

TOWN OF CARLISLE

GENERAL BYLAWS



September 27, 2021

GENERAL BYLAWS
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GENERAL PROVISIONS
ARTICLE I

1. GENERAL PROVISIONS

- 1.1. The following provisions shall constitute the General Bylaws of the Town of Carlisle and all previous bylaws are hereby repealed and all votes of the town are hereby repealed or amended to the extent they are inconsistent with these bylaws.
- 1.2. The repeal of a bylaw shall not thereby have the effect of reviving any bylaws therefore repealed, unless specifically so provided therein.
- 1.3. A penalty provided for the violation of a bylaw shall be for each violation. In the case of a continuing violation, each day in which the violation occurs shall be considered a separate violation.
- 1.4. Enforcement

1.4.1 Criminal Complaint

Whoever violates any provision of these bylaws may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation, or offense brought in such manner, shall be two hundred (\$200.00) dollars.

1.4.2 Non-criminal Disposition

Whoever violates any provision of these bylaws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in General Laws, Chapter 40, Section 21D. The non-criminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to specific penalty.

In addition to the bylaws and regulations listed as being enforced by non-criminal disposition in this section of the Carlisle General Bylaws, non-criminal ticketing procedures described in this bylaw section 1.4.2 may be used within the Town of Carlisle for violations of bicycle laws which procedures are hereby established pursuant to Chapter 40, Section 21, cl 16(B) and Chapter 85, Section 11C of the General Laws of the Commonwealth, as follows. The bicycle laws that are to be enforced by such procedures are those set forth in Chapter 85, Section 11B of the General Laws of the Commonwealth; the penalty for violation thereof shall be twenty dollars (\$20); the enforcing person shall be any police officer.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the following bylaws and sections of the bylaws and regulations are to be included within the scope of this subsection, that the specific penalties as listed here shall apply in such cases, and that, in addition to

police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed for each section, if any, shall also be enforcing persons for such sections. Each day on which any violation exists shall be deemed to be a separate offense.

Earth Removal, Deposit and Stockpiling \$50.00

Public Safety

Firearms and Explosives \$50.00

Motorboats \$20.00

Public Ways \$20.00

Miscellaneous

Vendors, Hawkers and Peddlers \$20.00

Sales on Public Property \$20.00

Alcoholic Beverages \$50.00

Junk \$50.00

Noise Control \$300.00

Conservation Commission - The enforcing persons shall include the Conservation Commission by an affirmative vote of a majority of its members.

Section 3.14.1 of these bylaws - Rules and Regulations promulgated by the Conservation Commission under the authority of M.G.L. Ch. 40 Sec. 8C \$50.00

Wetland Protection - Article 13 of these bylaws as referenced in section: 13.10.6.

Historical Commission – The enforcement of Rules and Regulations promulgated by the Historical Commission/Historic District Commission pursuant to Section 9.3 and 9.4 of these bylaws pursuant to the authority of M.G.L. section 10(e). \$50.00

Board of Health – Enforce the Town of Carlisle Supplementary Sewage Disposal Regulations and Water Supply Regulations in accordance with M.G.L.c.111, sec 31 \$300.00 per violation

- 1.5 Wherever these bylaws impose a duty and affix a penalty for the neglect or violation of that duty, the appropriate board or officer of the town, after notice to any person who has neglected or is in violation of such duty, may do anything reasonably required to be done or repair any omission or the effect of failure to obey the provisions of these bylaws, at the expense of such person. The reasonable cost of such action, not exceeding the penalty allowed by law to be imposed by these bylaws, shall be paid out of the town treasury and sued for by complaint before a court of competent jurisdiction and the amount removed shall be paid into the treasury of the Town. Action under this section shall be in

GENERAL PROVISIONS

substitution for, and not in addition to, the fine provided for in the above section of these bylaws.

- 1.6 Whenever reference is made in these bylaws to the General Laws, such reference shall mean the General Laws of the Commonwealth of Massachusetts as from time to time amended.
- 1.7 The invalidity of any provision or feature of these bylaws shall not affect the validity of any other provision or feature not manifestly inseparable therefrom.

ARTICLE II

2. TOWN MEETINGS

- 2.1 The warrant for the annual town meeting shall be directed to the Constables who shall post attested copies thereof at least seven (7) days, and in the case of a special town meeting, at least fourteen (14) days, before the meeting in two or more public places in the town, one of which shall be the post office, and the Select Board shall send notice of any and all special town meetings by mail to every household.
- 2.2 The Select Board shall insert in the warrant for the annual town meeting articles requested in writing by ten (10) or more registered voters, and for special town meetings, articles requested in writing by one hundred (100) or more registered voters.
- 2.3 One hundred and fifty (150) of the registered voters shall constitute a quorum.
- 2.4 The polls for all elections will be opened at 7:00 o'clock A.M. and will close at 8:00 o'clock P.M. unless an earlier opening of the polls between 5:45 o'clock A.M. and 7:00 o'clock A.M. is authorized by the Select Board consistent with the provisions of the Massachusetts General Laws and the rules and regulations of the Elections Division of the Office of the Secretary of the Commonwealth.
- 2.5 Whenever a two-thirds vote is required by statute for adoption of any action by a town meeting, such vote may be declared as such by the moderator without a count and to be recorded as such by the Clerk upon such declaration provided, however, that seven or more voters at a town meeting may challenge such declaration, all as provided by Chapter 39, Section 15 of the general laws at which time a count shall be held.

ARTICLE III

3. POWERS AND DUTIES OF OFFICERS, BOARDS AND COMMITTEES

The officers referred to in this Article and all other officers of Town shall have such powers and duties as may be provided by law or in other articles of these and other bylaws of the Town.

3.1 Select Board

- 3.1.1 The Select Board shall have general direction and management of the property and affairs of the town in all matters not otherwise provided by the General Laws and these bylaws.
- 3.1.2 The Select Board shall be agents of the town to institute, prosecute and defend any and all claims, actions and proceedings to which the town is a part or in which the interests of the town are or may be involved.
- 3.1.3 Unless otherwise provided by a vote of Town meeting, the Select Board is authorized to enter into any contract for the exercise of the Town's corporate powers, on such terms and conditions as are deemed appropriate. Within such authorization, the Select Board may delegate contracting authority to the Chief Procurement Officer designated pursuant to M.G. L. Ch. 30B.

Any Town officer or board authorized by the General Laws or the General Bylaws of the Town to enter into contracts for the procurement of goods or services is hereby authorized, pursuant to General Laws Chapter 30B, section 12, to enter into such contracts for terms not to exceed five (5) years, unless a longer term is specifically authorized by a vote of Town Meeting.

Notwithstanding the foregoing, neither the Select Board nor the Chief Procurement Officer shall contract for any purpose, on any terms, or under any conditions inconsistent with any applicable provision of any general or special law.

3.2 Moderator

- 3.2.1 The Moderator shall preside over all town meetings and shall regulate the proceedings, decide all questions of order, and make public declaration of all votes.

3.3 Treasurer

3.3.1 The Treasurer shall receive and take charge of all money belonging to the town and shall pay out all accounts for the town upon receipt of a warrant signed by a majority of the Select Board.

3.4 Tax Collector

3.4.1 The Tax Collector shall, after receiving a tax list and warrant from the Assessors, collect all taxes due the town and shall pay over to the treasurer all monies received.

3.5 Town Clerk

3.5.1 The Town Clerk shall record all votes passed at town meetings.

3.5.2 The Town Clerk shall, within five (5) days of the final adjournment of a town meeting, transmit to the Accountant, Assessors, Finance Committee, Select Board and Treasurer certified copies of all votes appropriating money or otherwise affecting the finance of the town.

3.5.3 The Town Clerk shall have custody of all town reports, vital records, original documents and other records pertaining to the town as may be required by law.

3.5.4 The Town Clerk shall have custody of the Town seal.

3.5.5 The Town Clerk and any assistant or temporary Town Clerk shall pay into the town Treasury, as the property of the town, all fees received by virtue of their office.

3.6 Assessors

3.6.1 The Assessors shall be responsible for determining the valuation of property in the town for the purposes of taxation.

3.6.2 The Assessors shall, as soon as the tax rate is fixed for the year, notify the Accountant of the amount to be raised for state, county and town purposes and for overlay, specifying the amounts to be levied on real and personal property and to accrue from estimated receipts.

3.7 School Committee

3.7.1 The School Committee shall have general charge of all public schools.

3.8 Accountant

3.8.1 The office of Accountant was established pursuant to Section 55 of Chapter 41 of the General Laws by vote adopted under Article 3 of the warrant for the special town meeting held December 15, 1917.

- 3.8.2 The Town Accountant shall keep a complete set of books wherein shall be entered the amount of each specific appropriation, the amounts and purposes of expenditures made therefrom, the receipts from each source of income, the amount of each assessment levied and the abatements made.

3.9 Finance Committee

- 3.9.1 The Finance Committee was established under Article 17 of the warrant for the annual town meeting held February 13, 1933, and further amended under Article 19 of the warrant for the annual town meeting held March 10, 1969.
- 3.9.2 There shall be a Finance Committee which shall consider all fiscal questions and may consider municipal questions at their discretion for the purpose of making reports or recommendations to the town. This committee shall consist of seven (7) voters who shall serve without pay, and members may hold no other elective or appointive town positions involving expenditure of town money during their terms of office. Members shall be appointed by the Select Board with consideration for the demographic composition of the town. Appointments shall be for terms of three (3) years, expiring on the dissolution of the annual town meeting held for the final year of the term. Within thirty (30) days after the dissolution of each annual town meeting, the Select Board shall reappoint (or appoint successors to) members whose terms have expired, except that no one shall serve more than three (3) consecutive terms. Within thirty (30) days after the Select Board has been notified of a vacancy occurring in the committee other than by expiration of term of office, the Select Board shall fill this vacancy for the unexpired term. The Select Board may revoke an appointment to the committee if the appointee has failed to attend one half of its regular meetings, or for other cause.
- 3.9.3 The Finance Committee shall, as soon as possible after the annual appointment of new members has been made, meet for the purpose of organization. Four (4) members of the committee shall constitute a quorum. The committee may, from time to time, make such rules and regulations governing their meetings and the conduct of their work as they may deem best for the interests of the Town. The committee shall hold public meetings and may invite any town officer, employee, citizen, person, board or committee to attend and to provide information that will assist the committee upon any public matter before it for consideration.
- 3.9.4 The Finance Committee shall each year request and receive copies of each proposed budget for the next fiscal year from the various town departments, officers, and bodies charged with the expenditure of town money. The committee shall also be furnished by the Select Board with copies of all articles in the town meeting warrant, within fourteen (14) days after the warrant closing.
- 3.9.5 Prior to each annual town meeting for the transaction of business, the Finance Committee shall:

- 3.9.5.1 Hold one or more hearings with each town department, officer, and body charged with the expenditure of town money so that each may present and discuss the respective budgets;
 - 3.9.5.2 prepare, publish and distribute to the voters of the town, a budget showing in detail the anticipated income and expenditure of the town for the then current year, together with the committee's advice and recommendations regarding various appropriations of town funds and other municipal matters coming before town meeting;
 - 3.9.5.3 Hold a public hearing for discussion of the warrant and the committee recommendations regarding town meeting. This hearing shall be held no later than seven (7) days before opening of town meeting.
- 3.9.6 At each annual town meeting the Committee shall present and explain the proposed budget with its advice and recommendations, and it shall also, at each special town meeting, give its advice and recommendations regarding any appropriations of Town funds or other municipal matter coming before the special meeting.
- 3.10 Long-Term Capital Requirements Committee
- 3.10.1 The Long-Term Capital Requirements Committee was established under Article 20 of the warrant for the annual town meeting held March 14, 1966, and further amended under Article 38 of the warrant for the annual town meeting held March 8, 1971.
 - 3.10.2 There shall be a committee known as the Long-Term Capital Requirements Committee, the function of which shall be to evaluate the long-term capital requirements of the town and to make recommendations on the same at each annual town meetings. A capital requirements program for the next five (5) years shall be presented at each annual town meeting. Every anticipated capital outlay of more than \$10,000 for any item having a useful life of more than three (3) years shall be considered by the committee in preparation of their recommendations.

3.10.3 The committee shall consist of seven (7) members. One (1) shall be appointed by the Select Board; three (3) shall be appointed by the Finance Committee; one (1) shall be appointed by the Carlisle School Committee; one (1) shall be appointed by the Finance Director; and one (1) shall be appointed by the Town Administrator. Upon expiration of the terms of persons who are currently members of the committee at the time of adoption of this amendment, the member appointed by the Select Board, one (1) member appointed by the Finance Committee, and the member appointed by the Finance Director shall be appointed for a term of one (1) year. One (1) member appointed by the Finance Committee and the member appointed by the School Committee shall be appointed for a term of two (2) years. One (1) member appointed by the Finance Committee and the member appointed by the Town Administrator shall be appointed for a term of three (3) years. Thereafter, all appointments shall be for a term of three (3) years, except that in the case of a vacancy prior to expiration of a term that position shall be appointed by the respective appointing authority for the remainder of the unexpired term.

3.11 Library Trustees

3.11.1 The Library Trustees are established in accordance with the provisions of Sections 10 and 11 of Chapter 78, of the General Laws.

3.11.2 The Trustees shall have the custody and management of the library and of all property owned by the town relating thereto.

3.12 Planning Board

3.12.1 The Planning Board was established in accordance with the provisions of Section 81A of Chapter 41 of the General Laws adopted under Article 3 of the warrant for the special town meeting held December 14, 1931, and further amended under Article 30 of the warrant for the annual town meeting held March 2, 1953.

There shall be a Planning Board of seven members under the provisions of the General Laws, Chapter 41, Section 81-A; the members of the Planning Board in office as of May 14, 2003, shall serve as members of the Planning Board so established until the Annual Town Election to be held in 2004; provided that, thereafter, the terms of the members shall be three years, but at the Annual Town Election to be in 2004, there shall be elected on the official ballot two members to serve for one year, two members to serve for two years, and three members to serve for three years; and at the Annual Town Elections to be held in 2005, and thereafter, there shall be elected in each year such members as are necessary to fill expiring terms.

The Planning Board shall maintain a record of the town's development and resources and, when necessary, prepare plans and make recommendations to the town for the optimum management of future change and growth.

- 3.12.2 The board shall report annually to the town meeting.
- 3.12.3 The board shall administer the subdivision control law of Chapter 41 of the General Laws.
- 3.12.4 The board shall hear and decide the applications for special permits for use of land and/or buildings upon which the board is required to pass in accordance with the Zoning Bylaw.

3.13 Board of Appeals

- 3.13.1 The Board of Appeals was established pursuant to the provisions of Chapter 40A of General Laws adopted under Article 30 of the annual town meeting held February 8, 1937.
- 3.13.2 The board shall have the following powers:
 - 3.13.2.1 To hear and decide appeals by any person aggrieved by reason of his inability to obtain a permit under the Zoning Bylaw, or by an officer or board of the town or other person aggrieved by an order of decision of any administrative official under the Zoning Bylaw.
 - 3.13.2.2 To hear and decide requests for variances, upon appeal or upon petition, which may be granted under the limited circumstances set forth in the Zoning Bylaw.
 - 3.13.2.3 To hear and decide applications for permits for removal of earth material.

3.14 Conservation Commission

- 3.14.1 The Conservation Commission was established in accordance with the provisions of Section 8C of Chapter 40 of the General Laws adopted under Article 20 of the warrant for the annual town meeting held March 15, 1965, and further amended under Article 6 of the warrant for the special town meeting held November 11, 1968, and again amended under Article 6 of the warrant for the special town meeting held June 14, 1971.
- 3.14.2 The commission shall have as its purpose the promotion, preservation and development of the natural resources and protection of watershed resources of the town

3.15 Recreation Commission

- 3.15.1 The Recreation Commission was established in accordance with the provisions of Section 45 of the General Laws adopted under Article 20 of the warrant for the annual town meeting held March 9, 1964, and further amended under Article 23 of the annual town meeting held March 16, 1970.

- 3.15.2 The commission shall plan and administer programs and facilities which encourage broad recreational uses of leisure time. Consideration shall be given to the balance between formal and informal activities and to the advisability of making programs financially self-sustaining if possible.

3.16 Town Building Committee

- 3.16.1 The Building Committee was established by vote under Article 2 of the warrant for the special town meeting held April 9, 1962, and further amended under Article 9 of the warrant for the special town meeting held June 29, 1972.

- 3.16.2 The committee shall have general supervision over the design, construction and renovation of public buildings

3.17 Youth Commission

- 3.17.1 The Youth Commission was established pursuant to the provisions of Section 8E of Chapter 40 of the General Laws adopted under Article 42 of the warrant for the annual town meeting held March 8, 1971.

- 3.17.2 The commission shall carry out programs which may be designed or established to meet the opportunities, challenges and problems of youth of the town.

3.18 Police Department

- 3.18.1 The Police Department was established pursuant to the provisions of Section 97 of Chapter 41 of the General Laws adopted under Article 24 of the warrant for the annual town meeting held March 14, 1966.

- 3.18.2 The Police Department is under the direction of the Select Board who shall appoint a chief of police and such other police officers as they deem necessary. The Select Board may make regulations governing the police department and the officers thereof and may remove the chief and other officers for cause at any time during their appointment after a hearing.

- 3.18.3 The chief of police shall be in immediate control of all town property used by the department, and of the police officers, who shall obey his orders.

3.19 Fire Department

- 3.19.1 The Fire Department was established pursuant to the provisions of Section 42-44 of Chapter 48 of the General Laws adopted under Article 9 of the warrant for the special town meeting held April 29, 1926.

- 3.19.2 The Fire Department is under the control of the chief of the fire department. The chief shall be appointed by the Select Board and may be removed for cause by the Select Board at any time after a hearing.

- 3.19.3 The fire chief shall have full and absolute authority in the administration of the department, shall make all rules and regulations for its operation, shall report to the Select Board from time to time as they may require, and shall report annually to the town the conditions of the department with his recommendations thereon.
- 3.19.4 The fire chief shall fix the compensation of the permanent and call members of the fire department subject to the approval of the Select Board.
- 3.19.5 In the expenditure of money the chief shall be subject to such further limitations as the town may from time to time prescribe.
- 3.19.6 The fire chief shall act as forest warden.

3.20 Town Counsel

- 3.20.1 The Select Board may annually after the final adjournment of the annual town meeting appoint and employ a member of the bar in good standing, to serve as Town Counsel for the term of one (1) year until his successor is appointed. The Select Board may appoint and employ special counsel for any matter in which the town has an interest.
- 3.20.2 Except for matters for which a special counsel has been appointed, it shall be the duty of the Town Counsel, if any, to conduct the prosecution, defense or compromise of claims, actions and proceedings to which the town is a party, and the prosecution of actions or proceedings by or on behalf of any town officer or committee as such; to conduct the defense of any action or proceedings brought against any town officer or committee as such when the Select Board, having determined that any right or interest of the town is or may be involved therein, shall so request; to represent the town in proceedings brought by or against the Assessors before the appellate Tax Board; to assist in the prosecution of complaints for violation of any bylaw of the town, when requested so to do by the officer or committee enforcing the same; to examine and report upon titles to all land to be acquired by the town; upon request of the responsible town officer or committee to prepare or approve contracts, bonds, deeds and other legal instruments in which the town is a party or in which any right or interest of the town is involved; to appear at any and all hearings on behalf of the town whenever his services may be required; and generally to advise and act for the town officers and committees upon and in legal matters touching the duties of their respective offices.

3.21 Board of Registrars

- 3.21.1 The Registrars of Voters are established under Section 15 of Chapter 51, of the General Laws.
- 3.21.2 The Town Clerk shall serve on the Board of Registrars.
- 3.21.3 In no case shall the Board have more than two (2) members, including the Town Clerk, of the same political party.

POWERS AND DUTIES OF OFFICERS, BOARDS AND COMMITTEES

3.22 Celebrations Committee

- 3.22.1 There shall be a committee known as the Celebrations Committee consisting of five (5) members appointed by the Select Board.

3.23 Council on Aging

- 3.23.1 There is hereby established a Council on Aging, under the provisions of Chapter 40, Section 8B of the General Laws, for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in coordination with programs of the Massachusetts Department of Elder Affairs.

- 3.23.2 The council shall consist of nine (9) members, appointed by the Select Board to serve staggered terms of three years each, and their successors shall be appointed by the Select Board to serve terms of three years each. At least five (5) of the persons serving as members shall have reached the age of sixty (60) years.

3.24 Board of Health

- 3.24.1 There is hereby established a Board of Health, under the provisions of Chapter 41, Sections 1 and 2 of the General Laws, consisting of five (5) members and to implement this change as follows: At the 2005 Annual Town Election, the Town shall elect three Board of Health members, one for a term of one year, one for a term of two years, and one for a term of three years. Thereafter, upon the expiration of any member's term, his successor shall be elected for a term of three years. Upon the election and qualification of the Board of Health at the 1982 annual town meeting, the terms of office of the Select Board then acting as the Board of Health shall terminate.

- 3.24.2 The Board of Health shall have the powers and duties prescribed by Chapter 111 of the General Laws.

- 3.24.3 The Board of Health is authorized to accept on behalf of the inhabitants of the Town of Carlisle, covenants, deed restrictions, easements, and other interests in land granted to the Town in connection with any approval by the Board of Health of a sewage disposal system in accordance with Title 5 of the State Environmental Code, 310 CMR 15.00, and the Board's Regulations, as the same may be amended from time to time.

- 3.24.4 The fee to be charged by the Board of Health for recreational camp licenses and other facilities to be licensed by the Board of Health pursuant to section 32B of chapter 140 of the general laws of the Commonwealth shall be established by the Board of Health from time to time in accordance with G. L. Chapter 40, section 22F.

3.25 Personnel Board

- 3.25.1 Establishment

By the authority granted under Section 108C of Chapter 41 Massachusetts General Laws there is hereby established a Personnel Board consisting of five (5) members who shall be appointed by the Select Board. One (1) member shall be appointed for a term of one (1) year, two (2) members for terms of two (2) years, and two (2) members for terms of three (3) years. All subsequent appointments shall be made for three (3) years and vacancies shall be filled by the Select Board. No member of the Personnel Board shall be an employee under the jurisdiction of the Personnel Board, or an appointed or elected official of the Town.

3.25.2 Application

All Town Departments and all positions in Town service, except those filled by popular election and those under the jurisdiction of the School Committee, shall be subject to the provisions of this bylaw.

3.25.3 Purpose

The Personnel Board is authorized to provide, create, and administer personnel policies in the Town of Carlisle, subject to the approval of the Select Board, and to negotiate collective bargaining agreements in the Town of Carlisle, subject to the authority vested in the Select Board. The Board is further authorized to make interpretations and resolve questions of policy relating to wages, salaries and other benefits and their related procedures, and to assure that these policies are consistently administered by all town departments, boards and committees.

3.25.4 Duties and Responsibilities

3.25.4.1 Subject to the foregoing, the Personnel Board shall have access to any and all personnel records maintained by the Town, and department heads and chairpersons of boards and committees shall furnish such information as may be requested by the Personnel Board.

3.25.4.2 As authorized under Section 108A of Chapter 41 Massachusetts General Laws, the Personnel Board may classify all compensated positions in the employ of the Town, both part-time and full-time, except those positions exempted in Section 3.25.2 above.

3.25.5 Personnel Administrator

3.25.5.1 The Personnel Administrator shall be appointed by the Personnel Board. If an Executive Secretary has been established in accordance with M.G.L. Chapter 41 Section 23A, the Personnel Board may, subject to the approval of the Select Board, appoint said Executive Secretary as the Personnel Administrator.

- 3.25.5.2 Notwithstanding the foregoing, the Personnel Administrator may act as chief negotiator for such collective bargaining agreements which are not within the jurisdiction of the School Committee subject to authority vested in the Select Board and interpretation of policy by the Personnel Board.
- 3.25.5.3 The Personnel Administrator shall maintain written job descriptions of all positions in the Town, describing essential characteristics, the requirements and general duties of the position. Department heads, and chairpersons of boards and committees, shall inform the Personnel Administrator of any changes in job dimensions.
- 3.25.5.4 The Personnel Administrator shall have access to any and all personnel and payroll records maintained by the Town except those prohibited by contract or law. Department heads and chairpersons of boards and committees shall furnish such information as may be requested by the Personnel Administrator.
- 3.25.5.5 The Personnel Administrator shall ensure the maintenance of a central personnel file for all positions in Town service, except those filled by popular election and those under the jurisdiction of the School Committee and shall make recommendations to the Select Board regarding Town personnel policies and their administration subject to consultation with the Personnel Board.
- 3.25.5.6 The Personnel Administrator in conjunction with department heads and chairpersons shall review all advertising for employment, all applications and all testing programs; maintain appropriate eligibility lists; and perform such other duties as may be necessary to assure suitable candidates for employment with the Town. The Personnel Administrator shall also ensure that orientation sessions are conducted with employees to make them aware of personnel policies and procedures and the benefits of employment with the Town.
- 3.25.5.7 The Personnel Administrator shall review compensation rates for the Town and shall keep informed of pay rates outside the service of the Town, and in consultation with the Personnel Board shall recommend to the Select Board and Finance Committee any action he or she deems desirable to maintain fair and equitable pay levels.
- 3.25.5.8 The Personnel Administrator shall grant prior approval in accordance with established personnel policies and procedures of the Town before the Town Accountant prepares, processes, or provides any forms which in any way would allow, authorize or permit the payment of salary or wages to any new employee of the Town or change the pay of any current employee.

3.25.5.9 The Personnel Administrator shall be responsible for ensuring the Town's compliance with all applicable state and federal regulations and shall recommend changes to maintain the Town's compliance with such regulations.

3.25.6 Severability

Each provision of this bylaw shall be construed as separate to the end that if any part of it should be held invalid for any reason the remainder shall continue in full force and effect.

3.26 Community Preservation Committee

3.26.1 The Community Preservation Committee is established consisting of seven voting members pursuant to MGL Chapter 44B.

3.26.2 The Community Preservation Committee shall be appointed by the Select Board and consist of one member each from the:

Conservation Commission as designated by the Commission, Historical Commission as designated by the Commission, and Planning Board as designated by the Planning Board for an initial term of three years,

Recreation Commission as designated by the Commission, and Affordable Housing Trust as designated by the Trust (provided that this appointee shall be a Trustee not also serving on the Select Board), for an initial term of two years and thereafter for a term of three years

Select Board is designated by the Board, and one community member, appointed for an initial term of one year and thereafter for a term of three years.

3.26.3 The Community Preservation Committee shall study the needs, possibilities, and resources of the town regarding community preservation. The Committee shall consult with existing municipal boards and hold one or more public informational hearings yearly on the needs, possibilities and resources of the town regarding community preservation. This meeting shall be publicly posted for each of two weeks preceding a hearing in the local newspaper.

3.26.4 The Community Preservation Committee shall make recommendations to the Town Meeting for acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created as provided in the Community Preservation Act, M.G.L. c.44B, as amended; provided, however, that

funds expended pursuant to the Community Preservation Act shall not be used for maintenance. With respect to community housing, the Community Preservation Committee shall recommend, whenever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. With respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited. or to take any other action related thereto.

3.26.5 The Community Preservation Committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes consistent with the Community Preservation Act.

3.27 Carlisle Affordable Housing Trust

3.27.1 **Board Established.**

There shall be a Board of Trustees of the Carlisle Affordable Housing Trust Fund, consisting of seven (7) Trustees, who shall be appointed by the Select Board, and who shall include no fewer than one member of the Select Board. Only persons who are residents of the Town of Carlisle shall be eligible to hold the office of Trustee. Trustees shall serve for a term of two years and may be re-appointed at the discretion of the Select Board, provided however, that three (3) of the seven (7) appointments initially made after the adoption of this Article shall be for a term of one (1) year, so that as nearly an equal number of the Trustees' terms as possible shall expire each year.

Any Trustee who ceases to be a resident of the Town of Carlisle shall cease to be a Trustee and shall promptly provide a written notification of the change in residence to the Board of Trustees and the Town Clerk. Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. If a Trustee shall die, resign, or for any other reason cease to be a Trustee before their term of office expires, a successor shall be appointed by the Select Board to fill such vacancy provided that in each case the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk. No such appointment shall be required so long as there are five Trustees in office.

Any member of the Board of Trustees may be removed by the Select Board for cause after the opportunity of a hearing.

3.27.2 **Authorization.**

The Trustees are hereby authorized to execute a Declaration of Trust and Certificate of Trust for the Carlisle Affordable Housing Trust Fund, to be recorded with the Middlesex Registry of Deeds and filed with the Middlesex Registry District of the Land Court.

3.27.3 **Powers.**

The powers of the Board of Trustees, all of which shall be carried on in furtherance of the purposes set forth in G.L. c. 44, § 55C, shall include the following:

- 3.27.3.1 To accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with any bylaw or any general or special law or any other source, including money from G.L. c. 44B;
- 3.27.3.2 To purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- 3.27.3.3 To sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Board deems advisable notwithstanding the length of any such lease or contract;
- 3.27.3.4 To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages in order to accomplish the purposes of the Trust;
- 3.27.3.5 To employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary;
- 3.27.3.6 To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
- 3.27.3.7 To apportion receipts and charges between incomes and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- 3.27.3.8 To participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution, to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- 3.27.3.9 To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and

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authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;

- 3.27.3.10 To carry property for accounting purposes other than acquisition date values;
- 3.27.3.11 To incur debt, to borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge Trust assets as collateral;
- 3.27.3.12 To disburse Trust funds for the purpose of making loans or grants in furtherance of the creation or preservation of affordable housing in Carlisle upon such terms as the board shall deem most appropriate to carry out such purposes;
- 3.27.3.13 To make distributions or divisions of principal in kind;
- 3.27.3.14 To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of G.L. Chapter 44, Section 55C, to continue to hold the same for such period of time as the Board may deem appropriate;
- 3.27.3.15 To manage or improve real property; and to abandon any property which the Board determined not to be worth retaining;
- 3.27.3.16 To hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate; and
- 3.27.3.16 To extend the time for payment of any obligation to the Trust.
- 3.27.3.17 To disburse Trust funds for the management or improvement of affordable housing in Carlisle as the Board shall deem appropriate whether or not such real property is held by the Trust;
- 3.27.3.18 To amend the Declaration of Trust, from time to time, except as to those provisions specifically required under G.L. c.44, §55C, by an instrument in writing signed by a majority of the Trustees and approved at a meeting called for that purpose, and approved by the Select Board, provided that in each case, a certificate of amendment shall be recorded with the Registry of Deeds and the Registry District of the Land Court; and
- 3.27.3.19 To exercise such additional powers, if any, as may be set forth in G.L. c. 44, §55C, as same may be amended from time to time.

Further, the Board of Trustees may, from time to time, make such rules and regulations governing their meetings and the conduct of their work as they may deem best for the interests of the Town, and are not inconsistent with the provisions of G.L. c. 44, §55C.

3.27.4 Funds Paid to the Trust

Notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with any zoning bylaw, exaction fee, or private contributions shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and to be expended these funds need not be further appropriated to be expended. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the board within one year of the date they were appropriated into the Trust, remain Trust property. Consistent with the provisions of this Section and the enumerated powers of the Trustees in Section 3.27.3, the Trustees have sole discretion to direct the management and disposition of Trust property, provided however, that the Trustees are not otherwise authorized to incur liabilities on behalf of the Trust or the Town of Carlisle in excess of the value of Trust property without specific appropriation therefore by Town Meeting.

3.27.5 Audit

The Board of Trustees shall provide for an annual audit of the books and records of the Trust. The audit shall be performed by an independent auditor in accordance with accepted accounting practices. Upon receipt of the audit by the Board of Trustees, a copy shall be provided to the Select Board.

3.3 Treasurer

3.3.1 The Treasurer shall receive and take charge of all money belonging to the town and shall pay out all accounts for the town upon receipt of a warrant approved by the Select Board consistent with G.L. Ch. 41, Section 56.

ARTICLE IV

4. BUILDING COMMISSIONER

- 4.1 A Building Commissioner and Deputy Inspector of Buildings, hereinafter sometimes called the commissioner, shall be appointed annually by the Select Board for a term of one (1) year or until successors have been appointed. No commissioner shall be financially interested in any construction within the town.

No building within the limits of the town, other than a one-story building for poultry or other farm purposes having a floor area of not more than twelve (12) by fifteen (15) feet, shall be erected, razed, moved, added to or altered in any way, nor the roof thereof reshingled or repapered, until the commissioner shall have issued a permit therefor. No such permit shall be issued by the commissioner until a written application therefor, and except in the case of buildings for general farm purposes, complete plans and specifications or a detailed description of the proposed work in duplicate, shall have been filed with the commissioner at least seven (7) days before such work is commenced. If such application and plans and specifications or descriptions shall be found by the commissioner to comply with all requirements of the laws of the Commonwealth and the town, he shall promptly issue the permit so applied for. If an application for such permit is denied by the commissioner, he shall notify the applicant in writing of the reasons for such denial.

Any applicant aggrieved by the denial of an application for a permit or for written approval of the commissioner, as hereinafter required, or by restrictions or conditions imposed by the Commissioner upon the exercise of any permit issued by him may appeal to the Board of Appeals in the manner provided by the rules of such Board.

- 4.3 The commissioner and his agents shall be granted free access at any time to the premises upon which such work is being carried on. The commissioner or his agents shall inspect all buildings being erected, razed, moved, added to or altered, or the roof of which is being reshingled or repapered, as often as necessary to determine that all requirements of the laws of the Commonwealth and the town in relation thereto are complied with and, when necessary, shall take proper measures to secure such compliance. No building hereafter erected, altered or added to, that is to be finished in whole or in part, shall be lathed, plastered or sheathed until the builder or owner shall have notified the commissioner to inspect the same and shall have received from the commissioner a notice in writing that the work is approved. The Commissioner, on receipt of a notice from the builder or owner that any building, or alterations or additions to any building, are ready for inspection, shall, as soon as possible, inspect the premises, but shall require that all permanent piers, or columns needed under girders, trimmers, etc., shall be in place before the building is lathed or plastered or sheathed.
- 4.4 No oversight or neglect of duty on the part of the commissioner shall legalize the erection, razing, moving, and adding to, alterations or repair of any building in a manner not in conformity with the provisions of the laws of the Commonwealth and the bylaws of the town.

In case any work on any building is in violation of the provisions of the permit or of existing law, or bylaw, the commissioner shall have the right, and is hereby authorized and empowered, to order that all work in and about said building be stopped.

- 4.5 Any permit issued by the commissioner shall become void six (6) months after the date thereof, unless operations there under are commenced within such six-month period. Any such permit shall be void if the operations there under, once commenced, are discontinued for a period of more than six (6) months. Permits are not transferable.
- 4.6 The fees for inspections and the salaries of the commissioner and deputy commissioners shall be set from time to time by the Select Board.
- 4.7 In the case of techniques or materials not prohibited by the code, but not included therein, the Select Board may, in their discretion, accept plans and statements of a registered professional engineer certifying to the safety and durability of the proposed construction. An additional fee may be charged for this consideration.
- 4.8 Stretch Energy Code

4.8.1 Definitions

International Energy Conservation Code (IECC) 2009 - a building code created by the International Code Council as a model code, which has been adopted by many state and municipal governments in the United States, for the establishment of minimum design and construction requirements for energy efficiency.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120.AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained therein.

4.8.2 Purpose

The purpose of the Stretch Energy Code is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the Massachusetts State Building Code for both new construction and existing buildings.

4.8.3 Applicability

The Stretch Energy Code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

4.8.4 Authority

The Town hereby adopts the Stretch Energy Code pursuant to 780 C.M.R. Appendix 120.AA, Section 101.3.

4.8.5 Incorporation of Stretch Energy Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120.AA, including any amendments or modifications, is herein incorporated by reference into the Town of Carlisle General Bylaws, Chapter IV.

4.8.6 Enforcement

The Stretch Energy Code is enforceable by the Building Commissioner and Deputy Inspector of Buildings, including without limitation enforcement by means set forth in Section 1.4 of these Bylaws and in 780 C.M.R. 118 and 119.

ARTICLE V

5. INSPECTOR OF WIRES

- 5.1 The Select Board shall appoint annually an Inspector of Wires, hereinafter referred to as the inspector who shall be subject to removal by the board. The inspector shall hold a master electrician's license or a journeyman electrician's license, or shall be a registered professional engineer, electrical. The Select Board shall annually appoint one or more deputy inspectors of wires with the same professional qualifications prescribed for the inspector who shall have the authority to act under this bylaw for and in behalf of the inspector, or in his place in the event of the inspector having any interest, professionally or otherwise, in any project coming within the scope of this bylaw or during the absence or disability of the inspector. The term inspector wherever appearing herein shall, where the context so admits, be deemed to include a deputy inspector, when properly acting for or in place of the inspector, as herein provided.
- 5.2. The inspector shall supervise every wire over or under streets or buildings in the town and every wire within a building designed to carry an electric light, heat or power current. The inspector shall notify the person owning or operating any such wire whenever its attachments, insulation supports or appliances are improper or unsafe or whenever the tags or marks thereon are insufficient or illegible. The inspector shall see that the provisions of the statutes of the Commonwealth of Massachusetts relating to wiring are strictly observed, and to that end with the approval of the Select Board shall have the authority to institute any proceedings for the purpose of these bylaws or preventing violations of the provisions thereof.
- 5.3 The fees for inspections and the salaries of the inspector and deputy inspectors shall be set from time to time by the Select Board.
- 5.4 The inspector shall keep a record of the business of his office, shall render to the Select Board a written report every three (3) months, and shall file with the Select Board an annual report on or before January tenth of each year.
- 5.5 The inspector shall have the right at reasonable times, in the performance of his duties, to enter, examine and inspect any premises, building or other structure within the town.

ARTICLE VI

6. INSPECTOR OF GAS PIPING AND GAS APPLIANCES

- 6.1. The Select Board shall appoint annually an Inspector of Gas Piping and Gas Appliances in buildings, hereinafter referred to as the inspector, who shall be subject to removal by the Board. The inspector shall hold a master gas fitter's license or a journeyman gas fitter's license, or shall be a master plumber or a journeyman plumber. The Select Board shall annually appoint one or more deputy inspectors of gas piping and appliances with the same professional qualifications prescribed for the inspector who shall have the authority to act under this bylaw for and on behalf of the inspector or in his place, in the event of the inspector having an interest, professionally or otherwise, in any project coming within the scope of this bylaw or during the absence or disability of the inspector. The term inspector wherever appearing herein shall, where the context so admits, be deemed to include a deputy inspector when properly acting for or in the place of the inspector as herein provided. (Adopted 4/25/83.)
- 6.2. The inspector shall see that the provisions of the Statutes of the Commonwealth of Massachusetts relating to gas piping and gas appliances in buildings are strictly observed, and to that end, with the approval of the Select Board shall have the authority to institute any proceedings for the purpose of enforcing or preventing violations of the provisions thereof.
- 6.3. The fees for inspections and the salaries of the inspector and deputy inspectors shall be set from time to time by the Select Board.
- 6.4. The inspector shall keep a record of the business of his office, shall render to the Select Board a written report every three (3) months, and shall file with the Select Board an annual report on or before January tenth of each year.
- 6.5. The inspector shall have the right at reasonable times, in the performance of his duties, to enter, examine and inspect any premises, building or other structure within the town.

INSPECTOR OF GAS PINIPING AND GAS APPLIANCE

ARTICLE VII

7. RECORDS AND REPORTS

- 7.1 The Select Board shall cause copies of the annual town reports to be distributed among the taxpayers of the town by mail or otherwise at least three (3) days before the annual town meeting.
- 7.2 Each board, committee established by authority of the General Laws or by vote of the town meeting, head of a department and other officer of the Town shall annually on or before January 15th, submit to the Select Board a written report setting forth clearly and completely the work of such board, committee, department or officer during the preceding calendar year. Each such report shall be made part of the next annual town report.
- 7.3 Each other committee shall submit a written report to the annual town meeting next following its establishment and such report shall be filed with the Town Clerk for preservation; unless a vote of the town meeting shall expressly provide otherwise, the acceptance of the report shall discharge the committee but shall not operate as an adoption of any recommendation that may be contained in such report.
- 7.4 Each board, committee, head of a department and other officer of the town, having charge of the expenditure of money, shall annually deliver to the Select Board and Finance Committee of the town an itemized estimate of the requirements of such board, committee, department or other office for the succeeding year, with a brief statement explaining any changes from the amounts appropriated for the same purpose in the preceding year.

ARTICLE VIII

8. EARTH REMOVAL, DEPOSIT AND STOCKPILING

8.1 Purpose

The purpose of this article is to define the regulations governing removal, deposit or stockpiling of earth within the town, in order to regulate the generation of noise, dust and other effect detrimental to public welfare. Nothing in this section shall be construed as a waiver of any requirements of the Wetlands Protection Act concerning earth removal or deposit. This bylaw is adopted pursuant to the provisions of Section 21, Subsection 17, and Chapter 40 of the General Laws.

8.2 Definitions

Earth shall include soil, loam, peat, sand, gravel, stone, stumps and other similar material. Transfer is the removal (or deposit) of earth from (or to) a lot in the town. Stockpiling is the temporary storage of earth on a lot, the deposit and/or removal of which are subject to this article.

8.3 Applicability

No transfer of earth shall take place within the town unless such transfer (a) is an exempt transfer (Section 4), or (b) is a permitted transfer (Section 5), or (c) is done pursuant to a license therefor (Section 6).

8.4 Exempt Transfers

The following transfers of earth are exempt from any notification or approval requirements under this article. Exempt transfers may take place any day of the week between the hours of 7:00 A.M. and 8:00 P.M.. Exempt transfers are limited to the following:

8.4.1 Transfers entirely within a single lot.

8.4.2 Transfers between two (2) contiguous lots in common ownership.

8.4.3 A single owner or entity transferring less than sixty (60) cubic yards in any thirty (30) day period.

8.4.4 Transfers from land in use by the town or by the state or federal government.

8.4.5 Any transfer, final approval of which has occurred prior to the effective date of this article, which is a part of:

8.4.5.1 Construction of a subdivision road under a subdivision plan,

8.4.5.2 Construction of a driveway under a common driveway special permit,

8.4.5.3 Work according to an Order of Conditions issued under the Wetlands Protection Act.

8.5 Permitted Transfers

The following transfers of earth are permitted as of right, without any notification or approval requirements under this article. Permitted transfers may not take place on Sundays, holidays, or during the hours 4:00 P.M. through 9:00 A.M.. Persons transferring earth under this section are required to file notice of such operations with the police department prior to the transfer. Permitted transfers are limited to the following:

8.5.1 Transfer is at the site of, incidental to, and in connection with the excavation and grading necessary for the construction of a dwelling or accessory building, septic system, or swimming pool, provided that the total quantity of material transferred does not exceed 120% of the below grade volume of said dwelling, building, septic system or pool.

8.5.2. Transfer is at the site of, incidental to, and in connection with the excavation and grading necessary for the construction of an approved street shown on a definitive plan under the Subdivision Control Law, provided that the total quantity of material transferred to and from the subdivision site does not exceed one thousand (1000) cubic yards in any thirty (30) day period.

8.5.3 Transfer is at the site of, incidental to, and in connection with the excavation and grading necessary for the construction of an approved Special Permit for a Private Driveway (See Section # 5.4.4 of the Zoning Bylaws) , provided that the total quantity of material transferred to and from the site does not exceed one thousand (1000) cubic yards in any thirty (30) day period.

8.5.4 Transfer pursuant to an Order of Conditions issued under the Wetlands Protection Act (G.L. c.131 Sec. 40) when such removal is incidental to a use permitted with review by the Conservation Commission, provided that the total quantity of material transferred to and from the site does not exceed one thousand (1000) cubic yards in any thirty (30) day period.

8.5.5 Transfer pursuant to grading or re-grading of a lot containing a dwelling, in conjunction with landscaping or other improvements to the property, provided that the total quantity of material transferred to and from the site does not exceed one thousand (1000) cubic yards in any thirty (30) day period.

8.6 Transfers Permissible by License

Transfers of earth which are neither exempt by 8.4 nor permitted by 8.5, may be permitted by a license granted by the appropriate license granting authority (LGA).

8.6.1 License Granting Authorities

For transfers permissible by license, the following are designated to the license granting authorities (LGA). For any transfer involving more than one license granting authority, the LGA of record shall be the first-occurring in the list:

- 8.6.1.1 Planning Board. For transfers incidental to approved subdivisions, common driveways, and ponds (See Section # 5.2.5 of the Zoning Bylaws);
- 8.6.1.2 Conservation Commission. For transfers incidental to actions taken with respect to the Wetland Protection Act;
- 8.6.1.3 Board of Appeals. For transfer not otherwise covered by 8.6.1.1 or covered by 8.6.1.2 of this Article.

8.6.2 Requirements for review by the LGA

Any person who desires to receive a license for transfer shall submit a written application for such license with the LGA. The LGA shall define the specific data to be included in the application as part of its rules and regulations. Data to be included must be sufficient to allow the LGA to make valid findings, and may include such items as:

- 8.6.2.1 Plans of the area at a sufficient scale and level of detail to determine condition of the land both before and after the proposed transfer;
- 8.6.2.2. A statement of plans for the disposal of rocks, tree stumps and other waste materials, and for the drainage of the site during and after the transfer operations. For operations within one hundred (100) feet of land subject to the Wetlands Protection Act, the application may include a statement of plans for the protection of any portion of an underground water source or supply, including without limitation springs, wells or aquifers;
- 8.6.2.3 A statement of the hours and days of operation, the trucking route and type of vehicle to be used on any street for the transfer of material, the treatment of the site during operation to reduce dust, mud and noise;
- 8.6.2.4 Such additional information as the LGA may determine.

8.6.3 Notification and Hearing

Upon receiving an application under this section, the LGA shall hold a public hearing on the proposed transfer within twenty-one (21) days of such application. Notice of the time and place of said hearing shall be given by the LGA at the expense of the applicant, not less than five (5) days prior to such hearing, by

publication in a newspaper of general circulation in the town, and by mailing a notice to abutters. The LGA shall transmit a copy of the application to other town boards, as appropriate, prior to the hearing. The LGA shall render its decision on the application within twenty-one (21) days of the public hearing.

8.6.4. Findings

After notice and a public hearing, the LGA shall grant a license for transfer of earth if it finds that:

8.6.4.1 The plans submitted in connection with the transfer are designed to minimize changes in existing contours in keeping with attractive land utilization, effective drainage, suitable road gradients, access or other design considerations; and

8.6.4.2 The volume proposed for transfer does not exceed the minimum practical amount required to accomplish the construction, development or improvement in accordance with plans therefor; and

8.6.4.3 Effecting the transfer will not be detrimental or injurious to abutters or the neighborhood, either by the alteration of existing topography or by a substantial change in the use of streets in the neighborhood.

8.6.5 Conditions of a License

If a license is granted, the LGA shall impose conditions on the time and the extent of the permitted transfer and such other appropriate conditions, limitations and safeguards as the LGA deems necessary for the protection of the neighborhood and of the public health, safety, and welfare of the town, and may condition the continuance of the permit upon compliance with regulations of the LGA then in force or thereafter adopted. The LGA may require sufficient security, including necessary covenants, to insure compliance with the terms, conditions and limitations of the earth transfer license. No license shall be granted for longer than one (1) year.

8.6.6. Filing of License

A copy of the license must be on file with the chief of police and the Town Clerk prior to the beginning of the transfer operations.

8.6.7. Additional Conditions of a License

The members of the LGA and other town officers or their agents may enter upon the premises covered by any license from time to time to inspect and insure proper conduct of the work. Upon petition of the owner of the premises, license-holder, or abutters, or upon its own initiative, the LGA may hold a new hearing and reissue or modify the license. The LGA may order the revocation of, or suspension of, a license if the conditions provided in the license are not complied with; but neither the license-holder in such case, nor any surety on a bond

furnished to secure compliance with the conditions of the license, shall be relieved of his obligations thereunder.

8.7 Stockpiling

Transferred material may be stockpiled, subject to the following provisions;

- 8.7.1. No external change is made which alters the residential appearance of the premises.
- 8.7.2. The stockpiling does not produce dust, erosion, or other effects at the lot lines in amounts exceeding those normal to residential property.
- 8.7.3. For stockpiling in excess of two thousand (2000) cubic yards, the material must be at least fifty (50) feet from all street and lot lines.

8.8 Subdivision Approvals

No approval of a subdivision plan by the Planning Board shall be construed as authorizing the transfer of earth from or to any parcel of land except pursuant to the provisions of this article.

ARTICLE IX

9. HISTORIC DISTRICT

- 9.1 There is hereby established an Historic District under the provisions of Chapter 40C, G.L., bounded and described as follows:

Beginning at a point on Lowell Street 74.16 feet northerly from station 112 as shown on a layout plan entitled "Plan of Lowell Street, Carlisle as Ordered by the County Commissioners" dated 1934 and recorded with Middlesex North District Deeds:

Thence running $81^{\circ} 12'$ east to a point 300 feet from the southeasterly sideline of Lowell Street; thence turning and running south $8^{\circ} 48'$ west 220.49 feet to a point; thence turning and running south $3^{\circ} 48' 30''$ west, 342.24 feet to a point; thence turning and running along a line approximately parallel to Bedford Road and East Street, north $68^{\circ} 23' 55''$ east 355.42 feet to a point; thence turning and running south $67^{\circ} 45''$ east 403.02 feet to the northwesterly sideline of East Street; thence turning and running south $36^{\circ} 38' 40''$ west 101.63 feet to a point on the other side of East Street; thence turning and running along a wall south $12^{\circ} 12' 23''$ west 313.82 feet to the northeasterly sideline of Bedford Road; thence crossing Bedford Road at an angle south $70^{\circ} 29' 50''$ west 82.38 feet to a wall on the other side of Bedford Road; thence turning and running along a wall south $4^{\circ} 18' 30''$ west 311.46 feet to a point; thence turning and running northwesterly along a curve with a radius of 209.93 feet, a distance of 58.02 feet; thence turning and running north $76^{\circ} 41' 30''$ west 149 feet to a point; thence turning and running southwesterly along a curve with a radius of 358.17 feet, a distance of 98.98 feet to a point; thence turning and running south $87^{\circ} 28' 30''$ west 137.73 feet to a point; thence turning and running south $85^{\circ} 15' 30''$ west 96.94 feet to a point; thence turning and running south $82^{\circ} 59' 30''$ west 196.93 feet to a point. The last several distances being along a line approximately parallel to Bedford Road; thence turning and running along a line approximately parallel to School Street, south $14^{\circ} 15''$ westerly crossing Church Street, 444.08 feet to a point; thence turning and running along a line approximately parallel to Church Street, north $76^{\circ} 5'$ west 640 feet to a point on the southeasterly sideline of Concord Street; thence running north $76^{\circ} 5'$ west, 26.62 feet to a point at the approximate center line of Concord Street; thence turning and running north $57^{\circ} 3' 30''$ west 412.24 feet to a point; the last distance being approximately parallel to Church Street; thence turning and running north $32^{\circ} 30'$ east partially along a wall 300 feet to the center line of Westford Street; thence turning and running north $14^{\circ} 48' 18''$ east 28.73 feet to the northeasterly sideline of Westford Street; thence running north $14^{\circ} 48' 18''$ east 300 feet to a point; thence turning and running along a curve with a radius of 310.83 feet, a distance of 97.68 feet; thence running north $86^{\circ} 48'$ east 151.74 feet to a point; thence running north $88^{\circ} 22' 30''$ east 166.07 feet to a point; the last three distances being along a line approximately parallel to Westford Street; thence turning and running north $15^{\circ} 02'$ east 202.74 feet to a point; thence running north $3^{\circ} 48' 30''$ east 408.72 feet to a point, thence running north $8^{\circ} 48'$ east 259.33 feet to a point, the last three distances being along a line approximately parallel to Lowell Street; thence turning and running south $79^{\circ} 6' 30''$ east 320.20 feet to the center line of Lowell Street and the point of beginning.

- 9.2. There is hereby established an Historical Commission, under the provisions of Chapter 40C, General Laws, consisting of five (5) members and three (3) alternate members to be appointed by the Select Board.

The membership of the Historical Commission shall be made up as follows:

One from two (2) nominees submitted by the Carlisle Historical Society.

One, if possible, from two (2) nominees, one of whom shall be submitted by the Massachusetts State Chapter of the American Institute of Architects, and one of whom shall be submitted by the Boston Society of Landscape Architects.

One, if possible, from two (2) nominees of the Carlisle Planning Board.

Two (2) additional members without designation.

All nominees shall be residents of the Town of Carlisle

One or more of the foregoing shall be, if possible, a resident of the area included in the Historic District.

- 9.3. The Historical Commission shall have all the powers and duties of historical commissions and historic district commissions as provided in Sect. 8D Chapter 40C of the General Laws.
- 9.4. The Historical Commission shall adopt rules and regulations for the conduct of its business, not inconsistent with the provisions of Chapter 40C, General Laws, and may, subject to appropriation, employ clerical and technical assistants or consultants, and may accept money gifts and expend the same for such purposes.
- 9.5. When taking action under the provisions of the second paragraph of Section 7 of Chapter 40C, General Laws, the Historic District Commission shall make its determination within forty-five (45) days after the public hearings.

ARTICLE X

10 PUBLIC SAFETY

10.1 Firearms, Explosives and Hunting

- 10.1.1 No person shall hunt, fire or discharge any firearms or explosives of any kind within the limits of any highway, park or other public property, except with the written permission of the Select Board, or such other town officer or officers as they may designate from time to time.
- 10.1.2 No person shall hunt, fire or discharge any firearm or explosive on any private property except with the written consent of the owner or legal occupant thereof, said written permission must be carried upon the person.
- 10.1.3 This bylaw shall not apply to the lawful defense of life or property, or to any law enforcement officer acting in the discharge of the officer's duties.
- 10.1.4. The word "hunt" shall have the meaning and rule of construction as defined in Massachusetts General Laws Chapter 131 Section 1.
- 10.1.5. Any provision of this bylaw, and any order of the Select Board, the violation of which is subject to a specific monetary fine or penalty, may, in the discretion of the town official who is the enforcing person and as an alternative to criminal proceedings, be enforced in the manner provided in Section 21D of Chapter 40 of the Massachusetts General Laws. The term "enforcing person" shall mean any police officer of the Town.

10.2 Motorboats

- 10.2.1 No motor boat shall be operated upon any portion of the Concord River or its tributaries within the limits of the town in a manner which endangers the safety of the public or is detrimental or injurious to the neighborhood or to the value of property thereon.
- 10.2.2 It shall be prima facie evidence of the violation of this bylaw if such boat is operated by a motor not having an underwater exhaust or in a noisy or obnoxious manner, without slowing down and exercising due caution while approaching and passing persons bathing or any other watercraft or at any rate of speed in excess of ten miles per hour (10mph).
- 10.2.3 The town may join with any other town, through which said Concord River or any of its tributaries flow, in the enforcement of the bylaw or a similar bylaw adopted by such other town insofar as such bylaws relate to said river or its tributaries, and may appropriate money for the enforcement in whole or in part of any and all such bylaws.

10.3 Public Ways

- 10.3.1 No person except a town officer in the exercise of his duties shall affix a sign, signboard or device to a post, board, tree or other object within the limits of any public way, on land belonging to the town or on any public building without first obtaining permission from the Select Board.
- 10.3.2 No person shall suffer any horse, grazing beast or swine to run at large in the town or to feed within the limits of a public way unless in the care of a keeper.
- 10.3.3 No person shall willfully or negligently obstruct the entrance to any public building or the free passage of any person or vehicle on any public way.
- 10.3.4 The Select Board may prohibit coasting whenever and wherever it shall in their opinion be detrimental to public safety.
- 10.3.5 No person shall excavate any public way or move any building along same without a written permit from the Select Board who shall notify the Superintendent of Public Works of such permit. Persons granted such permit shall be obliged to post such signs and place such lights as shall in the opinion of the Select Board be necessary for the public safety.
- 10.3.6 No person shall cut or in any way injure a tree within the limit of a public way without the consent of the Superintendent of Public Works.
- 10.3.7 No person shall deposit any rubbish, garbage, stone, wood, nails, spikes, screws, glass, tin cans or any other waste material of any kind within the limits of a public way or on land belonging to the town, except at such points as the Select Board and Superintendent of Public Works may designate.
- 10.3.8 No road shall be accepted by the town unless:
 - 10.3.8.1 it has a right of way of at least fifty (50) feet in width;
 - 10.3.8.2 it has been constructed in accordance with the rules and regulations of the Planning Board;
 - 10.3.8.3 it has a paved roadway width of at least twenty (20) feet with two (2) foot shoulders on each side that have been built to the same specifications as the roadway, less the pavement; or in the case of a cul-de-sac which serves not more than fifteen (15) building lots, the pavement must be eighteen (18) feet wide and have two (2) foot shoulders on each side that have been built to the same specifications as the roadway, less the pavement.
- 10.3.9 For the purpose of facilitating the plowing or removal of snow and ice from any way, the Superintendent of Public Works, or his designee, may cause any vehicle interfering with such work to be removed to some convenient place. The owner of the vehicle shall be liable for any removal and storage charges. The penalty for such offense shall be a ten (10) dollar fine.

10.3.10 No fence, wall, or other structure, vegetation, slope or other object which impedes visibility at street intersections shall be allowed. Visibility is impeded by any such item which:

10.3.10.1 is visible in the space between three (3) feet and seven (7) feet above the crown of the traveled ways, and

10.3.10.2 is within a six (6) foot setback of street lot lines, and

10.3.10.3 is within twenty (20) feet of the intersection of the street lot lines. (In the case of a rounded corner, intersection of the street lot lines shall be the point of intersection of their tangents.)

Exceptions to this restriction are:

Street signs

Utility poles

Traffic control signs

Structures in existence at the time this bylaw is approved, for which a building permit is required

Stone walls in existence before the date of enactment

Mail boxes and newspaper boxes

Trees with no branches lower than seven (7) feet.

Directional signs to public buildings, schools, places of worship, and public recreational facilities.

ARTICLE XI

11. UTILITIES

- 11.1 As used in this bylaw, the word "utility", the word "transmission", and the phrase "poles and overhead wires and associated structures" shall have the meanings assigned to them by Section 22A of Chapter 166 of the General Laws. This bylaw shall not apply to poles, towers, and overhead wires and associated overhead structures used exclusively in the transmission of electric power in excess of twenty thousand (20,000) volts, phase to phase.
- 11.2 This bylaw is enacted pursuant to the applicable provisions of Section 22A to 22N, inclusive, of Chapter 166 of the General Laws in order that the town may, to the extent and in the manner that the law permits, prevent the further installation or construction of utility poles and overhead wires and associated structures in the town. This bylaw shall be liberally construed and applied to effect said purposes.
- 11.3 No utility shall hereafter install or construct, except by way of replacement or upgrading of existing facilities, any poles, overhead wires or associated overhead structures upon, along or across any public way, wherever located, within the town. A utility shall remove immediately any poles, overhead wires or associated overhead structures installed or constructed by it in violation of this section.

ARTICLE XII

12 SCENIC ROADS

12.1 Pursuant to the authority of Chapter 40, Section 15C of the General Laws, the town designates the following streets and roads as scenic roads:

Acton Street	Prospect Street
Brook Street	River Road
Cross Street	Rockland Road
Curve Street	Russell Street
Concord Street	Rutland Street
East Street	School Street
Fiske Street	Skelton Road
Lowell Street	South Street
Maple Street	Stearns Street
North Road	Sunset Road
Pope Road	West Street

12.2 Purposes

The purposes of this Bylaw are to:

- 12.2.1 Ensure that roads recommended for designation as Scenic Roads pursuant to Chapter 40, Section 15C of the General Laws (“the Scenic Road Act”) meet certain specified criteria;
- 12.2.2 Ensure that roads designated by Town Meeting as Scenic Roads will not be altered by any person, organization or agency, in any way that requires the cutting or removal of trees, or the tearing down or destruction of stone walls, without adherence to applicable procedures and without the consent of the Planning Board, pursuant to the Scenic Roads Act;
- 12.2.3 Ensure that the provisions of the Scenic Roads Act, this Bylaw and any rules and regulations promulgated hereunder shall be equitably enforced.

12.3 Procedure for Designation as a Scenic Road

Any person, agency or organization may petition the Planning Board, the Conservation and/or the Historical Commission to request that the Board(s) consider recommending that a road or portion thereof be designated as a Scenic Road.

In determining whether to make a recommendation to Town Meeting that a road be designated as a Scenic Road, the Board(s) shall consider the extent to which such road is bordered by any natural or man-made features of aesthetic, conservation, or historic value, the alteration of which would lessen the value of those features. In particular, the Board(s) shall consider whether such road is bordered by trees and/or stone walls

- 12.3.1 that enhance an open vista such as agricultural land, orchards, farmland, open fields, or pastures;
- 12.3.2 that enhance the rural character of ancient, narrow and winding ways;
- 12.3.3 that protect natural resources, such as water supply, natural habitat, and/or watershed areas;
- 12.3.4 that maintain the historic nature of the road, or the nature of a road that serves an historic district, or is bordered by antique homes or structures; or
- 12.3.5 that are of exceptional quality;

12.4 Notification of Designation as a Scenic Road

Hereafter upon the designation of any road as a Scenic Road by Town Meeting, the Planning Board shall give prompt written notice of that action to all municipal departments, the Massachusetts Highway Department or its successor, and all utility companies doing business in the Town of Carlisle; shall publish a notice of the designation in a newspaper of general circulation in the Town; and shall notify in writing all property owners abutting the designated road(s).

12.5 Consent of Planning Board Required

In accordance with G.L. Ch. 40, Section 15C, after designation as a Scenic Road, no repair, maintenance, reconstruction or paving work shall involve the cutting or removal of trees or the tearing down or destruction of stone walls without prior written consent of the Planning Board following notice and a hearing.

12.6 Planning Board Regulations

The Planning Board shall adopt rules and regulations governing the procedures to be followed by persons, agencies, and organizations proposing to cut or remove trees or to tear down or destroy stone walls or portions thereof within or bordering a Scenic Road in connection with repair, maintenance, reconstruction or paving work on such road. Said rules and regulations shall include, without limitation, provisions regarding notice and hearing as required under G.L. Ch. 40, Section 15C, and provisions regarding the content, form and timing of applications made for the Planning Board's consent, and guidelines and procedures to be employed by the Planning Board in administering this Bylaw.

12.7 Public Shade Tree Act

Nothing in this Bylaw or in the rules and regulations adopted hereunder shall be construed as abrogating the authority of the Tree Warden as set forth in G.L. Ch. 87, Section 5. Further, nothing in this Bylaw or in the rules and regulations adopted hereunder shall be construed as abrogating the authority of the Town officials in an emergency to remove trees or tree limbs which endanger the public.

ARTICLE XIII

13 WETLANDS PROTECTION

13.1 Purpose and Jurisdiction

- 13.1.1 The purpose of this Bylaw is to protect the wetland and water resources of the Town of Carlisle by regulating activity in or near wetland resource areas. Conditions shall be imposed by the Carlisle Conservation Commission (the "Commission") after a public hearing at which the Commission determines that the area on which the proposed work is to be done is significant to public or private water supply, to ground water supply, to flood control, to storm damage prevention, to prevention of pollution, to protection of land containing shellfish, to the protection of wildlife habitat or to the protection of fisheries (collectively, the "Interests Protected by this Bylaw")
- 13.1.2 Except as permitted by the Commission or as provided in this Bylaw, no person shall remove, fill, dredge, or alter any bank, fresh water wetland, marsh, meadow, bog, or swamp bordering any creek, river, stream, pond, or lake, any land under said waters, any land subject to flooding, or any riverfront area (collectively, the "Resource Areas Subject to Protection").
- 13.1.3 Any activity proposed or undertaken within the "Buffer Zone" or Resource Areas Subject to Protection which, in the judgment of the Commission, will remove, fill, dredge or alter a Resource Area Subject to Protection under this Bylaw is subject to regulation under the Bylaw and requires the filing of a Request for Determination (Request) or Notice of Intent, Abbreviated Notice of Intent, or Abbreviated Notice of Resource Area Delineation (Notice).
- 13.1.4. Any activity proposed or undertaken outside the Resource Areas Subject to Protection and outside the Buffer Zone is not subject to regulation under this Bylaw and does not require the filing of a Notice of Intent unless and until that activity actually alters a Resource Area Subject to Protection under this Bylaw. In the event that such activity has in fact altered a Resource Area Subject to Protection under this Bylaw, the Commission shall impose such conditions on the activity or any portion thereof as it deems necessary to contribute to the interests protected under this Bylaw.
- 13.1.5 It is not the purpose or intention of this Bylaw to exceed Mass. Gen. Laws Ch. 131 Sec. 40 as amended February 14, 1997, or the Wetland Protection Act Regulations 310 CMR 10.00 as amended October 24, 2014, except in the following Bylaw sections: 2, 10, and 11.

13.2 Applications and Fees

- 13.2.1 Any person who proposes to do work which will remove, fill, dredge or alter any Resource Area Subject to Protection under this Bylaw shall submit a Notice to the Commission which bears the signature of the owner of the subject property. Application under this Bylaw may be identical in form to a Notice of Intent filed pursuant to Mass. Gen. Laws Ch. 131, Sec. 40, and shall be sent by certified mail or hand delivered to the Carlisle Conservation Commission. Said application shall be accompanied by a filing fee set forth in the rules and regulations promulgated by the Commission and payable to the Town of Carlisle, and must be filed concurrently with or after applications for all other variances and approvals required by the Zoning Bylaw, the Sub-division Control Law, local Board of Health Regulations or any other bylaw or regulations relevant to the project. The written application shall include such plans as may be necessary to describe such proposed activity and its effect on the environment. No filing fee is required when a department or officer of the Town of Carlisle files an application for the Town.
- 13.2.2 Any person who desires a determination as to whether this Bylaw applies to land or work which may affect a Resource Area Subject to Protection may submit a Request for Determination of applicability to the Commission. Requests shall be accompanied by a filing fee set forth in the rules and regulations promulgated by the Commission. The Request application may be identical in form to a Request filed pursuant to Mass. Gen. Laws Ch. 131, Sec. 40. If the person making the Request is not the owner, the applicant shall send a copy of the Request by certified mail (return receipt requested) to the owner.
- 13.2.3 The receipt of such Notice or Request shall be acknowledged in writing on the face thereof and shall include the time and date so received. A person delivering said Notice by hand shall be given a receipt in writing acknowledging the time and date such filing was received.
- 13.2.4 Each Notice or Request filed shall be assigned a unique identification number (hereinafter, "File Number") to facilitate record keeping by the Commission. Said File Number may be identical to that assigned by the Massachusetts Department of Environmental Protection.
- 13.2.5 Any person filing a Notice or a Request with the Commission shall give at the same time written notification thereof, by certified mail (return receipt requested), Certificate of Mailing, or hand delivery, to the owner and all abutters at their mailing addresses shown on the most recent Certified Abutters List.
- 13.2.6 In addition to any filing fee imposed by the rules and regulations promulgated under this Bylaw, the applicant shall reimburse the reasonable costs and expenses borne by the Commission for specific expert engineering and consulting services deemed necessary by the Commission, provided that the scope of the application meets the criteria set forth in Section 2.7 of this Bylaw. The amount of the reimbursement fee shall be based on the standard set forth in Section 2.10 of this Bylaw and shall be constrained by the following:

- 13.2.6.1 For sewage disposal system repair and/or landscaping projects for an existing single family residence, a maximum reimbursement fee of ZERO DOLLARS (\$0.00) per File Number may be imposed for a Notice, Request, or request for Certificate of Compliance.
 - 13.2.6.2 For projects to access, construct or modify one single family residence, a maximum reimbursement fee of ONE THOUSAND DOLLARS (\$1,000.00) per File Number may be imposed for a Notice of Intent.
 - 13.2.6.3 For all other projects, a maximum reimbursement fee of FIFTEEN THOUSAND DOLLARS (\$15,000.00) per File Number may be imposed for each Notice, Request, and request for Certificate of Compliance.
- 13.2.7 The Commission is authorized to charge this site and/or design review reimbursement fee when the Commission determines that a Notice, Request, or Certificate of Compliance involves any of the following: 500 square feet or greater of alteration of Freshwater Wetlands; 50 linear feet or greater of alteration of a Bank, Stream or River; 500 square feet or greater of alteration of the Buffer Zone; alteration of greater than 500 square feet of Land Under Bodies of Water; discharge of any pollutants into surface or ground waters of any resource area under this Bylaw; or construction of a detention or retention basin or other drainage device.
- 13.2.8 Said specific expert engineering and consultant services, may include but are not limited to consultants' overhead and office expenses required to process said Notices, Requests and Certificates; copying plans and technical submittals for further review; sub-contracting for professional services; mileage; wetland survey and delineation; hydro geologic and drainage analysis; purchase or borrowing of materials; wildlife habitat, rare species, shellfish and fisheries evaluation; and environmental or land use legal consultation.
- 13.2.9 Said reimbursement fee shall be paid by the applicant within thirty (30) calendar days of receipt of a written request from the Commission. Said payment may be required by the Commission at any point in reviewing or deliberating processes to pay for services rendered thus far, including prior to a final decision being rendered but not before the Commission has received the actual bills for the site and/or design review. The fee shall be paid to the town into an account of the Commission which is set up by the Treasurer for this purpose, separate and apart from all other Town monies, and which may be drawn upon by the Commission for services approved by the Commission at a public meeting. The principal shall be expended by the Treasurer at the direction of the Commission for site and/or design review costs and expenses.
- 13.2.10 In setting the amount of said reimbursement fee, the Commission shall utilize the following standard: the fee shall equal the amount of the actual bills for all expenses incurred for the File Number that is submitted by an expert engineer or consultant, up to the maximum amount set forth in Section 2.6 of this Bylaw.

13.3 Hearings and Meetings

- 13.3.1 For a Request, the Commission shall hold a public meeting within twenty-one (21) calendar days of its receipt. Notice of the time and place of the meeting shall be given by the Commission at the expense of the applicant, not less than five (5) days prior to the meeting, by publication in a newspaper of general circulation (in Carlisle) and by mailing a notice to the applicant and to the owner by certified mail (return receipt requested).
- 13.3.2 For a Notice, the Commission shall hold a public hearing within twenty-one (21) calendar days of its receipt. Notice of the time and place of the hearing shall be given by the Commission at the expense of the applicant, not less than five (5) days prior to the hearing, by publication in a newspaper of general circulation (in Carlisle) and by mailing a notice to the applicant.
- 13.3.3. A Public Hearing may be continued as follows:
 - 13.3.3.1 without the consent of the applicant to a date, announced at the hearing, within twenty-one (21) calendar days of receipt of the Notice;
 - 13.3.3.2 with the consent of the applicant, to an agreed-upon date, which shall be announced at the hearing; or
 - 13.3.3.3 with the consent of the applicant for a period not to exceed twenty-one (21) calendar days after the submission of a specified piece of information or the occurrence of a specified action. The continued hearing shall be publicized in accordance with Section 3.2 of this Bylaw.

13.4 Permits and Conditions

- 13.4.1 For Requests, the Commission shall issue a Determination of Applicability within twenty-one (21) calendar days of receipt of said application. If, after the public meeting, the Commission determines that the area is significant to the Interests Protected by this Bylaw, the Commission shall issue a positive determination and request that the applicant file a Notice. If the Commission determines that the area which is the subject of the application is NOT significant to the interests protected by this Bylaw, or that the proposed activity does not require the imposition of conditions, it shall issue a negative determination. When the person requesting a determination is other than the owner, notice of the determination shall be sent to the owner as well as to the requesting person by certified mail (return receipt requested).

- 13.4.2 For Notices of Intent, and Abbreviated Notices of Intent, the Commission shall issue an Order of Conditions within twenty-one (21) calendar days of the close of the Public Hearing for said application. The Commission shall impose such conditions as will contribute to the protection of the Interests Protected by this Bylaw and all work shall be done in accordance with those conditions. If the Commission makes a determination that the proposed activity does not require the imposition of such conditions, the applicant shall be notified of such determination within twenty-one (21) days after said hearing. Such Notification of Nonsignificance shall be signed by the majority of the Conservation Commission and a copy thereof shall be sent forthwith to the applicant by certified mail (return receipt requested). An Order of Conditions shall be valid for three (3) years unless specifically stated otherwise. The Commission may renew an Order of Conditions for an additional one (1), two (2) or three (3) year period. If renewal of an Order of Conditions is requested, it must be received in writing by the Commission at least thirty (30) calendar days prior to the expiration date of the Order.
- 13.4.3 No work proposed in any application shall be undertaken until the Order of Conditions, or Notification of Nonsignificance with respect to such work issued by the Commission has been recorded in the Registry of Deeds or, if the land affected thereby be registered land, in the registry section of the Land Court for the district wherein the land lies, and until the holder of the Order of Conditions certifies in writing to the Commission that the Order has been so recorded.
- 13.4.4 Within twenty-one (21) days of the receipt of a written request, by the applicant or the owner of the property, for Certificate of Compliance, the commission shall grant such request if the activity, or portions thereof, complies with the Order of Conditions and if, at the time of such request, there are no outstanding notices of violation or unsatisfied fines issued by the Commission or by the Massachusetts Department of Environment Protection against a property which is the subject of such a request. The Certificate of Compliance shall state that the activity, or portions thereof, has been completed in accordance with such Order.
- 13.4.5 No conditions shall be imposed, nor shall any Determination be rendered by the Commission, in reference to this Bylaw, unless the commission meets with a quorum present.

13.5 Exceptions

- 13.5.1 The provisions of this Bylaw shall not apply to work performed in the course of maintaining, repairing or replacing but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph and other telecommunication services.

- 13.5.2 The Notice of Intent required in this Bylaw shall not apply to emergency projects necessary for the protection of the health or safety of the Commonwealth which are to be performed or which are ordered to be performed by an agency of the Commonwealth or a political sub-division thereof. An emergency project shall mean any project certified to be an emergency by the Commission. If the Commission fails to act favorably within twenty-four (24) hours of receipt of a request for certification of an emergency project, said project may be so certified by the Select Board. In no case shall any removal, filling, dredging or alteration authorized by such certification extend beyond the time necessary to abate the emergency.
- 13.5.3 The provisions of this Bylaw shall not apply to any mosquito control work done under the provisions of Clause (36) of Sec. 5 of Ch. 40, of Ch. 252 or any special act; to the maintenance of drainage and flooding systems of cranberry bogs, to work performed for normal maintenance or improvement of land in agricultural use or in aqua cultural use.
- 13.5.4 The provisions of this Bylaw shall not apply to maintenance dredging projects for which a license has been previously issued within ten (10) years by the Division of Waterways of the Department of Environmental Protection. The procedures set for the Mass. Gen. Laws Ch. 131, Sec. 40 for licensed maintenance dredging projects shall be utilized in administering this Bylaw.

13.6 Regulations

- 13.6.1 After public notice and hearing, the Commission may promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this Bylaw.

13.7 General Provisions, Presumptions and Performance Standards

- 13.7.1 The provisions set forth in 310 CMR 10.03(1) through 10.03(6) as defined October 24, 2014 and 310 CMR 10.51 through 10.60 as defined October 24, 2014, shall be used for the interpretation and implementation of this Bylaw except in the event of a conflict with other provisions of this Bylaw, in which case the other provisions of this Bylaw shall take precedence.

13.8 Severability

- 13.8.1 The invalidity of any provision or feature of this Bylaw shall not affect the validity of any other provision or feature not manifestly inseparable therefrom.

13.9 Appeals

13.9.1 During an appeal of a decision of the Commission, the findings of a concurrent Massachusetts Department of Environmental Protection review under Mass. Gen. Laws Ch. 131, Sec. 40, shall be presumed correct except in those areas in which this Bylaw specifically exceeds Mass. Gen. Laws Ch. 131, Sec. 40. For situations where this Bylaw specifically exceeds Mass. Gen. Laws Ch. 131, Sec. 40, the decisions of the Commission shall be reviewable in the Superior Court in an action filed by the applicant, any person aggrieved by the Commission's decision, any abutter, or any 10 citizens of Carlisle within 60 days thereof, in accordance with Mass Gen. Laws Ch. 249, Sec. 4.

13.10 Enforcement

13.10.1 The filing of a Notice or Request shall constitute the consent of the owner and grant the authority for the Commission, its agents, officers, and employees to enter upon privately owned land for the purpose of performing their duties under this Bylaw, which may make or cause to be made such examinations, surveys or sampling as the Commission deems necessary.

13.10.2 The Commission shall have authority and duty to enforce this Bylaw, its regulations and Order of Conditions issued hereunder by Enforcement Orders and civil and criminal court actions.

13.10.3 When the Commission determines that violation of this Bylaw has occurred, it may request the Select Board and the Town Counsel to take legal action for enforcement under civil law. In addition, the Commission may request the Chief of Police or other authorities to take legal action for enforcement under criminal law.

13.10.4 Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

13.10.5 Any person who violates any provision of this Bylaw, regulations thereunder, or Order of Conditions issued thereunder, may be punished by a fine of not more than three hundred dollars (\$300.00) per offense. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the Bylaw, regulations, or Order of Conditions violated shall constitute a separate offense.

13.10.6 In the alternative to criminal prosecution, the Commission may elect to utilize the non-criminal disposition procedure set forth in Mass. Gen. Laws Ch. 40, Sec. 21D, in which case the penalty shall be as follows:

13.10.6.1 First offense: \$ 75.00

13.10.6.2 Second offense: \$150.00

13.10.6.3 Third and subsequent offenses: \$300.00

- 13.10.7 No person shall remove, fill, dredge or alter any Resource Area Subject to Protection under this Bylaw without the required authorization, or cause, suffer or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with an Enforcement Order issued pursuant to this Bylaw. Each day such violation continues constitutes a separate offense except that any person who fails to remove unauthorized fill or otherwise fails to restore illegally altered land to its original condition after giving written notification of said violation to the Commission, shall not be subject to additional penalties unless said person thereafter fails to comply with an Enforcement Order or Order of Conditions.
- 13.10.8 Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this Bylaw or in violation of any Order issued under this Bylaw shall forthwith comply with any such Order or restore such properties to their condition prior to any such violation; provided, however that no action, civil or criminal, shall be brought against such person unless such action is commenced within three (3) years following the recording of the deed or the date of the death by which such properties were acquired by such person. Any court having equity jurisdiction may restrain a violation of this Bylaw and enter such orders as it deems necessary to remedy such violation, upon the petition of Attorney General, the Commission, the Town of Carlisle, an owner or occupant of property which may be affected by said removal, filling, dredging or altering, or ten residents of the Commonwealth under the provision of Sec. 7(A) of Ch. 214.

13.11 Definitions

13.11.1 Unless specifically stated otherwise in this Bylaw, the definitions set forth in Mass Gen. Laws Ch. 131, Sec. 40, as defined on February 14, 1997, and in 310 CMR as defined October 24, 2014, shall be used for the interpretation and implementation of this Bylaw.

13.11.1.1 Pond (inland) shall be defined as any open body of fresh water, either naturally occurring or man-made, with a surface area observed or recorded within the last ten (10) years of at least ten thousand (10,000) square feet, and which is never without standing water due to natural causes, except during periods of extended drought. For purposes of this definition, extended drought shall mean any period during which the Massachusetts Drought Management Task Force declares a Drought Watch for Northeast Massachusetts. Basins or lagoons which are part of waste water treatment plants shall not be considered ponds, nor shall swimming pools or other impervious man-made retention basins.

ARTICLE XIV

14 MISCELLANEOUS

14.1 Transient Vendors, Hawkers and Peddlers

- 14.1.1 No transient vendor, hawker, or peddler as defined in Chapter 101 of the General Laws, or any other person in any form of house-to-house selling, shall sell any goods, wares, merchandise or services in the town without having first recorded his name and place of residence and the nature of his business with the police department. The police department shall thereupon issue appropriate identification recording the above information. Such identification must be shown upon request and shall state that the holder has duly registered and is entitled to go from place to place within the town for the purpose specified.
- 14.1.2 No such person shall solicit from house to house except between the hours of 9:00 AM and 6:00 PM.
- 14.1.3 This section shall not apply to route salesmen making regular deliveries in accordance with orders placed in advance by their customers.

14.2 Sale of Merchandise on Public Property

- 14.2.1 No person, firm or corporation shall sell, display or advertise for sale any articles, goods, wares or merchandise of any description whatsoever within the limits of any public way, park or other public property, without first obtaining written permission so to do from the town officer, board or committee which has authority over the use of such property. No permission shall be granted unless the appropriate officer, board or committee determines the same to be not inconsistent with the public interest and not injurious to the health, safety and welfare of the inhabitants of the town. Each such permission shall stipulate the term thereof, such term not to exceed twelve (12) months, and such other provisions as the officer, board or committee may determine.

14.3 Cemetery

- 14.3.1 No sum of money less than one hundred (\$100) dollars shall be accepted by the town as a perpetual fund for care of a lot in a cemetery.
- 14.3.2 The rights in a burial lot may be conveyed back to the town and the original charge shall be refunded to the owner, but such rights shall not be otherwise transferable except by operation of law.

14.4 Alcoholic Beverages

- 14.4.1 No person shall drink, or possess in an unsealed container, an alcoholic beverage, as defined in Chapter 138, Section 1 of the General Laws, while in or upon a public way or any building or land owned by the town, without a license issued by the Select Board; or upon any private land or place, without the prior consent of the owner or authorized person in control thereof. A police officer may arrest without a warrant any person who commits a violation of this bylaw in his presence. All alcoholic beverages being used in violation of this bylaw shall be seized and safely held until final adjudication of the charge against the person arrested for such violation at which time they shall be returned to the person entitled to lawful possession thereof.

14.5 Junk

- 14.5.1 The open display or open storage of junk shall be prohibited in all districts, including worn-out, castoff, or discarded articles and materials which are ready for destruction or have been collected or stored for salvage or conversion to some other use. The ungaraged storage of unregistered motor vehicles, as defined in General Laws Chapter 90D, Section 1, trailers as defined herein, or any part or portion of any of the above, shall be prohibited in all districts, provided that the storage of unregistered motor vehicles and trailers shall be allowed upon premises duly licensed by the Select Board under General Laws, Chapter, 140, in accordance with the terms of said license. "Trailer" shall be defined for purposes of this section as any structure built on a chassis to be moved from site to site, whether used with or without a permanent foundation, provided further that travel trailers, horse trailers, utility trailers, and boat trailers, having a net vehicle weight of less than 3500 lbs., shall not be deemed to be "trailers" within the meaning of this section.

Section 14.6 Animal Control Bylaw

14.6.0 Purpose

Pursuant to the authority set forth in Chapter 140, Sections 136A through 174E of the General Laws and any other relevant statutes and regulations issues pursuant thereto, the following requirements are adopted for the regulation of dogs within the Town of Carlisle.

14.6.1 Definition of Terms

The definitions of words and terms set forth in Chapter 140, Section 136A of the General Laws are incorporated into this Section 14.6, Animal Control Bylaw, and shall be applicable to the interpretation thereof. In addition, unless context clearly indicates otherwise, the following words and terms, as used in this bylaw, shall have the following meanings:

- 14.6.1.1 **DOGS:** All animals of the canine species, both males and females, and of any age.

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14.6.1.2 DOG UNDER CONTROL: A dog that is (1) physically controlled by a person by means of a leash, cord or chain held by the person, or (2) a dog that is contained within a physical or electric fence; or (3) a dog that is at all times within sight of their person, is actively monitored by that person, and that at all times immediately responds to a recall command by their person.

14.6.1.3 RUNNING AT LARGE: A dog is running at large if it is not on the private property of its owner or keeper, or on private property with the express permission of that property's owner, or is otherwise not a Dog Under Control as defined above.

14.6.2 Responsibility of Dog Owner or Keeper

14.6.2.1 No dog owner or keeper shall permit the dog to become or remain a nuisance dog or a dangerous dog, as those terms are defined and used in Chapter 140 Sections 136A and 157 of the General Laws.

14.6.2.2 Every dog owner or keeper shall be responsible for expeditiously removing any feces that the dog deposits anywhere except on its owner's or keeper's private property, or on other private property with the property owner's permission.

14.6.2.3 The owner or keeper shall annually license his/her dog in accordance with Section 14.6.3 of this bylaw.

14.6.2.4 Control Provisions

An owner or keeper of a dog within the territorial limits of the Town of Carlisle shall not allow such a dog to be Running at Large. When outside of the boundaries of the premises of the owner/keeper or the premises of another person with their express knowledge and permission, the owner/keeper or their duly authorized agent of said dog shall ensure that the dog is a Dog Under Control using one of the methods described in Section 14.6.1.2 of this bylaw. Regardless of the method of control described in Section 14.6.1.2, when off the owner's or keeper's property, an owner or keeper shall carry one leash per dog (coupler leashes permitted) at all times on their person.

14.6.3 Licenses

14.6.3.1 In accordance with Chapter 140, Section 137 of the General Laws, the owner or keeper of a dog within the Town shall cause the dog to be initially licensed when it attains the age of six months and annually thereafter. Proof of a currently valid rabies vaccination shall be required prior to the issuance of any license.

- 14.6.3.2 The annual licensing date shall be January 1st of any year.
- 14.6.3.3 The Town Clerk shall, pursuant to Chapter 40, Section 22F of the General Laws, from time to time fix reasonable annual fees to be charged for the issuance of licenses for dogs. At the adoption of these bylaws, the annual licensing fee shall be fixed at \$15 for a spayed/neutered dog and \$20 for an intact dog. These fees shall not be increased without a majority vote of the voters present at a Town Meeting.
- 14.6.3.4 The Town Clerk shall, pursuant to Chapter 40, Section 22F of the General Laws, from time to time fix reasonable annual fees to be charged for the issuance of licenses for kennels.
- 14.6.3.5 The Town Clerk shall be responsible for the issuance of all licenses related to this bylaw.
- 14.6.3.6 Any person who is the owner or keeper of a dog in the Town of Carlisle, and who fails to license said dog by April 1st of any year, shall be subject to a late fee of twenty-five dollars (\$25.00) to be payable, in addition to the license fee. The license fee and the late fee(s) may be secured through the imposition of a municipal charges lien on any property standing in the name of the dog owner or keeper, pursuant to Chapter 40, Section 58 of the General Laws.
- 14.6.4 Commercial Dog Walkers
- 14.6.4.1 Except in accordance with an annual permit issued by the Select Board or its designee, no person shall act as a Commercial Dog Walker in the Town of Carlisle. For purposes of this section, a Commercial Dog Walker shall mean a person engaged in the business of exercising or handling dogs owned by another using public land, and who receives compensation for this work. Provided, however, that this definition shall exclude elementary, middle, high school and college students who are Carlisle residents providing dog walking services for a fee, but such persons shall be prohibited from exercising or handling more than two dogs simultaneously. The permit issued under the authority of this section shall be non-transferable and the fee therefor shall be non-refundable. The fee for such permit shall be established by the Select Board.
- 14.6.4.2 The permit issued under this section shall be comprised of two parts, a permit which the Commercial Dog Walker shall carry upon his or her person, and a placard that shall be displayed in the Commercial Dog Walker's vehicle. The permit shall state the number of dogs that the Commercial Dog Walker is licensed to walk at any one time, provided, however, that such number shall not exceed five dogs. Permits shall not be granted under this section unless the Commercial Dog Walker agrees that he/she shall indemnify and hold

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harmless the Town of Carlisle from any and all loss, liability, damage or cost incurred related to the permit holder's activities or the activities of dogs under his/her care. No more than three commercial dog walker licenses will be issued to any one dog walking business.

- 14.6.4.3 In addition to any conditions imposed by the Select Board for use of a commercial dog walker permit, the following conditions shall apply:
 - 14.6.4.3.1 All dog waste shall be cleaned up and properly disposed of.
 - 14.6.4.3.2 All dogs walked shall wear a current license and rabies tag. If the dog is too young to be licensed, the Commercial Dog Walker shall provide, at the request of an enforcing authority, proof of vaccinations.
 - 14.6.4.3.3 The Commercial Dog Walker shall carry one leash for each dog being walked.
 - 14.6.4.3.4 Each coupler leash used by an owner or walker shall count as multiple leashes based on the number of clips attached to the dog collars.
 - 14.6.4.3.5 All requirements of Sections 14.6.2.1, 14.6.2.2, and 14.6.2.4 shall apply to Commercial Dog Walkers.
 - 14.6.4.4 The Select Board may adopt, and periodically amend, rules and regulations to effectuate the purposes of this Section 14.6.4 of the Animal Control Bylaw. Failure of the Select Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Section 14.6.4 of the Animal Control Bylaw.
- 14.6.5 Violations and Penalties
 - 14.6.5.1 The failure of the owner or keeper of any dog or pet to comply with this bylaw or with any order of the Animal Control Officer or the Select Board shall be a violation of this bylaw.
 - 14.6.5.2 The failure of the owner or keeper of any dog to comply with the registration and license requirements provided in this Section 14.6 of the bylaws and in Chapter 140, Sections 136A through 174E of the General Laws shall be a violation of this bylaw.
 - 14.6.5.3 The failure of a Commercial Dog Walker to comply with the requirements of Section 14.6.4 shall be a violation of this bylaw. In addition to any other remedy provided herein, the Select Board, or its designee, may for cause suspend for a period of time or revoke a permit issued under Section 14.6.4 following a hearing.

14.6.5.4 In addition to any other remedy provided by law, this Section 14.6 of the bylaws may be enforced by the Animal Control Officer, or any police officer of the Town, or the Select Board, through any means available in law or equity, including but not limited to criminal indictment in accordance with Chapter 40, Section 21 of the General Laws, noncriminal disposition in accordance with Chapter 40, Section 21D of the General Laws and Section 1.4.2 of these bylaws entitled “Non-criminal Disposition”, and, in instances of a violation of a nuisance dog or dangerous dog order issued pursuant to Chapter 140, Section 157 of the General Laws, in accordance with Chapter 140, Section 157A of the General Laws, as may be amended from time to time.

14.6.5.4.1 When enforced in accordance with Chapter 40, Section 21 of the General Laws, the maximum penalty shall be \$300 and each day a violation exists shall constitute a separate violation.

14.6.5.4.2 When enforced by the Animal Control Officer or the police officer of the Town through non-criminal disposition, the penalties shall be as follows:

First Offense:	\$50
Second Offense:	\$150
Third and subsequent offense:	\$300

14.6.5.4.3 Violation of Nuisance Dog or Dangerous Dog Order.
An owner or keeper of a dog who fails to comply with an order of the Select Board or district court issued pursuant to Chapter 140, Section 157A of the General Laws shall be punished as provided in that statute.

14.6.6 Animal Control Officer

14.6.6.1 The Select Board shall appoint an Animal Control Officer pursuant to Chapter 140, Sections 151 and 151A of the General Laws. The Animal Control Officer’s duties shall include the enforcement of the Town of Carlisle’s Animal Control Bylaw, Section 14.6, and all applicable provisions of Chapter 140, Sections 136A through 174E of the General Laws.

14.6.6.2 The Animal Control Officer shall make a written record of and investigate all complaints arising within the Town pertaining to violations of any provision of this bylaw, Section 14.6, or to violations pertaining to Chapter 140, Sections 136A through 174 of the General Laws and any relevant State or local regulations. The Animal Control Officer shall report his or her findings to the Select Board.

14.6.6.3 Record Keeping
The Animal Control Officer shall keep accurate, detailed records of the confinement and disposition of all dogs held in custody, all bite cases

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reported, and the results of investigations. The Animal Control Officer shall maintain a telephone log of all calls received regarding dogs and submit a quarterly report summarizing the log to the Select Board.

14.6.6.4 Issuance of Temporary Restraint Orders

The Animal Control Officer may issue a Temporary Restraint Order to the owner or keeper of any dog that is alleged to be a nuisance dog or a dangerous dog and is awaiting a decision under Section 14.6.7. A Temporary Restraint Order shall be in force for no more than thirty (30) days unless the Animal Control Officer renews it in writing for subsequent thirty (30) day periods. The Animal Control Officer may rescind or stop renewing the order when, in the Animal Control Officer's judgment, restraint is no longer required. The Animal Control Officer's order shall expire upon receipt of a decision from the Select Board on the nuisance dog or dangerous dog hearing.

14.6.6.5 Issuance of a Temporary Confinement Order

The Animal Control Officer may make arrangements for the temporary housing of any dog that requires such temporary housing, and may issue an Order of Temporary Confinement authorizing such temporary housing. The housing may be at local veterinary clinics, or at dog kennels within the Town or neighboring towns, and shall be at the dog owner's or keeper's expense.

14.6.6.6 Impoundment

It shall be the duty of the Animal Control Officer to apprehend any dog found to be in violation of Section 14.6.2.4 of this bylaw and to impound such dog in a suitable place or to order the owner or keeper thereof to restrain such dog.

14.6.6.7 Charges for Confinement and Impounding

If the Animal Control Officer impounds a dog found in violation of Section 14.6.2.4 or issues an Order of Temporary Confinement pursuant to Section 14.6.6.5 and the dog owner or keeper does not pay all fees directly to the kennel, veterinary clinic, or dog boarding facility, then the dog's owner or keeper shall be required to reimburse the Town for any expenses incurred in housing that dog. If the dog has not been licensed as required pursuant to this bylaw, the owner or keeper shall immediately apply to the Town Clerk to obtain a license, submit payment for the license fee, and pay any applicable late fees, and said dog shall not be released from confinement unless and until the issuance of a valid license, which shall not be unreasonably delayed or withheld.

14.6.6.8 Notice to Owner and Redemption

The Animal Control Officer shall, in matters of impoundment or confinement, impoundment or confinement fees, and redemption of impounded or confined animals, carry out his/her duties in accordance with Chapter 140, Sections 151 and 151A of the General Laws, and any amendments thereto.

- 14.6.7 **Select Board to Serve as the Hearing Authority**
Any person may file a complaint in writing to the Select Board that a dog owned or kept in the Town is a nuisance dog or a dangerous dog. All such complaints shall be investigated and addressed in accordance with Chapter 140, Section 157 of the General Laws.
- 14.6.8 **Disposition of Funds**
The sums collected pursuant to this bylaw shall be accounted for and paid over to the Town Treasurer.
- 14.6.9 **Severability**
In the event that the Massachusetts Attorney General or a court of competent jurisdiction deems any provision or section of this bylaw invalid or unenforceable, all other provisions shall remain in full force and effect.

14.7 Recycling

- 14.7.1 The Select Board shall provide and maintain some suitable place or method at which inhabitants of the Town shall have the right under suitable regulations, made from time to time by the Boards of Select Board, to deposit for recycling such solid waste as may be permitted by such regulations. Such rules and regulations shall require the separation of designated recyclable material or materials from other refuse.

14.8 Denial or Revocation of Permits

- 14.8.1 The Town Collector (hereinafter referred to as the "Collector") shall annually, and may periodically, furnish to each department, board or commission, (hereinafter referred to as the "licensing authority") that issues licenses or permits, including renewals and transfers, a list of any person, corporation or business enterprise (hereinafter referred to as the "party") that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

- 14.8.2 Denial, revocation or suspension of license or permit.

- 14.8.2.1 The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the Collector; provided, however, that written notice is given to the party and the Collector, as

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required by applicable provisions of the law, and the party is given a hearing, to be held no earlier than 14 days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party.

14.8.2.2 The Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension of said license or permit to any party.

14.8.2.3 Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension.

14.8.2.4 Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges payable to the town as of the date of issuance of said certificate.

14.8.3 Payment agreement.

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit, and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

14.8.4 Non-applicability

Sections 14.8.1 through 14.8.3, inclusive, shall not apply to the following licenses and permits:

- A. Open burning (Section 13 of Chapter 48 of the General Laws);
- B. Sale of articles for charitable purposes (Section 33 of Chapter 101 of the General Laws);
- C. Children work permits (Section 69 of Chapter 149 of the General Laws);

- D. Clubs, associations dispensing food or beverage licenses (Section 21E of Chapter 140 of the General Laws);
- E. Dog licenses (Section 137 of Chapter 140 of the General Laws);
- F. Fishing, hunting, trapping licenses (Section 12 of Chapter 131 of the General Laws);
- G. Marriage licenses (Section 28 of Chapter 207 of the General Laws);
and,
- H. Theatrical events, public exhibition permits (Section 181 of Chapter 140 of the General Laws).

ARTICLE XV PERSONNEL BYLAW

15.1 Purpose And Authorization

The purpose of the Personnel Bylaw is to establish fair and equitable personnel policies and to establish a system of personnel administration that ensures a uniform, fair, and efficient application of personnel policies. This bylaw is adopted pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth and General Laws, Chapter 41, Sections 108A and 108C. The following principles shall apply:

- 15.1.1 Recruitment, selection, and advancement of personnel shall be based on ability, knowledge, education, and skill under fair and open competition.
- 15.1.2 Employment shall be open to all segments of society.
- 15.1.3 Fair treatment of all applicants and employees shall be guaranteed in all aspects of personnel system and shall be administered without regard to age, race, color, creed, gender, sexual orientation, national origin, political affiliation, disability, or other non-merit factors and with proper regard for privacy and constitutional rights.
- 15.1.4 Training and development opportunities shall be provided as needed to assure high quality performance by all employees.
- 15.1.5 Retention of employees shall be on the basis of performance. A reasonable effort shall be made to assist employees with inadequate performance; and if, following such effort, inadequate performance cannot be corrected, separation shall occur.

15.2 Application

All Town departments and positions shall be subject to the provisions of this bylaw except elected officers, employees with personal contract, employees covered by collective bargaining agreement, elected town officials, and employees of the school department. Nothing in this bylaw shall be construed to limit any right of employees pursuant to Massachusetts General Laws.

15.3 Delegation Of Responsibilities

15.3.1 Select Board

The Select Board shall be responsible for the overall administration of the Personnel Bylaw and the personnel policies. The Select Board shall appoint a Personnel Board. The Select Board shall appoint the Personnel Administrator.

15.3.2 Personnel Board

15.3.2.1 Composition: The Personnel Board shall consist of five (5) members. One (1) member shall be appointed for a term of one (1) year, two (2) members for terms of two (2) years, and two (2) members for terms of three (3) years. All subsequent appointments shall be made for three (3) years and vacancies shall be filled by the Select Board. No member of the Personnel Board shall be an employee under the jurisdiction of the Personnel Board, or an appointed or elected official of the Town. Like all Town employees and board/committee members, the Personnel Board is subject to and shall abide by the provisions of the Conflict of Interest Law, MGL, Chapter 268A. Members shall serve without compensation. The Personnel Administrator shall serve as an advisor to the Personnel Board.

15.3.2.2 Organization: The Personnel Board shall annually elect a Chairperson from its membership who shall preside over meetings. The Board shall select a clerk from its membership who shall be responsible for recording minutes of committee meetings, in accordance with the Open Meeting Law, Chapter 39, Section 23. A majority of the Board shall constitute a quorum for the transaction of business. Action by a majority of those Board members present shall be binding.

15.3.2.3 Powers and Duties: The Personnel Board is authorized to provide, create, and administer personnel policies in the Town of Carlisle, subject to the approval of the Select Board. The Board is further authorized to make interpretations and resolve questions of policy relating to wages, salaries and other benefits and their related procedures, and to assure that these policies are consistently administered by all town departments, boards, and committees.

The Personnel Board shall adopt policies and procedures, with the Select Board's ratification, deemed necessary for the administration of the Personnel Policy.

The Personnel Board with the assistance of the Personnel Administrator shall classify all compensated positions in the employ of the Town, both part-time and full-time except employees covered by contracts issued through the Select Board, employees under collective bargaining agreements, elected officials, and those employees under the jurisdiction of the School Committee.

15.3.3 Personnel Administrator

There shall be a Personnel Administrator, who shall be appointed by the Select Board.

The Personnel Administrator may act as chief negotiator for collective bargaining agreements, which are not within the jurisdiction of the School Committee subject to authority vested in the Select Board and interpretation of policy by the Personnel Board.

15.3.3.1. Powers and Duties. The Personnel Administrator shall have the following duties:

- 15.3.3.1.1. Administer all functions specified in this bylaw and personnel policies promulgated pursuant to Section 5.
- 15.3.3.1.2 Provide advice and assistance to the Select Board, Personnel Board, supervisory personnel, and employees in all aspects of personnel management specified in this bylaw.
- 15.3.3.1.3 Recommend to the Personnel Board such changes in this bylaw and the Town's personnel policies as may be considered necessary as conditions change.
- 15.3.3.1.4 Supervise and maintain, on a centralized basis, all records pertaining to personnel management in the Town.
- 15.3.3.1.5 Administer employment training, and employee development programs, whether funded by the Town, the Commonwealth, the United States Government, or any other source.
- 15.3.3.1.6 Evaluate periodically the effectiveness of the Town's personnel system and recommend any changes to the Personnel Board.
- 15.3.3.1.7 Ensure that the Town acts affirmatively in providing maximum opportunities to all persons regardless of age, race, color, creed, gender, sexual orientation, national origin, political affiliation, or disability or other non-merit factors for entry level positions and promotional positions and provides equal treatment in all aspects of personnel management.
- 15.3.3.1.8 Ensure that the recruitment, selection, appointment and removal of employees is consistent with the Personnel Bylaw and the policies adopted pursuant to the Personnel Bylaw.
- 15.3.3.1.9 Ensure the preparation and maintenance of a comprehensive pay and classification plan including pay schedule, classification plan and job descriptions.

15.3.4 Support

The Town shall furnish such staffing, services, office space, equipment and other support as may be necessary for the proper functioning of the personnel system.

15.3.4.1 Centralized Record Keeping

The Personnel Administrator shall develop and maintain, on a centralized basis, all personnel records, as the Administrator shall determine necessary for the proper functioning of the personnel system. The form and content of records and the responsibilities of department heads and supervisory personnel with respect to such records shall be specified in Personnel Policies.

15.4 Personnel System

A personnel system shall be established by promulgation of policies pursuant to Section 5. The personnel system shall make use of current concepts of personnel management and shall include but not be limited to the following elements:

- 15.4.1 Method of Administration. A system of administration which assigns specific responsibility for all elements of the personnel system, including: maintaining personnel records, implementing effective recruitment and selection processes, maintaining the classification and compensation plans, monitoring the application of personnel policies and periodic reviews, and evaluating the personnel system.
- 15.4.2 Classification Plan. A position classification plan for all employees subject to this bylaw shall be established, based on similarity of duties performed and the responsibilities assumed so that the same qualifications may be reasonably required for, and the same schedule of pay may be equitably applied to, all positions in the same class. No employee may be hired or promoted to a position not included in the classification plan.
- 15.4.3 Compensation Plan. A compensation plan for all positions subject to this bylaw shall consist of:
 - 15.4.3.1 A schedule of pay grades including minimum, maximum and intermediate rates for each grade; and
 - 15.4.3.2 An official list indicating the assignment of each position to specific pay grades.
- 15.4.4 Personnel Policies. A series of personnel policies, which establishes the rights, the benefits to which personnel employed by the Town are entitled and the obligations of said employees to the Town. Included shall be a recruitment, employment, promotion and transfer policy, which ensures that reasonable effort is made to attract qualified persons and that selection criteria are job related.
- 15.4.5 Personnel Records. A centralized record keeping system, which maintains essential personnel records.

15.4.6 Other Elements. Other elements of a personnel system as deemed appropriate or required by law.

15.5 Adoption And Amendment Of Personnel Policies

The Select Board shall promulgate personnel policies defining the rights, benefits and obligations of employees subject to this bylaw. Policies shall be adopted or amended as follows:

- 15.5.1 Preparation of Policies. The Personnel Board, under the direction of the Board of Select Board, shall prepare policies or amendments to policies. Any member of the Select Board, Personnel Board, Personnel Administrator, a department head, or any three employees may suggest policies for consideration by the Personnel Board. The Personnel Board need not consider any proposal already considered in the preceding twelve months. Any person proposing a new or amended policy shall provide the substance and the reason for the proposed policy to the Personnel Board in writing. The Personnel Board shall consider any proposed policies or amendments at their next regular meeting. Any proposed policies or amendments shall be posted at least five (5) days prior to the meeting in prominent work locations, and a copy shall be submitted to the Select Board.
- 15.5.2 Process. The Personnel Board shall present the proposed policy(ies) or amendment(s), the purpose of the proposal, and the implication of any proposed change at a public meeting. Any person may attend the meeting, speak and present information. Within twenty (20) business days after such meeting, the Personnel Board may vote to recommend that the Select Board adopt the policies (with or without modifications), reject the policies, or indicate that further study is necessary.
- 15.5.3 Recommended Policies. The Personnel Board shall transmit recommendations in writing to the Select Board within twenty (20) business days of any vote on proposed personnel policies or amendments. The recommendations from the Personnel Board shall contain the text of the proposed policy or amended policy, an explanation of the Policy and the implications of the Policy. The Select Board shall consider recommendations of the Personnel Board and may adopt, reject or return recommendations for further action to the Personnel Board. The Select Board need only act on proposed policies recommended by the Personnel Board for adoption. Policies shall become effective upon approval of the Select Board, unless some other date is specified.

15.6 Severability

The provisions of this bylaw and any regulations adopted pursuant to this bylaw are severable. If any bylaw provision or regulation is held invalid, the remaining provisions of the bylaw or regulations shall not be affected thereby.

15.7 Effective Date This bylaw shall take effect on May 6, 2003

ARTICLE XVI

16. NOISE CONTROL

16.1 Purpose

Whereas excessive noise may be a serious hazard to the public health and welfare, safety, and the quality of life; and whereas a substantial body of science and technology exists by which excessive noise may be substantially abated; and whereas the people have a right to and should be ensured an environment free from excessive noise that may jeopardize their health or welfare or safety or degrade the quality of life; now, therefore, it is the policy of the Town of Carlisle to limit excessive noise, as more specifically provided for herein, which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

16.2 Ledge Removal

16.2.1. The use of impact devices (including but not limited to hoe rams, rock drills, pile drivers, and rock crushing devices) to remove ledge and subsurface rock causes construction noise of significant intensity and duration. Notwithstanding any other provision of the Town's General Bylaws, no impact devices shall be used to remove ledge or subsurface rock without a license issued by the Building Commissioner. This provision shall not apply in cases where:

16.2.1.1 Ledge removal is specifically addressed in a zoning or subdivision authorization applicable to a particular property;
or

16.2.1.2 Where all site work requiring the use of impact devices on a particular building lot is concluded within two calendar days, and the use of impact devices does not resume at any point thereafter.

16.2.2 Requirements for review by the Building Commissioner

Any person who desires to receive a license from the Building Commissioner pursuant to this subsection shall submit a written application for such license. The application shall address each of the following:

- 16.2.2.1 The extent of ledge and rock removal, rock crushing and/or drilling necessary during site development (volume, characteristics and location);
- 16.2.2.2 The expected duration (number of days and hours per day) of the operation of Impact Devices;
- 16.2.2.3 A cross section of the material to be excavated;
- 16.2.2.4 A narrative statement of alternate methods of ledge removal at the site, including blasting, and a description of why such alternate methods have not been employed;
- 16.2.2.5 A Noise Control Plan documenting all proposed mitigating measures to minimize the generation of noise;
- 16.2.2.6 Written certification from a qualified engineer, contractor or consultant that the engines of all equipment used in ledge and rock removal have working mufflers and/or other noise control features that are equal to or better than the original manufacturer's product;
- 16.2.2.7 Written certification from a qualified engineer, contractor or consultant that industry best practices for noise avoidance and abatement are being utilized to the greatest extent feasible; and
- 16.2.2.8 A calendar of activities for all planned use of impact devices, and the trucking route and type(s) of vehicle to be used on any street for the transfer of material to be removed.

16.2.3 Action on Application

Within thirty (30) days of receipt of a complete application under section 16.2.1, the Building Commissioner shall issue a license authorizing the use of impact devices consistent with the application materials presented. Such license may include reasonable conditions relating to the days and hours of operation of impact devices.

Failure to file a complete application in accordance with section 16.2.2 shall be grounds for denial.

16.2.4 Filing of License

A copy of the license must be on file with the Chief of Police and the Town Clerk prior to the beginning of the proposed work.

16.3 Roosters.

16.3.1 This subsection 16.3.1 shall not apply to property that is used for the primary purpose of commercial agriculture and (a) contains five or more acres or (b) contains between two and five acres where the sale of products produced from the agricultural use generates at least \$1,000 per acre annually based on gross sales dollars

16.3.2 No person shall own or keep a rooster which, by crowing or by any other noise that is plainly audible from an abutting or nearby residential property between the hours of 9 (nine) P.M. and 7 (seven) A.M., unreasonably disturbs the peace and quiet of any other person.

16.3.3. Upon receipt of a complaint under this subsection 16.3.3, the police department shall conduct an investigation. Upon a determination that a violation of subsection 16.3.2 exists, the police department shall deliver to the keeper of the rooster notice of the violation, along with an information brochure, to be prepared and published by the Town of Calrisle's Agricultural Commission, discussing best practices for the keeping of roosters and outlining various methods for abating the noise impacts associated therewith. Upon delivery of such brochure, enforcement under this subsection 16.3.3 shall be stayed for a period of three (3) weeks for the purpose of allowing the keeper of the rooster the opportunity to take remedial measures in response to the complaint.

At least three (3) weeks after the delivery of the brochure, the police department shall renew its action on the complaint and shall impose non-criminal dispositions under Article 1, Section 1 of the General Bylaws where the violation of subsection 16.3.2 remains ongoing.

ARTICLE XVII

REVOLVING FUNDS

17.1 Establishment of Revolving Funds

Pursuant to Section 53E1/2 of Chapter 44 of the General Laws, the Town of Carlisle hereby establishes the following individual revolving funds:

17.1.1 School Bus Revolving Fund.

Funds held in the School Bus Revolving Fund shall be used to provide transportation for seventh and eighth grade students and shall be expended by the School Committee. Receipts credited to this fund shall include school bus user fees collected by the School Department.

17.1.2 Board of Health Inspections Revolving Fund.

Funds held in the Board of Health Inspections Revolving Fund shall be used for expert engineering and consulting services to review septic and well installations and repairs, sanitary inspections, and other reimbursable expenses related to Board of Health inspections and shall be expended by the Board of Health. Receipts credited to this fund shall include inspection fees charged by the Board of Health.

17.1.3 Hazardous Waste Revolving Fund.

Funds held in the Hazardous Waste Revolving Fund shall be used for Transfer Station recycling expenses and household hazardous waste collection and disposal and shall be expended by the Select Board. Receipts credited to this fund shall include Transfer Station user fees and grants received for these purposes.

17.1.4 Trails Committee Revolving Fund.

Funds held in the Trails Committee Revolving Fund shall be used for the building, maintaining and enhancing recreation trails and shall be expended by the Select Board. Receipts credited to this fund shall include funds received from the sale of the book "Trails in Carlisle."

17.1.5 Foss Farm Revolving Fund.

Funds held in the Foss Farm Revolving Fund shall be used for activities conducted at, and maintenance of, Foss Farm and shall be expended by the Conservation Commission. Receipts credited to this fund shall include user fees from Foss Farm.

17.1.6 Conservation Commission Building Maintenance Revolving Fund.

Funds held in the Conservation Commission Building Maintenance Revolving Fund shall be used for maintenance and repairs associated with buildings located on land under the care, custody and control of the

Conservation Commission and shall be expended by the Conservation Commission. Receipts credited to this fund shall include user fees and building rental fees collected for the use of such buildings.

- 17.1.7 Historical Commission Revolving Fund.
Funds held in the Historical Commission Revolving Fund shall be used for expenses related to filings and other applications submitted to the Historical Commission and shall be expended by the Historical Commission. Receipts credited to this fund shall include filing fees charged by the Historical Commission.
- 17.1.8 Youth Commission Revolving Fund.
Funds held in the Youth Commission Revolving Fund shall be used to provide for events sponsored by the Youth Commission and shall be expended by the Select Board. Receipts credited to this fund shall include user fees charged for admission to such events.
- 17.1.9 Building Department Revolving Fund.
Funds held in the Building Department Revolving Fund shall be used to cover inspectional services and related administrative expenses and shall be expended by the Select Board. Receipts credited to this fund shall include user fees charged for inspectional services.
- 17.1.10 Council on Aging Events Revolving Fund.
Funds held in the Council on Aging Events Revolving Fund shall be used for activities, programs and events sponsored by the Council on Aging and shall be expended by the Council on Aging. Receipts credited to this fund shall include user fees charged by the Council on Aging.
- 17.1.11 Council on Aging Transportation Revolving Fund.
Funds held in the Council on Aging Transportation Revolving Fund shall be used to cover expenses of transportation services for Carlisle residents by the Council on Aging and shall be expended by the Council on Aging. Receipts credited to this fund shall include user fees for such transportation services.

ARTICLE XVIII

RIGHT TO FARM

18.1 Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations thereunder including, but not limited to, Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9; Chapter 111, Section 125A; and Chapter 128 Section 1A. We the citizens of Carlisle restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities and the natural and ecological value of the land, and protects farmlands within the Town of Carlisle by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

The benefits and protections affirmed by this By-law are intended to apply exclusively to those agricultural operations and activities conducted in accordance with generally accepted agricultural practices. No benefits and protections are conferred to agricultural activities whenever adverse impact results from negligence or willful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility or any of its appurtenances.

18.2 Definitions

The word "farm" shall include any parcel or contiguous parcels of land or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to, the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock, including horses, and keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, goats, sheep, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and

other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

“Farming” shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators, and disease organism of plants and animals;
- application of manure, fertilizers, and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

18.3 Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Carlisle. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply to agricultural and farming operations as described in the Massachusetts Constitution and General Laws noted in Section 1 of this document. Furthermore, nothing in this Right to Farm By-law shall be deemed as acquiring any interest in land or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

18.4 Disclosure Notification

Within 30 days after this By-law becomes effective, the Select Board shall post the following disclosure on the official bulletin board and website of the Town, at any other location at its discretion, and make such disclosure available for distribution upon request in the offices of the Select Board, Board of Assessors, and the Town Clerk.

“It is the policy of Town of Carlisle to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or

occupants that the property they are about to acquire or occupy lays within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances.”

18.5 Resolution of Disputes

Any person having a complaint about a farm or farming activity or practice is encouraged to seek an amicable solution through resolution directly with the owner or operator of the farm at issue. Such person may also, notwithstanding the pursuit of other available remedies, file such a complaint with the Select Board. The Select Board may, at its sole discretion and to the extent the Board believes resolution of the matter may be facilitated by involvement of the Town, forward the complaint to the Agriculture Commission, or other appropriate board or officer, and request that recommendations for resolution be provided within an agreed upon timeframe. Notwithstanding any other provision of this section, however, the Select Board shall not be required to forward a complaint filed in accordance herewith or to take any other action.

18.6 Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Carlisle hereby declares the provisions of this By-law to be severable.

TABLE 1

CHRONOLOGY OF GENERAL AND ZONING BYLAW CHANGES

Revised February 11, 2021

<u>TOWN MEETING DATE</u>	<u>APPROVAL DATE</u>	<u>BYLAW CHANGE</u>
April 1, 1932	3/7/33	Zoning bylaw adopted and one (1) acre zoning established.
February 3, 1937	4/2/37	Select Board made enforcers of bylaw. Building Inspector created. [Art. 28]
February 14, 1938	4/11/38	Portion of Concord St. rezoned residential from business. [Art. 18.]
October 14, 1939	11/3/39	Business district expanded in the center to include the Russell property. [Art. 1]
February 9, 1942	4/1/42	Sec. II - no building can be erected, altered or used, or land used, for other than stated specified purposes in Residence district or Business district. [Art. 22]
February 12, 1945	4/9/45	Business district increased in property of Kinsman from 30 X 50 to 35 X 75. [Art. 16]
April 26, 1948	5/19/48	Gravel removal on Board of Appeals permit. [Art. 6]
March 6, 1950	9/29/50	Section 9 added - loam and gravel removal. [Art. 27]
March 6, 1950	9/29/50	Amend Art. VI add Sec. 9 - appeal procedure against rulings of Bldg. Inspector. [Art. 28]
March 5, 1951	4/11/51	Section VIII added, firearms regulations. [Art. 20]
March 2, 1953	6/8/53	Road construction regulations and width for accepted town road set at 40' R.O.W. and 16' finished. [Art. 29]
March 1, 1954	3/24/54	Amend Section V. 5 - a minimum building size. [Art.28]

<u>TOWN MEETING DATE</u>	<u>APPROVAL DATE</u>	<u>BYLAW CHANGE</u>
June 18, 1956	08/13/56	Residential Districts A and B established. Two (2) acre zoning adopted. Zoning Map approved. [Art. 8]
November 26, 1957	12/11/57	Art. IX loam and gravel bylaw amended. [Art. 1]
March 2, 1959	04/08/59	Section 5a, Article V increased from 500' minimum building area to 700'. [Art. 24]
March 2, 1959	04/08/59	24' paved surface for accepted town ways. [Art. 25]
March 13, 1961	04/06/61	Wiring Inspector established. [Art. 25]
March 12, 1962	05/02/62	Fireproofing for attached garages. [Art. 17]
March 26, 1962	05/11/62	Entire new section bylaw. Art. VI accepted, establishment of district lot size and use requirements - two-family house restricted. [Art. 1]
March 26, 1962	05/11/62	New zoning map accepted. [Art. 2]
March 9, 1964	04/06/64	Gas inspector established. [Art.24]
March 15, 1965	04/22/65	Amend Art. VI establishment of pork chop lots. [Art. 22]
March 10, 1969	06/02/69	Roadway - 40' R.O.W., 24' paved for acceptance. [Art. 21]
March 10, 1969	06/02/69	Street frontage must be on one street. [Art. 22]
March 10, 1969	07/03/69	Historic District established. [Art. 23]
March 9, 1970	06/02/70	Pork chop lots not to block roadway extension. [Art. 31]
March 9, 1970	06/02/70	Delete Article V of building bylaw, add new section. [Art. 33]
June 14, 1971	09/13/71	Site plan approval bylaw. [Art. 9, 10, 11]
March 13, 1972	05/08/72	No more than two contiguous porkchop lots. [Article 24]
March 14, 1973	05/18/73	Amend Section 12 increased R.O.W. for roads to 50'. [Art. 30]

TABLE 1

<u>TOWN MEETING DATE</u>	<u>APPROVAL DATE</u>	<u>BYLAW CHANGE</u>
November 5, 1973	11/15/73	Section 13 established scenic roads. [Art. 10]
May 14, 1974	08/02/74	Industrial district deleted, Carlisle Center business district established and permitted uses-0 600' from monument. [Art. 1]
May 14, 1974	08/02/74	Parking bylaw established. [Art. 2]
May 6, 1975	08/25/75	Flood hazard district established uses and restrictions. [Art. 14]
May 5, 1976	08/16/76	Wetland district established uses and controls. [Art. 1]
April 4, 1978	07/26/78	Private driveways. Sec. 5H. [Art. 14]
April 4, 1978	07/26/78	Building permit. Sec. 7A & 7B. [Art. 14]
March 31, 1980	06/24/80	Residence District M – Multi-dwelling housing for the elderly. Sec. 5.A. [Art. 23]
March 31, 1980	06/24/80	Street corner clearance. Section 4.B.3. [Art. 32]
March 31, 1980	06/24/80	New clause (f) Sec. 4.A.2. [Art. 34]
March 31, 1980	06/24/80	Uses permissible on special permit in Historic District. Sec. 3.B.2-1. [Art. 39]
March 31, 1980	06/24/80	Wetland/Flood Hazard District, revised. Sec. 5.B. [Art. 40]
May 10, 1982	08/12/82	Lot width. Sec. 4.A.1. [Art. 27]
May 10, 1982	08/12/82	Conservation Clusters. Sec. 5.1. [Art. 26]
April 22, 1985	06/06/85	Appointment amendment. Sec. 7.C.1. [Art. 9]
May 19, 1986	06/20/86	Sections 4.A.2.a, 4.A.2.d & 4.A.3.b. [Art. 41]
May 19, 1986	06/20/86	Section 5.H.2.a - Drainage. [Art. 42]
May 19, 1986	06/20/86	Section 5.E - Junk Bylaw. [Art. 44]

TABLE 1

<u>TOWN MEETING DATE</u>	<u>APPROVAL DATE</u>	<u>BYLAW CHANGE</u>
April 6, 1987	07/28/87	Zoning, Section 1.C. Definitions " 3.B.1 Signs " 3.C.1 " 3.C.3 Lights " 3.C.4 Enclosures of uses " 4.C.1.a. Residence District A " 4.C.1.b. Residence District B & M Repealed " 4.B.3. Street Corner clearance " 5.E. Junk (These sections now appear in in the General Bylaws)
May 2, 1988	07/06/88	General, Sec. 2.2 Wetland/Flood Hazard District revised, [Art. 25]
May 1, 1989	06/23/89	General, Section 3.23 Council on Aging composition changed. [Art. 32]
May 7, 1990	06/25/90	General, Section 13.6 Regulation of Dogs. [Art. 9]
April 29, 1991	07/16/91	General, Section 1.4.2 Non-Criminal Disposition (Conservation Commission) [Article 26]
April 29, 1991	07/16/91	General, Section 3.1.3 Town Contract Authorization [Article 22]
April 27, 1992	07/23/92	General, Section 10.1 Firearms, Explosives and Hunting [Article 28]
April 27, 1992	07/23/92	General, Section 3.25 Personnel Board Duties and Responsibilities (personnel records, classification) [Article 23]
April 27, 1992	07/23/92	General, Section 13 Wetlands Protection (new section; subsequent sections renumbered) [Article 22]
April 27, 1993	07/14/93	General, Section 12.1, Fiske Street, Prospect Street and Sunset Road added to Scenic Roads, [Art. 27]
April 27, 1993	07/14/93	General, Section 1.4.2, changed Non-Criminal Disposition by the Conservation Commission, [Art. 28]
<u>TOWN MEETING DATE</u>	<u>APPROVAL DATE</u>	<u>BYLAW CHANGE</u>

TABLE 1

May 8, 1995	06/27/95	General, Section 14.6.2.2 and 14.6.2.6, regarding dog licenses, [Art. 21]
May 8, 1995	06/27/95	General, Section 14.7, regarding recycling, [Art. 23]
November 28, 1995	02/19/96	General, Section 3.24.3, Board of Health Title V, [Art. 6]
May 4, 1998	08/17/98	General, Section 10.3.10, Directional Signs added, [Art. 22]
April 10, 2001	05/01/01	General, Section 3.26 CPA, CPC added, [Art. 2]
November 27, 2001	02/27/02	General, Section 1.4.2, Bicycles, [Art. 3]
November 27, 2001	02/27/02	General, Article II, 2.5 Declared Two-Thirds Majority Vote [Art. 4]
May 7, 2002	06/12/02	General, Section 13.1.1 through 13.11.1, Wetlands, [Art. 20]
May 5, 2003	08/27/03	General, Section 3.24.4, Board of Health Fees, [Art. 23]
May 5, 2003	08/27/03	General, Section 3.12.1, Planning Board Membership, [Art. 24]
May 5, 2003	08/27/03	General, Section 13.1.5, Wetlands, [Art. 25]
May 5, 2003	08/27/03	General, Section 13.7.1, Wetlands, [Art. 25]
May 5, 2003	08/27/03	General, Section 13.11.1, Wetlands, [Art. 25]
May 5, 2003	08/27/03	General, Section 13.10.6, Wetlands, [Art. 26]
May 5, 2003	08/27/03	General, Section 15.1 through 15.7, Personnel Administration [Art. 27]
May 3, 2004	08/23/04	General, Section 12.1, Scenic Roads, [Art. 21]
May 3, 2004	08/23/04	General, Section 3.24.1, Board of Health Members, [Art. 22]
May 3, 2004	08/23/04	General, Section 3.10.3, Long Term Capital Requirements Committee, [Art. 23]

TABLE 1

<u>TOWN MEETING DATE</u>	<u>APPROVAL DATE</u>	<u>BYLAW CHANGE</u>
May 23, 2005	09/12/05	General, Sections 13.1.5, 13.7.1, 13.11.1, Wetlands, [Art. 24]
May 1, 2006	N/A	Accept Massachusetts General Law Chapter 44, Sec. 55C, establish Carlisle Affordable Housing Trust Fund for the purpose of creating and preserving affordable housing in Carlisle for the benefit of low and moderate income households [Art. 25]
May 5, 2008		General Section Section 1.4.2, non-criminal disposition, Board of Health [Art. 28]
May 4, 2009	N/A	Accept Massachusetts General Law Chapter.152, Section 69 to designate Town Clerk to be included as an elected official in the group of employees covered under the Town of Carlisle Workers' Compensation Program [Art. 24]
May 4, 2009		General, Section 14.6.2.3, 14.6.2.4, 14.6.2.6 Dogs, Licenses [Art. 30]
May 4, 2009		General, Section 13.1.5, 13.7.1, 13.11.1 Wetland Protection [Art. 31]
May 10, 2010		General, Section 4.8, Addition of Stretch Energy Code [Art. 28]
May 10, 2010	N/A	Accept Massachusetts General Law Chapter 32B, Section 20 Authorization of Other Post Employment Benefits Trust (OPEB) [Art. 15]
April 30, 2012		General, Section 3.24.4, Procurement [Art. 17]
April 30, 2012		General, Section 3.1.3, Camp Fees [Art. 18]
April 29, 2013		General, Section 2, Town Meeting [Art. 24]
April 29, 2013		General, Section 3.10, Long Term Capital Requirements Committee [Art. 25]

TABLE 1

<u>TOWN MEETING DATE</u>	<u>APPROVAL DATE</u>	<u>BYLAW CHANGE</u>
April 28, 2014	1/4/2016	General, Section 3.26.4, Community Preservation Act, [Art. 18]
April 28, 2014	N/A	Accept Massachusetts General Law Chapter 39, Section 23D (Mullins Rule) [Art. 26]
April 28, 2014	1/4/2016	General, Section 3.23.2, Council on Aging Membership, [Art. 30]
April 27, 2015	11/6/2015	General, Sections 1.5, 7.1, 11.1, Wetlands. [Art. 20]
April 27, 2015	11/6/2015	General, Sections 2.5, Certificate of Mailing, Wetlands. [Art. 30]
April 27, 2015	11/6/2015	General, Sections 11.1.1, Pond, Wetlands. [Art. 30]
May 9, 2016	7/12/2018	Home Rule Petition, Recall Elections Act [Art. 21]
May 9, 2016		Home Rule Petition, Double Poles. [Art. 22]
May 9, 2016	9/18/2017	General, Sections 16, Noise Control. [Art. 23]
May 9, 2016	9/18/2017	General, Sections 1.4.2, Noise Control. [Art. 23]
May 9, 2016	9/18/2017	General, Sections 1.4.2, Roosters, Noise Control. [Art. 25]
May 2, 2017	10/30/2017	General, Section XVI, Department Revolving Funds, [Art. 8]
May 2, 2017	N/A	Accept Massachusetts General Law Chapter 40, Section 57 (Denial of Permits) [Art. 9]
May 2, 2017	10/30/2017	General, Sections 3.3, Treasurer. [Art. 26]
April 25, 2018	11/13/2018	General, Section 14.6, Animal Control Bylaw
April 25, 2018	4/25/2018	Accept M.G.L. c.90, § 17C, 18B (Speed Limits) [Art. 18]
April 25, 2018	9/7/2018	General, Section 3.9, Finance Committee, [Art. 22]

TABLE 1

<u>TOWN MEETING DATE</u>	<u>APPROVAL DATE</u>	<u>BYLAW CHANGE</u>
April 25, 2018		General, Article XV, Personnel Bylaws, [Art. 23]
April 29, 2019	8/15/2019	General, Article XVII, Revolving Funds Bylaws, [Art. 7]
April 29, 2019	8/15/2019	General, Article XVIII, Right to Farm Bylaws, [Art. 27]
April 29, 2019	4/29/2019	Accept M.G.L. c 140 § 139, (Waive dog license fees for residents over the age of 70) [Art. 28]
April 29, 2019	8/15/2019	General, Section 12.1, Rockland Road and Stearns Street added to Scenic Roads, [Art. 29]
April 29, 2019	8/15/2019	General, Section 3.26.2, Community Preservation Committee Bylaws, [Art. 33]
October 17, 2020	2/11/2021	General, Section 3.1.1, Selectmen to Select Board, [Art. 9]
June 6, 2021	9/27/21	General, Section 3.27, Carlisle Affordable Housing Trust, [Art. 21]

TABLE 1