



*Town of Sterling*  
*Office of the Town Clerk*  
*One Park St, Butterick Municipal Bldg.*  
*Sterling, Massachusetts 01564*  
*Tel 978-422-8111 ext 2307 or 2308*

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EXCERPT OF THE ANNUAL TOWN MEETING HELD  
MONDAY, May 6, 2024 6:30pm  
Chocksett Middle School 40 Boutelle Road

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## ARTICLE 26: BOH REGULATION BYLAW

To see if the Town will vote to amend the Town Bylaws by adding a bylaw that will require notification by the Sterling Board of Health (BOH) to every person or entity that pays property tax in the town of Sterling, whenever the Sterling BOH intends to enact a regulation which exceeds the state minimum requirements for subsurface disposal of sanitary sewerage as shown below and further to authorize the Town Clerk to assign such numbering and to make nonsubstantive changes to the format of this bylaw in order that it be in compliance with the numbering format of the version of the Bylaws currently in effect; or take any action in relation thereto.

### **Notice of Board of Health Regulations**

**The Sterling Board of Health, when proposing regulation which exceeds the minimum requirements for subsurface disposal of sanitary sewerage as provided by the state environmental code, in addition to the requirements of Massachusetts General Law Chapter 111 Section 31 (or successor legislation,) shall mail notice of the public hearing for such regulation change to every person or entity paying property tax within the Town of Sterling and shall be postmarked no later than 14 days prior to said hearing date. Such mailing shall include:**

- 1. The date, time and location of the public hearing,**
- 2. The date and time of the public Board of Health meeting where such change was discussed and voted upon,**
- 3. A statement of the local conditions which exist or reasons for exceeding such minimum requirements (as required in Chapter 111 Section 31), and**
- 4. The full regulation as proposed. If such regulation proposal is a change or amendment to an existing regulation, the existing regulation, with the changes struck and new text highlighted, shall be provided to clearly illustrate all changes.**

**The notice shall be mailed to the address on file with the Sterling Treasurer/Collector's Office. The Sterling Treasurer/Collector's Office shall cooperate with the Sterling Board of Health to reasonably assure that every person or entity paying property tax receives the above mailed notice.**

**All costs associated with the mailing of the notice shall come from the Sterling Board of Health budget.**

**Motion made that the Town vote to approve Article 26 as presented in the warrant.**

**MAJORITY VOTE**


*Summary: This bylaw is meant to improve the communication of the Sterling Board of Health in regards to implementing regulations above the Title 5 requirements. Massachusetts environmental laws are some of the strictest in the nation, drafted and adopted with the intention of protecting all communities within the Commonwealth with one set of regulations. When one community enacts environmental regulations, which exceed the state minimum, this may have a negative effect on the property values of that community. Massachusetts statute Chapter 111 Section 31 (the statute) enables local boards of health to enact reasonable health regulations (commonly referred to as Title 5) which may exceed the state minimum requirements. When a board of health decides to take such action, the statute requires the board of health to hold a public hearing on the matter and requires the board to publish a notice of this hearing "in a newspaper of general circulation." Newspaper subscription has declined precipitously in recent years, meaning many taxpayers may not receive fair notice of the regulation change. This bylaw would assure that those Sterling residents most affected by the new regulation (those who pay property tax,) would receive fair notice.*

Motion passed by majority as declared by the Moderator 186-33

There was no motion for reconsideration with respect to this article.

8:38pm May 6, 2024, Annual Town Meeting Adjourned

A True Copy Attest:

  
Kathleen K. Farrell, Town Clerk