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SPECIAL TOWN MEETING
March 6, 2006

After determining that a quorum was present, the Special Town Meeting was called to order at 7:11 pm. by Moderator Anne Farina. Members of Junior Girl Scout Troop #183 present were Dimara Couloras, who carried the American Flag, with Caroline Schwetz and Bethany Rock as color guards. Vote counters for the evening were Cheryl Mann and Forrest Buzan. The voter check-in table was supervised by Ann Marie Wright.

Following the Pledge of Allegiance, the Town Clerk read the greetings; a motion was made and seconded to dispense with the reading of the articles, ending with the closing of the warrant and return of service.

ARTICLE 1. Motion made and seconded to see if the Town will vote to accept the provisions of General Laws, Chapter 44B, Sections 3 through 7, "The Community Preservation Act," so called, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation, and preservation of open space; the acquisition, rehabilitation, preservation and restoration of historic resources; the acquisition, creation and preservation of land for recreational use; the creation, preservation and support of community housing; and the rehabilitation and restoration of such open space, land for recreational use and community housing that is acquired or created as provided under such Act; further, that the amount of surcharge on real property as a percentage of the annual real estate tax levy against real property be in the amount of three (3%) percent; further, that property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in Dunstable shall be exempt from such surcharge under Section 3(e) of said Act; further, that the Act shall be fully implemented in the Town in fiscal year 2007; and finally, that the proposal accepted by this vote be placed on the ballot for the next annual town election in accordance with the provisions of G. LO. Chapter 44 §3 (f).

Motion made and seconded from the floor to amend the motion before the meeting by inserting therein the so-called "one hundred thousand dollars" statutory exemption by inserting the following language in the current motion at an appropriate place:

“and further, that \$100,000.00 of the value of each taxable parcel of residential real property shall be exempt;”

Majority Vote Required for the Amended Motion
Motion defeated (declared by moderator)

Returning to the main motion, the Moderator called for a vote.

A presentation entitled “The Community Preservation Act in Dunstable” was made by David Johnson, Chairman of the Affordable Housing Study Committee. The text of the report is entered into the record of the Special Town Meeting. Fincom voted unanimously to support the CPA. The Board of Selectmen voted unanimously to support the CPA. Other boards in support of the CPA included the Affordable Housing Study Committee, Assessors, Board of Health, Conservation Commission, Planning Board, Historical Commission, Library Trustees, ZBA, Road Commissioners and the Dunstable members of the Groton-Dunstable Regional School Committee.

Majority Vote Required
Motion Passes

ARTICLE 2. Motion made and seconded that the Town vote to accept the provision of Chapter 653, Section 40 of the Acts of 1989 (Assessment of New Construction) commencing with Fiscal Year 2007.

Majority Vote Required
Motion Passes

ARTICLE 3. Motion made and seconded that the Town vote to transfer from free cash, the sum of Two Thousand Nine Hundred (\$2,900.00) Dollars, for the purpose of covering the set up costs for quarterly billing.

Majority Vote Required
Motion Passes

ARTICLE 4. Motion made and seconded that the Town vote to transfer from free cash, the sum of Five Thousand Eight Hundred (\$5,800.00) Dollars, for the purpose of purchasing one (1) new roll-off recycling container for the Transfer Station.

Majority Vote Required
Motion Passes

ARTICLE 5. Motion made and seconded that the Town vote to establish an Agricultural Commission to represent the Dunstable farming community. Said Commission shall be established to address and represent agricultural issues and interests in the Town. The Board of Selectmen shall appoint a five (5) member commission: Two members for a three year

term; two members for an initial term of two years, and with a three year term thereafter, and one member for an initial term of one year with a three year term thereafter. Any vacancy shall be filled by the appointing authority based on recommendations of the Commission, for the unexpired term of the vacancy. At least three members of the Commission shall be engaged in the business of farming or related agricultural industries. This does not preclude all five members of the commission being actively engaged in the business of farming or related agricultural industries. The duties and responsibilities of the Commission shall include, but not be limited to: advising the Board of Selectmen, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, and other local organizations, on projects and activities, including acquisitions and other transactions involving agricultural lands in town; engaging in projects and activities to promote the business of farming activities and traditions and farmland protection in Town, including programs and community events and; reports on its projects and activities on an annual basis within the town report.

Majority Vote Required
Motion Passes Unanimously

ARTICLE 6. Motion made and seconded that the Town vote to amend the Zoning Bylaws and Zoning Map of the Town of Dunstable by repealing and eliminating Map A, the B-1 Retail District map, renumbering (by alphabetical sequence) the consecutive detail maps accordingly, and by causing the land shown on such map (shown on the Dunstable Assessors' maps as Parcels 78, 82 and 84 on Map 17) to be included within the R-1 Single Family Residence District.

The Planning Board held a public hearing and recommends passage of this article.

2/3 Vote Required
100 votes, 67 needed to pass, 74 Voted in the Affirmative
Motion Passes

ARTICLE 7. Motion made and seconded that the Town vote to amend the Zoning Bylaws of the Town of Dunstable in Subsection 11.8. Growth Rate Limitation, by extending the date provided for its lapse, as follows:

-By deleting the first paragraph of Subsection 11.8.1 in its entirety and by substituting therefor the following text:

“11.8.1 Applicability. The rate of development established hereunder shall apply to the issuance of all building permits for construction of new dwelling units on lots created after to May 14, 2001. This Subsection 11.8. of the Zoning Bylaw shall lapse at midnight on Monday, May 9, 2011, unless the Town shall sooner vote to extend its provisions at a Special or Annual Town meeting following notice and hearing duly carried out according to Chapter 40A of the General Laws, as amended. In the event of any such vote, the Planning Board shall report to

any such Town Meeting regarding the effectiveness of the Growth Rate Limitation provisions of this bylaw and regarding the need, if any, to continue and/or amend such provisions.”

-By deleting Subsection 11.8.3. b) in its entirety and by substituting therefor the following text:

“11.8.3. b) Any lot created prior to May 14, 2001, by Special Permit, subdivision plan, ANR plan, or other lawful process.”

Planning Board held a public hearing and recommends passage of this article.

Motion Passes Unanimously 105 votes

ARTICLE 8. Motion made and seconded that the Town vote to adopt a prudential bylaw to be known as “The Town of Dunstable’s Water Use Restriction Bylaw”, it having been approved by the Dunstable Water Commission on October 25, 2005, the text of which is printed verbatim in the warrant of this meeting and hereby incorporated by reference in this motion.

Proposed bylaw reads as below. Water Commissioner Chairman Karl Huber explained the text of the bylaw and stated that the adoption of this bylaw is needed to comply with the standards set by the Department of environmental Protection.

Water Use Restriction Bylaw

Section 1 Authority

This Bylaw is adopted by the Town under its police powers to protect public health and welfare and its powers under M.G.L. c.40, §§21 et seq, and implements the Town’s authority to regulate water use pursuant to M.G.L. c.41, §69B. This bylaw also implements the Town’s authority under M.G.L. c. 40, §41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

Section 2 Purpose

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection.

Section 3 Definitions

Person shall mean any individual, corporation trust, partnership or association, or other entity.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c.21G, § 15-17.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to section 4 of this bylaw.

Water Users or Water Consumers shall mean all public and private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

Section 4 Declaration of a State of Water Supply Conservation

The Town, through its Board of Water Commissioners, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under section 6 of this bylaw before it may be enforced.

Section 5 Restricted Water Uses

A declaration of a State of Water Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under section 6.

- a) Odd/Even Day Outdoor Watering: Outdoor watering by water users with odd numbered addresses is restricted to odd numbered days. Outdoor watering by water users with even numbered addresses is restricted to even numbered days. Premises with both odd and even numbering shall observe the restriction at all times within the portion of the premises having the applicable number.
- b) Outdoor Water Ban: Outdoor watering is prohibited.
- c) Outdoor Watering Hours: Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
- d) Filling Swimming Pools: Filling of swimming pools is prohibited.
- e) Automatic Sprinkler Use: The use of automatic sprinkler systems is prohibited.

Section 6 Public Notification of a State of Water Supply Conservation: Notification of DEP

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be posted at the Dunstable Town Hall, the Dunstable Post Office, and one other location deemed by the Commissioners to be frequented by the public, and shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under section 5 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

Section 7 Termination of a State of Water Supply Conservation: Notice

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by section 6.

Section 8 State of Water Supply Emergency: Compliance with DEP Orders

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

Section 9 Penalties

Any person violating this bylaw shall be liable to the Town in the amount of \$50.00 for the first violation and \$100 for each subsequent violation which shall inure to the Town for such uses as the Board of Water Commissioners may direct. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21D of Chapter 40 of the General Laws. Each day of violation shall constitute a separate offense.

Section 10 Severability

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof.

Majority Vote Required

Motion Passes

Motion made and seconded to adjourn the Special Town Meeting at 8:51 pm.

Quorum Certificate

In accordance with The Town of Dunstable's Town Meetings, Town Elections & Records Bylaw, I hereby certify that the quorum for an Annual or Special Town Meeting is 50 registered voters of the Town of Dunstable.

Total number of voters checked in at the Special Town Meeting of March 6, 2006: 125.

Respectfully submitted,

Carol A. Skerrett
Town Clerk