

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF DUNSTABLE
WARRANT
ANNUAL TOWN MEETING - May 8, 2017

Middlesex, ss.

To either of the Constables of the Town of Dunstable in the County of Middlesex:

GREETINGS

IN THE NAME OF the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and town affairs, to meet at the Swallow School in said Dunstable on Monday, the Eighth of May next, at seven o'clock in the evening, and thereafter continuing from day to day until completed, then and there to act on the following articles:

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.

FISCAL YEAR 2017

ARTICLE 2 - Fiscal Year 2017 Supplemental Appropriations: To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to supplement operating budgets for the Fiscal Year ending June 30, 2017, or take any action in relation thereto.

ARTICLE 3 - Fiscal Year 2017 Free Cash: To see if the Town will vote to transfer from Free Cash (Surplus Revenue) \$2,114 (two thousand one hundred and fourteen dollars) or some other sum of money from the sale of surplus emergency vehicles to supplement the donations to the summer concert series (2617-13-693-4830-0000-000).

ARTICLE 4 - Fiscal Year 2017 Transfers: To see if the Town will vote to transfer into various line items of the Fiscal Year ending June 30, 2017 operating budget from other line items of said budget or from other available funds, or take any action in relation thereto.

ARTICLE 5 - Reserve Fund: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, some sum of money, to the Reserve Fund, or take any action in relation thereto.

ARTICLE 6 - Community Preservation Committee Recommended Transfers: To see what transfers or other action the Town may vote with respect to any recommended action of the Community Preservation Committee, or take any action in relation thereto.

ARTICLE 7 - Transfer for Repair Water Enterprise Fund: To see if the Town will vote to appropriate to account 6500-04-451-5270-2010-002 by transfer from retained

earnings in the Water Enterprise Fund, a sum of money for the purpose of funding major repairs to existing equipment or other existing capital assets as deemed necessary by the Board of Water Commissioners for FY2017, or take any action in relation thereto.

FISCAL YEAR 2018

ARTICLE 8 - Salaries Elected Officials: To see if the Town will vote to fix the salaries of the elected officers of the town as provided by Chapter 41, Section 108 of the Massachusetts General Laws, as amended for Fiscal Year 2018, beginning July 1, 2017, or take any action in relation thereto.

	Voted FY16	Voted FY17	Recommended FY18
Selectmen - Chairman	\$ 600	\$ 600	\$ 600
Member	\$ 600	\$ 600	\$ 600
Member	\$ 600	\$ 600	\$ 600
Assessors - Chairman	\$ 300	\$ 300	\$ 300
Member	\$ 300	\$ 300	\$ 300
Member	\$ 300	\$ 300	\$ 300
Town Clerk	\$28,956	\$31,536	\$33,167

ARTICLE 9 - Collective Bargaining Agreement: 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, a sum of money, and if so what sum, to fund the Collective Bargaining Agreement with NEPBA Local #7 for Fiscal Year 2018, beginning July 1, 2017, or take any action in relation thereto.

ARTICLE 10 - 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 2018, beginning July 1, 2017, or take any action in relation thereto.

ARTICLE 11 - Chapter 90: To see if the Town will vote to appropriate a sum of money from the proceeds due to the Town under the provisions of Massachusetts General Laws Chapter 90, or take any action in relation thereto.

ARTICLE 12 - Fiscal Year 2018 Transfer to Stabilization: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money, and if so what amount, for the Stabilization Fund pursuant to Massachusetts General Laws Chapter 40, Section 5B, or take any action in relation thereto.

ARTICLE 13 - Water System Engineering: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute the sum of \$200,000 or some other sum of money for engineering costs associated with the replacement of the Town water system's hydropneumatic tanks and engineering costs associated with repairs to the Town well site, and to authorize the Town Treasurer, with the approval of the Selectmen, to issue any bonds or notes that may be necessary for that purpose, provided, however, that this appropriation and debt authorization shall be contingent upon passage of a Proposition 2½ debt exclusion referendum under Chapter 59, Section 21C(k), of the Massachusetts General Laws, or take any action in relation thereto.

ARTICLE 14 - Fire Engine #2: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute the sum of \$360,000 or some other sum of money for the purchase of a new Engine 2 for the Fire Department, and to authorize the Town Treasurer, with the approval of the Selectmen, to issue any bonds or notes that may be necessary for that purpose, provided, however, that this appropriation and debt authorization shall be contingent upon passage of a Proposition 2½ debt exclusion referendum under Chapter 59, Section 21C(k), of the Massachusetts General Laws, or take any action in relation thereto.

ARTICLE 15 - Highway Plow/Sander Truck: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute the sum of \$164,000 or some other sum of money for the purchase of a new Plow/Sander truck for the Highway Department, and to authorize the Town Treasurer, with the approval of the Selectmen, to issue any bonds or notes that may be necessary for that purpose, provided, however, that this appropriation and debt authorization shall be contingent upon passage of a Proposition 2½ debt exclusion referendum under Chapter 59, Section 21C(k), of the Massachusetts General Laws, or take any action in relation thereto.

ARTICLE 16 - High Street to Highland Street Sidewalk Engineering: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute the sum of \$70,000 or some other sum of money for engineering costs associated with the construction of a sidewalk from High Street to Highland Street, and to authorize the Town Treasurer, with the approval of the Selectmen, to issue any bonds or notes that may be necessary for that purpose, provided, however, that this appropriation and debt authorization shall be contingent upon passage of a Proposition 2½ debt exclusion referendum under Chapter 59, Section 21C(k), of the Massachusetts General Laws, or take any action in relation thereto.

ARTICLE 17 - ANR Revolving Fund: To see if the Town will vote to establish a new Revolving account as allowed by Massachusetts General Laws Chapter 40, Section 52E ½, to be used to fund the engineering fees associated with the review of Approval Not Required Plans, or take any action in relation thereto.

ARTICLE 18 - Revolving Funds: To see what revolving funds the Town will vote to authorize or reauthorize pursuant to Massachusetts General Laws Chapter 44, Section 53E ½ for the Fiscal Year 2018, beginning July 1, 2017, or take any action in relation thereto.

Current Accounts

Revolving Fund	Authorized Authority	Receipts Credited	Spending Purpose	FY Spending Limit
Cemetery	Cemetery Commission	Receipts collected from sale of lots, interment fees and other such pertinent fees appertaining to the cemetery.	Operation and/or maintenance of the cemetery including the payment of wages or salaries of employees of such facility who are not full time employees of the Town.	\$8,500.00
Recreation	Recreation Commission	Funded through donations, fund raising efforts, grants, and receipts for usage permits.	Expended for the repairs, maintenance and/or improvement to town recreational sites (including Town Field, Larter Field, tennis courts, and any other facility under Recreation purview.)	\$7,000.00
COA Transport	Council on Aging	Funded through donations, fund raising efforts, grants, and receipts from usage fees, etc.	Van transportation and miscellaneous transportation costs, etc.	\$1,000.00
Permit Application Fees	Building Inspector	Funded through a portion of the permit fees.	To fund the on-line building/gas/plumbing and electrical permitting system	\$5,000.00

ARTICLE 19 - Revolving Fund Bylaw: To see if the Town will vote to amend the General Bylaws by adding a Departmental Revolving Funds Bylaw as follows, to establish and authorize revolving funds for use by certain Town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, § 53E ½, or take any action in relation thereto.

Departmental Revolving Funds

Section 1: Purpose. This Bylaw establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E1/2.

Section 2: Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this Bylaw without appropriation subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund, except for those employed as school bus drivers.
- B. No liability shall be incurred in excess of the available balance of the fund.
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting on or before July 1 of that fiscal year, or any increased amount of the authorization that is later approved during that fiscal year by the Board of Selectmen and the Finance Committee.

Section 3: Interest. Interest earned on monies credited to a revolving fund established by this Bylaw shall be credited to the general fund.

Section 4: Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E ½ and this Bylaw, the laws, charter provisions, bylaw, rules, regulations, policies or procedures that govern the receipt and custody of the Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this Bylaw. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

Section 5: Authorized Revolving Funds.

The following Table establishes:

- A. Each revolving fund authorized for use by a Town department, board, committee, agency or office;

- B. The department or agency head, board, committee or officer authorized to spend from each fund;
- C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant;
- D. The expenses of the program or activity for which each fund may be used;
- E. Any restrictions or conditions on expenditures from each fund;
- F. Any reporting or other requirements that apply to each fund; and
- G. The fiscal years each fund shall operate under this Bylaw.

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
Cemetery	Cemetery Commission	Receipts collected from sale of lots, interment fees and other such pertinent fees appertaining to the cemetery.	Operation and/or maintenance of the cemetery including the payment of wages or salaries of employees of such facility who are not full time employees of the Town.	None, other than as set forth in this Bylaw and by Town Meeting vote.	None, other than as set forth in this Bylaw and by Town Meeting vote.	Fiscal Year 2018 and subsequent years
Recreation	Recreation Commission	Funded through donations, fund raising efforts, grants, and receipts for usage permits.	Expended for the repairs, maintenance and/or improvement to Town recreational sites (including Town Field, Larter Field, tennis courts, and any other facility under Recreation purview.)	None, other than as set forth in this Bylaw and by Town Meeting vote.	None, other than as set forth in this Bylaw and by Town Meeting vote.	Fiscal Year 2018 and subsequent years
COA Transport	Council on Aging	Funded through donations, fund raising efforts, grants, and receipts from usage fees, etc.	Van transportation and miscellaneous transportation costs, etc.	None, other than as set forth in this Bylaw and by Town Meeting vote.	None, other than as set forth in this Bylaw and by Town Meeting vote.	Fiscal Year 2018 and subsequent years
Permit Application Fees	Building Inspector	Funded through a portion of the permit fees.	To fund the on-line building/gas/plumbing and electrical permitting system.	None, other than as set forth in this Bylaw and by Town Meeting vote.	None, other than as set forth in this Bylaw and by Town Meeting vote.	Fiscal Year 2018 and subsequent years
Approval Not Required Plans	Planning Board	ANR Application fees.	Engineering fees associated with the review of Approval Not Required Plans.	None, other than as set forth in this Bylaw and by Town Meeting vote.	None, other than as set forth in this Bylaw and by Town Meeting vote.	Fiscal Year 2018 and subsequent years

ARTICLE 20 - Water Department: To see what sum or sums the Town will vote to appropriate to operate the Water Department, or take any action in relation thereto.

ARTICLE 21 - Transfer for Repair Water Enterprise Fund: To see if the Town will vote to appropriate \$14,797 or any other amount to account 6500-04-451-5240-2010-002 by transfer from retained earnings in the Water Enterprise Fund, a sum of money for the purpose of funding major repairs to existing equipment or other existing capital assets as deemed necessary by the Board of Water Commissioners for FY2018, or take any action in relation thereto.

ARTICLE 22 - Free Cash Transfer: To see what sum the Town will vote to transfer from Free Cash (Surplus Revenue) to meet the appropriations of Fiscal Year 2018, beginning July 1, 2017 or to authorize the Assessors to use to establish the tax rate, or take any action in relation thereto.

ARTICLE 23 - Community Preservation Committee Recommendations: To see what transfers or other action the Town may vote with respect to any recommended action of the Community Preservation Committee, or take any action in relation thereto.

ARTICLE 24 - Acquisition of Kendall Cranberry Bog Property: To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain, or otherwise, for conservation and passive recreation purposes, certain real property together with any improvements thereon known as the Kendall Cranberry Bog, situated on/near High Street and on Salmon Brook, identified as Assessor's Parcel 15-9-0, and being a portion of the premises described in a deed dated December 6, 1985, recorded with Middlesex North District Registry of Deeds, Book 3278, Page 66, said premises being shown on Plan 221, page 42 as Lot 5B, containing 11.472 acres, more or less, including a parcel of 1.6 acres linking the larger portion of the parcel with High Street, all as shown on a draft plan prepared for Richard Henry by Flaherty Associates of Chelmsford, dated April 23, 2003, revised July 13, 2005; and in order fund the costs of such acquisition of said property, to appropriate the sum of \$200,000, and to meet said appropriation:

1. Transfer from the Community Preservation Act Fund the sum of \$10,000 as was voted by the Community Preservation Committee on March 13, 2017 from the Open Space fund to be applied to the purchase,
2. Transfer from the Conservation Timber Fund the sum of \$70,000.00, and
3. Authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow pursuant to Chapter 44, Section 8C of the Massachusetts General Laws or any other law, the sum of \$120,000.00 in anticipation of a reimbursement under a grant of the Massachusetts LAND Grant program (Massachusetts General Laws Chapter 132A, Section 11), also known as the Self-Help program;

or take any action in relation thereto.

ARTICLE 25 - Groton Dunstable Regional School District Agreement Acceptance: To see if the town will vote to approve the amended Regional Agreement of the Groton Dunstable Regional School District as approved by the Groton Dunstable Regional School Committee and as on file in the Office of the Town Clerk, or take any action in relation thereto.

ARTICLE 26 - Special Act for an Appointed Board of Park Commissioners: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for the enactment of special legislation, as follows, that would convert the Board of Park Commissioners from an elected to an appointed board, 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:

AN ACT RELATIVE TO THE BOARD OF PARK COMMISSIONERS OF THE TOWN OF DUNSTABLE

SECTION 1. Notwithstanding any general or special law to the contrary, the Board of Park Commissioners of the town of Dunstable shall consist of 3 members, who shall be appointed by the Board of Selectmen for terms not to exceed 3 years.

SECTION 2. Any incumbent of the Board of Park Commissioners in the town of Dunstable serving on the effective date of this act shall continue to hold the office and perform the duties thereof until the expiration of the term for which the incumbent was elected or until the incumbent vacates the office.

SECTION 3. This Act shall take effect upon its passage.

ARTICLE 27 - Rescind Unused Borrowing Authority: To see if the Town will vote to rescind the unused borrowing authority for the Westford Street Conservation Restriction voted in Article 25 on May 9, 2016, or take any action in relation thereto.

ARTICLE 28 - Adopt Streets and Ways Bylaw, Repeal Street Excavation and Driveway Entrance Bylaw: To see if the town will vote to amend the General Bylaws as follows, or take any action in relation thereto:

1. By adopting a Streets and Ways Bylaw as follows:

Streets, Ways, and Driveways Bylaw

Section 1. Purpose

In order to provide public safety through the orderly control of work within and traffic on public ways and streets and to provide adequate drainage of driveways where required, new driveways and entrances shall be built or reconstructed according to a uniform standard of design and layout.

Section 2. Procedure

- a. Prior to any construction, disturbance of the surface of a public way, or reconstruction or paving of a driveway (exclusive of sealing, sealcoating, and patching), the owner or its agent shall submit a written application for approval to the Board of Road Commissioners, except in an emergency as determined and

authorized by the Board of Road Commissioners or by the Highway Superintendent. Before approval is granted, the application shall be referred to other boards and/or commissions as deemed necessary by the Board of Road Commissioners.

- b. Street Opening Permits or Driveway Permits will be issued only in accordance with this Bylaw and the Rules and Regulations adopted by the Board of Road Commissioners.
- c. All applications for Street Opening Permits or Driveway Permits shall be in compliance with the Rules and Regulations in regard to form, submission, manner of completion, and required accompanying documents or materials.

Section 3. Rules and Regulations

The Board of Road Commissioners shall adopt and may from time to time amend reasonable Rules and Regulations in order to facilitate the proper operation of this bylaw, the safety of persons, the protection of public and private property, and regulate the work carried out under permits issued pursuant hereto.

Section 4. Waivers

Any requests for waivers shall be directed to the Board of Road Commissioners, who shall have the authority to grant or deny said requests, in light of the purposes of this Bylaw and public necessity.

Section 5. Performance Bond

A satisfactory bond of a surety company authorized to do business in the Commonwealth of Massachusetts in a sum required by the Board of Road Commissioners or the Rules and Regulations, conditioned substantially that the applicant shall guarantee the faithful and satisfactory performance of the work in all respects, and shall replace or restore that portion of any public way in which said applicant, his employees or agents make an excavation. Bonds from Utility Companies that are self-insured will be acceptable if the terms and conditions are similar.

Section 6. Liability

Liability for damage to private property abutting the construction and caused by permittee, his agents or servants, shall be borne solely by the permittee performing the work. The application for any permit by an applicant and the issuance thereof shall constitute an agreement between said permittee and the Town of Dunstable, whereby the permittee shall indemnify, hold harmless and defend the Town of Dunstable against any and all claims for damages for injuries to persons or property, and against all costs, suits, expenses and losses occasioned

by or arising from said permittee or his agents or servants entering upon the public ways of the Town and from occupancy and use of said public ways for purposes of construction, disturbance of the surface of a public way, or reconstruction or paving of a driveway, and said permittee shall further be required to provide a policy or policies of insurance issued by a company authorized to issue such insurance in the Commonwealth of Massachusetts, providing bodily injury liability coverage and property damage liability coverage with limits as required by the Commissioners or provided in the Rules and Regulations. The Town of Dunstable shall be named as additional insured in such policies.

Section 7. Inspections and Fees

The Board of Road Commissioners reserves the right to inspect the proposed site before, during and after construction. The Board of Road Commissioners may establish reasonable fees for applications and inspections.

Section 8. Enforcement and Penalties

- a. This Bylaw shall be enforced by the Board of Road Commissioners or its designated agent, and may be enforced by non-criminal disposition pursuant to the Non-Criminal Disposition Bylaw and Section 21D of Chapter 40 of the General Laws.
- b. Any person who violates or refuses to comply with any provision of this Bylaw or with any order or orders hereunder promulgated shall forfeit and pay to the use of the Town of Dunstable a sum of one hundred [\$100.00] dollars for each violation.
- c. Each day, or portion of a day, that any violation is allowed to continue shall constitute a separate violation of this Bylaw.

Section 9. Emergency

- a. Nothing in this Bylaw shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or the location of trouble in conduit, cable, or pipe, or for making repairs, provided that the person making such excavation shall first obtain the authorization of the Road Commissioners or the Highway Superintendent, or if not feasible, such person shall apply to the Board of Road Commissioners or the Highway Superintendent for an emergency permit on the first working day after such emergency work is commenced.
- b. The person engaged in emergency action shall notify the Police Department and Fire Department of the Town and any pertinent Public Utility Companies at the start of the emergency work.

Section 10. Severability

Each of these sections shall be construed as separate to the end that if any section or paragraph, sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that section and all other sections of this Bylaw shall continue in full force.

Section 11. Inconsistencies

All provisions of this Bylaw, insofar as possible, shall be read and construed to be consistent with other existing bylaws or Rules and Regulations of the Town. Insofar as there are or appear to be inconsistencies in such regard, the provisions of such other existing Bylaws or Rules and Regulations shall be deemed insofar as permissible by law to be inapplicable, but only to the extent that they bear directly upon permits issued therefore pursuant to this Bylaw.

2. By amending Section 5 of the Non-Criminal Disposition Bylaw, by replacing the phrase "Street Excavation Bylaw" with the phrase "Streets and Ways Bylaw";
3. By deleting in its entirety the Driveway and Entrance Bylaw; and
4. By deleting in its entirety the Street Excavation Bylaw.

ARTICLE 29 - Write-in Candidate Eligibility: To see if the Town will vote to amend the General Bylaws by making additions to Article II of the Town Meeting, Town Elections & Records, or take any action in relation thereto. Insertions shown by **{bold}** as follows:

Section 3: In the election of write-in candidates to town offices the candidate must be verified by the Town Clerk as a registered voter to be declared elected.

ARTICLE 30 - Town Moderator Term of Office: To see if the Town will vote to amend the General Bylaws by making additions to Article II of the Town Meeting, Town Elections & Records, or take any action in relation thereto. Insertions shown by **{bold}** as follows:

Section 4: The term of the Town Moderator shall be three years.

ARTICLE 31 - To see if the Town will vote to amend the General Bylaws by making deletions and insertions to Article II § 1 of the Town Meeting, Town Elections & Records, or take any action in relation thereto. Deletions shown by ~~{striketrough}~~ and insertions shown by **{bold}** as follows:

The election of Town Officers shall be on the third ~~Monday~~ **Tuesday** of May each year. The polls shall be open from twelve o'clock noon until eight o'clock in the evening.

ARTICLE 32 - To see if the Town will vote to amend various sections of the Zoning Bylaw with respect to solar energy systems by making deletions and insertions to Sections 6, 7, 8, 9, 10, 20 and 25 as follows, or take any action in

relation thereto. Deletions shown by ~~{striketrough}~~ and insertions shown by **{bold}** as follows:

6.7.11(j) - shall be located in any required building yard ~~set-back~~ setback. All required

~~6.8. Large-scale ground-mounted Solar Photovoltaic Facilities, all in accordance with the provisions of Section 25 of this Bylaw. [Added ATM 5/13/2013]~~

6.8 Solar Energy Systems

6.8.1 Small systems, roof-mounted, shall be allowed as a use by right; ground-mounted, shall require Site Plan approval from the Planning Board.

6.8.2 Medium systems, roof-mounted and ground-mounted, shall require Site Plan approval from the Planning Board.

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

See Section 25 of this bylaw for additional requirements.

~~6.a.7. Additional uses by Special Permit of the Planning Board: Large-scale ground-mounted Solar Photovoltaic Facilities, all in accordance with the provisions of Section 25 of this Bylaw. (Added 5/13/13 ATM).~~

6.a.7 Solar Energy Systems

6.a.7.1 Small systems, roof-mounted, shall be allowed as a use by right; ground-mounted, shall require Site Plan approval from the Planning Board.

6.a.7.2 Medium systems, roof-mounted and ground-mounted, shall require Site Plan approval from the Planning Board.

6.a.7.3 Large systems, roof-mounted or ground-mounted, shall require a Special Permit from the Planning Board.

See Section 25 of this bylaw for additional requirements.

~~7.3 Additional uses by Special Permit of the Planning Board: Large-scale ground-mounted Solar Photovoltaic Facilities, all in accordance with the provisions of Section 25 of this Bylaw. [Added 5/13/13]~~

7.3 Solar Energy Systems

7.3.1 Small systems, roof-mounted, shall be allowed as a use by right; ground-mounted, shall require Site Plan approval from the Planning Board.

7.3.2 Medium systems, roof-mounted and ground-mounted, shall require Site Plan approval from the Planning Board.

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

See Section 25 of this bylaw for additional requirements.

~~8.2.(b) Additional uses by Special Permit of the Planning Board: Large-scale ground~~

~~-mounted Solar Photovoltaic Facilities, all in accordance with the provisions of Section 25 of this Bylaw. [Added 5/13/13]~~

8.3 Solar Energy Systems

8.3.1 Small systems, roof-mounted, shall be allowed as a use by right; ground-mounted, shall require Site Plan approval from the Planning Board.

8.3.2 Medium systems, roof-mounted and ground-mounted, shall require Site Plan approval from the Planning Board.

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

See Section 25 of this bylaw for additional requirements.

~~8.3~~ 8.4

~~8.3.1~~ 8.4.1

~~8.3.2~~ 8.4.2

9.2 Solar Energy Systems

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

9.2.2 Medium systems, roof-mounted and ground-mounted, shall require Site Plan approval from the Planning Board.

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

See Section 25 of this bylaw for additional requirements.

~~9.2~~ to 9.3

~~9.3~~ to 9.4

~~9.3.1 to 9.4.1 Refer to Section 11, or, as to Solar Photovoltaic facilities, Section 25.~~

~~[Amended ATM 5/13/13]~~

~~9.3.2~~ to 9.4.2

~~9.4~~ to 9.5

~~9.4.1~~ to 9.5.1

~~9.4.2~~ to 9.5.2

~~10.1(e) Additional uses by Special permit of the Planning Board: Large-scale ground~~

~~-mounted Solar Photovoltaic Facilities, all in accordance with the provisions of~~

~~Section 25 of this Bylaw. (Added 5/13/13).~~

10.4 Solar Energy Systems

- 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.

See Section 25 of this bylaw for additional requirements.

~~20.13. Large-Scale Ground-mounted Solar Photovoltaic Installation. A solar photovoltaic system that is structurally-mounted on the ground, is not roof-mounted, and has a minimum rated nameplate capacity of 250 kW DC. (Added 5/13/13).~~

~~20.14 to 20.13~~

20.15 Off-grid system: A solar energy system that is not connected to an electric circuit served by an electric utility.

20.16 Photovoltaic System (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity.

~~20.15 to 20.14~~

~~20.16 to 20.17~~

~~20.17 to 20.18~~

~~20.18 to 20.19~~

~~20.19 to 20.20~~

~~20.20 to 20.21~~

20.22 Solar Access: The access of a solar energy system to direct sunlight.

20.23 Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

20.24 Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

20.25 Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

20.26 Solar Energy System, Ground-Mounted: An Active Solar Energy System that is structurally-mounted to the ground and is not roof-mounted; may be of any size (small-, medium-, or large-scale).

20.27 Solar Energy System, Large: An Active Solar Energy System that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).

20.28 Solar Energy System, Medium: An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10-250 kW DC).

20.29 Solar Energy System, Roof-Mounted: An Active Solar Energy System that is structurally-mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale).

20.30 Solar Energy System, Small: An Active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less).

~~20.21 to 20.31~~

~~20.22 to 20.32~~

~~20.23 to 20.33~~

~~20.24 to 20.34~~

~~20.25 to 20.35~~

SECTION 25. ~~LARGE-SCALE GROUND-mounted SOLAR PHOTOVOLTAIC FACILITIES~~ SOLAR ENERGY SYSTEMS

~~25.1 Purpose. The purpose of this section is to regulate the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning and removal of such installations. The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.~~

25.1 Purpose. The purpose of this section is to encourage small roof-mounted solar systems; regulate small ground-mounted and medium and large-scale solar energy systems located in a residential zone and to regulate small, medium and large scale solar energy systems located in all other zones by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public health and safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning and removal of such installations.

25.2 Applicability. This section applies to the construction, operation, maintenance repair and removal of large-scale ground-mounted solar energy systems photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these

installations or related equipment. Small roof-mounted solar energy systems in R1 Single Family Residential, R1a Commercial Recreation, R2 General Residential and B1 Retail Business zones intended as an accessory use shall be considered a use by right and not subject to this section.

25.3 General requirements for all solar energy systems regulated by this section ~~large-scale solar power generation installations~~. The following requirements are common to all solar energy systems ~~photovoltaic installations~~ to be sited in specific designated locations.

25.3.1 Compliance with laws, ordinances and regulations. The construction and operation of all solar energy systems ~~large-scale solar photovoltaic installations~~ shall be consistent with, and insofar as pertinent, compliant with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar energy system ~~photovoltaic installation~~ shall be constructed in accordance with the State Building Code in force and applicable at any relevant time.

25.3.2 Building permit and building inspection. No solar energy system ~~large-scale ground-mounted solar photovoltaic installation~~ shall be constructed, installed or modified as provided in this section, nor shall construction or installation be commenced without first obtaining the necessary or appropriate permits.

25.3.3 Site plan review. All ~~large-scale ground-mounted solar photovoltaic installations~~ shall require Site Plan approval from the Planning Board prior to the issuance of a building permit.

25.4 General. All applications for a ~~large-scale ground-mounted solar photovoltaic installation~~ shall be submitted in accordance with the Planning Board's Rules and Regulations Governing Site Plans as may be amended from time to time. All substantive plans or other technical documents submitted in support of the application shall have been prepared by engineers or surveyors licensed to practice in Massachusetts.

25.4 Site Plan. The following regulations shall apply to all systems that require Site Plan Approval from the Planning Board:

25.4.1 Submittal Requirements. In addition to the submittal requirements included in the Planning Board's Rules and Regulations Governing Site Plans in Dunstable, Massachusetts, the following shall also apply:

- a) Drawings of the solar energy system showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings

and structures, and the tallest finished height of the solar collector;

b) Documentation of the major system components to be used, including the panels, mounting system, and inverter;

c) Name, address, and contact information for proposed system installer;

d) Zoning district designation for the parcel(s) of land comprising the project site;

e) Locations of active farmland and prime farmland soils, wetlands, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and "Important Wildlife Habitat" mapped by the DEP;

f) For roof-mounted systems. The shortest distance between the solar collector and all edges of the roof. The distance between the solar collector and any other existing rooftop features such as chimneys, spires, access points, etc.. The height of the solar collector both from finished grade and where applicable, from the finished surface of the roof.

The Planning Board may waive any of these submittal requirements in its discretion.

25.4.2 Design Criteria

a) No solar energy system shall be installed until evidence has been given to the Planning Board that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

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.

c) The solar energy system owner or operator shall provide a copy of the Site Plan application to the local fire chief. All means of shutting down the solar installation shall be clearly marked.

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.

e) Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of ground-mounted solar energy system.

f) Roof-mounted solar energy systems shall be located in such a manner as to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide for smoke ventilation opportunities, and provide emergency egress from the roof.

g) For buildings with pitched roofs, solar collectors shall be located in a manner that provides a minimum of one three-foot wide clear access pathway from the eave to the ridge on each roof slope where solar energy systems are located as well as one three-foot smoke ventilation buffer along the ridge.

h) Residential rooftops that are flat shall have a minimum three-foot wide clear perimeter and commercial buildings that are flat shall have a minimum four-foot wide clear perimeter between a solar energy system and the roofline, as well as a three-foot wide clear perimeter around roof-mounted equipment such as HVAC units.

i) To the extent practicable, the access pathway shall be located at a structurally strong location on the building (such as a bearing wall).

j) The system shall meet the dimensional requirements of Section 11 of this Bylaw with regards to Height. The horizontal setback requirements for ground-mounted systems shall be one half of those listed in Section 11, with the exception that every effort, in the opinion of the Planning Board, 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 must be placed in the front yard, suitable screening shall be provided to minimize the visual impact on abutters and motorists.

25.5 Additional Information Special Permit. In addition to the information required for a ~~Site Plan~~ Special Permit application, the following additional

information shall be submitted for each ~~large-scale ground-mounted solar~~ energy system **requiring a Special Permit from the Planning Board:**

25.5.1 Drawings of the ~~solar photovoltaic~~ **solar energy system** installation showing the proposed layout of the system and any potential shading from nearby structures.

25.5.2 One or three line electrical diagram detailing the ~~solar photovoltaic~~ **solar energy system** installation, associated components, and electrical interconnection methods, with all Massachusetts Electrical Code compliant disconnects and overcurrent devices.

25.6 Site Control. 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 photovoltaic~~ **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.

25.7 Operation and Maintenance Plan. The applicant shall submit a plan for the operation and maintenance of the ~~large-scale ground-mounted solar photovoltaic~~ **solar energy system** installation, which shall include measures for maintaining safe access to the installation as well as general procedures for operational maintenance of the installation and emergency shut down of the site if needed.

25.8 Utility Notification. No ~~large-scale ground-mounted solar photovoltaic~~ **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.

25.9 Dimension and Density Requirements. For ~~large-scale ground-mounted solar photovoltaic~~ **solar energy system** installations, the following dimensional requirements shall apply;

25.9.4. Height. The height of any or all structures comprising the ~~large-scale ground-mounted solar photovoltaic~~ **solar energy system** facility shall not exceed 20 feet above the pre-existing natural grade underlying each particular structure.

25.10 Appurtenant Structures. All structures appurtenant to ~~large-scale ground-mounted solar photovoltaic~~ **solar energy system** installations shall be subject to the dimensional requirements of the zoning district in which they are located. All such appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible and harmonious with each other. Whenever feasible, in the reasonable opinion of the Planning Board, structures should be sheltered from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

25.11 Design Standards. The following standards shall apply to all ~~large-scale ground-mounted solar photovoltaic~~ **solar energy system** installations in addition to those contained in the Rules and Regulations Governing Site Plans.

25.11.1 Signage. Signs on ~~large-scale ground-mounted solar photovoltaic~~ **solar energy system** installations shall comply with all provisions of this Zoning Bylaw relative to signs. A sign consistent with said provisions shall be required to identify the owner of the premises, as well as the operator of the ~~solar photovoltaic~~ **solar energy system** installation, if different from the owner, and provide a twenty-four-hour emergency contact phone number. ~~Solar photovoltaic~~ **Solar energy system** installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the ~~solar photovoltaic~~ **solar energy system** installation.

25.11.2 Utility connections. Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the ~~solar photovoltaic~~ **solar energy system** installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the electric utility. If an existing aboveground connection solution already exists, however, this can be used if it meets the requirements of the electric utility. Electrical transformers for utility interconnections may be aboveground if required by the electric utility concerned with the project.

25.12 Safety and Environmental Standards.

25.12.1 Emergency services. The ~~large-scale solar photovoltaic~~ **solar energy system** installation applicant shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief and concerned electric utility. Upon request, the applicant shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the ~~solar photovoltaic~~ **solar energy system** installation shall be clearly marked. The applicant shall identify a responsible person for public inquiries throughout the life of the installation.

25.12.2 ~~Solar photovoltaic~~ Solar energy system installation conditions. The ~~large-scale ground-mounted solar photovoltaic~~ **solar energy system** installation applicant shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and emergency medical services. The applicant shall be responsible for the cost of maintaining the ~~solar photovoltaic~~ **solar energy system** installation and any access road(s), unless accepted as a public way.

25.13 Abandonment or Decommissioning. Any ~~large-scale ground-mounted solar photovoltaic~~ **solar energy system** installation that has reached the end of its useful life or has been abandoned consistent with Subsection 25.15 of this

section shall be removed. The applicant shall physically remove the installation no more than 150 days after the date of discontinued operations. The applicant shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

25.13.1 Physical removal of all ~~large-scale ground-mounted solar photovoltaic~~ **solar energy system** installations, structures, equipment, security barriers and transmission lines from the site.

25.14 Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances deemed reasonable by the written acknowledgment of the Planning Board, which shall not be unreasonably refused, the ~~solar photovoltaic~~ **solar energy system** installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. The failure to operate shall be conclusively determined based on the records showing the power supplied by the installation to the grid. If the applicant of the ~~large-scale ground-mounted solar photovoltaic~~ **solar energy system** installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.

ARTICLE 33 - To see if the Town will vote to amend the Zoning Bylaw by adopting a new Section 29, Community Housing Zoning Bylaw, as follows, and amend the General Bylaws by deleting in its entirety the Community Housing Bylaw, or take any action in relation thereto.

SECTION 27. COMMUNITY HOUSING

27.1 Purpose

The purpose of this Section is to promote the public health, safety and welfare by encouraging the creation of housing that more people can afford, especially people who live and work in the Town of Dunstable, in order to meet the Town's goal of providing diversity and to mitigate the impacts of market-rate residential development on housing costs.

27.2 Definitions

As used in this By-law:

27.2.1 "Area Median Income (AMI)" shall mean the median income of the Lowell Metropolitan Statistical Area, or other applicable area as may be determined or defined by the U.S. Department of Housing and Urban Development regulations, at 24 C.F.R. 5.609, adjusted for household size, as amended from time to time.

27.2.2 "Community Housing" shall mean housing for an eligible household for which, in perpetuity, the maximum sale/resale price or the maximum rent shall be as set forth in the LIP Guidelines.

27.2.3 “Eligible Household” shall mean a household whose total combined annual income does not exceed 80% of AMI.

27.2.4 “Local Initiative Program (LIP)” shall be as set forth in 760 CMR 56.00 and the guidelines enacted thereunder, as may be amended from time to time (the LIP Guidelines).

27.2.5 “Phased or Segmented Project” shall mean a Project on one or more adjoining lots, which lot or lots is/are in common ownership or common control at the time of application for a building permit or within four years prior to such application, for which one or more building permits is/are sought within a period of four years from the date of application for any building permit for the Project.

27.2.6 “Project” shall mean developments subject to the Community Housing requirements of this Section.

27.2.7 “Residential” shall mean housing that is single-family, duplex, multiple family, apartment, townhouse, garden apartment, boarding and lodging, and conversion of a single-family home into more than one Residential unit.

27.3 Applicability

This Section shall apply to the issuance of certificates of occupancy for (a) the creation of six (6) or more residential units, including Phased or Segmented Projects, whether by new construction, expansion of floor space of existing buildings, reconfiguration of floor space resulting in a reduction in the number of Residential units, or change of use in one or more existing buildings and (b) to any division of land for development of six (6) or more Residential units, including Phased or Segmented Projects.

27.4 Community Housing Requirements

27.4.1 One of the first six units in a Project with Residential Units shall be Community Housing. In a Project with more than six total units, one of each of the next six units shall be Community Housing. Fractional numbers shall be rounded to the nearest whole number. Section 27.6 shall apply to any fractional number rounded down.

27.4.2 Community Housing units shall meet all LIP requirements. To the extent this Section (or rules promulgated thereto) is inconsistent with LIP requirements; the more stringent requirement shall prevail. To the extent that it is not clear whether the requirements of LIP or this Section are more stringent, the LIP requirements shall prevail.

27.4.3 There shall be a local preference for Community Housing units as may be consistent with the LIP Guidelines and federal and state law.

27.5 Community Housing Administration

27.5.1 The Board of Selectmen or a designee shall be charged with the administration of this program, including the monitoring of the long-term affordability of all Community Housing units.

27.5.2 Prior to issuance of the certificate of occupancy for the first market rate dwelling unit within a Residential Project with six or more units the applicant shall submit to the Board of Selectmen or the designee, for review and approval, the following documents:

1. A housing plan showing the location, square footage, unit types, number and types of rooms, and location of all units (designating the Community Housing units) and number of Community Housing Units. Also to be included are elevations, floor plans, outline specifications for the market-rate and the Community Housing units (demonstrating comparability between Community Housing and market-rate units);

2. A proposed deed rider or rental restrictions, monitoring services agreement, regulatory agreement (if required by LIP), condominium documents (or outline of the affordability requirements), and marketing plan (including the tenant selection plan) and any other materials requested by the Board of Selectmen or the designee.

3. If a condominium is proposed, the condominium documents shall meet the following requirements:

- a. Percentage (beneficial) interests shall be based on the sales price of the Community Housing units at the time of the recording of the master deed;
- b. All votes shall be one unit - one vote except where the condominium statute requires percentage/beneficial interest votes. See G.L. c.183, S. 10;
- c. There shall be no amendments to the Community Housing provisions;
- d. In the event of condemnation or casualty or purchase by other than an Eligible Household (i.e. such a household cannot be located) - excess proceeds above maximum sale or resale price shall to be donated to the Town's Affordable Housing Trust Fund established pursuant to G.L. c. 44, s. 55C.

4. Any costs associated with technical review required by the Board of Selectmen or the designee to review the housing plan, the documents subject to legal review or to otherwise administer this program, shall be paid by the applicant.

27.5.3 The Building Commissioner shall not issue any certificate of occupancy for a dwelling unit within a Residential Project that has not complied with the requirements of this Section.

27.6 Smaller Developments

In a smaller development of less than six units, or in a Project of more than six units where a fractional number has been rounded down, prior to the issuance of the certificate of occupancy for each market rate dwelling unit, the developer shall be required to make a payment in lieu to the Town's Affordable Housing Trust Fund in accordance with the following formula:

Sales Price of Unit X Contribution Factor

The Contribution Factor is based upon the number of units in the subdivision:

Number of Units in Subdivision	Contribution Factor
2 to 5	3%

The development of one single family unit shall be exempt from this requirement.

Example: The Trust Payment due upon the initial sale of a \$500,000 unit in a 5 unit Project would be $\$500,000 \times .03 = \$15,000$

27.7 Community Housing Rules

The Board of Selectmen may promulgate rules for the implementation of this program.

ARTICLE 34 - To see if the Town will vote to amend the Zoning Bylaw by adopting a new Section 28, Temporary Moratorium on Marijuana Establishments, as follows, or take any action in relation thereto.

SECTION 28. TEMPORARY MORATORIUM ON MARIJUANA ESTABLISHMENTS

28.1. Purpose

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law entitled the "Regulation and Taxation of Marijuana Act" (the "Act"), regulating the sale, cultivation, distribution, possession and use of marijuana for recreational purposes. The Act provides that it is effective on December 15, 2016, and the Cannabis Control Commission is required to issue regulations regarding the implementation of the Act by March 15, 2018.

Currently under the Zoning Bylaws, a "marijuana establishment", as defined in the Act, and other types of marijuana related businesses and operations allowed under the Act, are not permitted uses in the Town. Any regulations promulgated by the Cannabis Control Commission are expected to provide

guidance to the Town in regulating marijuana establishments and the sale and distribution of marijuana and marijuana products for recreational purposes.

The regulation of marijuana establishments and other types of marijuana related businesses or operations allowed under the Act raises novel and complex legal, planning, and public safety issues. The Town needs time to study and to consider the regulation of marijuana establishments and other types of marijuana related businesses or operations allowed under the Act and address such novel and complex issues. The Town needs time to address the potential impact of the Act and the Cannabis Control Commission's regulations on local zoning, and to undertake a planning process to consider amending the Zoning Bylaws regarding the regulation of marijuana establishments and other types of marijuana related businesses or operations allowed under the Act. The Town intends to adopt a temporary moratorium (the "Temporary Moratorium") on the use of land and structures in the Town for marijuana establishments and other types of marijuana related businesses or operations allowed under the Act to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact a new Zoning Bylaw in a manner consistent with sound land use planning goals and objectives.

28.2. Definitions.

As used in this Section 28, the terms "Marijuana", "Marijuana Establishment", "Marijuana Products", "Marijuana Retailer", "Marijuana Cultivator", "Marijuana Testing Facility" and "Marijuana Product Manufacturer" shall have the same meanings as set forth in the Act.

28.3. Temporary moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaws to the contrary, the Town hereby adopts a Temporary Moratorium on the use of land or structures as a primary or accessory use, as a marijuana establishment, marijuana retailer, marijuana cultivator, marijuana testing facility, marijuana product manufacturer, or any other type of marijuana related business or operation allowed under the Act. The Temporary Moratorium shall be in effect through December 31, 2018. During the time that the Temporary Moratorium is in effect, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission's regulations, and shall consider adopting a new Zoning Bylaw to address the impact of marijuana establishments and other types of marijuana-related businesses or operations allowed under the Act.

28.4. Effect on Registered Marijuana Dispensaries

This Section 28 shall have no effect on the dispensing of marijuana and marijuana products to registered qualifying patients by a Registered Marijuana Dispensary or Medical Marijuana Treatment Center, as defined in Section 20 of the Zoning Bylaws and governed by Section 27 of the Zoning Bylaws.

ARTICLE 35 - Municipal Stormwater Discharge Bylaw: To see if the Town will vote to amend the General Bylaws as follows, or take any action in relation thereto:

1. By adopting a Municipal Stormwater Discharge Bylaw as follows:

1. PURPOSE

1.1 The purpose of this Bylaw is to provide for the health, safety, and general welfare of the citizens of The Town of Dunstable (the "Town") through the regulation of non-stormwater discharges to the municipal storm drainage system to the maximum extent possible as required by federal and state law. This Bylaw establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

1.2 The objectives of this Bylaw are:

- a) to prevent pollutants from entering the Town's municipal separate storm sewer system (MS4);
- b) to prohibit illicit connections and unauthorized discharges to MS4;
- c) to require the removal of all such illicit connections;
- d) to comply with state and federal statutes and regulations relating to storm water discharges, including the Town's National Pollutant Discharge Elimination System (NPDES) permit for discharges from the municipal storm drain system; and
- e) to establish the legal authority to ensure compliance with the provisions of this Bylaw through inspection, surveillance, monitoring, and enforcement.

2. DEFINITIONS

The terms used in this Bylaw shall have the following meanings:

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U. S. C §1251 et seq.) and any subsequent amendments thereto.

GROUNDWATER: Water beneath the surface of the ground.

HAZARDOUS OR TOXIC MATERIALS: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise

managed. Hazardous or toxic materials include without limitation any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.000.

ILLICIT CONNECTION: A surface or subsurface drain or conveyance, which allows any non-permitted or unlawful discharge into the municipal storm drain system, including, but not limited to, sewage, process wastewater, cooling waters or wash water, and any connections from the indoor drains, sinks, sumps or toilets, without limitation regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this Bylaw.

ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 8 of this Bylaw.

MUNICIPAL STORM DRAIN SYSTEM or MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Dunstable.

NON-STORM WATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.

OWNER: A person with a legal or equitable interest in a property.

PERSON: An individual, partnership, association, firm, company, trust, corporation, other legally established entity, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POLLUTANT: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to, the following: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

STORMWATER: Any surface flow, snow melt, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

3. APPLICABILITY

This Bylaw shall apply to all water entering directly or indirectly into the municipal storm drainage system generated on any developed and undeveloped lands unless explicitly exempted by the Planning Board.

4. AUTHORITY

This Bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the authority granted by provisions of the Clean Water Act (1987) requiring NPDES permits for storm water discharges. Under 40 CFR 122.34 (b)(3), The Clean Water Act, section 402 (p)(3)(B)(ii) requires that permits for municipal separate storm sewer systems (MS4) include a requirement to effectively regulate problematic non-stormwater discharges into storm sewers. This Bylaw in no way supersedes or diminishes the authority or jurisdiction of any state or federal regulations governing discharges or illicit discharges. Enforcement of said state and federal regulations is governed by those applicable government agencies.

5. RESPONSIBILITIES FOR ADMINISTRATION

- 5.1 The Planning Board shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the Planning Board in this Bylaw may be delegated in writing to a designated agent(s) upon a majority vote of the Planning Board. Should the Planning Board designate an agent, such agent shall be approved by the Board of Selectmen.
- 5.2 The Planning Board shall promulgate Regulations to implement and establish fees and penalties to effectuate the purpose of this Bylaw. Failure by the Planning Board to promulgate such Regulations or fee and penalty structures shall not have the effect of suspending or invalidating this Bylaw.

6. PROHIBITED ACTIVITIES

- 6.1 Illicit discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-storm water discharge into the municipal storm drain system.
- 6.2 Illicit connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulations or custom at the time of connection.

6.3 Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of storm water into or out of the municipal storm drain system without prior written approval from the Planning Board.

7. EXEMPTIONS

The commencement, conduct or continuance of any illegal or illicit discharge to the municipal storm drain system is prohibited except for non-storm waters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system as described as follows:

- a) Waterline flushing;
- b) Flow from potable water sources;
- c) Springs;
- d) Natural flow from riparian habitats and wetlands;
- e) Diverted stream flow;
- f) Rising groundwater
- g) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005 (20), or uncontaminated pumped groundwater;
- h) Water from the exterior foundation drains, roof drains, footing drains (not including active groundwater dewatering systems), or air conditioning condensation;
- i) Discharge from landscape irrigation or lawn watering;
- j) Water from residential activities, including, but not limited to, car washing, washing walkways, patios, house siding, windows, or similar exterior structure-related washing activities;
- k) Discharge from dechlorinated swimming pool water (less than one ppm total chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance.
- l) Discharge from street sweeping;
- m) Dye testing, provided verbal notification is given to the Highway Department or its agent prior to the time of the test and providing resulting concentrations are not at levels detrimental to resident aquatic organisms;

- n) Non-storm water discharge permitted under an NPDES permit or a permit issued by the Department of Environmental Protection pursuant to 314 CMR 3.00, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
- o) Discharge for which advanced written approval is received from the Planning Board or its agent as necessary to protect public health, safety, welfare or the environment.
- p) Firefighting activities.

8. NOTIFICATION OF RELEASES

Notwithstanding other requirements of local, state, or federal law, as soon as any person responsible for a facility, or responsible for emergency response for a facility or operation resulting in or which may result in discharge or pollutants to the municipal drainage system, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous or toxic materials, the person shall immediately notify the municipal fire department. In the event of a release of non-hazardous material, the reporting person shall as soon as practical notify the Planning Board and provide a written notification within three (3) business days thereafter of the spill occurrence. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. Failure to provide notification of a release as provided above is a violation of this Bylaw.

9. VIOLATION, ENFORCEMENT, AND PENALTIES

9.1 It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Bylaw. The Planning Board or its agent shall enforce this Bylaw and may pursue all civil and criminal remedies for violations.

9.2 Enforcement Orders.

9.2.1 If any person violates or fails to comply with any of the requirements of this Bylaw, the Planning Board may order compliance by written notice to the responsible person via certified mail or hand delivery. The order shall include the name and address of the alleged violator, the address at which the violation is occurring or has occurred, a statement specifying the nature of the violation, a description of the actions needed to resolve the violation and come into compliance, the deadline within which such actions must be completed, and a statement

that, if the violator fails to come into compliance by the specified deadline, the Town may do the work necessary to resolve the violation at the expense of the violator.

9.2.2 Said order may require, without limitation:

- a) Elimination of illicit connections or discharges to the municipal storm drain system;
- b) Performance of monitoring, analyses and reporting;
- c) Remediation of contamination caused by the illicit connection or discharge; and
- d) The implementation of source control or treatment Best Management Practices.

9.2.3 Any person aggrieved by an enforcement order may appeal the order to the Board of Selectmen. Appeals shall be made by submitting to the Board of Selectmen, within 30 days of the order being appealed, a letter explaining why the order or decision was not justified. A copy of the letter shall be submitted simultaneously to the Planning Board. The decisions of the Board of Selectmen regarding appeals shall be final. Any further appeal shall be to a court of competent jurisdiction.

9.3 Action by the Town to Remedy a Violation. If a violator fails to come into compliance by the deadline specified in an enforcement order, the Planning Board or its agent may do the work necessary to resolve the violation at the expense of the violator and/or property owner. For situations involving an immediate threat to public health, safety or natural resources, the Planning Board or its agent may remove the illicit connection immediately and take such other action as is necessary to protect public health, safety or natural resources; written notice of the removal shall be provided to the property owner by hand within 48 hours of the removal or by certified mail postmarked no later than the next business day following the removal.

9.4 Recovery of Costs. If the Planning Board or its agent undertakes work to correct or mitigate any violation of this Bylaw, the Department or Board shall (within thirty (30) days after completing the work) notify the violator and the owner(s) of the property (if different) in writing of the costs incurred by the Town, including administrative costs, associated with that work. The violator and the property owner(s) shall be jointly and severally liable to pay the Town those costs within thirty (30) days of the receipt of that notice. The violator and/or the property owner(s) (if different) may file a written protest objecting to the amount or basis of costs with the Board of Selectmen within thirty (30) days of receipt of the notice. If the amount due is not received by the Town by the expiration of the time in which to file such a protest, or within sixty (60) days after the final decision of the Board of Selectmen or (if appealed to court) a court of competent jurisdiction resolving that

protest, the Town may seek collection of the Town's costs in accordance with applicable law.

9.5 Civil Relief. If a person violates the provisions of this Bylaw or an order issued thereunder, the Town may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to abate or remedy the violation. Any such civil action must be authorized by the Board of Selectmen.

9.6 Criminal Penalty. Any person who violates any provision of this Bylaw or any order issued thereunder may be punished by a fine of not more than \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. A criminal complaint may be filed by the Planning Board, with the authorization of the Board of Selectmen.

9.7 Non-Criminal Disposition (Ticketing). As an alternative to criminal prosecution, this Bylaw may be enforced by non-criminal disposition pursuant to the Non-Criminal Disposition Bylaw and Section 21D of Chapter 40 of the General Laws, in which case the enforcing agents will be: Planning Board or Planning Board's agent. The penalty for the first violation shall be \$100.00. The penalty for each subsequent violation shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

9.8 Entry to Perform Duties Under this Bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Town and its agents, officers and employees may enter privately owned property for the purpose of performing their duties under this Bylaw and may make or cause to be made such examinations, surveys, sampling, or remedial activities as the Town deems reasonably necessary.

9.9 Remedies Not Exclusive. The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

10. COMPATIBILITY WITH OTHER TOWN LAWS AND REGULATIONS.

The requirements of this Bylaw are in addition to the requirements of any other policy, rule, regulation or other provision of law. Where any provision of this Bylaw imposes restrictions different from those imposed by any other policy, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

11. SEVERABILITY

The provisions of this bylaw are hereby declared to be severable. If any provisions, paragraph, sentence, or clause, of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

12. TRANSITIONAL PROVISIONS

Property owners shall have 30 days from the effective date of the bylaw to comply with its provisions.

2. By amending Section 5 of the Non-Criminal Disposition Bylaw, insertions shown by **{bold}** as follows:

Municipal Stormwater Discharge Bylaw Planning Board or Planning Board's Agent

And furthermore, in the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the Dunstable who are qualified to vote in Town affairs, to meet at the Dunstable Public Library on Monday, May 15, 2017 at 12:00 o'clock noon, to cast their ballots for the following officers and questions:

Moderator, one position for one year; Selectmen, one position for three years; Assessors, one position for three years; Board of Health, one position for three years; Board of Road Commissioners, two positions one for three years and one for two years; Constables, two positions for one year; Tree Warden, one position for one year; Cemetery Commissioners, one position for three years; Water Commissioners, one position for three years; Park Commissioners, one position for three years; Planning Board, one position for five years; Commissioners of Trust Funds, one position for three years; Commissioners to Expend Proctor/Parkhurst Funds, two positions one for three years and one for five years; Commissioners to Expend Parkhurst Free Lecture Funds, three positions one for five years, one for four years, and one for three years; Advisory Board, two positions for three years; Library Trustees, one position for three years; Groton-Dunstable Regional School Committee, one position for three years.

1. Shall the Town of Dunstable be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to fund engineering costs associated with the replacement of the Town water system's hydropneumatic tanks and engineering costs associated with repairs to the Town well site?

Yes ____

No ____

2. Shall the Town of Dunstable be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to fund the purchase of a new Engine 2 for the Fire Department?

Yes ____

No ____

3. Shall the Town of Dunstable be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to fund the purchase of a new Plow/Sander truck for the Highway Department?

Yes ____

No ____

4. Shall the Town of Dunstable be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to fund engineering costs associated with the construction of a sidewalk from High Street to Highland Street?

Yes ____

No ____

And you are hereby directed to serve this warrant, by posting attested copies thereof, one at the Post Office and one at the Town Hall in said Dunstable seven days at least before the time of holding such Town Meeting.

Hereof fail not, and make due return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of the meeting as aforesaid.

Given under our hands this 5th day of April, two thousand and seventeen.

DUNSTABLE BOARD OF SELECTMEN


Walter F. Alterisio



Leah D. Basbanes



Daniel F. Devlin

I have served this warrant by posting attested copies thereof, one at the Post Office and one at the Town Hall ____days before said meeting.

Date

Constable