

The Commonwealth of Massachusetts

BERKSHIRE, SS.

To either of the Constables of the Town of Cheshire in County of Berkshire, GREETING.

In the name of **The Commonwealth of Massachusetts**, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet at said Cheshire.

Place: Hoosac Valley Middle and High School (Auditorium)
125 Savoy Road, Cheshire MA 01225

Date: Monday June 13, 2022

Time: 7:00 P.M.

Voter check-in to begin at 6:00 PM

CHESHIRE ANNUAL TOWN MEETING

ARTICLE 1: Reports of Officers

To act on the reports of the Town Officers.

Majority Vote Required

ARTICLE 2: Elected Officials Compensation

To see if the Town will vote to set the stipends and compensation for all elected officials of the Town (Moderator, Board of Assessors, Board of Health, Constable, Select Board,) as contained in the budget articles and provided by the M.G.L., c.41, §108, to be made effective as of July 1, 2022, as contained in the budget, or take any action in relation thereto.

Majority Vote Required

ARTICLE 3: Disposal of Surplus Property

To see if the town will vote to authorize the Board of Selectmen to dispose of any unused town-owned equipment and/or property or take any action in relation thereto.

Majority Vote Required

ARTICLE 4: Authorization for Compensating Balance Agreements

To see if the Town will vote to authorize the Town Treasurer to enter into compensating balance agreements for the Fiscal Year beginning July 1, 2022, in accordance with M.G.L. c.44, §53F, or take any action in relation thereto.

Majority Vote Required

ARTICLE 5: State Aid Highway Programs

To see if the Town will vote to borrow and appropriate any additional sum or sums of money which will be reimbursed by the Commonwealth under any applicable State Aid Highway Programs for construction or improvements to Town roads and bridges as requested by the Board of Selectmen or take any action in relation thereto.

Majority Vote Required

ARTICLE 6: Authorization to Accept/Expend Grants/Gifts to Town

To see if the Town will vote to authorize the Board of Selectmen to apply for, execute contracts and expend grants or monies, or any Federal or State grants or monies, received as set forth in the appropriate application, or take any action in relation thereto.

Majority Vote Required

ARTICLE 7: RESERVE FUND

To see if the Town will vote to **RAISE AND APPROPRIATE** the sums of **\$20,000** to be used as a **RESERVE FUND**, pursuant to M.G.L. c 30, section 6 for the extraordinary or unforeseen expenditures for Fiscal Year 2023 or take any action in relation thereto.

Majority Vote Required

ARTICLE 8: GENERAL GOVERNMENT

To see if the Town will vote to **RAISE AND APPROPRIATE** the following sums (**\$1,238,110**) for the conduct of **GENERAL GOVERNMENT**, including all charges and expenses of the various town offices, for Fiscal Year 2023 or take any action in relation thereto:

Moderator Stipend	50.00
Moderator Expenses	25.00
Conservation Commission Stipends	1,500.00
Conservation Commission Consult	500.00
Conservation Commission Scribe	500.00
Conservation Commission Expenses	1,500.00
Board of Selectmen Expenses	8,269.00
Board of Selectmen Stipend	18,565.00
Town Counsel	12,500.00
Clean Lake Program	27,580.00
Town Administrator Salary	81,592.00
Town Administrator Expenses	3,000.00
Group Purchasing	800.00
Yearly Town Audit	12,500.00
Administrator Assistant to the Boards	16,700.00
Technology (Town Wide)	40,000.00
Town Website	5,150.00
Accounting Services	27,411.00
Accounting Software	4,348.00
Treasurer Salary	29,775.00
Treasurer Expenses	6,800.00
Treasurer Tax Title Expenses	2,000.00
Tax Collector Salary	26,809.00
Tax Collector Expenses	7,700.00
Tax Collector Contracted Services	1,000.00
Tax Collector Tax Title	2,000.00
Tax Collector Software	3,150.00
Board of Assessor Chair Stipend	3,807.00
Board of Assessor Member Stipend (2@ \$3,263)	6,526.00
Board of Assessors Administrative Assistant	30,978.00
Board of Assessors Expenses	5,410.00
Board of Assessors Utility Appraisal	7,450.00
Board of Assessors Contracted Services	25,190.00
Finance Committee Expenses	1,500.00
Town Clerk Salary	26,916.00
Town Clerk Expenses	3,150.00
Town Clerk Dog License Expenses	400.00
Town Clerk Book Repair	4,500.00
Town Clerk Census/Street Listing	3,200.00

Town Clerk Copy Machine/Contract	1,700.00
General Code Yearly Expense	2,000.00
Board of Registrars/Elections	8,000.00
Town Report	2,500.00
Planning Board Member Stipends (5 @ \$313.60)	1,568.00
Planning Board Expenses	2,515.00
Planning Board – BRPC Assessment	2,706.00
Planning Board Scribe	750.00
Agricultural Commission Expenses	500.00
Historical Commission Expenses	500.00
Zoning Board of Appeals Expenses	800.00
Zoning Board Scribe	500.00
Berkshire County Retirement	147,476.00
OPEB Funding	20,000.00
OPEB Actual Services Study	2,200.00
Health Insurance Active Employees	163,563.00
Health Insurance Retired Employees	20,295.00
Health Insurance Dental	7,000.00
Unemployment	10,000.00
MEDC Employer Share	16,200.00
Town Hall/Annex/Police Station Utilities	32,100.00
Fire Station Utilities	18,500.00
Town Garage/Salt Shed Utilities	18,000.00
Community Center Utilities	6,000.00
Former Cheshire Elementary School	60,000.00
Special Repairs to Town Buildings	75,000.00
Town Phone Systems	15,000.00
Town Custodian	19,168.00
Town Building Facilities Maintenance	28,818.00
Town Insurance (MIIA)	94,000.00
TOTAL GENERAL GOVERNMENT	1,238,110.00

Majority Vote Required

ARTICLE 9: PUBLIC SAFETY

To see if the Town will vote to **RAISE AND APPROPRIATE** the following sums (**\$324,621**) for **PUBLIC SAFETY** for Fiscal Year 2023, or take any action in relation thereto:

Police Chief Salary	80,000.00
Police Full Time Officer Salary	58,143.00
Police Officer Salaries	33,000.00
Police Department Expenses	4,000.00
Police Auto Expenses	14,000.00
Police Department Equipment	5,000.00
Animal Control Officer Salary	3,000.00
Animal Control Expenses	1,200.00
Fire Chief Salary	8,160.00
Assistant Fire Chief Salaries (2@	3,136.00
Fire Department Expenses	17,000.00
Fire Department Equipment Expenses	10,000.00
Fire Department Vehicle Expenses	35,000.00
Fire Department EMS	4,500.00
Fire Department Rescue Vehicle Loan	9,817.00
Police/Fire Accident & Disability Insurance	14,800.00
Communication Center	22,865.00
Emergency Management Expenses	1,000.00
PUBLIC SAFETY TOTAL	324,621.00

Majority Vote Required

ARTICLE 10: BUILDING DEPARTMENT

To see if the Town will vote to **RAISE AND APPROPRIATE** the following sums (**\$36,561**) for the **BUILDING DEPARTMENT** for Fiscal Year 2023 or take any action in relation thereto:

Building Commissioner Salary	13,647.00
Assistant Building Commissioner Salary	2,000.00
Building Commissioner Expenses	1,000.00
Online Permitting System	4,625.00
Gas/Plumbing Inspector Salary	5,727.00
Gas/Plumbing Inspector Assistant Salary	538.00
Gas/Plumbing Expenses	500.00
Wiring Inspector Salary	6,657.00
Wiring Inspector Assistant Salary	567.00

Wiring Inspector Expenses	1,300.00
TOTAL BUILDING DEPARTMENT	36,561.00

Majority Vote Required

ARTICLE 11: HEALTH AND HUMAN SERVICES

To see if the Town will vote to **RAISE AND APPROPRIATE** the following sums **(\$247,249)** for **HEALTH AND HUMAN SERVICES** for Fiscal Year 2023 or take any action in relation thereto.

Board of Health Stipends	11,421.00
Board of Health Expenses	5,500.00
Board of Health MAVEN Reporting	4,525.00
Council on Aging Expenses	8,470.00
Council on Aging Van Operating Expenses	5,900.00
Council on Aging Van Operator Salary	18,580.00
Council on Aging Medical Car Ride Share	1,500.00
Council on Aging Coordinator Salary	23,460.00
Council on Aging Meals Coordinator Salary	10,033.00
Animal Inspector Stipend	544.00
Animal Inspector Expenses	150.00
Town Compactor Operation Expenses	92,000.00
Town Compactor Site Maintenance	2,600.00
Transfer Station Permits/Stickers	4,500.00
Town Compactor Education/Training	500.00
Transfers Station Attendants Salaries	22,566.00
Recycling Account	35,000.00
TOTAL HEALTH AND HUMAN SERVICES	247,249.00

Majority Vote Required

ARTICLE 12: HIGHWAY OPERATIONS AND TREE WARDEN

To see if the Town will vote to **RAISE AND APPROPRIATE** the following sums (**\$908,029**) for **HIGHWAY OPERATIONS AND TREE WARDEN** for Fiscal Year 2023 or take any action in relation thereto:

Highway Workers Salary (4)	206,044.00
Highway Superintendent Salary	78,985.00
Highway Department Non-Winter Overtime	5,000.00
Highway Due, Training and Licenses	1,000.00
Streetlights	53,000.00
Road Machinery, Tools, Gas	126,000.00
Snow and Ice	170,000.00
Highway Department Repair/Maintenance	207,000.00
Highway Department Engineering	35,000.00
Highway Department Heavy Equipment Rental	5,000.00
Tree Warden Tree Removal	20,000.00
Tree Warden Tree Replacement	1,000.00
TOTAL HIGHWAY OPERATIONS AND TREE WARDEN	908,029.00

Majority Vote Required

ARTICLE 13: RECREATION AND CULTURE

To see if the Town will vote to **RAISE AND APPROPRIATE** the following sums (**\$116,580**) for **RECREATION AND CULTURE** for Fiscal Year 2023 or take any action in relation thereto.

Recreation General Expenses/Memorial Day	11,000.00
Cheshire Library Association	33,620.00
Veteran Agent Services (Shared)	1,750.00
Veteran Benefits	30,000.00
Cemetery Flags	800.00
Cemetery Commissioners Stipends	2,610.00
Cemetery Department Wages	28,686.00
Cemetery Department Expenses	8,114.00
TOTAL RECREATION & CULTURE	116,580.00

Majority Vote Required

ARTICLE 14: PUBLIC SCHOOLS

To see if the Town will vote to **RAISE AND APPROPRIATE** the following sums (**\$3,411,940**) for **PUBLIC SCHOOLS** for Fiscal Year 2023 or take any action in relation thereto.

HVRSD Minimum Local Contribution	2,154,516.00
HVRSD Over Minimum Foundation	427,852.00
HVRSD Transportation	145,263.00
HVRSD Capital Expenditure	215,735.00
HVRSD SUBTOTAL	2,943,366.00
NBVRSD Budget	438,574.00
Out of District Placement	30,000.00
OTHER EDUCATION SUBTOTAL	468,574.00
TOTAL PUBLIC EDUCATION	3,411,940.00

Majority Vote Required

ARTICLE 15: DEBT SERVICE EXPENSES

To see if the Town will vote to **RAISE AND APPROPRIATE** the following sums (**\$260,938**) of money to fund **DEBT SERVICE EXPENSES** for the Fiscal Year 2023 or take any action in relation thereto.

Well Land Bond Payment (2024)	109,500.00
Fire Truck (2030)	36,391.00
Highway Grader (2026)	35,528.00
Highway Truck (Voted 2022)	47,870.00
Highway Truck (Voted 2021)	26,649.00
Short-term Debt Interest	5,000.00
Total	260,938.00

Majority Vote Required

ARTICLE 16: Revolving Fund- Council on Aging

To see if the Town will vote to authorize the Board of Selectmen pursuant to MGL Chapter 44, Section 53E ½, to establish and use a **REVOLVING FUND** with a limit of **\$5,000** for Fiscal Year 2023 to accept receipts related to the fees and programs for the Council on Aging, in which any remaining funds may be rolled over into a similar revolving fund for Fiscal Year 2024, or take any action in relation thereto.

Majority Vote Required

ARTICLE 17: Free Cash

To see if the Town will vote to **TRANSFER** from **FREE CASH** the sums **(\$125,800)** of money to fund the following for Fiscal Year 2023 or take any action in relation thereto.

MS4 Compliance & Reporting	7,500.00
Capital Stabilization Fund	118,300.00
Total	125,800.00

Majority Vote Required

ARTICLE 18: Capital Projects

To see if the Town will vote to **TRANSFER** from **FREE CASH** the following sums **(\$62,600)** of money to fund the following **CAPITAL EXPENDITURES** for the Fiscal Year 2023 or take any action in relation thereto.

Cheshire Cemetery Vault Repair	42,600.00
Town Fuel Tank	20,000.00
Total	62,600.00

Majority Vote Required

ARTICLE 19: Water Enterprise Fund

To see if the Town will vote to appropriate, transfer from retained earnings, or otherwise provide the following sums (\$320,209) of money to operate the **Water Enterprise Fund** for the Fiscal Year 2023 or take an action in relation thereto.

Revenues	
Department Receipts	320,209.00
Retained Earnings	0
TOTAL	320,209.00
Expenses	
Water Dept. Salaries	102,709.00
Fixed Operating Costs	97,500.00
Debt Services	30,000.00
Water Main Replacements	90,000.00
TOTAL	320,209.00

Majority Vote Required

ARTICLE 20: Free Cash to Stay Under the Tax Levy

To see if the Town will vote to **TRANSFER** from **FREE CASH** the sum of **\$226,559.23** to reduce the FY23 Tax Rate or take any action relative thereto.

*If federal or state programs, or other alternative funding sources are available to supplant Town funding for the same purpose, the Board of Selectmen may reduce the Town’s portion of said funding in a manner commensurate with the additional federal or state revenue received for said purpose.

Board of Selectmen Recommends

Finance Committee Recommends

Majority Vote Required

ARTICLE 21. – Adoption of Massachusetts General Law Chapter 64G, § 3A

To see if the Town will **vote to accept the provisions of M.G.L. Chapter 64G, §3A, and impose a local excise tax upon the transfer of occupancy of any room or rooms in a bed and breakfast establishment, hotel, lodging house, short term rental, or motel located within the Town at a rate of six percent (6%),** said excise tax to take effect on the first day of the calendar quarter commencing at least thirty days after such vote of Town Meeting, or take any other action relating thereto.

Majority Vote Required

ARTICLE 22 - Annual Town Meeting Bylaw Amendment

To see if the Town will vote to amend the Town of Cheshire General Bylaws, Article 1, Subsection 1. (b) by replacing existing language with the following:

The Annual Town meeting shall be held on the ***LAST MONDAY OF APRIL at 6:30 p.m.***

Existing Language: “The meeting for other Town Business shall be held on the second Monday of June at 7:00 p.m.”

Proposed by the Board of Selectmen

2/3 Majority Vote Required

ARTICLE 23- Marijuana Cultivation Zoning Bylaw Amendment (8.7, D, 2)

To see if the Town will vote to amend the Town of Cheshire Zoning Bylaws Section 8.7 (Marijuana Establishments), Subsection D (Designated Number of Marijuana Establishments and Medical Marijuana Treatment Center), Number 2 by replacing existing language with the following, or take action relative thereto.

(2) The Total number of non-retailers MEs shall not exceed **TWO (2)**

Existing Language: (2) The Total number of non-retailers MEs shall not exceed six (6)

*Proposed by the Board of Selectmen
2/3 Majority Vote Required*

ARTICLE 24: Disposition of abandoned funds

To see if the Town will vote to adopt the provisions of Massachusetts General Law Chapter 200A, §9A, Disposition of abandoned funds; notice of period during which funds may be claimed; treasurer authorized to hear claims, appeal, disbursement, or take any action relative thereto.

*Proposed by the Board of Selectmen
Majority Vote Required*

ARTICLE 25: Stormwater Management Bylaw

To amend the Town of Cheshire By-laws to include the following “STORMWATER MANAGEMENT” Section as follows:

Town of Cheshire **Stormwater Management Bylaw** **Table of Contents**

SECTION 1 – GENERAL PROVISIONS

- A. Purpose and Objective**
- B. Definitions**
- C. Authority**
- D. Responsibility for Administration**
- E. Waivers**
- F. Regulations**
- G. Enforcement**
- H. Severability**

SECTION 2 – DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM AND TO WATERCOURSES OR WATERS OF THE COMMONWEALTH

- A. Applicability**
- B. Prohibited Activities & Exemptions**
- C. Emergency Suspension of Storm Drainage System Access**
- D. Notification of Spills**

SECTION 3 STORMWATER MANAGEMENT AND LAND DISTURBANCE

- A. Applicability**
- B. Review of Permit**
- C. Consent to Entry**
- D. Inspection and Site Supervision**
- E. Compliance with the Provisions of EPA's General Permit for MS4s in Massachusetts**
- F. Surety**
- G. Final Reports**

SECTION 1 – GENERAL PROVISIONS

A. Purpose and Objective

The purpose of this bylaw is to protect public health, safety, general welfare, and environment by regulating illicit connections and discharges to the storm drain system or, directly or indirectly, to a watercourse or into the waters of the Commonwealth, as well as to control the adverse effects of construction site stormwater runoff and post-construction runoff. Stormwater runoff can be a major cause of:

- (1) Impairment of water quality and flow in lakes, ponds, streams, rivers, coastal waters, wetlands, groundwater and drinking water supplies.**
- (2) Contamination of drinking water supplies.**
- (3) Contamination of downstream coastal areas.**
- (4) Alteration or destruction of aquatic and wildlife habitat.**
- (5) Overloading or clogging of municipal stormwater management systems.**
- (6) Flooding.**

The objectives of this bylaw are to:

- (1) Protect water resources.**
- (2) Comply with state and federal statutes and regulations relating to stormwater discharges including total maximum daily load requirements and with the General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts, issued by the U.S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection (“MS4 Permit”).**
- (3) Prevent and reduce pollutants from entering the Town of Cheshire’s municipal storm drain system.**
- (4) Prohibit illicit connections and unauthorized discharges to the Cheshire municipal storm drain system and require their removal.**
- (5) Establish minimum construction and post construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality with the Town of Cheshire MS4 area.**
- (6) Establish provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and nonstructural stormwater best management practices to ensure that they continue to function as designed are maintained, and pose no threat to public safety; and**
- (7) Recognize the Town of Cheshire’s legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.**

B. Definitions

Unless a different definition is indicated in other sections of this bylaw, the following definitions and provisions shall apply throughout this bylaw:

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include change from

distributed runoff to confined or discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

APPLICANT: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government, to the extent permitted by law, requesting a Land Disturbance Permit.

AS-BUILT DRAWING: Drawings that completely record and document applicable aspects and features of conditions of a project following construction using Stormwater Management Plans derived from a Land Disturbance Permit.

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

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

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

CLEARING: Any activity that removes the vegetative surface cover.

COMMON PLAN OF DEVELOPMENT: - A "larger common plan of development or sale" is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction.

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

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

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

GRADING: Changing the level or shape of the ground surface.

GROUNDWATER: Water beneath the surface of the ground.

GRUBBING: The act of clearing land surface by digging up roots and stumps.

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

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

ILLCIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system or into a watercourse or the waters of the Commonwealth that is not composed entirely of stormwater, except as exempted in Article II, §2. The term does not include a discharge in compliance with an NPDES stormwater discharge permit or resulting from fire-fighting activities exempted pursuant to Article II, §2D (1) of this bylaw.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious Surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

IMPOUNDMENT: A stormwater pond created by either constructing an embankment or excavating a pit which retains a permanent pool of water.

INFILTRATION: The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

LAND DISTURBANCE PERMIT: A permit issued by the Stormwater Authority pursuant to this bylaw prior to commencement of Land Disturbing Activity or Redevelopment.

LAND-DISTURBING ACTIVITY: Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material; results in an increased amount of runoff or pollutants; measurably changes the ability of a ground surface to absorb waters; involves clearing and grading; or results in an alteration of drainage characteristics.

LOAD ALLOCATION: The maximum concentration or mass of a pollutant which can be discharged to a waterway by non-point sources without causing a violation of surface water quality standards as established in an applicable TMDL.

LOT: An individual tract of land as shown on the current Assessor's Map for which an individual tax assessment is made. For the purposes of these regulations, a lot also refers to an area of a leasehold on a larger parcel of land, as defined in the lease agreement and shown by approximation on the Assessor's Map.

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

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) AREA: The geographic area covered by the EPA NPDES Phase II MS4 General Permit including all municipally owned storm drain system infrastructure within that geographic area.

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

NONPOINT SOURCE POLLUTION: Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and man-made pollutants finally depositing them into a water resource area.

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

OPERATION AND MAINTENANCE PLAN: A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

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

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

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

PRE-CONSTRUCTION: All activity in preparation for construction.

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter that is or may be introduced into any sewage treatment works, watercourse, or Waters of the Commonwealth. Pollutants include, but are not limited to:

- (1) Soaps, detergents and other surfactants
- (2) Paints, varnishes, and solvents
- (3) Oil and other automotive fluids
- (4) Nonhazardous liquid and solid wastes and yard wastes
- (5) Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, accumulations and floatables
- (6) Pesticides, herbicides, and fertilizers
- (7) Hazardous materials and wastes
- (8) Sewage, fecal coliform and pathogens
- (9) Dissolved and particulate metals
- (10) Animal wastes
- (11) Rock, sand, salt, soils
- (12) Construction wastes and residues

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition, construction, land alteration, or phased projects that disturb the ground surface, including impervious surfaces, on previously developed sites. The creation of new areas of impervious surface or new areas of land disturbance on a site constitutes development, not redevelopment, even where such activities are part of a common plan which also involves redevelopment.

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

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

SEDIMENTATION: The process or act of deposition of Sediment.

SITE: Any lot or parcel of land or area of property where Land-Disturbing Activities are, were, or will be performed.

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

STORMWATER AUTHORITY: The Town of Cheshire Conservation Commission or its authorized agent(s).

STORMWATER: Runoff from precipitation or snow melt and surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN: A plan required as part of the application for a Land Disturbance Permit containing narrative, drawings, details and reporting requirements developed by a qualified professional engineer (PE), which describes structural and non-structural best management practices designed to control the discharge of pollutants from impervious surfaces and onsite activities as well as the volume and peak rate of surface runoff from a site on an ongoing basis after construction has been completed.

TOTAL MAXIMUM DAILY LOAD or TMDL: the greatest amount of a pollutant that a water body can accept and still meet water quality standards for protecting public health and maintaining the designated beneficial uses of those waters for drinking, swimming, recreation, and fishing. A TMDL is also a plan, adopted under the Clean Water Act, specifying how much of a specific pollutant can come from various sources, including stormwater discharges, and identifies strategies for reducing the pollutant discharges from these sources so as not to violate Massachusetts surface water quality standards. (314 CMR 4.00, et seq.)

TOTAL SUSPENDED SOLIDS OR TSS: Undissolved organic or inorganic particles in water.

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

WASTE LOAD ALLOCATION: The maximum concentration or mass of a pollutant which can be discharged to a waterway from point sources without causing a violation of surface water quality standards as established in an applicable TMDL.

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

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, groundwater, and Waters of the United States as defined under the Federal Clean Water Act as hereafter amended.

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

C. Authority

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Massachusetts home rule statutes, the regulations of the Federal Clean Water Act, 40 CFR 122.34.

D. Responsibility for administration

The Stormwater Authority shall administer, implement, and enforce this bylaw. Any powers granted to, or duties imposed upon Stormwater Authority may be delegated in writing by Stormwater Authority members or agents.

E. Waivers

The Stormwater Authority, or its authorized agent, may waive strict compliance with any requirement of this bylaw or the rules and regulations promulgated hereunder, where such action is:

- (1) allowed by federal, state and local statutes and/or regulations; and
- (2) in the public interest; and
- (3) not inconsistent with the purpose and intent of this bylaw.

Any person seeking a waiver must submit a written waiver request. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the bylaw does not further the purposes or objectives of this bylaw.

In the event the applicant fails to provide requested information, the waiver request shall be denied.

F. Regulations

The Stormwater Authority shall adopt and may periodically amend, regulations, rules, and/or written guidance that outline the terms, conditions, definitions, enforcement, fees, procedures and administration of this Stormwater Management bylaw. Adoption and amendments will be made by majority vote during an open meeting of the Stormwater Authority. Failure of the Stormwater Authority to issue such rules, or regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this bylaw.

Stormwater Management regulations or guidance shall identify thresholds and requirements for Land Disturbance Permits required by this bylaw and consistent with or more stringent than the most recent MS4 General Permit.

G. Enforcement

The Stormwater Authority or its authorized agent shall enforce this bylaw, and any associated regulations, orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations.

Criminal and Civil relief.

- (1) Any person who violates the provisions of this bylaw, or any associated regulations, permit, notice, or order issued thereunder, may be subject to criminal penalties and prosecution in a court of competent jurisdiction and shall result in a criminal fine of not more than \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- (2) The Stormwater Authority may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Orders.

- (1) The Stormwater Authority or its authorized agent may issue a written order to enforce the provisions of this bylaw or any regulations thereunder, which may include:
 - (a) Elimination of illicit connections or discharges to the Municipal Storm Drain System
 - (b) Elimination of discharges to the Municipal Storm Drain System or, directly or indirectly, into a watercourse or into the Waters of the Commonwealth

- (c) Performance of monitoring, analyses, and reporting
 - (d) Cessation of unlawful discharges, practices, or operations
 - (e) Implementation of measures to minimize the discharge of pollutants until such time as the illicit connection or discharge shall be eliminated
 - (f) Remediation of contamination in connection therewith.
- (2) If the Stormwater Authority determines that a person's failure to follow the requirements of a Land Disturbance Permit and the related Erosion and Sedimentation Control Plan, or Operations and Maintenance Plan or any other authorization issued pursuant to this bylaw or regulations issued hereunder, then the Authority may issue a written order to the person to remediate the non-compliance and/or any adverse impact caused by it, which may include:
- (a) A requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the Land Disturbance Permit or other authorization.
 - (b) Maintenance, installation or performance of additional erosion and sediment control measures.
 - (c) Monitoring, analyses, and reporting.
 - (d) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity; and/or
 - (e) A requirement to eliminate discharges, directly or indirectly, into a watercourse or into the waters of the Commonwealth.
- (3) If the Stormwater Authority or its authorized agent determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further provide that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Cheshire may, at its option, undertake such work, and expenses thereof shall be charged to the violator.
- (4) Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Cheshire, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the Stormwater Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs, pursuant to M.G.L. c.40, §58. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. c. 59, § 57 after the 31st day at which the costs first become due.

Noncriminal disposition: As an alternative to criminal prosecution or civil action, the Town of Cheshire may elect to utilize the noncriminal disposition procedure set forth in M.G.L. c. 40, § 21D, in which case the agent of the Stormwater Authority shall be the enforcing person. The penalty for the first violation shall be a warning. The penalty for the second violation shall be \$100. The penalty for the third and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Entry to perform duties under this bylaw: To the extent permitted by local, state or federal law, or if authorized by the owner or other party in control of the property, the Stormwater Authority and/or its agents may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary.

Appeals: The decisions or orders of the Stormwater Authority shall be final. Further relief shall be appealed to a court of competent jurisdiction.

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

H. Severability

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

SECTION 2 – DISCHARGES TO THE MUNICIPAL STORM DRAIN SYSTEM IN THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) AREA AND TO WATERCOURSES OR WATERS OF THE COMMONWEALTH

A. Applicability

Article II of this bylaw shall apply to all direct or indirect discharges to the municipal storm drain system and to any activities that might obstruct the municipal storm drain system except as explicitly exempted in this bylaw or where the Stormwater Authority has issued a waiver in accordance with Section 1 § E.

B. Prohibited activities and exemptions.

Illicit discharges: No person shall dump, discharge, spill, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal storm drain system or onto an impervious surface directly connected to the municipal storm drain system, or, directly or indirectly, into a watercourse or waters of the Commonwealth.

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

Obstruction of municipal storm drain system: No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior consent from the Stormwater Authority.

Exemptions: The following non-stormwater discharges or flows are allowed unless the Stormwater Authority, EPA, or MassDEP identifies them as a significant contributor of a pollutant to the MS4 Area or to waters of the Commonwealth:

- (1) Discharge from fire-fighting activities
- (2) Water line flushing
- (3) Landscape irrigation

- (4) Diverted stream flows
- (5) Rising groundwater
- (6) Uncontaminated groundwater infiltration (as defined at 40 CFR § 35.2005(20)).
- (7) Uncontaminated pumped groundwater
- (8) Discharge from potable water sources
- (9) Foundation drains
- (10) Air conditioning condensation
- (11) Irrigation water, springs
- (12) Water from crawl space pumps
- (13) Footing drains
- (14) Lawn watering
- (15) Individual resident car washing
- (16) Flows from riparian habitats and wetlands
- (17) De-chlorinated swimming pool discharges (less than one ppm chlorine) provided the pool is drained in such a way as not to cause a nuisance
- (18) Street wash waters
- (19) Residential building wash waters without detergents
- (20) Dye testing, provided verbal notification is given to the Stormwater Authority prior to the time of the test
- (21) Non-stormwater discharge permitted under a NPDES permit, waiver, or waste discharge order held by the owner and administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations
- (22) Discharge for which advanced written approval is received from the Stormwater Authority as necessary to protect public health, safety, welfare or the environment.

D. Emergency suspension of storm drainage system access

The Stormwater Authority or its authorized agent may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare, or the environment. In the event any person fails to comply with an emergency suspension order, the Stormwater Authority may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare, or the environment.

E. Notification of spills

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

SECTION 3 – STORMWATER MANAGEMENT AND LAND DISTURBANCE

A. Applicability

- (1) These regulations shall apply to all construction activity or land disturbance within the MS4 Area that individually or as part of a Common Plan of Development result in land disturbance in excess of the thresholds below.

A Land Disturbance Permit is required for disturbance of one (1) acre (43,560 square feet) or more of land if located within the MS4 Area. Stormwater Authority may review any projects over one half (1/2) acre (21,780 square feet) within the MS4 Area and require a Land Disturbance Permit if the proposed land use has higher potential pollutant loads in accordance with the Massachusetts Stormwater Management Standards.

- (2) The following activities are exempt from the provisions of Section 3 § A:
 - a) Maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling conducted in such a way as not to cause a nuisance
 - b) Construction of fencing that will not substantially alter existing terrain or drainage patterns
 - c) Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns or result in discharge of sediment or other pollutants to the MS4 area.
 - d) Normal maintenance and improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act regulation 310 CMR 10.04

B. Review of Permit

A Land Disturbance Permit must be obtained prior to the commencement of any construction activity or land disturbance for which such a review or permit is required. An applicant seeking approval and/or permit shall file an appropriate application with the Stormwater Authority in a form and containing information as specified in this bylaw and the Stormwater Regulations adopted by the Stormwater Authority.

Each application must be accompanied by the appropriate application fee as established by the Stormwater Authority. Applicants shall pay the application fee before the review process commences. The Stormwater Authority is authorized to retain a Registered Professional Engineer (PE) or other professional consultant to advise the Stormwater Authority on any or all aspects of the application and/or the project's compliance with

conditions of a Review or Permit. The Stormwater Authority may require the applicant to pay reasonable costs to be incurred by the Stormwater Authority for the employment of outside consultants pursuant to Stormwater Authority regulations as authorized by G.L. c. 44, § 53G.

Required submittals to obtain a Land Disturbance Permit shall include (without limitation) an Erosion and Sedimentation Control Plan, a Stormwater Management Plan, and an Operation and Maintenance Plan. To obtain a Land Disturbance Permit, the applicant must show that site design, construction site stormwater runoff control and post-construction stormwater management will meet the standards set by the Stormwater Authority in its regulations, rules and/or guidance, which shall be at least as stringent as the relevant requirements of the MS4 Permit and may also address relevant environmental considerations including (without limitation) protection of aquifers and sensitive water bodies and prevention of flooding.

The Land Disturbance Permit shall include measures to ensure adequate long-term operation and maintenance of stormwater management design features and BMPs. The Stormwater Authority may impose requirements including (without limitation) the following:

- (1) A requirement that funds for future operation and maintenance be set aside in a dedicated fund or escrow account.
- (2) A permanent permit condition requiring compliance with an Operation and Maintenance Plan.
- (3) A permanent permit condition requiring that the property owner submit an annual report or certification regarding operation and maintenance.
- (4) A requirement to record the Operation and Maintenance Plan (or notice thereof).
- (5) A requirement that a legal instrument be put in place establishing responsibility for operation and maintenance of a stormwater BMP serving more than one lot: and
- (6) A requirement that an easement be recorded allowing the Town to access a stormwater BMP to remedy any operational failure or maintenance problem.

C. Consent to Entry onto Property

An applicant consents to entry of Stormwater Authority or its authorized agents in or on the site to verify the information in the application and to inspect for compliance with Review or Permit conditions.

D. Inspection and Site Supervision

The Stormwater Authority or its designated agent shall make inspections to verify and document compliance with Land Disturbance Permit.

E. Compliance with the provisions of EPAs General Permit for MS4s in Massachusetts

This bylaw and its related Stormwater Management Regulations shall be implemented in accordance with the requirements of United States Environmental Protection Agency's most recent Massachusetts Small Municipal Separate Storm Sewer System (MS4s) General Permit relating to illicit connections and discharges, construction site runoff, and post-construction stormwater management, as well as the Massachusetts Wetlands Management Act. The Stormwater Authority may establish additional requirements by regulation to further the purposes and objectives of this bylaw so long as they are not less stringent than those in the MS4 General Permit for Massachusetts.

F. Surety

The Stormwater Authority may require the applicant to post before the start of construction or land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by the Stormwater Authority and be in an amount deemed sufficient by the

Stormwater Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Stormwater Authority may release part of the bond as each phase is completed in compliance with the permit. If the permittee defaults on any obligations imposed by the Land Disturbance Permit, the Stormwater Authority may (after notification of the permittee) inform the holder of the security (and the municipal treasurer if the treasurer is not holding the funds) of the default, in which event the Town shall be entitled to the security funds.

G. Final Reports

Upon completion of the work, the applicant shall submit a report (including certified as-built construction plans) from a Professional Engineer (P.E.), surveyor, or Certified Professional in Erosion and Sedimentation Control (CPESC), certifying that the project has been completed in accordance with the conditions of the Land Disturbance Permit. The as-built drawings must depict all on site controls, both structural and non-structural, designed to manage the stormwater associated with the completed site (post construction stormwater management). The Stormwater Authority may, by regulation, require ongoing reporting to ensure long-term compliance, including, but not limited to, appropriate operation and maintenance of stormwater BMPs. Any discrepancies shall be noted in the cover letter.

Proposed by the Board of Selectmen & Conservation Commission


2/3 Majority Vote Required

ARTICLE 26: To transact any other business that may lawfully come before the meeting.

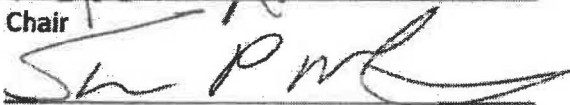
And you are directed to serve this Warrant, by posting up attested copies thereof at the CHESHIRE TOWN HALL and the CHESHIRE POST OFFICE in said Town, seven (7) days at least before the time of holding said meeting.

Hereof Fail Not, and make do return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given this day under our hands this 31st day of May in the year Two Thousand and Twenty-Two.



Chair

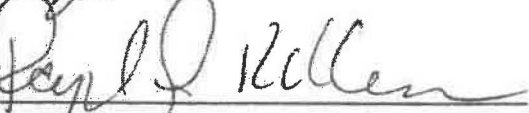


Clerk

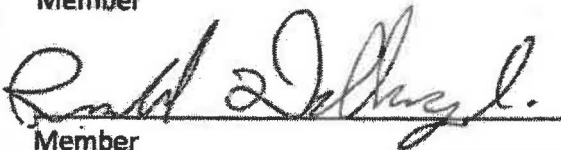
Cheshire Board of Selectmen



Member



Member

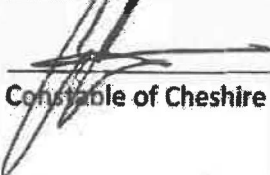


Member

A true copy. Attest: CHRISTOPHER GERTON Constable
Berkshire, SS

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Cheshire by posting up attested copies of the same at the Cheshire Town Hall and the Cheshire Post Office

12 days before the date of the meeting as within directed.


Constable of Cheshire

6/1/2022
Date