ANNUAL TOWN MEETING
TOWN OF DRACUT
NOVEMBER 4, 2013

TO: Any Constable in the Town of Dracut

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in elections and in Town affairs to meet at the Dracut Junior High School Gymnasium, 1570 Lakeview Avenue, on Monday, November 4, 2013 at 7:30 PM, then and there to act on the following articles:

ARTICLE #1:
To see if the Town will vote to waive the reading of the Town Meeting articles as printed in the warrant; or act in any other way relative thereto.

Submitted by Kathleen M. Graham, Town Clerk
Recommendations:

ARTICLE #2:
To see if the Town will vote to hear the report of the Town Accountant, The Board of Selectmen, and other committees having direction from a previous Town Meeting; or act in any other way relative thereto.

Submitted by Kathleen M. Graham, Town Clerk
Recommendations

ARTICLE #2-1:
Referred from June 3, 2013 Annual Town Meeting:
Article #22 :
To see if the Town will vote to act on the report of the Community Preservation Committee to appropriate and expend from the Community Preservation Committee Open Space Reserve Account a sum of money to renovate by leveling, irrigating and installing sod on the little league field at 30 Intervale Avenue, Assessors Map 68, Lot 48 and 31 Congress Street, Assessors Map 68, Lot 49, Dracut, MA, also known as the Intervale Playground, for recreation purposes; or act in any other way relative thereto.

Submitted by Helen Dunlap, Community Preservation Committee
Recommendations:

ARTICLE #3:
To see if the Town will vote to raise and appropriate from available funds a sum of money for the Greater Lowell Regional Technical High School Assessment for the Fiscal Year beginning July 1, 2013; or act in any other way relative thereto.

Submitted by Dennis E. Piendak, Town Manager
Recommendations:

ARTICLE #4:
To see if the Town will vote to act on the report of the Community Preservation Committee to appropriate and expend from the Community Preservation Committee Recreational Reserve Account a sum of money for the acquisition by purchase and to pay the potential cost of demolition and legal fees of a 3.91 acre parcel of land, more or less, with buildings at 467 Pleasant St, Dracut, MA, Assessor's Map 50, Lot 175, for recreational purposes; or act in any other way relative thereto.

Submitted by Helen Dunlap, Community Preservation Committee
Recommendations:

- Encourage a mix of business, residential, cultural, educational and civic uses;
- Promote compact development that is pedestrian-oriented and preserves the historic value and character of the area;
- Minimize impacts on public services and maximize the efficient use of public infrastructure;
- Increase the town's tax base by creating a thriving small business environment, attracting new investment and promoting economic development; and
- Encourage the reuse of existing underutilized or vacant properties.

The following bylaw is intended to support the goals, objectives and recommendations outlined in the Town's Master Plan. Applications submitted under the DCNOD bylaw should meet the criteria outlined in the corresponding *Dracut Center Neighborhood Design Guidelines*. A copy of the *Dracut Center Neighborhood Design Guidelines* may be obtained by contacting the Dracut Town Clerk or the Planning Board Office.

2. **Definitions.** The following definitions shall apply in the DCNOD:

"Mixed-Use Development": A single building with the ground floor used primarily for retail, commercial, service or office and the upper floor(s) used for residential use.

"Assisted Living Facility": An establishment that furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment; and provides personal care services.

"Art gallery": An establishment that derives more than fifty per cent (50%) of its Income from the display

"Artist Lofts": An apartment or studio where an artist works and lives.

"Artist": A person who is engaged gainfully or as a vocation in the following:
(a) The fine arts, including but not limited to, painting, printmaking, sculpturing or ceramics;
(b) The performing and visual arts, including but not limited to, dance, choreography, photography, or filmmaking; or
(c) The composition of music.

"Bed and Breakfast": A use providing lodging and meals for guests in not more than five (5) bed rooms on a daily or weekly basis in an operator- or owner- occupied dwelling that is primarily used for this purpose. The use is operated as a commercial enterprise, provides direct bookings from the public, and includes inns that operate restaurants offering meals to overnight guests.

"Lounge or Pub": A restaurant with a license to serve alcohol that identifies itself as a pub or lounge; may serve spirits or be limited to beer and wine.

"Performance Theater": A building or structure or part thereof which is devoted primarily for the presentation of live dance, dramatic, musical or comedic performances.

"Museum": A building or structure devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, historical, or artistic value.

3. **Overlay District.** The Dracut Center Neighborhood Overlay District (DCNOD) is hereby established and shall be construed as an overlay district. Within the DCNOD all regulations of the underlying district shell continue in full force and effect, except where these regulations supersede such underlying requirements or provide an alternative to such requirements. The DCNOD shall consist exclusively of the following properties:

ARTICLE #9 (Cont'd):

In such cases, a project master plan must be submitted to the Planning Board with the initial project application, detailing the specific elements of the proposed project, outlining the impacts of the overall project, and identifying the responsibilities of each property owner. The Project Master Plan should describe: the uses proposed, the layout and size of the project,
potential impacts to the environment, access and transportation impacts, water and sewer needs, and economic impacts.

5. **Use Regulations.** The following uses are allowed in the DCNOD subject to the requirements outlined in these DCNOD regulations, and provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:

    1. Residential Uses (as a component of a mixed-use development):
        a. Multifamily
        b. Two-family
        c. Artist lofts/studio
        d. Assisted living facilities

    2. Government, Institutional and Public Service Uses:
        a. Municipal
        b. Educational
        c. Religious
        d. Public or Private utility facilities
        e. Post Office
        f. Recreation

    3. Business Uses
        a. Retail store, not exceeding 5,000 s.f. of net floor area per individual establishment
        b. Professional Offices, not exceeding 7,500 s.f. of net floor area per individual office establishment
        c. Financial services/bank
        d. Restaurant, fast food, general or limited service, not exceeding 4,000 s.f. of public seating area. The square footage requirement does not include a patio or outdoor seating area operated in connection with an indoor-service restaurant
        e. Hotel or Inn
        f. Bed and Breakfast
        g. Lodge or Club
        h. Personal Services
        i. General Services
        j. Artist or Craftsman Studio
        k. Lounge or Pub
        l. Amusement facility indoor
        m. Parking facility
        n. Day care facility
        o. Performance theater
        p. Museum
        q. Art Gallery

    4. Mixed-use development as defined within this regulation.

6. **Prohibited Uses.** Any use not listed above is to be considered prohibited. Drive through services and windows are not allowed for any use in the DCNOD district.

ARTICLE #9 (Cont'd):
Bicycle parking shall be provided for all new mixed-use development projects. This parking area shall be at least partially sheltered from the elements and shall provide at least three spaces for each business or office use. Bicycle parking areas may be shared as per item b above.

10. **Site Plan Special Permit.** All uses and structures in the DCNOD are subject to a Special Permit and Site Plan Special Permit from the Planning Board in accordance with Section 1.16.00 of the Zoning Bylaw. In addition to the requirements of these sections, all design criteria of the DCNOD shall apply as described in the Dracut Neighborhood Center Design Guidelines. The Planning Board shall be the Special Permit Granting Authority.

11. **Applicant Procedures**: The applicant for a Special Permit under this Section shall submit appropriate materials in accordance with this Section of the Bylaw and with Section 1.16.00. Such materials include the following:

    - A site plan and site Master Plan, as described in Item 4 above
    - An analysis of the consequences of the proposed development at a level of detail appropriate to the scale of the development project. Such an analysis shall assess
    - the impact to the natural environment (ground and surface water, stream flows, erosion, vegetation removal and wildlife); impact on public services, traffic, water supply and wastewater; visual impacts; noise and economic impacts.
    -

12. **Decision Criteria:** A Special Permit under this Section shall be approved upon determination by the Planning Board that the requirements of Section 1.16.00 and this Section have been met, and that the proposed plan is consistent with the stated purposed and guidelines set forth in this section, Or act in any way relative thereto.

Submitted by: Glen Edwards, Dracut Assistant Town Manager and Town Planner
Recommendations:

ARTICLE #10:
To see if the Town will vote to Amend the Town of Dracut By Laws by adding the following new section as follows:

TOWN OF DRACUT RIGHT TO FARM BYLAW

Section 1 Legislative Purpose and Intent
The purpose and intent of this Bylaw is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations hereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Dracut restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment")

ARTICLE#10 (Cont'd):
The General Bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities and protects farmlands within the Town of Dracut by allowing Agricultural uses and related activities to function with minimal conflict with abutters and local agencies. This Bylaw shall apply to all jurisdictional areas within the town of Dracut.

Section 2 Definitions
The word "Farm" shall include any parcel, contiguous or non contiguous of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

ARTICLE#10 (Cont'd):
"This notification is to inform persons and entities who are about to acquire or lease real property within the Town of Dracut that it is the policy of the Town of Dracut to conserve, protect and encourage the maintenance and improvement of the agricultural land, for the production of food and other agricultural products and for the preservation of its natural and ecological value. This notification is to further inform such owners and entities that farming activities, including the raising and keeping of livestock, take place in the Town of Dracut and that such activities may cause or create noise, dust and odors which adversely impact or are incompatible with the use or enjoyment of property within the Town, including the property about to be acquired or leased. Buyers or occupants are also informed that the location of said property within the Town of Dracut may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances." Prior to the sale or leasing of real property owners should make efforts to inform prospective tenants or buyers that Dracut is a Right to Farm community. In addition, the notification language required by this section shall appear annually in the Town's Annual report.

Section 5 Resolution of Disputes
Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Board of Selectmen, the Town Manager or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Board of Selectmen or Town Manager shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town of Dracut authority within an agreed upon time frame. The Board of Health, except in cases of imminent danger or public health risk, shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6 Severability Clause
If any part of this Bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Bylaw. The Town of Dracut herby declares the provisions of this Bylaw to be severable.

Submitted by Robert Berube, Dracut Agricultural Commission
Recommendations:

ARTICLE #11:
To see if the Town will vote to amend and change the zoning of four (4) parcels of real estate having post office addresses of 450 Nashua Rd & 1-3 Canney Lane, Dracut, Massachusetts, being shown on Assessor's Map 31, Lots 126, 126-2, 126-3 & 126-4 from a R1 Residential Zone to a B3 Business Zone, said Real Estate being further described as follows in Quitclaim Deed Book 25925, Page 172 recorded on April 24th, 2012 in the Middlesex North Registry of Deeds Office:

The land in Dracut, located on the southeasterly side of Lakeview Avenue and on the southwesterly side of Nashua Road, with the buildings thereon, being Lot No. 7 on a plan entitled, "Sec 2, Plan of land in Dracut surveyed for Grace E Canney May 1892, O.F. Osgood, C.E", which plan is recorded in Middlesex North District Registry of Deeds, Book of Plans 7, Plan 32, and bounded as follows:

NORTHWESTERLY: by said Lakeview Avenue, One Hundred Fifty (150) feet;
NORTHEASTERLY: by said Nashua Road, fifty (50) feet;
SOUTHEASTERLY: by Lot No.8 on said plan, One hundred fifty (150) feet; and
SOUTHWESTERLY: by land formerly of one Canney, fifty (50) feet.

ARTICLE #14:
To see if the Town will vote to amend Chapter 12, Sec. 10, Disposition of Dogs, of the Town of Dracut By Laws as follows:

Existing Language:
12.10 DISPOSITION OF DOGS
Any dog confined by the Dog Officer, unless picked up by the owner shall be kept for at least ten (10) days, at which time said dog may be disposed of in a manner approved by the Board of Health, and consistent with the provisions of G.L. c. 140 s. 151A, provided that at the end of ten (10) days, the Dog Officer may make available for adoption any male or any spayed female dog not found to be diseased.

In the event the dog is a female, adoption must be contingent upon the dog being spayed. Any dog confined by the Dog Officer shall not be released to the owner or keeper until the owner produces evidence of the dog license and pays the sum of fourteen ($14.00) dollars per day for care of the animal; each day or part of a day is counted as one day.

Any fees in this paragraph are to be in addition to fees or fines as specified elsewhere in this by-law and/or under Massachusetts General Laws. No dog shall be turned over or sold in any manner inconsistent with Section 151 (CH140 MGL) or disposed of inconsistent with provisions of Section 151A (CH140MGL).

New Language:
12.10 DISPOSITION OF DOGS
Any dog confined by the Dog Officer, unless picked up by the owner shall be kept for at least **seven (7)** days, at which time said dog may be disposed of in a manner approved by the Board of Health, and consistent with the provisions of G.L. c. 140 s. 151A, provided that at the end of **seven (7)** days, the Dog Officer may make available for adoption any dog not found to be diseased.

In the event the dog is a female, adoption must be contingent upon the dog being spayed. Any dog confined by the Dog Officer shall not be released to the owner or keeper until the owner produce's evidence of the dog license and pays **for the care of the animal**; each day or part of a day is counted as one day.

Any fees in this paragraph are to be in addition to fees or fines as specified elsewhere in this by-law and / or under Massachusetts General Laws. No dog shall be turned over or sold in any manner inconsistent with Section 151 (CH140 MGL) or disposed of inconsistent with provisions of Section 151A (CH140MGL);

Or act in any other way relative thereto.

Submitted by Virginia Courtenay, Animal Control Officer
Recommendations:

ARTICLE #15:
To see if the Town will vote to accept Dadak Drive in its entirety as follows:

The land in Dracut, Middlesex County, Massachusetts, located on the southerly side of Methuen Road and being shown as Dadak Drive on a plan of land entitled, "Definitive Subdivision Plan in Dracut, MA for Dadak Estates," dated May 20, 2008 by Findeisen Survey & Design, LLC and recorded with Middlesex North District Registry of Deeds in Plan Book 233, Plan 64, and described as follows:

Beginning at a Granite Bound Drill Hole on the southerly side of Methuen Road at the northwesterly corner of Dadak Drive, thence;

By a curve to the right with a radius of 30.00 feet a distance of 46.73' to Granite Bound Drill Hole, thence;

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NOVEMBER 4, 2013

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

Given under our hands this 8th day of October, 2013:

DRACUT BOARD OF SELECTMEN

Cathy Richardson, Chairperson

Joseph DiRocco, Jr., Vice-Chairperson

Robert O. Cox, Clerk

John J. Zimini, Member

Tony Archinski, Member

October 9th, 2013, I have this date posted up attested copies of the above Warrant at the following places as designated in the Bylaw of the Town.

Precincts 1 & 6A	-	Senior Center, 951 Mammoth Rd
Precincts 2 & 6	-	Lakeview Jr. High School, 1570 Lakeview Ave
Precincts 3 & 8	-	Moses Greeley Parker Library, 28 Arlington St
Precincts 4 & 7	-	Campbell School, 1021 Methuen St
Precincts 5 & 9	-	Lakeview Jr. High School, 1570 Lakeview Ave

Also, at Town Hall and Town Hall Annex, inside and outside

A TRUE COPY ATTEST: Virginia Courtenay
Virginia Courtenay, Constable