

**Town of Canton
Commonwealth of Massachusetts**



2026 Annual Town Meeting

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**Town of Canton
Commonwealth of Massachusetts**



Norfolk, ss

To the Constables of the Town of
Canton,

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Canton to meet at Morse Auditorium, Canton High School, 900 Washington Street in said town on;

MONDAY, THE 11th DAY OF MAY 2026

At seven o'clock p.m. (7:00 P.M.) in the evening for the annual town meeting at which time and place the following articles are to be acted upon:

ELECT A MODERATOR

Article 1 To elect a Moderator to preside at this Town Meeting to serve until the commencement of Annual Town Meeting in 2027; or to take any other action related thereto.

Select Board

ADOPT RULES TO GOVERN TOWN MEETING

Article 2 To see if the Town will vote to adopt certain procedures to govern the conduct of the 2026 Annual Town Meeting; or to take any other action related thereto.

Select Board

HEAR REPORTS OF COMMITTEES APPOINTED AT PRIOR TOWN MEETINGS

Article 3 To hear the reports of committees appointed at previous town meetings, which have not yet been discharged; or to take any other action related thereto.

Select Board

ACT ON "CONSENT AGENDA"

Article 4 To see if the Town will vote to dispose of certain articles in this warrant by a single vote, in accordance with a so-called "consent agenda" or to take any other action related thereto.

Select Board

COLLECTIVE BARGAINING AGREEMENTS UNDER THE SELECT BOARD

Article 5 To see if the Town will vote to raise and appropriate, transfer from available funds, or transfer from Free Cash, a sum of money for the purpose of funding any new cost items contained in any collective bargaining agreements entered into by the Select Board, on behalf of the Town, with any group of employees, serving under its jurisdiction; or to take any other action related thereto.

Select Board

PERSONAL SERVICE CONTRACTS UNDER THE SELECT BOARD

Article 6 To see if the Town will vote to raise and appropriate, transfer from available funds, or transfer from Free Cash, such sums of money as may be necessary to fund new cost items contained in contracts for personal services with any individual employee; or take any action related thereto.

Select Board

PAY BILLS OF PRIOR FISCAL YEAR

Article 7 To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute, a sum or sums of money to pay any unpaid bills of any prior fiscal year; or to take any other action related thereto.

Select Board

ADJUST FISCAL '26 ACCOUNTS

Article 8 To see if the Town will vote to increase/decrease or otherwise adjust the appropriations heretofore made for the Fiscal Year 2026 beginning on July 1, 2025 and ending on June 30, 2026 and the revenue sources to meet those appropriations, as voted pursuant to Article 36 of the warrant for the 2025 Annual Town Meeting, and to raise and appropriate, or borrow pursuant to any applicable statute, transfer from available funds to meet any such increases or adjustments; or to take any other action related thereto.

Select Board

RESCIND UNUSED BORROWING AUTHORIZATIONS

Article 9 To see if the Town will vote to rescind unused borrowing authorizations previously voted by the Town; or take any other action related thereto.

Select Board

APPROPRIATE FUNDS FROM OVERLAY SURPLUS ACCOUNT

Article 10 To see if the Town will vote to appropriate funds from the Town's Overlay Surplus account for purposes voted by the Board of Assessors; or take any other action related thereto.

Select Board for the Board of Assessors

AUTHORIZE CERTAIN REVOLVING FUNDS

Article 11 To see what new or additional revolving funds, pursuant to c. 44, section 53E ½ of the General Laws of the Commonwealth, the Town may establish by amendment to Article VIII (“Financial Regulations”), Section 16 (“Departmental Revolving Funds”) of the General Bylaws of the Town and to see what amendments if any the town may vote to existing revolving funds contained in the Town’s Bylaw, and to determine the limit on total amounts that may be expended from the Town’s revolving accounts, for various boards, commissions or departments of the town, for the fiscal year beginning July 1, 2026 and ending June 30, 2027; or to take any other action related thereto.

Select Board

INSURANCE PROCEEDS

Article 12 To see whether the Town will vote to appropriate all sums over \$150,000 recovered under the terms of any insurance policy and any other insurance proceeds paid to the Town in connection with any losses suffered by the Town; or to take any other action related thereto.

Select Board

ACCEPT GENERAL OR SESSION LAWS ENACTED BY THE GENERAL COURT

Article 13 To see if the Town will vote to accept any general or session laws enacted by the General Court for the benefit of cities or towns or of benefit to the Town of Canton; or to take any other action related thereto.

Select Board

APPROPRIATION TO SUPPLEMENT THE COMMONWEALTH’S CHAPTER 90 PROGRAM

Article 14 To see if the town will vote to raise and appropriate, transfer from available funds, transfer from water enterprise surplus (retained earnings), or borrow pursuant to any applicable statute, a sum of money to be spent by the Select Board acting as the Board of Public Works to supplement the amount received from the Chapter 90 Roads Program with improvements done in accordance with improvement specifications as determined by and subject to, the approval of the Board of Public Works and consistent with locations identified in the Town’s Pavement Management System, or to take any other action related thereto.

Select Board

“OMNIBUS” CAPITAL OUTLAY PROGRAM

Article 15 To see if the Town will vote to raise and appropriate, transfer from available funds, or to authorize the Town Treasurer, with the approval of the Select Board, to borrow (and to issue bonds or notes therefore) any sum or sums of money, or by any combination of these methods of financing, as may be necessary or desirable, make available funds for the purpose of purchasing, leasing, re-conditioning, improving or replacing any motor vehicles or other items of equipment or machinery or other items of personal property for any town agency, or

for the purpose of contracting for any service, or for the design, repair, acquisition, construction, replacement or relocation or improvement to any town building or other structure, public works facility (including highway needs and traffic safety items), any other town owned facility or real property, or for any other purposes for which borrowing may be authorized, to purchase, or to take by eminent domain, any land or easements necessary for any such purposes and, where applicable, to authorize the trade-in of any presently owned motor vehicles, equipment or machinery to reduce the purchase or acquisition cost of any item to be acquired, and to include in any new capital project borrowing authorization and/or to amend such borrowing authorizations from prior years Town Meetings to provide for the application of any bond premiums to reduce the cost of such borrowings or to apply same to payment of project costs; or to take any other action related thereto.

Select Board for Capital Planning Committee

APPROVAL OF FUNDING FOR THE ANNUAL 4TH OF JULY COMMUNITY CELEBRATION

Article 16 To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute, transfer from available funds, a sum of money to be expended by the Director of Parks and Recreation, and with the approval of the Select Board, for the purpose of funding the annual July 4th community celebration in 2026; or to take any other action related thereto with the intent these funds be available in FY26 in anticipation of July 4, 2026.

Select Board for the Canton Recreation Commission

RECOMMENDATIONS OF THE COMMUNITY PRESERVATION COMMITTEE

Article 17 To see if the Town will vote to adopt and approve the recommendations of the Community Preservation Committee for Fiscal Year 2027 and to see if the Town will vote to implement such recommendations by appropriating a sum or sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, or otherwise to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money for such purposes; to authorize the Select Board, with the approval of the Community Preservation Committee, to acquire by purchase, gift or eminent domain such real property and property interests in the name of, or enforceable by the Town, including perpetual affordable housing restrictions, conservation restrictions and historical preservation restrictions, and to dispose of Town property or portions thereof or interests therein, all as may be required by the Community Preservation Act and Chapter 184 of the General Laws and as may be necessary or appropriate to carry out the recommendations of the Community Preservation Committee, or to take any other action related thereto.

Select Board for the Community Preservation Committee

APPROPRIATION TO INCREASE CAPITAL STABILIZATION ACCOUNT

Article 18 To see if the Town will vote to raise and appropriate or transfer from any available funds or borrow pursuant to any applicable statute, a sum of money in order to increase the Capital Stabilization Account, or to take any action related thereto.

Select Board

APPROPRIATION TO INCREASE SPECIAL EDUCATION RESERVE ACCOUNT

Article 19 To see if the Town will vote to raise and appropriate or transfer from any available funds or borrow pursuant to any applicable statute, a sum of money in order to increase any Special Education Reserve Account, or to take any other action related thereto.

Select Board for the School Committee

APPROPRIATION TO CREATE SAFE STREETS

Article 20 To see if the Town will vote to raise and appropriate or transfer from any available funds or borrow pursuant to any applicable statute, a sum of money to improve safety on Canton roads and sidewalks by improved signage, roadway, sidewalk and crosswalk painting, and any other necessary improvements or to take any other action related thereto.

Select Board

APPROPRIATION FOR GRIDLEY CEMETERY REPAIR

Article 21 To see if the Town will vote to raise and appropriate or transfer from any available funds or borrow pursuant to any applicable statute a sum of money (\$20,189) for the purpose of protecting and preserving the Gridley Cemetery on Kinsley Place. Said funds shall be used for the implementation of an in- depth ground penetrating radar (GPR) survey and constructing a historically appropriate fence and interpretive signage. Said work shall meet the Secretary of the Interior's Standards for Rehabilitation. This work shall be overseen by Canton Historical Commission. Or take any other action related thereto.

Select Board for the Historical Commission

SPECIAL ACT REQUEST AUTHORIZING MUNICIPAL CHARGE LIENS

ARTICLE 22 To see if the Town will vote to authorize the Select Board to request a special act of the General Court, in the form set forth below, in relation to placing municipal charge liens, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approve amendments to the bill before enactment by the General Court; and provided further that the Select Board is hereby authorized to approve amendments which shall be within the general public objectives of this petition:

"AN ACT AUTHORIZING THE TOWN OF CANTON TO PLACE MUNICIPAL CHARGE LIENS ON CERTAIN PROPERTIES IN THE TOWN OF CANTON FOR NONPAYMENT OF ANY LOCAL CHARGES, FEE OR FINE

SECTION 1.

(a) The town of Canton may impose a lien on property located within the town for any local charge, fee or fine that has not been paid by the due date. This lien shall be known as a municipal charges lien. For purposes of this act, local charge, fee or fine shall mean any charge, fee or fine imposed by the town under the town by-laws, town regulations, statute or state regulations and any charge, fee or fine imposed by a state court payable to the town as a result of any action initiated by town officials to enforce town by-laws, town regulations, statute or state regulations.

(b) A lien authorized under this act shall take effect upon recording of the unpaid municipal charge, fee or fine, by parcel of land and by the name of the property owner assessed for the fine in the registry of deeds of Norfolk county.

(c) If a charge, fee or fine, which is secured by a municipal charges lien, remains unpaid when the assessors are preparing a real estate tax list and warrant to be committed under section 53 of chapter 59 of the General Laws, then the board or officer in charge of the collection of the municipal charge, fee or fine shall certify such charge, fee or fine to the assessors, who shall add the charge, fee or fine to the tax on the property to which it relates and commit it with the warrant to the collector of taxes as part of the tax.

(d) If the property to which such charge, fee or fine relates is tax exempt, the charge, fee or fine shall be committed as the tax.

(e) A lien under this section may be discharged by filing in the registry of deeds of Norfolk county, a certificate from the tax collector that all municipal charges, fees or fines constituting the lien, together with any interest and costs thereon, have been paid or legally abated.

(f) All costs of recording or discharging a lien under this act shall be borne by the owner of the property.

(g) Prior to any lien being imposed for any local charge, fee or fine as defined by this act, a by-law shall be established by a vote of town meeting specifying each type of charge, fee or fine to be collected under this act.

SECTION 2. This act shall take effect upon its passage.”

Or take any further action in relation thereto.

Select Board

BYLAW MODERNIZATION STUDY COMMITTEE EXTENSION

Article 23 To see If the Town will vote to reauthorize the Town Meeting Bylaw Modernization Study Committee for two (2) years to conduct a review of the Town of Canton's General By-Laws for possible town meeting articles to adopt changes thereto (but not the town's Zoning By-laws) and to bring forth recommendations for adoption of changes on or before the 2028 Annual Town Meeting. Vacancies occurring on this Town Meeting Committee shall be appointed by the Town Moderator. The Committee shall continue to be comprised of 9 members to include:

- A Member of the Select Board, or designee of the Select Board;
- Director of Finance, or designee of the Finance Director;
- Information Systems manager, or designee of the Information Systems manager

- Town Administrator, or designee of the Town Administrator; and
- 5 citizens of the Town of Canton as members at large.

Or take any other action related thereto.

Select Board for the Bylaw Modernization Study Committee

AMEND GENERAL BYLAW ARTICLE IV ANNUAL TOWN MEETING - MODERATOR

Article 24 To see if the Town will vote to amend General Bylaw Article IV by deleting Section 1A in its entirety, deleting Section 4 in its entirety and replacing with the following Section 4 and amend Section 5 with the following with new language in **bold** and language to be deleted in ~~strikethrough~~

Section 4 Moderator Election, Powers and Duties

The town moderator, elected as provided below, shall preside at all sessions of the town meeting. Annually, at the first session of the spring town meeting, the town moderator shall appoint a deputy moderator to serve as acting moderator in the event of the temporary absence or disability of the town moderator. The appointment of a deputy moderator shall be subject to ratification by the town meeting. The deputy moderator shall, when presiding at town meeting sessions, have all the powers of the town moderator, but shall have no other powers or duties of the town moderator.

The town moderator, at town meetings, shall regulate the proceedings, decide all questions of order, make public declaration of all votes and may exercise such additional powers and duties as may be authorized by general law, by-law or other vote of the town meeting.

(a) Term of Office - The moderator shall be elected to serve a two (2) year term, beginning with the 2027 annual town election and every two (2) years thereafter. The incumbent town moderator's term shall expire upon election of a successor moderator at the 2027 annual town election.

(b) Powers and Duties - The town moderator shall be the presiding officer of the town meeting, shall regulate its proceedings, decide all questions of order and shall have such other powers and duties as may be provided for that office by general law, by-law and other vote of the town meeting.

(c) Vacancy - In the event of a vacancy in the office of town moderator, the deputy moderator, as designated above, shall perform the powers and duties of the town moderator until the election of a successor.

Section 5 Order of Business

The order of business at the annual town meeting shall be as follows:

- ~~1. the election of a moderator,~~
1. the adoption of procedures to govern the conduct of the meeting,
2. to hear the reports of committees appointed at prior town meetings,

- 4. 3. to hear a report on the fiscal condition of the town,
- 5. 4. to act on a, so-called, consent agenda,
Or take any other action related thereto.

Select Board for the Bylaw Modernization Study Committee

AMEND GENERAL BYLAW ARTICLE IV ANNUAL TOWN MEETING – VOTING

Article 25 To see if the Town will vote to amend General Bylaw Article IV by inserting the following language into Section 12 after the second paragraph:

Notwithstanding the provisions of Voice vote, subject to the availability of an approved electronic vote counting and recording system for use by Town Meeting members, the Moderator may determine that a vote be taken by use of such electronic vote counting and recording system.

Or take any other action related thereto.

Select Board for the Bylaw Modernization Study Committee

AMEND GENERAL BYLAW ARTICLE IV ANNUAL TOWN MEETING - RECONSIDERATION

Article 26 To see if the Town will vote to amend General Bylaw Article IV by deleting the language in Section 6 in its entirety and inserting the following language in its place:

Section 6 Reconsideration

If an article of the warrant has once been acted upon and disposed of, a motion to return to the article may be made at any time, if the Moderator determines that the person offering the motion discloses significant new factual information to the Town meeting concerning said article, which existed but had not been disclosed or made available to the meeting when the motion under that article was debated, and the Moderator thereupon explains why such information satisfies the foregoing criteria. If the moderator deems a reconsideration request does not meet the requirements but the body feels differently, then the proponent of the reconsideration request can ask for a vote of the town meeting members and if this vote passed by a simple majority that the motion to reconsider will proceed provided, however, that debate and action on said motion shall be deferred until all financial articles are concluded and the budget ball is added to the lottery system. A two-thirds vote shall be required for approval of a motion to reconsider an article

Or take any other action related thereto.

Select Board for the Bylaw Modernization Study Committee

AMEND BYLAW ARTICLE XIV POLICE REGULATIONS SECTION 2 OBSTRUCTIONS OF PUBLIC WAYS AND SIDEWALKS

Article 27 To see if the Town will vote to amend General Bylaw Article XIV Section 2 by adding the following new language in **bold**:

Section 2. Obstructions of Public Ways and Sidewalks No person shall place, or cause to be placed, upon any public way or sidewalk, any lumber, iron, wood, coal, trunk, bale, box, crate,

cask, barrel, package or other thing, and allow the same to remain for more than one hour, or more than ten minutes after being notified by a police officer to remove the same, provided that the provisions of this section shall not apply to placing of ashes, refuse or garbage in proper receptacles for collection under public authority. **Any such obstruction(s) as referred to in this section which remain(s) on any public way or sidewalk beyond the above referenced time frame(s) may be removed by and/or under the direction of a police officer at the owner's expense and any expense(s) not reimbursed to the Town shall constitute a municipal charge lien in accordance with G.L. c. 40, §58.**

Or take any other action related thereto.

Select Board

AMEND BYLAW ARTICLE XVI MISCELLANEOUS SECTION 4 TRAILER BYLAW

Article 28 To see if the Town will vote to amend General Bylaw Article XVI Section 4 by amending the with following added language under Special Regulation item 2. The amendments are as follows with the new language in **bold**:

Article XVI Miscellaneous

Section 4 Trailer Bylaw

Special Regulation:

2. In a garage or other accessory building, or in the rear half of a lot owned or occupied by the owner of the trailer (if placed so as to conform to the yard requirements of the Zoning By-Laws for main buildings in the same district), **or in an approved driveway consistent with Town of Canton Zoning Bylaws**, but its use for business and/or living purposes is prohibited, except that the Board of Appeals may subject to reasonable conditions and safeguards, authorize: a. The use of a trailer as a temporary office incidental to construction on or development of the premises on which located. b. The temporary use of a trailer for living purposes owner of the lot on which located for a period not exceeding three (3) months, provided that such authorization shall not be renewed or extended to exceed a total of twelve (12) months in any case.

Or to take any action related thereto.

Select Board

AMEND BYLAW ARTICLE XVII SECTION 1 HAZARDOUS MATERIALS SUBSECTION 16 PENALTY AND SUBSECTION 17 FEES

Article 29 To see if the Town will vote to amend the General Bylaw Article XVII Section 1 Subsection 16 and Subsection 17 to provide consistency between the General Bylaws and the Board of Health Policies. The amendments are as follows with the new language in **bold** and deleted language in ~~strike through~~:

Section 1 Hazardous Materials

Subsection 16 Penalty

Any person who violates any provision of this By-Law shall be punished by a fine of not more than three hundred (\$300.00) dollars. Each day or portion thereof during which a violation

continues shall constitute a separate offense if more than one, each condition violated shall constitute a separate offense. This By-Law may be enforced pursuant to M.G.L., Chapter 40 Section 21D by **the Board of Health**, a Canton Police Officer or **any** other officer having police powers.

Section 1 Hazardous Materials

Subsection 17 Fees

Any person registering storage of hazardous materials pursuant to subsection 6 shall pay to the town of Canton an annual registration fee **set by the Board of Health**. Such a fee shall be due on the same date as the annual registration. Failure to pay shall constitute a violation and shall be subject to the penalties of subsection 16 of the By-Law.

Or to take any other action related thereto.

Select Board

AMEND BYLAW ARTICLE XIV POLICE REGULATIONS SECTION 41 WATER WELLS

Article 30 To see if the Town will vote to amend the General Bylaw Article XIV Section 41 to provide consistency between the General Bylaws and the Board of Health Policies by amending the language. The amendments are as follows with new language in **bold** and deleted language in ~~strikethrough~~:

Section 41 Water Wells

- a) No person or entity corporate or otherwise, as owner or as one in control of premises shall excavate or drill in the Town of Canton for the purpose of creating and maintaining a well for ~~commercial~~ use without first obtaining from the ~~Select Board~~ **Board of Health** written authorization for said excavating or drilling.
- b) Any person or entity who violates this By-Law shall be liable to a fine of ~~\$20.00~~ **\$300.00** or **penalty set by the Board of Health** for each day said violation continues.

Or take any other action related thereto.

Select Board

AMEND BYLAW ARTICLE XVI MISCELLANEOUS SECTION 9 REGULATING SMOKING

Article 31 To see if the Town will vote to amend General Bylaw Article XVI Section 9 D through I to provide consistency between the General Bylaws and the Board of Health Policies by amending the language. The amendments are as follows with new language in **bold** and deleted language in ~~strikethrough~~:

Section 9 Smoking

D. Smoking Prohibited: Smoking is prohibited **per MGL Ch. 270 § 22** in all workplaces, restaurants, bars, and all enclosed or public places within the Town of Canton except as may be authorized in section F of this bylaw.

E. Posting Notice of Prohibition: Every person having control of premises upon which smoking is prohibited by and under the authority of this bylaw shall conspicuously display upon **entry of** the premises "No Smoking" signs using a clearly readable font with at least 2-inch highly contrasted lettering, or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it at least 6 inches in diameter). F. Exceptions: Notwithstanding the provisions of Paragraph D of this bylaw, smoking may be permitted in the following places and/or circumstances:

1. Private residences, except those portions used as a childcare or health care office when operating as such,
2. Retail tobacco stores where the owner or manager ensures that persons under the age of ~~eighteen (18)~~ **twenty-one (21)** may never enter the premises at any time, and where the owner or manager conspicuously posts signs, acceptable to the **Board of Health**, at the entrance(s) stating that persons under the age of ~~eighteen (18)~~ **twenty-one (21)** are prohibited from entering the premises and stating further that environmental tobacco smoke is hazardous to health;

G. Conflict with Other Laws or Regulations: Notwithstanding the provisions of the foregoing Paragraph F of this regulation, nothing in this regulation shall be deemed to amend, repeal or override applicable 95 REVISED General By-Laws (2024 edition) fire, health or other regulations or statutes so as to permit smoking in areas where it is prohibited by such fire, health or other regulations or statutes.

H. Violations **and Penalties**: Any person, employer, and/or their employee or business agent, who violates any provision of this bylaw, the violation of which is subject to a specific penalty, may be penalized by the non-criminal method of disposition as provided in MGL c 40, § 21D or by filing a criminal complaint at the appropriate venue. It shall be the responsibility of an employer, or their employee or business agent, to ensure compliance with all sections of this bylaw. **Penalties are per the Canton Board of Health "Regulation of the Sale of Tobacco and Nicotine Products" Amended 2025 as well as all subsequent amendments.**

~~I. Penalties: Any person who violates any provision of this bylaw shall be subject to a fine of one hundred dollars (\$100) for a first offense, two hundred dollars (\$200) for a second offense within one year of the date of the first offense and three hundred dollars (\$300) for a third or subsequent offense within one year of the date of the first offense. Violations of this bylaw may be enforced in the manner provided in MGL c 40, § 21D.~~

Or to take any other action related thereto.

Select Board

AMEND GENERAL BYLAW ARTICLE XXI STORMWATER MANAGEMENT

Article 32 To see if the Town will vote to amend General Bylaw Article XXI as follows with new language in **bold** and deleted language in ~~strikethrough~~.

STORMWATER MANAGEMENT

1. PURPOSE AND OBJECTIVE

A. The purpose of this bylaw is to protect public health, safety, general welfare, and environment by controlling the adverse effects of construction site stormwater runoff and post-construction runoff from new development and redevelopment. The construction phase and post-development impacts of stormwater runoff quantity and quality can adversely affect public safety, public and private property, surface water drinking water supplies, groundwater drinking water supplies, recreation, aquatic habitats, fish and other aquatic life, property values, and other uses of lands and waters.

B. The objectives of this bylaw are to:

1. Protect water resources;
2. Comply with state and federal statutes and regulations relating to stormwater discharges;
3. Prevent and reduce pollutants from entering the **Town of Canton's** municipal separate storm sewer system (MS4);
4. Establish minimum construction and post construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
5. Require the use of nonstructural stormwater management **practices**, stormwater better site design practices or "low-impact development practices", such as reducing impervious cover and the preservation of greenspace and other natural areas, unless **proven to be** infeasible;
6. Establish provisions for the long-term responsibility ~~for~~ and maintenance of structural stormwater control facilities and nonstructural stormwater best management practices to ensure that they continue to function as designed **and** are **perpetually** maintained;
7. Establish administrative procedures and fees for the submission, review, approval or disapproval of stormwater management plans, ~~and~~ for the inspection of approved active projects, and long-term follow up;
8. Ensure that there is an adequate funding mechanism, including surety, for the proper review of applications, inspection of projects, and assurance of the long-term maintenance of stormwater facilities implemented as part of this Bylaw;
9. Recognize Canton's legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement;
10. Require, through issuance of a **Major or Minor** Stormwater Management Permit, and through an inspection program described in the Stormwater **Management Rules and**

Regulations, the proper management of construction phase soil erosion and sediment control to minimize or eliminate erosion and maintain sediment on site so that it is not transported in stormwater runoff and allowed to discharge to a water of the U.S through Canton's drainage system, as required by the Town of Canton's Small Municipal Separate Storm Sewer System (MS4) **General** Permit issued by the United States Environmental Protection Administration (EPA).

2. APPLICABILITY

A. No person may undertake a construction activity or land disturbance activity, including clearing, grading, excavation or redevelopment that will disturb or alter an area equal to or greater than ~~20,000~~ **1,000** square feet without a **Major or Minor** Stormwater Management Permit approved by a ~~majority~~ of the Stormwater Authority members or as otherwise provided in this Bylaw. Any person that fails to follow the requirements of a **Major or Minor** Stormwater Management Permit, ~~including and the related~~ **Erosion and Sediment Control Methods Plan** and Operations and Maintenance Plan, shall be in violation of this Bylaw.

1. This Bylaw shall be applicable to all new development and redevelopment, including, but not limited to, site plan applications, subdivision applications, grading applications, land use conversion applications, any activity that will result in an increased amount of stormwater runoff or pollutants flowing from a parcel of land, or any activity that will alter the drainage characteristics of a parcel of land, unless exempt pursuant to Section 2.C of this Bylaw. All new development and redevelopment under the jurisdiction of this Bylaw as prescribed in this Bylaw shall be required to obtain a **Major or Minor** Stormwater Management Permit.

2. The holder of a **Major or Minor** Stormwater Management Permit must employ sediment and erosion control at the permitted construction site in accordance with an **Erosion and Sediment Control Plan Methods** approved by the Stormwater ~~and/or~~ **Erosion and Sediment Control** Authority. ~~The Proposed~~ **Erosion and Sediment Control Plan Methods** must be ~~prepared~~ **designed** in accordance with the Canton Stormwater **Management Rules and Regulations** and the "Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas", May 2003 (or as modified). **Proposed Erosion and Sediment Control Methods shall be shown on all site development plans.**

B. Hotspots - An alteration, redevelopment, or conversion of land use to a hotspot such as, without limitation: auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping businesses, outdoor storage and loading areas of hazardous substances, shall require a **Major or Minor** Stormwater Management Permit.

C. Exemptions – The following activities are exempt from the requirement to obtain a **Major or Minor** Stormwater Management Permit:

1. Any activity that will alter an area less than ~~20,000~~ **1,000** square feet, with the exception of any projects which file for a Stormwater Management Permit between the

effective date of this Bylaw and ~~prior to~~ **after** August 30, 2020, for which the threshold will be ~~5,000~~ **20,000** square feet of disturbance or less than 25% of a contiguous property, whichever is less. This exception may not be applied for contiguous properties held in common ownership at the time of adoption of this Bylaw that may have been previously subdivided and/or are attributed to multiple separate owners.

2. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act.

3. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling.

~~4. Repair or replacement of an existing roof of a single family dwelling.~~

~~4.5.~~ The construction of any fence that will not alter existing terrain or drainage patterns.

~~5.6.~~ Construction or repair of utilities (gas, water, **sewer**, electric, telephone, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns.

~~6.7.~~ Emergency repairs to any stormwater management **system**, facility or practice that poses a threat to public health or safety, or as deemed necessary by the ~~Conservation Commission~~ **Stormwater Authority**.

~~7.8.~~ Any work or projects for which all necessary approvals and permits have been issued before the effective date of this Bylaw.

D. Nothing in this Bylaw is intended to replace the requirements of the Town of Canton Zoning Bylaw, **Town of Canton Land Subdivision Rules and Regulations**, Flood Plain Overlay District, the Town of Canton Wetlands Protection Bylaw, the Consolidated Drainage Bylaw or any other Bylaw that may be adopted by the Town of Canton. Any activity subject to the provisions of the above cited Bylaws must comply with the specifications of each. Nothing in this Bylaw is intended to replace the requirements of construction site operators to comply with the terms and conditions of EPA's Construction General Permit.

3. AUTHORITY

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

4. ADMINISTRATION

A. The ~~Conservation Commission~~ **Board of Public Works** or its authorized Agent(s) shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the ~~Commission~~ **Board of Public Works** may be delegated in writing by the ~~Commission~~ **Board of Public Works** to its employees or agents.

B. **Stormwater Management Rules and Regulations.** The ~~Conservation-Commission Board of Public Works~~ may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement (including sanctions for violation), fees (including application, inspection, and/or ~~consultant technical review~~ fees), procedures and administration of this Stormwater Management Bylaw by majority vote of the ~~Commission Board of Public Works~~ after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven (7) days prior to the hearing date. After public notice and public hearing, the ~~Commission Board of Public Works~~ may promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure by the ~~Commission Board of Public Works~~ to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw. As revisions to this Bylaw may precede updates to the Stormwater **Management Rules and Regulations**, in case of conflict, this Bylaw shall govern and the ~~Conservation-Commission Board of Public Works~~ and its **authorized Agent(s)** may waive provisions of the Stormwater **Management Rules and Regulations** which are in conflict with this Bylaw. Applicants should consult with the ~~Conservation-Agent~~ **Stormwater Authority**.

C. **Massachusetts Stormwater Handbook.** The ~~Conservation-Commission~~ **Stormwater Authority**, at a minimum, may utilize the policy, criteria and information including specifications and standards of the latest edition of the Massachusetts Stormwater Handbook for execution of the provisions of this Bylaw. This Handbook includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. The Handbook may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically ~~altered~~ **revised** in the Stormwater **Management Rules and Regulations**, stormwater management practices that are designed, constructed, and maintained in accordance with the Handbook will be presumed to be protective of Massachusetts water quality standards.

D. **Major or Minor Stormwater Management Permit.** The ~~Conservation-Commission Board of Public Works~~ shall have the authority to adopt rules and regulations further defining the **Major or Minor Stormwater Management Permit (SMP)** for projects as described in section 2.A.

E. **Actions by the ~~Conservation-Commission~~ Stormwater Authority.** The ~~Conservation-Commission~~ **Stormwater Authority** may take any of the following actions as a result of an application for a **Major or Minor Stormwater Management Permit** as more specifically defined as part of Stormwater **Management Rules and Regulations** promulgated pursuant to this Bylaw: Approval, Approval with Conditions, Denial, or Denial without Prejudice.

F. **Appeals of Action by the ~~Conservation-Commission~~ Stormwater Authority.** A decision of the ~~Conservation-Commission~~ **Stormwater Authority** shall be final. Further relief of a decision by the ~~Conservation-Commission~~ **Stormwater Authority** made under this Bylaw shall be appealed to a court of competent jurisdiction.

G. Stormwater Utility. The Select Board may adopt, pursuant to any applicable law or Bylaw, a Stormwater Utility pursuant to M.G.L. Chapter 83 Section 16 and Chapter 40 Section 1A. The Select Board shall administer, implement, and enforce this Utility. Failure by the Canton Select Board to promulgate such a Stormwater Utility through its Regulations or a legal declaration of its invalidity by a court shall not act to suspend or invalidate the effect of the other provisions of this Bylaw.

H. Stormwater **Management Design** Credit System. The ~~Canton Conservation Commission~~ **Board of Public Works** may adopt, through the **Stormwater Management Rules and Regulations** authorized by this Stormwater Management Bylaw, a Stormwater **Management Design** Credit System. This credit system will allow applicants the option, if approved by the ~~Commission~~ **Board of Public Works**, to take credit for the use of stormwater low impact design practices to reduce some of the requirements specified in the criteria section of the Regulations. Failure by the ~~Commission~~ **Board of Public Works** to promulgate such a credit system through its Regulations or a legal declaration of the invalidity of the credit system by a court shall not act to suspend or invalidate the effect of the other provisions of this Bylaw.

5. PROCEDURES

Permit Procedures and Requirements shall be defined and included as part of any rules and regulations promulgated as permitted under Section 4.B. of this Bylaw. As revisions to this Bylaw may precede updates to the Stormwater **Management Rules and Regulations**, in case of conflict, this Bylaw shall govern and the ~~Conservation Commission~~ **Stormwater Authority and** or its **authorized Agent(s)** may waive provisions of the Stormwater **Management Rules and Regulations** which are in conflict with this Bylaw. Applicants should consult with the ~~Conservation Agent~~ **Stormwater Authority**.

6. ENFORCEMENT

The ~~Conservation Commission~~ **Stormwater Authority and Erosion and Sediment Control Authority** as ~~or an~~ authorized agent(s) of the ~~Conservation Commission~~ **Board of Public Works** shall enforce this Bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations. Enforcement shall be further defined and included as part of any Stormwater regulations promulgated as permitted under Section 4.B. of this Bylaw.

7. COORDINATION WITH OTHER TOWN DEPARTMENTS

Any person filing a permit application with the ~~Conservation Commission~~ **Stormwater Authority** shall submit a copy thereof at the same time, by email, certified mail, or hand delivery, to the Select Board, Planning Board, ~~DPW Engineering Department~~ **DPW Engineering Department**, ~~Conservation Commission~~, Board of Appeals, Board of Health, **Fire Chief** and the Building Inspector. The person filing such application shall at the same time submit to the ~~Conservation Commission~~ **Stormwater Authority** a written notice that these copies have been submitted to these ~~other~~ **boards, departments and officials**. The ~~Conservation Commission~~ **Stormwater Authority** shall not take final action on an application until such boards,

departments and officials have had fourteen calendar days from their receipt to submit written comments, if any, to the ~~Conservation Commission~~ **Stormwater Authority**. The applicant shall have the right to receive such written comments, if any, and to respond to them, if desired, prior to final action.

8. DEFINITIONS

The following definitions shall apply in the interpretation and implementation of this Bylaw. Additional definitions may be adopted by separate regulation:

ALTER: Any activity which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Alter may be similarly represented as “alteration of drainage characteristics,” and “conducting land disturbing activities.”

AUTHORIZED AGENT(S): A Town of Canton department, board or employee that has been granted the authority to act on behalf of the Board of Public Works regarding implementing the Stormwater Management Bylaw and Stormwater Management Rules and Regulations. Authorized agents include, but not limited to, the Stormwater Authority and the Erosion and Sediment Control Authority as defined in this Bylaw.

BEST MANAGEMENT PRACTICE (BMP): Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater runoff volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. “Structural” BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. “Nonstructural” BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts (e.g. policies or procedures such as enhanced street sweeping), and/or promote pollutant reduction by eliminating the pollutant source.

EROSION AND SEDIMENT CONTROL AUTHORITY: The Town of Canton Conservation Commission or its authorized agent.

EROSION AND SEDIMENT CONTROL METHODS PLAN: ~~A document containing a~~ Narrative, drawings, and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sediment Control (CPESC) which includes best management practices or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbing activities in accordance with requirements of this bylaw.

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

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

HOTSPOT: Land uses or activities with higher potential pollutant loadings, such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas.

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

LOW IMPACT DESIGN (formerly *Better Site Design*): Site design approaches and techniques that can reduce a site's impact on the watershed through the use of nonstructural stormwater management practices. Also known as environmentally sensitive design, low impact design includes conserving and protecting natural areas and greenspace, reducing impervious cover, and using natural features for stormwater management.

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS: The Standards issued by the Massachusetts Department of Environmental Protection, as further defined in the Massachusetts Stormwater Handbook, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Standards address stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MAJOR STORMWATER MANAGEMENT PERMIT: Required prior to any construction activity or land disturbance, including clearing, grading, excavation, or redevelopment that may result in the disturbance of:

- 3,000 square feet or more of land area for all properties *except* Single Family Residential and Two-Family Residential Properties,
- Exceptions as noted in Section 5.0(A) of the Stormwater Management Rules and Regulations.

MINOR STORMWATER MANAGEMENT PERMIT: Required prior to any construction activity of land disturbance, including clearing, grading, excavation, or redevelopment that may result in the disturbance of:

- 1,000 square feet or more of land area for Single Family and Two-Family Residential Properties;
- 1,000 to 2,999 square feet of land area for all other properties;
- Exceptions as noted in Section 5.0(A) of the Stormwater Management Rules and Regulations

MS4 MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Canton.

NEW DEVELOPMENT: Any construction or land disturbance of a parcel of land that is currently in a natural vegetated state and does not contain alteration by man-made activities.

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

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

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

PERSON: Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town Bylaws, administrative agency, public or quasi-public corporation or body, the Town of Canton and any other legal entity, its legal representatives, agents, or assigns.

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works, **stormwater management system or facility**, watercourse, or Waters of the Commonwealth. Pollutants include, but are not limited to:

- i. Paints, varnishes, and solvents;
- ii. Oil and other automotive fluids;
- iii. Nonhazardous liquid and solid wastes and yard wastes;
- iv. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, accumulations and floatables;

- v. Pesticides, herbicides, and fertilizers;
- vi. Hazardous materials and wastes;
- vii. Sewage, fecal coliform and pathogens;
- viii. Dissolved and particulate metals;
- ix. Animal wastes;
- x. Rock, sand, salt, soils;
- xi. Construction wastes and residues; and
- xii. Noxious or offensive matter of any kind.

PRE-CONSTRUCTION: All activities in preparation of construction.

PRE-DEVELOPMENT: The conditions that exist at the time that plans for the development of a tract of land are submitted to the Canton ~~Conservation Commission~~ **Stormwater Authority**. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

RECHARGE: ~~The process by which groundwater is replenished by precipitation through the percolation of runoff and surface into the soil.~~ **The process of replenishing groundwater through the infiltration of surface water, such as precipitation or treated stormwater runoff, into the underlying soil and eventually reaching the groundwater table.**

REDEVELOPMENT: Development, rehabilitation, expansion, demolition, construction, land alteration, or phased projects that disturb the ground surface, including impervious surfaces, on previously developed sites **resulting in the decrease of impervious surface area**. The creation of new areas of impervious surface or new areas of land disturbance on a site constitutes development, not redevelopment, even where such activities are part of a common plan which also involves redevelopment. Redevelopment includes maintenance and improvement of existing roadways including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems and repaving; and remedial projects specifically designed to provide improved stormwater management such as projects to separate storm drains and sanitary sewers and stormwater retrofit projects.

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

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

STORMWATER AUTHORITY: The Town of Canton ~~Conservation Commission Superintendent of Public Works~~ or ~~its~~ **their** authorized agent(s). The ~~Conservation Commission Superintendent of Public Works~~ or ~~their~~ **authorized agent(s)** is responsible for coordinating the review, approval and permit process as defined in this Bylaw. Other Boards and/or departments participate in the review process as defined in the Stormwater **Management Rules and Regulations** adopted by the ~~Conservation Commission Board of Public Works~~.

~~Y. ——— STORMWATER MANAGEMENT FEE: a charge for the use of the Stormwater Management Services.~~

STORMWATER MANAGEMENT SYSTEMS AND FACILITIES: Including, but not limited to, natural and man-made channels, swales, ditches, rivers, streams, brooks, creeks, wetlands, branches, reservoirs, ponds, drainageways, drainage structures, conveyances, storm drains, catch basins, inlets, gutters, pipes, culverts, bridges, headwalls, storm sewers, lakes, outfalls, and other physical works, properties, and improvements that collect, transport, transfer, control, pump, treat, convey, detain, retain, dispose of, or otherwise influence the movement of stormwater runoff.

STORMWATER UTILITY: A specific management structure for the Stormwater ~~Management Utility Fee~~, in which a municipal utility is established ~~to administer the fee for the Town to provide and the Stormwater Management Program Services~~ similar to a water or sewer utility. **Refer to the Canton Stormwater Utility Rules and Regulations.**

STORMWATER UTILITY FEE: The periodic user fee imposed by the Town of Canton for providing stormwater management services. **Refer to the Canton Stormwater Utility Rules and Regulations.**

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

9. SEVERABILITY

The invalidity of any section, provision, paragraph, sentence, or clause of this Bylaw shall not invalidate any other section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

Or to take any other action related thereto.

Select Board

AMEND GENERAL BYLAW ARTICLE XXIII STRETCH ENERGY CODE (SPECIALIZED ENERGY CODE)

Article 33 To see if the Town will vote to amend General Bylaw Article XXIII to change the code to Specialized Energy Code by adding and deleting language as outlined in the following with new language in bold and language to be deleted in ~~strikethrough~~.

ARTICLE XXIII ~~STRETCH~~ **SPECIALIZED ENERGY CODE**

1. DEFINITIONS The terms below shall have the following meanings for the purposes of this Article XXIII.

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

SPECIALIZED ENERGY CODE- Codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, the Specialized Energy Code adds residential and commercial appendices to the Massachusetts Stretch Energy Code, based on amendments to the respective net-zero appendices of the (IECC) to incorporate the energy efficiency of the Stretch Energy Code and further reduce the climate impacts of buildings built to this code, with the goal of achieving net-zero greenhouse gas emissions from the buildings sector no later than 2050

Stretch Energy Code - Codified by 225 CMR 22 and 23, not including Appendices RC and CC, the Stretch Energy Code is a comprehensive set of amendments to the IECC seeking to achieve all lifecycle cost-effective energy efficiency in accordance with the Green Communities Act of 2008, as well as to reduce the climate impacts of buildings built to this code.

2. PURPOSE The purpose of ~~780 CMR 115.AA~~ the **Specialized Energy Code 225 CMR 22 and 23 including Appendices RC and CC**, is to provide a more energy efficient alternative to the **Stretch Energy Code or the Base Energy Code**, applicable to the relevant sections of the Building Code for both new construction and existing buildings.

3. APPLICABILITY The ~~Stretch~~ **Specialized Energy Code** applies to residential and commercial buildings. ~~Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable.~~

4. ~~STRETCH CODE~~ The ~~Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into these General Bylaws, Article XXIII.~~

4. SPECIALIZED ENERGY CODE The Specialized Energy Code, as codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, and also including any future editions, amendments, or modifications, is herein incorporated by reference into the Town of Canton General Bylaws, Article XXIII.

5. ENFORCEMENT The ~~Stretch~~ Specialized Energy Code is enforceable by the Building Commissioner.

6. Effective DATE This chapter and by its incorporation herein, the Specialized Energy Code, 225 CMR 22 and 23 including Appendices RC and CC, shall take effect in the Town of Canton with an effective date of January 1, 2027, subject to the provisions of MGL Chapter 40, Section 32.

Or take any other action related thereto.

This Article serves two purposes. One, to modernize, clarify, consolidate and eliminate redundancies in the Town’s current Energy Building Code and General Bylaws. Secondly, the addition of Specialized Code, while only applicable to new construction and without replacing the existing Base and Stretch Code, greatly increases both energy efficiency in new buildings construction and consumer choice, ensuring consumer protection through energy affordability and avoiding costly future retrofits.

Select Board for the Sustainability Climate Action Plan Committee

VOTE TO ACCEPT STILLWATER ROAD TOWN WAY

ARTICLE 34 To see if the Town will vote to accept Stillwater Road as a Town way, as recommended by the Planning Board and laid out by the Select Board pursuant to G. L. c. 41 and c. 82; as shown on a plan entitled “Final As-Built Road Utility Plan for Canton Reserve (Stillwater Estates) in Canton, Massachusetts prepared for Toll Brothers, Inc., dated January 16, 2024; and revised on January 23, 2025 and prepared by ESE Consultants, 116 Flanders Road, Suite 1200, Westborough, MA 01581” (hereinafter referred to as “Acceptance Plan”); to authorize the Select Board to acquire by purchase, gift or eminent domain such land and easements for the creation, maintenance and operation of a public way, including but not limited to easements for access, grading, drainage, sloping, construction and utilities, in all or any portions of such way and the parcels on such street, including, but not limited to the parcels listed below; to see if the Town will vote to appropriate, borrow pursuant to any applicable statute or transfer from available funds, a sum of money for such purposes; and further to authorize the Select Board to take any and all related actions necessary or appropriate to carry out the purposes of this article; or to take any other action related thereto.

<u>Property Address</u>	<u>Town Assessor ID</u>
<u>5 Stillwater Rd.</u>	<u>Map 101 - Lot 110</u>
<u>10 Stillwater Rd.</u>	<u>Map 101 - Lot 93</u>
<u>15 Stillwater Rd.</u>	<u>Map 101 - Lot 109</u>

<u>20 Stillwater Rd.</u>	<u>Map 101 - Lot 94</u>
<u>25 Stillwater Rd.</u>	<u>Map 101 - Lot 108</u>
<u>30 Stillwater Rd.</u>	<u>Map 101 - Lot 95</u>
<u>35 Stillwater Rd.</u>	<u>Map 101 - Lot 107</u>
<u>40 Stillwater Rd.</u>	<u>Map 101 - Lot 96</u>
<u>45 Stillwater Rd.</u>	<u>Map 101 - Lot 105</u>
<u>50 Stillwater Rd.</u>	<u>Map 101 - Lot 97</u>
<u>55 Stillwater Rd.</u>	<u>Map 101 - Lot 106</u>
<u>60 Stillwater Rd.</u>	<u>Map 101 - Lot 98</u>
<u>65 Stillwater Rd.</u>	<u>Map 90 - Lot 44</u>
<u>70 Stillwater Rd.</u>	<u>Map 101 - Lot 99</u>
<u>75 Stillwater Rd.</u>	<u>Map 90 - Lot 43</u>
<u>80 Stillwater Rd.</u>	<u>Map 101 - Lot 100</u>
<u>85 Stillwater Rd.</u>	<u>Map 100 - Lot 183</u>

Select Board

VOTE TO ACCEPT FOUNDRY LANE AS A TOWN WAY

ARTICLE 35 To see if the Town will vote to accept Foundry Lane as a Town way, as recommended by the Planning Board and laid out by the Select Board pursuant to G. L. c. 41 and c. 82; as shown on a plan entitled “Final As-Built Road Utility Plan for Canton Reserve (Stillwater Estates) in Canton, Massachusetts prepared for Toll Brothers, Inc., dated January 16, 2024; and revised on January 23, 2025 and prepared by ESE Consultants, 116 Flanders Road, Suite 1200, Westborough, MA 01581” (hereinafter referred to as “Acceptance Plan”); to authorize the Select Board to acquire by purchase, gift or eminent domain such land and easements for the creation, maintenance and operation of a public way, including but not limited to easements for access, grading, drainage, sloping, construction and utilities, in all or any portions of such way and the parcels on such street, including, but not limited to the parcels listed below; to see if the Town will vote to appropriate, borrow pursuant to any applicable statute or transfer from available funds, a sum of money for such purposes; and further to authorize the Select Board take any and all related actions necessary or appropriate to carry out the purposes of this article; or to take any other action related thereto.

<u>Property Address</u>	<u>Town Assessor ID</u>
<u>5 Foundry Lane</u>	<u>Map 89 - Lot 39</u>
<u>10 Foundry Lane</u>	<u>Map 89 - Lot 40</u>
<u>15 Foundry Lane</u>	<u>Map 89 - Lot 38</u>
<u>20 Foundry Lane</u>	<u>Map 89 - Lot 41</u>
<u>25 Foundry Lane</u>	<u>Map 89 - Lot 37</u>
<u>30 Foundry Lane</u>	<u>Map 89 - Lot 42</u>
<u>35 Foundry Lane</u>	<u>Map 89 - Lot 36</u>
<u>40 Foundry Lane</u>	<u>Map 89 - Lot 43</u>
<u>45 Foundry Lane</u>	<u>Map 89 - Lot 35</u>

<u>50 Foundry Lane</u>	<u>Map 89 - Lot 44</u>
<u>55 Foundry Lane</u>	<u>Map 89 - Lot 34</u>
<u>60 Foundry Lane</u>	<u>Map 90 - Lot 38</u>
<u>65 Foundry Lane</u>	<u>Map 89 - Lot 33</u>
<u>70 Foundry Lane</u>	<u>Map 101 - Lot 101</u>
<u>75 Foundry Lane</u>	<u>Map 89 - Lot 32</u>
<u>80 Foundry Lane</u>	<u>Map 101 - Lot 102</u>
<u>85 Foundry Lane</u>	<u>Map 100 - Lot 183</u>
<u>90 Foundry Lane</u>	<u>Map 101 - Lot 103</u>
<u>100 Foundry Lane</u>	<u>Map 101 - Lot 104</u>

Select Board

VOTE TO ACCEPT DALEBROOK COURT AS A TOWN WAY

ARTICLE 36 To see if the Town will vote to accept Dalebrook Court as a Town way, as recommended by the Planning Board and laid out by the Select Board pursuant to G. L. c. 41 and c. 82; as shown on a plan entitled “Final As-Built Road Utility Plan for Canton Reserve (Stillwater Estates) in Canton, Massachusetts prepared for Toll Brothers, Inc., dated January 16, 2024; and revised on January 23, 2025 and prepared by ESE Consultants, 116 Flanders Road, Suite 1200, Westborough, MA 01581” (hereinafter referred to as “Acceptance Plan”); to authorize the Select Board to acquire by purchase, gift or eminent domain such land and easements for the creation, maintenance and operation of a public way, including but not limited to easements for access, grading, drainage, sloping, construction and utilities, in all or any portions of such way and the parcels on such street, including, but not limited to the parcels listed below; to see if the Town will vote to appropriate, borrow pursuant to any applicable statute or transfer from available funds, a sum of money for such purposes; and further to authorize the Select Board to take any and all related actions necessary or appropriate to carry out the purposes of this article; or to take any other action related thereto.

<u>Property Address</u>	<u>Town Assessor ID</u>
<u>5 Dalebrook Ct.</u>	<u>Map 90 - Lot 42</u>
<u>10 Dalebrook Ct.</u>	<u>Map 90 - Lot 39</u>
<u>15 Dalebrook Ct.</u>	<u>Map 90 - Lot 41</u>
<u>20 Dalebrook Ct.</u>	<u>Map 90 - Lot 40</u>

Select Board

VOTE TO ACCEPT STONEWOOD DRIVE AS A TOWN WAY

ARTICLE 37 To see if the Town will vote to accept Stonewood Drive as a Town way, as recommend by the Planning Board and laid out by the Select Board pursuant to G. L. c. 41 and c. 82; as shown on a plan entitled “Street Acceptance & As-Built Plan in Canton, Massachusetts, Stonewood Drive, prepared for Stonewood Realty Trust, dated February 2, 2024, prepared by

Borderland Engineering, 61b Pleasant Street, Randolph, MA 02021” (hereinafter referred to as “Acceptance Plan’); to authorize the Select Board to acquire by purchase, gift or eminent domain such land and easements for the creation, maintenance and operation of a public way, including but not limited to easements for access, grading, drainage, sloping, construction and utilities, in all or any portions of such way and the parcels on such street, including, but not limited to the parcels listed below; to see if the Town will vote to appropriate, borrow pursuant to any applicable statute or transfer from available funds, a sum of money for such purposes; and further to authorize the Select Board to take any and all related actions necessary to carry out the purposes of this article; or take any other action related thereto.

<u>Property Address</u>	<u>Town Assessor ID</u>
<u>12 Stonewood Dr.</u>	<u>Map 110 – Lot 31</u>
<u>16 Stonewood Dr.</u>	<u>Map 110 – Lot 75</u>
<u>17 Stonewood Dr.</u>	<u>Map 110 – Lot 32</u>
<u>20 Stonewood Dr.</u>	<u>Map 110 – Lot 54</u>
<u>25 Stonewood Dr.</u>	<u>Map 110 – Lot 58</u>
<u>30 Stonewood Dr.</u>	<u>Map 110 – Lot 55</u>
<u>35 Stonewood Dr.</u>	<u>Map 110 – Lot 57</u>
<u>40 Stonewood Dr.</u>	<u>Map 110 – Lot 56</u>

Select Board

VOTE TO ACCEPT ISABELLA CIRCLE AS A TOWN WAY

ARTICLE 38 To see if the Town will vote to accept Isabella Circle as a Town way, as recommend by the Planning Board and laid out by the Select Board pursuant to G. L. c. 41 and c. 82; as shown on a plan entitled “Street Acceptance & As-Built Plan in Canton, Massachusetts, Isabella Circle, prepared for Stonewood Realty Trust, dated February 2, 2024, prepared by Borderland Engineering, 61b Pleasant Street, Randolph, MA 02021” (hereinafter referred to as “Acceptance Plan’); to authorize the Select Board to acquire by purchase, gift or eminent domain such land and easements for the creation, maintenance and operation of a public way, including but not limited to easements for access, grading, drainage, sloping, construction and utilities, in all or any portions of such way and the parcels on such street, including, but not limited to the parcels listed below; to see if the Town will vote to appropriate, borrow pursuant to any applicable statute or transfer from available funds, a sum of money for such purposes; and further to authorize the Select Board to take any and all related actions necessary to carry out the purposes of this article; or take any other action related thereto.

<u>Property Address</u>	<u>Town Assessor ID</u>
<u>5 Isabella Cir.</u>	<u>Map 110 – Lot 59</u>
<u>15 Isabella Cir.</u>	<u>Map 110 – Lot 60</u>
<u>25 Isabella Cir.</u>	<u>Map 110 – Lot 61</u>
<u>35 Isabella Cir.</u>	<u>Map 110 – Lot 62</u>
<u>45 Isabella Cir.</u>	<u>Map 110 – Lot 63</u>

Select Board

VOTE TO ACCEPT HOLLY WAY AS A TOWN WAY

ARTICLE 39 To see if the Town will vote to accept Holly Way as a Town way, as recommend by the Planning Board and laid out by the Select Board pursuant to G. L. c. 41 and c. 82; as shown on a plan entitled “Street Acceptance & As-Built Plan in Canton, Massachusetts, Holly Way, prepared for Stonewood Realty Trust, dated February 2, 2024, prepared by Borderland Engineering, 61b Pleasant Street, Randolph, MA 02021” (hereinafter referred to as “Acceptance Plan’); to authorize the Select Board to acquire by purchase, gift or eminent domain such land and easements for the creation, maintenance and operation of a public way, including but not limited to easements for access, grading, drainage, sloping, construction and utilities, in all or any portions of such way and the parcels on such street, including, but not limited to the parcels listed below; to see if the Town will vote to appropriate, borrow pursuant to any applicable statute or transfer from available funds, a sum of money for such purposes; and further to authorize the Select Board to take any and all related actions necessary to carry out the purposes of this article; or take any other action related thereto.

<u>Property Address</u>	<u>Town Assessor ID</u>
<u>5 Holly Way</u>	<u>Map 110 – Lot 65</u>
<u>10 Holly Way</u>	<u>Map 110 – Lot 70</u>
<u>15 Holly Way</u>	<u>Map 110 – Lot 66</u>
<u>20 Holly Way</u>	<u>Map 110 – Lot 69</u>
<u>25 Holly Way</u>	<u>Map 110 – Lot 67</u>
<u>35 Holly Way</u>	<u>Map 110 – Lot 68</u>

Select Board

RESCIND PRIOR VOTE TAKEN ON ARTICLE 38 OF 2006 ANNUAL TOWN MEETING

Article 40 To see if the Town will vote to rescind and revoke the action taken under Article 38 of the 2006 Annual Town Meeting to accept the provisions of Massachusetts General Laws Chapter 31, Section 58A, as inserted by Chapter 242 of the Acts of 2000, establishing that applicants for original appointment(s) to the Police and Fire Departments must be under the age of thirty-two (32) years on the date of appointment, and such that revocation be effective on July 1, 2026 or take any further action related thereto.

Select Board

ACCEPT MGL CH. 31 § 61A AND 61B

Article 41 To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 31, Sections 61A and 61B as amended, for the purpose of establishing health and

fitness standards and a wellness program for Police and Fire personnel in order to allow the Town to hire Police and Fire personnel without an age restriction pursuant to Massachusetts General Laws Chapter 31, Section 58, or take any other action related thereto.

Select Board

ACCEPT MGL CH. 44 SECTION 53F ½ ENTERPRISE FUNDS

Article 42 To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 44 Section 53F ½ as amended, for the purpose of authorizing Town to operate within enterprise funds to be maintained by the treasurer, or to take any other action related thereto.

Select Board

AMEND ZONING BYLAW SECTION 8.1 ACCESSORY DWELLING UNITS

Article 43 To see if the Town will vote to amend Zoning Bylaw Section 8.1 as follows, with new language underlined and in **bold** and deleted language in ~~strikethrough~~.

8.1 ACCESSORY DWELLING UNITS

8.1.1 Purpose.

1. To provide for housing options that reduce maintenance costs and are more affordable than traditional single-family dwellings;
2. To provide a mechanism for development of a range of housing types that are responsive to the sociocultural, health care, and recreational needs of residents;
3. To use energy, water, and materials more efficiently by increasing the housing supply through concentrated, small-scale development;
4. To establish residential development standards and procedures that will support these objectives; and
5. To facilitate housing production, diversity, and affordability in the Town's neighborhoods.

8.1.2 Limitations on Use. One Accessory Dwelling Unit (ADU) shall be allowed as-of-right in all zoning districts in which single-family homes are allowed **as-of-right or by Special Permit**, subject to the following restrictions:

A. The ADU maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress.

~~B.~~ **B.** The ADU is not larger in gross floor area than one half (1/2) the gross floor area of the principal dwelling or 900 square feet, whichever is smaller;

~~B.~~ **B.** The ADU is subject to dimensional setbacks as the primary residence, as provided in **Section 4.0 of this Zoning By Law**

~~C.~~ **C.** No ADU shall be constructed without issuance of a building permit by the Building Commissioner; and

~~D.~~ **D.** No use of an accessory apartment shall be permitted prior to issuance of a certificate of occupancy by the Building Commissioner. A certificate of occupancy shall

be issued after the Building Commissioner determines that the accessory apartment as constructed is in conformity with the approved plans and with the provisions of this by-law.

8.1.3 Additional Accessory Dwelling Units. The Board of Appeals may issue a Special Permit for additional ADUs over and above the first ADU allowed as-of-right on a lot.

8.1.4 Exterior Appearance of a Dwelling with an ADU. The ADU shall be designed so that the appearance of the structure remains that of a ~~single-family dwelling~~ **the principle structure**, subject further to the following requirements:

- A. All stairways to second or third stories shall be enclosed within the exterior walls of the dwelling;
- B. Any new, additional entrance to an existing dwelling shall be located on the side or in the rear of the dwelling; and
- C. Where there are two (2) or more existing entrances on the front facade of a dwelling, if modifications are made to any entrance, the result shall be that one (1) appears to be the principal entrance and other entrances appear to be secondary.

8.1.5 Dimensional Requirements. Accessory Dwelling Units shall be subject to all applicable dimensional requirements in Section 4.0 of the Town of Canton Zoning By-Laws.

8.1.6 Parking.

- A. There shall be one (1) off-street parking space per ADU in addition to the parking spaces that are required by the underlying zoning district **for the Principle Use**;
- B. No additional parking spaces shall be required if the ADU is located within 0.5 miles from a commuter rail station, subway station, ferry terminal, or bus station;
- C. A single driveway shall serve both the ~~residential structure~~ **primary use** and the ADU, provided that a detached ADU may have a separate parking area.

8.1.7 Severability. If any provision of this Section 8.1 Accessory Dwelling Units is found to be invalid by a court of competent jurisdiction, the remainder of Section 8.1 shall not be affected but shall remain in full force. The invalidity of any provision of this Section shall not affect the validity of the remainder of the Town of Canton's Zoning By-Law, or to take any other action related thereto.

Select Board for the Planning Board

AMEND ZONING BYLAW SECTION 11.0 DEFINITIONS

Article 44 To see if the Town will vote to amend Zoning Bylaw Section 11.0 as follows, with new language underlined and in **bold** and deleted language in ~~strikethrough~~.

11.0 DEFINITIONS

Accessory Dwelling Unit: A secondary dwelling unit, but not a mobile home, located either within or on the same lot as a **principle** dwelling. The accessory dwelling unit shall be subordinate in size to the principal dwelling unit and separated from it in a manner that maintains the appearance of the structure. Or to take any other action related thereto.

Select Board for the Planning Board

AMEND ZONING MAP OF CANTON BY REMOVING CCEOD A

Article 45 To see if the Town will vote to amend the Zoning Map of the Town of Canton, Massachusetts by removing the “Canton Center Economic Opportunity District A” or to take any other action related thereto.

Select Board for the Planning Board

AMEND ZONING MAP OF CANTON BY REMOVING CCEOD B

Article 46 To see if the Town will vote to amend the Zoning Map of the Town of Canton, Massachusetts by removing the “Canton Center Economic Opportunity District B” or to take any other action related thereto.

Select Board for the Planning Board

AMEND ZONING MAP OF CANTON BY REMOVING CCEOD C

Article 47 To see if the Town will vote to amend the Zoning Map of the Town of Canton, Massachusetts by removing the “Canton Center Economic Opportunity District C” or to take any other action related thereto.

Select Board for the Planning Board

APPROPRIATE FUNDS TO MEET EXPENSES FOR NEXT FISCAL YEAR (FY27)

Article 48 To see what sums of money the Town will vote to raise and appropriate, transfer from Free Cash, transfer from any available funds or borrow pursuant to any applicable statute to meet the expenses of the next fiscal year starting July 1, 2026 and ending June 30, 2027 for the various Town Boards, Committees, Departments and Agencies, or to take any other action related thereto.

Select Board

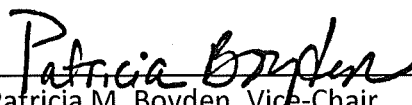
Hereof fail not, and make due return of this warrant with your doings thereon to the Town Clerk before the day the said meeting is held.

Given under our hands and seals this 3rd day of February in the year two thousand and twenty-six.

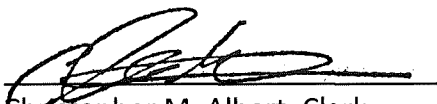
Select Board,
Town of Canton



John R. McCourt, Chair



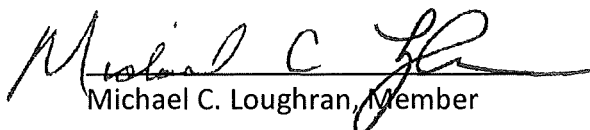
Patricia M. Boyden, Vice-Chair



Christopher M. Albert, Clerk



Susan M. Harrington, Member



Michael C. Loughran, Member