

THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF DUNSTABLE  
WARRANT  
SPECIAL TOWN MEETING – October 15, 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 Tuesday, the Fifteenth of October next, at seven o'clock in the evening, and thereafter continuing from day to day until completed, then and there to act on the following articles:

**ARTICLE 1 - Affordable Housing Trust Fund – CPC:** 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 Community Preservation Act Community Housing funds to support community housing development, or take any action in relation thereto.

Sponsored by the Community Preservation Committee

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

**Stretch Energy Code Bylaw**

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

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

Sponsored by the Board of Selectmen

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

## **SECTION 10. B-3 EXPANDED COMMERCIAL DISTRICT.**

### **10.1. Uses Permitted As of Right**

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

**10.12.**

**10.23.**

**10.34.**

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

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

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

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

### **25.4.2 Design Criteria**

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

d) Reasonable efforts, as determined by the Planning Board, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures. Glare from the

system shall not impact abutting properties or passing motorists. The plan shall show how the abutting properties and local traffic will be protected from glare or reflected light from the installation. This provision shall not apply in the B-3 zone.

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

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

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

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

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

Sponsored by the Planning Board

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

Sponsored by the Planning Board

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

Sponsored by the Planning Board

**ARTICLE 6 - Advisory Board Bylaw Amendment:** To see if the Town will vote to amend the General Bylaws by amending Section 1 and Section 5 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~~ five 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 at the annual election of Town Officers.~~ No elective town officer shall be eligible or qualified to serve on said Board. Upon a reduction in the number of members of the Board under this bylaw, all incumbent members shall be entitled to complete their terms of office, but at the first annual election of Town Officers following the adoption of a membership reduction the Town Clerk shall hold elections for expiring seats such that the membership of the Board will be reduced to the number required by this bylaw.

**Section 5.** It shall be the duty of the Advisory Board annually to consider the expenditures in previous years and the estimated requirements of the ensuing year of the several boards, officers and committees of the town, as prepared by them or by the Town ~~Accountant~~ Administrator in such form and detail as may be prescribed by said Board. The said Board shall add to such statement of expenditures and estimates another column, giving the amounts which in its opinion should be appropriated for the ensuing year, and shall further add thereto such

explanations and suggestions relating to the proposed appropriations as it may deem expedient.

Sponsored by Advisory Board

**ARTICLE 7 - Special Act for to Allow Liquor Licenses in Town:** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for the enactment of special legislation that would allow for the issuance of alcoholic beverage licenses in the Town of Dunstable for on-premises consumption (pouring) under Massachusetts General Laws Chapter 138, Section 12, and for off-premises consumption (retail sales) under Massachusetts General Laws Chapter 138, Section 15, provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments thereto before enactment by the General Court, which amendments shall be within the public purposes of said petition, or take any action in relation thereto.

Sponsored by Board of Selectmen

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

#### **Junk and Unregistered Motor Vehicle Bylaw**

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

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

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

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

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

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

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

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

Section 6. All fines imposed are to be collected as provided in the Massachusetts General Laws for disposition of non-criminal complaints or any bylaw of the Town providing for such disposition. The enforcing authority in this regard shall be the Dunstable Police Department, ~~including any Police Officer in the Department and the Board of Selectmen.~~

### NON-CRIMINAL DISPOSITION BYLAW

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

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

Sponsored by the Board of Selectmen

**ARTICLE 9 - Disposition of Mixed Use District (MUD) Property:** To see if the Town will vote to authorize the Board of Selectmen to dispose of by sale or lease the Mixed Use District Property located at 160 Pleasant Street and 164 Pleasant Street, Assessors Parcel 12-48-0 and Assessors Parcel 12-49-1, consisting of approximately 28.5 acres and shown on a sketch plan entitled "Mixed use Development, 160 Pleasant Street, Dunstable Massachusetts" on file in the Town Clerk's Office and available for inspection during regular business hours of the Town Clerk, the Board of Selectmen having determined by vote on June 25, 2019 that the subject property is no longer necessary for public purposes, or take any action in relation thereto.

Sponsored by the Board of Selectmen

**ARTICLE 10 - Disposition of River Street Property for Solar Lease:** To see if the Town will vote to (i) authorize the Board of Selectmen to lease the Town-owned property located at 91 River Street, Assessors Parcel 1-7-0, containing approximately 39 acres, for the development of solar energy facilities, and grant any access and/or utility easements as may be necessary or convenient to serve the solar energy facilities, on such terms, conditions, and minimum amounts as the Board of Selectmen determines to be in the best interests of the Town, and (ii) authorize the Board of Selectmen and the Board of Assessors to negotiate and enter on behalf of the Town payment in lieu of taxes agreements for said solar energy facilities, as authorized by Massachusetts General Laws Chapter 59, Section 38H, or take any action in relation thereto.

Sponsored by Board of Selectmen

**ARTICLE 11 - Relocation of Richard Mitchell Bench:** To see if the Town will vote to approve the relocation of the Richard Mitchell Memorial Bench as recommended by the Monuments and Memorials Committee and the Board of Selectmen, as shown on a map entitled "Proposed Mitchell Bench Relocation" 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 Board of Selectmen and Monuments and Memorials Committee



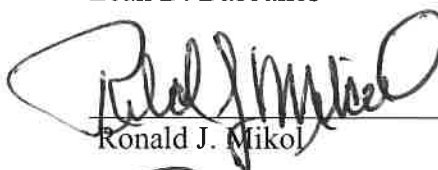
And you are hereby directed to serve this warrant, by posting attested copies thereof, one at the Post Office and one at the Town Hall in said Dunstable seven days at least before the time of holding such Town Meeting.

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

Given under our hands this 17th day of September, two thousand and nineteen.

DUNSTABLE BOARD OF SELECTMEN

  
\_\_\_\_\_  
Leah D. Basbanes

  
\_\_\_\_\_  
Ronald J. Mikol

  
\_\_\_\_\_  
James Tully

I have served this warrant by posting attested copies thereof, one at the Post Office and one at the Town Hall 28 days before said meeting.

9-17-19  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Constable