

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF DUNSTABLE
WARRANT
ANNUAL TOWN MEETING – May 13, 2019

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 Thirteenth 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:

REPORTS

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 2019

ARTICLE 2 - Transfer to Water Enterprise Fund: To see if the Town will vote to transfer from available funds (Free Cash) to the Water Enterprise Capital account a sum of money for the purpose of funding operating expenses or other purposes as deemed necessary by the Board of Water Commissioners for FY2019, or take any action in relation thereto.

Sponsored by the Board of Water Commissioners

ARTICLE 3 - Unpaid Bills of FY18: To see if the Town will vote to appropriate from Free Cash (Surplus Revenue) a sum of money for the purpose of paying unpaid bills of FY2018, including the following, or take any action in relation thereto.

Verizon	\$139.95
Wash Wells	\$2,453.00

Sponsored by the Board of Selectmen

FISCAL YEAR 2020

ARTICLE 4 - 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 2020, beginning July 1, 2019, as follows, or take any action in relation thereto.

	Voted FY18	Voted FY19	Recommended FY20
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	\$33,167	\$34,831	\$37,315

Sponsored by the Board of Selectmen

ARTICLE 5 - 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 2020, beginning July 1, 2019, or take any action in relation thereto.

Sponsored by the Advisory Committee

ARTICLE 6 - Free Cash Transfer for FY20: To see what sum the Town will vote to appropriate from Free Cash (Surplus Revenue) to meet the appropriations of Fiscal Year 2020, beginning July 1, 2019 or to authorize the Assessors to utilize said transfer in order to reduce the tax rate, or take any action in relation thereto.

Sponsored by the Advisory Committee

ARTICLE 7 - Amending the Revolving Fund Bylaw to Add New Funds: To see if the Town will vote to amend the General Bylaws by amending the Departmental Revolving Fund Bylaw, Section 5, Authorized Revolving Funds table, as follows, or take any action in relation thereto (deletions in strikethrough and insertions underlined):

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

Sponsored by the Advisory Committee

ARTICLE 8 - Revolving Fund Expenditure Limits: To see if the Town will vote pursuant to Massachusetts General Laws Chapter 44, Section 53E½, to set the annual expenditure limits for Fiscal Year 2020 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	\$5,000
Permit Application Fees	\$5,000
Approval Not Required Plans	\$15,000
Transfer Station	\$110,000

Sponsored by the Advisory Committee

ARTICLE 9 - Borrowing for Backhoe: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide a sum of money for the purchase of a replacement backhoe for the Highway Department, or take any action in relation thereto.

Sponsored by the Board of Road Commissioners

ARTICLE 10 - Free Cash for Police Station Roof and Siding Repair: To see if the Town will vote to appropriate a sum of money from Free Cash (Surplus Revenue) for the repair of the roof and siding at the police station, or take any action in relation thereto.

Sponsored by the Police Department

ARTICLE 11 - Free Cash for Roadway Paving: To see if the Town will vote to appropriate a sum of money from Free Cash (Surplus Revenue) for the resurfacing, repaving, and repair of roadways, or take any action in relation thereto.

Sponsored by the Board of Road Commissioners

ARTICLE 12 - Free Cash for School Department Capital Assessment: To see if the Town will vote to appropriate a sum of money from Free Cash (Surplus Revenue) to fund the School Capital Assessment as requested by the School Committee, or take any action in relation thereto.

Sponsored by the Groton Dunstable School Committee

ARTICLE 13 - 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.

Sponsored by the Community Preservation Committee

ARTICLE 14 - CPC – Renovation of High School Track: To see if the Town will vote to transfer from available funds or borrow pursuant to any applicable statute a sum of money, with respect to the recommended action of the Community Preservation Committee to continue the renovate the track, or take any action in relation thereto.

Sponsored by the Community Preservation Committee

ARTICLE 15 - CPC – Conversion to a Softball Field at Larter Field: To see if the Town will vote to transfer from available funds or borrow pursuant to any applicable statute a sum of money, with respect to the recommended action of the Community Preservation Committee from the CPA Undesignated Fund for the conversion of one baseball field to a softball field at Larter Field, or take any action in relation thereto.

Sponsored by the Community Preservation Committee

ARTICLE 16 - CPC – Town Hall Roof and Exterior Restorations: To see if the Town will vote to transfer from available funds or borrow pursuant to any applicable statute a sum of money, with respect to the recommended action of the Community Preservation Committee from the CPA historical allocation for the partial restoration of the wood exterior and slate roof, or take any action in relation thereto.

Sponsored by the Community Preservation Committee

ARTICLE 17 - CPC – Dunstable Center National Register District Signs: To see if the Town will vote to transfer from available funds or borrow pursuant to any applicable statute a sum of money with respect to the recommended action of the Community Preservation Committee from the CPA for installation and manufacture of National Register District signs, or take any action in relation thereto.

Sponsored by the Community Preservation Committee

ARTICLE 18 - Free Cash Transfer for Unemployment Reserve Fund: To see if the Town will vote to appropriate a sum of money from Free Cash (Surplus Revenue) to fund the Town's unemployment liabilities through its Unemployment Reserve Fund, or take any action in relation thereto.

Sponsored by the Advisory Committee

ARTICLE 19 - Water System Improvements Project: To see if the Town will vote to appropriate a sum of money for the Water System Improvements Project and to determine whether this appropriation shall be raised by borrowing from the Massachusetts Clean Water Trust or otherwise, or take any action in relation thereto.

Sponsored by the Board of Water Commissioners

ARTICLE 20 - 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.

Sponsored by the Advisory Committee

ADMINISTRATIVE AND LAND TRANSFERS

ARTICLE 21 - Administration of Parkhurst Free Lecture Fund: To see if the Town will vote to abolish the Commissioners of the Parkhurst Free Lecture Trust Fund and assign their duties to the Commissioners of Trust Funds, or take any action in relation thereto.

Sponsored by the Board of Selectmen

ARTICLE 22 - Conveyance of Town Common Land to the Evangelical Church of Dunstable: To see if the Town will vote to:

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

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

Or take any action in relation thereto.

Sponsored by the Board of Selectmen

BYLAW AMENDMENTS AND SPECIAL ACTS

ARTICLE 23 - Various Amendments to the Zoning Bylaws: To see if the Town will vote to amend the Zoning Bylaws by making various housekeeping amendments concerning zoning districts, home occupations, and bed and breakfast establishments, all as set forth in a document entitled “Various Amendments to the Zoning Bylaws – ATM 2019” on file in the Town Clerk’s Office and available for inspection during regular business hours of the Town Clerk’s Office, and to authorize the Town Clerk to make non-substantive changes to the numbering of the Zoning Bylaws as necessary, or take any action in relation thereto.

Sponsored by the Planning Board

ARTICLE 24 - Adult Entertainment Zoning Bylaw: To see if the Town will vote to amend the Zoning Bylaws by adding a new Adult Entertainment Facilities Bylaw as follows, or take any action in relation thereto:

Section . Adult Entertainment Facilities Bylaw

A. Authority to Regulate/Purpose

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

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

The purpose of this Section is to regulate and limit the location of Adult Entertainment Facilities so as to minimize the secondary effects associated with these establishments, and to protect the health, safety and general welfare of the inhabitants of the Town. It is not the purpose or intent of this Section to restrict or deny access by adults to Adult Entertainment Facilities or to materials that are protected by the Constitution of the United States or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the intent

of this Section to legalize the sale, rental, distribution or exhibition of obscene or other illegal materials. Finally, it is not the intent of this Section to afford Adult Entertainment Facilities nonconforming use protections any greater than are provided under M.G.L. c. 40A § 6 and §9A.

B. Consistency with State and Federal Law

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

C. Applicability

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

D. Definitions

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

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

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

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

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

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

E. Permitting Requirements; Eligibility

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

F. Lapsing of Site Plan Approval

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

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

G. Expiration of a Site Plan Approval

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

H. Application Requirements

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

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

Upon written request from the applicant, the Planning Board may waive the submission of such information, or parts thereof, as may not be necessary for the consideration of the application. The Planning Board's waiver decision shall be set forth in the written Site Plan Approval decision.

I. Severability

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

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

Sponsored by the Planning Board

ARTICLE 25 - Memorials and Monuments General Bylaw: To see if the Town will vote to amend the General Bylaws by adding a new Memorials and Monuments Bylaw, as set forth in a document entitled “Monuments and Memorials Bylaw” on file in the Town Clerk’s Office and available for inspection during regular business hours of the Town Clerk’s Office, or take any action in relation thereto:

Sponsored by the Memorials and Monuments Committee

ARTICLE 26 - Roadway Intersection Sight Triangle General Bylaw: To see if the Town will vote to amend the General Bylaws by adding the following new Roadway Intersection Sight Triangle Bylaw, or take any action in relation thereto:

ROADWAY INTERSECTION SIGHT TRIANGLE BYLAW

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

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

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

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

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

Roadway Intersection
Sight Triangle Bylaw

Board of Road Commissioners

Sponsored by the Board of Roads Commissioners

ARTICLE 27 - Amending the Dog Control General Bylaw: To see if the Town will vote to amend the General Bylaws by amending the Dog Control Bylaw as set forth in a document entitled “Dog Control Bylaw Amendments” on file in the Town Clerk’s Office and available for inspection during regular business hours of the Town Clerk’s Office, or take any action in relation thereto.

Sponsored by the Town Clerk

ARTICLE 28 - Town Seal General Bylaw: To see if the town will vote to amend the General Bylaws by adding the following new Town Seal Bylaw, or take any action in relation thereto:

TOWN SEAL BYLAW

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

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

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

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

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

Town Seal Bylaw

Police Department or Town Clerk

Sponsored by the Town Clerk

ARTICLE 29 - Amending the Wetlands General Bylaw: To see if the town will vote to amend the General Bylaws by amending the Wetlands Bylaw in order to correct typographical errors, coordinate the Bylaw with organizational initiatives of the Conservation Commission, and bring the Bylaw in line with certain changes to state law and organization, as set forth in a document entitled “Wetlands Bylaw Amendments” on file in the Town Clerk’s Office and available for inspection during regular business hours of the Town Clerk’s Office, or take any action in relation thereto.

Sponsored by the Conservation Commission

ARTICLE 30 - Amending the Council on Aging General Bylaw: To see if the Town will vote to amend the General Bylaws by amending Section 2 of the Council on Aging Bylaw as follows, or take any action in relation thereto (deletions in strikethrough and insertions underlined):

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

Sponsored by the Council on Aging

ARTICLE 31- CPC – Infrastructure Engineering/Development Funds for MUD Housing Project: To see if the Town will vote to transfer from available funds or borrow pursuant to applicable statute a sum of money, with respect to the recommended action of the Community Preservation Committee to assist the MUD Affordable Housing Project from the Community Housing Fund or any action related thereto.

Sponsored by the Community Preservation Committee

ARTICLE 32- CPC- Dugout Roof Replacement: To see if the Town will vote to transfer from available funds or borrow pursuant to the applicable statute a sum of money, with respect to the recommended action of the Community Preservation Committee to replace dugout roofs at Larter Field, or any action related thereto.

Sponsored by the Community Preservation Committee

Ballot Questions

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 pay for the Water System Improvements Project?

Yes____ No____

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 21, 2019 at 12:00 o'clock noon, to cast their ballots for the following officers:

Board of Selectmen, one position for three years; Board of Assessors, one position for three years; Board of Health, one position one for three years; Board of Road Commissioners, one for three years; Constables, two positions for one year; Cemetery Commissioners, one position for three years; Board of Water Commissioners, one position for three years; Park Commissioners, one position for three years; Planning Board, one position for five years; Town Clerk; one position for three years; Commissioners of Trust Funds, one position for two years and one for three years; Commissioners to Expend Parkhurst Free Lecture Funds, four positions one for four years one for three years one for two years and one for one year; Advisory Board, two positions for three years; Library Trustees, 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 10 day of April, two thousand and nineteen.

DUNSTABLE BOARD OF SELECTMEN



Leah
Ronald Mikol
James Tully

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