

ANNUAL TOWN MEETING MINUTES

May 12, 2025

A TRUE COPY

ATTEST: Brynn C Durno

Brynn C. Durno, Town Clerk

RETURN OF THE WARRANT

Pursuant to a warrant signed by Select Board Members Ron Mikol, Leah Basbanes and Kiernan Meehan and posted by Constable Steven Tully in five public places as well as attested copies online. We, the inhabitants of the Town of Dunstable whom are qualified to vote in Elections and Town affairs are convening here today at Swallow Union Elementary School on this 12th day of May, A.D. 2025 to act on the following 21 (twenty-one) articles.

There were – *158 – one hundred and fifty-eight registered voters* and *-10- ten visitors* in attendance.

The following Election Workers checked in voters for the Special Town Meeting:
Mary Dow, 63 Oak Street Lynn D. Denyse, 436 Forest Street

Moderator Glod opened the Annual Town Meeting at 7:13PM. The assembly was presented flags by the Color Guard of Troop 28 and proceeded to recite the Pledge of Allegiance. Mr. Glod followed with introductions of the Town Administrator, Town Clerk, Assistant Town Clerk as well as the Advisory Board. Rules of order were also explained.

MEETING MINUTES

PRELIMINARY MOTION

Simple Majority required for passage

MOTION: Ron Mikol, Select Board

I move the Moderator allow non-voters or non-residents to speak on issues related to Town Meeting warrant articles where appropriate.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

PRELIMINARY MOTION

Simple Majority required for passage

MOTION: Rafael Glod, Moderator

I move that Town Meeting adopt a rule of this Town Meeting to provide that any motion requiring a 2/3rd's favorable vote, by statute or otherwise, shall be determined and declared by the Moderator and a count shall not be required.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

PRELIMINARY MOTION

Simple Majority required for passage

MOTION: Rafael Glod, Moderator

I move to dispense with the reading of the warrant.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

ARTICLE 1 - Reports:
To hear and act upon the reports of Town Officers, Boards, Committees, Commissioners, and Trustees, or take any action in relation thereto.

Sponsored by the Select Board

Speakers: Jeff Rosen, Union Building Rehabilitation Committee; Amy Watson and Maureen Strauss, Library Board of Trustees

Motion: I move that the Town accept the 2024 Annual Town Report as printed as well as the reports from Town Officers, Boards, Commissioners, and Trustees offered at this Town Meeting.

Requires a Majority Vote

MOTION PASSED BY MAJORITY AS DECLARED BY THE MODERATOR.

ARTICLE 2 - Unpaid Bills:
To see if the Town will vote to appropriate from Free Cash a sum of money for the purpose of paying unpaid bills of FY2024 or other prior fiscal years, as needed, or take any action in relation thereto.

Sponsored by the Select Board

Motion: I move that the Town transfer the sum of $1,488.48 from Free Cash to pay the following bills from a prior fiscal year:

Powerhouse Portable Restrooms: $235.00
New England Fire and Sprinkler/BEF Alarms: $603.48
New England Fire and Sprinkler/BEF Alarms: $150.00
New England Fire and Sprinkler/BEF Alarms: $150.00
New England Fire and Sprinkler/BEF Alarms: $350.00

Requires a 4/5ths vote

MOTION PASSED BY 4/5th' AS DECLARED BY THE MODERATOR.

ARTICLE 3 – Transfer to Water Enterprise Fund:
To see if the Town will vote to appropriate or transfer from available funds to the Water Enterprise Fund a sum of money for the purpose of funding operating expenses as deemed necessary by the Board of Water Commissioners for FY2025, or take any action in relation thereto.

Sponsored by the Select Board, Board of Water Commissioners and Advisory Board

Motion: I move that the Town take no action on this article.

Requires a Majority Vote

MOTION PASSED BY MAJORITY AS DECLARED BY THE MODERATOR.

ARTICLE 4 – Transfer to the General Stabilization Fund:
To see if the Town will vote to transfer from Free Cash the sum of $50,000 to the Town's General Stabilization Fund, pursuant to Massachusetts General Laws Chapter 40, Section 5B, or take any action in relation thereto.

Sponsored by the Select Board and Advisory Board

Motion: I move that the Town transfer the sum of $50,000 from Free Cash to the General Stabilization Fund, in accordance with Massachusetts General Laws Chapter 40, Section 5B.

Requires a Majority Vote

MOTION PASSED BY MAJORITY AS DECLARED BY THE MODERATOR.

Article 5 – Transfer to the Capital Improvement Program Stabilization Fund:
To see if the Town will vote to transfer from Free Cash the sum of $50,000 to the Town's Capital Improvement Program Stabilization Fund, pursuant to Massachusetts General Laws Chapter 40, Section 5B, or take any action in relation thereto.

Sponsored by the Select Board and Advisory Board

Motion: I move that the Town transfer the sum of $50,000 from Free Cash to the Capital Improvement Program Stabilization Fund, in accordance with Massachusetts General Laws Chapter 40, Section 5B.

Requires a Majority Vote

MOTION PASSED BY MAJORITY AS DECLARED BY THE MODERATOR.

ARTICLE 6 - **Operating Budget:**
To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute, or any combination thereof, to fund the various departments, boards, committees, commissions, and other operating expenses of the Town for Fiscal Year 2026, beginning July 1, 2025, or take any action in relation thereto.

Sponsored by the Select Board and Advisory Board

Motion A:
I move that the Town raise and appropriate the sum of $13,299,885, within the Town's levy limit, transfer the sum of $188,724 from Free Cash, appropriate the sum of $25,000 from Overlay Surplus, and raise and appropriate an additional sum of $480,841 to be raised by taxation outside of the Town's current levy limit, to fund the various departments, boards, committees, commissions, and other operating expenses of the Town for Fiscal Year 2026, beginning July 1, 2025, in the sums listed at lines 1 through 72 in the column "Level Services Request FY26" in the printed budget handout made available at this Town Meeting;

And further, I move that the Town appropriate the sum of $211,041 from Water Enterprise revenues to operate the Water Department for Fiscal Year 2026, beginning July 1, 2025, in the amounts listed in the column "Level Services Request FY26" in the printed budget handout made available at this Town Meeting;

Provided that this Motion A shall be contingent upon the passage of a Proposition 2 ½ override of ballot question in the amount of $480,841 under Massachusetts General Laws Chapter 59, Section 21C prior to July 1, 2025.

Requires a Majority Vote

Motion B:
I move that the Town raise and appropriate the sum of $13,299,885, within the Town's levy limit, transfer the sum of $188,724 from Free Cash, and appropriate the sum of $25,000 from Overlay Surplus, to fund the various departments, boards, committees, commissions, and other operating expenses of the Town for Fiscal Year 2026, beginning July 1, 2025, in the sums listed at lines 1 through 72 in the column "Groton Assessment FY26" in the printed budget handout made available at this Town Meeting, and further that the Town raise and appropriate the additional sum of $278,831 for these purposes contingent upon the passage of a Proposition 2 ½ override ballot question under Massachusetts General Laws Chapter 59, Section 21C;

And further, I move that the Town appropriate the sum of $211,041 from Water Enterprise revenues to operate the Water Department for Fiscal Year 2026, beginning July 1, 2025, in the amounts listed in the column "Groton Assessment FY26" in the printed budget handout made available at this Town Meeting;

Provided however that this Motion B shall not take effect if voters approve a ballot question under Massachusetts General Laws Chapter 59, Section 21C in the amount of $480,841 prior to July 1, 2025.

Requires a Majority Vote

The **ADVISORY BOARD** and **SELECT BOARD** recommend support of the Level Services Request – FY26 Override Budget.

MOTIONS A & B PASSED BY MAJORITY AS DECLARED BY THE MODERATOR.

ARTICLE 7 - **Revolving Fund Expenditure Limits:**
To see if the Town will vote pursuant to Massachusetts General Laws Chapter 44, Section 53E½, to set the annual expenditure limits for Fiscal Year 2026 for all revolving funds established by the General Bylaws, as follows, or take any action in relation thereto:

Cemetery	$10,000
Recreation	$15,000
COA Transport	$3,500
Permit Application Fees	$5,000
Approval Not Required Plans	$15,000
Transfer Station	$190,000

Sponsored by the Select Board and Advisory Board

Motion: I move that the Town approve Article 7 as set forth in the warrant for this Town Meeting.

Requires a Majority Vote

MOTION PASSED BY MAJORITY AS DECLARED BY THE MODERATOR.

Article 8 - Capital Improvements for Municipal Departments:
To see if the Town will vote to raise and appropriate a sum of money for remodeling, reconstructing, and making repairs to existing Town buildings, infrastructure, and the purchase of necessary equipment, including all incidental and related costs, or take any action in relation thereto.

Sponsored by the Select Board

Motion: I move that the Town transfer the sum of $120,000 from Free Cash to fund capital projects and purchases including, but not limited to, the following capital projects and purchases:

- New police cruiser
- Mobile radios for the Fire Department
- Taser Replacements for the Police Department
- Highway Spreader/Sander
- Exterior lighting improvements at the Library

Requires a Majority Vote

MOTION PASSED BY MAJORITY AS DECLARED BY THE MODERATOR.

ARTICLE 9 – Water System Infrastructure Improvements:
To see if the Town will vote to transfer from Water Retained Earnings a sum of money for design, repair, replacement, construction, and installation of various water infrastructure and associated work, including all incidental and related costs, or take any action in relation thereto.

Sponsored by the Select Board and Board of Water Commissioners

Motion: I move that the Town transfer from Water Enterprise Retained Earnings the sum of $35,000 for design, repair, replacement, construction, and installation of various water infrastructure and associated work, including all incidental and related costs.

Requires a Majority Vote

MOTION PASSED BY MAJORITY AS DECLARED BY THE MODERATOR.

ARTICLE 10 - Community Preservation Committee Recommendations:
To see what transfers or other actions the Town may vote with respect to any recommended action of the Community Preservation Committee, or take any action in relation thereto.

Sponsored by the Select Board and Community Preservation Committee

Motion: I move that the Town appropriate from the Community Preservation revenue the following sums for the following purposes:

Principle payment of Ferrari Farm Note: $75,000
Interest on Ferrari Farm Note: $4,725
Principle payment of Union Building Note: $70,000
Interest on Union Building Note: $14,717.50
Administrative Expense: $17,123
Historic Reserve: $34,246
Community Housing Reserve: $34,246
Open Space Reserve: $34,246
Balance to Undesignated: $222,596

Requires a Majority Vote

MOTION PASSED BY MAJORITY AS DECLARED BY THE MODERATOR.

ARTICLE 11 – Removal of Invasive Weeds at Lake Massapoag:
To see if the Town will vote to transfer from available funds, including CPA funds, a sum of money for the continued removal of invasive weeds in Lake Massapoag, including all incidental and related costs, based upon the recommendation of the Community Preservation Committee, or take any action in relation thereto.

Sponsored by the Select Board and Community Preservation Committee

Motion: I move that the Town appropriate the sum of $3,500 from the CPA Open Space/ Recreation Allocation for the continued removal of invasive weeds in Lake Massapoag, including all incidental and related costs.

Requires a Majority Vote

MOTION PASSED BY MAJORITY AS DECLARED BY THE MODERATOR.

ARTICLE 12 – Larter Field Improvements:
To see if the Town will vote to transfer from available funds, including CPA funds, a sum of money for professional services to develop a field assessment, evaluation, and design improvements to Larter Field including all incidental and related costs, based upon the recommendation of the Community Preservation Committee, or take any action in relation thereto.

Sponsored by the Select Board and Community Preservation Committee

Motion: I move that the Town appropriate the sum of $80,000 from Undesignated CPA Funds for the purpose of conducting an assessment, evaluation, and design improvements to Larter Field located off of Groton Street, including all incidental and related costs.

Requires a Majority Vote

MOTION PASSED BY MAJORITY AS DECLARED BY THE MODERATOR.

ARTICLE 13 – Larter Field Master Plan:
To see if the Town will vote to transfer from available funds, including CPA funds, a sum of money for the development of a Capital and Master Plan for Larter Field including all incidental and related costs, based upon the recommendation of the Community Preservation Committee, or take any action in relation thereto.

Sponsored by the Select Board and Community Preservation Committee

Motion: I move that the Town appropriate the sum of $40,000 from Undesignated CPA Funds for the purpose of developing a Capital and Master Plan for Larter Field located off of Groton Street, including all incidental and related costs.

Requires a Majority Vote

MOTION PASSED BY MAJORITY AS DECLARED BY THE MODERATOR.

ARTICLE 14 – Woodward's Mill Dam Improvements:
To see if the Town will vote to transfer from available funds, including CPA funds, a sum of money for repairs to Woodward's Mill Dam, including all incidental and related costs, based upon the recommendation of the Community Preservation Committee, or take any action in relation thereto.

Sponsored by the Select Board and Community Preservation Committee

Motion: I move that the Town appropriate the sum of $25,000 from Undesignated CPA Funds for the purpose of repairs to Woodward's Mill Dam on Pleasant Street, including all incidental and related costs.

Requires a Majority Vote

MOTION PASSED BY MAJORITY AS DECLARED BY THE MODERATOR.

ARTICLE 15 – Tennis and Pickleball Courts at Larter Field: To see if the Town will vote to transfer from available funds, including CPA funds, a sum of money for additional expenses associated with the construction of the new tennis and pickleball courts at Larter Field including all incidental and related costs, based upon the recommendation of the Community Preservation Committee, or take any action in relation thereto.

Sponsored by the Select Board and Community Preservation Committee

Motion: I move that the Town appropriate the sum of $11,240 from Undesignated CPA funds for the purpose of completing the construction of the new tennis and pickleball courts at Larter Field, including all incidental and related costs.

Requires a Majority Vote

MOTION PASSED BY MAJORITY AS DECLARED BY THE MODERATOR.

Article 16 - Establishment of Dunstable Commission on Accessibility: To see if the Town will accept the provisions of Massachusetts General Laws Chapter 40, Section 8J relative to the establishment of a municipal commission on disability, to be called the Dunstable Commission on Accessibility, or take any action in relation thereto.

Sponsored by the Select Board and Economic Development Committee

Motion: I move that the Town accept the provisions of Massachusetts General Laws Chapter 40, Section 8J, and establish a municipal commission on disability, to be called the Dunstable Commission on Accessibility, and authorize said Commission to carry out its powers and duties as set forth under said statute.

Requires a Majority Vote

MOTION PASSED BY MAJORITY AS DECLARED BY THE MODERATOR.

Article 17 – Lease Purchase Agreement:
To see if the Town will vote pursuant to Massachusetts General Laws Chapter 44, Section 21C, to authorize the Select Board to enter into lease purchase agreements for the lease and purchase of vehicles and certain capital for a period of time not in excess of the useful life of the property to be procured on such terms and conditions as the Select Board deem in the best interest of the Town; and to authorize the Select Board to take all actions necessary to administer and implement such agreement and to fund said lease purchase through an annual appropriation, or take any action in relation thereto.

Sponsored by the Select Board

Motion: I move that the Town authorize the Select Board to enter a lease purchase agreement for up to 3 years for the acquisition of a 2025 Chevrolet Silverado 2500 4-wheel drive pickup truck pursuant to Massachusetts General Laws Chapter 44, Section 21C, and to authorize the Select Board to take any action necessary to carry out said agreement, and further, I move that the Town approve the first year payment of said lease purchase agreement in the amount of $18,702.48 to be paid from the FY 26 Highway Department budget, with the remaining payments to be raised and appropriated as part of the annual Highway Department budget.

Requires a 2/3rds Vote

MOTION PASSED BY 2/3rds VOTE AS DECLARED BY THE MODERATOR.

ARTICLE 18 - Chapter 90 Funds:
To see if the Town will appropriate any sums of money received by the Town under provisions of Massachusetts General Laws Chapter 90 for the purposes authorized by Chapter 90, or take any action in relation thereto.

Sponsored by the Select Board

Motion: I move that the Town appropriate any sums of money received by the Town under provisions of Massachusetts General Laws Chapter 90 for the purposes authorized by Chapter 90.

Requires a Majority Vote

MOTION PASSED BY MAJORITY AS DECLARED BY THE MODERATOR.

ARTICLE 19 – Veterans Tax Exemption Annual Cost of Living Increase:
To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause Seventeenth F, which will allow the Town to provide for an increase in property tax exemptions for veterans equal to the cost of living as determined by the most recent Consumer Price Index for such year as determined by the Massachusetts Department of Revenue, or take any action in relation thereto.

Sponsored by the Select Board and Board of Assessors

Motion: I move that the Town accept the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause Seventeenth F, to allow annual cost-of-living adjustments to veterans' property tax exemptions based on the Consumer Price Index (CPI).

Requires a Majority Vote

MOTION PASSED BY MAJORITY AS DECLARED BY THE MODERATOR.

ARTICLE 20 – Municipal Charges Lien:
To see if the Town will vote to adopt the provisions of Massachusetts General Laws Chapter 40 Section 58, which authorizes the Town to place a lien on real property located within the Town for unpaid municipal charges and fees; and to authorize the Town to place such a municipal charges lien on real property for the following unpaid charges and fees: payments required as a condition of any special permit, variance, license, site assignment, site plan review, or other land use approval that is issued by any board, commission, committee, or officer of the Town, including but not limited to unpaid peer review charges, or take any action in relation thereto.

Sponsored by the Select Board

Motion: I move that the Town approve Article 20 as set forth in the warrant for this Town Meeting.

Requires a Majority Vote

MOTION PASSED BY MAJORITY AS DECLARED BY THE MODERATOR.

Article 21 – Amendment to Amend Section 15.2: Floodplain District of the Town's Zoning Bylaw:
To see if the town will vote to delete Section 15.2 Floodplain District of the Town's Zoning Bylaw in its entirety and replace the language as follows, or take any action in relation thereto:

15.2. Floodplain District

15.2.1. Purpose. The purpose of the Floodplain Overlay District is to:

(a) Ensure public safety through reducing the threats to life and personal injury
(b) Eliminate new hazards to emergency response officials
(c) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
(d) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
(e) Eliminate costs associated with the response and cleanup of flooding conditions
(f) Reduce damage to public and private property resulting from flooding waters.

The Floodplain District is herein established as an overlay district effective in all districts. The uses permitted in the underlying district are allowed provided that they meet the following additional requirements.

15.2.2. District Boundaries. The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within Dunstable designated as Zone A and AE on the Middlesex County Flood Insurance Rate Map (FIRM) dated July 8, 2025 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated July 8, 2025. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, and Building Inspector.

15.2.3 Designation of community Floodplain Administrator. The Town of Dunstable hereby designates the position of Building Inspector to be the official floodplain administrator for the Town.

15.2.4. Development Regulations. The following requirements apply in the Floodplain District:

(a) All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws ("The Wetlands Protection Act") and with the following:

(i) Sections of the Massachusetts State Building Code which address floodplain and coastal high hazard areas (as of the effective date of this section, 780
(ii) CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");
(iii) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (as of the effective date of this section, 310 CMR 10.00);
(iv) Inland Wetlands Restriction, DEP (as of the effective date of this section, 310 CMR 13.00);
(v) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (as of the effective date of this section, 310 CMR 15, Title
(vi) The Dunstable Wetlands Protection Bylaw.

(b) Permits Required. The Town of Dunstable requires a special permit issued by the Planning Board for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

The town's permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district, prior to the commencement of work. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.

(c) Floodway encroachment. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zone AE, along watercourses that have a regulatory floodway designated on the Middlesex County FIRMs, encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it had been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(d) Unnumbered A Zones. In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

(e) Subdivision proposals. All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:

(i) Such proposals minimize flood damage.
(ii) Public utilities and facilities are located and constructed so as to minimize flood damage.
(iii) Adequate drainage is provided.

When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

(f) Construction of ways. Construction of ways, public or private, and whether or not subject to Subdivision Control, shall be reviewed to determine whether such development will be reasonably safe from flooding. If any part of a subdivision proposal or other new development involving a way is located within the Floodplain District established under this Section, it shall be designed to assure that:

(i) the proposal is designed consistent with the need to minimize flood damage; and
(ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage; and
(iii) adequate drainage systems shall be provided to reduce exposure to flood hazards; and
(iv) all other requirements of this Section 15.2. are met.

The requirements of this subsection shall be enforced by the Planning Board in collaboration with the Building Inspector, as to subdivisions, or by the Building Inspector, as to other development.

(g) Water and sewer facilities. All proposed water and sewer facilities to be located in the Floodplain District established under this Section shall be reviewed by the Board of Health for the following determination and certification:

(i) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system; and
(ii) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(h) Recreational vehicles. In A and AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

(i) Watercourse alterations or relocations in riverine areas. In a riverine situation, the Building Inspector shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator (Massachusetts Department of Conservation and Recreation,
- NFIP Program Specialist, Federal Emergency Management Agency, Region I

(j) Requirement to submit new technical data. If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

- NFIP State Coordinator, Massachusetts Department of Conservation and Recreation
- NFIP Program Specialist, Federal Emergency Management Agency, Region I

(k) Variances. Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the following variance procedures:

(i) Variances to State Building Code:

- The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance and will maintain this record in the community's files.

- The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance

of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

(ii) Variances to the Floodplain District:

- A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

(l) Abrogation and greater restriction. The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

(m) Disclaimer of liability. The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

(n) Severability. If any section, provision or portion of this bylaw [ordinance] is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

15.2.5. Definitions. Definitions included in this Floodplain Bylaw shall not apply to any other section of the Zoning Bylaw.

(a) Development. Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

(b) Floodway. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

(c) Functionally Dependent Use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

(d) Highest Adjacent Grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

(e) Historic Structure. Any structure that is:

(i) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
(ii) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
(iii) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
(iv) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
a. By an approved state program as determined by the Secretary of the Interior or
b. Directly by the Secretary of the Interior in states without approved programs. [US Code of Federal Regulations, Title 44, Part 59]

(f) New Construction. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

(g) Recreational Vehicle. A vehicle which is:

(i) Built on a single chassis;
(ii) 400 square feet or less when measured at the largest horizontal projection;
(iii) Designed to be self-propelled or permanently towable by a light duty truck; and
(iv) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. [US Code of Federal Regulations, Title 44, Part 59]

(h) Regulatory Floodway. See Floodway.

(i) Special Flood Hazard Area. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, or AH. [Base Code, Chapter 2, Section 202]

(j) Start of Construction. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent

construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

(k) Structure. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, athletic courts, tents, antennae of all types, artificial pools. The term structure shall be construed to include the words "or portion thereof". For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

(l) Substantial Repair of a Foundation. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

(m) Variance. A grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

(n) Violation. The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

Sponsored by the Select Board

Motion: I move that the Town amend the Town of Dunstable Zoning ByLaw as set forth under Article 21 of the warrant for this Town Meeting.

Required 2/3rds Vote

MOTION PASSED BY 2/3rds VOTE AS DECLARED BY THE MODERATOR.

All Business on the Warrant having been acted upon, a motion was made and seconded to dissolve said Town Meeting at 8:47PM.