that the amount to be expended for fiscal year 2006 shall not exceed Three Thousand Dollars **(\$3,000.00)**;

Passed Unanimously/May 11th @ 8:14

g) Regular Revolving Fund for the Board of Health: to deposit fees collected for site assignment hearings and housing inspections and for the Board of Health to expend such funds in relation to said site assignments and housing inspections, provided that the amount to be expended in fiscal year 2006 shall not exceed Two Thousand Dollars **(\$2,000.00)**;

Passed Unanimously/May 11th @ 8:14

h) Revolving Fund for the Board of Health: to deposit receipts collected from the sale of recycling equipment and disposal of recyclable goods and to authorize the Board of Health to expend such funds to expand the recycling program, provided that the amount to be expended in fiscal year 2006 shall not exceed Five Thousand Dollars **(\$5,000.00)**;

An amended motion was duly made and seconded to have Article #26 H to read as follows: Revolving Fund for the Board of Health: to deposit receipts collected from the sale of recycling equipment and disposal of recyclable goods and to authorize the Board of Health to expend such funds to expand the recycling program, provided that the amount to be expended in fiscal year 2006 shall not exceed Ten Thousand Dollars **(\$10,000.00)**.

Passed Unanimously/May 11th @ 8:29

i) Compost Bin Revolving Fund for the Board of Health: to deposit fees collected for the sale of compost bins and to authorize the Board of Health to pay for expenses related to compost bins, provided that the amount to be expended in fiscal year 2006 shall not exceed Two Thousand Dollars **(\$2,000.00)**;

Passed Unanimously/May 11th @ 8:14

j) Revolving Fund for the Animal Control Officer: to deposit fees collected for adoption, spay and neutering deposits, the town's portion of dog licensing, pick-up fees, donations, and kenneling fees and to authorize the Animal Control Officer to expend such funds collected for expenses incurred in the care of animals in the animal shelter, provided that such sum for fiscal year 2006 shall not exceed Ten Thousand Dollars **(\$10,000.00)**;

Passed Unanimously/May 11th @ 8:14

k) Revolving Fund for the Fire Department: to deposit receipts collected from the sale of burning permits and to authorize said Department to expend such funds to replace Forest Fire Equipment, provided that the amount to be expended in fiscal year 2006 shall not exceed Five Thousand Dollars **(\$3,000.00)**;

Passed Unanimously/May 11th @ 8:32

l) Revolving Fund for the Highway Department: to deposit receipts collected from driveway permits and road-cut openings and to authorize the Highway Department to expend such funds for infrastructure upgrades or repairs and wages that are directly related to those repairs and upgrades, provided that the amount to be expended shall not exceed Ten Thousand Dollars **(\$10,000.00)**.

Passed Unanimously/May 11th @ 8:14

m) Revolving Fund for the Emergency Medical Service: to deposit receipts collected from operation of the ambulance service and to authorize the Fire Department to expend such receipts for the purpose of maintaining the ambulance service, provided that the amount to be expended in fiscal year 2006 shall not exceed One Hundred Thousand Dollars **(\$49,000.00)**.

Passed Unanimously/May 11th @ 8:32

Article 27. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Thirty Thousand Dollars **(\$30,000.00)** to initially fund the operating expenses of a paid Fire Department Emergency Medical Service, or to take any other action relative thereto.

Submitted by the Fire Department and the Board of Selectmen

No Motion

**A motion was duly made and seconded to reconsider Article #18.
Defeated/May 11th @ 8:37**

Article 28. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the total sum of Thirty-Seven Thousand, Nine Hundred Ten Dollars (**\$37,910.00**) to fund the lease agreements for the following capital items for fiscal year 2006:

One (1) Street Sweeper for the Templeton Highway Department:
5th year lease payment of a seven (7)-year lease @ **\$15,503.00**;

One (1) Municipal Tractor for the Templeton Highway Department:
5th year lease payment of a five (5)-year lease @ **\$22,407.00**;
or to take any other action relative thereto.

Submitted by the Highway Department

On a motion duly made and seconded the Town voted to raise and appropriate the total sum of Thirty-Seven Thousand, Nine Hundred Ten Dollars (**\$37,910.00**) to fund the lease agreements for the following capital items for fiscal year 2006:

One (1) Street Sweeper for the Templeton Highway Department:
5th year lease payment of a seven (7)-year lease @ **\$15,503.00**;

One (1) Municipal Tractor for the Templeton Highway Department:
5th year lease payment of a five (5)-year lease @ **\$22,407.00**;

Passed/May 11th @ 8:39

Article 29. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money for improvements at the Town Office Building at Four Elm Street, Baldwinville, to comply with the Americans with Disabilities Act (ADA) and the Massachusetts State Building Code. Certain compliance requirements are listed in the Physical Accessibility Report - Public Facilities for the Town of Templeton, or to take any other action relative thereto.

Submitted by the Board of Selectmen

No Motion

Article 30. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money to complete the

improvements at Scout Hall, to comply with the Americans with Disabilities Act (ADA) and the Massachusetts State Building Code. Certain compliance requirements are listed in the Physical Accessibility Report - Public Facilities for the Town of Templeton, or to take any other action relative thereto.

Submitted by the Board of Selectmen

No Motion

Articles 31 – 37 are new, proposed capital items.

Article 31. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Twenty-Seven Thousand, Nine Hundred Sixty-Three Dollars **(\$27,963.00)** to purchase a new police cruiser including equipment and a 100,000-mile warranty, or to take any other action relative thereto.

Submitted by the Police Department

No Motion

Article 32. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money to purchase and equip a new 75 ft. Quint combination pumper and ladder fire engine contingent upon the approval of a Capital Expenditure Exclusion question pursuant to Proposition 2½, or to take any other action relative thereto.

Submitted by the Fire Department

On a motion duly made and seconded the Town voted to raise and appropriate the sum of Four Hundred Ninety Thousand Dollars **(\$490,000.00)** to purchase and equip a new 75 ft. Quint combination pumper and ladder fire engine contingent upon the approval of a Debt Exclusion question pursuant to Proposition 2½.

Passed by 2/3/May 11th @ 8:52

Article 33. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Two Hundred Thousand Dollars **(\$200,000.00)** for the reconstruction of various town roads contingent upon the approval of a Capital Expenditure Exclusion question pursuant to Proposition 2½, or to take any other action relative thereto.

Submitted by the Highway Department

On a motion duly made and seconded the Town voted to raise and appropriate the sum of Two Hundred Thousand Dollars **(\$200,000.00)** for the reconstruction of various town roads in accordance with the vote of the Town under ballot question #4 on May 2, 2005.

Passed Unanimously/May 11th @ 9:02

Article 34. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Twenty Thousand Dollars (**\$20,000.00**) for cemetery roads improvements contingent upon the approval of a Capital Expenditure Exclusion question pursuant to Proposition 2½, or to take any other action relative thereto.
Submitted by the Cemetery Commission

No Motion

Article 35. To see if the Town will vote to authorize the Cemetery Commissioners to enter into a contract for three years or more and vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money for the purchase and/or lease of a backhoe loader for the Cemetery Department, or to take any other action relative thereto.
Submitted by the Cemetery Commission

No Motion

Article 36. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Six Thousand, Nine Hundred Ninety Dollars (**\$6,990.00**) for the purchase of a noise meter for the Board of Health to include calibration, certification, training, and other related expenses, or to take any other action relative thereto.
Submitted by the Board of Health

No Motion

Article 37. To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum of money for the construction of a pole barn on the Templeton landfill site, or to take any other action relative thereto.
Submitted by the Board of Health

No Motion

Article 38. To see if the Town will vote to authorize the Board of Health to enter into a contract for the curbside collection and disposal of residential solid waste and collection and marketing of recyclable materials, on such terms and conditions as it deems to be in the best interests of the Town, including the length of said contract, subject to approval by the Town Counsel; said contract to be funded through a so-called “pay as you throw” program, or to take any other action relative thereto.
Submitted by the Board of Health

No Motion

Article 39. To see if the Town will authorize the Board of Health to enter into a contract for the curbside collection and disposal of residential solid waste and collection and marketing of recyclable materials, on such terms and conditions as it deems to be in the best interests of the Town, including the length of said contract, subject to approval by the Town Counsel, and for such purpose to raise and appropriate, transfer from available funds or otherwise provide a sum of money to fund said contract, or to take any other action relative thereto.

Submitted by the Board of Health

No Motion

Article 40. To see if the Town will vote to authorize the Board of Selectmen to accept the deed, upon such terms and conditions as the Board shall determine appropriate, of a gift of a fee simple interest in a parcel of land comprised of approximately 3.14 acres shown on a Definitive Plan entitled “Ware River Heights’ Definitive Subdivision of Land in Templeton, Massachusetts off Baldwinville Road for Matson Homes, Inc. November 30, 2001,” as parcel “A,” signed by the Planning Board on November 5, 2002 and filed with the Town Clerk, to be designated for general municipal purposes, or to take any other action relative thereto.

Submitted by the Planning Board.

No Motion

Article 41. To see if the Town will vote to delete from the Town of Templeton Bylaws, “Article VI-Contracts by Town Officers” and to adopt in its place the following bylaw, “Article VI-Contracts by Town Officers” for consistency with the Massachusetts General Laws Chapter 30B procurement act:

Town of Templeton
General Bylaws

Article VI – Contracts by Town Officers

Section 1. Unless otherwise provided by the General Laws or a vote of Town Meeting, the Board of Selectmen is authorized to enter into any contract for the exercise of the Town’s corporate powers on such terms and conditions as are deemed appropriate. Notwithstanding the foregoing, no Board, Committee, Commission or Town officer shall contract for any purpose, on any terms or under any conditions inconsistent with any

applicable provision of any general or special law. (G.L. c. 40, section 4, Town Meeting designation of contracting authority).

Section 2. Every contract for the purchase of supplies or services, for the disposition of surplus tangible property, or for the acquisition or disposition of interests in real property shall be subject to the procurement procedures of General Laws, Chapter 30B. No contract shall be split or divided for the purpose of evading the provisions of this section.

Section 3. Every contract for the construction, reconstruction, alteration, remodeling or repair of any public work, or for the purchase of any material therefore, or for the design or construction, reconstruction, installation, demolition, maintenance or repair of any building by the Town, shall be procured in compliance with all applicable provisions of the General Laws, including but not limited to, G.L. c. 30, section 39M, G.L. c. 7, section 38A1/2-38O, G.L. c. 149, section 44A-44J. No contract shall be split or divided for the purpose of evading the provisions of this section or to take any other action relative thereto.

Submitted by the Board of Selectmen

On a motion duly made and seconded the Town voted to delete from the Town of Templeton Bylaws, “Article VI-Contracts by Town Officers” and to adopt in its place the following bylaw, “Article VI-Contracts by Town Officers” for consistency with the Massachusetts General Laws Chapter 30B procurement act:

Town of Templeton
General Bylaws

Article VI – Contracts by Town Officers

Section 1. Unless otherwise provided by the General Laws or a vote of Town Meeting, the Board of Selectmen is authorized to enter into any contract for the exercise of the Town’s corporate powers on such terms and conditions as are deemed appropriate. Notwithstanding the foregoing, no Board, Committee, Commission or Town officer shall contract for any purpose, on any terms or under any conditions inconsistent with any applicable provision of any general or special law. (G.L. c. 40, section 4, Town Meeting designation of contracting authority).

Section 2. Every contract for the purchase of supplies or services, for the disposition of surplus tangible property, or for the acquisition or disposition of interests in real property shall be subject to the procurement procedures of General Laws, Chapter 30B. No contract shall be split or divided for the purpose of evading the provisions of this section.

Section 3. Every contract for the construction, reconstruction, alteration, remodeling or repair of any public work, or for the purchase of any material therefore, or for the design or construction, reconstruction, installation, demolition, maintenance or repair of any building by the Town, shall be procured in compliance with all applicable provisions of the General Laws, including but not limited to, G.L. c. 30, section 39M, G.L. c. 7, section 38A1/2-38O, G.L. c. 149, section 44A-44J. No contract shall be split or divided for the purpose of evading the provisions of this section.
Passed/May 11th @ 9:13

Article 42. To see if the Town will vote to adopt the follow conservation by-law:

TOWN OF TEMPLETON
ENVIRONMENTAL PROTECTION

WETLAND PROTECTION BYLAW

Section 1 Purpose

The purpose of this Bylaw is to protect the wetlands, water resources, vernal pools, adjoining buffer zones, banks, lands subject to flooding, riverfront areas and their adjoining land areas in the Town of Templeton by controlling activities deemed to have a significant impact upon wetland interests. Said wetland interests include (but are not limited to) the following: public or private water supply, water quality, groundwater, flood control, erosion control, sedimentation control, storm damage prevention, water pollution prevention, fisheries, protection of endangered or threatened species, and wildlife habitat (collectively, the interests protected by this Bylaw.) This bylaw is intended to utilize the Home Rule authority of the Town to protect additional resource areas, for additional values, with additional standards and procedures as strict or stricter than those of the Massachusetts Wetlands Protection Act (G.L. 131, s. 40) Regulation thereunder (310 CMR 10.00) The Bio Map of Templeton shows the approximate location of most of the Town’s wetlands and shall be used as a guide to wetland location, along with the Mass GIS computer program.

Section 2 Jurisdiction

Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, or discharge into, or otherwise alter the following resource areas: any wetlands; marshes; flats; wet meadow; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds of any size; rivers; streams; creeks; lands under water bodies; lands subject to flooding or inundation by groundwater or surface water; and the one-hundred (100) foot Buffer Zone to any of the aforementioned resource areas or lands abutting any of the aforesaid resource areas (collectively the “resource areas protected by this bylaw”). Said resources shall be protected whether or not they border surface waters.

Section 3 Definitions

The term "person" as used in this Bylaw shall include any individual, group of individuals, association, partnership, corporation, or business organization, trust or estate, the Commonwealth of Massachusetts, or any political subdivision thereof, administrative agency, public or quasipublic corporation or body, or any other legal entity or its legal representatives, agents or assigns.

The term "abutter" as used in this Bylaw shall include all property owners, determined by the most recent maps in the Assessors Office, that abut the land on which the proposed activity is to take place.

The term "activity" shall mean any form of draining, dumping, dredging, damming, discharging, excavating, filling or grading; any form of construction, reconstruction, or expansion of any building, structure, road or other way; or alteration or any changing of the physical, chemical, or biological characteristics of an area of land or water.

The term "alter" as used in this Bylaw shall include, without limitation, the following actions when undertaken in areas subject to this Bylaw:

- (a) Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind;
- (b) Changing of drainage characteristics, flushing characteristics, sedimentation patterns, flow patterns and flood retention characteristics;
- (c) Drainage or other disturbance of water level or water table;
- (d) Dumping, discharging or filling with any material which may degrade water quality;
- (e) Driving of piles, erection of buildings or structures of any kind;
- (f) Placing of obstructions whether or not they interfere with the flow of water;
- (g) Destruction of plant life, including the cutting of trees, which may significantly impact the interests protected by this Bylaw;
- (h) Changing of water temperature, biochemical oxygen demand or other physical or chemical characteristics of the water.
- (i) Destroying wetlands habitat or impeding migratory routes of wetland species.

"Bank" is the portion of the land surface that normally abuts and confines a water body such as a creek, brook, stream, river, pond or lake as defined in the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, s. 40) and regulations at 310 CMR 10.00. A bank may be partially or totally vegetated, or comprised of exposed soil, gravel or stone.

"Buffer zone" shall mean that area of uplands within 100 feet horizontally outward from the boundary of a wetland, vernal pool (except as provided for in

Section 3.14), bank, or land subject to flooding. (Riverfront Areas will be addressed in Section 3.17)

”Certificate of Compliance” shall mean a written determination by the Commission verifying that work has been completed in accordance with an Order of Conditions using the form designated by the Commission.

”Commission” shall mean the Templeton Conservation Commission, that body of members lawfully appointed pursuant to M.G.L. Chapter 40, Section 8c, for the purposes of administering and enforcing the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and the Town of Templeton Wetland Protection Bylaw.

”Determination Of Applicability” shall mean any review and written finding by the Conservation Commission as to whether a site or the work proposed thereon is subject to the jurisdiction of the Bylaw or requires submission of a Notice of Intent using the form designated by the Commission. See also Section 5 of the Bylaw.

“Dredge” shall mean to clean, deepen, widen or excavate, either temporarily or permanently.

“Extension Permit for orders of Conditions”, WPA Form 7, shall mean a written extension of time granted by the Conservation Commission once for a period of up to 3 (three) years, within which time authorized work, shall be completed or extended again.

“Fill” shall mean either of the following, whichever is applicable:

- (a) to deposit or place any material so as to raise in elevation, either temporarily or permanently;
- (b) anything that fills or is used to fill - especially earth or gravel used for filling a hole, depression or low area.

“Lands subject to flooding” are areas of temporary or occasional flooding as defined in the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, s. 40) and regulations at 310 CMR 10.00. Bordering land subject to flooding is the estimated maximum lateral extent of floodwater that will theoretically result from the statistical 100-year frequency storm as determined by calculation or by FEMA Flood maps. Isolated land subject to flooding is an isolated depression or closed basin without an inlet or an outlet. It is an area that at least once a year confines

standing water to a volume of at least ¼ acre-feet and to an average depth of at least six inches. Some isolated lands subject to flooding may be vernal pools.

“Notice of Intent”, using the form designated by the Commission, shall be a written notice filed by any person intending to alter, or in any way change, the physical or chemical properties of land subject to protection under the Bylaw.

“Order of Conditions” shall mean the document issued by the Conservation Commission or the courts containing conditions which regulate or prohibit any activity subject to the Bylaw, which is to be recorded in the Registry of Deeds or Land Court.

The term “resource area” shall mean any area subject to protection under this bylaw and include any bank, wetland, vernal pool, buffer zone, lands subject to flooding or riverfront area.

The “Riverfront Area” is the area of land between a river’s mean annual high water line and a parallel line measured horizontally 200 feet away. The riverfront area may include or overlap other resource areas or their buffer zones. A river is a flowing body of water that empties to any ocean, lake, pond or river and which flows throughout the year (except during drought conditions). Perennial streams are rivers; intermittent streams are not rivers. Determination of flow status shall be based on: field observations (witnessed by Conservation Commission or its authorized agent); USGS or other government maps; size of channel or bank; watershed size; stream order; streambed characteristics; local geology; biological community; and/or other appropriate evidence.

The term “vernal pool” as used by this Bylaw shall include, in addition to that already defined under the Massachusetts Wetlands Protection Act and regulations (310 CMR 10.00), any confined basin or depression not occurring in existing lawns, gardens, landscaped areas, or driveways that meets the certification criteria established in the Guidelines for Certification of Vernal Pool Habitat published by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The vernal pool does not have to be located within another resource area to be considered jurisdictional under this Bylaw. The buffer zone for vernal pools shall extend 100 horizontal feet from the mean annual high-water line defining the depression.

The term “wetland” as used in this Bylaw includes:

- (a) Vegetated wetlands are wet meadows, marshes, swamps and bogs where 50% or more of the vegetative community consists of wetland indicator plants as defined in the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, s. 40) and regulations at 310 CMR 10.00. When vegetation is not sufficient to

determine the boundary of a wetland, characteristics of hydric soils or observations of flowing water, standing water or saturated soils may be used.

(b) Any non-vegetated area such as a creek, brook, stream, river, pond, lake, lands under said waters, and certified and uncertified vernal pools as defined in the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, s. 40) and regulations at 310 CMR 10.00 and Section 3.14 of this Bylaw.

Section 4 Exemptions

No Notice of Intent hereunder need be filed in connection with an emergency project necessary for the protection of health or safety of the citizens of Templeton to be performed or ordered to be performed by an administrative agency of the Commonwealth or by the Town.

An emergency project shall mean any project certified to be an emergency by the Town of Templeton Conservation Commission or its agents within 24 hours by the issuance of an Emergency Certification Form. In no case shall any removal, dredging, filling or altering commence prior to such emergency certification nor extend beyond the time necessary to abate the emergency.

No Notice of Intent hereunder need be filed in connection with maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, or telecommunication services.

No Notice of Intent need be filed in connection with normally accepted maintenance procedures on land in agricultural use. The term "land in agricultural use" shall mean any qualifying wetland within a farm which is qualified or eligible to be qualified under the Farmland Assessment Act, Massachusetts General Laws, Ch. 61A ss. 1 & 2. Any proposed changes to land in agricultural use which may have a significant impact on any of the interests protected by this Bylaw must be submitted to the Conservation Commission for a Determination of Applicability or Notice of Intent.

No Notice of Intent need be filed for the replacement, repair, or installation of a residential septic system that meets the requirements of Title 5 of the State Environmental Code (310 CMR 15.00), and has received a permit from the Templeton Board of Health, and that meets the setback requirements of this Bylaw.

Notwithstanding the other provisions of this Bylaw, the Commission may issue an Order of Conditions for limited projects listed under Section 10.53(3) of the Wetland Protection regulations promulgated under the Massachusetts Wetland Protection Act (310 CMR 10.53(3)).

Strict compliance with this Bylaw may be waived when, in the judgment of the Conservation Commission, such action is in the public interest and is

consistent with the intent and purpose of the Bylaw. Any request for a waiver must be submitted to the Commission in writing. The waiver shall be presented at the time of filing along with a written justification stating why a waiver is desired or needed, is in the public benefit, and is consistent with the intent and purpose of the Bylaw. In no cases will a decision under this bylaw be less stringent than the Wetland Protection Act's requirement

Other than stated in the section, the exemptions provided in the Wetlands Protection Act (G.L. Ch. 131 s. 40) and Regulations (310 CMR 10.00) shall not apply under this bylaw.

Section 5 Determination of Applicability

Any person may request the Conservation Commission to make a determination as to whether or not a proposed project in the wetland or "buffer zone" is significant to the interests protected by the Bylaw. This request for a Determination of Applicability, shall be sent by certified mail, or hand delivered to the Templeton Conservation

Commission or its authorized representative. A person delivering this request by hand shall be given a dated receipt. The Commission shall make such a determination within 21 days of the receipt of said request, and it shall notify the applicant by certified mail, of the results of the determination. If the Conservation Commission determines that the subject area is significant to the interests protected by this Bylaw, and said interests are not fully protected by the project as proposed, the Commission will require the applicant to file a Notice of Intent, or will attach such Orders of Conditions to ensure protection of the interests of this Bylaw. The Commission, or its agents, may, for the purpose of carrying out its duties under this Bylaw, request such plans or information as may be necessary for its evaluation, may enter upon the subject land, and may make or require to be made such examination or survey as it deems necessary.

Section 6 Abbreviated Notice of Resource Area Delineation

Any person may request the Conservation Commission to make a verification as to the precise boundaries of a resource area, including the buffer zone. A request for Resource Area Delineation, using the form designated by the Commission, shall be sent by certified mail, or hand delivered to the Templeton Conservation Commission or its authorized representative. A person delivering this request by hand shall be given a dated receipt. Prior to issuing a Resource Delineation, the Conservation Commission shall hold a public hearing within 21 days of the filing. Notice of the time and place of such hearing shall be given by the Conservation Commission not less than five days prior to the public hearing, by publication in a newspaper of general circulation in the Town and by mailing a notice to the applicant, the Board of Health and the Planning Board. Such hearing may be held at the same time and place as any public hearing required to be held under M.G.L. Ch.

131, s. 40. If the Commission determines that additional data or information is necessary, the hearing may be continued to a future date time certain, agreeable to both the Applicant and the Commission, and shall be posted not less than five (5) days prior to said continuation. The Order of Resource Area Delineation shall be issued within 30 days after the public hearing and may be identical to any such delineation issued under the provisions of the Massachusetts Wetlands Protection Act (M.G. L. Ch. 131, s. 40).

Section 7 Filing Procedure for a Notice of Intent

The Notice of Intent shall be sent by certified mail, or hand delivered to the Templeton Conservation Commission or its authorized representative, and shall include plans and specifications as required of an applicant by the Commission. A person delivering this Notice by hand shall be given a dated receipt. This Notice shall also include a filing fee to be designated in the rules and regulations of the Commission payable to the Town of Templeton. No filing fee is required when the Town of Templeton files an application. These plans shall also show the location of the wetland boundaries and shall be at a scale of 1" = 40' or any such scale that adequately depicts the area. The applicant shall also notify the clerk of the Town of Templeton by hand delivery or certified mail, that such plans have been submitted to the Conservation Commission. Provided that the Notice of Intent fulfills the requirements of this Bylaw and M.G.L. Ch. 131, s. 40, only one Notice of Intent need be submitted.

Section 8 Notification of Filing

Any person filing a Notice of Intent under this Bylaw shall also notify by certified mail all abutters and the owner of the subject property, if different from the applicant, of the filing of such Notice of Intent. This information will be obtained from the board of Assessors office. Such Notice shall clearly identify the land on which the work is to be done and describe the general nature of the work. Notice shall include the date, place, and time of said public hearing, and where plans may be reviewed. A list of persons so notified and proof of such notification (return mail receipts) shall be presented to the Conservation Commission prior to the Public Hearing.

Section 9 Extension Permits

The Commission may extend an Order of Conditions once for a period of up to three years. Written requests for an Extension Permit shall be made not less than thirty calendar days prior to the expiration of said Order of Conditions.

The Commission may deny an Extension Permit under any of the following circumstances:

- (a) Where no activity has begun on the project, except where such failure is due to unavoidable delay such as appeals in obtaining other necessary permits.

- (b) Where new information not available at the time of the original permit filing has become available and indicates that the Order of Conditions is insufficient to protect the areas subject to protection.
- (c) Where activity is causing damage to areas subject to protection.
- (d) Where there has been activity in violation of the Order of Conditions.
- (e) Where an Extension Permit has been previously granted for the Order of Conditions.

Section 10 Public Hearing

Prior to issuing any Order of Conditions (Section 8.2) the Conservation Commission shall hold a public hearing within 21 days of the filing of said Notice of Intent. Notice of the time and place of such hearing shall be given by the Conservation Commission not less than five days prior to the public hearing, by publication in a newspaper of general circulation in the Town and by mailing a notice to the applicant, the Board of Health and the Planning Board. Such hearing may be held at the same time and place as any public hearing required to be held under M.G.L. Ch. 131, s. 40. If the Commission determines that additional data or information is necessary, the hearing may be continued to a future date time certain, agreeable to both the Applicant and the Commission, and shall be posted not less than five (5) days prior to said continuation.

Section 11 Burden of Proof

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the resource area values protected by this bylaw. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or to grant a permit with conditions.

Section 12 Order of Conditions

The Conservation Commission may impose such conditions on any proposed removing, dredging, filling or altering as it deems necessary to protect and preserve the interests covered by this Bylaw. In preparing the Order of Conditions the Commission shall take into account the cumulative adverse effects of loss, degradation, isolation and replication of protected resource areas throughout the municipality, resulting from past activities, permitted and exempt, and foreseeable future activities. Such Order of Conditions shall be in writing and may be subject to the same constraints and be identical to any such order issued by the Templeton Conservation Commission under the provisions of M.G.L. Ch. 131, s.40, or successor statutes, and shall be issued within 30 days after the public hearing. Such Order of Conditions will expire three years from the date of issuance, unless renewed prior to expiration. No proposed work governed by an Order of Conditions shall be undertaken until all permits, approvals, and variances required by local Bylaws have been obtained and all applicable appeal periods have expired. The final Order of Conditions issued under this Bylaw shall be recorded with the Registry of Deeds for the district in which the land is

located. However, if said Order is identical to the final Order of Conditions issued under the provisions of M.G.L. Ch. 131, s.40, only one Order of Conditions need be recorded. If a wetland replication is required, the applicant will adhere to replication procedures established by the Commission or as set down in the Commission's Rules and Regulations.

Section 13 Inspections

All projects for which an Order of Conditions has been issued under this Bylaw are subject to inspections by the members of the Templeton Conservation or its duly appointed agent. No construction within the conditioned area will commence without the following items being completed:

- (a) The ten day appeal period.
- (b) The DEP filing number issued for this project must be posted.
- (c) All mitigation controls must be in place as to plans.
- (d) The Order of Conditions must be recorded with the Registry of Deeds and a copy forwarded to this commission.
- (e) A copy of the Order of Conditions must be on site.

Section 14 Setbacks for Activities

The following are the minimum distances (setbacks) of activity from the edge of wetlands or vernal pools. No activity shall be allowed within these setbacks except as provided below. These setbacks are the minimum and may be extended further if deemed necessary for the protection of the interests of the Bylaw by the Commission.

The setbacks shall be as follows:

- (a) 0-foot setback for wetland-dependent structures (drain outfalls, weirs, etc.), fences, and structures necessary for upland access where reasonable alternative access is unavailable.
- (b) 50-foot buffer of undisturbed natural vegetation.
- (c) 75-foot setback to the edge of driveways, roadways, and structures.
- (d) 50-foot chemical-free area within which no pesticides, herbicides, or fertilizers shall be used.
- (e) 100-foot setback for underground storage of gasoline, oil, or other fuels and hazardous materials.
- (f) 100-foot setback from the mean high water line of vernal pools.

When in the opinion of the Commission compliance with these setbacks will result in greater harm to the interests of this Bylaw than would waiver of the setbacks, the Commission is permitted to grant such waivers.

Pre-existing activities or structures not meeting the setbacks set forth above need not be discontinued or removed [but shall be deemed to be nonconforming]. No new activity shall be commenced and no new structure shall be located closer to the edge of wetlands or vernal pools than existing non-conforming like activities or structures, but the Commission may permit new

activity or structures as close to the edge of wetlands or vernal pools if it finds that such activity or structure will not affect the interests protected by the Bylaw no more adversely than the existing activity or structure.

Section 15 Erosion and Sedimentation Control

Where activities are proposed within the buffer zone, erosion and sedimentation barriers and other erosion controls as necessary shall be installed between the area of activity and the wetlands or vernal pool to prevent the transport of sediment into wetlands or vernal pools. Similarly, erosion and sedimentation controls shall be installed when activities outside the buffer zone create a significant potential for transport of sediment into wetlands or vernal pools.

Section 16 Storage of Fill or Materials

If any fill is to be stored on site, it shall be stored outside of the buffer zone and/or it shall be surrounded by staked hay bales to prevent erosion and sedimentation. There shall be no storage, disposal or burial of construction debris (for example, scrap lumber, metals, concrete, asphalt, piping, logs, stumps, etc.) within the buffer zone without the express permission of the Commission in an Order of Conditions.

Section 17 Wetlands Replacement

Wetlands or vernal pools that are altered shall in all instances be replaced by replacement wetlands of similar character. Replicated wetlands shall include, at minimum, equal area as the altered wetlands or vernal pool in a hydrologically connected location to the unaltered remainder of the wetlands or vernal pool. All replicated areas shall be completed before any other construction is allowed unless specifically addressed in the Order of Conditions

Section 17.1 Requirements for Wetlands Replacement

Projects involving the filling and/or permanent alteration of wetlands or vernal pools shall meet the following requirements:

- (a) The proposed replacement area design must be submitted to the Commission for approval as part of the Notice of Intent.
- (b) The replacement area must be shown to duplicate sufficiently the functions of the wetland proposed to be altered.
- (c) The replacement area shall be constructed, to the extent possible, immediately after alteration of the existing wetland and during the same growing season.
- (d) If after three growing seasons, the Commission determines that the replacement area has not satisfactorily developed into a wetland or vernal pool, the applicant or owner may be required to submit new plans to successfully replicate the original altered wetland. No Certificate of

Compliance shall be issued until the Commission has determined that a satisfactory replacement area has been completed.

Section 18 Denial

The Conservation Commission is empowered to deny a permit for failure to meet the requirements of this bylaw; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulatively adverse effects upon the wetland values protected by this bylaw; or where the Commission deems that no conditions are adequate to protect those values. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

Section 19 Prior Violation

Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of any order pursuant to this Bylaw, shall forthwith comply with any such order, or restore such real estate to its condition prior to any such violation; provided however that no such action, civil or criminal shall be brought against such person unless commenced within three years following the date of acquisition of the real estate by such person.

Section 20 Bond

The Conservation Commission may require the posting of a bond with surety, running to the Town of Templeton, and sufficient as to form and surety in the opinion of the Town Counsel, to secure the faithful and satisfactory performance of work required by any final Order of Conditions, in such sum and upon such conditions as the Commission may require. Other evidence of financial responsibility which is satisfactory to the Commission may be accepted in lieu of a bond. Notwithstanding the above, the amount of such bond shall not exceed either the estimated cost of the work required by the final Order of Conditions, or the estimated cost of the work required for the restoration of affected lands and properties if the work is not performed as required, whichever is greater.

Section 21 Rules and Regulations

After due notice and public hearing, the Commission may promulgate procedural rules and regulations to effectuate the purposes of this bylaw. However, failure to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw.

Section 22 Enforcement

Any person who violates any provision of this bylaw or of any condition of a permit issued pursuant to it may be subject to a fine of not more than \$300. Each day during which a violation continues may constitute a separate violation.

This bylaw may be enforced pursuant to Mass. General Laws Chapter 40, Section 21D, by the Constable, Police Chief, Police Officer, Conservation Administrator, or other agent allowed by law. Upon request of the Commission, the Board of Selectmen or Town Counsel may take such other legal action as may be necessary to enforce this bylaw and permits pursuant to it.

The following provides a schedule of fines for specific violations:

- Alteration of a wetland or vernal pool without an Order of Conditions issued pursuant to this Bylaw - \$300
- Work within the buffer zone without prior submittal of Request for Determination or Notice of Intent - \$200
- Failure to provide sedimentation controls required by an Order of Conditions - \$200
- Disposal of construction debris within the buffer zone - \$300
- Failure to construct stormwater or drainage structure according to plans - \$300
- Removal of trees designated for protection - \$10 per inch of circumference
- Storage of fill within the buffer zone - \$150.
- Failure to record the final Order of Conditions with the Registry of Deeds - \$25

Section 23 Appeals

A decision of the Commission may be reviewed by the Superior Court in an action filed within 60 days thereof, in accordance with Massachusetts General Law 249, Section 4.

Section 24 Severability

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.
or to take any other action relative thereto.

Submitted by the Conservation Commission

A motion duly made and seconded to move the question.

Passed/May 11th @ 9:50

On an amended motion duly made and seconded the Town voted to adopt the follow conservation by-law:

TOWN OF TEMPLETON **ENVIRONMENTAL PROTECTION**

WETLAND PROTECTION BYLAW

Section 1 Purpose

The purpose of this Bylaw is to protect the wetlands, water resources, vernal pools, adjoining buffer zones, banks, lands subject to flooding, riverfront areas and their adjoining land areas in the Town of Templeton by controlling activities deemed to have a significant impact upon wetland interests. Said

wetland interests include (but are not limited to) the following: public or private water supply, water quality, groundwater, flood control, erosion control, sedimentation control, storm damage prevention, water pollution prevention, fisheries, protection of endangered or threatened species, and wildlife habitat (collectively, the interests protected by this Bylaw.) This bylaw is intended to utilize the Home Rule authority of the Town to protect additional resource areas, for additional values, with additional standards and procedures as strict or stricter than those of the Massachusetts Wetlands Protection Act (G.L. 131, s. 40) Regulation thereunder (310 CMR 10.00) The Bio Map of Templeton shows the approximate location of most of the Town's wetlands and shall be used as a guide to wetland location, along with the Mass GIS computer program.

Section 2 Jurisdiction

Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, or discharge into, or otherwise alter the following resource areas: any wetlands; marshes; flats; wet meadow; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds of any size; rivers; streams; creeks; lands under water bodies; lands subject to flooding or inundation by groundwater or surface water; and the one-hundred (100) foot Buffer Zone to any of the aforementioned resource areas or lands abutting any of the aforesaid resource areas (collectively the "resource areas protected by this bylaw"). Said resources shall be protected whether or not they border surface waters.

Section 3 Definitions

The term "person" as used in this Bylaw shall include any individual, group of individuals, association, partnership, corporation, or business organization, trust or estate, the Commonwealth of Massachusetts, or any political subdivision thereof, administrative agency, public or quasipublic corporation or body, or any other legal entity or its legal representatives, agents or assigns.

The term "abutter" as used in this Bylaw shall include all property owners, determined by the most recent maps in the Assessors Office, that abut the land on which the proposed activity is to take place.

The term "activity" shall mean any form of draining, dumping, dredging, damming, discharging, excavating, filling or grading; any form of construction, reconstruction, or expansion of any building, structure, road or other way; or alteration or any changing of the physical, chemical, or biological characteristics of an area of land or water.

The term "alter" as used in this Bylaw shall include, without limitation, the following actions when undertaken in areas subject to this Bylaw:

- (a) Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind;

- (b) Changing of drainage characteristics, flushing characteristics, sedimentation patterns, flow patterns and flood retention characteristics;
- (c) Drainage or other disturbance of water level or water table;
- (d) Dumping, discharging or filling with any material which may degrade water quality;
- (e) Driving of piles, erection of buildings or structures of any kind;
- (f) Placing of obstructions whether or not they interfere with the flow of water;
- (g) Destruction of plant life, including the cutting of trees, which may significantly impact the interests protected by this Bylaw;
- (h) Changing of water temperature, biochemical oxygen demand or other physical or chemical characteristics of the water.
- (i) Destroying wetlands habitat or impeding migratory routes of wetland species.

“Bank” is the portion of the land surface that normally abuts and confines a water body such as a creek, brook, stream, river, pond or lake as defined in the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, s. 40) and regulations at 310 CMR 10.00. A bank may be partially or totally vegetated, or comprised of exposed soil, gravel or stone.

“Buffer zone” shall mean that area of uplands within 100 feet horizontally outward from the boundary of a wetland, vernal pool (except as provided for in Section 3.14), bank, or land subject to flooding. (Riverfront Areas will be addressed in Section 3.17)

”Certificate of Compliance” shall mean a written determination by the Commission verifying that work has been completed in accordance with an Order of Conditions using the form designated by the Commission.

”Commission” shall mean the Templeton Conservation Commission, that body of members lawfully appointed pursuant to M.G.L. Chapter 40, Section 8c, for the purposes of administering and enforcing the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and the Town of Templeton Wetland Protection Bylaw.

”Determination Of Applicability” shall mean any review and written finding by the Conservation Commission as to whether a site or the work proposed thereon is subject to the jurisdiction of the Bylaw or requires submission of a Notice of Intent using the form designated by the Commission. See also Section 5 of the Bylaw.

“Dredge” shall mean to clean, deepen, widen or excavate, either temporarily or permanently.

“Extension Permit for orders of Conditions”, WPA Form 7, shall mean a written extension of time granted by the Conservation Commission once for a

period of up to 3 (three) years, within which time authorized work, shall be completed or extended again.

“Fill” shall mean either of the following, whichever is applicable:

- (a) to deposit or place any material so as to raise in elevation, either temporarily or permanently;
- (b) anything that fills or is used to fill - especially earth or gravel used for filling a hole, depression or low area.

“Lands subject to flooding” are areas of temporary or occasional flooding as defined in the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, s. 40) and regulations at 310 CMR 10.00. Bordering land subject to flooding is the estimated maximum lateral extent of floodwater that will theoretically result from the statistical 100-year frequency storm as determined by calculation or by FEMA Flood maps. Isolated land subject to flooding is an isolated depression or closed basin without an inlet or an outlet. It is an area that at least once a year confines standing water to a volume of at least ¼ acre-feet and to an average depth of at least six inches. Some isolated lands subject to flooding may be vernal pools.

“Notice of Intent”, using the form designated by the Commission, shall be a written notice filed by any person intending to alter, or in any way change, the physical or chemical properties of land subject to protection under the Bylaw.

“Order of Conditions” shall mean the document issued by the Conservation Commission or the courts containing conditions which regulate or prohibit any activity subject to the Bylaw, which is to be recorded in the Registry of Deeds or Land Court.

The term “resource area” shall mean any area subject to protection under this bylaw and include any bank, wetland, vernal pool, buffer zone, lands subject to flooding or riverfront area.

The “Riverfront Area” is the area of land between a river’s mean annual high water line and a parallel line measured horizontally 200 feet away. The riverfront area may include or overlap other resource areas or their buffer zones. A river is a flowing body of water that empties to any ocean, lake, pond or river and which flows throughout the year (except during drought conditions). Perennial streams are rivers; intermittent streams are not rivers. Determination of flow status

shall be based on: field observations (witnessed by Conservation Commission or its authorized agent); USGS or other government maps; size of channel or bank; watershed size; stream order; streambed characteristics; local geology; biological community; and/or other appropriate evidence.

The term “vernal pool” as used by this Bylaw shall include, in addition to that already defined under the Massachusetts Wetlands Protection Act and regulations (310 CMR 10.00), any confined basin or depression not occurring in existing lawns, gardens, landscaped areas, or driveways that meets the certification criteria established in the Guidelines for Certification of Vernal Pool Habitat published by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The vernal pool does not have to be located within another resource area to be considered jurisdictional under this Bylaw. The buffer zone for vernal pools shall extend 100 horizontal feet from the mean annual high-water line defining the depression.

The term “wetland” as used in this Bylaw includes:

- (c) Vegetated wetlands are wet meadows, marshes, swamps and bogs where 50% or more of the vegetative community consists of wetland indicator plants as defined in the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, s. 40) and regulations at 310 CMR 10.00. When vegetation is not sufficient to determine the boundary of a wetland, characteristics of hydric soils or observations of flowing water, standing water or saturated soils may be used.
- (d) Any non-vegetated area such as a creek, brook, stream, river, pond, lake, lands under said waters, and certified and uncertified vernal pools as defined in the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, s. 40) and regulations at 310 CMR 10.00 and Section 3.14 of this Bylaw.

Section 4 Exemptions

No Notice of Intent hereunder need be filed in connection with an emergency project necessary for the protection of health or safety of the citizens of Templeton to be performed or ordered to be performed by an administrative agency of the Commonwealth or by the Town.

An emergency project shall mean any project certified to be an emergency by the Town of Templeton Conservation Commission or its agents within 24 hours by the issuance of an Emergency Certification Form. In no case shall any removal, dredging, filling or altering commence prior to such emergency certification nor extend beyond the time necessary to abate the emergency.

No Notice of Intent hereunder need be filed in connection with maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, or telecommunication services.

No Notice of Intent need be filed in connection with normally accepted maintenance procedures on land in agricultural use. The term "land in agricultural use" shall mean any qualifying wetland within a farm which is qualified or eligible to be qualified under the Farmland Assessment Act, Massachusetts General Laws, Ch. 61A ss. 1 & 2. Any proposed changes to land in agricultural use which may have a significant impact on any of the interests protected by this Bylaw must be submitted to the Conservation Commission for a Determination of Applicability or Notice of Intent.

No Notice of Intent need be filed for the replacement, repair, or installation of a residential septic system that meets the requirements of Title 5 of the State Environmental Code (310 CMR 15.00), and has received a permit from the Templeton Board of Health, and that meets the setback requirements of this Bylaw.

Notwithstanding the other provisions of this Bylaw, the Commission may issue an Order of Conditions for limited projects listed under Section 10.53(3) of the Wetland Protection regulations promulgated under the Massachusetts Wetland Protection Act (310 CMR 10.53(3)).

Strict compliance with this Bylaw may be waived when, in the judgment of the Conservation Commission, such action is in the public interest and is consistent with the intent and purpose of the Bylaw. Any request for a waiver must be submitted to the Commission in writing. The waiver shall be presented at the time of filing along with a written justification stating why a waiver is desired or needed, is in the public benefit, and is consistent with the intent and purpose of the Bylaw. In no cases will a decision under this bylaw be less stringent than the Wetland Protection Act's requirement

Other than stated in the section, the exemptions provided in the Wetlands Protection Act (G.L. Ch. 131 s. 40) and Regulations (310 CMR 10.00) shall not apply under this bylaw.

Section 5 Determination of Applicability

Any person may request the Conservation Commission to make a determination as to whether or not a proposed project in the wetland or "buffer zone" is significant to the interests protected by the Bylaw. This request for a Determination of Applicability, shall be sent by certified mail, or hand delivered to the Templeton Conservation

Commission or its authorized representative. A person delivering this request by hand shall be given a dated receipt. The Commission shall make such a determination within 21 days of the receipt of said request, and it shall notify the applicant by certified mail, of the results of the determination. If the Conservation Commission determines that the subject area is significant to the interests protected by this Bylaw, and said interests are not fully protected by the

project as proposed, the Commission will require the applicant to file a Notice of Intent, or will attach such Orders of Conditions to ensure protection of the interests of this Bylaw. The Commission, or its agents, may, for the purpose of carrying out its duties under this Bylaw, request such plans or information as may be necessary for its evaluation, may enter upon the subject land, and may make or require to be made such examination or survey as it deems necessary.

Section 6 Abbreviated Notice of Resource Area Delineation

Any person may request the Conservation Commission to make a verification as to the precise boundaries of a resource area, including the buffer zone. A request for Resource Area Delineation, using the form designated by the Commission, shall be sent by certified mail, or hand delivered to the Templeton Conservation Commission or its authorized representative. A person delivering this request by hand shall be given a dated receipt. Prior to issuing a Resource Delineation, the Conservation Commission shall hold a public hearing within 21 days of the filing. Notice of the time and place of such hearing shall be given by the Conservation Commission not less than five days prior to the public hearing, by publication in a newspaper of general circulation in the Town and by mailing a notice to the applicant, the Board of Health and the Planning Board. Such hearing may be held at the same time and place as any public hearing required to be held under M.G.L. Ch. 131, s. 40. If the Commission determines that additional data or information is necessary, the hearing may be continued to a future date time certain, agreeable to both the Applicant and the Commission, and shall be posted not less than five (5) days prior to said continuation. The Order of Resource Area Delineation shall be issued within 30 days after the public hearing and may be identical to any such delineation issued under the provisions of the Massachusetts Wetlands Protection Act (M.G. L. Ch. 131, s. 40).

Section 7 Filing Procedure for a Notice of Intent

The Notice of Intent shall be sent by certified mail, or hand delivered to the Templeton Conservation Commission or its authorized representative, and shall include plans and specifications as required of an applicant by the Commission. A person delivering this Notice by hand shall be given a dated receipt. This Notice shall also include a filing fee to be designated in the rules and regulations of the Commission payable to the Town of Templeton. No filing fee is required when the Town of Templeton files an application. These plans shall also show the location of the wetland boundaries and shall be at a scale of 1" = 40' or any such scale that adequately depicts the area. The applicant shall also notify the clerk of the Town of Templeton by hand delivery or certified mail, that such plans have been submitted to the Conservation Commission. Provided that the Notice of Intent fulfills the requirements of this Bylaw and M.G.L. Ch. 131, s. 40, only one Notice of Intent need be submitted.

Section 8 Notification of Filing

Any person filing a Notice of Intent under this Bylaw shall also notify by certified mail all abutters and the owner of the subject property, if different from the applicant, of the filing of such Notice of Intent. This information will be obtained from the board of Assessors office. Such Notice shall clearly identify the land on which the work is to be done and describe the general nature of the work. Notice shall include the date, place, and time of said public hearing, and where plans may be reviewed. A list of persons so notified and proof of such notification (return mail receipts) shall be presented to the Conservation Commission prior to the Public Hearing.

Section 9 Extension Permits

The Commission may extend an Order of Conditions once for a period of up to three years. Written requests for an Extension Permit shall be made not less than thirty calendar days prior to the expiration of said Order of Conditions.

The Commission may deny an Extension Permit under any of the following circumstances:

- (a) Where no activity has begun on the project, except where such failure is due to unavoidable delay such as appeals in obtaining other necessary permits.
- (b) Where new information not available at the time of the original permit filing has become available and indicates that the Order of Conditions is insufficient to protect the areas subject to protection.
- (c) Where activity is causing damage to areas subject to protection.
- (d) Where there has been activity in violation of the Order of Conditions.
- (e) Where an Extension Permit has been previously granted for the Order of Conditions.

Section 10 Public Hearing

Prior to issuing any Order of Conditions (Section 8.2) the Conservation Commission shall hold a public hearing within 21 days of the filing of said Notice of Intent. Notice of the time and place of such hearing shall be given by the Conservation Commission not less than five days prior to the public hearing, by publication in a newspaper of general circulation in the Town and by mailing a notice to the applicant, the Board of Health and the Planning Board. Such hearing may be held at the same time and place as any public hearing required to be held under M.G.L. Ch. 131, s. 40. If the Commission determines that additional data or information is necessary, the hearing may be continued to a future date time certain, agreeable to both the Applicant and the Commission, and shall be posted not less than five (5) days prior to said continuation.

Section 11 Burden of Proof

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit

application will not have unacceptable significant or cumulative effect upon the resource area values protected by this bylaw. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or to grant a permit with conditions.

Section 12 Order of Conditions

The Conservation Commission may impose such conditions on any proposed removing, dredging, filling or altering as it deems necessary to protect and preserve the interests covered by this Bylaw. In preparing the Order of Conditions the Commission shall take into account the cumulative adverse effects of loss, degradation, isolation and replication of protected resource areas throughout the municipality, resulting from past activities, permitted and exempt, and foreseeable future activities. Such Order of Conditions shall be in writing and may be subject to the same constraints and be identical to any such order issued by the Templeton Conservation Commission under the provisions of M.G.L. Ch. 131, s.40, or successor statutes, and shall be issued within 30 days after the public hearing. Such Order of Conditions will expire three years from the date of issuance, unless renewed prior to expiration. No proposed work governed by an Order of Conditions shall be undertaken until all permits, approvals, and variances required by local Bylaws have been obtained and all applicable appeal periods have expired. The final Order of Conditions issued under this Bylaw shall be recorded with the Registry of Deeds for the district in which the land is located. However, if said Order is identical to the final Order of Conditions issued under the provisions of M.G.L. Ch. 131, s.40, only one Order of Conditions need be recorded. If a wetland replication is required, the applicant will adhere to replication procedures established by the Commission or as set down in the Commission's Rules and Regulations.

Section 13 Inspections

All projects for which an Order of Conditions has been issued under this Bylaw are subject to inspections by the members of the Templeton Conservation or its duly appointed agent. No construction within the conditioned area will commence without the following items being completed:

- (a) The ten day appeal period.
- (b) The DEP filing number issued for this project must be posted.
- (c) All mitigation controls must be in place as to plans.
- (d) The Order of Conditions must be recorded with the Registry of Deeds and a copy forwarded to this commission.
- (e) A copy of the Order of Conditions must be on site.

Section 14 Setbacks for Activities

The following are the minimum distances (setbacks) of activity from the edge of wetlands or vernal pools. No activity shall be allowed within these setbacks except as provided below. These setbacks are the minimum and may be extended further if deemed necessary for the protection of the interests of the Bylaw by the Commission.

The setbacks shall be as follows:

- (a) 0-foot setback for wetland-dependent structures (drain outfalls, weirs, etc.), fences, and structures necessary for upland access where reasonable alternative access is unavailable.
- (b) 50-foot buffer of undisturbed natural vegetation.
- (c) **50-foot setback to the edge of driveways, roadways, and structures. This set back may be waived if the alternative would be a wetland crossing.**
- (d) 50-foot chemical-free area within which no pesticides, herbicides, or fertilizers shall be used.
- (e) 100-foot setback for underground storage of gasoline, oil, or other fuels and hazardous materials.
- (f) 100-foot setback from the mean high water line of vernal pools.

When in the opinion of the Commission compliance with these setbacks will result in greater harm to the interests of this Bylaw than would waiver of the setbacks, the Commission is permitted to grant such waivers.

Pre-existing activities or structures not meeting the setbacks set forth above need not be discontinued or removed [but shall be deemed to be nonconforming]. No new activity shall be commenced and no new structure shall be located closer to the edge of wetlands or vernal pools than existing non-conforming like activities or structures, but the Commission may permit new activity or structures as close to the edge of wetlands or vernal pools if it finds that such activity or structure will not affect the interests protected by the Bylaw no more adversely than the existing activity or structure.

Section 15 Erosion and Sedimentation Control

Where activities are proposed within the buffer zone, erosion and sedimentation barriers and other erosion controls as necessary shall be installed between the area of activity and the wetlands or vernal pool to prevent the transport of sediment into wetlands or vernal pools. Similarly, erosion and sedimentation controls shall be installed when activities outside the buffer zone create a significant potential for transport of sediment into wetlands or vernal pools.

Section 16 Storage of Fill or Materials

If any fill is to be stored on site, it shall be stored outside of the buffer zone and/or it shall be surrounded by staked hay bales to prevent erosion and sedimentation. There shall be no storage, disposal or burial of construction debris (for example, scrap lumber, metals, concrete, asphalt, piping, logs, stumps, etc.) within the buffer zone without the express permission of the Commission in an Order of Conditions.

Section 17 Wetlands Replacement

Wetlands or vernal pools that are altered shall in all instances be replaced by replacement wetlands of similar character. Replicated wetlands shall include, at minimum, equal area as the altered wetlands or vernal pool in a hydrologically connected location to the unaltered remainder of the wetlands or vernal pool. All replicated areas shall be completed before any other construction is allowed unless specifically addressed in the Order of Conditions

Section 17.1 Requirements for Wetlands Replacement

Projects involving the filling and/or permanent alteration of wetlands or vernal pools shall meet the following requirements:

- (a) The proposed replacement area design must be submitted to the Commission for approval as part of the Notice of Intent.
- (b) The replacement area must be shown to duplicate sufficiently the functions of the wetland proposed to be altered.
- (c) The replacement area shall be constructed, to the extent possible, immediately after alteration of the existing wetland and during the same growing season.
- (d) If after three growing seasons, the Commission determines that the replacement area has not satisfactorily developed into a wetland or vernal pool, the applicant or owner may be required to submit new plans to successfully replicate the original altered wetland. No Certificate of Compliance shall be issued until the Commission has determined that a satisfactory replacement area has been completed.

Section 18 Denial

The Conservation Commission is empowered to deny a permit for failure to meet the requirements of this bylaw; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulatively adverse effects upon the wetland values protected by this bylaw; or where the Commission deems that no conditions are adequate to protect those values. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

Section 19 Prior Violation

Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of any order pursuant to this Bylaw, shall forthwith comply with any such order, or restore such real estate to its condition prior to any such violation; provided however that no such action, civil or criminal shall be brought against such person unless commenced within three years following the date of acquisition of the real estate by such person.

Section 20 Bond

The Conservation Commission may require the posting of a bond with surety, running to the Town of Templeton, and sufficient as to form and surety in the opinion of the Town Counsel, to secure the faithful and satisfactory performance of work required by any final Order of Conditions, in such sum and upon such conditions as the Commission may require. Other evidence of financial responsibility which is satisfactory to the Commission may be accepted in lieu of a bond. Notwithstanding the above, the amount of such bond shall not exceed either the estimated cost of the work required by the final Order of Conditions, or the estimated cost of the work required for the restoration of affected lands and properties if the work is not performed as required, whichever is greater.

Section 21 Rules and Regulations

After due notice and public hearing, the Commission may promulgate procedural rules and regulations to effectuate the purposes of this bylaw. However, failure to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw.

Section 22 Enforcement

Any person who violates any provision of this bylaw or of any condition of a permit issued pursuant to it may be subject to a fine of not more than \$300. Each day during which a violation continues may constitute a separate violation. This bylaw may be enforced pursuant to Mass. General Laws Chapter 40, Section 21D, by the Constable, Police Chief, Police Officer, Conservation Administrator, or other agent allowed by law. Upon request of the Commission, the Board of Selectmen or Town Counsel may take such other legal action as may be necessary to enforce this bylaw and permits pursuant to it.

The following provides a schedule of fines for specific violations:

- Alteration of a wetland or vernal pool without an Order of Conditions issued pursuant to this Bylaw - \$300
- Work within the buffer zone without prior submittal of Request for Determination or Notice of Intent - \$200
- Failure to provide sedimentation controls required by an Order of Conditions - \$200
- Disposal of construction debris within the buffer zone - \$300
- Failure to construct stormwater or drainage structure according to plans - \$300
- Removal of trees designated for protection - \$10 per inch of circumference
- Storage of fill within the buffer zone - \$150.
- Failure to record the final Order of Conditions with the Registry of Deeds - \$25

Section 23 Appeals

A decision of the Commission may be reviewed by the Superior Court in an action filed within 60 days thereof, in accordance with Massachusetts General Law 249, Section 4.

Section 24 Severability

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

Passed by Hand Count/May 11th @ 9:53 Yes-64/No-39

A motion was duly made and seconded to adjourn the Annual Town Meeting.

Passed by Hand Count/May 11th @ 9:57 Yes-62/No-41

A motion was duly made and seconded to reconsider Article 42.

Passed/May 17th @ 7:05

A motion was duly made and seconded to move the question.

Passed by hand count/May 17th @7:11 Yes-150/No-28

On the main motion the Town voted to defeat article 42.

Defeated by hand count/May 17th @ 7:13 Yes-57/No 127

Article 43. To see if the Town will vote to amend the Zoning Bylaw of the Town of Templeton, Section 10, to read:

10. RATE OF DEVELOPMENT

A. Purpose. The purpose of this section, "Rate of Development," is to promote orderly growth in the Town of Templeton, consistent with the rate of residential growth over the last ten (10) calendar years, to phase growth so that it will not unduly strain the community's ability to provide basic public facilities and services, to provide the Town, its boards and its agencies information, time, and capacity to plan for growth and to incorporate such growth into the Master Plan for the community, and to preserve and enhance existing community character and the value of property.

B. General. Beginning on May 23, 2001, building permits for not more than thirty (30) dwelling units shall be issued in each of the seven full calendar years following said date, for the construction of new residential dwellings. For the purposes of this section, a duplex shall constitute two dwelling units.

C. Procedures. Any building permits shall be issued in accordance with the following procedures:

1. The Building Inspector shall act on each permit in order of submittal. Any permit application that is incomplete or inaccurate shall be returned to the applicant and shall require new submittal.

2. Three (3) permits shall be available to be issued in each month, except that in November and December no permits shall be issued.

Permits not issued in any month of the calendar year in accordance with this schedule shall be available in any subsequent month for issuance by the Building Inspector.

3. The Building Inspector shall mark each complete and accurate application with the time and date of submittal, and shall act on each application in a timely manner.

4. Any building permits not issued in any calendar year shall not be available for issuance in any subsequent year.

5. At the end of the calendar year in which this by-law is in effect, the Building Inspector shall retain all complete and accurate applications for which a building permit has not been issued. Upon being informed in writing by the applicant before the tenth of January of the succeeding calendar year that the applicant desires the application to remain in effect, the Building Inspector shall treat said application in accordance with subsection 10.C.1, above.

D. Special Permit Exemption. Upon a determination by the Planning Board under a special permit application that the building permits will be issued for dwelling units within a development that will provide special benefits to the community, said permits shall be exempt from this section in its entirety, and shall not count toward the 30 permits to be issued annually.

The Planning Board may grant a special permit under this section only if the Board determines that the probable benefits to the community outweigh the probable adverse effects resulting from granting such permit, considering the impact on schools, other public facilities, traffic and pedestrian travel, recreational facilities, open spaces and agricultural resources, traffic hazards, preservation of unique natural features, planned rate of development, and housing for senior citizens and people of low or moderate income, as defined by the Commonwealth of Massachusetts Department of Housing and Community Development, as well as conformance with Master Plan or Growth Management Plans prepared by the Planning Board pursuant to G.L. c. 41, s. 81D. The Planning Board shall give particular consideration to proposals that demonstrate a reduction in allowable density of twenty-five percent (25%) or more.

E. Exemptions. The provisions of this section shall not apply in the following circumstances:

1. the enlargement, restoration, or reconstruction of dwellings existing on lots existing as of the date of passage of this by-law, but shall apply to the conversion of single-family to two-family dwellings.

2. the construction of one (1) new dwelling on a lot in existence as of the date of passage of this by-law and held in separate ownership from any adjacent land. The burden of proof shall be upon the applicant for such permit to demonstrate that the lot in question (a) was in existence as of such date, and (b) that no adjacent land was held in common ownership or control.

F. Time Limitation and Extension. This section shall expire on January 1, 2008, or take any other action relative thereto.

Submitted by the Planning Board

On a motion duly made and seconded the Town voted to amend the Zoning Bylaw of the Town of Templeton, Section 10, to read:

10. RATE OF DEVELOPMENT

A. Purpose. The purpose of this section, "Rate of Development," is to promote orderly growth in the Town of Templeton, consistent with the rate of residential growth over the last ten (10) calendar years, to phase growth so that it will not unduly strain the community's ability to provide basic public facilities and services, to provide the Town, its boards and its agencies information, time, and capacity to plan for growth and to incorporate such growth into the Master Plan for the community, and to preserve and enhance existing community character and the value of property.

B. General. Beginning on May 23, 2001, building permits for not more than thirty (30) dwelling units shall be issued in each of the seven full calendar years following said date, for the construction of new residential dwellings. For the purposes of this section, a duplex shall constitute two dwelling units.

C. Procedures. Any building permits shall be issued in accordance with the following procedures:

1. The Building Inspector shall act on each permit in order of submittal. Any permit application that is incomplete or inaccurate shall be returned to the applicant and shall require new submittal.

2. Three (3) permits shall be available to be issued in each month, except that in November and December no permits shall be issued.

Permits not issued in any month of the calendar year in accordance with this schedule shall be available in any subsequent month for issuance by the Building Inspector.

3. The Building Inspector shall mark each complete and accurate application with the time and date of submittal, and shall act on each application in a timely manner.

4. Any building permits not issued in any calendar year shall not be available for issuance in any subsequent year.

5. At the end of the calendar year in which this by-law is in effect, the Building Inspector shall retain all complete and accurate applications for which a building permit has not been issued. Upon being informed in writing by the applicant before the tenth of January of the succeeding calendar year that the applicant desires the application to remain in effect, the Building Inspector shall treat said application in accordance with subsection 10.C.1, above.

D. Special Permit Exemption. Upon a determination by the Planning Board under a special permit application that the building permits will be issued for dwelling units within a development that will provide special benefits to the community, said permits shall be exempt from this section in its entirety, and shall not count toward the 30 permits to be issued annually.

The Planning Board may grant a special permit under this section only if the Board determines that the probable benefits to the community outweigh the probable adverse effects resulting from granting such permit, considering the impact on schools, other public facilities, traffic and pedestrian travel, recreational facilities, open spaces and agricultural resources, traffic hazards, preservation of unique natural features, planned rate of development, and housing for senior citizens and people of low or moderate income, as defined by the Commonwealth of Massachusetts Department of Housing and Community Development, as well as conformance with Master Plan or Growth Management Plans prepared by the Planning Board pursuant to G.L. c. 41, s. 81D. The Planning Board shall give particular consideration to proposals that demonstrate a reduction in allowable density of twenty-five percent (25%) or more.

E. Exemptions. The provisions of this section shall not apply in the following circumstances:

1. the enlargement, restoration, or reconstruction of dwellings existing on lots existing as of the date of passage of this by-law, but shall apply to the conversion of single-family to two-family dwellings.

2. the construction of one (1) new dwelling on a lot in existence as of the date of passage of this by-law and held in separate ownership from any adjacent land. The burden of proof shall be upon the applicant for such permit to demonstrate that the lot in question (a) was in existence as of such date, and (b) that no adjacent land was held in common ownership or control.

F. Time Limitation and Extension. This section shall expire on January 1, 2008
Passed by Hand Count/May 17th @ 7:44 Yes-129/No26

Article 44. To see if the Town will vote to amend the Zoning Bylaw of the Town of Templeton, Section 11, to read:

11. SUBDIVISION PHASING

A. Purpose. The purpose of this section, "Subdivision Phasing," is to assure that growth shall be phased so as not to unduly strain the town's ability to provide public facilities and services, and to provide the Town, its boards and its agencies information, time, and capacity to plan for growth and incorporate such growth into the Master Plan for the community, and to preserve and enhance existing community character and the value of property.

B. Applicability. The issuance of building permits for any tract of land divided or subdivided pursuant to any provision of G.L. c. 41, ss. 81K - 81GG, the Subdivision Control Act, into more than six (6) lots after the effective date of this by-law shall be subject to the regulations and conditions set forth herein. This provision shall apply to any proposed division or subdivision of combination of adjacent properties which were in the same ownership as of May 23, 2001.

C. Phasing. Not more than six (6) building permits shall be issued in any twelve month period for construction of residential dwellings on any tract of land divided or subdivided into more than six (6) lots pursuant to any provision of G.L. c. 41, ss. 81K - 81GG, the Subdivision Control Act.

D. Exceptions. Issuance of more than six (6) building permits for the same tract of land in a twelve month period may be allowed in the following circumstances:

1. The owner of said land may apply for a special permit from the Planning Board for the issuance of more than six building permits in any 12 month period. The Planning Board may grant a special permit only if the Board determines that the probable benefits to the community outweigh the probable adverse effects resulting from granting such permit, considering the impact on schools, other public facilities, traffic and pedestrian travel, recreational facilities, open spaces and agricultural resources, traffic hazards, preservation of unique natural features, planned rate of development, and housing for senior citizens and people of low or moderate income, as defined by the Commonwealth of Massachusetts Department of Housing and Community Development, as well as conformance with Master Plan or Growth Management Plans prepared by the Planning Board pursuant to G.L. c. 41, s. 81D. The Planning Board shall give particular consideration to proposals that demonstrate a reduction in allowable density of twenty-five percent (25%) or more. Where such special permit is granted, any building permits issued for dwelling units within the division of land shall not count toward the 30 permits to be issued annually in Section 10 of this Zoning By-law.

2. Where the tract of land will be divided into more than sixty (60) lots, the Planning Board may, by special permit, authorize development at a rate not to exceed ten percent (10%) of the units per year.

3. Where the effect of this Section 11 and Section 10, taken together, would delay completion of all of the dwelling units shown on the plan dividing or subdividing the land in question beyond ten (10) years, the Planning Board shall adopt a schedule of construction to allow for such construction within ten years from the date of endorsement of such plan.

E. Zoning Change Protection. The protection against subsequent zoning change granted by G.L. c. 40A, s.6 to land in a subdivision shall, in the case of a development whose completion has been constrained by this section beyond eight (8) years, be extended to ten years.

F. Relation to Real Estate Assessment. Any land owner denied a building permit because of these provisions may appeal to the Board of Assessors, in conformity with G.L. c. 59, s. 59, for a determination as to the extent to which the temporary restriction on development use of such land shall affect the assessed valuation placed on such land for purposes of real estate taxation, and for abatement as determined to be appropriate.

G. Time Limitation and Extension. This section shall expire on January 1, 2008. or take any other action relative thereto.

Submitted by Planning Board.

On a motion duly made and seconded the Town voted to amend the Zoning Bylaw of the Town of Templeton, Section 11, to read:

11. SUBDIVISION PHASING

A. Purpose. The purpose of this section, "Subdivision Phasing," is to assure that growth shall be phased so as not to unduly strain the town's ability to provide public facilities and services, and to provide the Town, its boards and its agencies information, time, and capacity to plan for growth and incorporate such growth into the Master Plan for the community, and to preserve and enhance existing community character and the value of property.

B. Applicability. The issuance of building permits for any tract of land divided or subdivided pursuant to any provision of G.L. c. 41, ss. 81K - 81GG, the Subdivision Control Act, into more than six (6) lots after the effective date of this by-law shall be subject to the regulations and conditions set forth herein. This provision shall apply to any proposed division or subdivision of combination of adjacent properties which were in the same ownership as of May 23, 2001.

C. Phasing. Not more than six (6) building permits shall be issued in any twelve month period for construction of residential dwellings on any tract of land divided or subdivided into more than six (6) lots pursuant to any provision of G.L. c. 41, ss. 81K - 81GG, the Subdivision Control Act.

D. Exceptions. Issuance of more than six (6) building permits for the same tract of land in a twelve month period may be allowed in the following circumstances:

1. The owner of said land may apply for a special permit from the Planning Board for the issuance of more than six building permits in any 12 month period. The Planning Board may grant a special permit only if the Board determines that the probable benefits to the community outweigh the probable adverse effects resulting from granting such permit, considering the impact on schools, other public facilities, traffic and pedestrian travel, recreational facilities, open spaces and agricultural resources, traffic hazards, preservation of unique natural features, planned rate of development, and housing for senior citizens and people of low or moderate income, as defined by the Commonwealth of Massachusetts Department of Housing and Community Development, as well as conformance with Master Plan or Growth Management Plans prepared by the Planning Board pursuant to G.L. c. 41, s. 81D. The Planning Board shall give particular consideration to proposals that demonstrate a reduction in allowable density of twenty-five percent (25%) or more. Where such special permit is granted, any building permits issued for dwelling units within the division of land shall not count toward the 30 permits to be issued annually in Section 10 of this Zoning By-law.

2. Where the tract of land will be divided into more than sixty (60) lots, the Planning Board may, by special permit, authorize development at a rate not to exceed ten percent (10%) of the units per year.

3. Where the effect of this Section 11 and Section 10, taken together, would delay completion of all of the dwelling units shown on the plan dividing or subdividing the land in question beyond ten (10) years, the Planning Board shall adopt a schedule of construction to allow for such construction within ten years from the date of endorsement of such plan.

E. Zoning Change Protection. The protection against subsequent zoning change granted by G.L. c. 40A, s.6 to land in a subdivision shall, in the case of a development whose completion has been constrained by this section beyond eight (8) years, be extended to ten years.

F. Relation to Real Estate Assessment. Any land owner denied a building permit because of these provisions may appeal to the Board of Assessors, in conformity with G.L. c. 59, s. 59, for a determination as to the extent to which the temporary restriction on development use of such land shall affect the assessed valuation placed on such land for purposes of real estate taxation, and for abatement as determined to be appropriate.

G. Time Limitation and Extension. This section shall expire on January 1, 2008
Passed Unanimously/May 17th @ 7:50

Article 45. To see if the Town will vote to transfer a parcel of land, owned by the Town of Templeton and identified as land located on Willow Street, Templeton, shown as assessor's map and parcel 5-08-19 and described in the Worcester County Registry of Deeds book 10448 page 134, to the care and custody of the Templeton Conservation Commission as open space.
Submitted by Citizen Petition

On a motion duly made and seconded the Town voted to transfer a parcel of land, owned by the Town of Templeton under the care, custody and control of the Board of Selectmen for general municipal purposes, and identified as land located on Willow Street, Templeton, shown as assessor's map and parcel 5-08-19 and described in the Worcester County Registry of Deeds book 10448 page 134, to the care and custody of the Templeton Conservation Commission as open space.

Passed Unanimously/May 11th @ 7:45

Article 46. To see if the Town will vote to raise and appropriate from available funds or otherwise provide the sum of 88,258 dollars to offset the cost of health benefits by the current 75% level, for our elected officials working less than 20 hours a week.

Submitted by Citizen Petition

No Motion

Article 47. To see if the Town will vote to include language in the warrant article, voted by the Town to create a revolving fund for the Planning Board, underlined as follows:

Revolving Fund for the Planning Board: to deposit fees collected for development plans and documents and to authorize the Planning Board to expend such funds to pay for expenses and services incurred for review of said plans and documents and also for educational and clerical purposes providing that the amount to be expended in FY 2005 shall not exceed Twenty Thousand Dollars (**\$20,000.00**).

Submitted by Citizen Petition

No Motion

Article 48. To see if the Town will vote to designate call firefighters as employees eligible for the town's group health insurance and to charge each eligible call firefighter one hundred percent of the premium, in accordance with Massachusetts General Laws, Chapter 32B, Section 2B, or take any other action relative thereto.

Submitted by Citizen Petition

On a motion duly made and seconded the Town voted to accept call firefighters as employees eligible for the town's group health insurance and to charge each eligible call firefighter one hundred percent of the premium, in accordance with Massachusetts General Laws, Chapter 32B, Section 2(d).

Passed Unanimously/May 17th @ 7:57

Article 49 To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money for the Stabilization Fund, or to take any other action relative thereto.

Submitted by Advisory Board

No Motion

Article 50. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Forty Thousand Dollars (**\$40,000.00**) for the Special Reserve Account (Advisory Board), or to take any other action relative thereto.

Submitted by Advisory Board

On an amended motion duly made and seconded the Town voted to raise and appropriate the sum of Forty Thousand Dollars (**\$40,000.00**) for the Advisory Board Emergency Reserve Account (Advisory Board).

Passed Unanimously/May 17th @ 8:00

Article 51. To see if the Town will vote to appropriate from available funds in the treasury, a sum of money to be used by the Board of Assessors in fixing the tax rate to meet appropriations made for the fiscal year ending June 30, 2006, or to take any other action relative thereto.

No Motion

On a motion duly made and seconded the Town voted to adjourn the Annual Town Meeting.

Passed Unanimously/May 17th @ 8:00

And you are hereby directed to serve this warrant by posting attested copies thereof in each precinct; namely, the Post Office in Templeton, the Post Office in East Templeton, the Post Office in Baldwinville, and at Cote's Market in Otter River, and at the Town Office Buildings at 4 Elm Street in Baldwinville and at 690 Patriots Road in Templeton and by delivering a copy to each of the Precinct Clerks seven (7) days at least

before the time of holding said meeting and by causing notice of the same to be published once in the Gardner News, a newspaper in said County, in the City of Gardner.

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

Given under our hands this 15th day of April in the Year AD 2005.

BOARD OF SELECTMEN

Patrick E. Dunlavey, Chairman

Gerald Skelton, Vice Chairman

Neil Cullen, Clerk

Paul Quattrociocchi, Member

Robert Columbus, Member

A True Copy, ATTEST:

Neil A. Cullen
Constable of Templeton

OFFICER'S RETURN

WORCESTER, ss

April 15, 2005

This is to certify that I have served the within warrant by posting attested copies thereof in each Precinct; namely , at the Post Office in Templeton, the Post Office in East Templeton, the Post Office in Baldwinville, and at Cote's Market in Otter River, and at the Town Office Buildings at 4 Elm Street in Baldwinville and at 690 Patriots Road in Templeton and by delivering a copy to each of the Precinct Clerks seven days (7) at least

before the time of holding said meeting and by causing notice of the same to be published once in the Gardner News, a newspaper in said County, in the City of Gardner.

Neil A. Cullen
Constable of Templeton

A True Copy, ATTEST:

Carol A. Harris
Town Clerk of Templeton

Meeting Attendance 05-10-2005
Voters Total 211
Meeting Attendance 05-11-2005
Voters Total 145
Meeting Attendance 05-17-2005
Voters Total 208