

COMMONWEALTH OF MASSACHUSETTS
TOWN OF SCITUATE, MASSACHUSETTS

WARRANT

Plymouth ss.

TO: Either of the Constables of the Town of Scituate

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Scituate qualified to vote in elections and Town affairs that a SPECIAL TOWN MEETING will be held in the SCITUATE HIGH SCHOOL GYMNASIUM, 606 Chief Justice Cushing Highway on Tuesday, the 13th day of November, 2012, at 7:00 p.m. or as soon thereafter as the subject matter of this warrant can then and there be reached, and the Town Clerk is required to notify and warn the Town Meeting members then and there to meet and act on the following Articles:

ARTICLE 1.

To see if the Town will vote to transfer the sum of \$3,489.00, or a greater or lesser sum, for the purpose of paying Fiscal Year 2012 unpaid bills, or take any other action relative thereto.

Sponsored by: Board of Selectmen

ARTICLE 2.

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$256,948.00, or a greater or lesser sum, for the purpose of balancing the Fiscal Year 2013 Operating Budget pursuant to Article 5 of the April 11, 2012 Annual Town Meeting warrant, or take any other action relative thereto.

Sponsored by: Board of Selectmen

ARTICLE 3.

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds in the Treasury, a sum of money to be expended under the direction of the School Building Committee for the purpose of paying the costs of a feasibility study to understand the best solution to the physical and educational deficiencies of the Gates Middle School, located at 327 First Parish Road, Scituate, Massachusetts, which options shall include, but not be limited to renovating, reconstructing, expanding, remodeling, build as new or any combination of the foregoing. The Massachusetts School Building Authority (MSBA) has not, as of this date invited the Town of Scituate into the Authority's Eligibility Period. The Massachusetts School Building Authority's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs of the Project that the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and the

total amount of the borrowing authorized by this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town and the MSBA, or take any other action relative thereto.

Sponsored by: Board of Selectmen

ARTICLE 4.

To see if the Town will vote to transfer from available funds in the Fiscal Year 2006 and Fiscal Year 2007 Overlay Reserve the sum of \$75,000.00, or a greater or lesser sum, for the purpose of reimbursing Verizon England Inc. for taxes paid but not owed as a result of the decision by the Massachusetts Appeals Court, *Verizon New England Inc. v. Assessors of Boston et. al., 81*, or take any other action relative thereto.

Sponsored by: Board of Selectmen

ARTICLE 5.

To see if the Town will vote to transfer from Retained Earnings in the Transfer Station Enterprise Fund the sum of \$120,000.00, or a greater or lesser sum, for the purpose of purchasing a backhoe for the Transfer Station, or take any other action relative thereto.

Sponsored by: Board of Selectmen

ARTICLE 6.

To see if the Town will vote to transfer from available surplus funds in previously authorized water projects the sum of \$471,064.00, or a greater or lesser sum, for the purpose of fully funding the cost of water main line replacements associated with the Musquashicut Pond Sewer Project pursuant to Article 9 of the October 25, 2011 Special Town Meeting Warrant, or take any other action relative thereto.

Sponsored by: Board of Selectmen

ARTICLE 7.

To see if the Town will vote to transfer from Retained Earnings in the Waterways Enterprise Fund the sum of \$88,750.000, or a greater or lesser sum, for the purpose of funding the Town's share of a \$406,250.00 grant from the Commonwealth of Massachusetts Seaport Advisory Council, or take any other action relative thereto.

Sponsored by: Board of Selectmen

ARTICLE 8.

To see if the Town will vote to create a Capital Stabilization Fund, pursuant to Massachusetts General Laws Chapter 40, Section 5B, for the purpose of allocating funds for major capital acquisitions or projects and transfer from available funds in the Treasury the sum of \$100,000.00 or a greater or lesser sum, for the purpose of establishing said Fund, or take any other action relative thereto.

Sponsored by: Board of Selectmen

ARTICLE 9.

To see if Town will vote to authorize the establishment of a Private Way Maintenance Revolving Fund, pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½, which shall be kept separate and apart from other monies by the Treasurer, and which shall be deposited revenues received that may be spent only from those sources identified below under "Source of Funds" without further appropriation during Fiscal Year 2013 and as identified below under "Use of Funds", and shall be expended under the direction of those so indicated. Said annual amount expended from such revolving account shall not exceed the amount indicated below under "Annual Expenditure,"

| <u>Source of Funds</u> | <u>Use of Funds</u> | <u>Expended Under</u> | <u>FY 13 Limit</u> |
|--------------------------------|---------------------|-----------------------|--------------------|
| Private Way Property Owners | Road Maintenance | Town Engineer | \$10,000.00 |

or take any other action relative thereto.

Sponsored by: Board of Selectmen

ARTICLE 10.

To see if the Town will authorize the Board of Selectmen to petition the Great and General Court of the Commonwealth to enact special legislation authorizing the design and designation of a place on the municipal tax bills or motor-vehicle tax bills, or to mail with such tax bills a separate form, whereby taxpayers may voluntarily check off, donate and pledge an amount of money, which shall increase the amount otherwise due, and to establish a Scituate Veterans Advisory Assistance Fund, the purpose of which is to provide support to all Scituate veterans and dependents in need, in keeping with the purpose of the Scituate Veterans Advisory Council, or take any other action relative thereto.

Sponsored by: Board of Selectmen

ARTICLE 11.

To see if the Town will vote to amend the Scituate Zoning Bylaw and the Scituate Zoning Map by changing the map and text of the Water Resource Protection District required by the Massachusetts Department of Environmental Protection, as follows in paragraphs #1 – 5 below:

- (1) *To amend the Zoning Map by replacing the existing Water Resource Protection District as shown on the "Town of Scituate Zoning Map by Amory Engineers, P.C. dated October 25, 2011", adopted by Town Meeting October 25, 2011, with a new Water Resource Protection District with new boundaries and with two new subdistricts, as shown on the map titled "New Water Resource Protection District by Amory Engineers, P.C." and dated August 7, 2012.*
- (2) *To add the following definitions to Scituate Zoning Bylaw Section 200, Definitions, to be listed in alphabetical order with the definitions currently in this Section:*

CMR

Code of Massachusetts Regulations.

DISCHARGE

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

HAZARDOUS MATERIAL

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

HAZARDOUS WASTE

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

NON-SANITARY WASTEWATER

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

TREATMENT WORKS

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

UTILITY WORKS

Regulated activities providing for public services, including roads, water, sewer, electricity, gas, telephone, transportation and their associated maintenance

activities. This term shall include the installation of detention and retention basins for the purpose of controlling storm water.

ZONE A

- a) The land between a surface water source and the upper boundary of the bank;
- b) The land area within a 400 foot lateral distance from the upper boundary of a Class A surface water source, as defined in 314 CMR 4.05(3)(a) or
- c) The land area within a 200 foot lateral distance from the upper boundary of the bank of a tributary or associated water body.

ZONE II

The delineated recharge area to a public drinking water well as approved by the Massachusetts Department of Environmental Protection and defined under the Massachusetts Drinking Water Regulations 310 CMR 22.00.7.

- (3) *To replace Scituate Zoning Bylaw Section 520 with the following language:*

520.1 PURPOSE

The purpose of the Water Resources Protection District is to safeguard and protect Scituate's sources of water supply. This bylaw is intended to preserve and maintain the filtration and purification capacity of the land, the groundwater table, the purity of groundwater and surface water supplies, to conserve the natural environment, to protect the public health, safety, and welfare and to comply with state law.

520.2 FINDINGS

The Town of Scituate finds that:

- A. Old Oaken Bucket Pond, Tack Factory Pond and The Reservoir and their watersheds and tributaries, and the groundwater underlying Scituate are the primary sources of Scituate's existing and future drinking water supply;
- B. Old Oaken Bucket Pond is listed in the Massachusetts Department of Environmental Protection's (DEP's) water withdrawal permit as Scituate's surface water supply source. The Massachusetts Drinking Water Regulations, 310 CMR 22.00, establish a Surface Water Protection Zone, known as a Zone A, which is significant to the surface water supply source and is required to be protected;
- C. The tributaries to Old Oaken Bucket Pond are a water resource that is integrally connected with, and flows into, The Reservoir, surface waters, lakes, streams and coastal estuaries. Some of these waters constitute significant recreational and economic resources of the Town used for bathing and other water-related recreation, shellfishing and fishing;

- D. The Town's drinking water also comes from groundwater. Groundwater is the water held in the cracks and spaces in the soil. Groundwater is stored in, and moves slowly through, layers of soil, sand and rocks called aquifers. Public drinking water wells obtain water from a portion of the aquifers in Scituate.
- E. The Massachusetts Drinking Water Regulations, 310 CMR 22.00, establish Zones of Contribution or Zone II's to designate that area of an aquifer that contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated, or 180 days of pumping at approved yield, with no recharge from precipitation.
- F. Within each of these areas, many human activities can occur that can contaminate the surface water supply and groundwater used by public wells. Accidental spills and discharges of petroleum products and other toxic and hazardous materials and sewage discharge have repeatedly threatened the quality of groundwater and surface water supplies and related water resources throughout towns in Massachusetts, posing potential public health and safety hazards and threatening economic losses to the affected communities.
- G. It is of critical importance to the Town that both the surface water supply and its Zones of Contribution to public water supply wells be protected from contamination by human activities to the greatest extent possible.

520.3 WATER RESOURCES PROTECTION DISTRICT

The Water Resources Protection District includes areas significant to the Town's drinking water supply sources which require zoning protection, as shown on the map entitled New Water Resource Protection District by Amory Engineers, P.C. and dated August 7, 2012. This district contains two subdistricts, Zone A's, consisting of areas designated by DEP as influencing the surface water supply, and Zone II's, designated by DEP as Zones of Contribution to the public drinking water supply wells.

This district and its subdistricts shall be superimposed over any other districts established in this bylaw. The requirements enumerated hereafter for the Water Resources Protection District shall be in addition to, rather than in place of, the requirements for the underlying district. Where property is located in both the Zone A and Zone II Subdistricts, the more restrictive regulation and requirements shall apply.

520.4 USE AND ACTIVITY REGULATIONS

A. Prohibited Uses

Within the Water Resources Protection District the following uses and activities are specifically prohibited:

1. Landfills or open dumps;
2. Automobile graveyards, junkyards or salvage operations;
3. Municipal sewage treatment facilities with on-site disposal of primary treated or secondary-treated effluent;
4. Commercial outdoor washing of vehicles and commercial car washes;
5. Storage of sodium chloride, chemically treated abrasive, other chemicals or sanding materials used for the removal of ice and snow on roads, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
6. Underground storage tanks;
7. Dry cleaning establishments;
8. Self-service laundries, unless connected to public sewerage;
9. Airplane, boat and motor vehicle service and repair establishments, including auto body shops;
10. Storage and/or sale of petroleum or other refined petroleum products, except within buildings which it will heat or in amounts normally associated with household or agricultural uses; storage and/or sale of petroleum or other refined petroleum products, except within buildings which it will heat or in amounts normally associated with household or agricultural uses;
11. The storage of liquid hazardous materials, as defined in MGL Chapter 21E, and/or liquid petroleum products unless such storage is
 - a. above ground level,
 - b. on an impervious surface, and
 - c. outdoors in covered container(s) or in above ground (tanks) within a building;
12. Metal plating, finishing or polishing establishment;

13. Chemical and bacteriological laboratories;
14. Storage of herbicides, pesticides or fertilizers, other than in amounts normally associated with household or agricultural uses;
15. Storage of animal manure unless covered or contained within a structure designed to prevent the generation and escape of contaminated runoff or leachate and storage is a minimum of 100 feet from any water body;
16. Stabling, hitching, standing, feeding or grazing of livestock or other domestic animals within 100 feet of the bank of Old Oaken Bucket Pond or a tributary thereto;
17. Electronic circuit assembly establishment;
18. Hotel or motel, unless connected to public sewerage;
19. Painting, wood preserving and furniture stripping establishment;
20. Photographic processing establishment;
21. Machine shops using toxic or hazardous materials in any part of the production process;
22. Printing establishment;
23. Earth removal, consisting of removal of soil, loam, sand, gravel or any other earth material to within 4 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, unless substances removed are replaced within 45 days of the removal on the site to achieve a final grading greater than 4 feet above the historical high water mark, and except for excavations for building foundations, roads, utility works, or wetland restoration work conducted in accordance with a valid Order of Conditions issued pursuant to MGL Chapter 131, Section 40;
24. Solid waste combustion facilities or handling facilities as defined by 310 CMR 16.00.

25. Storage of sludge and septage, as defined in 310 CMR 32.05, unless such storage is in compliance with 310 CMR 32.30 and 32.31.
26. Facilities that through their acts or processes, generate, treat, store or dispose of hazardous wastes that are subject to Massachusetts General Laws Chapter 21C and 310 CMR 30.000 except for the following:
 - a. Very small quantity generators as defined by 310 CMR 30.000;
 - b. Household hazardous waste collection centers or events operated pursuant to 310 CMR 30.29;
 - c. Treatment works as approved by the DEP designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters or
 - d. Waste oil retention facilities required by Massachusetts General Laws Chapter 21 S. 52a;
27. Dumping of snow from outside the district;
28. Storage of commercial fertilizers; unless such storage is within a structure designed to prevent the generation of contaminated runoff or leachate.
29. Any other use, which involves as a principal activity the manufacture, storage, use, transportation or disposal of toxic or hazardous materials, except as allowed by special permit below.

B. Zone A Subdistrict Prohibited Uses.

Within the Zone A Subdistrict the following uses and activities are prohibited:

1. Junk and salvage operations;
2. Treatment or disposal works subject to 314 CMR 3.00 or 5.00, except for:
 - a. The replacement or repair of an existing treatment or disposal works that will not result in a design capacity greater than the design capacity of the existing treatment or disposal works;
 - b. Treatment or disposal works for sanitary sewage if necessary to treat existing sanitary sewage discharges in non-compliance with Title 5, 310 CMR 15.00, provided the facility owner demonstrates to the DEP's satisfaction that there are no feasible siting locations outside the Zone A. Any new facility shall be permitted in

accordance with 314 CMR 5.00 and shall be required to disinfect the effluent;

- c. Treatment works approved by the DEP designed for the treatment of contaminated ground or surface waters and operated in compliance with 314 CMR 5.05(3) or 5.05(13); and
 - d. Discharge by public water system of waters incidental to water treatment process;
3. Facilities that, through their acts or processes, generate, treat, store or dispose of hazardous waste that are subject to M.G.L. c. 21C and 310 CMR 30.000, except for:
 - a. Very small quantity generators as defined by 310 CMR 30.000; or
 - b. Treatment works approved by the DEP designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters;
 4. Human or animal cemeteries or mausoleums;
 5. Sand and gravel operations;
 6. Storage of liquid hazardous material, liquid propane, or liquid petroleum products, unless storage is incidental to:
 - a. Normal household use, outdoor maintenance, or heating of a structure;
 - b. Use of emergency generators on site;
 - c. A response action conducted or performed in accordance with M.G.L.c.21E and 310 CMR 40.000 and which is exempt from a groundwater discharge permit pursuant to 314 CMR 5.05; or
 - d. The replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline, provided the replacement is performed in accordance with applicable state and local requirements;

and storage is above ground on an impervious surface; and in containers or above-ground tanks within a building, or outdoors in covered containers or above-ground tanks with a containment system designed and operated to hold 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater;

7. Land uses that render impervious any lot or parcel more than 15% or 2,500 sq. feet, whichever is greater, but no more than 20% with artificial recharge;
8. Storage of fertilizers, unless covered or contained;
9. Stockpiling or disposal of snow removed from outside the Zone II and/or Zone A that contains deicing chemicals;

C. Zone II Subdistrict Prohibited Uses.

Within the Zone II Subdistrict of the Water Resources Protection District the following uses and activities are specifically prohibited:

1. Wastewater or septage residual monofills;
2. Petroleum, fuel oil and heating oil bulk stations and terminals, including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983, except for liquefied petroleum (liquid propane;)
3. Non-sanitary treatment or disposal works, subject to 314 CMR 5.00 for wastewater including treatment or works related to activities under the Standard Industrial Classification (SIC) Codes set forth in 310 CMR 15.004(6), except for:
 - a. Replacement or repair of an existing system that will not result in a design capacity greater than the design capacity of the existing system;
 - b. Treatment works approved by the DEP designed for the treatment of contaminated ground or surface waters and operated in compliance with 314 CMR 5.05(3) or 5.05 (13); or
 - c. Publicly owned treatment works;
4. Storage of liquid hazardous materials or liquid petroleum products unless such storage is above ground level and on an impervious surface; and in containers or above-ground tanks within a building, or outdoors in covered containers or above-ground tanks in an area that has a containment system designed and operated to hold 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater;
5. Removal of soil, loam, sand, gravel or any other mineral substances within 4 feet of the historical high groundwater table elevation unless re-deposited within 45 days and except for the construction of building foundations or the installation of utility works;
6. Rendering impervious any lot/parcel more than 15% or 2,500 square feet, whichever is greater, unless a system for artificial recharge, that will not degrade groundwater quality, is provided;
7. Stockpiling or disposal of snow removed from outside the Zone II and/or Zone A that contains deicing chemicals;
8. Storage of commercial fertilizers, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

D. Special Permit Uses

Within those portions of the Water Resources Protection District that do not lie within the Zone A or Zone II subdistricts, the following uses shall be allowed only upon receipt of a special permit, issued in accordance with the provisions of Section 520.4 D. of this bylaw:

1. Any use involving secondary usage or storage of toxic or hazardous materials in quantities greater than normally associated with household use;
2. Any use involving secondary and minimal usage or storage of herbicides, pesticides or fertilizers, other than the amounts normally associated with household or agricultural use;
3. Golf course, either for private or public use.

E. Special Permit Granting Authority

The Special Permit Granting Authority (SPGA) under this bylaw shall be the Planning Board. Such special permit shall be granted if the SPGA determines, in conjunction with the Department of Public Works, Board of Health, Conservation Commission and Water Resources Committee, that the intent of this bylaw, as well as its specific criteria is met. In making such determination, the SPGA shall give consideration to the simplicity, reliability and feasibility of the control measures proposed and the degree of threat to water quality which would result if the control measures failed. The SPGA shall explain any departures from the recommendations of other Town agencies in its decision.

F. Special Permit Criteria

Special permits under this section shall be granted only if the SPGA determines, taking into consideration the comments received from other Town boards and agencies, that ground-water and surface-water quality and quantity resulting from on-site waste disposal and other on-site operations will not fall below federal or state standards for drinking water at the down-gradient property boundary.

G. Submittals

In applying for a special permit required by this section, the information listed below shall be submitted:

1. A complete list of chemicals, pesticides, herbicides, fertilizers, fuels and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use, accompanied by a description of measures proposed to protect all storage containers/facilities from vandalism, corrosion and leakage, and to provide for control of spills.

2. A description of potentially toxic or hazardous wastes to be generated, indicating storage and disposal methods.
3. Evidence of approval by the DEP of any industrial waste treatment or disposal system or any wastewater treatment system over fifteen thousand gallons per day capacity.
4. Projections of down-gradient concentrations of nitrogen, phosphorus, and other relevant chemicals to be disposed of on-site, at property boundaries and other locations deemed pertinent by the Planning Board, prepared by a hydro geologist or registered-professional engineer possessing experience and education in water supply protection and hydrology.

520.5 BUFFER ZONE

A. Non-Disturbance Buffer Zone

A non-disturbance buffer zone shall exist one hundred and fifty feet horizontally from the high water mark of Tack Factory Pond Reservoir and from the edge of all tributaries in the reservoir watershed. Within this buffer zone, in addition to all other restrictions of the Water Resources Protection District, the following additional activities are prohibited:

1. Any activities which cause earth movement or disturbance;
2. Vegetation removal or cutting;
3. Construction or placement of any permanent structures, other than those associated with the providing of public water;
4. Any surface or sub-surface discharge, including, but not limited to, storm water runoff and domestic or industrial wastewater.

520.6 DESIGN AND OPERATIONS GUIDELINES

For all uses within the Water Resources Protection District the following design and operation guidelines shall be observed. Within the Zone A and Zone II Subdistricts, where the activities subject to these guidelines are more strictly regulated by Sections 520.4 B. or 520.4 C. above, the stricter regulation shall apply, and the variance process provided in subparagraph F., below shall not be permitted.

A. Safeguards

1. Provision shall be made to protect against toxic or hazardous materials discharge or loss resulting from corrosion, accidental damage, spillage or vandalism through measures such as: spill control provisions in the vicinity of chemical or fuel delivery points; secured storage areas for toxic or hazardous materials; and

indoor storage provisions for corrodible or dissolvable materials. For operations which allow the evaporation of toxic or hazardous materials into the interiors of any structures, a closed vapor recovery system shall be provided for each such structure to prevent discharge of contaminated condensate into the groundwater.

2. Outdoor storage of liquid hazardous materials, as defined in Massachusetts General Laws Chapter 21E, and/or liquid petroleum products shall be in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater.

B. Location

Where the premises are partially outside of the Water Resources Protection District, potential pollution sources such as on-site waste disposal systems shall be located outside the district to the extent feasible.

C. Disposal

For any toxic or hazardous wastes to be produced in quantities greater than those associated with normal household use, the applicant must demonstrate the availability and feasibility of disposal methods which are in conformance with Massachusetts General Laws, Chapter 21C.

D. Drainage

All runoff from impervious surfaces shall be recharged on the site, diverted toward areas covered with vegetation from surface infiltration to the extent possible or as otherwise directed by the Scituate Department of Public Works and Conservation Commission. Infiltration standards may be met using the following or similar best management practices:

1. For lots occupied, or proposed to be occupied by single or two family residences, recharge shall be attained through site design that incorporates natural drainage patterns and vegetation, in order to maintain pre-development stormwater patterns and water quality to the greatest extent possible. Stormwater runoff from rooftops, driveways, and other impervious surfaces shall be routed through grassed water quality swales, as sheet flow over lawn areas, or to constructed stormwater wetlands, sand filters, organic filters, and/or similar systems capable of removing nitrogen from stormwater.
2. For lots occupied or proposed to be occupied by other uses, a stormwater management plan shall be developed which provides for the artificial recharge of precipitation to groundwater through

site design that incorporates natural drainage patterns and vegetation and through the use of constructed (stormwater) wetlands, wet (detention) ponds, water quality swales, sand filters, organic filters or similar site-appropriate best management practices capable of removing nitrogen and other contaminants from stormwater and by meeting the Stormwater Management Standards and technical guidance contained in the current DEP's Stormwater Management Handbook, for the type of use proposed and the soil types present on the site. Such runoff shall not be discharged directly to rivers, streams, or other surface water bodies, wetlands or vernal pools. Dry wells shall be prohibited.

3. Except when used for roof runoff from non-galvanized roofs, all such wetlands, ponds, swales or other infiltration facilities shall be preceded by oil, grease, and sediment traps or other best management practices to facilitate control of hazardous materials spills and removal of contamination and to avoid sedimentation of treatment and leaching facilities. All such artificial recharge systems shall be maintained in full working order by the owner(s) under the provisions of an operation and maintenance plan approved by the Town to ensure that systems function as designed. Infiltration systems greater than three feet deep shall be located at least one hundred feet from drinking water wells. Infiltration basins or trenches shall be constructed with a three foot minimum separation between the bottom of the structure and maximum groundwater elevation.

E. Erosion and Sedimentation Control

All clearing and earth moving operations shall only occur while erosion and sedimentation control measures, approved by the Town Engineer, after consultation with the Conservation Agent, are in place. Such control measures shall remain in place until the Town Engineer determines, after consultation with the Conservation Agent that the danger of erosion or sedimentation no longer exists. Hay bales shall only be used where it has been determined that the danger of soil erosion or sedimentation is minimal and in those instances where they are used as a control method, no bales shall be allowed to remain in place if they have begun to fall apart or deteriorate.

F. Dimensional Regulations

In order to minimize erosion of existing natural slopes and reduce resulting sedimentation of natural drainage areas, the following dimensional requirements shall apply within the Water Resources Protection District. The Board of Appeals may grant a variance from any regulation or percentage set forth in this paragraph, provided the applicant

for such variance satisfies the criteria set forth in Massachusetts General Laws Chapter 40A, Section 10.

1. No more than fifteen (15%) of the area or two thousand five hundred (2,500), whichever is greater, of any lot shall be rendered impervious unless a system of storm water management and artificial recharge of precipitation is developed which is designed to:
 - a. prevent untreated discharges to wetland and surface water;
 - b. preserve hydraulic conditions that closely resemble pre-development conditions;
 - c. reduce or prevent flooding by managing peak discharges and volumes of runoff;
 - d. minimize erosion and sedimentation;
 - e. avoid significant degradation of groundwater;
 - f. reduce suspended solids and other pollutants to improve water quality and
 - g. provide increased protection of sensitive natural resources.
2. There shall be no grading, earth disturbance activity or vegetation clearing of land having a natural slope exceeding twenty-five percent (25%).
3. No finished slope shall be created that exceeds 25% with the exception of side slopes associated with new road construction.

520.7 VIOLATIONS

Written notice of any violations of this section shall be provided by the Building Commissioner to the owner of the premises, specifying the nature of the violations and a schedule of compliance, including cleanup of any spilled materials. This compliance schedule must be reasonable in relation to the public health hazard involved and the difficulty of compliance. In no event shall more than thirty days be allowed for either compliance or finalization of a plan for longer-term compliance. In the enforcement of this section, the Building Commissioner shall notify the Director of the DPW and Director of Public Health of any violations and seek their assistance in securing compliance.

(4) *To replace Scituate Zoning Bylaw Section 320, Location of Districts, with the following language to reflect the new Water Resource Protection District and its subdistricts:*

All districts now existing except the Flood Plain and Watershed Protection District, Water Resources Protection District and its Zone A and Zone II Subdistricts, Residential Cluster District, Wireless Communication District, Village Business Overlay District and Humarock Village Residential Overlay District, which are further described below, shall be located and bounded as shown on a map entitled Zoning District Map, Town of Scituate, Massachusetts, by Amory Engineers P.C. and dated October 25, 2011 approved by Town Meeting on October 25, 2011 and filed in the office of the Town Clerk, which map, together with all explanatory matter thereon is hereby incorporated in and made a part of this bylaw; additional or revised districts will be shown on said map as any such additions or revisions are voted at any Annual or Special Town Meeting.

All Flood Plain and Watershed Protection Districts shall be located and bounded as shown on the map described in Section 470.3. herein, which is hereby incorporated in and made a part of this bylaw.

The Planned Development District shall be located and bounded as described in Article 25 of the April 1980 Annual Town Meeting and the map dated February 8, 1980, (as amended or revised) associated with Article 25 which is hereby incorporated in and made a part of this bylaw.

The Residential Cluster District shall be located and bounded as shown on the map identified as Town of Scituate Zoning Map, Proposed Residential Cluster District, dated January 26, 1986, (as amended or revised) as approved at the April, 1986 Annual Town Meeting, which is hereby incorporated in and made a part of this bylaw.

The Water Resource Protection District and its Zone A and Zone II Subdistricts shall be located and bounded as shown on a map entitled New Water Resource Protection District by Amory Engineers, PC dated August 7, 2012, which is hereby incorporated in and made a part of this bylaw.

The Wireless Communication District shall be located and bounded as shown on the map entitled Proposed Wireless Communications Overlay District, dated 12/23/97, as approved at the March 2, 1998 Annual Town Meeting, which is hereby incorporated and made a part of this bylaw.

The Village Business Overlay District shall be located and bounded as shown on three maps entitled "Village Business Overlay District – Scituate Harbor", "Village Business Overlay District – North Scituate," and "Village Business Overlay District – Greenbush", all dated December 13, 2005, adopted by March 4, 2006 Annual Town Meeting.

The Humarock Village Residential Overlay District shall be located and bounded as shown on the map entitled "Humarock Village Residential Overlay District: 1/10/08 Boundary" by Larry Koff & Associates dated January 15, 2008. (**Voted ATM, March 29, 2008**)

- (5) *And to replace Scituate Zoning Bylaw Section 340, Definition of Zoning Districts' eleventh paragraph, Water Resource Protection District, with the following language:*

WATER RESOURCES PROTECTION DISTRICT

This district is an overlay of other zoning districts. It includes the Zone A and Zone II Subdistricts, which refer to areas determined by DEP as significant to protection of the surface water supply and public drinking water wells. Its applicability and definition are outlined in Section 520.

Sponsored by Planning Board