



**OFFICE OF THE
TOWN CLERK
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**SPECIAL TOWN MEETING
October 15, 2019**

After determining that a quorum was present, the Annual Town Meeting was called to order at 7:05 pm by Town Moderator, Dana Metzler. The Tellers - John Callahan, Brian Reynolds, Brian Locapo and Gail Brown 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 Scouts. Shannon Crandall and Emily DeNyse were excellent as pagers who ran from end to end with microphones helping to keep the meeting in order. The Moderator announced that our Town Accountant, Lorraine Leonard, who served for several years, was recently deceased and asked for a moment of silence.

This meeting would dispense with the reading of greetings as it was not required by state statute or bylaw.

The Moderator read the following.

“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 made a motion to dispense of the reading of the articles, motion seconded.

Majority Vote Required
Voted in the Affirmative

Article 1. Motion made and seconded that the Town appropriate from the Community Preservation Housing Reserve Account the amount of \$75,000 to assist the Affordable Housing Trust Fund Committee to acquire, create, and preserve Affordable Housing.

The Board of Selectmen and Community Preservation Committee Recommends this Article. The Advisory Board Does Not Recommend this Article.

The dollar amount was questioned as the original article appropriated \$150,000. The Advisory Board voted 3-2 to oppose that amount. Further discussion clarified the roles of the Community Preservation Committee, Affordable Housing Committee and the new Affordable Housing Trust Board, a motion to amend the dollar amount back to \$150,000 was made, seconded.

Majority Vote Required to Amend the Dollar Amount of \$150,000
Voted in the Affirmative

Motion made and seconded that the Town appropriate from the Community Preservation Housing Reserve Account the amount of \$150,000 to assist the Affordable Housing Trust Fund Committee to acquire, create, and preserve Affordable Housing.

Majority Vote Required
Voted in the Affirmative

Article 2. Motion made and seconded that the Town adopt the Stretch Energy Code and amend the General Bylaws by adopting the Stretch Energy Code Bylaw verbatim as printed under Article 2 of the warrant for this meeting.

The Board of Selectmen and Advisory Board Recommend this Article

(Text of the warrant listed below for reference).

Article 2. Adoption of Stretch Energy Building Code: To see if the Town will vote to adopt the "Stretch Energy Code" as set forth in the State Building Code at 780 CMR 115 AA (i.e., Appendix 115.AA), as it may be amended from time to time, to be effective in the Town beginning on July 1, 2020, for the purpose of regulating the design and construction of buildings for the effective use of energy, and to amend the General Bylaws by adding a Stretch Energy Code Bylaw as follows, or take any action in relation thereto:

Stretch Energy Code Bylaw

Section 1. Adoption. The Town has adopted the provisions of 780 CMR 115 AA (i.e., Appendix 115.AA of the State Building Code or the "Stretch Energy Code"), as it may be amended from time to time, effective in the Town beginning on July 1, 2020.

Section 2. Purpose. The purpose of the Stretch Energy Code is to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the

State Building Code.

Majority Vote Required
Voted in the Affirmative Unanimously

Article 3. Motion made and seconded that the Town amend the Zoning Bylaws to provide for as of right siting of solar energy systems in the B3 Zoning District verbatim as printed under Article 3 of the warrant for this meeting.

The Board of Selectmen, Advisory Board, and Planning Board Recommend this Article

(Text of the warrant listed below for reference).

Article 3. As of Right Solar in B-3 Zoning District: To see if the Town will vote to amend various sections of the Zoning Bylaws to provide for as of right siting of solar energy systems in the B-3 Zoning District, as follows, and to authorize the Town Clerk to make non-substantive changes to the numbering of the Zoning Bylaws as necessary, or take any action in relation thereto (deletions in strikethrough and insertions underlined):

SECTION 10. B-3 EXPANDED COMMERCIAL DISTRICT.

10.1. Uses Permitted As of Right

(a) roof-mounted solar energy systems of any size

(b) ground-mounted solar energy systems up to two-acres in size, inclusive of appurtenant structures and 30-foot setbacks (approximately 300 kw in rated nameplate capacity).

~~10.12.~~

~~10.23.~~

~~10.34.~~

~~10.4~~ Solar Energy Systems [Amended ATM 5/8/17 Article 32]

~~10.4.1~~ Small systems, roof-mounted and ground-mounted, shall require Site Plan approval from the Planning Board.

~~10.4.2~~ Medium systems, roof-mounted and ground-mounted, shall require a Special Permit from the Planning Board.

~~10.4.3~~ Large systems, roof-mounted or ground-mounted, shall require a Special Permit from the Planning Board.

25.4.2 Design Criteria

b) Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar energy system underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider. This provision shall not apply in the B-3 zone.

d) Reasonable efforts, as determined by the Planning Board, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures. Glare from the system shall not impact abutting properties or passing motorists. The plan shall show how the abutting properties and local traffic will be protected from glare or reflected light from the installation. This provision shall not apply in the B-3 zone.

j) Every effort shall be made by the applicant to place the system in the side and/or rear yard. If in the opinion of the Planning Board, the system can only be placed in the front yard, suitable screening shall be provided to minimize the visual impact on abutters and motorists. This provision shall not apply in the B-3 zone.

25.5.9 Vegetated buffer plan showing size, type and amount of trees/shrubs to be installed to protect street(s) and residential homes from view of site, which buffer as approved within the reasonable discretion of the Special Permit granting authority, is hereby required for any installation pursuant to this section except those in the B-3 zone.

25.6 Site Control [Amended ATM 5/8/17 Article 32]. The applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar energy system installation. Fencing, if installed, shall be compatible with the scenic character of the Town and satisfactory to the Planning Board, and shall not consist of barbed wire or razor wire. Planning Board review of fencing is not required in the B-3 zone.

25.8 Utility Notification. No solar energy system installation shall be approved by the Planning Board until satisfactory evidence has been submitted to the Planning Board that the local electric utility has been informed of the applicant's intent to install an interconnected customer-owned generator. [Amended ATM 5/8/17 Article 32] For installations in the B-3 zone, such evidence shall be submitted to the Building Inspector prior to his approval of a building permit.

25.9.2 The front, side and rear yard setbacks for small and medium ground mounted systems in the B-1 Retail Business, B-2 Service Business and for systems of any size in the B-3 Expanded Commercial Zoning Districts, shall be 30 feet. The setbacks for large ground mounted systems in these B-1 Retail Business and B-2 Service Business Districts shall be 50 feet except when abutting any Residential Zone or residential, conservation or recreational use, in which case the setbacks shall be 100 feet.

2/3 Vote Required

Motion Declared Unanimous in the Affirmative by Moderator

Article 4. Motion made and seconded that the amend the Zoning Bylaws and the Zoning Map by adopting the Solar Energy Overlay District Bylaw and map changes verbatim as set forth in the document entitled "Solar Energy Overlay Zoning District Bylaw" on file with the Town Clerk's Office.

The Board of Selectmen, Advisory Board, and Planning Board Recommend this Article

(Text of the warrant listed below for reference).

Article 4. Solar Energy Overlay District Bylaw: To see if the Town will vote (i) to amend the Zoning Bylaws by adding a new Solar Energy Overlay Zoning District Bylaw allowing for solar energy projects in certain areas of Town, as set forth in a document entitled "Solar Energy Overlay Zoning District Bylaw" on file in the Town Clerk's Office and available for inspection during regular business hours of the Town Clerk's Office, (ii) to amend the Town of Dunstable Zoning Map to depict the areas to be included in the Solar Energy Overlay Zoning District, and (iii) to authorize the Town Clerk to make non-substantive changes to the numbering of the Zoning Bylaws as necessary, or take any action in relation thereto.



True Copy Attest

Carol A. Skerrett

Carol A. Skerrett, Town Clerk

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

Article 5. Motion made and seconded that the Town amend the Zoning Map by rezoning Assessor's Parcels 7-48-0, 7-49-0, and 7-49-1 to the B-2 Zoning District as shown on the map entitled "Proposed B2 – Service Business District" on file in the Planning Board Office.

The Board of Selectmen and Planning Board Recommend This Article, The Advisory Board takes No Position on this Article

(Text of the warrant listed below for reference).

Article 5. Rezoning Pleasant Street Parcels as B-2: To see if the Town will vote to amend the Town of Dunstable Zoning Map by rezoning Assessors Parcel 7-48-0 (589 Pleasant Street), Assessors Parcel 7-49-0, and Assessors Parcel 7-49-1 (583 Pleasant Street) from the R-1 Single Family Residence District to the B-2 Service Business District, as shown on the proposed map entitled "Proposed B2 – Service Business District" dated 08/06/19, on file in the Planning Board Office and available for inspection during regular business hours of the Planning Board's Administrative Assistant, and to authorize the Town Clerk to incorporate said map amendments into the Zoning Bylaws and the Town of Dunstable Zoning Map, or take any action in relation thereto.



True Copy Attest

Carol A. Skerrett

Carol A. Skerrett, Town Clerk

2/3 Vote Required
Yes: 50
No: 13
Voted in the Affirmative

Article 6. Motion made and seconded that the take no action on this Article (*to amend Section 1 and 5 of the Advisory Board bylaw to consist of 5 legal voters of the town from 6*)

Majority Vote Required
Voted in the Affirmative (to take no action)

Article 7. Motion made and seconded that the Town authorize the Board of Selectmen to petition the General Court for the enactment of special legislation that would allow for the issuance of alcoholic beverage licenses in the Town verbatim as printed under Article 7 of the warrant for this meeting.

The Board of Selectmen Recommend This Article, The Advisory Board has No Position on this Article

(Text of the warrant listed below for reference).

Article 7. Special Act for to Allow Liquor Licenses in Town: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for the enactment of special legislation that would allow for the issuance of alcoholic beverage licenses in the Town of Dunstable for on-premises consumption (pouring) under Massachusetts General Laws Chapter 138, Section 12, and for off-premises consumption (retail sales) under Massachusetts General Laws Chapter 138, Section 15, provided 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.

Following discussion regarding retail sales, a motion from the town meeting floor was made and seconded

“to amend Article 7 to authorize the Board of Selectmen to petition the General Court for the enactment of special legislation that would allow the issuance of alcoholic beverage licenses in the Town of Dunstable for on premises consumption (pouring) only under MGL Chapter 138 Section 12”.

Majority Vote Required (Amendment)
Yes: 32
No: 33
Motion to Amend Fails

Voting on the original motion;

Majority Vote Required

Yes: 51

No: 20

Voted in the Affirmative

Article 8. Motion made and seconded that the Town amend the General Bylaws by adopting amendments to the Junk and Unregistered Motor Vehicle Bylaw verbatim as printed under Article 8 of the warrant for this meeting.

The Board of Selectmen Recommend this Article, The Advisory Board has No Position

(Text of the warrant listed below for reference).

Article 8. Junk and Unregistered Vehicles Bylaw Amendment: To see if the Town will vote to amend the General Bylaws by amending the Junk and Unregistered Vehicles Bylaw and the Non-Criminal Disposition Bylaw as follows, or take any action in relation thereto (deletions in strikethrough and insertions underlined):

Junk and Unregistered Motor Vehicle Bylaw

Section 1. The open display or open storage of junk shall be prohibited in all sections of the Town of ~~Dunstable~~, including, junk being defined as worn-out, castoff, or discarded articles and materials which are ready for destruction or have been stored for salvage or conversion to some other use, excepting only in any solid waste disposal or transfer station facility duly and lawfully authorized and dedicated to the proper disposition of such materials.

Section 2. All privately owned unregistered motor vehicles shall be stored, placed and kept on private property.

Section 3. Unregistered motor vehicles which are unfit for use, permanently disabled or have been dismantled, or are otherwise inoperative, shall not be stored, parked or placed upon any land in the Town unless the same shall be within a building or in an area unexposed to the view of the public and abutters or in an area properly approved for the keeping of same by licensed junk dealers and/ or automobile dealers. Any vehicle qualified to be registered as an Antique Motor Car, as defined in Massachusetts General Laws, Chapter 90, Section 1, shall be exempt from this bylaw.

Section 4. Any landowner or other person or legal entity responsible for the presence of junk as described in Section 1 above or an unregistered motor vehicle as described in Section 3 hereinabove, ~~excepting therefrom any vehicle which qualified to be registered as an Antique Motor Car, as defined in~~

~~Massachusetts General Laws, Chapter 90, Section 1,~~ shall be subject to the following procedure regarding removal or enclosure of such motor vehicle.:

- a. Any resident of the Town of Dunstable may file with the Board of Selectmen a written complaint regarding the presence of such junk or an unregistered motor vehicle on property located with the Town of Dunstable in violation of this bylaw specifying the location and a brief statement of the circumstances of the alleged violation. If ~~said~~ the Board of Selectmen determines that there is reason to believe a violation of this bylaw exists, it shall schedule a hearing before the Board within ~~14~~ thirty (30) days of receipt of a written complaint.
- b. ~~The b~~ Board of Selectmen or its designee shall give written notice of the hearing by regular first class mail to ~~such persons or parties as it deems appropriate,~~ including the complainant, the complaine[e]s, and direct abutters to the locus according to the most recent tax lists assessors maps, said notices to be deposited in the mail at least ten (10) days before the date of the hearing.
- c. Following the hearing, ~~T~~ the Board of Selectmen shall make a final decision on the matter based upon their own findings as well as matters presented at such hearing and may, at their option, require or order any one or more of the following:
 - (i) that the owner or person responsible be compelled to remove the junk or unregistered motor vehicle from the premises within a stated period;
 - (ii) that the owner or person responsible place the junk or unregistered motor vehicle within a proper enclosure to remove it from public view;
 - (iii) that the owner or person responsible be required to comply with this bylaw;
 - (iv) any further remedy that may be lawful and justified by the circumstances presented at the time of the hearing.

In the event of non-compliance with an order or directive of the Board of Selectmen within five (5) days of receipt of such order by the owner or person responsible, or within any timeframe specified in the order, the Police Department shall be authorized to tow or remove the subject junk or unregistered motor vehicle by whatever means necessary and at the expense of such person.

Section 5. The fine for any violation of the provisions of this bylaw shall be ~~twenty [\$20.00]~~ one-hundred (\$100) dollars for each such offense. Each day that such violation continues shall constitute a separate offense.

Section 6. All fines imposed are to be collected as provided in the Massachusetts General Laws for disposition of non-criminal complaints or any bylaw of the Town providing for such disposition. The enforcing authority in this regard shall

be the Dunstable Police Department, including any Police Officer in the Department and the Board of Selectmen.

NON-CRIMINAL DISPOSITION BYLAW

§5. The enforcing authority hereunder, in addition to any officer or authorized person specified in any particular bylaw or rule or regulation of the Town, shall be the Dunstable Police Department, including any Police Officer in said Department. In addition, the following officers may enforce the following bylaws:

~~Junk and Unregistered Motor~~ ————— ~~Board of Selectmen~~

Majority Vote Required
Voted in the Affirmative

Article 9. Motion made and seconded that the Town authorize the Board of Selectmen to dispose of by sale or lease the Mixed Use District Property located at 160 Pleasant Street and 164 Pleasant Street, Assessors Parcel 12-48-0 and Assessors Parcel 12-49-1, consisting of approximately 28.5 acres and shown on a sketch plan entitled "Mixed use Development, 160 Pleasant Street, Dunstable Massachusetts" on file in the Town Clerk's Office, the Board of Selectmen having determined by vote on June 25, 2019 that the subject property is no longer necessary for public purposes.

The Board of Selectmen and Advisory Board Recommend This Article

Majority Vote Required
Voted in the Affirmative

Article 10. Motion made and seconded that the Town authorize the Board of Selectmen to lease the Town-owned property located at 91 River Street, 30 acres, shown as Parcel B on a plan of land recorded in the North Middlesex Registry of Deeds in Plan Book 245, Plan 10, for the development of solar energy facilities, and grant any access and/or utility easements as may be necessary or convenient to serve the solar energy facilities, on such terms, conditions, and minimum amounts as the Board of Selectmen determines to be in the best interests of the Town, and authorize the Board of Selectmen and the Board of Assessors to negotiate and enter on behalf of the Town payment in lieu of taxes agreements for said solar energy facilities, as authorized by Massachusetts General Laws Chapter 59, Section 38H.

The Board of Selectmen and Advisory Board Recommend This Article

Majority Vote Required
Voted in the Affirmative

Article 11. Motion made and seconded that the Town approve the relocation of the Richard Mitchell Memorial Bench as recommended by the Board of Selectmen and the Monuments and Memorials Committee as shown on a map entitled "Proposed Mitchell Bench Relocation" on file in the Town Clerk's Office.

*Sponsored by the Board of Selectmen and Monuments and Memorials Committee
The Board of Selectmen Recommend This Article, The Advisory Board has no Position
on 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 8:40 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 Special Town Meeting of October 15, 2019: 73

Respectfully submitted,



Carol A. Skerrett
Town Clerk CMMC