

# Annual Town Meeting Warrant



Town Hall Fallon Auditorium  
June 5, 2017  
7:15 P.M.

TOWN OF CLINTON  
COMMONWEALTH OF MASSACHUSETTS  
**WARRANT FOR ANNUAL TOWN MEETING**

WORCESTER, SS.

To the Constable of the Town of Clinton in the County of Worcester.

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town, qualified to vote in the elections and town affairs, to meet at the Town Hall in said Clinton on Monday, the fifth day of June 2017 at 7:15 P.M., then and there to act on the following articles:

ARTICLE 1

To receive the reports of the town officers and to act thereon.

ARTICLE 2

To see if the Town will vote to fix the salaries and compensation of all elective officials of the Town, as provided by Chapter 41, §108, of the Massachusetts General Laws, said salaries and compensation to be effective from July 1, 2017 to June 30, 2018, and to raise and appropriate a sum of money therefore, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 3

To see if the Town will vote to raise and appropriate from the current tax levy or transfer from available funds such sums of money as may be deemed necessary to defray town charges from July 1, 2017 to June 30, 2018, as those charges appear in the Finance Committee Report of Recommendations, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 4

To see if the Town will vote to authorize the Town Treasurer and Town Collector to enter into a compensating balance agreement with a banking institution for Fiscal Year 2018 pursuant to Chapter 44, §53F, of the Massachusetts General Laws, or act in any manner relating thereto.

ARTICLE 5

To see if the Town will vote to raise and appropriate or transfer from available funds the

sum of \$4,800.00, or any other sum, said sum to be expended for social services in accordance with programs as approved by the Board of Selectmen, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 6

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$15,000.00, or any other sum, said sum to be expended as the Town of Clinton's share to the Wachusett Health Education Action Team (WHEAT, Inc.), which committee is a delegate agency of the United Way of Tri-County, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 7

To see if the Town will vote to authorize or reauthorize the use of revolving funds containing receipts from the fees charged to users of the services provided by various boards, committees, departments or offices of the Town, in accordance with the provisions of Chapter 44, §53E½, of the Massachusetts General Laws, or act in any manner relating thereto.

Revolving Fund	Authorized to Expend	Revenue Source	Use of Fund	Spending Limit
Gas/Plumbing Inspection	Gas & Plumbing Inspector	Inspection Fees	Salaries/Expenses	\$50,000.00
Council on Aging	Council on Aging	User Charges	Salaries/Expenses	\$ 2,000.00
Town Hall Use	Board of Selectmen	Rental Fees	Salaries/Expenses	\$ 5,000.00
Olde Home Day	Olde Home Day Committee	Fees	Expenses	\$25,000.00
Fuller Field	Fuller Field Commission	User Fees	Salaries/Expenses	\$ 3,000.00
Town Clerk	Town Clerk	Fees	Expenses	\$10,000.00

(Finance Committee - Approved)

ARTICLE 8

To see if the Town will vote to amend the Administrative By-Laws by adding the following new section, or act in any manner relating thereto.

**ARTICLE \_\_: Departmental Revolving Funds.**

**A. Purpose.** This Bylaw establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, §53E½.

**B. Expenditure Limitations.** A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this Bylaw without appropriation subject to the following limitations:

1. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund, except for those employed as school bus drivers.
2. No liability shall be incurred in excess of the available balance of the fund.
3. The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting on or before July 1 of that fiscal year, or any increased amount of the authorization that is later approved during that fiscal year by the Board of Selectmen and the Finance Committee.

**C. Interest.** Interest earned on monies credited to a revolving fund established by this Bylaw shall be credited to the general fund.

**D. Procedures and Reports.** Except as provided in General Laws Chapter 44, §53E½ and this Bylaw, the laws, bylaw, rules, regulations, policies or procedures that govern the receipt and custody of the Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this Bylaw. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

**E. Authorized Revolving Funds.**

The following Table of Authorized Revolving Funds establishes:

1. Each revolving fund authorized for use by a Town department, board, committee, agency or office;
2. The department or agency head, board, committee or officer authorized to spend from each fund;
3. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant;
4. The expenses of the program or activity for which each fund may be used;
5. Any restrictions or conditions on expenditures from each fund;
6. Any reporting or other requirements that apply to each fund; and
7. The fiscal years each fund shall operate under this By-law.

<b>Revolving Fund</b>	<b>Department, Board, Committee, Agency or Officer Authorized to Spend from Fund</b>	<b>Fees, Charges or Other Receipts Credited to Fund</b>	<b>Program or Activity Expenses Payable From Fund</b>	<b>Restrictions or Conditions on Expenses Payable From Fund</b>	<b>Other Requirements/ Reports</b>	<b>Fiscal Years</b>
Gas & Plumbing Inspection	Gas & Plumbing Inspector	Inspection Fees	Salaries & Expenses	None, other than as set forth in this Bylaw and by Town Meeting vote	None, other than as set forth in this Bylaw and by Town Meeting vote	Fiscal Year 2018 and subsequent years
Council on Aging	Council on Aging	User Charges	Salaries & Expenses	None, other than as set forth in this Bylaw and by Town Meeting vote	None, other than as set forth in this Bylaw and by Town Meeting vote	Fiscal Year 2018 and subsequent years
Town Hall Use	Board of Selectmen	Rental Fees	Salaries & Expenses	None, other than as set forth in this Bylaw and by Town Meeting vote	None, other than as set forth in this Bylaw and by Town Meeting vote	Fiscal Year 2018 and subsequent years
Olde Home Day	Old Home Day Committee	Fees	Expenses	None, other than as set forth in this Bylaw and by Town Meeting vote	None, other than as set forth in this Bylaw and by Town Meeting vote	Fiscal Year 2018 and subsequent years
Fuller Field	Fuller Field Commission	User Fees	Salaries & Expenses	None, other than as set forth in this Bylaw and by Town Meeting vote	None, other than as set forth in this Bylaw and by Town Meeting vote	Fiscal Year 2018 and subsequent years
Town Clerk	Town Clerk	Fees	Expenses	None, other than as set forth in this Bylaw and by Town Meeting vote	None, other than as set forth in this Bylaw and by Town Meeting vote	Fiscal Year 2018 and subsequent years

and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Administrative By-Laws; or do or act in any manner relating thereto.

(Finance Committee - Approved)

### ARTICLE 9

To see if the Town will vote to appropriate from the Assessors Overlay Reserve Account the sum of \$15,000.00, or any other sum, said sum to be used to continue the Senior Tax Rebate Program for Fiscal Year 2018, or act in any manner relating thereto.

(Finance Committee - Approved)

## ARTICLE 10

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$100,000.00, or any other sum, to the Health Insurance Trust Fund, or act in any manner relating thereto.

(Finance Committee - Approved)

## ARTICLE 11

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$100,000.00, or any other sum, to the Stabilization Fund, or act in any manner relating thereto.

(Finance Committee - Approved)

## ARTICLE 12

To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of \$365.35, or any other sum, said sum to be expended by the Town Treasurer to pay the following unpaid bills, or act in any manner relating thereto.

Konica Minolta	\$182.70
National Grid	\$182.65

(Finance Committee - Approved)

## ARTICLE 13

To see if the Town will vote to raise and appropriate and transfer from the Landfill Enterprise Fund Retained Earnings the sum of \$1,500,000.00, or any other sum, to the Capital Projects & Infrastructure Improvements Stabilization Fund, or act in any manner relating thereto.

(Finance Committee - Approved)

## ARTICLE 14

To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court for a special act to allow the Board of Selectmen, from time to time, to transfer retained earnings surplus in the Landfill Enterprise Fund into the Capital Projects & Infrastructure Improvements Stabilization Fund, to be used only for the purposes of said Capital Projects & Infrastructure Improvements Stabilization Fund according to guidelines established by the Board of Selectmen, notwithstanding any general or special act to the contrary, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments thereto before enactment by the General Court, which amendments shall be within the public purposes of said petition, or act in any manner relating thereto.

## ARTICLE 15

To see if the Town will vote to raise and appropriate, transfer from the Stabilization Fund or take from available funds the sum of \$39,700.00, or any other sum, said sum to be expended by the Board of Assessors to defray the cost of performing the state mandated property revaluation for Fiscal Year 2019, or act in any manner relating thereto.

(Board of Assessors)

(Finance Committee - Approved)

## ARTICLE 16

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$100,000.00, or any other sum, said sum to be expended by the Clinton Public Schools for the purchase of textbooks and technology, or act in any manner relating thereto.

(School Committee)

(Finance Committee - Approved)

## ARTICLE 17

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$100,000.00, or any other sum, said sum to be expended by the Clinton Public Schools for new doors, general repair and maintenance, and cosmetic work at the Clinton Public Schools Administrative Office Building; and for general repairs and maintenance, cosmetic work and to build permanent walls replacing the original room dividers at the Clinton Middle School, or act in any manner relating thereto.

(School Committee)

(Finance Committee - Approved)

## ARTICLE 18

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$350,000.00, or any other sum, said sum to be expended by the Board of Selectmen for consolidated software suite for the Town, act in any manner relating thereto.

(Finance Committee - Approved)

## ARTICLE 19

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$80,000.00, or any other sum, said sum to be expended by the Department of Public Works for the purchase of a one-ton dump truck, or act in any manner relating thereto.

(Public Works)

(Finance Committee - Approved)

ARTICLE 20

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$75,000.00, or any other sum, said sum to be expended by the Department of Public Works to remove and replace the underground gasoline tank at the Road Department Garage, or act in any manner relating thereto.

(Public Works)

(Finance Committee - Approved)

ARTICLE 21

To see if the Town will vote to raise and appropriate, borrow, or transfer from the Water/Sewer Enterprise Fund the sum of \$200,000.00, or any other sum, said sum to be expended by the Department of Public Works for sewer system mapping and infiltration study, or act in any manner relating thereto.

(Public Works)

(Finance Committee - Approved)

ARTICLE 22

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of \$50,000.00, or any other sum, said sum to be expended by the Department of Public Works for the cleanup of Worcester Street, or act in any manner relating thereto.

(Public Works)

(Finance Committee - Approved)

ARTICLE 23

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of \$100,000.00, or any other sum, said sum to be expended by the Board of Selectmen for design and development of downtown decorative streetlights, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 24

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of \$175,000.00, or any other sum, said sum to be expended by the Board of Selectmen to retrofit streetlights in Clinton with LED fixtures, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 25

To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase, and/or eminent domain, any and all permanent and/or temporary easements for the



purpose of repairing, improving or reconstructing High Street and/or the sidewalks, drainage facilities, and appurtenances related thereto in connection with the High Street Reconstruction Project, and to authorize the Board of Selectmen to take all steps necessary, including executing documents and appropriating from available funds money necessary for such acquisitions, upon such terms and conditions as the Board of Selectmen deem to be in the best interest of the Town, or act in any manner relating thereto.

#### ARTICLE 26

To see if the Town will vote to authorize the Board of Selectmen to execute a Release Deed and any other documents necessary to release and clear the Town's tax taking dated June 9, 1972 and recorded in Book 5238, Page 170, as affected by a Notice of Foreclose recorded in Book 5638, Page 113 and a Final Judgment recorded in Book 12443, Page 264, said property being located on Main Street and shown as Lot 2 in Plan Book 352, Plan No. 50, or act in any manner relating thereto.

#### ARTICLE 27

To see if the Town will vote to accept the private way known as Pine Street as a public way in the Town of Clinton, as shown on a plan on file in the Office of the Town Clerk and available for public inspection during regular Town Hall business hours, or act in any manner related thereto.

#### ARTICLE 28

To see if the Town will vote to accept the following roads as public ways and to authorize the Board of Selectmen to petition the Massachusetts General Court for a special act to authorize the acceptance of these roads as public ways in the Town of Clinton if required, notwithstanding any general or special act to the contrary, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments thereto before enactment by the General Court, which amendments shall be within the public purposes of said petition, or act in any manner related thereto.

Ash Street  
Clamshell Road  
Lane Avenue  
McMahon Avenue  
Oak Court  
Ring Street  
Spring Street  
Doggett Lane  
Leighton Avenue

Benefit Street  
Forest Street  
Liberty Street  
Milton Avenue  
Richardson Place  
Robert Street Ext.  
Walden Terrace  
Fuller Street

Candice Street  
Francis Street  
Mayflower Drive  
Myles Standish Road  
Rigby Place  
South Meadow Road  
West Boylston Street  
Gabby Lane

Berlin Street - .101 Miles  
Eileen Avenue - .246 Miles  
Lorraine Avenue - .034 Miles  
Sterling Street - .041 Miles  
Willow Street - .348 Miles  
Worcester Street - .124 Miles

## ARTICLE 29

To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court for a special act to authorize the Town of Clinton to provide for the removal of snow and ice and the making of temporary repairs on the following private ways in the Town of Clinton, notwithstanding any general or special act to the contrary, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments thereto before enactment by the General Court, which amendments shall be within the public purposes of said petition, or act in any manner related thereto.

Sprague Road  
California Court  
Forest Avenue  
French Terrace  
Hastings Court  
Highland Avenue  
Pierce Place  
Pond View Drive  
Shore Lane

## ARTICLE 30

To see if the Town will vote to amend the Town's Zoning By-Law by adding a new Section 3750, Temporary Moratorium on Marijuana Establishments and the Sale or Distribution of Marijuana and Marijuana Products, as follows:

### **3750. TEMPORARY MORATORIUM ON MARIJUANA ESTABLISHMENTS AND THE SALE OR DISTRIBUTION OF MARIJUANA AND MARIJUANA PRODUCTS**

**3760. Purpose.** By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law entitled the "Regulation and Taxation of Marijuana Act" (the "Act"), regulating the control, production and distribution of marijuana under a system of licenses and regulations. Currently under the Zoning Bylaws, a "marijuana establishment", as defined in the Act, and other types of marijuana related businesses and operations allowed under the Act are not permitted uses in the Town. Any regulations promulgated by the Cannabis Control Commission under the Act are expected to provide guidance to the Town in regulating marijuana sales and distribution. The regulation of marijuana raises novel and complex legal, planning, and public safety issues. The Town needs time to study and to consider the regulation of marijuana establishments and to address such novel and complex issues. The Town needs time to address the potential impact of the Act and the Cannabis Control Commission's regulations on local zoning, and to undertake a planning process to consider amending the Zoning By-Law regarding the regulation of marijuana sales and distribution, and other uses related to marijuana under the Act. The Town intends to adopt a temporary moratorium (the "Temporary Moratorium") on the use of land and structures in the Town for marijuana sales and distribution, to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town, and to enact zoning by-laws in a manner consistent with sound land use planning goals and objectives.

**3770. Definitions.** As used in this Section 3750, the terms “Marijuana”, “Marijuana Establishment”, “Marijuana Product”, “Marijuana Retailer”, “Marijuana Cultivator”, “Marijuana Testing Facility”, and “Marijuana Product Manufacturer” shall have the same meanings as set forth in the Act.

**3780. Temporary Moratorium.** For the reasons set forth above and notwithstanding any other provision of the Zoning By-Law to the contrary, the Town hereby adopts a Temporary Moratorium on the use of land or structures, as a primary or accessory use, as a marijuana establishment, marijuana retailer, marijuana cultivator, marijuana testing facility, marijuana product manufacturer, or any other type of marijuana related business or operation allowed under the Act. The Temporary Moratorium shall be in effect through December 31, 2018. During the time that the Temporary Moratorium is in effect, the Town shall undertake a planning process to address the potential impacts of marijuana in the Town, consider the Cannabis Control Commission regulations, and shall consider adopting new zoning by-laws to address the impact of marijuana establishments and any other type of marijuana related business or operation allowed under the Act.

3781. *Extension.* In the event that the Cannabis Control Commission has not issued initial regulations by July 1, 2018, the moratorium period shall be extended to June 30, 2019 to ensure the careful review of the issues outlined above.

**3190. Effect on Medical Marijuana Treatment Centers.** This Section 3750 shall have no effect on the dispensing of marijuana and marijuana products to registered qualifying patients by a Medical Marijuana Treatment Center (MMTC), as defined in Section 6700 of this Zoning By-Law, or act in any manner thereto.

(Planning Board)

### ARTICLE 31

To see if the Town will vote to accept the provisions of Chapter 148, §26H, in order to require that every lodging house or boarding house in the Town be protected with an adequate system of automatic sprinklers in accordance with the provisions of the State Building Code, or act in any manner relating thereto.

(Fire Chief)

### ARTICLE 32

To see if the Town will vote to amend the Administrative By-Laws to add the following section:

Article \_\_\_\_: Wildlife Feeding (Animals and Waterfowl)

§314-1 **Purpose**

§314-2 **Definitions**

§314-3 **Prohibited Activity**

## §314-4 **Exceptions**

## §314-5 **Penalties**

§314-1 **Purpose.** The intent of this bylaw is to protect the health, safety, and welfare of the community. It has been established that feeding waterfowl and other wild animals increases the potential for damage to public and private land and property. Feeding may elevate the potential for the spread of diseases in people. Feeding of gulls especially endangers water quality and drinking water supplies, according to the Massachusetts Department of Conservation and Recreation, Division of Water Supply Protection. In addition, it is the intent of this bylaw to protect the welfare of wild animals and waterfowl as feeding can interrupt their normal feeding patterns, can cause nutritional problems, threaten their health and promote the spread of diseases.

§314-2 **Definitions.** As used in this and subsequent sections,

**Wildlife** shall mean any undomesticated and unrestrained animal or fowl, including but not limited to bears, coyotes, foxes, raccoons, skunks and other animals or fowl (including gulls, ducks and geese) causing public safety threats or nuisances.

**Feeding** shall mean the act of ground feeding, placing, exposing, depositing, distributing, or scattering, directly or indirectly, of any grain, shelled, shucked, or unshucked corn, seeds, wheat, bread or bakery products, salt, meat or parts, fish or parts, honey, molasses, or any other feed or nutritive substances, in any manner or form, so as to constitute for such wildlife a lure, attraction, or enticement to, on, or over any such areas where such feed items have been placed, exposed, deposited, distributed, or scattered.

**Designated enforcement authority** shall mean Clinton Animal Control Officer, Police Officers, Natural Resources Officers, agents of the Board of Health, Environmental Police Officers, and other enforcement officers of the Division of Law Enforcement, and by the Deputy Environmental Police Officers.

## §314-3 **Prohibited activity.**

No person shall feed any/wildlife on public or private property within the town of Clinton. Whenever the Clinton Animal Control Officer or any designated enforcement authority becomes aware that wildlife has been found feeding on any substance, as defined above, and the landowner or person committing the act has been notified of the occurrence by any person authorized to enforce this By-Law, and wildlife is thereafter found feeding on any such substance after any act of the commission or omission by the landowner or other person, such feeding shall be prima facie evidence that the feeding was with the knowledge or consent of the landowner or other person.

## §314-4 **Exceptions.**

- A.) Nothing in this By-Law shall be construed to limit the feeding of domesticated waterfowl, as defined by the Division of Fisheries and Wildlife, by a farmer as defined in M.G.L. ch. 128 §1A on property owned or leased by him, or the feeding of waterfowl or any other birds by propagators licensed under M.G.L. ch. 131 §23 when such waterfowl or other birds are confined in such

- a manner as may be required pursuant to said Section 23 and any rules and regulations issued under authority thereof; or the feeding by any person or his agents, invitees or licensees or waterfowl lawfully kept as a pet by such person.
- B.) Regardless of, the Director of the Division of Fisheries and Wildlife or his agent or designee may authorize the emergency feeding of waterfowl and other birds when, in his opinion, such action is necessary to alleviate undue losses and suffering of such birds due to unusual weather conditions and other circumstances. The Director may authorize such action by such means as he deems necessary and expedient, but such means shall include the immediate notification to the Selectmen thereof by first class mail.
  - C.) Any individual, company or corporation that is duly licensed by the Commonwealth of Massachusetts or entitled under law to possess wildlife of any kind.
  - D.) Any action that is officially sanctioned by the Commonwealth of Massachusetts that would require feeding, baiting, or luring of wildlife (i.e, capturing and tagging wildlife for scientific projects and study).
  - E.) Any individual, company, or corporation that is engaged in lawful agricultural pursuits, including but not limited to growing crops, crop-bearing plants or raising livestock.
  - F.) This section shall not be interpreted so as to prohibit bird feeders. However, if a bird feeder is determined to be the cause of a public safety threat or nuisance, the bird feeder(s) and seed debris will be required to be removed within 48 hours.
  - G.) This section shall not be interpreted so as to prohibit the feeding of pets, provided that if food intended for pets is determined to be the source of wildlife feeding, the landowner or person responsible for the premises will be required to take steps to render such pet food inaccessible to wildlife, including the requirement that pet food be removed. If any wildlife gains access to pet food, the condition allowing access must be corrected or the pet food removed within 48 hours.
  - H.) This section shall not be interpreted so as to prohibit or discourage the 'trap neuter- return program, supported by the MSPCA, in the handling of feral cats.
  - I.) This section shall not be interpreted so as to prohibit the storage of refuse, food product, pet food, or other material or nutritive substance on any premises in a manner which does not constitute a lure, attraction or enticement of wildlife on property within the Town of Clinton, provided that if such storage is determined to be the source of a wildlife feeding problem, the landowner or person responsible for the premises will be required to take steps to render such storage area inaccessible to wildlife and the area near the storage be kept free from such debris. If any wildlife gains access to a storage area, the condition allowing access must be corrected or the stored material removed within 48 hours.

### §314-5 Penalties.

Any violation of this section may be enforced by the Animal Control Officer or any designated enforcement authority through non-criminal disposition in accordance with the following schedule of fines:

First offense:           Warning  
Second offense:       \$100.00 fine  
Third offense:          \$200.00 fine  
Fourth and subsequent offenses: \$300.00 fine

or act in any manner related thereto.

(Board of Health)

### ARTICLE 33

To see if the Town will vote to amend the Zoning By-Laws in Section 3231. *Farm Animals Accessory to Dwellings*. Farm animals kept as an accessory use at a residence shall conform to regulations of the Animal Control Officer and Board of Health. Farm animals shall be allowed on parcels in excess of two acres; no farm animal shall be stabled or kept within 25 feet of any property line. Farm animal as used in this section, means any poultry, ungulate, species of cattle, sheep, goats, llamas, equine or other fur-bearing animals which are raised for commercial or subsistence purposes, or act in any manner relating thereto.

(Board of Health)

### ARTICLE 34

To see if the Town will vote to amend the Clinton Administrative Bylaws by inserting the following new Bylaw Article XXXX to regulate the keeping of hens/poultry, or take any action related thereto.

### ARTICLE XXXX: KEEPING OF HENS/POULTRY

#### **SECTION 1. Purpose**

a. The purpose of this bylaw is to regulate the keeping of hens/poultry for the purposes of pets, home egg production, gardening, or similar purposes. This bylaw details the obligations of the hen keeper so as to prevent a nuisance to surrounding lots or any public health concerns, as well as the permit issuing process.

#### SECTION 2. Definitions

- a. Hen - a female chicken. "Chicken" may also be used to refer to hens.
- b. Henhouse or coop - a structure designed to house chickens.
- c. Pen or run - a completely enclosed outdoor area designed to allow chickens access to the outdoors while providing protection from predators.
- d. Predator - any creature that would seek to harm or consume chickens.
- e. Pests - any unwanted animal that would seek access to chicken feed, such as mice or rats.

### SECTION 3. Nuisance Control

- a. Noise.
  - i. No roosters (male chickens) are permitted.
  - ii. The number of hens shall be limited to 6.
  - iii. Perceptible noise from chickens at the property boundary must conform to all existing and future noise bylaws and Commonwealth of Massachusetts Regulations and State Statutes.
  
- b. Odor.
  - i. Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.
  - ii. If possible, waste must be composted with carbonaceous material such as hay, bedding, or leaves. If the weather is too cold, or composting is otherwise not possible, waste must be stored in a sealed container until disposal.
  - iii. Weekly cleaning of henhouses is required, more frequent cleanings may be required by the Board of Health or its Agent as needed to prevent odor.
  
- c. Other
  - i. Chickens shall be kept in the henhouse or within the pen at all times for protection from predators and to prevent the chickens from wandering and straying onto other properties.
  - ii. All chickens shall be confined to the permit holder's property at all times to prevent wandering and straying onto other properties.

### SECTION 4. Predator and Pest Control.

- a. Chicken feed must be stored securely in a rodent-proof container
- b. Chicken feed leftover from feeding may not remain past dusk in an area accessible to rodents or other pests.
- c. Henhouse construction
  - i. Henhouse and attached pen must be constructed securely so as to exclude predators.
  - ii. The pen must be completely enclosed, including aviary netting or other predator-proof material cross the top of the pen.
  - iii. Henhouse and food sources must be constructed and stored so as to exclude pests.
  - iv. A henhouse with attached pen and all related structures are considered accessory structures for zoning purposes and shall require a Building Permit and shall comply with Zoning Bylaws and with the setback requirements as set forth in the Town's Zoning Bylaws.
- d. Necessary measures must be taken to prevent a buildup of pest or rodent populations due to the presence of hens on the property.

### SECTION 5. Health & Disease Concerns

- a. Hens must be enclosed and segregated from wild migratory fowl. They may only be allowed out of the enclosure into a securely fenced area when supervised.
  
- b. All henhouses shall be located not less than 200 feet from the high water mark of any known source of drinking water supply or any tributary thereof, and not less than 50 feet from any well.
  
- c. The Board of Health or its agent may order the removal of the chickens upon a

determination that the chickens pose a health risk.

d. Chickens may not be slaughtered on a residential property within the border of the Town of Clinton

e. If a chicken dies, it must be disposed of promptly in a sanitary manner.

#### SECTION 6. Humane Treatment

a. Chickens must be treated in a humane manner at all times, including access to fresh food, water and protection from the elements as needed.

b. Chickens shall not be subject to debeaking or forced moulting.

c. The henhouse must have a minimum interior floor surface of at least 2 square feet per bird.

d. A pen area is required and must have a minimum ground surface of at least 5 square feet per bird.

#### SECTION 7. Regulation and Permit Process

a. No person shall keep hens within the limits of the Town of Clinton, in any building, or on any premises of which he is the owner, lessee, tenant or occupant, without first obtaining an annual permit from the Board of Health.

b. In order to receive a permit the following must be completed:

i. A completed application form provided by the Board of Health;

ii. A certified plot plan

iii. A submitted plan drawn to scale no less than 1"=30' showing the property to be used; the location of any existing structures as well as the henhouse and pen, including fences; distance of henhouse and pen from all abutters; the location of all streams, drains, wetlands, known or proposed water supply, and buildings located within 200 feet of the property. The Board of Health may ask for additional information added to the plan if deemed to be necessary.

iii. A submitted written maintenance plan describing cleaning schedule, pest and predator control measures, and nuisance prevention measures.

iv. A Certified Abutters List of property owners within 300 feet of the property where the hens will be kept and verification that all abutters have been notified, not more than thirty (30) but no less than fourteen (14) days in advance of the hearing before the Board or its Agent, of the applicant's intent. Such verification shall be in the form of a signed letter or receipt from the U.S. Post Office that a certified letter has been received by each abutter.

v. If the property where the hens are to be located is owned by multiple owners, certified written statements signed by all property owners granting permission.

c. Action by Health Department on Initial Permit

i. Upon receipt of a completed application as defined above, the Board or its Agent shall inspect the property;

ii. The Board or its Agent shall provide a hearing for the applicant to speak regarding their application, and for abutters to express any concerns, questions, support or opposition to the application. The Board or its Agent may require the applicant to furnish additional information needed to make a determination whether to grant the



permit.

- iii. The Board or its Agent(s) shall act on the completed application. Notice of the Board's or its Agent(s)' decision shall be mailed to the applicant within seven (7) working days of the decision and will include any conditions imposed by the Board or its Agent(s);
- iv. If the permit is issued, it shall be issued to the owner of the property or the tenant of the property with the written permission of the property owners. If permission from the property owners is rescinded, the permit shall be valid until the end of its annual renewal period; and
- v. The issuance of such permit does not in any way relieve the permittee of the necessity to comply with other laws and regulations concerning zoning and construction. A henhouse and attached pen is considered an accessory structure similar to a greenhouse for zoning purposes.
- vi. Said permit shall not be transferable.

d. An initial inspection fee or an annual renewal fee for a permit shall be set by the Board of Selectmen in consultation with the Board of Health. The appropriate fee shall be paid at the time the application is submitted for review. The fee shall not exceed the expected cost of processing the application.

e. A permit may be revoked at any time with cause. The Board or its agent may revoke said permit without a public hearing if, in its or his or her opinion, conditions exist which may endanger the health, safety, or welfare of the animals or the general public by creating a public health nuisance. The permit holder shall have the right to appeal the revocation at a public hearing if no hearing had been held prior to the revocation.

f. Any property used to house hens under this by-law shall be subject to inspection by the Board or its agent at any reasonable time. Should access be refused, the Board or its agent may seek a search warrant in a court of competent jurisdiction. Failure to allow an inspection upon request shall be cause for permit revocation, following a hearing.

g. The Board may impose conditions it deems appropriate in order to protect the public, the environment and animal health when issuing a permit. The approval granted by the Board allowing for the keeping of animals does not preclude the Applicant's responsibility to obtain all necessary permits and inspections and abiding by all applicable Local, State and Federal policies, rules, laws, and regulations.

g. Once the applicant has been issued an annual permit for the Keeping of Backyard Chickens, the permit holder shall take photographs of their backyard that clearly show the constructed chicken coop, chicken run and the manure pile, along with several photos which document that the actual locations of all three items correspond with the agreed-to locations on the Site Inspection Form. Copies of these photographs are to be submitted to the Health Department within 30 days of issuance of the permit.

#### SECTION 8. Penalties

- i. Any violation to the provisions of this Article or of the permit shall be grounds for an order from the Board of Health or its Agent to revoke the permit and remove the chickens and the chicken related structures
- ii. Fines may be charged for re-inspection or violations of this article, to cover the cost of any personnel time or expense. The amount of any fines shall be set by the Board of Health; the amount of such fines shall be publicly known in a manner that is customary

and consistent with other Board of Health processes.

iii. Any person found in violation of these regulations shall be fined, upon conviction, not more than \$1,000.00 per violation. Each day of noncompliance shall constitute a separate and new offense.

iv. Any person who is issued a permit or license by the Board and is found to be in violation of this or any other applicable regulation shall be required to appear before the Board, at its next scheduled meeting, where the Board will review the violation and decide if the permit or license shall be immediately suspended or revoked.

v. This By-law may be enforced by the use of Non-Criminal Citations as put forth in Massachusetts General Laws, Chapter 40, Section 21D.

(Citizens Petition)

### ARTICLE 35

To see if the Town will vote to amend section 1.2-1 of the Personnel Board By-Laws by striking the second paragraph and replacing it with the following language:

“The Town Administrator shall appoint a Personnel Board consisting of five members to be appointed for three year overlapping terms. Whenever possible, the Town Administrator will appoint members possessing a professional personnel background. Four members shall be registered voters in the Town of Clinton and the fifth member shall be a full time elected employee or an appointed employee under the jurisdiction of the Personnel Board. Members of the Personnel Board shall serve without compensation.”

(Citizens Petition)

### ARTICLE 36

We, the undersigned, submit this Article to be included in the Town of Clinton Warrant to see if the Town will vote to enforce property maintenance of commercial and/or industrial buildings in the town of Clinton.

We are requesting that the Town of Clinton ensures that commercial and/or industrial buildings within the town of Clinton maintain their properties by:

1. regular and consistent trash clearing
2. regular and consistent brush, weed and overgrown tree removal
3. removal of abandoned vehicles not in working order
4. repair or appropriate boarding of broken windows
5. repair of broken fences
6. removal of graffiti within 10 business days of its manifestation
7. regular and consistent painting of area visible to the public
8. removal of industrial waste visible to the public

(Citizens Petition)

**HEREOF FAIL NOT**, and make due return of this warrant with your doing thereon, to the Town Clerk, at the time and place of the meeting, as aforesaid.

**GIVE UNDER OUR HANDS, THIS** seventeenth day of May in the year of our Lord, two thousand and seventeen.

BOARD OF SELECTMEN

Marc S. Iacobucci, Chair  
William F. Connolly, Jr., Vice-Chair  
David J. Sargent, Clerk  
Michael J. Dziokonski  
James J. LeBlanc

WORCESTER, SS.

By virtue of this Warrant, I have this day notified and warned the inhabitants of the Town of Clinton aforesaid, qualified to vote in elections and town affairs, to meet at the time and place for the purpose within named, by publishing in The Item, a newspaper published in the said Town, as hereby directed.

Kevin R. Haley  
Constable for the Town of Clinton