

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF DUNSTABLE
WARRANT
ANNUAL TOWN MEETING – May 15, 2021

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 Larter Field, 80 Groton Street in said Dunstable on Saturday, May 15, 2021, at 10:00 a.m., and thereafter continuing from day to day until completed, with a back-up date of Saturday, May 22, 2021, at 10:00 a.m. in the event that inclement weather or other circumstances require a postponement, 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 - Unpaid Bills of FY19: 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 FY2019, including the following, or take any action in relation thereto.

Small Water Systems \$450.00

Sponsored by the Board of Selectmen

Requires a 4/5ths Vote

FISCAL YEAR 2021

ARTICLE 3 - Transfer to Water Enterprise Fund: To see if the Town will vote to appropriate from Free Cash (Surplus Revenue) 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 FY2021, or take any action in relation thereto.

Sponsored by the Advisory Board

FISCAL YEAR 2022

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 2022, beginning July 1, 2021, as follows, or take any action in relation thereto.

	FY20	FY21	FY22 (Proposed)
Town Clerk	\$37,315	\$38,210	\$38,974

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 2022, beginning July 1, 2021, or take any action in relation thereto.

Sponsored by the Advisory Board

ARTICLE 6 - Free Cash Transfer for FY22: To see what sum the Town will vote to appropriate from Free Cash (Surplus Revenue) to meet the appropriations of Fiscal Year 2022, beginning July 1, 2021 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 Board

ARTICLE 7 - 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 2022 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	\$120,000

Sponsored by the Advisory Board

ARTICLE 8 - Borrowing for Roads Department Loader: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide a sum of money in order to pay for a Roads Department loader, including any appurtenant equipment, or take any action in relation thereto.

Sponsored by the Advisory Board

ARTICLE 9 - Borrowing for Fire Department Rescue Vehicle: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide a sum of money in order to pay for a Fire Department rescue vehicle, including any appurtenant equipment, or take any action in relation there.

Sponsored by the Advisory Board

ARTICLE 10 - Free Cash for Stormwater Permit Compliance: To see if the Town will vote to appropriate from Free Cash (Surplus Revenue) a sum of money to replenish the Stormwater Fund to continue compliance activities associated with our federal stormwater permit, or take any action in relation thereto.

Sponsored by the Town Administrator

ARTICLE 11 - Free Cash for Library Roof: To see if the Town will vote to appropriate a sum of money from Free Cash (Surplus Revenue) for the replacement of the roof at the Library, or take any action in relation thereto.

Sponsored by the Library Trustees

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 Regional School District

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 – McLoon House Preservation: 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 historic preservation of the McLoon House located at 59 Main Street, and to authorize the Board of Selectmen and the Community Preservation Committee to enter into any grant agreement or other agreements related to such appropriation, or take any action in relation thereto.

Sponsored by the Community Preservation Committee

ARTICLE 15 - CPC – High School Stadium: 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 allocation for the renovation of the Groton Dunstable High School Stadium, or take any action in relation thereto.

Sponsored by the Community Preservation Committee

ZONING AND GENERAL BYLAW AMENDMENTS

ARTICLE 16 - Town Center District Zoning Bylaw and Map Amendment: To see if the Town will vote to amend the Zoning Bylaws by making the following additions and deletions, and to authorize the Town Clerk to make non-substantive changes to the numbering of the Zoning Bylaws as necessary, or take any action in relation thereto (deletions in ~~striketrough~~ and insertions underlined):

1. Inserting under Section 3.2 Overlay Districts:
3.2(d) 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, 2017, 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 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 and qualifying new buildings 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:

Note: For the purpose of this bylaw "existing buildings" is a building that is at least 10 years old at the time this bylaw was approved. The burden shall be upon the applicant to demonstrate compliance with this subsection

1. Conversion of existing one-family dwellings to 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 a 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; and provided that the primary use of the first floor (at least 51% of the gross floor area) must be commercial;
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, cafés, taverns or pubs, serving alcohol on premises (with no drive-up or drive-through service);
7. Conversion of existing buildings for the on-premises consumption and retail sales of alcohol products brewed or fermented on site.
8. Conversion of existing buildings for use as government, educational, not-for-profit or religious facilities;
9. Conversion of existing buildings for use as professional offices;
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 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 The Planning Board's Rules and Regulations Governing Site Plans in Dunstable, Massachusetts and Rules and Regulations Governing Special Permits in

Dunstable, provided that specific requirements of such Rules and Regulations 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. Applicants shall submit with the Site Plan package, an architectural design plan ensuring that changes to the building will preserve the integrity of the historical district.

4. 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.

5. Any required parking for additional uses shall be located to the side or rear of the building and screened from view from the adjacent public way.

E. Criteria for Approval: In addition to the requirements of the above referenced Planning Board Rules and Regulations, 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. The historic architectural character of each building shall be maintained or restored. Buildings shall be rehabilitated to reveal their historic materials and details. Missing architectural elements shall be recreated. Significant existing materials shall be retained by stabilizing, repairing or matching them with compatible new materials as required.

2. Any renovations or replacement of an existing building shall be compatible with the historic architecture of the existing buildings in the TCD. The architectural character of each historic period is made up of several key factors. Each period interpreted these design elements in its own characteristic fashion. These factors or elements are:

Scale – Relationship to human size, form and perception.

Rhythm – The pattern of repeating elements such as windows, columns, arches and other façade elements, trees, other buildings, etc.

Form – Overall shapes, combinations or shapes as seen from different perspectives, skylines, and contours.

Massing – Height, setback of major building elements, roof panes.

Proportion – The relationship among the dimensions of various elements.

Features – Building elements such as windows, doors, cornices, roofs, porches, widow walks, balconies, cupolas, and decorative trim.

Materials – The “skin” of each building, consisting traditionally of brick, cast iron, steel, sheet metal, wood, glass, terra cotta and slate.

Signs – Refer to Section 13 of the Zoning Bylaw.

Maintenance Advisory - Owners of all buildings should provide sufficient maintenance to keep such buildings from falling into a state of poor repair. Owners shall therefore be responsible for providing maintenance necessary to prevent the deterioration of the structure, which could cause either an unsafe condition or a detrimental effect upon the character of the Town Center District

or which could lead to a later claim that deterioration has become so advanced that demolition or removal of the architectural features is necessary.

F. New Buildings in the TCD

1. The demolition of buildings in the TCD may be subject to the Demolition Delay Bylaw, General Bylaws, of the Town of Dunstable.
2. A new building located in the TCD may be governed by the TCD's provisions if (i) it is constructed in the footprint of the original building on a parcel, and (ii) the Planning Board finds, through a special permit decision, that the building will be compatible with the other historic structures in the TCD.
3. Any replacement building in the TCD that does not qualify to be governed by the TCD's provisions shall comply with all underlying rules and regulations of the Zoning Bylaw.

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 July 25, 2017, and on file with the Town Clerk and available for inspection during regular Town Hall business hours.

This map displays the residential layout of Dunstable, Massachusetts. A prominent thick black line delineates a specific geographic area, likely for a project or study. The map features several streets, including Main St, Highland St, Pleasant St, and Pond St. Numerous lots are identified by numbers, many of which begin with '17-'. An inset map in the bottom right corner provides a broader context, showing the location of Dunstable within the state of Massachusetts.



- Sources:**
Town of Dunstable (Town Center Overlay District
7/25/2017, FY20 parcel boundaries) MassDOT/NMCOG
(roads)

Produced 7/25/2017

0 200 US Feet



**Northern Middlesex
Council of Governments**
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ARTICLE 17 - Various Amendments to Zoning Bylaws: To see if the Town will vote to amend the Zoning Bylaws by making various housekeeping amendments concerning “Section 6.7 Uses Permitted by Special Permit” and “Section 20 Definitions” of the Zoning Bylaws and to authorize the Town Clerk to make non-substantive changes to the numbering of the Zoning Bylaws as necessary, or take any action in relation thereto (deletions in ~~striketrough~~ and insertions underlined):

~~6.7.9. Left blank intentionally [Amended ATM 5/13/19 Article 23]~~

~~6.7.9~~10.

6.7.104. Minimum Special Requirements:

- (a) The Bed and Breakfast establishment and operation shall be located within an existing owner (or tenant) occupied single family dwelling as of ~~existing~~ the adoption of this section. [Amended May 13, 2019 Article 23]
- (g) No cooking facilities, including, but not limited to, stoves, microwave ovens, toaster ovens, and hot plates, shall be available to guests; ~~and no meals, except breakfast, shall be served to guests. Alcohol shall also be prohibited from being served on the premises to any Bed and Breakfast guest. Meals~~ provided shall be limited to the guests. Additionally, there shall be at least one (1) bathroom exclusively dedicated to the guests of the Bed and Breakfast establishment. [Amended May 13, 2019 Article 23]

6.7.113. Mixed uses, as set forth in Section 23 of this Bylaw [subject to enactment].

SECTION 20. DEFINITIONS. In this bylaw, the following terms shall have the meanings described below:

20.3. A Bed and Breakfast Establishment is a single-family dwelling having a mixed use as a home for the residential owner or tenant and as an accessory use for guest(s) lodging on a short-term basis. Meals provided shall be limited to the guest(s) ~~shall be limited to breakfast~~. The home is to be the primary and legal residence of the owner or tenant. [Amended May 13, 2019 Article 23]

20.4. Boarding House. See Rooming House

Sponsored by the Planning Board

ARTICLE 18 - SECTION 29. COMMUNITY HOUSING. To see if the Town will vote to amend the Zoning Bylaws and to authorize the Town Clerk to make non-substantive changes to the numbering of the Zoning Bylaws as necessary, or take any action in relation thereto (deletions in ~~striketrough~~ and insertions underlined):

29.1 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.

29.2 Definitions

As used in this By-law:

29.2.1 "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.

29.2.2 "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.

29.2.3 "Eligible Household" shall mean a household whose total combined annual income does not exceed 80% of AMI.

29.2.4 "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).

29.2.5 "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.

29.2.6 "Project" shall mean developments subject to the Community Housing requirements of this Section.

29.2.7 "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.

29.3 Applicability

This Section shall apply to the issuance of certificates of occupancy for (a) the creation of ~~six (6) or more~~ a residential subdivision 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 subdivision of land, in accordance with M.G.L. c. 41, Sec. 81U, for the development of ~~six (6) or more~~ Residential units, including Phased or Segmented Projects.

29.4 Community Housing Requirements

29.4.1 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 29.6 shall apply to any fractional number rounded down of units.

29.4.2 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.

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

29.5 Community Housing Administration

29.5.1 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.

29.5.2 Prior to issuance of the certificate of occupancy for the first market rate dwelling unit within a Residential Subdivision Project with ~~six or more~~ any affordable 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 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.

29.5.3 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.

29.6 ~~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:

$$\begin{array}{ccc} \text{Number of Units in Subdivision} & \text{---} & \text{Contribution Factor} \\ 2 \text{ to } 5 & \text{---} & 3\% \end{array}$$

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 $\$500,000 \times .03 = \$15,000$

29.6 Subdivision developments where the number of units is not evenly divisible by six (6).

Prior to the issuance of a certificate of occupancy for each market rate dwelling unit, the developer shall be required to make a payment to the Town's Affordable Housing Trust Fund. This payment will be based on the remaining number of units after the total number of units in the subdivision is divided by six (6) times 3% of the average price of the market rate units.

Mathematically expressed as:

(Number of Units *mod* 6) X (3% of average price of market rate units)

The 3% rate is based on the fact that the affordable unit must sell for 20% less than the market rate units. Spreading this 20% reduction in total gross revenue across six (6) units would be 3.33% per unit.

Examples:

Each of these examples reflects the one (1) of every six (6) units must be an affordable unit.

Example 1: The Trust Payment due upon the initial sale of a \$500,000 unit in a 5 unit subdivision Project where the average asking price is \$500,000:

$5 \bmod 6 = 5$ remaining units.

$5 \text{ remaining units} \times (0.03 \times \$500,000) = \$75,000$

Instead of making this Trust Payment the developer has the option to make one of the remaining 5 units an affordable unit.

Example 2: The Trust Payment due in a 6 unit subdivision Project where the average asking price is \$500,000, 1 of the units must be affordable:

$6 \bmod 6 = 0$ remaining units.

$0 \text{ remaining units} \times (0.03 \times \$500,000) = \$0$

Example 3: The Trust Payment due in a 18 unit subdivision Project where the average asking price is \$500,000, 3 of the units must be affordable:

18 mod 6 == 0 remaining units
0 remaining units X (0.03 X \$500,000) = \$0

Example 4: The Trust Payment due in a 22 unit subdivision Project, where 3 of the units must be affordable:

22 mod 6 == 4 remaining units
4 remaining units X (0.03 X \$500,000) = \$60,000

Instead of making this Trust Payment the developer could decide to make one of the remaining 4 units an affordable unit.

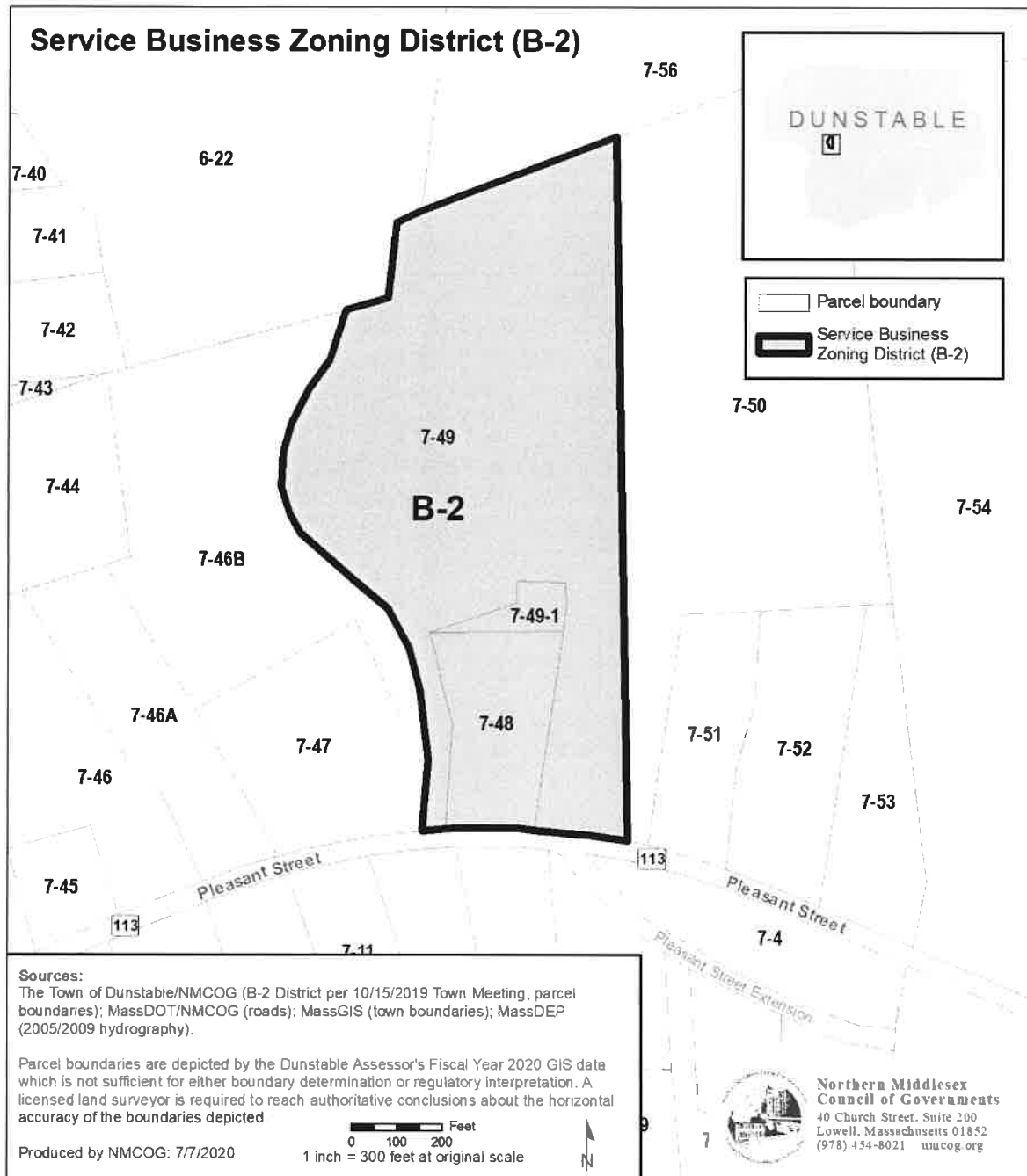
29.6.1 The Planning Board may authorize a payment to the Affordable Housing Trust Fund, determined in accordance with 29.6, in lieu of providing some or all of the affordable units otherwise required for the Project.

29.7 Community Housing Rules

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

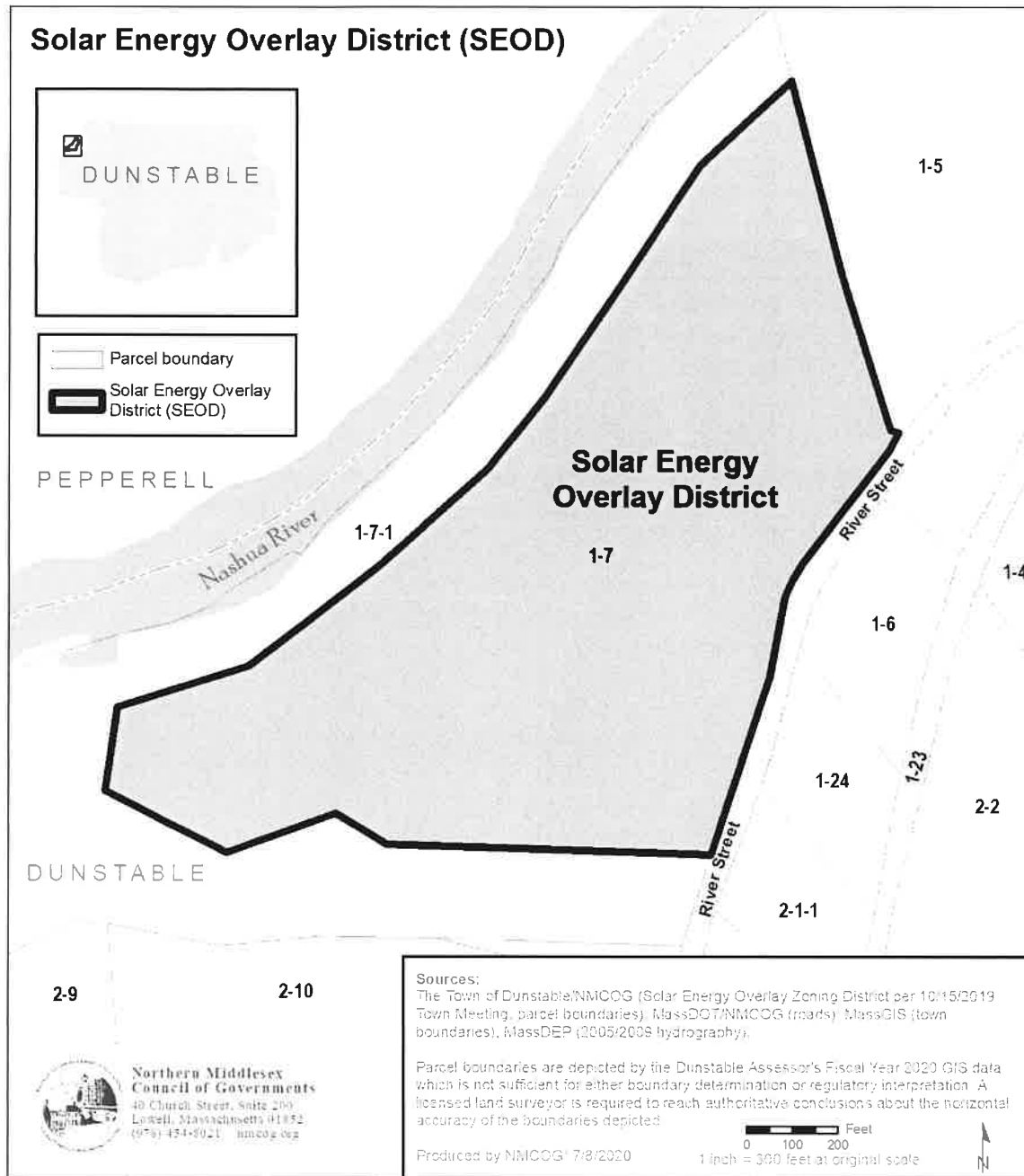
Sponsored by the Planning Board

ARTICLE 19 - Section 2. Zoning Map. To see if the Town will vote to amend the Zoning Bylaws by removing the map in B-2 Service Business District and replacing it with the map below, or take any action in relation thereto:



Sponsored by the Planning Board

ARTICLE 20 - Section 2. Zoning Map. To see if the Town will vote to amend the Zoning Bylaws by removing the map in the Solar Energy Overlay District and in Section 32. Solar Overlay District and replacing them both with the map below, and/or take any action in relation thereto:



Sponsored by the Planning Board

ARTICLE 21 - Section 11.8 Growth Rate Limitation. To see if the Town will vote to amend the Zoning Bylaw relative to Growth Rate Limitation by changing the lapse date in subsection 11.8.1 from Monday May 10, 2021 to Monday May 12, 2031, or take any action in relation thereto.

Sponsored by the Planning Board

ARTICLE 22 - Amending the Advisory Board Bylaw: To see if the Town will vote to amend the General Bylaws by amending Section 1 of the Advisory Board Bylaw as follows, or take any action in relation thereto (deletions in strikethrough and insertions underlined):

Section 1. There shall be an Advisory Board consisting of six legal voters of the town, each of whom shall be elected for a term of three (3) years on the Official Ballot of the Annual Town Meeting. No elective town officer shall be eligible or qualified to serve on said Board. A quorum of the Board shall be a majority of the members then serving on the Board, but in no event shall the quorum be less than three (3). An affirmative vote of the Board shall require a majority of the members present and voting at a meeting, but in no event less than three (3).

Sponsored by the Advisory Board

ARTICLE 23 - Stormwater Management and Erosion Control and Post Construction Bylaw: To see if the Town will vote to amend the General Bylaws by amending adopting a new bylaw as follows or take any action in relation thereto:

1. PURPOSE

1.1 To acknowledge and address the fact that the United States Environmental Protection Agency has identified sedimentation and polluted stormwater runoff from land disturbance activities and polluted stormwater runoff from land development as major sources of water pollution, impacting drinking water supplies, natural habitats, and recreational resources;

1.2 To provide for the health, safety, and general welfare of the citizens of the Town of Dunstable through the protection of water bodies and groundwater resources by the regulation of activities that result in disturbance of land and the creation of stormwater runoff;

1.3 To establish the Town of Dunstable's legal authority to ensure compliance with the provisions of this Bylaw through the establishment of stormwater management standards and conditions that result in the minimization of offsite and downstream adverse impacts from development and redevelopment projects to abutters, townspeople and the general public;

2. OBJECTIVES

2.1 To comply with state and federal statutes and regulations relating to stormwater discharges of new and final conditions that result from development and redevelopment projects to minimize adverse impacts offsite and downstream which would be borne by abutters, townspeople and the general public and to ensure compliance with the provisions of this Bylaw through inspections, monitoring and enforcement by:

- (A) Protecting water resources;
- (B) Preventing pollutants from entering the Municipal Separate Storm Sewer System (MS4) and to minimize discharge of pollutants from the MS4;
- (C) Controlling the volume and rate of stormwater runoff resulting from land disturbance activities and redevelopment sites into the Town's stormwater drainage system in order to minimize and prevent potential impacts of flooding and erosion;
- (D) Requiring practices to manage and treat stormwater runoff generated from new development and redevelopment;
- (E) Protecting groundwater and surface water from degradation or depletion;
- (F) Promoting infiltration and the recharge of groundwater;
- (G) Requiring practices that minimize soil erosion and sedimentation;
- (H) Preventing flooding and erosion on abutting properties;
- (I) Ensuring that soil erosion and sedimentation control measures and stormwater runoff management practices are incorporated into the site planning and design process and are implemented and maintained;
- (J) Ensuring adequate long-term operation and maintenance of structural stormwater best management practices so they work as designed and;
- (K) Requiring practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at construction sites that may cause adverse impacts to water quality.

3. DEFINITIONS

ABUTTER: The owner(s) of land adjacent to a land disturbance site.

AGRICULTURAL USE: The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act (M.G.L. c. 131 § 40) and its implementing regulations (310 CMR 10.00).

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge, change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

APPLICANT: The owner of record of the land shown on any plan or application submitted for approval to the Planning Board or other approving authority in accordance with this Bylaw and its Regulations.

AUTHORIZED ENFORCEMENT AGENCY: The Town of Dunstable Planning Board, its employees or agents designated to enforce the requirements of this Bylaw.

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

THE BOARD: Town of Dunstable's Planning Board

CERTIFICATE OF COMPLETION: A document issued by the Issuer of a Land Disturbance Permit which confirms that all documents, final digital and hard copy as-built plans, and final reports have been submitted and all work required by the terms of a Land Disturbance Permit has been satisfactorily completed in accordance with this Bylaw and its Regulations.

CLEARING: Any activity that removes the vegetative surface cover and/or organic layer. Clearing activities generally include grubbing activity as defined below.

DESIGNATED AGENT: Any person or entity designated by the Planning Board and approved by the Board of Selectmen to assist in the administration, implementation and enforcement of this Bylaw and its Regulations.

DESIGN CRITERIA: Engineering design criteria as contained in the Regulations authorized under this Bylaw.

DETENTION: The temporary storage of stormwater runoff.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of an existing use, usually involving construction.

DISTURBANCE OF LAND: Any action, including clearing and grubbing, that causes a change in the position, location, or arrangement of soil, sand, rock, gravel, or similar earth material.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

GRADING: Changing the level or shape of the ground surface

GRUBBING: The act of clearing land surface by digging up roots and stumps.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that limits water infiltrating the underlying soil. Impervious surface includes without limitation: roads, paved parking lots, sidewalks, sports courts and rooftops. Impervious surface also includes soils, gravel driveways, and similar surfaces with a Rational Method runoff coefficient greater than 0.85 or a NRCS Method Curve Number greater than 85.

LAND-DISTURBING ACTIVITY or LAND DISTURBANCE: Any activity, including clearing and grubbing, that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

LAND DISTURBANCE PERMIT: A permit issued by the Planning Board or its Designated Agent pursuant to this Bylaw.

LOT: An area of land, in uniform ownership, with definite boundaries ascertainable by deed, plan, or other means.

MASSACHUSETTS ENDANGERED SPECIES ACT: (M.G.L. c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the "taking" of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MASSACHUSETTS WETLANDS PROTECTION ACT: (M.G.L. c.131, s. 40) and its implementing regulations (310 CMR 10.00)

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/or other drainage structure that together comprise the storm drainage system owned or operated by the Town of Dunstable.

NEW DEVELOPMENT: Any construction activities or disturbance of land resulting in total earth disturbances equal to or greater than 22,000 square feet (or activities that are part of a larger common plan of development disturbing greater than 22,000 square feet) on an area that has not previously been developed to include impervious cover.

OPERATION AND MAINTENANCE PLAN: A plan developed by a Massachusetts licensed Professional Engineer (PE) describing the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

OUTFALL: The point at which stormwater flows out from a discernible, confined point source or concentrated conveyance into waters of the Commonwealth.

OUTSTANDING RESOURCE WATERS (ORWs): Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

OWNER: Shall be the owner of record of the lot or lots shown on any plan submitted. The owner shall submit the title reference or references from the Middlesex North District Registry of Deeds or Land Court if Registered Land indicating the owner of record.

PAVEMENT: The surface of an area which consists of but is not limited to bituminous concrete, cement concrete, or paving bricks made of masonry or stone or like material that creates a impervious surface.

PAVING: The act of installing pavement.

PERMITTEE: The person who holds a Land Disturbance Permit and therefore bears the responsibilities and enjoys the privileges conferred thereby.

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.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

RECHARGE: Addition of stormwater runoff to the groundwater by natural or artificial means.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface on previously developed sites.

REGULATIONS: The regulations promulgated by the Planning Board in accordance with Section 6.2 of this Bylaw.

RETENTION: The holding of stormwater runoff in a basin without release except by means of evaporation, infiltration, or emergency bypass.

RUNOFF: Rainfall, snowmelt, groundwater seepage or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported, by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL: Earth materials including duff, humic materials, sand, rock, silt, clay and gravel.

STORMWATER: Stormwater runoff, snow melt runoff, surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN: A document containing narrative, drawings and details prepared by a Massachusetts licensed qualified Professional Engineer (PE) which includes structural and non-structural best management practices to manage and treat stormwater runoff generated from regulated development activity. A Stormwater Management Plan also includes an Operation and Maintenance Plan describing the maintenance requirements for structural best management practices.

TOTAL SUSPENDED SOLIDS (TSS): Material, including but not limited to, trash, debris, soils, silts, sediment, particulates and sand suspended in stormwater.

WATERCOURSE: A natural or man-made channel through which water flows, including a river, brook, or stream.

WETLAND RESOURCE AREA: Areas specified in the Massachusetts Wetlands Protection Act M.G.L. c. 131, s.40 and regulations promulgated thereunder, and in the Town of Dunstable Wetlands Protection Bylaw and regulations promulgated thereunder.

WETLANDS: As defined in the Dunstable Wetlands Protection Bylaw and Conservation Commission regulations.

4. AUTHORITY

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

5. APPLICABILITY

5.1 This Bylaw shall apply to all development and redevelopment operations, to all water entering directly or indirectly into the Municipal Storm Drain System on public or ways within the Town, and to any direct discharge into the surface waters, ground waters and watercourses within the Town. Except in accordance with a Land Disturbance Permit issued pursuant to this Bylaw, no person shall perform any Land Disturbance that results in one or more of the Regulated Activities defined in Section 5.2 that is not an Exempt Activity listed in Section 5.3.

5.2 Regulated Activities subject to a Land Disturbance Permit shall include two tiers of permitting:

(A) Tier I

- i. Land Disturbance of 22,000 square feet or more of land, associated with development or redevelopment of a site; or
- ii. Development or Redevelopment involving multiple separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of development that all together disturbs 22,000 square feet or more of land; or
- iii. Paving or other change in surface material that will create or disturb 22,000 square feet or more of Impervious Surface; or
- iv. Construction of a new drainage system or alteration of an existing drainage system or conveyance serving a drainage area of 22,000 square feet or more of land; or
- v. Any other activity altering the surface of an area of 22,000 square feet or more that will, or may, result in increased stormwater runoff flowing from the Site into a public way or the Municipal Storm Drain System.

(B) Tier II

- i. Land Disturbance of 40,000 square feet or more of land, associated with development or redevelopment of a site; or
- ii. Development or Redevelopment involving multiple separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of development that all together disturbs 40,000 square feet or more of land; or
- iii. Paving or other change in surface material that will create or disturb 40,000 square feet or more of Impervious Surface; or
- iv. Construction of a new drainage system or alteration of an existing drainage system or conveyance serving a drainage area of 40,000 square feet or more of land; or
- v. Any other activity altering the surface of an area of 40,000 square feet or more that will, or may, result in increased stormwater runoff flowing from the Site into a public way or the Municipal Storm Drain System; or
- vi. Land Disturbance where there is a 15% or greater slope and where the Land Disturbance is greater than or equal to 200 square feet within the sloped area.

5.3 Exemptions: The following activities or flows from the following sources are exempt from the provisions of this Bylaw:

- (A) Normal maintenance and improvement of land in agricultural use as defined by

the Wetlands Protection Act regulation 310 CMR 10.04;

- (B) Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling, commercial, industrial and/or multi-family dwelling;
- (C) The construction of fencing that will not substantially alter existing terrain or drainage patterns;
- (D) Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;
- (E) . Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or the original purpose of the site
- (F) Municipal waterline flushing;
- (G) Flow from potable water sources;
- (H) Springs;
- (I) Natural flow from riparian habitats and wetlands;
- (J) Diverted stream flow;
- (K) Rising groundwater;
- (L) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005 (2), or uncontaminated pumped groundwater;
- (M)
- (N) Water from the exterior foundation drains, roof drains, footing drains (not including active ground water dewatering systems), or air conditioning condensation;
- (O) Discharge from landscape irrigation or lawn watering;
- (P) Water from residential activities, including, but not limited to, car washing, washing walkways, patios, house siding, windows, or similar exterior structure related washing activities;
- (Q) Discharge from de-chlorinated 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;
- (R) Discharge from street sweeping;
- (S) Uncontaminated groundwater discharge from a sump pump;
- (T) Discharges or flows resulting from fire-fighting activities;
- (U) Dye testing, provided verbal notification is given to the Planning Board or its Designated Agent prior to the time of the test and providing resulting concentrations are not at levels detrimental to resident aquatic organisms;
- (V) Non-storm water discharge permitted under an NPDES permit or a Surface Water Discharge Permit, 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
- (W) Discharge for which advanced written approval is received from the Planning Board or its Designated Agent as necessary to protect public health, safety, welfare or the environment.
- (X) Construction of utilities other than drainage systems that will not alter terrain, ground cover or drainage patterns;
- (Y)

- (Z) Emergency repairs to any stormwater management facility or practice that poses a threat to public health, safety, welfare or the environment;
- (AA) Repair of septic systems when required by the Board of Health for the protection of public health;
- (BB) Any work or projects for which all necessary local approvals and permits have been issued prior to the effective date of this Bylaw;
- (CC) Any land disturbance that results in a cumulative land disturbance of less than 22,000 square feet, provided that appropriate erosion and sedimentation controls are in place and properly maintained;
- (DD) The construction of fencing that will not alter existing terrain or drainage patterns; and
- (EE) The construction, improvement and maintenance of Town public ways and appurtenances.

5.4 When there is any question as to whether an activity is exempt from this Bylaw and the Regulations, the Planning Board shall make a definitive ruling as to the applicability of this Bylaw and the Regulations to the activity in question.

5.5 As authorized in the Phase II Small MS4 General Permit for Massachusetts, Stormwater discharges resulting from the activities identified in Section 5 that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Stormwater Management Policy as reflected in an Order of Conditions issued by the Conservation Commission or Condition of Approval issued by the Planning Board for a Subdivision or Site Plan Special Permit are exempt from compliance with this Bylaw

6. ADMINISTRATION

6.1. 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 upon a majority vote of the Planning Board and approval by the Board of Selectmen.

6.2 The Planning Board shall promulgate the Regulations to implement this Bylaw and shall establish fees and penalties to enforce this Bylaw. The Planning Board may periodically amend the Regulations, fees, and penalties as needed to effectuate the purposes of this Bylaw. Adoption of and revisions to regulations may only be made after conducting a public hearing to receive comments on any proposed regulations or revisions. Such hearing dates shall be advertised once in a newspaper of general circulation in Dunstable, at least 14 days before the hearing date. Such hearing shall comply with all aspects of the Massachusetts Open Meeting Law.

6.3 In promulgating the Regulations under this Bylaw, the Planning Board shall, at a minimum, follow and utilize the specifications and standards of the latest edition of the Massachusetts Stormwater Management Handbook as amended and issued by Massachusetts Department of Environmental Protection, or any successor publication so issued in this context.

6.4 Failure on the part of the Planning Board to promulgate the Regulations authorized by this Bylaw or fee and penalty structures shall not have the effect of suspending or invalidating this Bylaw.

6.5 The Planning Board or its Designated Agent shall review all applications for a Land Disturbance Permit, conduct inspections, issue a final permit and conduct any necessary enforcement action, as set forth herein:

6.5.1 Land Disturbance Permits shall be issued as follows:

(A) Tier I Land Disturbance Permits shall be issued by the Planning Board's Designated Agent and shall not require review by the Planning Board.

(B) Tier II Land Disturbance Permits shall be issued by the Planning Board.

6.5.2 Following receipt of a completed application, the Planning Board or its Designated Agent shall seek review and comments from the Road Commissioners and Town Engineer. The Planning Board or its Designated Agent shall not make a decision on the pending permit until it has received comments from the Road Commissioners and the Town Engineer or until these entities have allowed thirty (30) calendar days to elapse after receipt of the application materials without submission of comments.

6.5.3 When issuing a decision on an application, the Planning Board or its Designated Agent shall:

6.5.3.1 Approve the application and issue a Land Disturbance Permit upon finding that the proposed stormwater controls meet the objectives and requirements of this Bylaw and the Regulations;

6.5.3.2 Approve the application and issue a Land Disturbance Permit with conditions necessary to ensure that the project's stormwater controls will meet the objectives and requirements of this Bylaw and the Regulations;

6.5.3.3 Disapprove the application and deny a permit if it finds (a) that the proposed stormwater controls fail to meet the objectives and requirements of this Bylaw or the Regulations, or (b) that the information submitted with the application was insufficient to allow one of the determinations set forth Section 6.5.3.1 or Section 6.5.3.2.

6.5.4 The Planning Board or its Designated Agent shall take final action on an application within sixty (60) days of date the application was filed with the Town. A copy of the final action shall be filed with the Town Clerk. Certification by the Town Clerk that the allowed time has passed without final action being taken shall be deemed a grant of the Land Disturbance Permit.

6.6 The filing of an application for a Land Disturbance Permit required under this Bylaw shall constitute a grant of permission to the Planning Board and/or its Designated Agent

to enter the site in order to verify the information in the application and to inspect for compliance with permit conditions.

6.7 Appeals: A decision on an application for a Land Disturbance Permit by the Planning Board shall be final. Further relief from a decision by the Planning Board made under this Bylaw shall be reviewable in the Superior Court pursuant to M.G.L. c. 249, § 4. The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

6.8 Any action by the Designated Agent of the Planning Board may be appealed to the Planning Board.

7. PROHIBITED ACTIVITIES

7.1 Illicit Discharges: No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the Municipal Storm Drain System or the surface and ground waters and watercourses within the Town of Dunstable except as noted in Section 8 of this Bylaw.

7.2 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, regulation or custom at the time of connection.

7.3 Obstruction – Storm Drainage Systems: No person shall obstruct or interfere with the normal flow of stormwater in or out of the Municipal Storm Drain System without prior written approval from the Planning Board or its Designated Agent.

8. PERMIT PROCEDURES

Permit procedures and requirements, including permit submittals, right-of-entry, fee schedule (including requirements to post acceptable security), fine schedule, and public hearing process, shall be defined and included as part of the Regulations.

9. FEES

The Planning Board shall establish fees to cover expenses connected with application review and monitoring permit compliance. The fees shall be sufficient to cover Town secretarial staff and professional staff. The Planning Board is also authorized to retain and charge the Applicant fees to cover the cost for a Massachusetts licensed Professional Engineer or other professional consultant to advise the Planning Board or its Designated Agent on any or all aspect of the project. The Applicant for a Land Disturbance Permit may be required to establish and maintain an escrow account to cover the costs of said consultants. Applicants must pay review fees to the Town before the review process may begin.

10. SURETY

The Planning Board or its Designated Agent may require the Permittee to post before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by Town Counsel, and be in an amount deemed sufficient to ensure that the work will be completed in accordance with the permit. If the project is phased, the Planning Board or its Designated Agent may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Planning Board or its Designated Agent has received the final report as required in the Regulations and issued a Certificate of Completion.

11. PERFORMANCE STANDARDS

Criteria for erosions and sediment control and post-construction stormwater management, including stormwater performance standards, shall be defined and included as part of Regulations.

12. INSPECTIONS

12.1 The Board shall inspect the project site at the following stages:

- (A) Initial Site Inspection: prior to approval of any plan.
- (B) Erosion Control Inspection: to ensure erosion control practices are in accord with the filed plan.
- (C) Bury Inspection: prior to backfilling of any underground drainage or stormwater conveyance structures.
- (D) Final Inspection. After the stormwater management system has been constructed and before the surety has been released, the applicant must submit a record plan detailing the actual stormwater management system as installed. The Board shall inspect the system to confirm its "as-built" features. This inspector shall also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate, he or she shall so report to the Board which will issue a Certificate of Completion.

12.2 If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Plan, it shall be corrected by the permittee before the performance guarantee is released. If the permittee fails to act the Town may use the surety bond to complete the work. Examples of inadequacy shall be limited to: errors in the infiltrative capability, errors in the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges from basins.

13. ENFORCEMENT

13.1 The Planning Board or its Designated Agent shall enforce this Bylaw, its Regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations including injunctive relief and monetary damages and costs of litigation and attorney fees for such violations and for abatement and mitigation and compliance actions.

13.2 The Planning Board or its Designated Agent may issue a written order to enforce the provisions of this Bylaw or the Regulations thereunder, which may include:

- (A) A requirement to cease and desist from the land-disturbing activity until there is compliance with this Bylaw or provisions of the land-disturbance permit;
- (B) Maintenance, installation or performance of additional erosion and sediment control measures;
- (C) Monitoring, analyses, and reporting;
- (D) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity; and
- (E) Compliance with the Operation and Maintenance Plan.

13.3 If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Dunstable may, at its option, undertake such work, and the property owner shall reimburse the Town's expenses.

13.4 Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator (if different than the property owner) and the property owner shall be notified of the costs incurred by the Town of Dunstable, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Planning Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Planning Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall begin to accrue interest at the rate provided in M.G.L. 59, § 57, after the thirty-first day following the day on which the costs were due. Said costs and interest may be secured through a municipal charges lien on the property, pursuant to M.G.L. c. 40, § 58.

13.5 Criminal Penalty. Any person who violates any provision of this Bylaw, Regulation, order or permit issued there under, shall 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.

13.6 Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Dunstable may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D, which has been adopted by the Town in the Town of Dunstable Non-Criminal Disposition Bylaw, in which case the Planning Board or its Designated Agent shall be the enforcing person. The penalty for each violation shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

14. WAIVERS

14.1 The Planning Board may grant a waiver from the provisions of this Bylaw at its discretion and after due consideration and consultation with the Board of Selectmen, Conservation Commission, Board of Health, Road Commissioners and Town Engineer where it makes a written finding that such action is:

- (A) Allowed by federal, state and local statutes and/or regulations;
- (B) In the public interest; and
- (C) Consistent with the purpose and intent of this Bylaw.

14.2 Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the Bylaw does not further the purposes or objectives of this Bylaw.

14.3 All waiver requests shall be discussed and voted on at the public hearing for the project.

14.4 If in the Board's opinion, additional time or information is required for review of a waiver request, the Board may continue a hearing to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

14.5 No waiver shall be granted unless the Applicant demonstrates that the enforcement of this Bylaw would be manifestly unjust and the Applicant has established that a level of protection for public health, safety, welfare or the environment at least equivalent to that provided under this Bylaw can be achieved without strict application of this Bylaw and/or the Regulations.

15. SEVERABILITY

If any provision, paragraph, sentence, or clause of this Bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

ADMINISTRATIVE AND LAND PURCHASES

ARTICLE 24 - Drew Property Acquisition: To see if the Town will vote to authorize the Conservation Commission to acquire by gift, purchase, eminent domain, or otherwise, certain real property together with any improvements thereon known as the Drew property located off of Main Street, identified as a portion of Assessor's Parcel 12-116-0, and being a portion of the premises described in a deed dated October 18, 1972, recorded with Middlesex North District Registry of Deeds in Book 2023, Page 533, containing 1.27 acres, more or less, and shown on a plan labeled "Plan of Land in Dunstable, Mass." prepared by Goldsmith, Prest & Ringwall, Inc. and dated January 5, 2021, which is on file with the Town Clerk, and to fund the costs of such acquisition of said property, transfer the sum of \$27,500 from the Timber Fund, or take any action in relation thereto.

Sponsored by the Conservation Commission

ARTICLE 25 - Timber Fund Transfer: To see if the Town will vote to transfer from available funds in the Timber Fund the sum of \$17,330.25, or any other amount, to the Conservation Fund established pursuant to M.G.L. c. 40, Section 8C, or take any action in relation thereto.

Sponsored by the Conservation Commission

ARTICLE 26 - 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 Board

ARTICLE 27 - Route 113 Layouts: To see if the Town will vote as follows:

1. To accept as a public way a certain existing roadway known as Main Street, shown on a plan entitled "RIGHT-OF-WAY PLAN OF LAND SHOWING PROPOSED TOWN LAYOUT", dated April 9, 2021, as amended and on file with the Town Clerk, said roadway having been laid out by the Board of Road Commissioners and approved by the Planning Board; and further to authorize the Board of Road Commissioners and the Board of Selectmen to accept on behalf of the Town any deeds or releases of interests in real property from any parties necessary or sufficient for such roadway; and
2. To accept as a public way the areas shown on a plan entitled "RIGHT-OF-WAY PLAN OF LAND SHOWING PROPOSED TOWN LAYOUT ALTERATIONS & ASSOCIATED EASEMENTS", dated April 12, 2021, as amended and on file with the Town Clerk, said roadway having been laid out by the Board of Road Commissioners and approved by the Planning Board; and further to authorize the Board of Road Commissioners and the Board of Selectmen to accept on behalf of the Town any deeds or releases of interests in real property from any parties necessary or sufficient for such roadway; or take any action in relation thereto.

Sponsored by the Board of Road Commissioners

ARTICLE 28 - Article 97 Mitigation: To see if the Town will vote to appropriate a sum of money for the purpose of mitigating the use or conveyance of any lands subject to Article 97 of the Massachusetts Constitution related to the Town Common or the Route 113 improvement project, or take any action in relation thereto.

Sponsored by the Board of Selectmen

ARTICLE 29 - Acceptance of Bear Hill Road: To see if the Town will vote to accept as a public way a certain existing roadway known as Bear Hill Road, shown as "Proposed Bear Hill Road" on a plan entitled "Definitive Subdivision Plan – Bear Hill Estates – Dunstable, Mass. owned by Joseph T. Maguire and Linda H. Maguire", dated March 3, 2016, revised through June 13, 2016, by Whitman & Bingham Associates, LLC, Registered Professional Engineers & Land Surveyors, and on file with the Town Clerk, said roadway having been laid out by the Board of Road Commissioners and approved by the Planning Board; and further to authorize the Board of Road Commissioners and the Board of Selectmen to accept on behalf of the Town any deeds or releases of interests in real property from any parties necessary or sufficient for such roadway; or take any action in relation thereto.

Sponsored by the Board of Road Commissioners

ARTICLE 30 - Appointed Town Clerk: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact special legislation to change the position of Town Clerk from elected to appointed, 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

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 18, 2021 at 12:00 o'clock noon, to cast their ballots for the following officers and ballot questions:

Board of Selectmen, one position for three years; Board of Assessors, one position for three years and one position for two years; Board of Health, one position one for three years; Board of Road Commissioners, one position 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 and one position for one year; Planning Board, one position for five years and one position for two years; Commissioners of Trust Funds, one position for three years and one position for two years; Groton-Dunstable Regional School Committee, one position for three years and one position for two years; Advisory Board, two positions for three years, one position for two years, and one position for one year; Library Trustees, one position for three years; Town Moderator, one position for three years.

Ballot Questions

1. Shall the town of Dunstable be allowed to assess an additional \$125,000 in real estate and personal property taxes for the purposes of funding the operating budget of the Police Department for the fiscal year beginning July 1, 2021?

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 pay for a Roads Department loader, including any appurtenant equipment?

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 pay for a Fire Department rescue vehicle, including any appurtenant equipment?



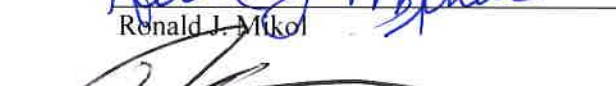
Yes ___ No ___

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 12 day of April, two thousand and twenty-one.

DUNSTABLE BOARD OF SELECTMEN


Leah D. Basbanes

Ronald J. Mikol

Kieran Meehan

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