



**OFFICE OF THE
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**ANNUAL TOWN MEETING
MAY 13, 2019**

After determining that a quorum was present, the Annual Town Meeting was called to order at 7:11 pm by Town Moderator, Dana Metzler. The Tellers - John Callahan, Brad Walmsey, Lianne Crestin, Chrissy McLane, Fran Wooff, Brian Reynolds, Lori Pestana and Geoff Neiley were sworn in by Town Clerk. The check-in table was staffed by Ann-Marie Wright and Mary Dow. The Pledge of Allegiance was admirably led by members of the Boy Scouts, Cub Scouts and Girl Scouts. Molly McKenzie, Emma Drake and Francesca Cronin were excellent as pagers who ran from end to end with microphones helping to keep the meeting in order. The Moderator introduced the boards. A motion was made and seconded to allow non-voting members to sit at the tables.

The Moderator read the following prior to entertaining any motions.

"As the first item of business, I request that Town Meeting adopt a rule of this Town Meeting to provide that any motion requiring a two-thirds favorable vote, by statute or otherwise, shall be determined and declared by the Town Moderator and a count shall not be taken unless requested by the Town Moderator or requested by seven or more voters in attendance."

Majority Vote Required
Voted in the Affirmative

The Moderator declared a quorum at 7:03 pm. This meeting would dispense with the reading of greetings as it was not required by state statute or bylaw.

Article 1. Motion made and seconded to accept the 2018 Annual Town Report as printed.

ADVISORY BOARD and BOARD OF SELECTMEN have no position on this article.

Majority Vote Required
Voted in the Affirmative

FISCAL YEAR 2019

Article 2. Motion made and seconded that the Town transfer from Free Cash \$36,000.00 to the Water Enterprise Capital account for FY2019.

ADVISORY BOARD and BOARD OF SELECTMEN recommend support of this Article.

Majority Vote Required
Voted in the Affirmative

Article 3. Motion made and seconded that the Town transfer from Free Cash the sums necessary to pay the following unpaid bills of FY2018:

Verizon	\$139.95
Wash Wells	\$2,453.00

4/5ths Majority Vote
Voted in the Affirmative

ADVISORY BOARD and BOARD OF SELECTMEN recommend support of this Article.

Article 4. Motion made and seconded that the Town fix the salaries of the elected officers of the Town pursuant to Massachusetts General Laws Chapter 41, Section 108 for Fiscal Year 2020 as set forth under Article 4 of the warrant for this meeting.

ADVISORY BOARD recommends the Town Clerk's Salary only.
BOARD OF SELECTMEN recommends support of this Article.

Majority Vote Required
Voted in the Affirmative

Article 5. Motion made and seconded that the Town raise and appropriate \$10,822,665 to fund the various departments, boards, committees, commissions, and other operating expenses of the Town for Fiscal Year 2020, beginning July 1, 2019, in the sums listed at lines 1 through 75 in the printed budget handout made available at this meeting,

Majority Vote Required
Voted in the Affirmative

And further, I move that the Town appropriate the sum of \$128,400 from Water Enterprise revenues to operate the Water Department, in the amount listed in the requested budget shown on the cover of the printed budget handout available at this meeting for Fiscal Year 2020, beginning July 1,2019.

ADVISORY BOARD and BOARD OF SELECTMEN recommend support of this Article.

Majority Vote Required
Voted in the Affirmative

Questioned line items:

Line 1 – Town Administrator Salaries.....	121,200
Line 26 – Town Hall Salaries.....	5,413
Line 44 - Highway Salaries.....	231,417
Line 45 - Highway Operations.....	213,983
Line 50 - Transfer Station Operations.....	9,400
Line 60 - Veterans Affairs Operations.....	24,092
Line 66 - Parks Department.....	56,000
Line 71 - County Retirement System.....	274,244

Motion made and seconded to approve the budget as presented minus those items in the line items questioned, listed.

Majority Vote Required
Voted in the Affirmative

Returning to the questioned line items -

Line 1 – Town Administrator Salaries. Following discussion, a motion was made and seconded to approve the line item of \$121,200.

Majority Vote Required
Voted in the Affirmative

Line 26 – Town Hall Salaries. Following discussion, a motion was made and seconded to approve the line item of \$5,413.

Majority Vote Required
Voted in the Affirmative

Line 44 – Highway Salaries. Following discussion from Paul Dalida, member of the Road Commissioners who expressed concerns this line item did not include their request of two additional staff members, a motion was made and seconded to approve the line item of \$231,417.

Majority Vote Required
Voted in the Affirmative

Line 45 – Highway Operations. Following discussion, Paul Dalida, member of the Road Commissioners, made a motion to amend the budget to \$448,983 which was seconded.

Motion to Amend
Voted in the Affirmative

Following discussion between the Road Commissioners and Advisory Board members, a vote was taken to approve the amended amount of \$448,983.

Majority Vote Required
Motion Fails

Line 50 - Transfer Station Operations. Following discussion on what this included since the transfer station has closed, a motion was made and seconded to approve the line item of \$9,400.

Majority Vote Required
Voted in the Affirmative

Line 60 – Veteran’s Affairs. Following discussion from Joseph Dean, Veteran’s Agent, who noted there was a surplus not used from last year, a motion was made and seconded to approve the line item of \$24,092.

Majority Vote Required
Voted in the Affirmative

Line 66 – Parks Department. Following questions from the floor asking the locations and maintenance requirements of the parks, a motion was made and seconded to approve the line item of \$56,000.

Majority Vote Required
Voted in the Affirmative

Line 71 – County Retirement System. Following questions from the floor, Town Account Lorraine Leonard responded with an explanation of the 3-year re-evaluation by the County Retirement, a motion was made and seconded to approve the line item of \$274,244.

Majority Vote Required
Voted in the Affirmative

General Government	
Town Administrator - 120	
Salaries	121,200
Operations	3,280
Selectmen - 122	
Salaries	0
Operations	16,300
Fincom - 131	150
Reserve Account - 132	30,000
Accountant - 135	
Salaries	34,838
Operations	20,000
Assessors - 141	
Salaries	46,471
Operations	16,555
Treasurer - 145	
Salaries	70,223
Operations	23,417
Town Legal Professional - 151	30,000
Dog Program - 160	650
Town Clerk - 161	
Salaries	38,815
Operations	1,950
Elections - 162	
Salaries	5,000
Operations	14,500
Registrar - 163	225
Conservation - 171	
Salaries	18,984
Operations	1,645

[illegible]

TOTAL PUBLIC SAFETY	
Salaries	1,078,752
Operations	343,500
Schools	
GDRSD - 300	
District	6,156,947
Debt	243,479
GLRVTS - 300	
GLRVTHS	264,072
Debt	34,218
Essex - 300	
Tuition	0
Transportation	0
TOTAL REGIONAL & VOCATIONAL	6,698,716
Public Works	
Highway Department - 422	
Salaries	231,417
Operations	213,983
Snow Removal - 423	
Salaries	56,175
Operations	229,710
Street Lights - 424	11,500
Transfer Station - 433	
Salaries	0
Operations	9,400
Cemetery - 491	
Salaries	11,500
Operations	6,050
TOTAL PUBLIC WORKS	
Salaries	299,092
Operations	470,643

Human Services	
Board of Health - 510	
Salaries	12,522
Operations	11,510
Town Nurse Assessment - 522	4,100
Mental Health Assessment - 523	2,400
Council on Aging - 541	
Salaries	8,500
Operations	12,900
Veterans Affairs - 543	
Salaries	5,691
Operations	24,092
TOTAL HUMAN SERVICES	
Salaries	26,713
Operations	55,002
Library, Parks and Recreation	
Library Operations - 610	
Salaries	112,911
Operations	59,050
Library Consortium and Other - 611	13,300
Technical Expense and Other - 620	25,700
Recreation Department - 631	6,400
Parks Department - 650	56,000
Memorial Day Committee - 692	700
TOTAL LIBRARY AND RECREATION	
Salaries	112,911
Operations	161,150

Debt and Interest	
Long Term Debt – 710	299,000
Long Term Interest – 715	29,006
Temporary Loan Interest – 725	3,300
TOTAL DEBT AND INTEREST	331,306
Insurance and Assessments	
County Retirement System – 911	274,244
Unemployment Compensation - 913	1,000
Group Health Insurance – 914	264,100
Medicare Town Share – 919	29,060
Bldg./Vehicle Liab. Ins. – 945	101,026
TOTAL INSURANCE & ASSESSMENTS	669,430
TOTAL BUDGET FOR THE FISCAL YEAR	10,822,665

Groton-Dunstable Regional School Representative then spoke to the voters on behalf of the school committee thanking the voters for supporting their budget as submitted.

Article 6. Motion made and seconded that the Town transfer from Free Cash \$179,842 to meet the appropriations of Fiscal Year 2020, beginning July 1, 2019.

ADVISORY BOARD and BOARD OF SELECTMEN recommend support of this Article.

Article 7. Motion made and seconded that the Town amend the General Bylaws by adopting a new Transfer Station Revolving Fund verbatim as printed under Article 7 of the warrant for this meeting.

(Chart listed below for reference)

A. Revolving Fund	B. Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	C. Fees, Charges or Other Receipts Credited to Fund	D. Program or Activity Expenses Payable From Fund	E. Restrictions or Conditions on Expenses Payable From Fund	F. Other Requirements/ Reports	G. Fiscal Years
<u>Transfer Station</u>	<u>Transfer Station</u>	<u>Receipts collected from trash collection and barrels</u>	<u>Trash Collection and Trash Bin Sales</u>	<u>None, other than as set forth in this Bylaw and by Town Meeting vote.</u>	<u>None, other than as set forth in this Bylaw and by Town Meeting vote.</u>	<u>Fiscal Year 2020 and subsequent years</u>

ADVISORY BOARD and BOARD OF SELECTMEN recommends support of this Article.

Majority Vote Required
Voted in the Affirmative

Article 8. Motion made and seconded that the Town set the annual expenditure limits for Fiscal Year 2020 for all revolving funds established by the General Bylaws as set forth under Article 33 of the warrant for this meeting.

(Amounts listed below for reference)

<i>Cemetery</i>	<i>\$8,500</i>
<i>Recreation</i>	<i>\$7,000</i>
<i>COA Transport</i>	<i>\$5,000</i>
<i>Permit Application Fees</i>	<i>\$5,000</i>
<i>Approval Not Required Plans</i>	<i>\$15,000</i>
<i>Transfer Station</i>	<i>\$110,000</i>

ADVISORY BOARD and BOARD OF SELECTMEN recommend support of this Article.

Majority Vote Required
Voted in the Affirmative

Article 9. Motion made and seconded that the Town appropriate the sum of \$110,000 for the purchase of a replacement backhoe for the Highway Department; and to meet said appropriation transfer from Free Cash \$52,000 and borrow the sum of \$110,000; and further, authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary to meet said appropriation in accordance with Chapter 44 of the Massachusetts General Laws, provided that any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20, of the Massachusetts General Laws, thereby reducing the amount authorized to be borrowed to pay for said purpose by a like amount.

ADVISORY BOARD and BOARD OF SELECTMEN recommend support of this Article.

2/3 Vote Required
2/3 Vote Declared by Moderator
Voted in the Affirmative

Article 10. Motion made and seconded that the Town transfer from Free Cash \$16,000 for the purpose of replacing and repairing the roof and siding at the police station.

ADVISORY BOARD and BOARD OF SELECTMEN recommend support of this Article.

Majority Vote Required
Voted in the Affirmative

Article 11. Motion made and seconded that the Town transfer from Free Cash \$48,000 for the purpose of resurfacing, repaving, and repairing roadways.

ADVISORY BOARD and BOARD OF SELECTMEN recommend support of this Article.

Majority Vote Required
Voted in the Affirmative

Article 12. Motion made and seconded that the Town transfer from Free Cash \$119,618 to fund the School Capital Assessment as requested by the School Committee.

ADVISORY BOARD and BOARD OF SELECTMEN recommend support of this Article.

Majority Vote Required
Voted in the Affirmative

Article 13. Motion made and seconded that the Town increase the administrative allocation of Community Preservation revenue from 3% to 5% and;

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

- Principal payment on Ferrari Farm Note, the sum of \$80,000.
- Interest on Ferrari Farm Note, the sum of \$24,080.
- Administrative Expense, the sum of \$15,000.
- Open Space Reserve, the sum of \$30,000.
- Historic Reserve, the sum of \$30,000.
- Community Housing Reserve, the sum of \$30,000.
- Balance to Undesignated, \$90,920.

*ADVISORY BOARD and BOARD OF SELECTMEN recommend support of this Article.
COMMUNITY PRESERVATION COMMITTEE recommend support of this Article.*

Majority Vote Required
Voted in the Affirmative

Article 14. Motion made and seconded that the Town appropriate from the Community Preservation Undesignated Reserve account the amount of \$25,000 to restore the track at the High School.

*ADVISORY BOARD and BOARD OF SELECTMEN recommend support of this Article.
COMMUNITY PRESERVATION COMMITTEE recommend support of this Article.*

Majority Vote Required
Voted in the Affirmative

Article 15. Motion made and seconded that the Town appropriate from the Community Preservation Undesignated Reserve account the amount of \$17,000 to convert one baseball field into one softball field at Larter Field.

*ADVISORY BOARD and BOARD OF SELECTMEN recommend support of this Article.
COMMUNITY PRESERVATION COMMITTEE recommend support of this Article.*

Majority Vote Required
Voted in the Affirmative

Article 16. Motion made and seconded that the Town appropriate from the Community Preservation Historic Preservation Reserve account the amount of \$37,400 for the partial restoration of the wood exterior and slate roof of Town Hall.

*ADVISORY BOARD and BOARD OF SELECTMEN recommend support of this Article.
COMMUNITY PRESERVATION COMMITTEE recommend support of this Article.*

Majority Vote Required
Voted in the Affirmative

Article 17. Motion made and seconded that the Town appropriate from the Community Preservation Historic Preservation Reserve account the amount of \$4,500 for the purchase and installation of three Historic District signs.

*ADVISORY BOARD and BOARD OF SELECTMEN recommend support of this Article.
COMMUNITY PRESERVATION COMMITTEE recommend support of this Article.*

Majority Vote Required
Voted in the Affirmative

Article 18. Motion made and seconded that the Town appropriate \$12,000 from Free Cash to the Town's Unemployment Reserve Fund.

ADVISORY BOARD and BOARD OF SELECTMEN recommend support of this Article.

Majority Vote Required
Voted in the Affirmative

Article 19. Motion made and seconded that the Town appropriate \$2,640,000 to be expended by the Board of Water Commissioners for the Water System Improvement Project; and further, authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary to meet said appropriation in accordance with Chapter 44 of the Massachusetts General Laws, , or to participate in borrowing approved for this purpose through the Massachusetts Clean Water Trust, provided that any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20, of the Massachusetts General Laws, thereby reducing the amount authorized to be borrowed to pay for said purpose by a like amount.

ADVISORY BOARD and BOARD OF SELECTMEN recommend support of this Article.

2/3 Vote Required
2/3 Vote Declared by Moderator
Voted in the Affirmative

Article 20. Motion made and seconded that the Town appropriate the proceeds due to the Town under the provisions of Massachusetts General Laws Chapter 90 for the purposes relative to such funds under applicable law.

ADVISORY BOARD and BOARD OF SELECTMEN recommend support of this Article.

Majority Vote Required
Voted in the Affirmative

Article 21. Motion made and seconded that the Town abolish the Commissioners of the Parkhurst Free Lecture Trust Fund and assign their duties to the Commissioners of Trust Funds.

ADVISORY BOARD and BOARD OF SELECTMEN recommend support of this Article.

Majority Vote Required
Voted in the Affirmative

Article 22. Motion made and seconded that the Town approve Article 22 amended from the warrant as follows:

To see if the Town will vote to:

(i) Authorize the Board of Selectmen to dispose of by sale, easement, license or otherwise, to the Evangelical Church of Dunstable approximately 8,274 square feet of land currently part of the Town Common and shown on a sketch plan entitled "Plan of Land 516 Main Street, Dunstable, Massachusetts" on file in the Town Clerk's Office and available for inspection during regular business hours of the Town Clerk, the Board of Selectmen having determined by vote on April 10, 2019 that the subject property is no longer necessary for the purpose for which it was acquired; and

(ii) Authorize the Board of Selectmen to file a petition with the General Court to enact special legislation to authorize the transfer of the land as described in part (i), above, including any legislation that may be required by the provisions of Article 97 of the Amendments to the Massachusetts Constitution, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments thereto before enactment by the General Court, which amendments shall be within the public purposes of said petition;

Or take any action in relation thereto.

The Advisory Committee has no position on this Article.

The Board of Selectmen has no position on this Article.

2/3 Vote Required
Yes: 68
No: 26
Voted in the Affirmative

Article 23. Motion made and seconded that the Town amend the Zoning Bylaws by adopting various amendments, verbatim as set forth in the document entitled "Various Amendments to the Zoning Bylaws – ATM 2019" made available at this meeting.

(Text listed below for reference.)

Proposed amendments to the Zoning Bylaws:

1. Amend Section 3, Establishment of Districts, as follows (deletions in strikethrough and insertions underlined):

SECTION 3. ESTABLISHMENT OF DISTRICTS

3.1 Zoning Districts

The Town of Dunstable is hereby divided into six (6) types of districts to be known as:

R-1 Single Family Residence District (Section 6)

R-1a Commercial Recreational (Section 6a)

R-2 General Residence District (Section 7)

B-1 Retail Business District (Section 8)

B-2 Service Business District (Section 9)

B-3 Expanded Commercial District (Section 10)

3.2 Overlay Districts

3.2(a) Commercial Telecommunication Towers

An overlay district known as the Tower Overlay District is hereby established. The district will overlay and be coincident with the Commercial/Recreation, General Residence. Single Family Residential. Retail Business. Service Business and Expanded Commercial.

3.2(b) Mixed Use District

An overlay district known as the Mixed Use District is hereby established. The district dated April, 2004, to be incorporated in the Dunstable Zoning Bylaw, which map is on overlay and be supplementary to the underlying districts.

3.2(c) Floodplain District

The Floodplain District includes all special flood hazard areas designated as Zone A or Zone AE on the Town of Dunstable Floodplain District Overlay Map.

2. Amend Section 6.1(g)ii, regarding home occupations, as follows (deletions in strikethrough and insertions underlined): 2. not more than ~~one~~four ~~person~~people at any time other than residents of the premises is regularly employed therein in connection with such use;

3. Amend Section 6.7 regarding bed and breakfast establishments, as follows (deletions in strikethrough and insertions underlined):

~~6.7.9 Description: A Bed and Breakfast Establishment is a single-family dwelling having a mixed use as a home for the residential owner or tenant and as an accessory use for guest lodging. The home is to be the primary and legal residence of the owner or tenant.~~

6.7.11 Minimum Special Requirements:

(a) The Bed and Breakfast establishment and operation shall be located within an existing owner (or tenant) occupied single family dwelling as of existing the adoption of this section ~~and containing a minimum of four (4) bedrooms.~~

(g) No cooking facilities, including, but not limited to, stoves, microwave ovens, toaster ovens, and hot plates, shall be available to guests; and no meals, except ~~a~~ continental style breakfast, shall be served to guests. Alcohol shall also be prohibited from being served on premises to any Bed and Breakfast guest. Additionally, there shall be at least one (1) bathroom exclusively dedicated to the guests of the Bed and Breakfast establishment.

4. Amend Section 12.2.2, Required Parking, to modify subsections (d) and (g) as follows (deletions in strikethrough and insertions underlined):

(d) Hotels, motels and ~~lodging~~ rooming houses: One (1) parking space for each room accommodation therein, and loading spaces for all delivery trucks or sanitary collection vehicles and two spaces for those persons principally resident therein.

(g) Other uses requiring off-street parking and loading space: Spaces in accordance with anticipated needs as determined by the site plan authority or as listed otherwise in this Bylaw.

5. Amend Section 15.2.1, Floodplain District, as follows (deletions in strikethrough and insertions underlined):

15.2.1. 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. ~~The Floodplain District includes all special flood hazard areas designated as Zone A or Zone AE on the Town of Dunstable Floodplain District Overlay Map.~~

6. Amend Section 20, Definitions, by adding a definition of Bed and Breakfast Establishment and modifying the definition of Rooming or Boarding House as follows (deletions in strikethrough and insertions underlined):

20.3. A Bed and Breakfast Establishment is a single-family dwelling having a mixed use as a home for the residential owner or tenant and as an accessory use for guest(s) lodging on a short term basis. Meals provided to the guest(s) shall be limited to breakfast. The home is to be the primary and legal residence of the owner or tenant.

~~20.201. Rooming or Boarding House.~~ A dwelling house in which the person or Persons principally resident therein provide eating and/or sleeping accommodations on a weekly or monthly basis for ~~for~~ not more than three (3) paying guests who are not provided with separate cooking facilities separate from the cooking facilities ordinarily used by the principal residents.

ADVISORY BOARD has no position on this article. BOARD OF SELECTMEN recommend support of this Article. PLANNING BOARD recommends support of this Article.

2/3 Vote Required
2/3 Vote Declared by Moderator
Voted in the Affirmative

Article 24. Motion made and seconded that the Town amend the Zoning Bylaws by adopting an Adult Entertainment Zoning Bylaw, verbatim as printed under Article 24 of the warrant for this meeting.

(Text listed below for reference.)

Section ____. *Adult Entertainment Facilities Bylaw*

A. Authority to Regulate/Purpose

The purpose of this Section is to promote the health, safety and general welfare of the residents of Dunstable by providing for a permitting process for the location of Adult Entertainment Facilities within the Town. This Section is enacted pursuant to M.G.L. c. 40A and pursuant to the Town of Dunstable's authority under the Home Rule Amendment to the Massachusetts Constitution.

It has been documented in numerous other towns and cities throughout the Commonwealth of Massachusetts and elsewhere in the United States that Adult Entertainment Facilities are distinguishable from other business uses and that the location of Adult Entertainment Facility may have deleterious impacts in the areas of a community where they are located. Studies have shown secondary impacts such as increased levels of crime, adverse impacts on the business climate, adverse impacts on the property values of residential and commercial properties, and adverse impacts on quality of life. These adverse secondary effects have also been referenced and documented in numerous court decisions regarding the zoning of adult entertainment uses.

The purpose of this Section is to regulate and limit the location of Adult Entertainment Facilities so as to minimize the secondary effects associated with these establishments, and to

protect the health, safety and general welfare of the inhabitants of the Town. It is not the purpose or intent of this Section to restrict or deny access by adults to Adult Entertainment Facilities or to materials that are protected by the Constitution of the United States or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the intent of this Section to legalize the sale, rental, distribution or exhibition of obscene or other illegal materials. Finally, it is not the intent of this Section to afford Adult Entertainment Facilities nonconforming use protections any greater than are provided under M.G.L. c. 40A § 6 and §9A.

B. Consistency with State and Federal Law

It is not the purpose nor the intent of this Section to deny access to adult entertainment facilities or to sexually oriented matter or materials that are protected by the Constitutions of the United States or the Commonwealth of Massachusetts.

C. Applicability

This Section applies to any facility offering any adult entertainment ("Adult Entertainment Facility"), including but not limited to adult bookstores, adult motion picture or mini motion-picture theatres, adult video stores, adult paraphernalia stores and establishments that feature live entertainment which consists of entertainers engaging in "Sexual Conduct" or "Nudity" as defined in M.G.L. c. 272, § 31. For purposes of this Section, the Planning Board shall be the Permit Granting Authority.

D. Definitions

The following establishments and uses shall be considered an Adult Entertainment Facility under this Section:

Adult Bookstore: an establishment or use having as a substantial or significant portion of its stock in trade, books, magazines, and other matter that are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L. c. 272 § 31.

Adult Paraphernalia Stores: an establishment or use having as a substantial or significant portion of its stock devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in M.G.L. c. 272 § 31.

Adult Motion Picture or Mini Motion-Picture Theatres: an enclosed building used for presenting entertainment, whether live or through electronic or other media, distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L. c. 272 § 31.

Adult Video Store: an establishment or use having as a substantial or significant portion of its stock in trade, videos, movies, or other film material which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L. c. 272 § 31.

Establishment Featuring Live Entertainment: any establishment or use which provides live entertainment for its patrons, which includes the display of nudity, that term as defined in M.G.L. c. 272 § 31.

E. Permitting Requirements; Eligibility

- 1. Adult Entertainment Facilities shall be allowed by Site Plan Review, in accordance with Section 14 of the Zoning Bylaw, within the B-3 Expanded Commercial District.*
- 2. Adult Entertainment Facilities shall not disseminate or offer to disseminate adult matter or paraphernalia to minors or allow minors to view displays or linger on the premises.*
- 3. Through Site Plan Review, the Planning Board may impose reasonable conditions to ensure that the location and operation of the proposed Adult Entertainment Facility are consistent with the purpose of the Zoning Bylaws of the Town of Dunstable.*
- 4. There shall be no deviations from the approved Site Plans without written approval from the Planning Board, which may require a public hearing.*
- 5. A Site Plan Approval for an Adult Entertainment Facility shall remain exclusively with the petitioner and shall not run with the land. Any new owner or operator of an Adult Entertainment Facility must obtain Site Plan Approval before commencing or continuing operations. The Building Inspector shall enforce any Site Plan Approval.*

F. Lapsing of Site Plan Approval

A Site Plan Approval issued under this section shall lapse upon any one of the following occurrences:

- 1. There is a change in the location of the Adult Entertainment Facility.*
- 2. There is a sale, transfer, or assignment of the business or license.*
- 3. If there is a change in the operator of the Adult Entertainment Facility.*
- 4. If there has been no operation of the Adult Entertainment Facility for six months.*
- 5. If substantial use or construction has not commenced without good cause within six months after the issuance of a Site Plan Approval.*

G. Expiration of a Site Plan Approval

A Site Plan Approval for an Adult Entertainment Facility shall expire after a period of two calendar years from its date of issuance and shall be renewable for successive two-year periods thereafter as a matter of right.

H. Application Requirements

In addition to all application requirements of the Planning Board for Public Hearings, the application for a Site Plan Approval for an Adult Entertainment Facility shall include the following information:

- 1. The name and address of the legal owner of the Adult Entertainment Facility, together with the names and addresses of all persons having any direct or indirect ownership or security interest in the facility. In the event the petitioner is a corporation, partnership, trust, or other corporate entity, the name and address of any person who has a direct or indirect ownership or beneficial interest in the entity shall be included;*
- 2. The name, address and telephone number of the operator of the Adult Entertainment Facility;*
- 3. The number of employees;*
- 4. A sworn statement that neither the applicant, owner, nor any person having a lawful ownership, equity or security interest in the proposed facility or the manager of the facility has been convicted of violating the provisions of M.G.L. c. 119, § 63 or M.G.L. c. 272 §§2,3,4,4A,6,7,8,12,13 and 28 and M.G.L. c. 265 §§13B, 13F, 13H, 22, 22A, 23, 24 and 24B, including but not limited to crimes of indecency, assault and battery, crimes against women and/or children, crimes of sexual exploitation, and felony possession of narcotics;*
- 5. Proposed security precautions;*
- 6. A full description of the intended nature of the Business;*
- 7. In the case of live adult entertainment, submission and approval of the nature of the live entertainment and proximity of entertainers to patrons.*
- 8. Adult Entertainment Facilities shall comply with all other provisions of the Zoning Bylaws of the Town of Dunstable. To the extent that the provisions of this Section may conflict with other provisions of the Zoning Bylaws of the Town of Dunstable, the provisions of this Section shall apply. In addition to the provisions of the Zoning Bylaw, the Site Plan Approval shall comply with any requirements in the Town of Dunstable bylaws, building regulations or licensing requirements.*

Upon written request from the applicant, the Planning Board may waive the submission of such information, or parts thereof, as may not be necessary for the consideration of the

application. The Planning Board's waiver decision shall be set forth in the written Site Plan Approval decision.

I. Severability

The provisions of this Section are severable and, in the event that any provision of this Section is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect.

And further, to authorize the Town Clerk to make non-substantive changes to the numbering of the Zoning Bylaws as necessary.

*ADVISORY BOARD and BOARD OF SELECTMEN recommend support of this Article.
PLANNING BOARD recommends support of this Article.*

*2/3 Vote Required
2/3 Vote Declared by Moderator
Voted in the Affirmative*

Article 25. Motion made and seconded that the Town amend the General Bylaws by adopting a Memorials and Monuments Bylaw, verbatim as set forth in the document entitled "Monuments and Memorials Bylaw" made available at this meeting.

(Text listed below for reference.)

MONUMENTS AND MEMORIALS BYLAW

Section 1. Purpose.

The purpose of the Memorials and Monuments bylaw is to standardize administration and the treatment of memorials, monuments, and historical makers within the Town of Dunstable.

Section 2. Definitions.

a. Memorial. A monument or ceremony, which honors a person who has died or serves as a reminder of an event in which many people died.

b. Monument. (1) A building, statue, stone, marker etc., which honors a person or event; or (2) a building or place that is important because of when it was built or is of historical significance.

c. Historical Marker. A plaque or sign erected at historically significant locations, facilities, or buildings. The marker may be free standing, mounted, or affixed to an existing structure.

d. Memorials and Monuments Committee. A public body with duties set forth in this bylaw, consisting of five (5) members appointed by the Board of Selectmen.

Section 3. Designation.

The memorialization of a person or an event shall have a direct connection to the Town of Dunstable. Topics suitable for memorialization shall include service in the armed forces in time of war, conflict, or other national emergency; personal accomplishments including national elective or national appointed office; receipt of notable national or international awards; discoveries of unique and lasting contribution to the Commonwealth or Nation; or recognition of disaster or significant calamity in which the loss of life occurred within the Town of Dunstable or directly affecting its residents.

Section 4. Location.

No person, organization, or other organized body of persons, or corporation to include any Town board or committee or department shall install, construct, or emplace a memorial, monument or historical marker on public land without the prior approval of the Board of Selectmen after recommendation from the Memorials and Monuments Committee. This provision shall not apply to the public lands under the jurisdiction of the Dunstable Cemetery Commissioners.

Section 5. Application.

a. Any person, organization, or corporation desiring to install, construct, or emplace a memorial, monument, or historical marker on Town public lands shall submit an application containing required information specified by the Memorials and Monuments Committee.

b. The application shall include details and information about the person(s) or event designated for commemoration.

c. No application for installation, construction, or emplacement of a monument, memorial, or historical marker shall be considered by the Memorials and Monuments Committee until at least five (5) years have passed since the death of the person(s) or past the date of event of commemoration.

i. Exception: At the discretion of the Memorials and Monuments Committee, the moratorium period of 5 year may be waived.

d. The Memorials and Monuments Committee shall conduct a public hearing not less than 60 days following memorial application receipt. The Memorials and Monuments Committee shall publish public hearing meeting minutes. The Memorials and Monuments Committee shall evaluate and decide on the application within 60 days from completion of public hearing(s).

Section 6. Communications.

The Memorials and Monuments Committee shall identify applicable departments, committees, and boards, which may have interest or jurisdiction regarding the placement of monuments or historical markers. The Memorials and Monuments Committee shall consider their inputs in the application review process.

Section 7. Monument Construction.

Monuments shall be constructed of materials, which are naturally consistent with the intended locale. These materials include stone, metal, or wood. Materials of durability and serviceability of 50 years or greater is preferred. The Memorials and Monuments Committee shall consider the specification of the type, quality, and durability as well as the aesthetic suitability for memorials or monuments in the application evaluation process.

Section 8. Memorial Retirement or Relocation.

The Memorials and Monuments Committee shall make recommendations to the Board of Selectmen for any adopted memorial or monument which:

- a. Shall be retired and removed from the public land.*
- b. Shall be relocated or moved from one public parcel to another.*
- c. When a Memorial, Monument, or Historical Marker as defined in Section 2 is recommended to be permanently removed or permanently relocated upon recommendation of the Memorials and Monuments Committee and the Board of Selection such removal or relocation shall not take effect until approved at a Town Meeting.*

Section 9. Memorial Inventory.

- a. The Memorials and Monuments Committee shall maintain a list of all permanent memorials, monuments, and historical markers on public lands.*
- b. The Memorials and Monuments Committee shall inventory the adopted Town monuments, memorials, and historical markers on a 5-year basis and report the memorial's condition and any recommendations for maintenance or repair to the responsible Town entity no later than September 1st.*
- c. Items not found on the Memorials and Monuments Committee adopted inventory shall not be recommended for upkeep or maintenance.*

*ADVISORY BOARD has no position on this Article.
BOARD OF SELECTMEN Recommends this Article.*

Majority Vote Required
Voted in the Affirmative

Article 26. Motion made and seconded that the Town amend the General Bylaws by adopting a Road Intersection Sight Triangle Bylaw, verbatim as printed under Article 26 of the warrant for this meeting.

(Text listed below for reference.)

ROADWAY INTERSECTION SIGHT TRIANGLE BYLAW

Section 1 Definition. *The Sight Triangle Area is the area of a lot bound by the street Right of Way lines and a line joining the points 20 feet along said Right of Way lines from the point of the intersection of said lines.*

Section 2 Restrictions. *In order to provide an unobstructed sight distance for motorists, no vehicle parking, embankment, planting, wall, sign, or any other item shall be planted, erected, installed, allowed to grow, or maintained in the Sight Triangle Area that would obstruct the vision of a motorist between the height of 3 feet and 6 feet above the grade of the street.*

Section 3 Enforcement. *Any person or legal entity that violates the provisions of this Bylaw after being notified of such violation in writing by the Board of Road Commissioners of the violation, allows the violation to continue for 30 days after receipt of said notification, may be punished by a fine of \$50.00. Each successive day during which the violation occurs or continues shall be considered a separate offense. Violations of this Bylaw may be enforced through non-criminal disposition in accordance with the provisions of the Town of Dunstable Non-Criminal Disposition Bylaw.*

Section 4 Exemption for Existing Structures. *Buildings existing as of the effective date of this Bylaw shall be exempt from this Bylaw.*

And further, to amend the General Bylaws by adding the following text to the Non-Criminal Disposition Bylaw, Section 5:

Roadway Intersection Sight Triangle Bylaw

Board of Road Commissioners

*ADVISORY BOARD has no position on this Article.
BOARD OF SELECTMEN recommend support of this Article.*

Following discussion, this motion was withdrawn and a motion was made and seconded to table the motion from further consideration

Majority Vote Required
Voted in the Affirmative

Article 27. Motion made and seconded that the Town amend the General Bylaws by amending the Dog Control Bylaw, verbatim as set forth in the document entitled "Dog Control Bylaw Amendments" made available at this meeting.

(Text listed below for reference).

DOG CONTROL BYLAW AMENDMENTS Proposed amendments to the Dog Control Bylaw as follows (deletions in strikethrough and insertions underlined):

§ 3. Kennels

3.1 Definitions as used in this Section - the following words and terms have the following meanings: A. Kennel: a pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel as defined in Massachusetts General Laws Chapter 140, Section 136A.

B. Personal kennel: a pack or collection of ~~more than 4 dogs~~, 5 or more dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.

C. Commercial boarding or training kennel: an establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under Section 39A of Chapter 129, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

D. Commercial breeder kennel: an establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in B. The Town Clerk shall determine the amount of the non-refundable fee for a Kennel License for each License Period. The Town Clerk may charge an increased fee for applications for Kennel License renewals received after March 15 for that License Period. C. The location and operation of any Kennel shall be appropriate for housing the number of dogs allowable under the terms of its Kennel License and may not be detrimental to the health and safety of dogs or

persons. D. All Kennels shall be operated in a safe, sanitary, and humane condition, as provided in Massachusetts General Laws Chapter 140, Section 137C.

E. No Kennel that provides overnight boarding of dogs may keep more than 25 dogs on the premises at any time. Dogs that are on the premises for medical or surgical treatment or observation shall not be counted in this number.

F. No Kennel may contract with security dog firms or other businesses to board protection or security dogs, or dogs in training to be protection or security dogs on the premises. A security dog kept on the premises for the Kennel's own security purposes is permitted.

G. Kennel operations, including the exercising of dogs, shall be in an indoor enclosed area, except that individual dogs may be exercised one at a time in a prescribed outdoor area.

H. Every Kennel shall at all times keep and maintain accurate records of the number and identities of all dogs kept on the premises, and the identities of persons who have purchased dogs from the Kennel. I. Except as otherwise provided in this Paragraph, any violation of this Section shall result in a fine of \$50 per such violation and, for violations continuing 30 days past licensing deadlines, an additional fine of \$100 per such violation. A person maintaining a Kennel after the Kennel License therefor has been revoked, or while such Kennel License is suspended, shall be punished by a fine of not more than \$250. Violations shall be administered in accordance with the provisions of Massachusetts General Laws Chapter 140, Section 173A.

J. Fees

Fees for kennels shall be as follows:

Personal kennel: 5 – 9 dogs \$75.00 10+ \$100.00

Commercial boarding or training kennel by Special Permit: \$100.00

Commercial breeder kennel by Special Permit: \$100.00

Domestic charitable corporation kennel by Special Permit:

\$100.00 Veterinary kennel as defined in Massachusetts General Laws Chapter 140, Section 136A. by Special Permit: \$100.00

ADVISORY BOARD recommends this Article.

BOARD OF SELECTMEN recommend support of this Article.

Majority Vote Required
Voted in the Affirmative

Article 28. Motion made and seconded that the Town amend the General Bylaws by adopting a Town Seal Bylaw, verbatim as printed under Article 28 of the Warrant for this meeting.

(Text listed below for reference).

TOWN SEAL BYLAW

Section 1. *Town Clerk shall be the keeper of the Town Seal instrument, in accordance with Chapter 40, Section 47, of the Massachusetts General Laws.*

Section 2. *Town officers and public bodies may display images of the Town Seal on Town documents and other materials as may be necessary. Any other use of the image of the Town Seal is prohibited.*

Section 3. *Any violation of this bylaw shall be punishable with a fine of \$50.*

Section 4. *This bylaw shall be enforced in accordance with the provisions of the Dunstable Non- Criminal Disposition Bylaw. The enforcing authority shall be either the Dunstable Police Department or the Town Clerk.*

And further, to amend the General Bylaws by adding the following text to the Non-Criminal Disposition Bylaw, Section 5:

Town Seal Bylaw Town Clerk or Police Department

ADVISORY BOARD recommends support of this Article.

BOARD OF SELECTMEN recommends support of this Article.

Following discussion, a motion was made and seconded to amend Section 2 to read "Any other use of the image of the Town Seal is prohibited, except with the permission of the Board of Selectmen".

Majority Vote Required to Amend Motion
Voted in the Affirmative

Voting on the motion, the Moderator enlisted the tellers to count the votes.

Majority Vote Required
Yes: 37
No: 56
Motion Fails

Article 29. Motion made and seconded that the Town amend the General Bylaws by amending the Wetlands Bylaw, verbatim as set forth in the document entitled "Wetlands Bylaw Amendments" made available at this meeting.

ADVISORY BOARD has no position on this Article.

BOARD OF SELECTMEN recommend support of this Article.

Majority Vote Required
Voted in the Affirmative

Article 30. Motion made and seconded that the Town amend the General Bylaws by amending the Council on Aging Bylaw, verbatim as printed under Article 30 of the warrant for this meeting.

(Text listed below for reference).

Section 2. *The Council on Aging established hereunder shall consist of ~~seven (7)~~ five (5) members to be appointed by the Board of Selectmen and all said members shall be residents of the Town. ~~When said Council is first established, three (3) members shall be appointed for a term of three (3) years, two (2) members shall be appointed for a term of two (2) years, and two (2) members shall be appointed for a term of one (1) year; and their successors shall be appointed for a term of three (3) years.~~ A vacancy occurring other than by expiration of term shall be filled in the same manner as an original appointment. Upon a reduction in the number of members of the Council under this bylaw, all incumbent members shall be entitled to complete their terms of office, but the Board of Selectmen shall not make appointments upon the expiration of terms until the membership of the Council has been reduced to the number required by this bylaw.*

ADVISORY BOARD has no position on this Article.

BOARD OF SELECTMEN recommends support of this Article.

Majority Vote Required
Voted in the Affirmative

Article 31. Motion made and seconded that the Town appropriate from the Community Preservation Community Housing Reserve account the amount of \$35,000 to assist the MUD Affordable Housing Project with infrastructure engineering and development costs.

ADVISORY BOARD and BOARD OF SELECTMEN recommend support of this Article.

COMMUNITY PRESERVATION COMMITTEE recommends support of this Article.

Majority Vote Required
Voted in the Affirmative

Article 32. Motion made and seconded that the Town appropriate from the Community Preservation Undesignated Reserve Fund \$17,000 and from the Community Preservation Open Space Fund \$15,000 to replace the roofs of four dugouts at Larter Field.

*ADVISORY BOARD and BOARD OF SELECTMEN recommend support of this Article.
COMMUNITY PRESERVATION COMMITTEE recommends support of this Article.*

Majority Vote Required
Voted in the Affirmative

Motion made and seconded to dispense with the reading of the minutes.

Majority Vote Required
Voted in the Affirmative

Motion made and seconded to adjourn the Annual Town Meeting at 9:58 pm.


Majority Vote Required
Voted in the Affirmative

Quorum Certificate

In accordance with The Town of Dunstable's Town Meetings, Town Elections & Records Bylaw, I hereby certify that the quorum for an Annual or Special Town Meeting is 50 registered voters of the Town of Dunstable.

Total number of voters checked in at the Annual Town Meeting of May 13, 2019: 132

Respectfully submitted,



Carol A. Skerrett
Town Clerk CMMC