WARRANT
ANNUAL TOWN MEETING
TOWN OF DRACUT
NOVEMBER 5, 2012

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 Lester G. Richardson Auditorium, Dracut High School, 1540 Lakeview Avenue, on Monday, November 5, 2012 at 7:30 P.M., 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 act on the report of the Community Preservation Committee to appropriate and expend from the Community Preservation Committee Affordable Housing Reserve Account a sum of money for the acquisition by purchase of a 17.31 acre parcel of land, more or less, at 144 Greenmont Avenue, Dracut, MA, Assessor's Map 47, Lot 249, also known as the Richardson Farm, and to purchase another .94 acre parcel, more or less, with buildings at 1530 Bridge Street, Dracut MA, Assessor's Map 47, Lot 115, for affordable housing purposes; or take any other action relative thereto.

Submitted by Helen Dunlap, Chairperson, Community Preservation Committee
Recommendations:

ARTICLE #3:
To see if the Town will vote to amend the Zoning By Law Section 2.16.21 as follows:

STRIKE EXISTING LANGUAGE IN:

2.16.21 Nonconforming Uses – The Planning Board may grant a Special Permit to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming uses to the neighborhood. The following types of changes to nonconforming uses may be considered by the Planning Board:

1. Change of substantial extension of the use;
2. Change from one nonconforming use to another, less detrimental, nonconforming use.

AND INSERT IN ITS PLACE THE FOLLOWING:
2.16.21 Nonconforming Uses – The Planning Board may grant a Special Permit; subject to site plan review (Section 1.16.20), to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Planning Board:

ARTICLE #3 (Cont'd):

1. Change or substantial extension of the use;
2. Change from one nonconforming use to another, less detrimental, nonconforming use.

Extension to adjacent/adjoining lot(s) where proposed use is not allowed is prohibited.

Projected changes in noise, light, drainage, traffic plus any other factors identified by the Planning Board shall be evaluated as to whether they are less detrimental to the neighborhood. Studies and peer review may be required by the Planning Board.

There is no provision for adding a use. The existing more detrimental use must be identified, exchanged, and extinguished for the new less detrimental use to be allowed.

In the event that any particular provision of this by-law is ruled invalid the remaining provisions shall remain in full force and effect; or act in any other way relative thereto.

Submitted by Glen Edwards on behalf of the Zoning By-Law Committee
Recommendations:

ARTICLE #4:
To see if the Town will vote to amend the Zoning By Law Section 2.16.22 as follows:

STRIKE EXISTING LANGUAGE IN:

2.16.22 Nonconforming Structures – The Planning Board may grant a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Planning Board:

1. Reconstructed, extended or structurally changed;
2. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

AND INSERT IN ITS PLACE THE FOLLOWING:

Nonconforming Structures – The Planning Board may grant a special permit; subject to site plan review (Section 1.16.20), to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Planning Board:

1. Reconstructed, extended or structurally changed;
2. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner.

In the following circumstances, alteration, reconstruction, extension or structural change (collectively "alteration") to structures other than single or two family residential structures shall be considered to increase the intensity of an existing nonconformity and shall be considered to create additional nonconformities and be more detrimental than the existing nonconforming structure to the neighborhood:

ARTICLE #4 (Cont'd):

1. The creation of any new nonconformity where no nonconformity currently exists.
2. The relocation or movement of a building or structure in whole or in part which is nonconforming by dimension to any other location on the lot in which it is located outside of the existing nonconforming footprint unless the relocation is proven to be less nonconforming to the requirements of the zone in which it is located.
3. The voluntary demolition and reconstruction of a building or structure nonconforming by dimension unless it conforms to the dimensional regulations of the zone in which it is located or the nonconforming nature of the new proposed structure is found to be less nonconforming by the Planning Board.

In the event that any particular provision of the by-law is ruled invalid the remaining provisions shall remain in full force and effect; or act in any other way relative thereto.

Submitted by Glen Edwards on behalf of the Zoning By-Law Committee
Recommendations:

ARTICLE #5:
To see if the Town will vote to abandon a portion of "Hilltop Road" described as follows:

The land on the northeasterly side of Long Pond and the northwesterly side of Hilltop Road and thus bounded:

Northeasterly by Long Pond, one hundred three feet;
Southeasterly by Lot 36 of Assessors Map 14, southwesterly by Hilltop Road, one hundred forty-nine and 1/10 (149.01) feet by Lot 35 of Assessors Map 14. The Town of Dracut shall retain all rights of easement; or act in any other way relative thereto.

Submitted by Voter Petition
Recommendations:

ARTICLE #6:
BARN ROAD:

To see if the Town will vote to accept Barn Road, described as follows:

A certain parcel of land known as Barn Road as laid out in the Town of Dracut, Middlesex County, Massachusetts, as now shown on a plan of land entitled "Street Acceptance Plan – Farm Gate Subdivision", prepared for DRACO Homes, Inc., dated August 28, 2012, prepared by Cornerstone Land Consultants, Inc. being drawing #9183.

Commencing at a point, marked by a stone bound with a drill hole, lying along the Northerly Right of Way of Cart Path Road and the Westerly Rights of Way of Barn Road, being a 50' wide way, said point being the "Point of Beginning" of the herein described parcel of land:

Thence running along said Barn Road Right of Way being a circular curve concave to the left with a radius of 30.00' and an arc length of 47.12 feet to a point;

Thence running N.31 01'38"W., a distance of 190.00 feet to a point;

Thence running on a curved concave to the right with a radius of 150.00 feet and an arc length of 235.62 feet to a point;

Thence running N.58 58'22"W., a distance of 391.34 feet to a point;

ARTICLE #6 (Cont'd):

Thence running on a curved concave to the left with a radius of 30.00 feet and an arc length of 48.99 feet to a point laying at the Westerly Right of Way of Cart Path Road; Thence running along Cart Path Road Westerly Right of Way, S.34 35'50"E., a distance of 110.22 feet to a point of intersection with the Right of Way of Barn Road;

Thence running along said Barn Road Right of Way being a circular curve concave to the left with a radius of 30.00' and an arc length of 45.25 feet to a point;

Thence running N.58 58'22"E., a distance of 398.20 feet to a point;

Thence running on a curve concave to the left a radius of 100.00 feet and an arc length of 157.08 feet to a point;

Thence running S.31 10'38"E., a distance of 190.00 feet to a point;

Thence running on a curve concave to the left a radius of 30.00 feet and an arc length of 47.12 feet to a point laying at the Northerly Right of Way of Cart Path Road;

Thence running along Cart Path Road Northerly Right of Way, S.58 58'22"W., a distance of 110 feet to the "Point of Beginning"; or act in any other way relative thereto.

Submitted by Voter Petition
Recommendations:

ARTICLE #7:
CART PATH ROAD

To see if the Town will vote to accept Cart Path Road described as follows:

A certain parcel of land known as Cart Path Road as laid out in the Town of Dracut, Middlesex County, Massachusetts, as now shown on a plan of land entitled "Street Acceptance Plan – Farm Gate Subdivision", prepared for DRACO Homes, Inc., dated August 28, 2012, prepared by Cornerstone Land Consultants, Inc. being drawing #9183.

Commencing at a point marked by a drill hole lying along the Easterly Right of Way of Parker Road, a public way of variable width, and the Northerly Right of Way line of Cart Path Road, being a 50' wide way, said point being the "Point of Beginning" and the Northwesterly corner of the herein described parcel of land;

Thence continuing along said Cart Path Road Right of Way being a circular curve concave to the left with a radius of 30.00' and an arc length of 51.03 feet to a point;

Thence running N.62 23'24"E., a distance of 229.76 feet to a point;

Thence running on a curve concave to the left with a radius 975.00' and an arc length of 62.73 feet to a point;

Thence running N.58 42'14"E., a distance of 249.84 feet to a point;

Thence running on a curve concave to the left with a radius of 100.00 feet and an arc length of 124.54 feet to a point;

Thence running N.12 39'13"W., a distance of 100.00 feet to a point;

Thence running on a curve concave to the right with a radius of 150.00 feet and an arc length of 195.77 feet to a point;

Thence running N.62 07'29"E., a distance of 64.97 feet to a point;

ARTICLE #7 (Cont'd):

Thence running on a curve concave to the left with a radius of 100.00 feet and an arc length of 218.02 feet to a point;

Thence running S.34 35'50"E., a distance of 836.66 feet to a point;

Thence running on a curve concave to the right with a radius of 150.00 feet and an arc length of 244.97 feet to a point;

Thence running S.58 58'22"W., a distance of 673.35 feet to a point;

Thence running on a curve concave to the right with a radius of 175.00 feet and an arc length of 107.00 feet to a point;

Thence running N.85 59'40"W., a distance of 135.80 feet to a point;

Thence running on a curve concave to the left with a radius of 110.00 feet and an arc length of 59.41 feet to a point;

Thence running S.63 03'33"W., a distance of 100.22 feet to a point;

Thence running on a curve concave to the left with a radius of 30.00 feet and an arc length of 46.45 feet to a point laying along the Easterly Right of Way of Parker Road;

Thence running along said Parker Road Right of Way, N.25 38'47"W., a distance of 29.33 feet to a point;

Thence continuing along said Parker Road Right of Way, N. 26 56'27"W. a distance of 80.00 feet to a point of intersection with the right of way of Cart Path Road;

Thence running along said Cart Path Road Right of Way being a curve concave to the left with a radius of 30.00 feet and an arc length of 47.12 feet to a point;

Thence running N.63 03'33"E., a distance of 99.55 feet to a point;

Thence running on a curve concave to the right with a radius of 160.00 feet and an arc length of 86.42 feet to a point;

Thence running S.85 59'40"E., a distance of 135.80 feet to a point;

Thence running on a curve concave to the left with a radius of 125.00 feet and an arc length of 76.43 feet to a point;

Thence running N.58 58'22"E., a distance of 673.35 feet to a point;

Thence running on a curve concave to the left with a radius of 100.00 feet and an arc length of 163.31 feet to a point;

Thence running N.34 35'50"W., a distance of 836.66 feet to a point;

Thence running on a curve concave to the left with a radius of 100.00 feet and an arc length of 145.35 feet to a point;

Thence running S.62 07'29"W., a distance of 64.97 feet to a point;

Thence running on a curve concave to the left with a radius of 100.00 feet and an arc length of 130.51 feet to a point;

ARTICLE #7 (Cont'd):

Thence running S.12 39'13"E., a distance of 100.00 feet to a point;

Thence running on a curve concave to the right with a radius of 150.00 feet and an arc length of 186.81 feet to a point;

Thence running S.58 42'14"W., a distance of 249.84 feet to a point;

Thence running on a curve concave to the right with a radius of 1025.00 feet and an arc length of 65.94 feet to a point;

Thence running S.62 23'24"W., a distance of 246.00 feet to a point;

Thence running on a curve concave to the left with a radius of 30.00 feet and an arc length of 42.50 feet to a point laying at the Easterly Right of Way of Parker Road;

Thence running along said Parker Road Right of Way N.18 46'46"W., a distance of 76.30 feet to a point;

Thence continuing along said Parker Road Right of Way N.20 09'14"W., a distance of 34.18 feet to the "Point of Beginning"; or act in any other way relative thereto.

Submitted by Voter Petition
Recommendations:

ARTICLE #8:
To see if the Town of Dracut will vote to approve a sum of money for borrowing authorized by the Greater Lowell Regional Vocational-Technical School District, for the purpose of paying costs of adding to, renovating, reconstructing and making extraordinary repairs to the District High School located at 250 Pawtucket Boulevard in Tyngsborough, and for the payment of all other costs incidental and related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). Said amount to be expended at the direction of the School Building Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser (1) of the set percent of eligible, approved Project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; or act in any other way relative thereto.

Submitted by Mary Jo Santoro, Superintendent-Director
Greater Lowell Technical High School

WARRANT
ANNUAL TOWN MEETING
TOWN OF DRACUT
NOVEMBER 5, 2012

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 9h day of October, 2012:

DRACUT BOARD OF SELECTMEN

Cathy Richardson-Brown, Chairman

Joseph DiRocco, Jr., Vice-Chairman

George A. Malliaros, Clerk

Robert O. Cox, Member

John J. Zimini, Member

This 10th day of October, 2012 I have posted attested copies of the above Warrant at the following places as designated in the By-Law of the Town.

Precincts 1 & 6A	-	Senior Center, 951 Mammoth Rd.
Precincts 2 & 6	-	Lakeview Junior 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 Junior High School, 1570 Lakeview Ave.

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

A TRUE COPY ATTEST: Virginia Courtenay, Constable