

TOWN OF MARION
TOWN MEETING WARRANT
For the Special Town Meeting to be Held
November 24, 2025



Plymouth, ss:

To either of the Constables of the Town of Marion in the Commonwealth of Massachusetts

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Marion qualified to vote in Town election and Town affairs to meet at the Sippican School Auditorium in said Marion, on Monday, the 24th day of November, 2025, at 6:45 o'clock in the evening, then and there to act on the following Articles, to wit:

Article S1. To see if the Town will vote to amend Chapter 230 (Zoning) of the Code of Marion by adding the following article after Article XII:

ARTICLE XIII - STORMWATER MANAGEMENT BYLAW

Section 1. Purpose and Objectives

- A. The purpose of this Bylaw is to establish minimum stormwater management requirements and procedures in order to minimize damage to public and private property and infrastructure; safeguard the public health, safety, environment, and general welfare; protect aquatic resources and wildlife habitat; protect the quality and health of water resources; conserve groundwater supplies; and foster climate change resiliency.
- B. This Bylaw seeks to meet that purpose through the following objectives:
 - 1. Establish the Town as the legal authority to ensure compliance with the provisions of this Bylaw and its accompanying Stormwater Management Rules and Regulations through a review process, inspections, monitoring, and enforcement;
 - 2. Establish administrative procedures for: the submission, review, and approval or disapproval of Stormwater Management Permits; the inspection of approved active projects; and post- construction monitoring;
 - 3. Establish decision-making processes surrounding new development and redevelopment that protect watershed integrity and preserve and/or restore the health of local water resources such as lakes, ponds, streams, rivers, wetlands, and groundwater; and

4. Ensure compliance with requirements of the United States Environmental Protection Agency (EPA), National Pollutant Discharge Elimination System (NPDES), General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) and other applicable state and federal mandates.

Section 2. Definitions

For the purposes of this Bylaw, the following shall mean:

- A. **AGRICULTURAL USE:** The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act, MGL Chapter 131, § 40, and its implementing regulations.
- B. **APPLICANT:** Any person, individual, partnership, association, firm, company, corporation, trust, or authority, agency, department, or political subdivision of the Commonwealth of Massachusetts or the federal government to the extent permitted by law requesting a Stormwater Management Permit for proposed land disturbance activity.
- C. **BEST MANAGEMENT PRACTICE (BMP):** An activity, procedure, restraint, or structural improvement that helps reduce the quantity or improve the quality of stormwater runoff.
- D. **CERTIFICATE OF COMPLETION:** Document issued by the Planning Board, its employees, or authorized agents upon receipt of a final inspection report and acknowledgement that all conditions of the Stormwater Management Permit have been satisfactorily completed.
- E. **CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC):** A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.
- F. **COMMON PLAN OF DEVELOPMENT:** - A "larger common plan of development or sale" is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.
- G. **DISTURBANCE OF LAND:** Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material including but not limited to clearing and grading.
- H. **ENFORCEMENT ORDER:** A written order issued by the Planning Board or its designee to enforce the provisions of this Bylaw.
- I. **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.

- J. **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT:** A permit issued by the EPA or jointly with the Commonwealth of Massachusetts that authorizes the discharge of stormwater to waters of the United States.
- K. **NEW DEVELOPMENT:** Any construction, land alteration, or addition of impervious surfaces on previously undeveloped sites resulting in a Disturbance of Land equal to or greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) that does not meet the definition of Redevelopment.
- L. **OWNER:** A person with a legal or equitable interest in property.
- M. **PERSON:** An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.
- N. **PLANNING BOARD:** Town of Marion Planning Board, its employees, or authorized agents designated to enforce this Bylaw.
- O. **PROFESSIONAL ENGINEER (P.E.):** A registered Professional Engineer within the Commonwealth of Massachusetts in good standing.
- P. **REDEVELOPMENT:** Development, rehabilitation, expansion, demolition, or phased projects that disturb the ground surface or increase the impervious area on previously developed sites. Any construction, land alteration, or improvement of impervious surfaces resulting in a Disturbance of Land equal to or greater than 1 acre (or activities that are part of a larger common plan of redevelopment disturbing greater than 1 acre) that does not meet the definition of New Development.
- Q. **STORMWATER:** Stormwater runoff, snow melt runoff, and surface water runoff and drainage.
- R. **STORMWATER MANAGEMENT PERMIT:** The written approval granted by the Planning Board to undertake a construction activity pursuant to a Stormwater Management Permit Application. A valid Stormwater Management Permit must be signed by a majority of the Planning Board participating at a duly noticed public hearing, and such permit must be recorded at the Plymouth Registry of Deeds, prior to the start of any work.
- S. **WATERS OF THE COMMONWEALTH:** All waters within the jurisdiction of the Commonwealth of Massachusetts including without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, groundwaters, and vernal pools.
- T. **WETLAND RESOURCE AREAS:** Areas specified in the Massachusetts Wetlands

Protection Act Regulations, 310 CMR 10.00, as amended.

Section 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.

Section 4. Administration

- A. The Planning Board shall be the Permit Granting Authority (PGA) for this Bylaw. Any powers granted to or duties imposed upon the Planning Board may be delegated by the Planning Board to any Town employee, board, commission, committee, or agent, hereby known as the "Reviewing Agent."
- B. The Planning Board shall not have jurisdiction over stormwater issues within areas where the Conservation Commission has jurisdiction under the Wetlands Protection Act.
- C. The Planning Board or its Reviewing Agent shall take any of the following actions as a result of an application for a Stormwater Management Permit as specifically defined within the Stormwater Management Rules and Regulations promulgated as a result of this Bylaw: Approval, Approval with Conditions, or Disapproval.
- D. A decision of the Planning Board or its Reviewing Agent shall be final. Further relief regarding a decision by the Planning Board or its Reviewing Agent made under this Bylaw may be sought in a court of competent jurisdiction in accordance with G.L. c. 249, §4.

Section 5. Amendments and Regulations

The Planning Board may adopt, and periodically amend, the Stormwater Management Rules and Regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Bylaw by majority vote of the Planning Board, after conducting an advertised public hearing to receive comments on any proposed revisions. The hearings shall be duly advertised in a paper of general circulation in the Town of Marion no less than fourteen (14) days prior to the date of the public hearing. Failure by the Planning Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Bylaw.

Section 6. Applicability and Exemptions

- A. No person may undertake a construction activity, including clearing, grading, or excavation that results in a Disturbance of Land to an area equal to or greater than one (1) acre of land or will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb an area equal to or greater than one (1) acre of land within the Town without first obtaining a Stormwater Management Permit issued by the Planning Board.
- B. Exemptions:
 - 1. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulations, 310 CMR 10.04, as amended;

2. Removal of native plants, invasive growth, or other vegetation by methods that do not disturb underlying soils or ground conditions;
3. Maintenance of existing landscaping, gardens, or lawn areas associated with a single-family dwelling;
4. The construction of fencing that will not substantially alter existing terrain or drainage patterns;
5. Normal maintenance of roadways and associated drainage infrastructure;
6. Emergency repairs to any stormwater management system or feature that poses a threat to public health or safety, or as deemed necessary by a Town department or board;
7. Projects that are subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Stormwater Management Handbook and with the stormwater management performance standards of this Bylaw as reflected in an Order of Conditions issued by the Conservation Commission; and
8. Incidental disturbance of ground cover related to project construction as a result of construction access, placement of erosion controls, vegetation clearing that does not disturb soils, or similar activity, does not count towards the one (1) acre of land disturbance under this Bylaw.

Section 7. Enforcement

- A. The Planning Board, or an authorized agent of the Planning Board, shall enforce this Bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- B. The Planning Board may issue a written order to enforce the provisions of this Bylaw, which may include requirements to:
 1. Cease and desist from construction or land disturbing activity until there is compliance with this Bylaw and the Stormwater Management Permit;
 2. Repair, maintain, or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan;
 3. Maintain, install, or perform additional erosion and sediment control measures;
 4. Perform monitoring, analyses, and reporting;
 5. Remediate adverse impact resulting directly or indirectly from malfunction of the stormwater management system or erosion and sediment control system;
 6. Cease and desist from unlawful discharges, practices, or operations; and/or,
 7. Remediate contamination in connection therewith.
- C. If the Planning Board determines that abatement or remediation of adverse impacts is required, the Enforcement Order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, with the approval of a court of competent jurisdiction, undertake such work, and the property owner shall reimburse the Town's expense.
- D. Within thirty (30) days after completing all measures necessary to abate the violation, the

violator and the property owner shall be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Planning Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Planning Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. c. 59, § 57, after the thirty-first day at which the costs first become due.

Section 8. Entry to Perform Duties Under this Bylaw

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Planning Board or its agents may enter upon privately owned property for the purpose of performing their duties under this Bylaw and regulations and may make or cause to be made such examinations, surveys, or sampling as the Planning Board or agent deems reasonably necessary.

Section 9. Waivers and Provisions for Relief

- A. The Planning Board may waive strict compliance with any requirement of this Bylaw and/or any regulations promulgated hereunder, where:
 - 1. Such action is allowed by federal, state and local statutes and/or regulations;
 - 2. It is in the public interest;
 - 3. A public safety issue exists; and
 - 4. It is consistent with the purpose and intent of this Bylaw.
- B. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of this Bylaw does not further the purposes or objectives of this Bylaw. The Planning Board may require documentation to be submitted and stamped by a qualified P.E. registered in Massachusetts or a Certified Professional in Erosion and Sediment Control (CPESC).

Section 10. Civil Relief

If a person violates the provisions of this Bylaw, permit, notices, or order issued thereunder, the Planning Board may seek injunctive relief in a court of competent jurisdiction restraining the person from activities that would create further violations or compelling the person to perform abatement or remediation of the violation.

Section 11. Criminal Penalty

- A. Any person who violates any provision of this Bylaw, order, or permit issued thereunder, may be punished by a fine of not more than \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- B. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in G.L. c. 40, §21D, in which case the Selectboard or an authorized agent of the Selectboard shall be the enforcing person. The

penalty for each violation shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Section 12. Remedies Not Exclusive

The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state, or local law.

Section 13. Surety

The Planning Board may require the permittee to post, before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by Town Counsel and be in an amount deemed sufficient by the Planning Board to ensure that the work will be completed in accordance with the permit. If the project is phased, the Planning Board may release part of the bond as each phase is completed in compliance with the Stormwater Management Permit, but the bond may not be fully released until the Planning Board has received the final inspection report as required by the Stormwater Management Rules and Regulations and issued a Certificate of Completion.

Section 14. Severability

If any provision, paragraph, sentence, or clause of this Bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

or take any other action relative thereto.

*Submitted by Planning Board
Finance Committee Recommends
Select Board Recommends*

Article S2. To see if the Town will vote to authorize and direct the Marion Water Department, to establish a policy permitting property owners to install, at their own expense, a secondary meter for outdoor water usage, such as lawn irrigation, gardening, feeding of livestock, swimming pools, or other non-sewer activities.

The policy shall include, but not be limited to, the following elements:

1. Permitting and Inspections

- A property owner seeking to install a secondary meter shall hire a licensed plumber.
- The plumber shall pull a plumbing permit from the Building Department prior to installation.
- A Water Department technician shall meet with the plumber on-site before installation to review requirements and confirm proper placement.
- Following installation, the water Department technician shall install and seal the secondary meter.
- It shall be the plumber's responsibility to ensure all required final inspections are completed.

2 Billing and Fees

- An initial installation fee shall be paid by the property owner to cover meter costs, labor and inspection.
- Annual billing for the secondary meter shall be issued separately from the primary account, once per year, during the fall billing cycle.
- Water rates for secondary meters shall be exactly the same as the rates for the first meter as set by the Marion Water Department, consistent with the Town's water rate schedule, and subject to adjustment by the Select Board and Water Commissioners as applicable.
- Sewer charges shall not be assessed on water consumption measured by the secondary meter.

3 Administration and Oversight

- The Water Department shall maintain records of all properties with secondary meters.
- Fees may be adjusted periodically to reflect meter size, replacement, labor, or materials.
- The Water Department shall adopt and publish rules and regulations to administer the program.

or take any action relative thereto.

Submitted by Citizen's Petition

And you are directed to serve this *Warrant* by posting up attested copies thereof, one at the Elizabeth Taber Library, one at the Town House and one at the Marion Post Office, all in said Marion, fourteen days at least before the time of holding said meeting aforesaid.

Hereof fail not to make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of meeting aforesaid.

Given our hands this 14 day of October in the Year Two Thousand and Twenty-Five.

Randy L. Parker
Chair

John W. Hoagland
Vice-Chair

Norman A. Hills
Clerk

SELECT BOARD

A true copy, ATTEST:

I, Richard B. Nighelli, being a duly appointed constable of the Town of Marion, in the County of Plymouth, Commonwealth of Massachusetts, hereby make affidavit that legal notice of the meeting called under this Warrant has been served on the voters of said Town of Marion by posting up attested copies in not less than three public places within the said Town on October 16, 2025, said date being fourteen days, at least, before the date of the meeting, in accordance with Chapter 64, Section 3(A), of the Code of the Town of Marion.

Richard B. Nighelli
CONSTABLE