



Town of Charlton, Massachusetts
Annual Town Meeting Warrant
Election Portion –Saturday, May 6, 2023
Town Meeting Business Session –Monday, May 15, 2023

To either of the Constables of the Town of Charlton:

In the County of Worcester,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of the **Town of Charlton** qualified to vote in elections to meet in the **Heritage School, Oxford Road** in said Charlton on **Saturday, May 6, 2023** at eight o'clock in the forenoon when the polls will be opened for the Annual Election of Officers; after action is taken on Article 1 of this warrant to meet again on **Monday, May 15, 2023** at seven o'clock in the evening at **Charlton Middle School, Oxford Road**, in said Charlton, for the purpose of taking action on the remaining articles listed on the warrant; that the polls for the Annual Election of officers on Saturday, May 6, 2023 will be closed at eight o'clock in the evening and that the remainder of this meeting on Monday, May 15, 2023 will be adjourned at eleven o'clock in the evening unless voted otherwise by the registered voters present, and that the articles in this warrant shall be deemed part of the Annual Town Meeting of the Town of Charlton for the Fiscal Year 2024.

ARTICLE 1. ELECTION

To choose two Selectmen for three years, one Assessor for three years, one Board of Health Member for three years, one Cemetery Commissioner for three years, one Planning Board Member for five years, one Recreation Commissioner for three years, two Trustees of the Free Public Library for three years, two Water and Sewer Commissioners for three years, one Dudley-Charlton Regional School Committee Member for one year, one Dudley-Charlton Regional School Committee Member for three years, one Southern Worcester County Regional Vocational School District Committee Member for three years, one Town Clerk for three years, one Constable (to fill a vacancy) for two years, one Charlton Housing Authority Member for five years, one Moderator for three years and one Tree Warden for three years.

SPONSOR: BOARD OF SELECTMEN

ARTICLE 2. TOWN REPORTS

To see if the Town will vote to accept the reports of its officers for the past year; or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

ARTICLE 3. LITIGATION

To see what action the Town will take in relation to prosecuting and defending actions or suits for and against the Town; or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

ARTICLE 4. APPROPRIATION OF FUNDS FOR UNPAID BILLS OF A PRIOR FISCAL YEAR

To see if the Town will vote to raise by taxation, transfer or borrow and appropriate a sum or sums to accounts to be specified at the town meeting for payment of one or more prior fiscal year's bills not paid due to an insufficiency of appropriation or for any other reason; or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

ARTICLE 5. INTER/INTRA DEPARTMENTAL TRANSFERS FOR FY23

To see if the Town will vote to transfer and appropriate sums to be specified at the Annual Town Meeting within departmental accounts, from one line item of such accounts to another line item or line items of such accounts, for the fiscal year ending June 30, 2023; or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

ARTICLE 6. CAPITAL ITEMS AND RELATED CONTRACTS

To see if the Town will vote to raise by taxation, borrow or transfer from available funds, including so called "free cash" and funds previously appropriated to other uses, and appropriate a sum or sums to purchase capital items and for service, repair, improvement, architectural, construction, renovation, improvement and/or other contracts relating to town buildings, facilities and other property, and to authorize the Board of Selectmen, Chief Procurement Officer, or other appropriate town official, board, commission or committee to enter into such contracts or leases, and to take other such action, as may be necessary to effectuate the purposes of such votes; or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN/VARIOUS DEPARTMENTS

ARTICLE 7. DCRSD – SHEPHERD HILL FEASIBILITY STUDY

To see if the Town will approve its \$537,000.00 capital cost assessment by the Dudley-Charlton Regional School District, for the purpose of paying costs of a feasibility study with respect to the scope of potential upgrades to the Shepherd Hill Regional High School, located at 68 Dudley-Oxford Road, Dudley, Massachusetts, including the payment of all costs incidental and related thereto (the "Study"), and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the School Building Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA, and that the amount of the capital cost assessment allocable to the Town shall be reduced to the extent of any grant amount

allocable to the Town and set forth in the Feasibility Study Agreement; or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

ARTICLE 8. TOWN BUDGET

To see if the Town will vote to raise, borrow or transfer and appropriate such sums of money as may be necessary to defray the expenses of the fiscal year beginning July 1, 2023, and, as provided by General Laws, Chapter 41, Section 108, to fix the salaries and compensation of all elected officers of the Town as set forth in the budget voted under this Article or as separately voted by the Town under other articles of the Warrant for this meeting; or take any action relative thereto or thereon.

SPONSOR: FINANCE COMMITTEE

ARTICLE 9. WATER DEPARTMENT BUDGET (ENTERPRISE FUND)

To see if the Town will vote to raise by taxation, borrow or transfer from available funds and appropriate to the Water Enterprise Fund, such sums of money as may be necessary, together with revenue from Water Department operations, to defray the expenses of the Water Department for the fiscal year beginning July 1, 2023; or take any action relative thereto or thereon.

SPONSOR: WATER & SEWER COMMISSION

ARTICLE 10. SEWER DEPARTMENT BUDGET (ENTERPRISE FUND)

To see if the Town will vote to raise by taxation, borrow or transfer from available funds and appropriate to the Sewer Enterprise Fund, such sums of money as may be necessary, together with revenue from Sewer Department operations, to defray the expenses of the Sewer Department for the fiscal year beginning July 1, 2023; or take any action relative thereto or thereon.

SPONSOR: WATER & SEWER COMMISSION

ARTICLE 11. TRANSFER OF FUNDS TO AND FROM STABILIZATION FUND ACCOUNT

To see if the Town will vote to add funds to and/or transfer and appropriate sums from the Stabilization Fund Account to an account or accounts to be determined at the Town Meeting, including but not limited to for purposes of acquiring land in the Town; or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

ARTICLE 12. CEMETERY PERPETUAL CARE

To see if the Town will vote to accept the sum of **\$20,350.00** as trust funds from individual persons, the income from each such sum to be used for the perpetual care of the Charlton cemeteries; or take any action relative thereto or thereon.

SPONSOR: CEMETERY COMMISSION

ARTICLE 13. REVOLVING FUNDS

To see if the Town, upon recommendation of the Board of Selectmen, will vote, as authorized by Mass. General Laws Chapter 44, Section 53E ½, to reestablish and/or establish the following

Revolving Funds, and to authorize the official, commission, board or committee specified in the second column below to expend funds from the specified account, without further appropriation, provided that the amount to be expended from such account in the fiscal year commencing this coming July 1 shall not exceed the amount set forth in the fifth column unless an additional amount or amounts are recommended by both the Board of Selectmen and the Finance Committee:

Revolving Fund	Department, Board, or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund
WIRE INSPECTOR REVOLVING FUND 1610	Inspectional Services	Fees charged for the Wire Inspector's services	Wire Inspector's fee per inspection.	Unencumbered balance above \$20,000 at the end of the fiscal year reverts to general fund
GAS INSPECTOR REVOLVING FUND 1608	Inspectional Services	Fees charged for the Gas Inspector's services	Gas Inspector's fee per inspection.	Unencumbered balance above \$15,000 at the end of the fiscal year reverts to general fund
PLUMBING INSPECTOR REVOLVING FUND 1609	Inspectional Services	Fees charged for the Plumbing Inspector's services	Plumbing Inspector's fee per inspection.	Unencumbered balance above \$15,000 at the end of the fiscal year reverts to general fund
CEMETERY COMMISSION REVOLVING FUND 1611	Cemetery Department	Interment fee equal to cost of grave opening	Grave opening fee.	Unencumbered balance above \$5,000 at the end of the fiscal year reverts to general fund
RECREATION COMMISSION REVOLVING FUND 1615	Recreation Commission	Fees charged to individuals participating in a program, donations and gifts, private sponsorship of a program and fees charged for the use of Recreation facilities	Funds will be used in direct support of the listed programs for the following items: supplies for the programs, contractual services required to present a program, administrative expenses required to run the program, repair of equipment used in a program and the repair and maintenance of facilities used for a program.	Unencumbered balance above \$15,000 at the end of the fiscal year reverts to general fund

FIRE DEPARTMENT HAZARDOUS WASTE REVOLVING FUND 1614	Fire Chief	Fees charged for Hazardous waste services and supplies	Payments for Hazardous Waste training and for replacement supplies.	Unencumbered balance above \$15,000 at the end of the fiscal year reverts to general fund
PLANNING BOARD REVOLVING FUND 1606	Planning Board	Fees for engineering review and other consultants as well as advertising and mailing	Payments to engineers and other consultants, as well as advertising and mailing.	Unencumbered balance above \$20,000 at the end of the fiscal year reverts to general fund
RECYCLING REVOLVING FUND 1613	Recycling Committee	Fees from sales of rain barrels and/or compost units	Purchase additional rain barrels and/or compost bins.	Unencumbered balance above \$5,000 at the end of the fiscal year reverts to general fund
BUILDING DEPARTMENT-PERMITTING REVOLVING FUND 1607	Inspectional Services	Fees from Building Department Permits	To pay 3% fee charged by online company and permitting/licensing software.	Unencumbered balance above \$10,000 at the end of the fiscal year reverts to general fund
BOH REVOLVING FUND 1604	Board of Health	Fees for engineering review and other consultants as well as advertising and mailing	Payments to engineers and other consultants, as well as advertising and mailing.	Unencumbered balance above \$10,000 at the end of the fiscal year reverts to general fund

; or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN AND VARIOUS DEPARTMENTS

ARTICLE 14. MUNICIPAL CHARGES LIEN BYLAW

To see if the Town will vote to amend the General Bylaws by inserting therein the following, the Chapter designation to be such as the Town Clerk determines to be most appropriate; or take any action relative thereto or thereon.

Chapter ____ - MUNICIPAL CHARGES LIENS

Section 1. Authority

This by-law is adopted pursuant to the authority of M.G.L. c. 40, § 21 and c. 40 § 58 and any other relevant statutes and regulations.

Section 2. Purpose

The purpose of the establishment of a Municipal Charges Lien is to provide a cost effective method of collecting a charge, fine, penalty and/or fee assessed against an owner of real property in the Town who fails and/or refuses to pay said charge or charges, fine or fines, penalty or penalties and/or fee or fees when due, by placing a lien upon real estate owned by the property owner.

Section 3. Charge and/or Fee

The Municipal Charges Lien shall apply to the following municipal charges, penalties, fines and fees, including interest and all costs to record said lien(s) in the Worcester District Registry of Deeds, for violations of the following unpaid by the due date:

- a) Charlton Zoning Bylaw.
- b) Building permit fees inspections, failure to obtain permits as set by the Board of Selectmen in accordance with the Massachusetts State Building Code 780 CMR section 109.1.
- c) Wiring permit fees, inspections, failure to obtain permits as set by the Board of Selectmen in accordance with the Massachusetts State Board of Fire Prevention Regulations 527 CMR Section 12 .
- d) Plumbing permit fees, inspections, failure to obtain permits as set by the Board of Selectmen in accordance with the Massachusetts State Examiners of Plumbers and Gas Fitters, 248 CMR Section 3.05 (1)(g)4.
- e) Gas fitting permit fees, inspections, failure to obtain permits as set by the Board of Selectmen in accordance with the Massachusetts State Examiners of Plumbers and Gas Fitters, 248 CMR Section 3.05 (1)(g)4.
- f) Inspection fees issued by the Sealer of Weights & Measures in accordance with MGL c. 98, Section 56.
- g) Fines issued in accordance with 527 CMR 1.00 – Massachusetts Comprehensive Fire Safety Code.
- h) Fines issued in accordance with MGL c. 40 Section 21D, General Bylaws Chapter 10 – Penalties.

Section 4. Lien Takes Effect

The Municipal Charges Lien will take effect upon the recording of a statement of unpaid municipal charges, fines, penalties and fees, setting forth the amount due, including recording costs, the address(es) of the land to which the lien is to apply and the name of the assessed owner.

Section 5. Collection of the Lien

- a) Collection of the lien shall be enforced in accordance with MGL Chapter 40 Section 58 and Chapter 41 Section 38A.

Section 6. Unpaid Municipal Charges Liens

- a) If a charge, fine, penalty or fee secured by the lien is unpaid when the Assessors are preparing the real estate tax list and warrant, the Tax Collector shall certify the charge or penalty to the Assessors' Department and the Assessors shall add the charge or fee to the next property tax bill to which it relates, and commit it with the warrant to the collector as part of the tax.
- b) If the property to which the charge, fine, penalty and/or fee relates is tax exempt, the charge or fee shall be committed as a tax on said property.

Section 7. Release of Lien

The Municipal Charges Lien may be discharged pursuant to MGL Chapter 40, Section 58.
SPONSOR: BUILDING COMMISSIONER AND BOARD OF SELECTMEN

ARTICLE 15. RESCIND CH. 155 – LICENSES & PERMITS, ARTICLE II – FINGERPRINTING, SECTIONS 155-6 THROUGH 155-13

To see if the Town will vote to amend the Charlton General Bylaws by deleting, Chapter 155, Licenses and Permits, Article II, "Fingerprinting", Sections 155-6 through 155-13, r take any action relative thereto or thereon. **SPONSOR: POLICE CHIEF AND BOARD OF SELECTMEN**

ARTICLE 16. GENERAL BYLAW AMENDMENT – CH. 160 – PEDDLING & SOLICITING

To see if the Town will vote to amend the Charlton General Bylaws – Chapter 160 – Peddling & Soliciting - to insert the underlined language and delete the strikethrough language, as follows, or take any action relative thereto or thereon.

§ 160-1. License required; application procedures; fees.

- A. It shall be unlawful for any solicitor or canvasser as defined in this bylaw to engage in such business within the Town of Charlton without first obtaining a license therefor in compliance with the provisions of this bylaw.
 - (1) The provisions of this bylaw, with the exception of § 160-4C, shall not apply to:
 - (a) Any person already licensed to solicit by the Commonwealth of Massachusetts;
 - (b) Any person engaged in the pursuit of soliciting for charitable, benevolent,

fraternal, religious or political activities;

- (c) Any person exempted by any other General Law;
- (d) Salespersons or agents for wholesale houses, or firms who solicit orders from or sell to retail dealers for resale, or to manufacturers for manufacturing purposes; nor to
- (e) Bidders for public works or supplies.

(2) Nor shall this bylaw be construed in such a way as to prevent persons having established customers to whom they make periodic deliveries from calling upon such established customers to solicit an order for future deliveries.

B. "Solicitor or canvasser" is defined as any person who, for such person or for another person, firm, corporation or other legal entity, travels by foot, automobile or any other type of conveyance from place to place, or from house to house, for the purpose of soliciting funds for any purpose or selling, distributing, offering or exposing for sale, or soliciting orders for: (a) magazines, books, periodicals or other articles, goods or items of a commercial nature; or (b) services of a commercial nature, including without limiting the generality of the foregoing, services for home, driveway or land improvements, whether or not such individual has, carries or exposes a sample of or documents relating to the subject of such sale, and whether or not he/she is soliciting or collecting or attempting to collect advance payment for or relating to the foregoing.

C. Application.

(1) Applicants for a license shall file with the Chief of Police, on a form issued by him/her, a written application signed under the penalty of perjury, containing the following information:

- (a) Name of applicant.
- (b) Address of applicant (local and permanent address if different).
- (c) Applicant's height, eye and hair color.
- (d) Applicant's social security number.
- (e) The length of time for which the license is sought.
- (f) A brief description of the nature of the business and the goods and/or services to be sold, distributed, offered or exposed.
- (g) The name and home office address of the applicant's employer. If self-employed, it shall so state.
- (h) A photograph of the applicant, frontal view, which picture shall be submitted by the applicant and be two (2) inches by two (2) inches, showing the head and shoulders of the applicant in a clear manner which would enable a person to identify the applicant upon sight.

~~(i) A statement as to whether or not the applicant has been convicted of any crime, including without limiting the generality of the foregoing, any misdemeanor (excepting therefrom any motor vehicle violation), within ten (10) years of the date of application, and the nature of the offense.~~

(j) If operating a motor vehicle: the year, make, color, model, motor number, registration number, state of registration, vehicle's owner and address.

~~(k) The applicant's fingerprints.~~

~~(2) Handling and procedures as to fingerprints shall conform with the Civil Fingerprinting License Bylaw adopted pursuant to MGL c. 6, § 172B 1/2, as part of the Charlton General Bylaws.1 The Town shall comply with the requirements of MGL c. 93H as to maintenance, storage and reporting of any actual or suspected release or misuse of any "personal information," as defined in MGL c. 93H, § 1(a), received in implementation of this bylaw.~~

D. At the time of filing the application, each applicant shall pay ten dollars (\$10) to the Town of Charlton. ~~The applicant shall also at the time of filing the application pay a fee of fifty dollars (\$50) for the cost of civil fingerprinting pursuant to MGL c. 6, § 172B 1/2, and the aforementioned Charlton Fingerprinting Bylaw.~~

E. If the applicant cannot produce valid identification during the application process, the applicant will need to be fingerprinted. If fingerprinting is necessary, the applicant shall pay a fee of fifty dollars (\$50) for the cost of civil fingerprinting pursuant to MGL.

F. Investigation; decision on application.

(1) Upon receipt of the application, the Chief of Police (which, wherever used herein, shall be deemed to include the Chief's designee) shall investigate the applicant's background and reputation as to compliance with law, business practices, character, morals and integrity to the extent that such may relate to the standards set forth in Subsection E(2) immediately below.

(2) Within twenty-one (21) days of his/her receipt of the application, the Chief shall approve or disapprove the application and notify the applicant of the decision. The decision may be based on any information reasonably related to public safety or protection of the public from fraud or unfair business practices (by way of example only: conviction, or an admission or court finding of responsibility, of or by the license holder as to any felony which causes the Chief of Police to conclude that the license/permit holder may pose an unreasonable risk to the public.) ~~(by way of example only: conviction of, or an admission or court finding of responsibility for, any crime or juvenile delinquency violation involving violence, fraud, theft, or misappropriation of funds; violation of a consumer protection law; dishonesty in contractual dealings with another person). Any denial shall be in writing and shall state the reason(s) for the denial, a copy of which shall be provided to the applicant.~~

~~(Note: Nothing herein shall derogate from the provisions of Chapter 155, Licenses and Permits, Article I, concerning denial, revocation or suspension of any license for neglect or failure to pay any local tax, fee, assessment, betterment or other municipal charge, all of which shall apply to any license sought or granted under this bylaw.)~~

- (3) In the event that the application is approved, a license and an identifying badge permit shall be issued within three (3) business days of the decision.

G. Appeals.

- (1) Any applicant shall have the right to appeal a denial to the Board of Selectmen, which shall uphold the Chief's decision unless it determines that such was arbitrary, capricious or wholly unrelated to any ground set forth above for denial.
- (2) Such appeal shall be taken by filing with the Town Clerk, with a copy to the Town Administrator's office, each by first class mail, postage prepaid, or by hand delivery, a written statement of the grounds for the appeal, within five (5) days after notice of decision by the Chief of Police has been given.
- (3) The Board of Selectmen shall set the time and place for hearing such appeal, and notice of such time and place shall be given by the Town Clerk by first class, postage prepaid mailing to the license holder at the address given on the application, at least five (5) days prior to the date set for the hearing.
- (4) At the hearing, the license holder shall be afforded an opportunity to present any information and evidence he/she believes pertinent to the ground(s) for the appeal and to the denial.
- (5) The Board shall issue a written decision within fourteen (14) days of conclusion of the hearing and shall uphold the Chief's decision unless it determines that such was arbitrary, capricious or wholly unrelated to any ground set forth above for denial.

H. Such license, when issued, shall contain the signature of the issuing officer and shall show the name, address and photograph of the licensee, the Town and state of issuance and the length of time the same shall be operative, as well as the license number.

I. The Chief of Police shall keep a record for such a period as is required by the Massachusetts Public Records Act, ~~six (6) years~~ one.

J. Identification badge permit.

- (1) Solicitors and canvassers, when engaged in the business of soliciting or canvassing, are required to ~~display~~ have an identifying badge permit issued by the Commonwealth of Massachusetts or the Chief of Police of the Town of Charlton, ~~by wearing~~ and have said badge permit with them at all times ~~on their outermost garment~~.

~~(2). A deposit of five dollars (\$5) will be required for each badge. This deposit will be refunded upon return of the badge to the Chief of Police~~

- (2) Each solicitor or canvasser, and each of such solicitor's or canvasser's employees or agents, is required to possess an individual license and badge permit.
- K. The police officers of the Town of Charlton shall enforce this bylaw in accordance with § 160-7 below.
- L. The Chief of Police and/or Board of Selectmen may revoke any license in accordance with § 160-6 below.
- M. Each license issued under the provisions of this bylaw shall continue in force for such period as is specified in the license, or, if no period is specified therein, for twelve (12) months from the date of its issuance, unless sooner revoked.
- N. An applicant requesting a renewal of a license must apply in person for such license renewal, and provide such material relating to the information described in Subsection C above as may be required by the Chief of Police.

§ 160-2. Hours of operation.

It shall be unlawful for any person to solicit or conduct any activity described in § 160-1B of this bylaw before the hour of 8:00 a.m. of any day or after the hour of 9:00 p.m. of any day except by appointment.

§ 160-3. Posted prohibitions.

It shall be unlawful and a violation of this bylaw for any solicitor or canvasser to ring a bell or knock at any building whereon there is painted, affixed or otherwise displayed to public view any sign containing any or all of the following words: "NO PEDDLERS," "NO SOLICITORS" or "NO AGENTS," or which otherwise expresses an intent to prohibit peddling or soliciting on the premises.

§ 160-4. Fraudulent practices prohibited.

- A. It shall be unlawful for any peddler or solicitor to represent by words, writing or action that he/she is some other peddler or solicitor, that he/she is a partner, employer, employee, representative or agent of any peddler or solicitor when in fact he/she is not the partner, employer, representative, agent or employee of such peddler or solicitor, or that he/she is the employer, employee, representative, agent or partner of any person, when in fact he/she is not the employer, employee, representative, agent or partner of such person.
- B. No solicitor or canvasser may misrepresent, in any manner, the buyer's right to cancel as stipulated by Chapter 255D of the General Laws.
- C. No solicitor or canvasser, licensed or exempted from licensing, may use any plan, scheme or ruse which misrepresents the true status or mission of the person making the call in order to gain admission to a prospective buyer's home, office or other establishment with the purpose of making a sale of consumer goods or services or for soliciting funds.

§ 160-5. Exceptions.

The provisions of the bylaw, with the exception of § 160-4C immediately above, shall not apply to salespersons or agents for wholesale houses or firms who solicit orders from or sell to retail dealers for resale, or to manufacturers for manufacturing purposes, or to bidders for public works or supplies or to charitable, religious, fraternal, service and civic organizations.

§ 160-6. Revocation of licenses.

- A. Licenses issued pursuant to this bylaw may be revoked by the Chief of Police of the Town of Charlton, after notice and hearing, for any of the following causes:
- (1) Fraud, misrepresentation or any false statement made to the Police Department in furnishing the information required in § 160-1 of this bylaw.
 - (2) Any violation of this bylaw.
 - (3) Conviction, or an admission or court finding of responsibility, of or by the license holder as to any felony, which causes the Chief of Police to conclude that the license/permit holder may pose an unreasonable risk to the public. ~~crime or juvenile delinquency violation involving moral turpitude, embezzlement or a crime of this nature, or of a nature upon which a license application may be denied pursuant to § 160-1E(2) above.~~
 - (4) Conducting the soliciting or peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to be a menace to the health, safety or general welfare of the people of the Town of Charlton or the general public.
- B. Notice of the hearing for consideration of revocation of a license shall be given in writing, stating the ground(s) for such possible revocation and the time and the place of hearing.
- C. Such notice shall be mailed first class, postage prepaid, to the license holder at the address given on the application/license, at least five (5) days prior to the date set for the hearing.
- D. Appeals.
- (1) Any person aggrieved by the decision of the Chief of Police shall have the right of appeal to the Board of Selectmen.
 - (2) Such appeal shall be made by filing with the Town Clerk, with a copy to the Town Administrator's office, each by first class mail, postage prepaid, or by hand delivery, a written statement of the grounds for the appeal, within five (5) days after notice of decision by the Chief of Police has been given.
 - (3) The Board of Selectmen shall set the time and place for hearing such appeal and notice of such time and place shall be given by the Town Clerk to the license holder in the manner hereinabove provided for notice of hearing on

possible revocation by the Chief of Police.

- (4) At the hearing, the license holder shall be afforded an opportunity to present any information and evidence he/she believes pertinent to the ground(s) for the appeal and to the revocation.
- (5) The Board shall issue a written decision within fourteen (14) days of conclusion of the hearing and shall uphold the Chief's decision unless it determines that such was arbitrary, capricious or wholly unrelated to any ground set forth above for revocation.

§ 160-7. Enforcement; violations and penalties.

- A. The police officers of the Town of Charlton shall enforce this bylaw.
- B. Every person violating any provision of this bylaw is guilty of a misdemeanor and shall be punished by a fine in the amount which as of the time of such violation has been established by the Charlton Board of Selectmen in accordance with applicable law. ~~not exceeding fifty dollars (\$50).~~
- C. Alternatively, violations may be enforced by the Charlton Police by means of a penalty of fifty dollars (\$50) per violation using noncriminal disposition procedures pursuant to MGL c. 40, § 21D, and Chapter 10, Penalties, Article I, the Noncriminal Disposition Enforcement Procedure Bylaw.
- D. Every violator of any provision of this bylaw shall be guilty of a separate offense as to every day such violation shall continue and shall be subject to a separate fine or penalty imposed by this section for each and every separate offense.

SPONSOR: POLICE CHIEF AND BOARD OF SELECTMEN

ARTICLE 17. ZONING BYLAW AMENDMENT – AMEND SECTION 2 OF THE ZONING BYLAW

To see if the Town will vote to amend the Zoning Bylaw – Section 2 – Definitions - § 200-2.2 Floodplain, to insert the underlined language and delete the strikethrough language, as follows, or take any action relative thereto or thereon.

Section 2

Definitions

§200-2.2 Floodplain

~~AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain subject to a one percent or greater chance of flooding in any given year~~

~~BASE FLOOD The flood having a one percent chance of being equaled or exceeded in any given year~~

~~DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading,~~

~~paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]~~

~~FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]~~

~~FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]~~

~~HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]~~

~~HISTORIC STRUCTURE means any structure that is:~~

- ~~(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;~~
- ~~(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;~~
- ~~(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or~~
- ~~(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - ~~(1) By an approved state program as determined by the Secretary of the Interior or~~
 - ~~(2) Directly by the Secretary of the Interior in states without approved programs.~~~~

~~[US Code of Federal Regulations, Title 44, Part 59]~~

~~NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* [Referenced Standard ASCE 24-14]~~

~~RECREATIONAL VEHICLE means a vehicle which is:~~

- ~~(a) Built on a single chassis;~~
- ~~(b) 400 square feet or less when measured at the largest horizontal projection;~~
- ~~(c) Designed to be self propelled or permanently towable by a light duty truck; and~~
- ~~(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.~~

~~[US Code of Federal Regulations, Title 44, Part 59]~~

~~REGULATORY FLOODWAY—see FLOODWAY.~~

~~SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, or AH. [Base Code, Chapter 2, Section 202]~~

~~START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.~~

~~———— Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]~~

~~STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]~~

~~SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]~~

~~VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]~~

~~VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]~~

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading,

paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.*

[Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, or AH. [Base Code, Chapter 2, Section 202]

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STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

SPONSOR: PLANNING BOARD

ARTICLE 18. ZONING BYLAW AMENDMENT – AMEND SECTION 6 OF THE ZONING BYLAW

To see if the Town will vote to amend the Zoning Bylaw – Section 6 - Floodplain Regulations to Remove the current Floodplain Regulations Section 6 in its entirety and replace it with the new proposed language for Section 6, or take any action relative thereto or thereon.

**SECTION 6
Floodplain Regulations**

§ 200-6.1 Purpose for flood resistant standards

The purpose of the Floodplain Overlay District is to:

- 1) Ensure public safety through reducing the threats to life and personal injury
- 2) Eliminate new hazards to emergency response officials
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
- 5) Eliminate costs associated with the response and cleanup of flooding conditions
- 6) Reduce damage to public and private property resulting from flooding waters

§ 200-6.2. Use of FEMA maps and supporting studies

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Charlton designated as Zone A, AE, AH, AO, or A99 on the Worcester County Flood Insurance Rate Map (FIRM) dated June 21, 2023 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated June 21, 2023. The FIRM and FIS report are incorporated herein by reference and are on file with Conservation Commission.

§ 200-6.3. Designation of community Floodplain Administrator

The Town hereby designates the position of Conservation Director to be the official floodplain administrator.

§200-6.4. Permits are required for all proposed development in the Floodplain Overlay District

A permit is required for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of

manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

§ 200-6.5. Assure that all necessary permits are obtained

The town's permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.

§ 200-6.6. Floodway encroachment

In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

§ 200-6.7. Unnumbered A Zones

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

§ 200-6.8. AO and AH zones drainage requirements

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

§ 200 6.9. Subdivision proposals

§district shall be reviewed to assure that:

- (a) Such proposals minimize flood damage.

(b) Public utilities and facilities are located & constructed so as to minimize flood damage.

(c) Adequate drainage is provided.

§ 200-6.10. Base flood elevation data for subdivision proposals

When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

§200-6.11. Recreational vehicles

In A1-30, AH, AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

§200-6.12. Watercourse alterations or relocations in riverine areas

In a riverine situation, the Floodplain Administrator shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
- NFIP Program Specialist
Federal Emergency Management Agency, Region I

§200-6.13. Requirement to submit new technical data

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
- NFIP Program Specialist
Federal Emergency Management Agency, Region I

§200-6.14. Variances to building code floodplain standards

The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

§ 200- 6.15. Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

§ 200-6.16. Abrogation and greater restriction section

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

§ 200-6.17. Disclaimer of liability

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

§200-6.18. Severability section

If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

SPONSOR: PLANNING BOARD

ARTICLE 19. ZONING BYLAW AMENDMENT - SIDEWALKS IN VILLAGE DISTRICT REGULATIONS

To see if the Town will vote to amend the Zoning Bylaw – Section 5 – Definitions - § 200-5.17 (c) Village District Regulations, to insert the underlined language and delete the strikethrough language, as follows, or take any action relative thereto or thereon:

C. Pedestrian amenities.

(1) Provision for safe and convenient pedestrian access shall be incorporated into plans for new construction of buildings and parking areas and should be designed in concert with landscaping plans. New construction should improve pedestrian access to buildings, sidewalks and parking areas and should be completed with considerations of pedestrian safety, handicapped access and visual quality.

(2) If no public sidewalk exists across the frontage of the lot, a paved sidewalk of at least four (4) feet in width shall be provided within the front yard setback or within the municipal right of way as approved by the Planning Board; and to the maximum extent possible, the sidewalk shall be designed to create a continuous pedestrian walkway with the abutting properties. Where sidewalk construction is not feasible or practical, the Planning Board may require the applicant to provide a sidewalk in another location or make a payment in lieu of sidewalk construction to the Town of Charlton special sidewalk fund in an amount determined by the Planning Board. The applicant shall provide a construction and maintenance easement to the Town of Charlton for all approved sidewalks.

(3) At a minimum, fifty percent (50%) of the walls of ground floor spaces directly facing streets shall have transparent window and door openings, placed at the eye level of pedestrians [between three (3) feet and eight (8) feet above grade]. The Planning Board may waive this standard for redevelopment if compliance would create an economic hardship or cause undesirable changes to the facade of the building. To allow people to see interesting things inside buildings, fixed interior walls shall not obscure views into the building.

(4) Commercial and office building should include features such as awnings, canopies, bay windows, plazas, balconies, decorative detail, public seating, and well-designed lighting to encourage visual interest for pedestrians.

SPONSOR: PLANNING BOARD

And you are directed to serve this Warrant by posting attested copies thereof, one at each of the Post Offices, one in Dexter Memorial Hall and one in the Charlton Municipal Offices (George C. McKinstry, III Building) in said Town, seven days at least before the time and place of holding meeting.

Hereof, fail not, and make due returns of the Warrant with your doings thereon to the Town Clerk at the time and place of holding meeting.

Given under our hands this ____ day of April in the Year of Our Lord Two Thousand and Twenty-Three (2023).

Board of Selectmen:

Stephen G. Koronis, Chairperson

Patricia Rydlak, Vice-Chairperson

Barbara Zurawski, Clerk

David M. Singer, Member

William Borowski, Member

A true copy:

Attest:

Posted as directed:

Constable/Police Officer of Charlton, Massachusetts