

**WARRANT  
TOWN OF WAREHAM  
SPECIAL TOWN MEETING  
APRIL 23, 2007**

WAREHAM HIGH SCHOOL AUDITORIUM  
Viking Drive  
Wareham, MA 02571

7:30 P.M.

Commonwealth of Massachusetts

Plymouth §

To Either of the Constables of the Town of Wareham

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the legal voters of the Town qualified to vote in Town affairs to meet in the Wareham High School Auditorium, Viking Drive, Wareham, MA on Monday, April 23, 2007 at 7:30 p.m. to act on the following articles:

**ARTICLE 1**

To see if the Town will vote to appropriate and transfer from available funds a sum of money to supplement the Fiscal 2007 operating budget, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

**ARTICLE 2**

To see if the town will vote to appropriate and transfer \$25,000 from the waterways improvement and maintenance fund to the harbors and beaches maintenance account, or to do or act in any manner relative thereto

Inserted by the Board of Selectmen at the request of the Municipal Maintenance Director

**ARTICLE 3**

To see if the town will vote to transfer \$10,000.00 from the parking meter fund to the Municipal Maintenance Department line-painting account, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Municipal Maintenance Director

**ARTICLE 4**

To see if the town will vote to transfer \$10,000.00 from the parking meter fund to the Municipal Maintenance Department sign materials account, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Municipal Maintenance Director

**ARTICLE 5**

To see if the Town will vote to appropriate and authorize borrowing \$20,000,000 for the purpose of constructing and supervising construction of a sewerage system in the Tempest Knob, Agawam Beach, Linwood and Ladd Ave, Parkwood Beach, Cromesett Park, Oakdale and Mayflower Ridge of sections of town as shown in the "Comprehensive Wastewater Management Plan/Single Environmental Impact Report" dated March 2002, and on file with the Town Administrator, with said indebtedness to be in accordance with Chapter 44, Section 7 or 8 of Massachusetts General Law, or any other enabling authority; and further that the Board of Selectmen and Town Administrator be authorized to file applications for grants or loans in connection with said project; that the Board of Selectmen, being the Board of Sewer Commissioners, is authorized to take all necessary action to carry out the project and take by eminent domain for and on behalf of the Town of Wareham under General Laws Chapter 79

and 83, acquire by lease, purchase or otherwise hold any lands, rights-of-way and other easements, public or private in the Town of Wareham that may be necessary in the construction and maintenance of said sewerage system; and finally, that the Board of Selectmen be authorized to assess betterments for the total design and construction costs by the uniform unit payment method in accordance with Chapters 80 or 83 of Massachusetts General Laws, or any other enabling authority, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

## ARTICLE 6

To see if the town will vote to amend the General By-laws of the Town of Wareham by changing ARTICLE X VALIDITY, DIVISION V to ARTICLE XI VALIDITY, DIVISION V and inserting:

### DIVISION V ARTICLE X NITROGEN LOADING STANDARD

#### 1.0 Purpose and Intent:

It is the purpose of this bylaw to establish town-wide nitrogen loading standard for wastewater discharges and disposal in the Town of Wareham to protect the public health and welfare of its citizens, and to minimize quantifiable impacts to drinking, fresh and coastal water quality and natural resources. This bylaw is adopted pursuant the home rule amendments of the Massachusetts Constitution.

#### 2.0 Performance Standards and Applicability

2.1 No town board, officer, or employees thereof shall issue a permit or approval for the installation, repair, or replacement of an onsite wastewater disposal system, or use thereof, that will result in the discharge of a wastewater nitrogen loading rate that exceeds 7.5 pounds per acre.

#### 3.0 Exemptions

3.1 Areas that are now sewered or are planned to be sewered according to the Town of Wareham's wastewater facilities plan dated December 4, 2001.

3.2 The repair or replacement of existing septic systems installed that cannot meet the standard of Section 2.0 because of lot size and land use that existed on *[effective date]* where a Massachusetts DEP approved nitrogen removal septic system is installed.

3.3 A proposed single-family house up to three bedrooms in size on a lot created before *[effective date]* where a Massachusetts DEP approved nitrogen removal septic system is installed.

3.4 Expansion of an existing septic system for an existing single-family house up to 3 bedrooms on a lot, both in existence before *[effective date]* where a Massachusetts DEP approved nitrogen removal septic system is installed.

#### 4.0 Definitions and calculations methods

4.1 Average Occupancy: For the purposes of nitrogen loading calculations in this bylaw, average occupancy shall be presumed to be 1 person per bedroom.

4.2 Wastewater Nitrogen Loading Rate (pounds per acre): The presumed annual number of pounds of nitrogen emanating from a wastewater system to groundwater using the rates specified in section 4.4 though 4.6, divided by the acreage of land used to meet the performance standards of this bylaw.

4.3 DEP approved Nitrogen Removal Septic System: An onsite wastewater disposal system certified by the Massachusetts Department Environmental Protection to achieve an average discharge of 19 ppm or less total nitrogen.

4.4 Per capita nitrogen loading for conventional systems: For the purposes of nitrogen loading calculations in this bylaw, annual per capita discharge of nitrogen is presumed to be 3 pounds per person for conventional Title 5 wastewater disposal systems.

4.5 Per capita nitrogen loading for nitrogen removal systems: For the purposes of nitrogen loading calculations in this bylaw, DEP approved nitrogen removal septic systems shall be presumed to discharge at a rate of 2 lbs per person. Systems claiming performance better than 19 ppm are allowed a credit proportional to their performance. A system that discharges 9.5 ppm shall be presumed to have one-half of 2 lbs of nitrogen per capita loading, and so forth. Any system installed that claims performance lower than the 19 ppm DEP certification level must be tested twice per year, and the results of that testing submitted to the Board of Health as per regulations adopted in support of this bylaw.

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4.6 Nitrogen loading for commercial development: For the purposes of the nitrogen loading calculations in this bylaw, nitrogen loading for commercial development shall be calculated using wastewater system design flows, multiplied by a presumed concentration of 30 ppm discharged to groundwater, for a conventional wastewater treatment system, unless a nitrogen removal septic system is installed, in which case nitrogen performance values shall be used.

### 5.0 Severability

5.1. Failure of any board to adopt regulations under this bylaw shall not invalidate regulations by another board under their authority.

or to do or act in any manner relative thereto.

### **EXPLANATION:**

*2.0 - Applicants could achieve this standard through different mechanisms including: limiting activity on the lot, reducing density of development, tying into a municipal sewer, constructing individual nitrogen removing onsite systems, constructing nitrogen removal package treatment plants, protecting land in other parts of Wareham through the placement of permanent conservation easements that include prohibition of nitrogen applications, or a combination of any or all of these techniques.*

*4.4 - This is somewhat higher than 2.9 lbs/person typically used and represents a margin of safety to account for non-point sources of nitrogen associated with development.*

Inserted by the Board of Selectmen at the request of the Board of Sewer Commissioners

### **ARTICLE 7**

We, the undersigned registered voters of the Town of Wareham, do hereby petition the Board of Selectmen to insert the following article on the warrant for the special town meeting to be held on April 23, 2007:

To see if the Town will vote to accept section 1 of chapter 137 of the Acts of 2003, as amended by section 1 of chapter 77 of the Acts of 2005, to require the Town to pay employees of the Town who have been granted a military leave of absence because the employee is a member of the army national guard, the air national guard or a reserve component of the armed forces of the United States called to active service in the armed forces of the United States after September 11, 2001, the employee's regular base salary reduced by any amount received from the United States as base pay for military service performed during the same pay period, as further described in said chapter 137 of the Acts of 2003 and chapter 77 of the Acts of 2005; to authorize the Board of Selectmen to file a home rule petition with the General Court to authorize the Town to pay the active military service pay differential retroactively to an employee of the Town who would be otherwise eligible to receive this benefit: and further to raise and appropriate or transfer from available funds a sum of money to pay the active service pay differential to such employee; or to take any other action relative thereto.

**NOTE: This article is reproduced exactly as was presented, in accordance with the law.**

Inserted by R. Renée Fernandes-Abbott, et al