

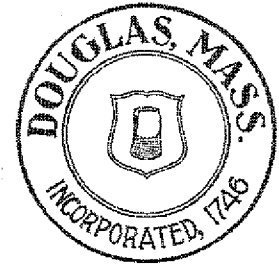
ANNUAL TOWN MEETING WARRANT
TOWN OF DOUGLAS
COMMONWEALTH OF MASSACHUSETTS

Monday, May 7, 2012
High School Auditorium
7:00 PM

Worcester, SS

To any Constable of the Town of Douglas, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify the inhabitants of the Town of Douglas who are qualified to vote in Elections and Town affairs to meet in the Douglas High School Auditorium, 33 Davis Street, in said Douglas, on **Monday, the Seventh of May 2012, A.D.** for an Annual Town Meeting commencing at 7:00 P.M.; for the following purposes:



- | | |
|--|---|
| 1. Finance Committee Report | 11. Davis Street – Gleason Court Waterline Loop |
| 2. FY13 Budget | 12. Personnel Bylaw Amendment |
| 3. Salaries of Elected Officials | 13. Street Acceptance: Briarwood Circle |
| 4. FY13 Transfer Station Enterprise Fund | 14. Street Acceptance: Brookside Estates – Brookside Drive |
| 5. FY13 Water/Sewer Enterprise Fund | 15. Street Acceptance: Colonial Road |
| 6. Personnel Bylaw Classification & Update | 16. Street Acceptance: Shady Knoll Estates – Downs Road, Manzi Way, Essex Street, and Crescent Lane |
| 7. Recurring Business | 17. Street Acceptance: Spring Meadow Estates – Pond Street, Spring Street, and Towle Court |
| 8. Adoption of Revised FY 13 – 17 Capital Improvement Plan | 18. Street Acceptance: NatureView Estates – Crescent Lane |
| 9. Martin Road Park – Land Lease | 19. Street Acceptance: Smith Hill Way |
| 10. Water Protection Overlay District Zoning Map and Bylaw Amendment | |

Article 1. Finance Committee Report:

To see if the Town will vote to hear and act upon the report and recommendations of the Finance Committee as presented and printed in the Finance Committee's Annual Town Meeting recommendations, or to take any other action relative thereto.

Article 2. FY13 Budget:

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow such sums of money as are necessary to fund the annual operating budget of the Town for Fiscal Year 2013, or take any other action relative thereto.

Article 3. Salaries of Elected Officials:

To see if the Town will vote to fix the salary and compensation of all elected officials of the Town as provided by Chapter 41 Section 108 of the Massachusetts General Laws, as amended, as follows:

Board of Assessors	\$2,900
Blackstone Valley Vocational School District Rep.	\$500
Moderator	\$250
Board of Selectmen	\$1,600
Clerk	\$62,742.16
Water/Sewer Commission	\$2,400

Or take any other action relative thereto.

Article 4. FY13 Transfer Station Enterprise Fund:

To see if the Town will vote to raise and appropriate and/or transfer the sum of \$270,713 from Transfer Station charges and fees to operate and maintain the Transfer Station.

Salaries/Wages	\$34,213
Expenses	\$236,500
Total	\$270,713

Or take any other action relative thereto.

Article 5. FY13 Water/Sewer Enterprise Fund:

To see if the Town will vote to raise and appropriate and/or transfer the sum of \$876,137 from Water & Sewer charges and fees, and transfer the sum of \$261,903 from the reserved for debt account for a total budget of \$1,138,040 to operate and maintain the Water/Sewer Department.

Salaries/Wages	\$320,778
Expenses	\$545,359
Debt	\$261,903
Capital Outlay	\$10,000
Total	\$1,138,040

Or take any other action relative thereto.

Article 6. Personnel Bylaw Classification & Update:

To see if the Town will vote to approve the Personnel Classification and Compensation plans for Fiscal Year 2013 as submitted by the Personnel Board, and on file with the Town Clerk, or to take any other action relative thereto.

Article 7. Recurring Business:

A. Assessor's To Work Additional Hours: To see if the Town will vote to authorize the Board of Assessors to appoint one or more of their members to work for compensation, in accordance with the provisions of the Town's Personnel Bylaw, and to establish such compensation to be paid said member for Fiscal Year 2013 or take any other action related thereto.

B. Ambulance Receipts Reserved for Appropriation: To see if the Town will vote to reserve all receipts received by the Town from ambulance user charges, user billings, and ambulance donations and gifts to the Ambulance Receipts Reserved Account, or take any other action related thereto.

C. Simon Fairfield Public Library: To see if the Town will vote to require that all funds received in Fiscal Year 2013 from State Aid Grants for the Public Library be transferred to a Special Account for the Simon Fairfield Public Library, or take any other action related thereto.

D. State and Federal Grants: To see if the Town will vote to authorize the Board of Selectmen to apply for and accept State or Federal grants they deem beneficial to the Town, provided that the Board of Selectmen shall hold a public hearing prior to the Board's acceptance of any such grant, if said grant requires the Town to meet future conditions or requirements, or take any other action related thereto.

E. Separate Account Funds: To see if the Town will vote to continue the following account funds and to authorize the expenditure of funds from said fund for the below indicated purposes and not to exceed amount, or to take other actions related thereto:

#	Department	Receipts	Expenditures
1	Simon Fairfield Library pursuant to MGL Chapter 44, § 53E ½	All fines received during Fiscal Year 2013 by the Simon Fairfield Library	The Simon Fairfield Library Board of Trustees may expend a sum not to exceed Five Hundred dollars (\$500) for the purpose of purchasing books, films and other library supplies and materials.
2	Home Composting Program pursuant to MGL Chapter 44, § 53E ½	All receipts received in connection with the Home Composting Program	The Board of Health may expend a sum not to exceed two thousand five hundred dollars (\$2,500) for the purpose of operating the Home Composting Program.

3.	Planning Board & Engineering – MGL Chapter 44, §53E ½	Project fees received that are associated with staff review.	The funds may be expended without further appropriation by the Planning Board or Town Engineer for such consulting and project review costs. Expenditures from the fund may not exceed \$50,000.
4.	Conservation – MGL Chapter 44, §53E ½	Project fees received that are associated with staff review.	The funds may be expended without further appropriation by the Conservation Commission or their Conservation Agent for such consulting and project review costs. Expenditures from the Fund may not exceed \$50,000.
5.	Zoning Board of Appeals – MGL Chapter 44, §53E ½	Project fees received that are associated with staff review.	The funds may be expended without further appropriation by the Zoning Board of Appeals or Town Engineer for such consulting and project review costs. Expenditures from the fund may not exceed \$50,000.

F. Acceptance of Chapter 90: To see if the Town will vote to authorize to accept and enter into contracts for the expenditure of funds to be allotted by the State under authorization of Chapter 90 of the Massachusetts General Laws (as pertaining to Highway Funds), for the construction, reconstruction and improvement of Town roads, said funds may be borrowed in anticipation of State Revenue, and expended without further appropriation under the direction of the Highway Superintendent with the approval of the Board of Selectmen, or take any other action related thereto.

G. Compensating Balance Agreements: To see if the Town will vote to authorize the Treasurer to enter into a compensating balance agreement or agreements for Fiscal Year 2012 pursuant to MGL Chapter 44 § 53F, or take any other action related thereto.

H. Acceptance of Easements: To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, an easement or easements for the purpose of construction, installation, maintenance and repair of municipal drainage, sewer and water systems, and roadway, or take any other action relative thereto.

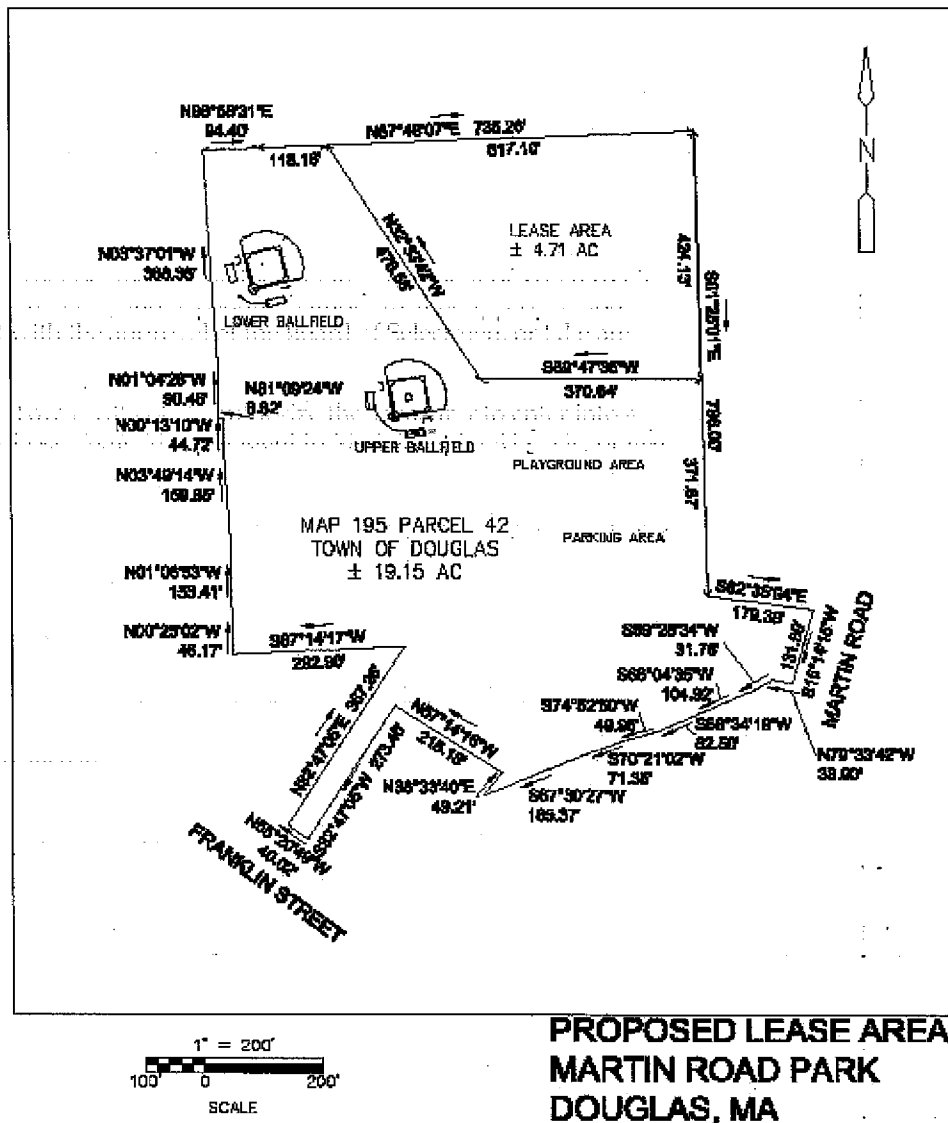
Article 8. Adoption of Revised FY 13 – 17 Capital Improvement Plan:

To see if the Town will vote to approve the Town of Douglas FY13 – 17 Capital Improvement Plan as submitted by the Capital Improvement Committee, and to raise and appropriate, transfer, or borrow the sum of **\$386,616** to fund the following Capital Projects, or take any other action relative thereto.

Primary School – Bathroom Upgrade	\$75,000
Highway Department Pickup Truck	\$33,000
Building Maintenance Pickup Truck	\$25,000
Financial Software	\$90,420
Highway Department Dump Truck	\$163,616
Total	\$386,616

Article 9. Martin Road Park – Land Lease

To see if the Town will vote to transfer custody of the below described land from the Recreation Commission to the Board of Selectmen for the purpose of recreation and lease, and to authorize the Board of Selectmen to lease such property on such terms as that board deems appropriate for a period of up to 10 years; or take any other action relative thereto.



Article 10. Water Protection Overlay District Zoning Map and Bylaw Amendment

To see if the Town will vote to delete the current Water Protection Overlay District Zoning Map and Bylaw and replace with the following:

SECTION 8.0 OVERLAY DISTRICTS

8.1 WATER RESOURCE PROTECTION OVERLAY DISTRICT (WRPOD)

8.1.1 Purpose

To promote and protect the health, safety and general welfare of the Community by preserving and protecting surface and groundwater resources of the Town. It is necessary to prevent contamination of these water supplies from any use of land or building which may reduce the quality and/or quantity of the water resources.

8.1.2 Definitions

Aquifer: Geological formation composed of rock, sand, and gravel that contains significant potable water to public or private wells.

Discharge: The accidental or intentional spilling, leaking, pumping, emitting, emptying, or dumping of toxic or hazardous materials onto or into the waters or lands.

Groundwater: The subsurface water present in aquifers and recharge areas.

Impervious Surface: Materials or structures on or above the ground that do not allow precipitation to infiltrate the underlying soil.

Maximum Groundwater Elevation: The height of the groundwater table when it is at its maximum level of elevation. This level is usually reached during the months of December through April and allowances should be made therefore at other times of the year.

Mining of Land: The removal of geologic materials such as topsoil, sand and gravel, metallic ores, or bedrock to be crushed or used as building stone.

Recharge Areas: The area encompassing land and water surfaces through which precipitation enters the groundwater supply, and from which groundwater flows naturally or is drawn by pumping into a water supply well. This area is usually, but not always, of porous, permeable geologic deposits.

Zone I Area: The protective radius required around a public water supply well or wellfield. For public water system wells with approved yields of 100,000 gpd or greater, the protective radius is 400 feet. Tubular wellfields require a 250-foot protective radius. For the purpose of this Bylaw, the Zone I area for the Vacuum Tubular Well Field on West Street (DEP Source ID #2077000-01G) is 250 feet, and the Zone I areas for the remaining three wells are 400 feet.

Zone II Area: The area of an aquifer that contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at approved yield, with no recharge from precipitation).

Toxic or hazardous materials: material including but not limited to, any material, in whatever form, 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, when improperly stored, treated, transported, disposed of, used, or otherwise managed. Hazardous materials have been defined and designated under the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, General Laws, Chapter 21H, as amended and regulations promulgated there under.

Waste: Including but not limited to the following:

Leachable Wastes: waste materials including solid wastes, sludge, pesticides, fertilizers, agricultural wastes capable of releasing water contaminants to the environment.

Mining Waste: Any water carried or liquid waste resulting from the development or recovery of natural resources.

Process Wastewater: All wastewaters disposed on site other than sanitary wastewater.

Industrial Wastes: Any water carried or liquid wastes resulting from any process in industry, manufacturing, trade or business.

Septic Waste: Wastewaters arising from ordinary domestic water use as from toilets, sinks and bathing facilities, etc. and containing such concentrations and types of pollutants as to be considered normal wastes.

Solid Waste: Any discarded solid material consisting of combustible and non-combustible solid material including but not limited to garbage or rubbish.

Toxic or Hazardous Wastes: Any substance or mixture of substances which because of quantity, concentration, or physical, chemical, or infectious characteristics pose a substantial actual or potential hazard to water supplies; to human health, safety, or welfare; to the environment when improperly treated, stored, transported, used, or disposed of, or otherwise managed. Hazardous wastes have been defined and designated under the Massachusetts Hazardous Waste Management Act, Massachusetts General Law (M.G.L.) Chapter 21C, as amended, and regulations promulgated there under.

Water Resource District: Regions that encompass Massachusetts Department of Environmental Protection (DEP)-approved Zone I and II areas; along with other areas deemed to be contributory to a potential future municipal wells as identified in the June 1986 report titled "Comprehensive Evaluation of Groundwater Resources Douglas, Massachusetts" prepared by Geologic Services Corporation and Identified on "plate 5", with the areas referenced therein amended by a further report issued by Fay Spofford & Thorndike, dated July 15, 2009.. The Water Resource District is outlined on the map entitled "Map of Water Resource District, Douglas Massachusetts" prepared by Cartographic Associates, Inc. and dated February 27, 2012 .

8.1.3 Authority

The Water Resource District as established by this Bylaw is an overlay district superimposed over other Zoning Districts. All uses, dimensional requirements and other provisions of the land in this district shall be subject to restrictions of this Bylaw in addition to those of the underlying districts. When the Water Resource District imposes greater or additional restrictions and/or requirements, such restrictions and/or requirements shall prevail. Any uses not permitted in underlying districts shall remain prohibited.

8.1.4 Zoning Administrator

The Board of Appeals is hereby authorized to appoint a Zoning Administrator, subject to confirmation by the Board of Selectmen to serve at the pleasure of the Board of Appeals pursuant to such qualifications as may be established by the Board of Selectmen.

8.1.5 Establishment

The Water Resource District, as defined herein, is herein established to include all specified lands within the Town of Douglas.

1. Where the bounds delineated are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where they should be properly located. In any situation where the owner(s) of land in question doubt or dispute the delineation of a Water Resource District of any portion thereof the following procedure shall be followed:

Owner(s)/applicant shall file an application for a building permit with the Building Commissioner for the proposed use. If the Building Commissioner determines the proposed use is not permitted in the Water Resource District or that a Special Permit is required then the owner(s)/applicant may appeal the determination of the Building Commissioner directly to the Zoning Board of Appeals as provided in M.G.L. Chapter 40A, §§8 and 15, as amended.

8.1.6 Use Restrictions

Any uses permitted in portions of the Zoning Districts so overlaid shall be permitted subject to all provisions of the Water Resource District. All activities and uses within said Water Resource District shall be restricted to the following use provisions, provided that land uses within the Zone I of any public water supply well shall be further limited to those uses directly related to the public water system or will have no significant adverse impact on water quality. Use provisions are categorized as "A" - Permitted Uses, "B" Prohibited Uses, and "C" - Special Permit uses. A listing of use provisions within each category is as follows:

A. PERMITTED USES

These uses are permitted provided that all necessary permits, orders, and approvals required by Local, State, and Federal Laws are also obtained.

1. Conservation of soil, water, flora, and fauna.
2. Outdoor recreation such as boating, fishing, hunting where permitted, hiking, biking, horse riding and the like.
3. Farming, gardening, nursery, conservation, forestry, harvesting, and grazing uses provided that fertilizers, pesticides, herbicides, manure, and other leachable substances are not stored improperly so as to result in groundwater contamination.
4. Residential development density within the Water Resource District shall be no more than one (1) single family dwelling unit or duplex dwelling with on-site septic system per lot. Dimensional requirements in this instance shall conform to those established for septic system construction under Massachusetts Title IV requirements, as may be amended.
5. Single family or duplex dwelling lot size less than those under the RA Zoning District allowed by the Zoning Bylaws shall continue to be allowed within the Water Resource District only if such residential development is

connected to municipal sewerage. Dimensional requirements for said lots shall conform to those allowed by the Bylaw.

6. Multi-family dwelling use shall be allowed only if such development is connected to municipal sewerage and water.

B. PROHIBITED USES

These uses are prohibited regardless of principal uses to which they may be related.

1. Discharge of toxic or hazardous materials and wastes upon the ground or into surface and/or groundwater within the Town of Douglas is prohibited.

2. The usage, manufacturing, processing, treating, storage or disposal of liquid or solid toxic and hazardous materials are prohibited except for storage of heating fuel for on-site use, and the storage of materials for public water supply treatment for on-site use, unless such storage is done in accordance with the storage requirements outlined in 310 CMR 22.21(2)(b)(5).

3. On-site disposal by any means of any waste materials other than domestic sewage wastes is prohibited.

4. Outdoor or underground storage of leachable wastes, hazardous or toxic materials, including but not limited to sludge, septage, chemicals, fertilizers, pesticides, herbicides, manure, road salt, de-icing compounds, etc., except for:

a. Installation or enlargement of subsurface waste disposal systems for residential dwellings;

b. Normal agricultural operations provided that agriculture-related materials, including but not limited to commercial fertilizers and animal manures, are stored within a structure(s) designed to prevent the generation and escape of contaminated runoff or leachate; and

c. Business or industrial uses involving on-site disposal systems for personal hygiene and for food preparation for residents, patrons, and employees.

5. Trucking or bus terminals, motor vehicle gasoline sales, motor vehicle service and repair shops, auto body and paint shops, car washes, boat service, and repair.

6. Commercial wood preserving and/or furniture stripping.

7. Solid waste landfills, dumps, junk and salvage yards. Disposal of demolition materials, brush, and stumps is also prohibited except as authorized and regulated by the Douglas Board of Health.

8. Dry cleaning establishments, metal plating, chemical and bacteriological laboratories, or any use involving the manufacture, storage, use, treatment, transport, or disposal of toxic or hazardous wastes, except for the following:

a. Very small quantity generators, as defined by 310 CMR 30.00;

b. Household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390;

c. Waste oil retention facilities required by MGL Chapter 21, Section 52A; and

d. Treatment works approved by the Massachusetts Department of Environmental Protection designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters.

9. Commercial animal feedlots, unless said feed lots are equipped with best management practices to prevent the contamination of surface or groundwater by stormwater run-off.

10. Underground or above-ground storage and/or transmission of oil, gasoline or other liquid petroleum products, excluding liquefied petroleum gasses and chemicals, except those uses incidental to:

a. Normal household use and outdoor maintenance or the heating of a structure;

b. Waste oil retention facilities required by MGL Chapter 21, Section 52A;

c. Emergency generators required by statute, rule or regulation; or

d. Treatment works approved by the Massachusetts Department of Environmental Protection designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters, provided that such storage listed in a-d of this subsection is either in a free standing container within a building or in a free standing container above-ground level with protection adequate to contain a spill the size of the container's total storage capacity; however, replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline is allowed consistent with State and Local requirements.

11. Treatment or disposal works for non-sanitary wastewaters that are subject to 314 CMR 5.00, except the following:

- a. The replacement or repair of an existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s); and
- b. Treatment works approved by the Department designed for the treatment of contaminated ground or surface waters.

12. Stockpiling and/or disposal of snow or ice that contains sodium chloride, chemically-treated abrasives, or other chemicals used for snow or ice removal.

13. The removal of soil, loam, sand, gravel or any other mineral substances within four feet of the historical high groundwater table elevation (as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey), unless the substances removed are redeposited within 45 days of removal on site to achieve a final grading greater than four feet above the historical high water mark, and except for excavations for the construction of building foundations or the installation of utility works, or wetland restoration work conducted in accordance with a valid Order of Condition issued pursuant to M.G.L. c. 131, § 40;

14. The rendering impervious of greater than fifteen percent (15%) or two thousand five hundred (2,500) square feet of any lot or parcel, whichever is greater, unless a system of storm water management and artificial recharge of precipitation is developed which is designed to prevent untreated discharges to wetland and surface water; preserve hydrologic conditions that closely resemble pre-development conditions; reduce or prevent flooding by managing peak discharges and volumes of runoff; minimize erosion and sedimentation; not result in significant degradation of groundwater; reduce suspended solids and other pollutants to improve water quality and provide increased protection of sensitive natural resources. These standards may be met using the following or similar best management practices:

a. For lots or parcels 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 reasonably maintain pre-construction stormwater patterns and water quality to the extent practicable. Stormwater runoff from rooftops, driveways and other impervious surfaces shall be routed over lawn areas via sheet flow for no less than eight feet before discharging to a wetland, surface water, or impervious surface that lead to a street drain system. Dry Well leaching pits can be used in lieu of eight feet of lawn for rooftop runoff. The site design must direct only the added impervious surface run off. No site design is needed, if the street drain system has water quality and recharge installed at the outfall.

b. For lots occupied, or proposed to be occupied by other uses, a Special Permit from the Planning Board to ensure that an adequate system of storm water management and artificial recharge of precipitation is developed.

C. SPECIAL PERMIT USES

Within the Water Resource Districts the following uses shall be allowed by Special Permit only.

1. Any use involving the retention of less than thirty percent (30%) of lot area in its natural state with no more than minor removal of existing trees and ground vegetation.
2. On-site wastewater disposal of more than fifteen thousand (15,000) gallons per day regardless of lot area.
3. Expansion of on-site wastewater disposal.
4. Removal of soil, loam, sand, gravel or other earthen materials and/or mining of land except for uses incidental to permitted uses including but not limited to installation or maintenance of structural foundations, utility conduits or on-site sewage disposal systems. Any such removal requiring a Special Permit shall leave not less than ten (10) feet of material from the maximum high groundwater elevation as determined on a site-by-site basis by a qualified hydrogeologist. The cost of such determination shall be the responsibility of the applicant.

5. Campgrounds, picnic areas and commercial recreation areas

8.1.7 Drainage

All runoff from impervious surfaces shall be recharged on the site by being diverted toward areas covered with vegetation for surface infiltration to the maximum extent possible and practicable. Stormwater infiltration basins must be designed to handle a twenty-five (25) year storm. Dry wells shall be used only where other methods are infeasible, and shall be preceded by oil, grease and sediment traps to facilitate removal of contamination. Any and all retention areas and structures shall be permanently maintained in full working order by the owner.

8.1.8 Special Permit Granting Authority (SPGA)

The Special Permit Granting Authority shall be the Planning Board. A permit shall be granted if the SPGA determines that the intent of this regulation and its specific criteria are met.

8.1.9 Procedures for Issuance of Special Permits

1. This Special Permit procedure must precede the granting of any other required permit by the Town of Douglas.

2. Each application for a Special Permit shall be filed with the Town Clerk for transmittal to the Planning Board and shall be accompanied by nine (9) copies of the plan. The plan shall be prepared to scale by a professional architect, professional engineer, or registered land surveyor, and shall show among other things all property boundaries; all existing and proposed placement of buildings, structures, parking spaces, loading areas, driveway openings, driveways, service areas, and all facilities for surface and ground drainage and erosion controls; all landscape features denoting vegetated, nonvegetated, pervious and impervious areas and adequate information to clearly show existing and proposed topography. Such Special Permit shall be granted if the Planning Board determines that the intent of this Bylaw as well as its specific criteria are met. In making such determination, the Planning Board shall give consideration to the simplicity, reliability and feasibility of the control measures proposed and the degree of threat to water quality that would result if the control measures failed, and shall also give consideration to the recommendation of the Board of Health, Board of Selectmen, Building Inspector(s), Conservation Commission, Water Commissioners, and Highway Department.

3. All information necessary to demonstrate compliance with this Bylaw must be submitted, including but not limited to the following and such other information as may be required by the Special Permit Granting Authority:

- a. A complete list of all chemicals, pesticides, fuels and other 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 to protect from vandalism, corrosion and leakage, and to provide for control of spills.
- b. A description of toxic and hazardous wastes to be generated, indicating storage and disposal method.
- c. Evidence of application to the Massachusetts Department of Environmental Protection of any industrial waste treatment or disposal system, or any wastewater treatment system over 15,000 gallons per day capacity, accompanied by analysis by a Professional Engineer in Sanitary or Civil Engineering registered in the Commonwealth of Massachusetts certifying Compliance consistent with this Bylaw.

4. Upon receipt of the Special Permit application, the Town Clerk shall transmit one (1) copy each to the Board of Health, Board of Selectmen, Building Inspector, Conservation Commission, Water Commissioner, and Highway Department for their written recommendations. Failure to respond in writing to the Planning Board within thirty-five (35) days shall indicate approval by said Agency or Board. Further, the Planning Board shall forthwith upon receipt transmit copies of any such recommendations to the applicant prior to the Public Hearing.

5. After Notice and Public Hearing, which shall be held within sixty-five (65) days after the filing of an application, and after coordinating, clarifying, and weighing the comments and recommendations of the Agencies and Boards mentioned above, the Planning Board may within ninety (90) days of receipt of the application grant, by a two thirds (2/3) vote of its members, such a Special Permit provided that it finds that the proposed use:

- a. Is in harmony with the purpose and intent of this Bylaw and will not materially adversely affect the purpose of the Water Resource District;
- b. Will not, during construction or thereafter, have an adverse environmental impact on any aquifer or recharge area in the town;
- c. Is appropriate to natural topography, soils, and other characteristics of the site to be developed.

6. Failure of the SPGA to act within ninety (90) days shall be deemed as a granting of the Special Permit. In the granting of any Special Permit the Planning Board may attach such conditions as they deem reasonable and appropriate in maintaining and enforcing the purpose and intent of this Bylaw.

7. The Town Building Inspector shall certify in writing to the Planning Board that any and all Special Permit conditions and/or requirements of such a Special Permit have been fully complied with prior to the granting of an occupancy permit to the applicant and/or owner(s).

8.1.10 Nonconforming Uses

Nonconforming uses which are lawfully existing, begun or in receipt of a Building or Special Permit prior to first publication of Notice of Public Hearing for this Bylaw may be continued. Such nonconforming uses may be extended or altered, as specified in M.G.L. Chapter 40A, Section 6, as amended, and the Douglas Zoning Bylaws, provided that there is a finding that such change does not increase the danger of groundwater pollution from such use. Applicants shall follow procedures specified in Section 8.09 of this Bylaw.

8.1.11 Violation

Written notice of any violation shall be provided by the Building Inspector or its Agent(s) to the owner of the premises, specifying the nature of the violation(s) and a schedule of compliance, including cleanup of any spilled materials (which is reasonable in relation to the public health hazard involved). In no event shall more than thirty (30) days be allowed for either compliance or finalization of a plan for longer term compliance.

8.1.12 Enforcement

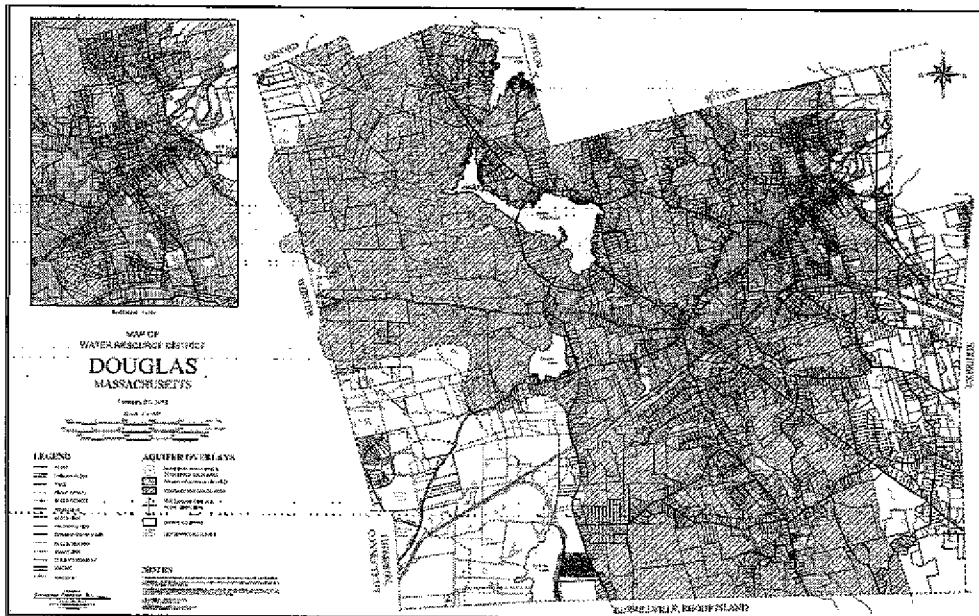
Evidence of non-compliance shall be reported to the Building Inspector in writing or its Agent(s) for enforcement action. The Building Inspector or its Agent(s) may enter upon the premises at any reasonable time to inspect for compliance with the provisions of this Bylaw. Evidence for compliance with approved waste treatment or disposal plans may be required by the Enforcing Agent. Upon refusal for admission to inspect premises, the Building Inspector or its Agent(s) may apply to the District Court for a search warrant based on probable cause to inspect said premises.

8.1.13 Penalty

Penalty for failure to comply with the provisions of this Bylaw shall be \$200 per day of violation.

8.1.14 Conflict with Other By-laws

This Bylaw shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other Bylaw, Ordinance, Law or Regulation. Where this Bylaw and another impose differing standards for the promotion and protection of health, safety and welfare, the provisions of the more stringent Bylaw shall prevail.



Or take any other action related thereto.

Article 11: Davis Street – Gleason Court Waterline Loop

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of **\$107,000** for the preparation of final design plans and specifications, procurement costs, and construction of a waterline loop on the grounds of the Douglas Primary and Elementary Schools between the Davis Street waterline and Gleason Court waterline, said sum to be expended under the direction of the Board of Selectmen, or to take any other action related thereto.

Article 12: Personnel Bylaw Amendment

To see if the Town will vote to delete the Personnel Bylaw in its entirety and replace it with the following:

DOUGLAS PERSONNEL BYLAW TABLE OF CONTENTS

<u>ITEM</u>		<u>PAGE</u>
<u>I</u>	GENERAL PROVISIONS	3
	Purpose, Application, Bylaw Superiority, Severability.	
<u>II</u>	CREATION OF THE PERSONNEL BOARD	3
<u>III</u>	COOPERATION OF PERSONNEL BOARD WITH OTHER COMMITTEES/BOARDS	5
<u>IV</u>	DEFINITIONS	5
<u>V</u>	EMPLOYEE BENEFITS	5
<u>VI</u>	PERSONAL LEAVE	8

I. GENERAL PROVISIONS

A. PURPOSE

The provisions of this Personnel Bylaw (herein referred to as the Bylaw) shall be for the purpose of providing, creating and supervising personnel policies in the Town of Douglas, Massachusetts.

B. APPLICATION

The Bylaw shall apply to all employees, except those positions filled by popular election, those under contract, those covered by a collective bargaining agreement, and those under the direction and control of the School Committee. The Bylaw and Personnel Policies and Procedures may be used as a guide for authorized officials in determining the compensation of and personnel policies for the exempted employees listed above. The Bylaw shall go into effect no later than thirty (30) days from the date of its adoption.

C. BYLAW SUPERIORITY

This Bylaw supersedes any policies, directives or personnel procedures now in effect, unless otherwise provided or mandated by law.

D. SEVERABILITY

Should any portion, section or provision of this Bylaw be found invalid for any reason, that finding shall not affect the validity and force of any other section, portion or provision of this Bylaw.

II. CREATION OF THE PERSONNEL BOARD

A. There shall be an unpaid Personnel Board consisting of five (5) town residents to be appointed as follows:

Two (2) members by the Board of Selectmen

Two (2) members by the Finance Committee

One (1) member by the Town Clerk

All members of the Personnel Board should not be in conflict with any provisions of the Massachusetts Conflict of Interest Law M.G.L. 268A. All appointments will be for three (3) year terms. Any member may be reappointed. In the event of a vacancy on the Board, it shall be filled by the same appointing authority for the unexpired term.

B. In making these appointments, the appointing authority shall give consideration to the personal qualifications of those citizens who will best meet the responsibility of the Board to represent both Town employees and taxpayers. If possible, the make-up of the Board shall consist of people who are familiar with the principles and experienced in the methods and practices of labor relations and personnel administration.

C. Forthwith after its appointment, and annually, a majority of the Board shall meet and organize by electing a chairman, vice-chairman and secretary. A majority of the Board shall constitute a quorum for the transaction of business. A majority of the Board shall determine the action the Board must take on all matters which it is authorized or required to act upon under this Bylaw.

D. The Board shall be vested with all the powers and duties specified in the General Laws of the Commonwealth, Chapter 41, Section 108C.

E. The Board shall be vested with the authority to promulgate such rules and regulations as are necessary for the proper administration of this Bylaw and any classification and compensation plans adopted hereunder.

F. The Town Administrator shall be responsible for the administration of this Bylaw and any classification and compensation plans and such rules and regulations regarding such plans as may be promulgated by the Personnel Board. The Town Administrator or his/her designee shall maintain adequate personnel records of all employees occupying positions subject to this Bylaw and any classification and compensation plans. He or she shall furnish the Board with information and make recommendations as to initial classification, approval of reports, the settlement of grievances and any other actions relevant to this Bylaw.

G. The Personnel Board secretary shall keep proper and adequate records of said meetings and hearings.

H. The Personnel Board secretary shall record decisions of the Board and advise affected departments and employees in each instance. He or she shall work under the authority and direction of the Board in implementing and administering the provisions of this Bylaw.

I. The Board may adopt rules and regulations, consistent with the provisions of the Bylaw, for the conduct of any hearing before it.

J. The Board shall establish a classification and compensation plan and shall review it annually. The Board shall recommend action necessary to maintain said plan and/or policies fairly and equitably.

Said recommendations may take the form of an article on the warrant for consideration by any annual or special town meeting, provided that such action is in conformance with the General Bylaws of the Town. Such recommendations shall be made available for use by all departments in preparing their annual budgets.

K. The Board shall maintain written job descriptions and specifications of the classes in the classification plan for the administration of this Bylaw.

L. The Board shall make an annual report in writing, which shall be included in the annual Town Report.

M. The Board in carrying out its duties under this Bylaw shall exercise the town policy of equal employment opportunity.

N. The Personnel Board has the authority to establish and amend the Personnel Policies and Procedures for the Town subject to final approval by the Board of Selectmen. The Personnel Board shall hold a public hearing prior to such amendments to the Personnel Policies and Procedures becoming effective.

III. COOPERATION OF PERSONNEL BOARD WITH OTHER COMMITTEES AND BOARDS

The Personnel Board, upon request, shall confer with the Board of Selectmen and Finance Committee, in regards to wages, salaries, hours and conditions of employment of town employees.

IV. DEFINITIONS

"Full-time employee," an employee regularly scheduled to work a minimum of thirty (30) hours per week for fifty-two (52) weeks per year.

"Regular Part-time employee," an employee regularly scheduled to work twenty (20) to twenty-nine (29) hours per week for fifty-two (52) weeks per year or a minimum of 1,040 hours.

"Limited Part-time employee," an employee who works fewer than 20 regularly scheduled hours per week or fewer than 1,040 hours a year for fifty-two (52) weeks per year.

"Temporary, Fill-in, Seasonal or Per Diem employee," an employee who works less than 1,040 hours per year and less than fifty-two (52) weeks per year.

All other definitions are listed in the Town of Douglas Personnel Policies and Procedures.

V. EMPLOYEE BENEFITS

A. VACATION

A vacation week is based on the number of days an employee normally works in a scheduled week.

For full-time employees and department heads, paid vacation and personnel days are as follows:

Years of Service	Vacation Weeks	Personnel Days
1	1	3
2	2	3
5	3	3
10	4	3
15	5	3
20	6	3

For regular part-time employees, paid vacation and personnel days are as follows:

Years of Service	Vacation Weeks	Personnel Days
1	1	2
2	2	2
5	3	2
12	4	2

Employees wishing to use vacation time shall submit a request in writing to the department head at least two weeks in advance of the time to be used, unless the supervisor agrees to shorter notice. Department heads shall submit written requests to the appointing authority at least two weeks in advance of the time to be used, or as directed by the appointing authority.

B. HOLIDAYS

Full-time and regular part-time employees shall be entitled to the holidays as follows:

- New Year's Day
- Martin Luther King Day
- Presidents Day
- Patriots Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- ½ day Christmas Eve + Christmas Day

If the holiday falls on Saturday, the holiday will be observed on Friday for employees who normally work on Friday. If it falls on Sunday, it will be observed on Monday for employees who normally work on Monday. Holiday pay

for full-time and regular part-time, non-exempt employees shall be paid for the hours normally scheduled for that day. Limited part-time, temporary, fill-in, per diem and seasonal employees shall not receive holiday pay.

Non-exempt full-time and regular part-time employees performing their official duties on a holiday and employees performing emergency work on a holiday shall be paid at the rate of one and one-half their basic hourly rate of compensation.

C. SICK DAYS

A full-time or regular part-time employee shall be granted non-occupational sick leave with full pay as follows:

- Employees will begin accruing sick leave from their date of hire. However, they will not be eligible to utilize such leave until completion of the probationary period.
- Subsequent accrual will be based on a fiscal year.
- Sick leave shall be credited monthly at a rate of 1.25 days (or hours equivalent to one and a quarter normal work days) per month after each month of employment and may be rolled over from fiscal year to fiscal year with a maximum of 120 days.
- Employees who are off the payroll for more than one day in the month shall not be credited with sick leave for that month, unless under the provisions of the Family Medical Leave Act (FMLA).
- Limited part-time, temporary, fill-in, per diem and seasonal employees shall not receive sick pay.

Additionally, any permanent full-time or regular part-time employee who has accrued a minimum of 8 sick days may join the Sick Leave Bank and must contribute a minimum of 3 days (or hours equivalent to 3 normal work days) during their initial enrollment year and at least one (1) sick day (or equivalent hours) per year thereafter. New employees are eligible to join after seven (7) months of employment if they have accrued eight (8) sick days. The total contribution of sick days is at the discretion of each employee. No contributed sick days shall be returned to the employee upon withdrawal from the Sick Leave Bank.

D. TUITION REIMBURSEMENT

Full-time employees who have worked for the Town for at least one year are eligible for reimbursement for tuition, registration fees, and books for work-related courses which serve to improve their knowledge and skills related to their positions with the Town. Reimbursement will be at an annual maximum of \$2,000.00.

Approval for the particular course must be requested prior to enrollment in order to be eligible for reimbursement and in order to qualify must have the recommendation of the department head and the approval of the Board of Selectmen. Approval is subject to sufficient municipal funds. Reimbursement shall be made subject to successful completion of the course or program. The Town shall require the employee to sign an agreement to remain in the Town's employment for a period of up to two years after completion of the course or else be willing to reimburse the Town for the funds.

To receive reimbursement a fully executed copy of the Educational Assistance Request Form contained in the Personnel Policies and Procedures along with proof of payment to the educational institution and an official transcript of the grade must be submitted.

E. BEREAVEMENT LEAVE

Every full-time and regular part-time employee shall be entitled to a maximum of five days (or hours equivalent to five (5) normal work days) absence without loss of pay shall be permitted in case of death of a member of his or her immediate family. Immediate family is defined as spouse or child. A maximum of three (3) days (or hours equivalent to three (3) normal work days) absence without loss of pay shall be permitted in the case of death of any other family member which would include parent, brother, sister, parent of spouse, grandparent, brother-in-law, sister-in-law, grandchild or a person living in the employee's household. Limited part-time, temporary, fill-in, per diem and seasonal employees are not eligible for bereavement leave.

VI. PERSONAL LEAVE

All fulltime employees are entitled to three (3) days of personal leave with pay each fiscal year to be earned and taken in the same manner as vacation benefits for the purpose of attending to personal business which unavoidably conflicts with the employee's work schedule or to observe religious holidays. All regular part-time employees are entitled to two (2) days (or hours equivalent to two normal work days) of personal leave with pay. Personal leave that is not utilized by June 30th of the year in which it is credited shall be forfeited.

Or take any other action related thereto.

Article 13. Street Acceptance: Briarwood Circle

To see if the Town will vote to accept as a public way "Briarwood Circle" as heretofore laid out by the Board of Selectmen as shown on the plan entitled, "Street Acceptance Plan of Shady Knoll Estates II", Briarwood Circle in the Town of Douglas Massachusetts for the Douglas Board of Selectmen", dated March 7, 2012, prepared by Andrews Survey & Engineering, Inc., a copy of which is on file with the Town Clerk, and will further vote to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, rights sufficient to use said Briarwood Circle for all purposes for which public ways are used in the Town of Douglas, and further, to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out such acquisitions, on such terms and conditions as the Board of Selectmen deems appropriate, or take any other action related thereto.

Article 14. Street Acceptance: Brookside Estates - Brookside Drive

To see if the Town will vote to accept as a public way "Brookside Drive" as heretofore laid out by the Board of Selectmen as shown on the plan entitled, "Plan of Brookside Drive as altered and laid out for acceptance as a public street Douglas, Massachusetts (Worcester County)", dated January 12, 2012, prepared by Spatial Data & Design, a copy of which is on file with the Town Clerk, and will further vote to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, rights sufficient to use said Brookside Drive for all purposes for which public ways are used in the Town of Douglas, and further, to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out such acquisitions, on such terms and conditions as the Board of Selectmen deems appropriate, or take any other action related thereto.

Article 15. Street Acceptance: Colonial Road

To see if the Town will vote to accept as a public way "Colonial Road" as heretofore laid out by the Board of Selectmen as shown on the plan entitled, "Plan of Colonial Road as altered and laid out for acceptance as a public street Douglas, Massachusetts (Worcester County)", dated January 20, 2012, prepared by Spatial Data & Design, a copy of which is on file with the Town Clerk, and will further vote to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, rights sufficient to use said Colonial Road for all purposes for which public ways are used in the Town of Douglas, and further, to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out such acquisitions, on such terms and conditions as the Board of Selectmen deems appropriate, or take any other action related thereto.

Article 16. Street Acceptance: Shady Knoll Estates - Downs Road, Manzi Way, Essex Street, and Crescent Lane

To see if the Town will vote to accept as public ways "Downs Road", "Manzi Way", "Essex Street" and "Crescent Lane from Manzi Way to the start of NatureView Estates" as heretofore laid out by the Board of Selectmen as shown on the plan entitled "Plan of Downs Road, Manzi Way, Crescent Lane & Essex Street as altered and laid out for acceptance as a Public

Street Douglas, Massachusetts (Worcester County)", dated February 15, 2012, prepared by Spatial Data & Design, a copy of which is on file with the Town Clerk, and will further vote to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, rights sufficient to use said Downs Road, Manzi Way, Essex Street and Crescent Lane from Manzi Way to the start of NatureView Estates for all purposes for which public ways are used in the Town of Douglas, and further, to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out such acquisitions, on such terms and conditions as the Board of Selectmen deems appropriate, or take any other action related thereto.

Article 17. Street Acceptance: Spring Meadow Estates – Pond Street, Spring Street, and Towle Court

To see if the Town will vote to accept as public ways "Pond Street", "Spring Street" and "Towle Court" as heretofore laid out by the Board of Selectmen as shown on the plan entitled, "Plan of Pond Street, Spring Street & Towle Court as altered and laid out for acceptance as a Public Street Douglas, Massachusetts (Worcester County)", dated February 2, 2012", prepared by Spatial Data & Design, a copy of which is on file with the Town Clerk, and will further vote to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, rights sufficient to use said Pond Street, Spring Street and Towle Court for all purposes for which public ways are used in the Town of Douglas, and further, to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out such acquisitions, on such terms and conditions as the Board of Selectmen deems appropriate, or take any other action related thereto.

Article 18. Street Acceptance: NatureView Estates – Crescent Lane

To see if the Town will vote to accept as a public way "Crescent Lane, from the start of NatureView Estates to the Cul-de-sac" as heretofore laid out by the Board of Selectmen as shown on the plan entitled, "Street Acceptance Layout Plan of Crescent Lane" in the Town of Douglas, Massachusetts By: The Board of Selectmen", dated Jan.2, 2012, prepared by Guerriere & Halnon, a copy of which is on file with the Town Clerk, and will further vote to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, rights sufficient to use said Crescent Lane for all purposes for which public ways are used in the Town of Douglas, and further, to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out such acquisitions, on such terms and conditions as the Board of Selectmen deems appropriate, or take any other action related thereto.

Article 19. Street Acceptance: Smith Hill Way

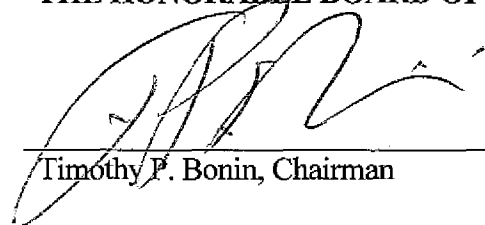
To see if the Town will vote to accept as a public way "Smith Hill Way", as heretofore laid out by the Board of Selectmen as shown on the plan of land entitled "Road Acceptance Plan for Smith Hill Way in Douglas, MA" dated March 1, 2012, a copy of which is on file with the Town Clerk, and will further vote to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, rights sufficient to use said Smith Hill Way for all purposes for which public ways are used in the Town of Douglas, and further, to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out such acquisitions, on such terms and conditions as the Board of Selectmen deems appropriate, or take any other action related thereto.

YOU ARE HEREBY DIRECTED to serve this Annual Town Meeting Warrant by posting an attested copy thereof in the Municipal Center and at least two (2) other places in the Town of Douglas to which the public has general access, at least seven (7) days before the time of holding said meeting.

HEREOF FAIL NOT and make due return of this Warrant with your doings thereon to the Town Clerk, the Time and Place of said meeting.

GIVEN UNDER OUR HANDS THIS THIRD DAY OF APRIL, 2012, A.D.

THE HONORABLE BOARD OF SELECTMEN



Timothy P. Bonin, Chairman

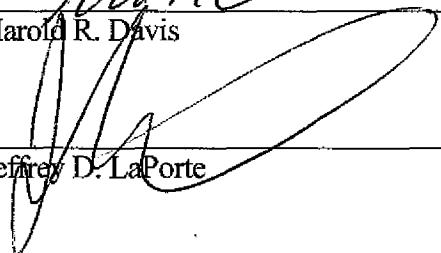
Michael D. Hughes, Vice Chair



Mitchell S. Cohen



Harold R. Davis



Jeffrey D. LaPorte

I have this day posted an attested copy of the Warrant for the Annual Town Meeting in the Municipal Center and at least two other places in the Town to which the public has general access as directed.



Carol E. Field, Constable or
Debra Blain, Constable

4-10-12
Date