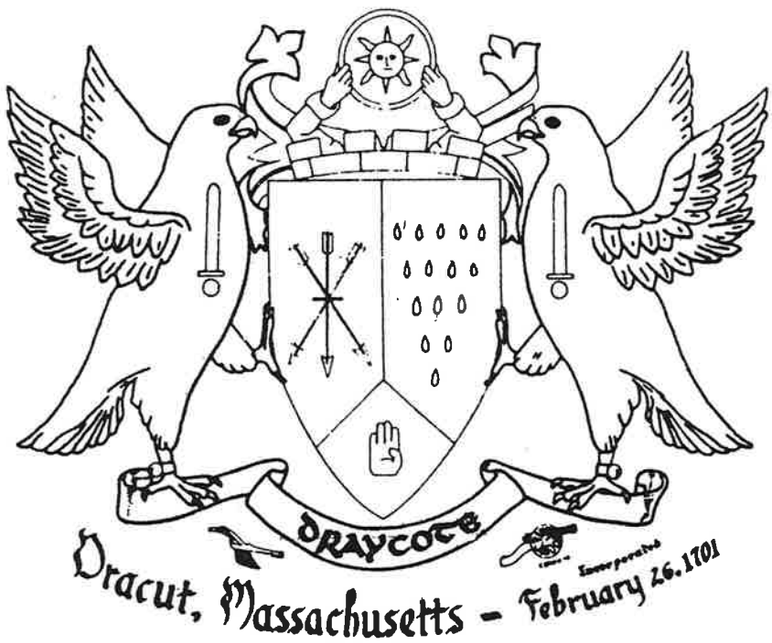
TOWN OF DRACUT

WARRANT

ANNUAL TOWN MEETING



NOVEMBER 4, 2013

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:

ARTICLE #5:
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 for the purchase and construction of a pavilion building and furnishings to be installed under the pavilion for the Town owned property located at 80 Broadway Rd, Dracut Ma; Assessors Map 51, Block 61, Lot 3 (known as Veteran's Memorial Park) for recreational purposes; or act in any other way relative thereto.

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

ARTICLE #6:
To see if the Town will vote to appropriate $100,000.00 from free cash as a supplemental appropriation for the Dracut Public Schools beginning July 1, 2013, for the purpose of purchasing textbooks, paper, and instructional supplies for classrooms that currently lack these necessary items.

Submitted by Voter Petition
Recommendations:

ARTICLE #7:
To see if the Town will vote to advise the Dracut Board of Selectmen, the Dracut School Committee, and the Dracut Finance Committee to agree by February 1, 2014 on a roadmap to secure passage of the Debt Exclusion question in the amount of at least $1,000,000.00 and no more than $1,500,000.00. The purpose of the Debt Exclusion would be to borrow the funds necessary to modernize the technology and the internet access used by the Town of Dracut, including the Dracut Public Schools, in the fiscal years beginning on July 1, 2014 and July 1, 2015.

Submitted By Voter Petition
Recommendations:

ARTICLE #8
To see if the Town will vote to amend Chapter 11 of the Bylaws of the Town of Dracut as follows:

a. In a section titled Sick Leave, replacing the text "accumulation shall be unlimited" with the text "accumulation shall be limited to the amount of sick leave accumulated as of November 4, 2013, or 120 days, whichever is larger."

b. In the section titled Longevity, replacing the language "most current rate of pay" with the text "rate of pay effective on November 4, 2013 for each year or any part thereof of service to the Town up to and including 2013, but not including any year thereafter."

Submitted by Voter Petition
Recommendations:

ARTICLE #9:
To see if the Town will vote to amend the Dracut Zoning By-Laws by adding a new section as follows:

4.17.00 Dracut Center Neighborhood Overlay District

1. **Purpose:** The Dracut Center Neighborhood Overlay District (DCNOD) Bylaw is meant to encourage development that enhances the current mix of uses located within the Center, protects historic resources, helps create a sense of place, and that promotes future economic development opportunities within the Center area. The purposes of the Dracut Center Neighborhood Overlay District (DCNOD) are to:

- 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:

Map	Lot	St#	Street Name
47	129	173	Greenmont Ave
	130	1440	Bridge St
	131	1432	Bridge St
	132	1428	Bridge St
	133	1424	Bridge St
	134	1420	Bridge St
	173	1449	Bridge St
	174	1447	Bridge St
	175	1441	Bridge St
	177	1431	Bridge St
	178	1429	Bridge St
	179	1421	Bridge St
50	118	1404	Bridge St
	119	1412	Bridge St
	122	11	Spring Park Av
	123	1396	Bridge St
	124	1388	Bridge St
	152	1380	Bridge St
	153	1378	Bridge St
	154	1366	Bridge St
	156	1362	Bridge St
	157	1358	Bridge St
	159	1346	Bridge St
	179	482	Aiken Av
	198	471	Aiken Av
	208	1421	Bridge St
	209	1401	Bridge St
	212	1391	Bridge St
	217	1381	Bridge St
	221	1367	Bridge St
	222	10	Arlington St
	223	22	Arlington St
	224	5	Arlington St
	225	1327	Bridge St
	243	1387	Bridge St

Map	Lot	St#	Street Name
52	2	26	Champlain St
	3	10	Champlain St
	4	50	Arlington St
	5	40	Arlington St
	6	30	Arlington St
	7	57	Lafayette St
	8	62	Arlington St
	10	90	Arlington St
	11-1	138	Arlington St
	12	144	Arlington St
	13	17	Arlington St
	14	21	Arlington St
	15	23	Arlington St
	16	25	Arlington St
	17	39	Arlington St
	18	49	Arlington St
	19	55	Arlington St
	20	15	Arlington Av
	61-1C	120	Arlington St
	61-2C	130	Arlington St
	76	69	Arlington St
	77	93	Arlington St
	78	109	Arlington St
	79	127	Arlington St
	80	131	Arlington St
	81	143	Arlington St

Boundaries. The boundaries of the DCNOD shall be as shown on the Town of Dracut Zoning Map on file in the office of the Town Clerk, and shall encompass those lots shown on the map designated as lying within the DCNOD district. These lots primarily front Arlington Street and Bridge Street.

4. **Relationship to Existing Zoning.** The underlying zoning shall not be modified, repealed, nor amended by this section. The property owners in the DCNOD shall possess all current zoning rights and be subject to the requirements applicable in the underlying zones. In the event that an owner desires to use his or her property for mixed-use development as defined herein, the rules and regulations of the DCNOD shall apply and by filing an application for development subject to such rules and regulations, the owner shall be deemed to accept and agree to them. Where the DCNOD provisions are silent on a zoning rule or regulation, the requirements of the underlying zoning shall apply (e.g. off-street parking and open space requirements). In addition, projects allowed under the underlying zoning are not eligible to apply under the DCNOD unless they meet the all of the requirements of the DCNOD. To attain the goals of the DCNOD, collaborative development proposals involving more than one property owner are encouraged, where appropriate.

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):

7. **Dimensional Requirements.** Uses and structures within the DCNOD shall conform to the following requirements:

Minimum Lot Area: 22,000 square feet
Minimum Frontage: 75 feet
Minimum Front Yard Setback: 0 feet/10 feet*
Minimum Side Yard Setback: 0 feet
Minimum Side Yard Setback when abutting a residential district: 15 feet
Minimum Rear Setback: 15 feet
Maximum Building Height: 3 stories or 45 fee

*On each lot, there shall be one side yard of at least 10 feet in width. Minimum land area per lot per dwelling unit: 10,000 square feet

*On each lot, there shall be one side yard of at least 10 feet in width.

8. **Special Provisions.** The following special provisions apply to all development within the DCNOD:

a. The minimum separation between two or more buildings on the same lot shall be 20 feet.

b. The Planning Board may modify all dimensional requirements outlined in Section 7 above if, in its opinion, such modifications will result in improved design that is in keeping with Section 1 above.

c. Frontage and Access – The Planning Board may, as part of the special permit, reduce lot frontage for a development that provides consolidated or shared access for two or more adjoining parcels, subject to a legally enforceable agreement or restriction in a form acceptable to the Planning Board and approved by Town Counsel.

d. Site access must be achieved in a fashion that is acceptable to the Planning Board and by means that does not unreasonably impact residential neighborhoods in that it properly mitigates noise, traffic, visual and environmental impacts attributable to the project.

e. The Planning Board may allow greater square footage than listed in Section 5 above if, in its opinion, such modifications will result in improved design that is in keeping with Section 1 above.

f. The Zoning Board of Appeals shall not grant a variance for any use not allowed under Section 5.

9. **Parking/Bicycle Requirements.** The parking requirement for any use in the DCNOD shall be the same as in the underlying zoning classification. The Planning Board may reduce the required number of parking spaces in the DCNOD based on the following considerations:

a. The parking spaces for one use shall not be considered as providing the required spaces for another use.

b. The availability of shared parking on another property within 300 feet. The Board may require a shared parking agreement to be submitted as part of the application for development.

c. Uses within 200 feet of public transportation.

The layout, location and design of parking lots and spaces shall comply with the criteria set forth in the DCNOD Design Guidelines.

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):

The words "Farming or Agriculture" or their derivatives shall include, but not be limited to the following:

- Farming in all its branches and the cultivation and tillage of the soil;
- Dairying;
- Production, cultivation, growing and harvesting of any agricultural, aquacultural , floricultural, viticultural or horticultural commodities;
- Growing and harvesting of forest products upon forest land and any other forestry or lumbering operations;
- Raising of livestock including horses;
- Keeping of horses as a commercial enterprise; and
- Keeping and raising of poultry, swine, cattle, sheep, ratites (such as emus, ostriches and rheas) And camelids (such as llama and camels) and other domesticated animals for food and other agricultural purposes including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following:

- Operation and transportation of slow-moving farm equipment over roads within the Town;
- Control of pests, including, but not limited to, insects, weeds, predators and disease organisms of plants and animals;
- Application of manure, fertilizers and pesticides;
- Conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- Processing and packaging of the agricultural output of the farm and the operation of a farmers market or farm stand including signage thereto;
- Maintenance , repair or storage of seasonal equipment or apparatus owned or leased by the farmer used expressly for the purpose of propagation, processing, management or sale of the agricultural products; and
- On-farm relocation of earth and the clearing of ground for farming operations.

Section 3 Right to Farm Declaration

The right to farm is hereby recognized to exist within the Town of Dracut. The above-described agricultural activities may occur on holidays, weekdays and weekends by night or day and shall include the attendant incidental noise, odor, dust and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community and society in general. The benefits and protections of this bylaw are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm Bylaw shall be deemed as acquiring any interest in land or as imposing any land use regulation, which is properly the subject of state statute, regulation or local Zoning law.

Section 4 Disclosure Notification

In order to ensure that prospective owners and prospective tenants are aware of the policy of the Town of Dracut expressed in this Bylaw regarding agricultural uses, the following notification of this policy shall be prominently posted in the Municipal building within 30 days of the Bylaw becoming effective. Copies will also be made available for distribution.

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 #11 (Cont'd):
Containing according to said plan, Seven Thousand, Five Hundred (7500) square feet. Being the same premises granted to Dorothy M Hoare by deed dated November 13, 1967 and recorded with the Middlesex South District Registry of Deeds at Book 1822, Page 483.

For Grantor's Title, see Estate of Dorothy M. Hoare, Middlesex Probate Court Docket No. 11P2939EA. The address for this property is 450 Nashua Road, Dracut, Massachusetts; or act in any other way relative thereto.

Submitted by Voter Petition
Recommendations:

ARTICLE #12:
To see if the Town will vote to amend Chapter 12, Section 9 Public Nuisance/Dangerous Dogs definition of the Town of Dracut By Laws by deleting the 2nd paragraph, items 1 & 2 and inserting the following language; or act in any other way relative thereto.

Existing Language:
Dangerous Dogs:
Definition:
A dangerous dog is a dog defined under the following conditions but not limited to:

1. A dog that has bitten or attacked a person without provocation, inflicting severe injury or death.
2. A dog that has bitten or attacked a domestic animal without provocation, inflicting severe injury or death, provided the domestic animal was on the property of its owner or under the immediate control of its owner.
3. A dog that has bitten or attacked a human or domestic animal on three (3) or more occasions but did not inflict severe injuries.

New Language:
Dangerous Dogs:
Definition:
A dangerous dog is a dog defined under the following conditions but not limited to:

1. Dangerous Dogs, a dog that either (1) without justification, attacks a person or domestic animal causing physical injury or death; or

2. Behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

Submitted by: Virginia Courtenay, Animal Control Officer
Recommendations:

ARTICLE #13:
To see if the Town will vote to amend Chapter 12, Section 5 (License Fees/ Late Fees/ Penalties) of the Town of Dracut By Laws to the following:

Fees licensing dogs shall be intact male and unspayed female $15.00; neutered or spayed shall be $11.00. One dollar ($1.00) of each license shall be used by the Dog Officer for kennel expenses;

Or act in any other way relative thereto.

Submitted by Virginia Courtenay, Animal Control Officer
Recommendations:

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;

ARTICLE #15 (Cont'd):

S 25° 01'12" W, along Dadak Drive, a distance of 363.70 feet to a Granite Bound Drill Hole, thence;

By a curve to the left with a radius of 527.00 feet a distance of 38.02 feet to Granite Bound Drill Hole, thence;

By a curve to the right with a radius of 30.00 feet a distance of 34.59 feet to Granite Bound Drill Hole, thence;

By a curve to the left with a radius of 100.00 feet a distance of 173.54 feet to Granite Bound Drill Hole, thence;

S12° 28' 43" E, along Dadak Drive, a distance of 235.00 feet to a Granite Bound Drill Hole, thence;

By a curve to the left with a radius of 115.50 feet a distance of 362.85 feet to Granite Bound Drill Hole, thence;

N 12° 28' 43" W, along Dadak Drive, a distance of 119.88 feet to Granite Bound Drill Hole, thence;

By a curve to the left with a radius of 275.00 feet a distance of 97.46 feet to a Granite Bound Drill Hole, thence;

N 32° 47'04" W, along Dadak Drive, a distance of 57.99 feet to a Granite Bound Drill Hole, thence;

By a curve to the left with a radius of 100.00 feet a distance of 14.32 feet to Granite Bound Drill Hole, thence;

By a curve to the right with a radius of 30.00 feet a distance of 32.12 feet to Granite Bound Drill Hole, thence;

By a curve to the left with a radius of 473.00 feet a distance of 38.57 feet to Granite Bound Drill Hole, thence;

N25° 01' 12" E, along Dadak Drive, a distance of 362.19 feet to a Granite Bound Drill Hole, thence;

By a curve to the right with a radius of 30.00 feet a distance of 47.52 feet to a Granite Bound Drill Hole on the northerly side of Methuen Road at the northeast corner of Dadak Drive, thence;

N 64° 13' 06" W, along Methuen Road, a distance of 114.01 feet to a Granite Bound Drill Hole at the point of beginning.

Excluding from the above description is Lot 15, containing 20,000 square feet, more or less and Lot 16, containing 20,339 square feet more or less, as shown on said plan.

Or act in any other way relative thereto.

Submitted by Kevin O'Brien, O'Brien Homes
Recommendations:

ANNUAL TOWN MEETING
TOWN OF DRACUT
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