

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF DUNSTABLE
WARRANT
ANNUAL TOWN MEETING - May 14, 2018

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 Fourteenth 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 2018

ARTICLE 2 - Transfer from Repair Water Enterprise Fund: To see if the Town will vote to transfer from account 6500-04-451-5240-2010-002 to account 6500-04-450-5300-0000-005 a sum of money for the purpose of funding operating expenses or other purposes as deemed necessary by the Board of Water Commissioners for FY2018, or take any action in relation thereto.

ARTICLE 3 - Tuition Reimbursement Account Number Correction: To see if the Town will vote to transfer from account 0001-02-210-5310-0000-560 to account 0001-02-210-5310-0000-005 \$200.00 or some other sum of money for the purpose of tuition reimbursement, or take any action in relation thereto.

ARTICLE 4 - Highway Truck: To see if the Town will vote to transfer from Free Cash (Surplus Revenue) \$65,000 or some other sum of money for the purpose of purchasing a Highway Truck, or take any action in relation thereto.

ARTICLE 5 - Highway Department Hot Box: To see if the Town will vote to transfer from Free Cash (Surplus Revenue) \$35,000 or some other sum of money for the purpose of purchasing a hot box for the Highway Department, or take any action in relation thereto.

ARTICLE 6 - Police Department Utility Vehicle: To see if the Town will vote to transfer from Free Cash (Surplus Revenue) \$34,000 or some other sum of money for the purpose of purchasing a Police Department utility vehicle, or take any action in relation thereto.

ARTICLE 7 - Police Department Toughbooks: To see if the Town will vote to transfer from Free Cash (Surplus Revenue) \$10,500 or some other sum of money for the purpose of purchasing Police Department Toughbooks, or take any action in relation thereto.

ARTICLE 8 - Fire Department ATV: To see if the Town will vote to transfer from Free Cash (Surplus Revenue) \$25,000 or some other sum of money for the purpose of purchasing an all-terrain vehicle (ATV) and associated equipment for the Fire Department, or take any action in relation thereto.

ARTICLE 9 - 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 10 - Free Cash Transfer for FY19: To see what sum the Town will vote to transfer from Free Cash (Surplus Revenue) to meet the appropriations of Fiscal Year 2019, beginning July 1, 2018 or to authorize the Assessors to utilize said transfer in order to reduce the tax rate, or take any action in relation thereto.

ARTICLE 11 - Survey of 91 River Street: To see if the Town will vote to transfer from Free Cash (Surplus Revenue) \$21,875 or some other sum of money for the survey and remove asbestos from 91 River Street, or take any action in relation thereto.

ARTICLE 12 - Unpaid Bills of FY17: To see if the Town will vote to transfer from Free Cash (Surplus Revenue) \$36.91 or some other sum of money for the purpose of paying unpaid bills of FY2017, including the following, or take any action in relation thereto:

Gulf

\$ 36.91.

BYLAW AMENDMENTS AND SPECIAL ACTS

ARTICLE 13 - Business Registration Bylaw: To see if the Town will vote to amend the General Bylaws as follows, or take any action in relation thereto:

1. By adding the following Business Registration Bylaw:

BUSINESS REGISTRATION

Section 1. Filing and renewal of certificate required.

Any person conducting business in the Commonwealth of Massachusetts under any title other than the real name of the person conducting the business, whether individually or as a partnership, whose office is situated in the Town of Dunstable shall file in the office of the Town Clerk a certificate stating the full name and residence of each person conducting such business, the place, including street name and number, where, and the title under which it is conducted, and shall amend and/or renew said

certificate from time to time, and pay the appropriate fee, as required by M.G.L. c. 110, § 5.

Section 2. Violations and penalties.

Violations of this bylaw shall be subject to a fine of \$300 for each offence, and enforced by noncriminal disposition of the offence by the Police Department pursuant to the Non-Criminal Disposition Bylaw.

2. By amending the Non-Criminal Disposition Bylaw by adding the following text to Section 5:

Business Registration Bylaw

Police Department

ARTICLE 14 - Non-Substantive Changes: To see if the Town will vote to amend the General Bylaws, Town Meeting, Town Elections & Records, Article III, Records and Reports, as set forth below (deletions in ~~striketrough~~ and insertions underlined), or take any action in relation thereto:

§7 The Town Clerk is authorized to assign appropriate numbers to sections, subsections, paragraphs, and subparagraphs of the General Bylaws and Zoning Bylaws where none are approved by Town Meeting, and, if such numbers are approved by Town Meeting, after consultation with the Board of Selectmen, the Town Clerk is authorized to make non-substantive, editorial revisions to ensure consistent and appropriate sequencing and numbering, provided any such editorial revision shall be identified by a footnote or other convention.

ARTICLE 15 - Memorials and Monuments Bylaw: To see if the Town will vote to amend the General Bylaws by adding the following Memorials and Monuments Bylaw, or take any action in relation thereto:

MONUMENTS AND MEMORIALS

Section 1. Purpose.

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

Section 2. Definitions.

- a. Memorial. A monument or ceremony, which honors a person who has died or serves as a reminder of an event in which many people died.
- b. Monument. (1) A building, statue, stone, marker etc., which honors a person or event; or (2) a building or place that is important because of when it was built or is of historical significance.
- c. Historical Marker. A plaque or sign erected at historically significant locations, facilities, or buildings. The marker may be free

standing, mounted, or affixed to an existing structure.

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

Section 3. Designation.

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

Section 4. Location.

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

Section 5. Application.

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

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

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

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

d. The Memorials and Monuments Committee shall conduct a public hearing not less than 60 days following memorial application receipt. The Memorials and Monuments Committee shall publish public hearing meeting minutes. The Memorials and Monuments Committee shall

evaluate and decide on the application within 60 days from completion of public hearing(s).

Section 6. Communications.

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

Section 7. Monument Construction.

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

Section 8. Memorial Retirement or Relocation.

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

- a. Shall be retired and removed from the public land.
- b. Shall be relocated or moved from one public parcel to another.

Section 9. Memorial Inventory.

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

ARTICLE 16 - Amendment to the Dunstable Zoning Bylaws to Regulate Recreational Marijuana Establishments: To see if the Town will vote to amend the Zoning Bylaws by deleting Section 28, Temporary Moratorium on Marijuana Establishments, in its entirety, and adding a new Section 30, Recreational Marijuana Establishments, as follows, or take any action in relation thereto:

Section 30. Recreational Marijuana Establishments

A. Purpose:

The purpose of this Section is to regulate Marijuana Establishments in Dunstable for public health and safety purposes, and to minimize adverse impacts on the character of the Town in general and adjoining properties in particular.

B. Applicability:

- (1) The commercial cultivation, production, processing, assembly, packaging, retail sale, distribution, and dispensing of marijuana for recreational purposes shall only be allowed in the Town of Dunstable as a Marijuana Establishment governed by this Section.
- (2) Marijuana Establishments are not a form of agriculture, horticulture, or floriculture for purposes of the Zoning Bylaws.

C. Definitions:

In addition to any applicable definitions contained in the Zoning Bylaws, the following definitions shall be applicable to this Section:

Canopy: an area to be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain mature marijuana plants at any point in time, including all of the space(s) within the boundaries, canopy may be noncontiguous, but each unique area included in the total canopy calculations shall be separated by an identifiable boundary which include, but are not limited to: interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedge rows, fencing, garden beds, or garden plots. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

Independent Testing Laboratory: A laboratory that is licensed by the Cannabis Control Commission and is: 1) accredited to the most current version of the International Organization for Standardization 17025 by a third-party accrediting body that is a signatory of the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement, or that is otherwise approved by the Cannabis Control Commission; 2) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and 3) qualified to test marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

Marijuana Cultivator: an entity licensed to cultivate, process, and package marijuana, to deliver marijuana to marijuana establishments, and to transfer marijuana to other marijuana establishments, but not to consumers.

Marijuana Establishment: a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business.

Marijuana Product Manufacturer: an entity licensed to obtain, manufacture, process, and package marijuana/marijuana products, to deliver marijuana and marijuana products to marijuana establishments, and to transfer marijuana and marijuana products to the other marijuana establishments, but not to consumers.

Marijuana Products: products that have been manufactured and contain marijuana or an extract of marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils, and tinctures.

Marijuana Retailer: an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

Other Type of Licensed Marijuana-Related Business: a licensed marijuana establishment other than a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, or marijuana retailer.

Tier 1 Marijuana Cultivator: a marijuana cultivator with up to 5,000 square feet of canopy.

Tier 2 Marijuana Cultivator: a marijuana cultivator with between 5,001 to 10,000 square feet of canopy.

D. Eligible Types of Marijuana Establishments and Applicable Zoning Districts:

- (1) The following types of Marijuana Establishments are allowed by special permit in B1, B2, and B3 Zoning Districts in the Town of Dunstable: Independent Testing Laboratory, Marijuana Product Manufacturer, and any Other Type of Licensed Marijuana-Related Business, with the exception of Marijuana Cultivator and Marijuana Retailer.
- (2) Tier I Marijuana Cultivators shall only be allowed by special permit in B1, B2, or B3 Zoning Districts.
- (3) Tier II Marijuana Cultivators and larger types of Marijuana Cultivators shall only be allowed by special permit in B3 Zoning Districts.

E. Minimum Criteria and Limitations on Approval for Marijuana Establishments:

- (1) Marijuana Establishments shall comply with all aspects of M.G.L. c. 94G (Regulation of the Use and Distribution of Marijuana Not Medically Prescribed) and 935 CMR 500.000 (Adult Use of Marijuana).
- (2) All aspects of the Marijuana Establishment relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies or educational materials shall take place at a fixed location and shall not be visible from the exterior of the business. Marijuana Establishments shall be located only in a permanent building or fully enclosed structure and not within any mobile facility, unless outdoor cultivation is expressly allowed by special permit.
- (3) No outside storage of marijuana or marijuana products is permitted. This prohibition applies to all aspects of the product and waste associated with the Marijuana Establishment.
- (4) A special permit granted under this Section shall run with the applicant and shall be non-transferrable to another owner or operator without an amendment to the special permit with all application information required in accordance with this Section and a noticed public hearing.
- (5) All Marijuana Establishments shall be ventilated in such a manner that no:
 - a. Pesticides, insecticides, or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere or ground, unless outdoor cultivation is expressly allowed by special permit.
 - b. Odor from marijuana cannot be detected by a person with a normal sense of smell at the exterior of the Marijuana Establishment or at any adjoining use or property.
- (6) Signage shall conform to Section 13 of the Zoning Bylaws and the requirements of State laws and regulations governing such facilities, including 935 CMR 500.105 (D).
- (7) All Marijuana Establishments shall be subject to the number of parking stalls required by Section 12 of the Zoning Bylaws unless a lesser or greater number of stalls is required by special permit.
- (8) No smoking, burning, or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Marijuana Establishment.
- (9) No Marijuana Establishment shall be located within five hundred (500) feet of a:
 - a. residential dwelling;

- b. public or private school, playground (indoor or outdoor), day-care center, or youth center;
- c. library;
- d. church or place of worship; or
- e. park, athletic playing field, scout camp, golf course, or any facility where children commonly congregate.

Distance shall be established at the time the proposed Marijuana Establishment's application is received by the Planning Board. Distance shall be measured for items a. through d. above in a straight line from the nearest corner of the principal building of the proposed Marijuana Establishment to the nearest corner of the principal building of the protected use. Distance shall be measured for item e. above in a straight line from the nearest corner of the principal building of the proposed Marijuana Establishment to the nearest property boundary line of the protected use.

- (10) No Marijuana Establishment shall be located inside a building containing residential units, including without limitation, transient housing such as motels, hotels, lodging houses and dormitories, or inside a movable or mobile structure such as a van or truck.
- (11) The building(s) in which a Marijuana Establishment is permitted shall not be located within three hundred (300) feet of any building containing another Marijuana Establishment, except for Marijuana Establishments that are owned or leased by the same operator.
- (12) Marijuana Establishments shall provide the Dunstable Police Department, Fire Department, Building Inspector, and the Planning Board with the names, phone numbers, and email addresses of all management, staff, and key holders who can be contacted if there are operating problems associated with the Marijuana Establishment.

F. Special Permit Application and Procedure

- (1) The Dunstable Planning Board shall be the special permit granting authority for special permits governed by this Section.
- (2) Special permit applications for Marijuana Establishments shall be governed by Section 14, Site Plans, of these Zoning Bylaws, and the Rules and Regulations of the Planning Board governing Site Plans and Special Permits. In addition, an application for special permit for a Marijuana Establishment shall include, at a minimum, the following information:
 - (a) General Information:

- (i) The name and address of each owner, officer, manager, member, partner and employee of the Marijuana Establishment and (if applicable) the legal entity;
 - (ii) If the Applicant is a non-profit organization, a copy of its Articles of Organization, a current Certificate of Legal Existence from the Secretary of the Commonwealth, and the most recent annual report; if the Applicant is a for-profit corporate entity, a copy of its Articles of Incorporation or equivalent documents, a current Certificate of Legal Existence from the Secretary of the Commonwealth, and the most recent annual report; if the Applicant is a public agency, evidence of the agency's authority to engage in the development of the Marijuana Establishment as proposed by the application;
 - (iii) Evidence of the Applicant's right to use the site of the Marijuana Establishment, such as a deed, lease, purchase and sale agreement or other legally-binding document;
 - (iv) If the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities. If any of the above are entities rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;
 - (v) A certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent tax list of the Town and certified by the Town Assessor;
 - (vi) Proposed security measures for the Marijuana Establishment, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft; and
 - (vii) The resume(s) of the Applicant and all members of the Marijuana Establishment's management, including company history, references, and relevant experience.
- (b) Description of Activities: A narrative providing information about the type and scale of all activities that will take place on the proposed site.
 - (c) Context Map: A map depicting all properties and land uses within a minimum five hundred (500) foot radius of the proposed site. The context map shall include the measured distance to all uses described in Section 30.E(9), of this Section.

- (d) Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the Marijuana Establishment, including the Cannabis Control Commission.
- (e) Upon written request from the applicant, the Planning Board may waive the submission of such information, or parts thereof, as may not be necessary for the consideration of the application. The Planning Board's waiver decision shall be set forth in the written special permit decision.

G. Lapse and Discontinuance of Use

- (1) A special permit granted under this Section shall lapse if not exercised within twenty-four (24) months of issuance.
- (2) A Marijuana Establishment shall be required to remove all material, plants, equipment, and other paraphernalia prior to surrendering its state issued licenses or permits or within six (6) months of ceasing operations, whichever comes first.

ARTICLE 17 - Amendment to the Dunstable Zoning Bylaws to Prohibit Recreational Marijuana Establishments: To see if the Town will vote to amend the Zoning Bylaws by deleting Section 28, Temporary Moratorium on Marijuana Establishments, in its entirety, and adding a new Section 31, Recreational Marijuana Establishments, as follows, or take any action in relation thereto:

Section 31. Recreational Marijuana Establishments

A. Purpose:

The purpose of this section is to provide for the prohibition of Marijuana Establishments within the Town for public health and safety purposes.

B. Definitions:

In addition to any applicable definitions contained in the Zoning Bylaws, the following definitions shall be applicable to this Section:

Marijuana Establishment: marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business.

C. Applicability:

- (1) Marijuana Establishments, including a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business, are prohibited in all zoning districts in Dunstable.

- (2) Marijuana Establishments are not a form of agriculture, horticulture, or floriculture for purposes of the Zoning Bylaws.

ARTICLE 18 - Extension of Moratorium on Recreational Marijuana Establishments:

To see if the Town will vote to amend the Zoning Bylaws by amending Section 28, Temporary Moratorium on Marijuana Establishments, as follows, or take any action in relation thereto:

1. By replacing 28.1 in its entirety with the following:

In July of 2017, the State Legislature enacted a law entitled “An Act to Ensure Safe Access to Marijuana”, amending a law approved by the voters entitled the “Regulation and Taxation of Marijuana Act” (both together, the “Act.”) In March of 2018, the Cannabis Control Commission issued regulations implementing the Act (the “Regulations”). The Act and the Regulations set forth a process to license various types of “marijuana establishments” authorized to cultivate, produce, and sell marijuana and marijuana products for recreational purposes.

The regulation of recreational marijuana and marijuana establishments raises novel and complex legal, planning, and public safety issues. The Town needs time to study and consider the regulation of recreational marijuana and marijuana establishments, to address the potential impact of the Act and the Regulations on local zoning, and to undertake a planning process to consider amending the Zoning Bylaws regarding the regulation of recreational marijuana establishments.

Given the Town’s limited financial resources and lack of full-time planning staff, the Town intends to adopt a temporary moratorium (the “Temporary Moratorium”) on the use of land and structures in the Town for recreational marijuana establishments to allow the Town sufficient time to engage in a planning process and enact a successor Bylaw in a manner consistent with sound land use planning goals and objectives.

2. By replacing 28.2 in its entirety with the following:

As used in this Section 28, the terms “Marijuana”, “Marijuana Establishment”, “Marijuana Products”, “Marijuana Retailer”, “Marijuana Cultivator”, “Independent Testing Laboratory”, and “Marijuana Product Manufacturer” shall have the same meanings as set forth in the Act and the Regulations.

3. By replacing 28.3 in its entirety with the following:

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, independent testing laboratory, marijuana product manufacturer, or any other type of marijuana related business or operation allowed under the Act or the Regulations. The Temporary Moratorium shall be in effect through June 30,

2019. 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 establishments in the Town, consider the Regulations, and 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 and the Regulations.

ARTICLE 19 - Town Center District and Parking Requirements: To see if the Town will vote to amend the Zoning Bylaws by making the following additions and deletions (deletions in ~~strike through~~ and insertions underlined), or take any action in relation thereto:

1. Inserting under Section 3a Overlay Districts:

Town Center

An overlay district known as the Town Center District is hereby established. The Town Center District shall consist of those areas bounded and shown on a map entitled "Town Center District (TCD)" dated July 25, 2018, incorporated in these Zoning Bylaws. The Town Center District will overlay and be supplementary to the underlying zoning districts.

2. Amending the first sentence of Section 6.2.1(b)i. as follows:

Except as otherwise provided in these Zoning Bylaws, n~~Not~~ more than one accessory dwelling unit may be established on a lot.

3. Adding a new Section 22 as follows:

Section 22. Town Center District.

A. Introduction: The Town Center District (TCD) is an overlay district established to provide a comprehensive set of development criteria to be applied in Dunstable's town center to distinguish its unique qualities from other business areas within the town. These criteria are established for the continuance and enhancement of the historic town center area as the functional and symbolic center of Dunstable. The intent of this district is to allow owners of existing historical home sites to incorporate additional uses within principal or accessory buildings while maintaining the historic integrity of the structures, the site, and the town center area.

B. Purposes: The TCD is established to achieve the following objectives for the town: to maintain continuance and enhancement of the historical town center area; to generate a sense of pride and confidence in the preservation of history in the town center; to create and maintain an attractive and aesthetic cultural and business environment throughout the area; to maintain a consistently high level of design quality; to encourage pedestrian activity by creating a positive pedestrian experience; to protect property values through quality and

design control; and to provide incentives for new and existing businesses in the town center area. Encourage the adaptive reuse of historic properties to maintain and increase property values.

C. Uses Permitted by Special Permit: Uses permitted by Special Permit from the Planning Board in the TCD are:

1. Conversion of one-family dwellings to owner occupied 2-family dwellings;
2. Authorization of multi-family dwellings existing at the time of adoption of this subsection;
3. Conversion of existing buildings to incorporate an owner occupied multi-family arrangement on upper floors of commercial buildings, with the number of such dwelling units being limited to no more than two per floor;
4. Conversion of existing buildings for use as gift or antique shops;
5. Conversion of existing buildings for use as Bed and Breakfast Establishments in accordance with the provisions of Section 6.7.8. thru 6.7.11 of these Bylaws;
6. Conversion of existing buildings for use as restaurants or cafés (with no drive-up or drive-through service);
7. Conversion of existing buildings for use as government, educational, not-for-profit or religious facilities;
8. Conversion of existing buildings for use as professional offices;
9. Conversion of existing buildings to incorporate apartments in owner occupied single family residences, with the number of such dwelling units being limited to no more than two per floor, and the number of bedrooms per unit not to exceed two;
10. With regards to home occupations in the TCD, the provisions of Section 6.1.(g)v. shall apply, but the referral shall be to the Planning Board, which shall serve as the special permit granting authority for such uses in the TCD;
11. Conversion of existing buildings for use as museums, art galleries, art studios, performing arts theaters, and other similar cultural uses;
12. Conversion of existing buildings to for use as agricultural cooperatives.

D. Requirements:

1. Any new construction in the TCD which is incidental to any Special Permit shall conform to the density and dimensional requirements in Section 11 of these Bylaws.
2. Applicants shall comply with the requirements for Site Plans as set forth in Section 14 of these Zoning Bylaws, provided that specific requirements of such Section may be waived by the Planning Board at the request of the applicant as long as the Board deems that such waiver will not impair the due and proper interests of the Town or otherwise adversely affect the review process.

3. The burden shall be upon any applicant to demonstrate that the building or buildings which are the subject of the Special Permit application were in existence at the time of adoption of this Section.
4. Any required parking for additional uses shall be located to the side or rear of the building.

E. Criteria for Approval: In addition to the requirements of Section 14 of these Zoning Bylaws, Site Plans (as applicable), the Planning Board may issue a special permit in the TCD upon finding that:

1. The appearance of the exterior of any existing building which is the subject to a Special Permit application under this Section shall not be substantially changed as viewed from any street adjacent to the site in order to make possible the use applied for.
2. Any renovations shall be compatible with the architecture of the façade of the existing buildings in the TCD and shall be consistent with the guidelines set forth below.
 - a. Scale of the Building. The scale of a building should be visually compatible with its site and with its neighborhood. The scale of a building depends on its overall size, its mass in relationship to the open space around it, and the sizes of its doors, windows, porches, and balconies. The scale gives a building "presence"; that is, it makes it seem big or small, awkward or graceful, overpowering or unimportant.
 - b. Height. The height of buildings should be visually compatible with the heights of the buildings in the neighborhood. A sudden dramatic change in building height can have a jarring effect on the streetscape, i.e., the way the whole street looks. A tall building can shade its neighbors and/or the street.
 - c. Proportion of Building's Front Facade. The relationship of the width of the building to the height of the front facade should be visually compatible with that of neighboring buildings. The "first impression" a building gives is that of its front facade, the side of the building which faces the most frequently used public way.
 - d. Rhythm of Solids to Voids in Front Facades. The pattern of solids (wall surface) and voids (openings such as doors and windows) in the front facade of a permitted new or altered building should be visually compatible with that of its neighbors.
 - e. Proportions of Opening within the Facility. The relationship of the height of windows and doors to their width should be visually compatible with the architectural style of the building and with that of its neighbors.
 - f. Roof Shapes. The shape and proportion of the roof should be visually compatible with the architectural style of the building and with those of neighboring buildings.

g. Relationship of Facade Materials. The facades of a building, particularly the front facade, should be visually compatible with those of other buildings around it. In the TCD, colors shall be compatible with historic buildings and the colors should not dominate the architectural features of the building and other buildings around it. The facades of a building are what give it character, and the character varies depending on the materials of which the facades are made and their texture. In Dunstable, many different materials and colors are used on facades - clapboards, shingles, patterned shingles, and brick - depending on the architectural style of the building.

h. Rhythm of Spaces to Buildings along Streets. The building is compatible with the rhythm of spaces (open spaces and setbacks) to buildings along the street with respect to neighboring buildings.

i. Site Features. The size, placement, and materials of walks, walls, fences, signs, driveways and parking are visually compatible with the building and neighboring buildings.

j. Signs. In addition to the requirements for signs in the Zoning Bylaws, signs for new uses in the TCD shall be consistent with signs used on neighboring properties with respect to the following: materials, illumination, colors, lettering style, location on site or building, size and scale.

4. Amending Section 6.7 by adding the following:

6.7.12. Town Center Uses, as set forth in Section 22 of this Zoning Bylaw.

5. Amending the Zoning Map of Dunstable, Mass. by designating the new Town Center District, as shown on a map entitled "Town Center District (TCD)" dated September 2017, and on file with the Town Clerk and available for inspection during regular Town Hall business hours.

6. Amending Section 12 as follows:

12.2.1. General Provisions. No permit or special permit shall be issued, including a permit issued under a variance, for any use or construction, authorized under ~~this Bylaw~~ these Zoning Bylaws, for which a site plan is required to be filed, unless sufficient provision is made for off-street parking, loading, or storage of vehicles, the same to be incorporated in the site plan and in accordance with this Section and with rules and regulations of the site plan authority relative to parking. Information on the site plan in this connection shall include but not be limited to the following:

- (a) the quantity, location and dimensions of all driveways, maneuvering spaces and aisles, parking spaces, storage areas, drainage facilities and landscaping;
- (b) the location, size and type of materials for surfacing, curbing or wheel stops, trees, screening and lighting; -

(c) the location of all buildings and lot lines from which the parking lot must be set back.

12.2.2. Required Parking. In all districts, all uses, structures and facilities shall provide for parking, loading or the storage of vehicles according to the following ratios, unless any applicant can demonstrate in clear and convincing manner to the site plan authority that owing to circumstances particularly affecting the subject property or project, the reasonable purposes to be served under this Section can be satisfied alternatively:

(a) Dwellings: ~~One (1)~~ One and a half (1.5) parking spaces for each dwelling unit therein, ~~plus sufficient parking space provided to permit off-street parking either by employees or visitors.~~

(b) Places of public assembly: One (1) parking space for each ~~three~~ four (34) seats therein.

(c) Schools: ~~One Two (12)~~ parking spaces for each elementary or middle school classroom therein, four (4) for each high school classroom therein, ~~plus one (1) space for each two (2) employees or staff members other than teachers;~~ and, in addition to the above, where an auditorium is provided, one (1) space for each ~~three~~ four (34) seats therein.

(d) Hotels, motels and lodging houses: One point three three (1.33) parking space for each room accommodation therein and loading spaces for all delivery trucks or sanitary collection vehicles.

(e) Eating places serving food or drink: one (1) space per 3 seats, plus one (1) space for every one hundred (100) square feet of function space not designed for eating.

(ef) Other service establishments and retail businesses: The minimum required parking and loading spaces, excluding driveways, for these establishments shall be in proportion to at least one (1) parking space for each ~~one three~~ hundred forty (44300) square feet or fraction thereof of gross floor area, excluding basement storage area.

(fg) Establishments permitted only in the B-3 District: One (1) parking space for each person employed on the largest shift, plus one (1) space for each company owned or operated vehicle, plus spaces for customers' vehicles as appropriate, ~~and loading space for all delivery or shipping trucks.~~

(gh) Other uses requiring off-street parking and loading space: Spaces in accordance with anticipated needs as determined by the site plan authority.

(i) Multi-use parcels or buildings: Sum of the various uses computed separately.

(j) Any use permitted by these Zoning Bylaw and not covered by this schedule: Closest similar use as determined by the site plan authority.

(k) Loading areas: One or more off-street loading areas shall be provided for any business that may regularly be served by delivery vehicles. Loading areas shall be located at either side of rear of each building and shall be designed to avoid traffic conflicts with vehicles using the site or adjacent sites.

12.2.3 A decrease in the number of parking spaces required by this Section or the sharing of required parking spaces by multiple uses may be granted as a condition for the issuance of a Special Permit or a Site Plan Review provided that the following criteria have been met:

(a) The intent of this Section is preserved.

(b) The amount of off-street parking to be provided will be sufficient to serve the uses for which it was intended.

(c)The decrease in required off-street parking or creation of shared parking spaces is based on a parking study prepared by a registered professional engineer. Said study shall include, at a minimum, the following:

1. Size and type of uses or activities on site;
2. Composition of tenancy on site;
3. Rate of parking turnover;
4. Peak traffic loads to be encountered; and
5. Local parking habits.

ARTICLE 20 - Noise Bylaw: To see if the Town will vote to amend the General Bylaws as follows, or take any action in relation thereto:

1. By adding the following Excessive Noise Bylaw:

EXCESSIVE NOISE

Section 1. Definitions.

For purposes of this bylaw, the term “unnecessary, loud, excessive, or unusual noises” shall mean noise that annoys, disturbs, injures, or endangers the reasonable quiet, comfort, repose, or the health and safety of others.

Section 2. Sound-making devices and boisterous persons.

It shall be unlawful for any person or persons occupying or having charge of any building or premises or any part thereof in the Town of Dunstable, other than that section of any establishment licensed under Chapter 138 of the Massachusetts General Laws, at any time between the hours of 9:00 p.m. and 7:00 am. to knowingly allow unnecessary, loud, excessive, or unusual noises in the operation of any radio or other musical sound-making device or instrument or in the playing of any band, orchestra, musician or group of musicians, or making any loud outcries, exclamations, or other loud or boisterous noises by any person or group of persons.

Section 3. Noise from dwellings, buildings, boats and other conveyances.

It shall be unlawful for any person or persons occupying or having charge of any dwelling, building, premises, shelter, boat or conveyance of any part thereof, other than that section of any establishment licensed under Chapter 138 of the Massachusetts General Laws, to cause, between the hours of 9:00 pm in and 7:00 am to allow any unnecessary, loud, excessive, or unusual noises in the operation of an sound-making device or in the playing of any hand, orchestra, musician or group of musicians or the making of loud outcries and boisterous singing by any person or group of persons.

Section 4. Noise from motor vehicles.

It shall be unlawful for any person while in control of any motor vehicle, as defined by M.G.L. c. 90, § I, as amended, in the Town of Dunstable to cause unnecessary, loud, excessive or unusual noise. The fact that the noise is plainly

audible at a distance of' 150 feet from the motor vehicle from which it originates shall constitute prima facie evidence of a violation of this section.

Section 5. Non-applicability.

This article shall not be applicable to:

- a. fire signals or alarms, security signals or alarms, or to sounds emanating from police, fire, or other governmental or emergency vehicles;
- b. or caused sounds caused by police, fire, or other governmental activities; and
- c. Agriculture/Silviculture operations.

Section 6. Copy to be provided.

The owner of any building, dwelling, structure, premise, or shelter, which is let, rented or leased, shall provide any and all tenants, lessees, and sub lessees with a copy of all sections of this bylaw.

Section 7. Penalty.

- a. The fine for any violation of the provisions of this bylaw shall be \$150.00 for each such offense. Each day that such violation continues shall constitute a separate offense.
 - b. All fines imposed may be collected as provided in the Massachusetts General Laws for disposition of non-criminal complaints or the Non-Criminal Disposition Bylaw. The enforcing authority in this regard shall be the Dunstable Police Department, including any Police Officer in the Department and the Board of Selectmen.
2. By amending the Non-Criminal Disposition Bylaw by adding the following text to Section 5:

Excessive Noise Bylaw

Police Department and Board of Selectmen

ARTICLE 21 - Special Act for to Allow On-Premises 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 for on-premises consumption (pouring) under Massachusetts General Laws Chapter 138, Section 12, in the Town of Dunstable, 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.

ARTICLE 22 - Appointed Constables: To see if the Town will vote, in accordance with Massachusetts General Laws Chapter 41, Section 1, to convert the position of Constable from elected to appointed, or take any action in relation thereto.

ARTICLE 23 - Administration of Proctor and Parkhurst Trust Funds: To see if the Town will vote to abolish the Commissioners to Expend Proctor and Parkhurst Trust Funds and assign their duties to the Commissioners of Trust Funds, or take any action in relation thereto.

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ARTICLE 24 - 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 25 - CPC - Town Hall Records: To see if the Town will vote to transfer from available funds or borrow pursuant to any applicable statute \$25,000 or some other sum of money, with respect to the recommended action of the Community Preservation Committee to continue the preservation of Town Hall records, or take any action in relation thereto.

ARTICLE 26 - CPC - Lake Massapoag Invasive Weeds: To see if the Town will vote to transfer from available funds or borrow pursuant to any applicable statute \$45,000 or some other sum of money, with respect to the recommended action of the Community Preservation Committee to assist the Lake Massapoag Rod and Gun Club with the exotic, invasive weed management on Lake Massapoag, or take any action in relation thereto.

ARTICLE 27 - CPC - Tomb Repair: To see if the Town will vote to transfer from available funds or borrow pursuant to any applicable statute \$2,500 or some other sum of money, with respect to the recommended action of the Community Preservation Committee to preform upper wall tomb repair at Central Cemetery, or take any action in relation thereto.

ARTICLE 28 - Sale of a portion of 91 River Street: To see if the Town will vote as follows, or take any action in relation thereto:

1. Transfer the care, custody, and control of a portion of certain real property together with any improvements thereon known as the 91 River Street, identified as Assessor's Parcel 1-7, and being the portion of the premises depicted on a plan entitled "Addendum B - Town of Dunstable River Street" on file with the Town Clerk and available for public inspection during regular Town Hall business hours, said portion running along the Nashua River and Unkety Brook, from the board or officer currently having custody of the property to the Board of Selectmen for the purpose of disposing of said portion;
2. Authorize the Board of Selectmen to make available and to dispose of by sale said portion of real property on such terms and conditions as the Board of Selectmen determines to be in the best interests of the Town for the minimum amount of \$200,000; and

3. Raise and appropriate or transfer from available funds \$30,000 or some other sum to demolish the residential building located at 91 River Street.

4. Establish a Special Receipts Revenue for the remaining revenue from the sale.

ARTICLE 29 - Acquisition of a Conservation Restriction Over Frye Field: 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 (administered by the Conservation Commission), certain real property together with any improvements thereon known as the Frye Field, situated on/near Rt. 113, identified as Assessor's Parcel 12-83, and being a portion of the premises described in a deed dated December 14, 1983, recorded with Middlesex North District Registry of Deeds, Book 2682, Page 539, containing 12 acres, more or less; and to fund the costs of such acquisition of said property, to appropriate the sum of \$194,000, and to meet said appropriation:

1. Transfer from the Community Preservation Act Fund the sum of \$35,000 as was voted by the Community Preservation Committee on March 14, 2018, from the Open Space fund to be applied to the purchase;
2. Transfer from the Community Preservation Act Fund the sum of \$159,000 as was voted by the Community Preservation Committee on March 14, 2018, from the Unreserved fund to be applied to the purchase;
3. Transfer from the Conservation Commission Conservation Fund the sum of \$25,000 as was voted by the Conservation Commission on February 26, 2018, to be applied to the purchase;
4. Transfer from the Timber Fund (Pierce Forest) the sum of \$25,000 as was voted by the Conservation Commission on February 26, 2018, to be applied to the purchase; and
5. 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 \$255,000.00 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 30 - Salaries of Elected Officials: To see if the Town will vote to fix the salaries of the elected officers of the town as provided by Massachusetts General Laws Chapter 41, Section 108, for Fiscal Year 2019, beginning July 1, 2018, as follows, or take any action in relation thereto:

	Voted FY17	Voted FY18	Recommended FY19
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	\$31,536	\$33,167	\$34,831

ARTICLE 31 - Chapter 90 Funds: To see if the Town will vote to appropriate any sums of money received by the Town under the provisions of Massachusetts General Laws Chapter 90 for the purposes authorized by Chapter 90, or take any action in relation thereto.

ARTICLE 32 - Rescind Unused Borrowing Authority: To see if the Town will vote to rescind the unused borrowing authority for the Miller Conservation Restriction, voted under Article 19 of the May 11, 2015 Annual Town Meeting Warrant, or take any action in relation thereto.

ARTICLE 33 - Nashua Wild and Scenic Designation: To see if the Town will accept the Nashua, Squannacook, and Nissitissit Rivers Stewardship Plan developed by the Nashua River Wild and Scenic River Study Committee, together with its recommendation to seek Wild and Scenic River designation, or take any action in relation thereto.

ARTICLE 34 - 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 2019, beginning July 1, 2018, or take any action in relation thereto.

ARTICLE 35 - Revolving Funds: To see if the Town will vote pursuant to Massachusetts General Laws Chapter 44, Section 53E½, to set the annual expenditure limits for fiscal year 2019 for all revolving funds established by the General Bylaws, as follows, or take any action in relation thereto:

Cemetery	\$8,500
Recreation	\$7,000
COA Transport	\$1,000
Permit Application Fees	\$5,000
ANR Filings	\$15,000

ARTICLE 36 - Acquisition of the Dumont Property Fronting on Lowell and Main Streets: To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain, or otherwise, certain real property together with any improvements thereon known as the Dumont Property, situated on/near Lowell Street and Main Streets, identified as Assessor's Parcels 17-4-1, 17-6, 17-6-1, 17-13, and 22-15, and the premises described on the "Existing Conditions Plan" prepared for Cornerstone Properties and dated March 23, 2017, containing 73.83 acres, more or less; and in order fund the costs of such acquisition of said property, to raise and appropriate the sum of \$2,600,000, 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 37 - 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 \$405,000 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.

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 Tuesday, May 15, 2018 at 12:00 o'clock noon, to cast their ballots for the following officers:

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

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 17th day of April, two thousand and eighteen.

DUNSTABLE BOARD OF SELECTMEN

Walter F. Alterisio

Leah D. Basbanes

Ronald J. Mikol

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