

VOTE
ANNUAL TOWN MEETING
TOWN OF DRACUT
NOVEMBER 3, 2014

The Town of Dracut Annual Fall Town Meeting was held at the Lester G. Richardson Center for the Performing Arts, Dracut High School, 1540 Lakeview Avenue on Monday, November 3, 2014.

The meeting was called to order at 7:36 PM with a quorum certified by the Town Clerk.

The Pledge of Allegiance was recited.

A moment of silence was observed in memory of JoAnn Tourville, Police Department Retiree.

ARTICLE #1:

Unanimously, the Town voted to waive the reading of the Town Meeting articles as printed in the warrant.

Submitted by Kathleen M. Graham, Town Clerk
Board of Selectmen recommended approval

ARTICLE #2:

Unanimously, the Town voted to accept the provisions of MGL, Chapter 40U, Section 1-18 inclusive for the purpose of imposing a lien on real property for any unpaid fines issued in accordance with the State Sanitary Code, 105CMR 410.000, et. Seq.

Submitted by Ann Vandal, Assistant Town Manager/Finance
Board of Selectmen recommended approval

ARTICLE #3:

By Majority, the Town voted to dismiss Article #3.

Submitted by Marianne Blanchet
Board of Selectmen made no recommendation
Finance Committee recommended approval to dismiss

ARTICLE #4:

Unanimously, the Town voted to dismiss Article #4.

Submitted by Selectman Joseph DiRocco and
Dracut Housing Authority Member Jesse Forcier
Board of Selectmen recommended dismissal

ARTICLE #5:

Unanimously, the Town voted to accept the amendment to MGL, Chapter 60, Section 1, Paragraph 8 as follows:

In any city or town accepting the provisions of this paragraph, the excise imposed by this chapter shall not apply to a motor vehicle owned and registered by a resident who is in active and full-time military service as a member in the armed forces of the United States or the national guard, army or air, of any state, and has been deployed or stationed outside the territorial boundaries of the continental United States for a period of at least 45 days in the calendar year of the exemption. If the military member is wounded or killed in an armed conflict, he shall not be subject to the foregoing period of service qualification for the calendar year in which he is wounded or killed. This exemption shall apply only to a motor vehicle owned and registered by a military member in his own name or jointly with a spouse for a non-commercial purpose and a military member may qualify for this exemption for only one (1) motor vehicle for each calendar year.

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ARTICLE #5 (Cont'd):

A municipality which accepts the provisions of this paragraph shall, in connection with the issuance of warrant to collect unpaid motor vehicle or trailer excise tax from a delinquent taxpayer, add \$3 to the fee prescribed in Clause 9 of Section 15 of Chapter 60. The acceptance by a municipality of this paragraph shall take effect on the first day of January next occurring after the approval by the municipality to accept this paragraph.

Submitted by Kathleen M. Roark, Chief Assessor/Board of Assessors
Board of Selectmen recommended approval
Finance Committee recommended approval

ARTICLE #6:

Unanimously, the Town voted to raise and appropriate from the Community Preservation Open Space Recreational Reserve Account up to One Hundred Fifty Thousand Dollars (\$150,000.00) for the property located at 509 Hildreth Street, Dracut, Massachusetts, also shown on Assessor's Map 50 as Lot 9, and further described for the purpose of performing remediation and stabilization of property.

Submitted by James A. Duggan, Town Manager
Board of Selectmen recommended approval
Finance Committee recommended approval

ARTICLE #7:

By Majority, the Town voted to raise and appropriate from the Community Preservation Fund Open Space Recreational Account Eighty Thousand Dollars (\$80,000.00) for the construction of bathrooms at the property located at 467 Pleasant Street, Dracut, Massachusetts.

Submitted by James A. Duggan, Town Manager
Board of Selectmen recommended approval
Finance Committee recommended approval

ARTICLE #8:

Unanimously, the Town voted to act on the report of the Community Preservation Committee to raise and appropriate from the Community Preservation Fund Affordable Housing Account One Hundred Thousand Dollars (\$100,000.00) for completing a Senior Housing Feasibility Assessment on the parcels known as the Richardson Property (Bridge Street & Greenmont Avenue), and Spring Park Avenue (Town Hall Annex).

Submitted by James A. Duggan, Town Manager
Board of Selectmen recommended approval
Finance Committee recommended approval

ARTICLE #9:

Unanimously, the Town voted to act on the report of the Community Preservation Committee to appropriate and expend from the Community Preservation Fund Open Space Reserve Account a sum of One Thousand Dollars (\$1,000.00) for the purchase of signs and sign making materials for the purpose of identifying various Community Preservation projects.

Submitted by Helen Dunlap, Chairperson, Community Preservation Committee, by vote of a majority of committee
Board of Selectmen recommended approval
Finance Committee recommended approval

ARTICLE #10:

Unanimously, the Town voted to act on the report of the Community Preservation Committee to appropriate and expend up to Three Hundred and Fifty Thousand Dollars (\$350,000.00) from the Community Preservation Open Space Reserve Account for the

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ARTICLE #10 (Cont'd):

construction of a 47' x 20' bathroom and storage facility and an adjacent 16' x 26' covered shelter and related site work, for the Town owned property located at 1624 Lakeview Avenue, Dracut, MA for recreational purposes; said project to be overseen by the Permanent Building Committee.

Submitted by Helen Dunlap, Chairperson, Community Preservation Committee, by vote of a majority of committee

Board of Selectmen recommended approval

Finance Committee recommended approval

ARTICLE #11:

By Standing Vote (Yes – 104, No – 175), the following motion was defeated:

I move that the Town vote to appropriate up to One Million Four Hundred Thousand Dollars (\$1,400,000.00) from the Community Preservation Fund Open Space Account for the purpose of purchasing a Conservation Restriction on a certain property known as the Alden & Esther Fox Property located at 52A Avis Avenue and further described on Assessors Map 29, Block 14, Lot 2, consisting of 27.7 acres, more or less, and further described in deed recorded in the Middlesex North District Registry of Deeds, Book 28412, Page 81, to be owned by the Town of Dracut, as decided by the Board of Selectmen; that this appropriation shall be funded by transfer from the certified available balance on deposit in the Open Space Reserve Account in the Community Preservation Fund; legal and professional costs associated with the transaction shall be included in this appropriation; and the Board of Selectmen be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effectuate said purchase, including the granting of a Conservation Restriction; that the purpose of this restriction is to ensure the preservation of this property as farmland; and that the Board of Selectmen be authorized to take any action necessary to carry out this project.

Submitted by Helen Dunlap, Chairperson, Community Preservation Committee
by vote of majority of committee

Board of Selectmen made no recommendation

Finance Committee recommended disapproval

ARTICLE #12:

Unanimously, the Town voted to amend the Dracut Zoning Bylaws as follows:

Add Assisted Living Facility as an allowed use by grant of special permit by the Planning Board in Zone B-3 in Section 2.11.30 (Table of Permitted Uses) under the heading "Governmental, Institutional, and Public Service Uses".

Add the following at the end of Section 2.11.43 (Governmental, Institutional, and Public Service Uses):

Assisted Living Facility: A structure or structures containing dwelling units for persons in need of assistance with activities of daily living, as defined and regulated by MGL c19D and 651 CMR 12.00 et seq. or any successor statute or regulations. Assistance with activities of daily living include assistance with tasks related to bathing, dressing, grooming, ambulation, eating, toileting, and other similar tasks related to personal care needs. An Assisted Living Facility may consist of, in one or more buildings, dwellings, common areas including without limitation central dining facilities, lounges, meeting rooms, laundry rooms, greenhouses, exercise rooms and recreational areas, libraries, offices, and such other common areas, facilities, and accessory uses for the residents or staff as may be desirable.

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ARTICLE #12 (Cont'd):

Add the following to Section 2.11.50 (Accessory Use Regulations) under “Accessory Uses Permitted in the Business Districts”:

Accessory Uses Permitted in the Business 3 District:

Uses necessary or desirable in connection with the operation of an Assisted Living Facility including uses necessary or desirable for residents or staff of an Assisted Living Facility.

Add “Assisted Living Facility” to the Use entitled “Nursing and Convalescent Homes” in Section 3.10.24 (Table of Off-Street Parking Requirements) so that it reads:
Nursing and Convalescent Homes, and Assisted Living Facilities.

Submitted by Glen Edwards, Assistant Town Manager/Town Planner

Recommendations:

Board of Selectmen recommended approval

Planning Board Recommended approval

Committee on Government Rules & Regulations recommended approval

ARTICLE #13:

Unanimously, the Town voted to refer Article #13 to the Zoning Bylaw Review Committee to report back to the June, 2015 Town Meeting.

Submitted by Voter Petition

Board of Selectmen recommended referral

Planning Board recommended approval

Committee on Government Rules and Regulations recommended referral

ARTICLE #14:

By 2/3rds Majority Vote, clearly heard and so called by the Moderator, the Town voted to amend the Dracut Zoning Bylaws as follows:

Add Shooting Range (Indoor) as an allowed use in Zoning District B-4 in Section 2.11.30 (Table of Permitted Uses) under the heading “Business Uses”.

Add the following at the end of Section 2.11.44 (Business Uses):

Shooting Range (Indoor): A facility, including its component shooting ranges, classrooms, administrative offices, ammunition storage areas and other associated improvements, designed in conformity with the standards of the National Rifle Association, for the purpose of providing a place for the discharge of various types of firearms, as defined below, or the practice of archery.

A firearm is a device which will or is designed to or may readily be converted to expel a projectile by the action of an explosive or other form of combustion, but excluding “BB” gun, scuba gun, stud or nail gun used in the construction industry.

Submitted by Voter Petition

Board of Selectmen recommended approval

Planning Board recommended approval

Committee of Government Rules and Regulations recommended approval

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ARTICLE#15:

Unanimously, the Town voted to refer Article #15 to the Zoning Bylaw Review Committee to report back to the June, 2015 Town Meeting.

Submitted by Glen Edwards, Assistant Town Manager/Town Planner
Board of Selectmen recommended approval
Planning Board recommended approval
Committee on Government Rules & Regulations recommended approval

ARTICLE 16:

Unanimously, the Town voted to accept a portion of Regency Drive (station 30+00) to 51+63.42) described as follows:

A certain parcel of land situated in Dracut, Massachusetts shown as Meadow Creek Drive on a plan entitled "Definitive Subdivision Plan, Meadow Creek, Dracut, MA", dated April 16, 2001, revised November 29, 2002, recorded at the Middlesex North District Registry of Deeds in Plan Book 211, Plan 83 bounded and described as follows:

Beginning at a stone bound/drill hole on the southerly sideline of Regency Drive,
Thence by a tie-line N44-11'33"W having a length of 50.00;
Thence N45-48'-27"E a distance of 101.08 feet to a stone bound drill hole;
Thence by a curve line to the right having a length of 323.63 feet and a radius of 825.00 feet to a stone bound/drill hole;
Thence N68-17'-01"E a distance of 156.39 feet to a stone bound/drill hole;
Thence by a curve line to the left having a length of 155.08 feet and a radius of 325.00 feet to a stone bound/drill hole;
Thence N40-56'37"E a distance of 174.58 feet to a stone bound/drill hole;
Thence by a curve line to the right having a length of 141.03 feet and a radius of 225.00 feet to a stone bound/drill hole;
Thence N76-51'-20"E a distance of 156.39 feet to a stone bound/drill hole;
Thence by a curve line to the left having a length of 123.41 feet and a radius of 150.00 feet to a stone bound/drill hole;
Thence N29-43'-00"E a distance of 102.84 feet to a stone bound/drill hole;
Thence by a curve line to the right having a length of 234.42 feet and a radius of 475.00 feet to a stone bound/drill hole;
Thence N57-59'-34"E a distance of 324.83 feet to a stone bound/drill hole;
Thence by a curve line to the right having a length of 88.07 feet and a radius of 175.00 feet to a stone bound/drill hole;
Thence N86-49'33"E a distance of 33.72 feet to a stone bound/drill hole;
Thence by a curve line to the left having a length of 39.16 feet and a radius of 25.00 feet to a stone bound/drill hole;
Thence by a tie-line S02-55'-04"E a distance of 9.32 feet to a stone bound/drill hole;
Thence by a tie line S03-10'27"E a distance of 90.57 feet to a stone bound/drill hole;
Thence by a curve line to the left having a length of 39.27 feet and a radius of 25.00 feet to a stone bound/drill hole;
Thence S86-49'-33"E a distance of 33.67 feet to a stone bound/drill hole;
Thence by a curve line to the left having a length of 62.90 feet and a radius of 125.00 feet to a stone bound/drill hole;
Thence S57-59'-34"W a distance of 324.83 feet to a stone bound/drill hole;
Thence by a curve line to the left having a length of 209.74 feet and a radius of 425.00 feet to a stone bound/drill hole;
Thence S29-43'-00"W a distance of 102.84 feet to a stone bound/drill hole;
Thence by a curve line to the right having a length of 164.55 feet and a radius of 200.00 feet to a stone bound/drill hole;
Thence S76-51'-20"W a distance of 156.39 feet to a stone bound/drill hole;
Thence by a curve line to the left having a length of 109.69 feet and a radius of 175.00 feet to a stone bound/drill hole;
Thence S40-56'-37"W a distance of 174.58 feet to a stone bound/drill hole;

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ARTICLE 16 (Cont'd):

Thence by a curve line to the right having a length of 178.94 feet and a radius of 375.00 feet to a stone bound/drill hole;
Thence S68-17'-01"W a distance of 156.39 feet to a stone bound/drill hole;
Thence by a curve line to the left having a length of 304.02 feet and a radius of 775.00 feet to a stone bound/drill hole;
Thence S45-48'-27"W a distance of 101.08 feet to a stone bound/drill hole and the point of beginning.

Submitted by Thomas Enwright
Board of Selectmen recommended approval
Planning Board recommended approval

ARTICLE 17:

Unanimously, the Town voted to accept Parcel I in its entirety described as follows:

A certain parcel of land situated in Dracut, Massachusetts shown as Meadow Creek Drive on a plan entitled "Definitive Subdivision Plan, Meadow Creek, Dracut, MA", dated April 16, 2001, revised November 29, 2002, recorded at the Middlesex North District Registry of Deeds in Plan Book 211, Plan 83 bounded and described as follows:

Beginning at a stone bound/drill hole on the southerly sideline of Regency Drive;
Thence S32-07'-01"E a distance of 126.42 feet to a stone bound/drill hole;
Thence N78-41'-06"E a distance of 177.30 feet to a stone bound/drill hole;
Thence N32-06'-56"W a distance of 239.88 feet to a stone bound/drill hole;
Thence S40-56'-37"W a distance of 173.27 feet to a stone bound/drill hole and the point of beginning.

Submitted by Thomas Enwright
Board of Selectmen recommended approval
Planning Board recommended approval

ARTICLE 18:

Unanimously, the Town voted to accept Brentwood Drive (station 00+00 to 10+09.08) described as follows:

A certain parcel of land situated in Dracut, Massachusetts shown as Meadow Creek Drive on a plan entitled "Definitive Subdivision Plan, Meadow Creek, Dracut, MA", dated April 16, 2001, revised November 29, 2002, recorded at the Middlesex North District Registry of Deeds in Plan Book 211, Plan 83 bounded and described as follows:

Beginning at a stone bound/drill hole on the westerly sideline of Brentwood Drive;
Thence by a curve line to the left having a length of 39.67 feet and a radius of 25.00 feet to a stone bound/drill hole;
Thence by a curve line to the left having a length of 157.27 feet and a radius of 250.00 feet to a stone bound/drill hole;
Thence N58-40'-06"W a distance of 141.48 feet to a stone bound drill hole;
Thence by a curve line to the right having a length of 518.75 feet and a radius of 325.00 feet to a stone bound/drill hole;
Thence by a curve line to the left having a length of 39.30 feet and a radius of 50.00 feet to a stone bound/drill hole;
Thence by a curve line to the right having a length of 373.08 feet and a radius of 75.00 feet to a stone bound/drill hole;
Thence by a curve line to the left having a length of 56.75 feet and a radius of 50.00 feet to a stone bound/drill hole;
Thence by a curve line to the left having a length of 414.72 feet and a radius of 275.00 feet to a stone bound/drill hole;
Thence S58-40'-06"E a distance of 141.48 feet to a stone bound/drill hole;
Thence by a curve line to the right having a length of 190.19 feet and a radius of 300.00 feet to a stone bound/drill hole;

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ARTICLE 18 (Cont'd):

Thence by a curve line to the left having a length of 39.00 feet and a radius of 25.00 feet to a stone bound/drill hole;

Thence by a tie-line S68-17'-01"W a distance of 100.01 feet to a stone bound/drill hole and the point of beginning.

Submitted by Thomas Enwright
Board of Selectmen recommended approval
Planning Board recommended approval

ARTICLE #19:

Unanimously, the Town voted to accept Farm Gate Road, described as follows:

A certain parcel of land known as Farm Gate 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 Extension, Farm Gate Road, Dracut, Massachusetts", prepared for DRACO Homes, Inc., dated September 20, 2014, prepared by Cornerstone Land Consultants, Inc. being drawing #9441.

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

Thence running along said Farm Gate Road Right of Way being a circular curve concave to the right with a radius of 30.00' and an arc length of 47.54 feet to a point;

Thence running S.30°13'43"E, a distance of 199.40 feet to a point;

Thence running on a curved concave to the left with a radius of 275.00 feet and an arc length of 285.52 feet to a point;

Thence running S.89°42'59"E, a distance of 87.63 feet to a point;

Thence running on a curved concave to the left with a radius of 75.00 feet and an arc length of 349.31 feet to a point of reverse curvature;

Thence running on a curve concave to the right with a radius of 30.00 feet and an arc length of 48.13 feet to a point of compound curvature;

Thence running on a curve concave to the right with a radius of 225.00 feet and an arc length of 213.73 feet to a point;

Thence running N.30°13'43"W, a distance of 200.89 feet to a point;

Thence running on a curve concave to the right a radius of 30.00 feet and an arc length of 46.71 feet to a point laying at the Easterly Right of Way of Cart Path Road;

Thence running along Cart Path Road Westerly Right of Way, S.58°58'22"W., a distance of 110.01 feet to the "Point of Beginning".

Submitted by Gerald J. Lussier
Board of Selectmen recommended approval
Planning Board recommended approval

ARTICLE #20:

Unanimously, the Town voted to accept a portion of Long Drive on a plan entitled "Long Drive Acceptance Plan, Sta 8+12.31 to Sta 12+00, dated May 27, 2010, bounded and described as follows:

Beginning at a stone bound/dh on the northerly sideline of Long Drive,

Thence by a bearing of S42°48'09"E and distance of 64.03' to a stone bound/dh,

Thence by a bearing of S85°51'26"W and a distance of 250.00' to a point.

Thence at a right angle and bearing of S03°46'02"E and a distance of 40.00' to a point,

Thence by a bearing of N85°51'26"E and a distance of 268.96' to a stone bound/dh,

Thence by a bearing of N42°48'09"W and a distance of 137.82' to a point,

Thence at a right angle and bearing of N47°11'51"E and a distance of 40.00' to a point,

Thence at a right angle and bearing of S42°48'09"E and a distance of 54.57' to the point of beginning.

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ARTICLE 20 (Cont'd):

Submitted by Michael Buxton, Director/Department of Public Works
Board of Selectmen recommended approval
Planning Board recommended approval

ARTICLE #21:

Unanimously, the Town voted to accept a portion of "A" Street on a plan entitled "Plan Showing Corrections and Revisions of Plan Entitled, 'Plan of Camp Lots, Long Pond Grove', dated: November 1945, Long Pond Dracut, MA. C.W. Hobbs, Surveyor, bounded and described as follows:

Beginning at a point on the easterly side of "A" Street and the northwesterly corner of Lot 91.

Thence proceeding on a southwesterly line and along the easterly side of "A" Street, a distance of 200' to a point that is 50' along the frontage of lot 89A.

Thence at a right angle and proceeding in a northwesterly direction, a distance of 40' to the northerly side of "A" Street.

Thence turning at a right angle and proceeding in a northeasterly direction, along the westerly side of "A" Street, a distance of 200', to the southeasterly corner of lot 70.

Thence turning a right angle and proceeding in an easterly direction 40', to the point of beginning.

Submitted by Michael Buxton, Director/Department of Public Works
Board of Selectmen recommended approval
Planning Board recommended approval

ARTICLE #22:

Unanimously, the Town voted to accept a portion of Methuen Street on a plan entitled "Street Acceptance Plan, Methuen Street Dracut, MA and Lowell Street, Methuen, MA, dated July 7, 2014, bounded and described as follows:

Beginning at a point along the southerly side of Methuen Street and at an intersection of the roadway and the Dracut and Methuen town line.

Thence by a bearing of N85°23'27"W and a distance of 75.96' to the PC of a curve to the left,

Thence along said curve with a radius of 430.00' and length of 373.27' to a granite bound marking the PC of a curve,

Thence along said curve to the left, with a radius of 600.00' and a length of 79.97' to a point,

Thence by a bearing of N39°23'58"W and a distance of 50.00' to a point on the northerly side of Methuen Street,

Thence along a curve to the right with a radius of 750.00' and a length of 74.97' to a PC of a curve to the right,

Thence along said curve with a radius of 480.00' and a length of 416.67' to a point,

Thence by a bearing of S85°23'27"E and a distance of 62.19' to an intersection of the roadway and the Dracut and Methuen town line,

Thence by a bearing of S10°47'25"E and a distance of 51.86' to the point of beginning.

Submitted by Michael Buxton, Director/Department of Public Works
Board of Selectmen recommended approval
Planning Board recommended approval

A motion was made and seconded from the floor to adjourn. **Unanimously**, the Town voted to adjourn the November 3, 2014 Annual Fall Town Meeting at 9:03 PM.

A TRUE COPY ATTEST:

Kathleen M. Graham, Town Clerk