



Town of Dracut  
MASSACHUSETTS

# 2023 Annual Town Meeting Warrant

**June 5, 2023**

**ANNUAL TOWN MEETING WARRANT  
TOWN OF DRACUT  
JUNE 5, 2023**

**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 Center for the Performing Arts, Dracut High School, 1540 Lakeview Avenue, On Monday June 5, 2023, at 7:00 P.M., then and there to act on the following articles: If necessary, the session will continue on Tuesday, June 6, 2023 at 7:00 P.M.

**ARTICLE #1  
READING OF TOWN MEETING ARTICLES**

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: Jayne Boisonneault, Town Clerk  
Recommendations: Approval Recommended (Selectmen)

**ARTICLE #2  
READING OF REPORTS**

To see if the Town will vote to hear the report of the Town Accountant, the Board of Selectmen, and any other committee having a direction from previous Town Meetings, or act in any other way relative thereto.

Submitted by: Jayne Boisonneault, Town Clerk  
Recommendations: Approval Recommended (Selectmen)

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**ARTICLE #3  
COMPENSATING BALANCE AGREEMENTS**

To see if the Town will vote to authorize the Town Treasurer to enter into compensating balance agreements during the fiscal year beginning July 1, 2023, as permitted by General Laws, Chapter 44, Section 53F, or act in any other way relative thereto.

Submitted by: Ann Vandal, Town Manager  
Recommendations: Approval Recommended (Selectmen)

**ARTICLE #4  
SALARIES & COMPENSATION ELECTED OFFICIALS**

To see if the Town will vote to fix the salaries and compensation of all elective officers of the Town, as provided by General Laws, Chapter 41, Section 108, as amended, to be effective July 1, 2023, and to raise and appropriate such sums of money under the various Town Departments; or act in any other way relative thereto.

Moderator: \$ 550.00  
Board of Selectmen: \$ 2,000.00  
School Committee: \$ 2,000.00

Submitted by: Ann Vandal, Town Manager  
Recommendations: Approval Recommended (Selectmen)

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**ARTICLE #5  
FY2024 OPERATING BUDGETS**

To see if the Town will vote to appropriate \$96,340,509 for expenditures in the fiscal year beginning July 1, 2023, and to determine whether such appropriations shall be raised in the tax levy, transferred from available funds, or by any combination of these methods; or act in any other way relative thereto:

**School Department:**

School Department Operations	\$ 38,179,064
Transportation	2,979,000

**Greater Lowell Regional Technical High School**

Education Assessment	\$ 5,070,000
Transportation	304,000

**Essex North Shore Agricultural & Tech High School**

Assessment	\$ 17,000
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**Town Manager's Budgets**

Salaries, Wages and Expenses	\$ 49,511,866
Transfer to Stormwater Enterprise Fund	279,579

<b>Total Expenditures &amp; Transfers</b>	<b><u>\$ 96,340,509</u></b>
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**To meet said appropriation the Town shall:**

Raise through Taxes and other General Fund Revenues:	\$ 94,263,753
Transfer from Sewer Enterprise Fund	840,000
Transfer from Water Enterprise Fund	191,000
Transfer from Town Hall Stabilization Fund	86,756
Transfer from Wetland Protection Fund	5,000
Transfer from Free Cash	660,000
Transfer from OPIOID Stabilization Fund	60,000
Transfer from Other Funds SRO/Grant	234,000
<b>Total Revenues &amp; Transfers</b>	<b><u>\$ 96,340,509</u></b>

Submitted by: Ann Vandal, Town Manager

Recommendations: Approval Recommended (Selectmen & Finance Committee)

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**ARTICLE #6  
FY2024 SEWER ENTERPRISE BUDGET**

To see if the Town will vote to raise and appropriate or transfer from available funds including retained earnings the sum of \$7,442,419 or any other sum to operate the Sewer Department for fiscal year beginning July 1, 2023, or act in any other way relative thereto.

**Direct Cost**

Salaries	\$ 275,799
Expenses	2,770,500
Capital Outlay	75,000
Debt	<u>3,481,120</u>
<b>Total Direct Cost</b>	<b><u>\$ 6,602,419</u></b>

**Indirect Cost**

Departmental & Other Expenses	\$ 610,679
Insurance & Benefits	<u>229,321</u>
<b>Total Indirect Cost</b>	<b><u>\$ 840,000</u></b>

<b>Total Expenditures</b>	<b><u>\$ 7,442,419</u></b>
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**Revenues & Transfers**

Sewer Revenues	\$ 7,442,419
Retained Earnings	-
<b>Total Revenues</b>	<b><u>\$ 7,442,419</u></b>

Submitted by: Ann Vandal, Town Manager  
Recommendations: Approval Recommended (Selectmen & Finance Committee)

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**ARTICLE #7  
FY2024 WATER ENTERPRISE BUDGET**

To see if the Town will vote to raise and appropriate or transfer from available funds including retained earnings the sum of \$1,733,887 or any other sum to operate the Kenwood Water Department for fiscal year beginning July 1, 2023, or act in any other way relative thereto.

**Direct Cost**

Salaries	\$ 28,387
Expenses	<u>1,514,500</u>
<b>Total Direct Cost</b>	<b><u>\$ 1,542,887</u></b>

**Indirect Cost**

Departmental Expenses	\$ 141,630
Insurance & Benefits	<u>49,370</u>
<b>Total Indirect Cost</b>	<b><u>\$ 191,000</u></b>
<b>Total Expenditures</b>	<b><u>\$ 1,733,887</u></b>

**Revenues**

Water Revenues	\$ 1,633,887
Water Retained Earnings	<u>100,000</u>
<b>Total Revenues</b>	<b><u>\$ 1,733,887</u></b>

Submitted by:

Ann Vandal, Town Manager

Recommendations:

Approval Recommended (Selectmen & Finance Committee)

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**ARTICLE #8  
FY2024 STORMWATER ENTERPRISE BUDGET**

To see if the Town will vote to raise and appropriate or transfer from available funds including retained earnings the sum of \$429,579 or any other sum to operate the Stormwater Enterprise Fund for the fiscal year beginning July 1, 2023, or act in any other way relative thereto.

**Expenditures**

Salaries	\$ 231,829
Expenses	<u>197,750</u>
<b>Total Expenditures</b>	<b><u>\$ 429,579</u></b>

**Revenues**

Transfer from General Fund	\$ 279,579
Stormwater Retained Earnings	<u>150,000</u>
<b>Total Revenues</b>	<b><u>\$ 429,579</u></b>

Submitted by: Ann Vandal, Town Manager  
Recommendations: Approval Recommended (Selectmen & Finance Committee)

**ARTICLE #9  
FY2023 SNOW AND ICE DEFICIT**

To see if the Town will vote to appropriate \$85,000 from free cash for the fiscal year beginning July 1, 2022; said sum of money to be used for the FY2023 snow and ice deficit; or act in any other way relative thereto.

Submitted by: Victor Garofalo, Assistant Town Manager/Finance Director  
Recommendations: Approval Recommended (Selectmen & Finance Committee)

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**ARTICLE #10  
FY2024 PEG ACCESS ENTERPRISE BUDGET**

To see if the Town will vote to raise and appropriate or transfer from available funds including retained earnings a sum of money to operate the PEG Access Enterprise Fund for fiscal year beginning July 1, 2023; or act in any other way relative thereto.

Submitted by:

Ann Vandal, Town Manager

Recommendations:

Recommendation to be given at the May's Selectmen Meeting

**ARTICLE #11  
CHAPTER 90 PROGRAM**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds, the sum of \$818,362 or any other sum to be used for the Town's Chapter 90 Program, reconstruction, and improvement of Town Roads and/or sidewalks, said sum to be reimbursed on a 100 percent basis by the Commonwealth of Massachusetts, or to act in any way relative thereto.

Submitted by:

Ann Vandal, Town Manager

Recommendations:

Approval Recommended (Selectmen & Finance Committee)

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**ARTICLE #12  
AMEND COMMUNITY PRESERVATION BUDGET – FY2023**

To determine whether the Town will vote to amend the FY2023 Community Preservation Budget, by appropriating an additional sum of \$65,000, to act upon the recommendations of the Community Preservation Committee, with each item considered a separate appropriation; and to determine whether such sums shall be appropriated from Fiscal Year 2023 Community Preservation Fund Revenues or the current Community Preservation Fund Balance or Reserves, borrowed, or by any combination of these methods, or act in any other way relative thereto:

Proj #	Project	Submitted by	Source	Amount
1.	Yapp Farm	Victor Garofalo	Open Space	\$ 20,000
2.	Transfer to Historic Reserves	Victor Garofalo	Historic	\$ 22,500
3.	Transfer to Community Housing Reserve	Victor Garofalo	Community Housing	\$ 22,500
<b>Total Additional Funding Community Preservation - FY23</b>				<b>\$ 65,000</b>

**Project Descriptions**

1. **Yapp Farm** – Funding for this project will complete the parking area at Yapp farm, which includes drainage, paving and curbing.
2. **Historic Reserves** – An additional appropriation to Historic Reserve to meet the required 10% required by law.
3. **Community Housing Reserves** – An additional appropriation to Community Housing Reserves to meet the required 10% required by law.

Submitted by: Community Preservation Committee

Recommendations: Recommendation to be given at the May 9<sup>th</sup> Selectmen Meeting

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**ARTICLE #13  
COMMUNITY PRESERVATION BUDGET – FY2024**

To determine whether the Town will vote to appropriate the sum of \$1,438,996 or any other sum, to act upon the recommendations of the Community Preservation Committee by appropriating or reserving the following amounts for Fiscal Year 2024 Community Preservation purposes with each item considered a separate appropriation; and to determine whether such sums shall be appropriated from Fiscal Year 2024 Community Preservation Fund Revenues or the current Community Preservation Fund Balance or Reserves, borrowed, or by any combination of these methods, or act in any other way relative thereto:

Proj #	Project	Submitted by	Source	Amount
1.	Fields Debt Payment	Victor Garofalo	Recreation	\$ 505,575
2.	NFC National Fitness Equipment	Victor Garofalo	Recreation	\$ 170,000
3.	Beaver Brook Farm Design	Dave Martin	Open Space	\$ 150,000
4.	Design Services Tennis & Pickleball Courts	Steven Stone	Recreation	\$ 85,000
5.	Town Clerk Restoration of Historical Records	Jayne Boissonneault	Historic	\$ 240,000
6.	Coburn House Evaluation Study (Harmony Hall)	Ann Vandal	Historic	\$ 50,000
7.	Harmony Hall Debt Payment	Victor Garofalo	Historic	\$ 38,440
8.	Transfer to Community Housing Reserve	Victor Garofalo	Community Housing	\$ 139,000
9.	Administration Expenses	Victor Garofalo	Administration	\$ 60,981
<b>Total Community Preservation - FY24</b>				<b>\$ 1,438,996</b>

**Project Descriptions**

1. **Field Debt Payment** – Funding would provide for the necessary debt payment in FY24.
2. **NFC National Fitness Equipment** – Fitness equipment to be purchased and installed at Veterans Park.
3. **Beaver Brook Farm Design** – Funding will provide for a design study for Beaver Brook Farm Driveway, Parking and Accessible Trail, which will address the current and future needs of Beaver Brook Farm.
4. **Design Services Tennis & Pickleball Courts** – Funding will provide for design services to construct Tennis and Pickleball Courts at the Dracut High School Complex. This is not for construction cost.
5. **Town Clerk Restoration of Historical Records** – Funding would provide for the restoration and preservation of Historical Records in the Town Clerks office.
6. **Coburn House Design Study** – Funding will provide for architectural services to prepare a conceptual plan and a scope of services to address the repairs and renovations needed at the Coburn House.
7. **Harmony Hall Debt Payment** – Funding would provide for the necessary debt payment in FY24.
8. **Community Housing Reserves** – Required 10% transfer into community housing reserves.
9. **Administration Expenses** – to appropriate annual administrative cost, such as legal, salaries and dues.

Submitted by: Community Preservation Committee

Recommendations: Recommendation to be given at the May 9<sup>th</sup> Selectmen Meeting

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**ARTICLE #14  
BEAVER BROOK FARM WORKSHOP BUILDING**

To see if the Town will vote to appropriate \$200,000 or any other sum, to act upon the recommendations of the Community Preservation Committee, and to determine whether such appropriations shall be transferred from Fiscal Year 2024 Community Preservation Fund Revenues or the current Community Preservation Fund Balance or Reserves, or by any combination of these methods, for the purpose of demolishing the building known as the "Workshop" and address any environmental remediation resulting from the demolishing located at 771 (formally 761) Mammoth Road, known as Beaver Brook Farm, identified on the Town's GIS system as GIS ID 44-0-106-1, or act in any other way relative thereto.

Submitted by: Ann Vandal, Town Manager  
Recommendations: Recommendation to be given at the May 9<sup>th</sup> Selectmen Meeting

**ARTICLE #15  
OFFSET RECEIPTS**

To see if the Town will vote to appropriate a sum of money from available "offset receipts" for the fiscal year beginning July 1, 2023, to be used in accordance with the provisions of General Laws, Chapter 44, Section 53E, or act in any other way relative thereto.

<b>Department</b>	<b>Ceiling</b>	<b>Funding Source</b>
Board of Library Trustees	\$ 50,000	Fees, Fines, Donations, Grants
School Department	\$ 30,000	Fees, Fines, Lost Books
Council on Aging	\$ 50,000	Fees, Fines, Donations, Grants

Submitted by: Ann Vandal, Town Manager  
Recommendations: Approval Recommended (Selectmen)

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**ARTICLE #16  
FY2024 CAPITAL PLAN PROJECTS**

To see if the Town will vote to raise and appropriate, transfer from available funds, or to borrow the sum of \$2,188,000 or any other sum for the capital projects set forth below, including all incidental costs, or act in any other way relative thereto:

<b>Capital Project/Equipment</b>	<b>Department</b>	<b>Amount</b>	<b>Funding Source</b>
DPW Dump Truck - Lease Payment	DPW	\$ 205,000	Free Cash
Roads Resurfacing & Hardscape Improvements	DPW	\$ 200,000	Free Cash
DPW Equipment	DPW	\$ 75,000	Free Cash
Cemetery Dump Truck Replacement	DPW	\$ 90,000	Cemetery
DPW Multi Purpose Truck Replacement	DPW	\$ 250,000	Free Cash
District - Replace Network Switching	School	\$ 115,000	Free Cash
Deputy Chief's Vehicle	Fire	\$ 100,000	Free Cash
Fire Gear and Equipment	Fire	\$ 74,000	Free Cash
Fire Truck Squad 1	Fire	\$ 400,000	Free Cash
Jones Ave Station 2 Roof Replacement	Fire	\$ 42,000	Free Cash
Lucas 3 Chest Compression System	Fire	\$ 44,000	Free Cash
Cargo Van - Used	Police	\$ 35,000	Free Cash
Detective Response Vehicle Replacement	Police	\$ 65,000	Free Cash
Mobile Data Terminals with E-Ticket	Police	\$ 80,000	Free Cash
Police Radio Digital Infrastructure Equipment	Police	\$ 18,000	Free Cash
Marked Police Vehicles - Replacement	Police	\$ 200,000	Free Cash
Library Roof Replacement	Library	\$ 100,000	Free Cash
Election & Registration Equipment	Town Clerk	\$ 30,000	Free Cash
Town Equipment	Town	\$ 65,000	Free Cash
<b>Total Capital Projects</b>		<b><u>\$ 2,188,000</u></b>	

<b>Funding Sources</b>	
Free Cash	\$ 2,098,000
Cemetery Fund	\$ 90,000
<b>Total Funding</b>	<b><u>\$ 2,188,000</u></b>

Submitted by: Ann Vandal, Town Manager  
 Recommendations: Approval Recommended (Selectmen & Finance Committee)

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**ARTICLE #17  
SEWER PIPE LINING (SEWER DEPARTMENT)**

To see if the Town will vote to appropriate the sum of \$500,000 or any other sums for phases two (2) – six (6) for the relining for the sewer pipe, as well as addressing sewer flow reduction and improvements, that to meet this appropriation, the Town will transfer \$500,000 from Sewer Retained Earnings, or act in any other way relative thereto:

Submitted by: Ann Vandal, Town Manager  
Recommendations: Approval Recommended (Selectmen & Finance Committee)

**ARTICLE #18  
TRANSPORTATION FUND**

To determine whether the Town will vote to appropriate a sum of \$5,194 received from the Commonwealth Transportation Fund for purposes of transportation services in the Town of Dracut; pass any vote or act in any other way relative thereto:

Submitted by: Victor Garofalo, Assistant Town Manager/Finance Director  
Recommendations: Approval Recommended (Selectmen & Finance Committee)

**ARTICLE #19  
GREATER LOWELL REGIONAL VOCATIONAL TECHNICAL  
SCHOOL DISTRICT STABILIZATION FUND**

To see if the Town will vote to authorize the Greater Lowell Regional Vocational Technical School District (GLRVS) to establish a Regional School District Stabilization Fund in accordance with G.L. c.71, s.16 G1/2, or act in any other way relative thereto:

Submitted by: Michael Knight, Business Administrator (GLRVS)  
Recommendations: Recommendation to be given at the May 9<sup>th</sup> Selectmen Meeting

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**ARTICLE #20  
GENERAL BY-LAW CHANGE - FALL ANNUAL TOWN MEETING**

To see if the Town will vote to amend Chapter 2, Section 1A of the Town Bylaws by changing the date for the Fall Annual Town Meeting from the first Monday in November to the second Monday in November except when such date shall conflict with a holiday, in such instance the Fall Annual Town Meeting shall be held on the third Monday in November.

**EXISTING LANGUAGE:**

Chapter 2 Section 1A – The Annual Town Meeting of November shall be held on the first Monday of the month except when such date shall conflict with a holiday, in such instance the Annual Town Meeting of November shall be on the second Monday of November.

**NEW LANGUAGE:**

Chapter 2 Section 1A – The Annual Fall Town Meeting of November shall be held on the second Monday of the month except when such date shall conflict with a holiday, in such instance the Annual Town Meeting of November shall be on the third Monday of November.

Submitted by: Jayne Boissonneault, Town Clerk

Recommendations: Approval Recommended (Selectmen)

**ARTICLE #21  
HOME RULE PETITION - LEGAL NOTICE MEDIA REQUIREMENTS**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation in substantially the following form, provided that the General Court may reasonably vary the form and content of the requested legislation within the scope of the general objectives of this petition.

**AN ACT AUTHORIZING THE TOWN OF DRACUT TO ADOPT ALTERNATIVE METHODS FOR NOTICE OF PUBLIC HEARINGS.**

SECTION 1. Notwithstanding section 11 of chapter 40A of the General Laws, or any general or special law to the contrary, the Town of Dracut may adopt and further amend general by-laws that regulate the publishing of legal notices of public hearings on the official website operated by the town.

SECTION 2. The town may allow all legal notices of public hearings to be published: (i) in a local newspaper, either in electronic or paper format; or (ii) on the bulletin board outside the town clerk's office; and (iii) on the town's website.

SECTION 3. This act shall take effect upon its passage.

or take any other action relative thereto.

Submitted by: Ann Vandal, Town Manager

Recommendations: Approval Recommended (Selectmen)

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**ARTICLE #22  
EASEMENT - 90 LOON HILL ROAD**

To see if the Town will vote to authorize the Board of Selectmen to acquire on behalf of the Town an easement for the purpose of installing and maintain fencing and a security gate on property located at 90 Loon Hill Road, Dracut, which property abuts the site of the Town of Dracut's Police Station; said easement area contains approximately 3,220 square feet and is shown on a plan, a copy of which is on file in the office of the Town Manager; and, further, to raise and appropriate the sum \$11,800 for the purposes of this article; or act in any other way relative thereto.

Submitted by: Ann Vandal, Town Manager  
Recommendations: Approval Recommended (Selectmen)

**ARTICLE #23  
ZONING BY-LAW  
SECTION 3. USE REGULATIONS**

1. Amend **Section 3.1 Establishment of Districts** by deleting the words "**Business 4 (B-4) and Business 5 (B-5)**" and deleting the words "**Residential 3 (R-3)**" so it reads as follows:

Residential	Residential 1	(R-1)
	Residential 2	(R-2)
Business and	Business 1	(B-1)
Commercial	Business 2	(B-2)
	Business 3	(B-3)
Industrial	Industrial 1	(I-1)
	Industrial 2	(I-2)
Special Overlay	Flood Plain Overlay District	(FPOD)
Districts	Wellhead Protection District	(WPD)
	Mill Conversion Overlay District	(MCOD)
	Dracut Center Neighborhood	
	Overlay District	(DCNOD)

and update the Zoning Map to reflect such amendments.

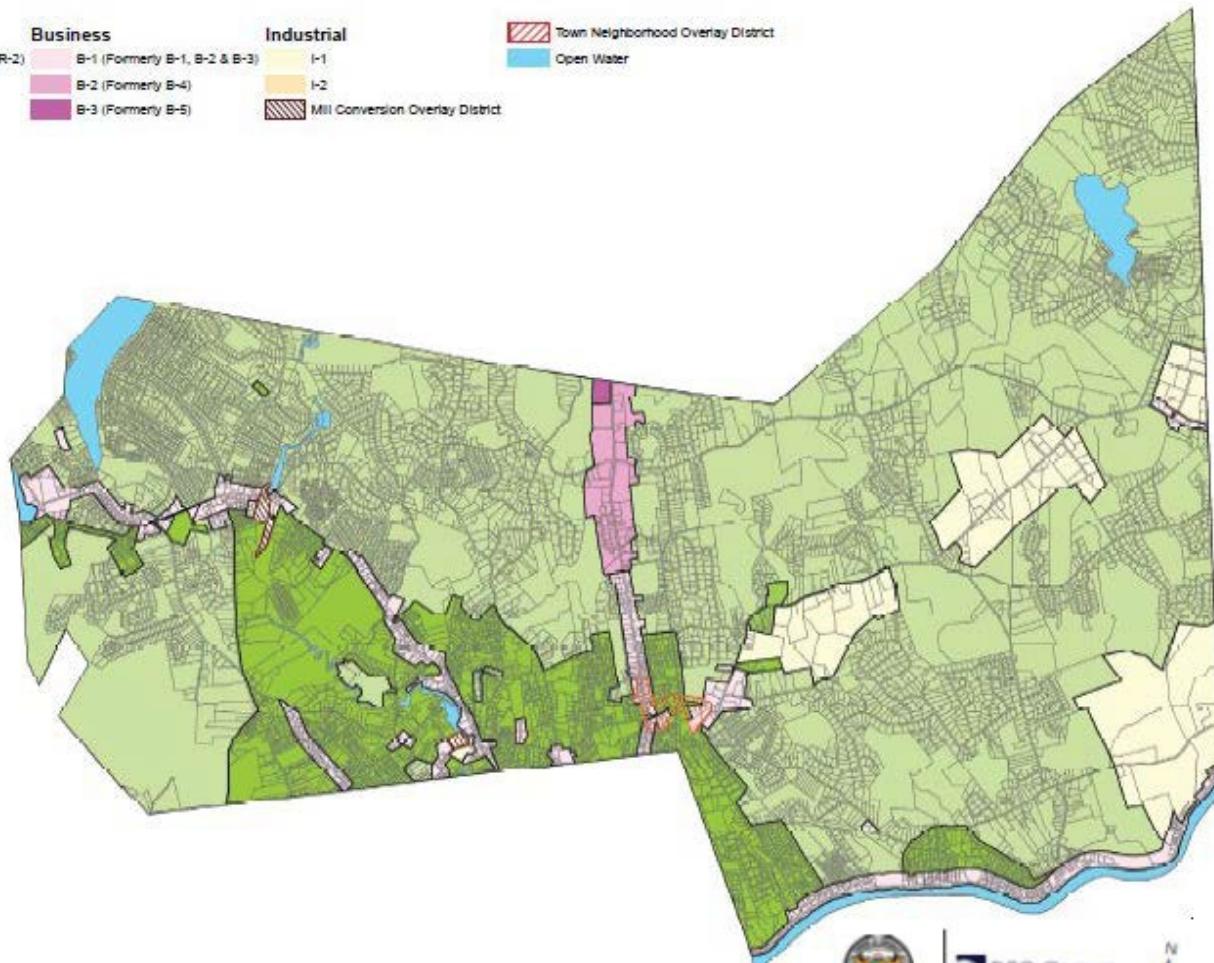
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**DRACUT ZONING BYLAW - SECTION 3, PROPOSED ZONING DISTRICT CONSOLIDATION**

**PROPOSED ZONING MAP**

**LEGEND**

Residential	Business	Industrial	
R-1 (R-1 & Formerly R-2)	B-1 (Formerly B-1, B-2 & B-3)	I-1	Town Neighborhood Overlay District
R-2 (Formerly R-3)	B-2 (Formerly B-4)	I-2	Open Water
	B-3 (Formerly B-5)		Mill Conversion Overlay District



**BSC GROUP**

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2. To amend **Section 3.2 Regulation of Uses** by inserting a new **Section 3.2.3 Multiple Uses** to read as follows:

**“3.2.3 Multiple Uses**

Multiple principal uses or activities on a lot are permissible in accordance with the provisions of the District the lot is located

3. To amend the **Zoning Bylaw Section 3.3 Table of Use Regulations**:

- A. By replacing the entries in the Column under the heading Residential titled “R-2” with the entries under the Column “R-3” and subsequently deleting the “R-3” Column in its entirety.
- B. By merging the entries in the Column under the heading Business titled “B-1, B-2, and B-3” and adopting the permitted use entries from the former B-3 column except as highlighted in the proposed Table of Permitted Uses. Such highlight shall note the existing permit status with an > pointing to the proposed permitting status.
- C. By renaming the Columns titled “B-4” as “B-2”.
- D. By renaming the Columns titled “B-5” as “B-3” and replacing the permit status designation with those of the B-2 Column (formerly B-4) with the exception for the Adult Entertainment Establishments which shall be allowed by Special Permit from the Board of Selectmen.
- E. By amending the entries under Codes in its entirety and insert the following in its place

**“Codes:**

P – Permitted Use  
0 – Prohibited Use  
PB – Special Permit Planning Board  
BOS – Special Permit Board of Selectmen”

- F. Amend footnote #9 by inserting after the word “Steeple” the following words “or other existing structure of sufficient height”.
- G. Amend the Table of Permitted Uses by deleting or amending the Principal Uses and their respective permitting status in each zoning district and add language to clarify footnote #9 with changes highlighted to read as follows:

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Principal Uses	Residential		Business			Industrial	
	R-1	R-2	B-1	B-2	B-3	I-1	I-2
<b><u>General uses</u></b>							
Agriculture	P	P	P	P	P	P	P
Conservation	P	P	P	P	P	P	P
Earth Removal	0	0	0	0	0	BOS(#)	BOS(#)
Recreation	P	P	P	P	P	P	P
<b><u>Residential Uses</u></b>							
Single Family Dwelling	P	P	P	0	0	0	0
Two Family Dwelling	0	PB(#2)	PB(#2)	0	0	0	0
Multi-Family Dwelling	0	PB(#3)	0	0	0	0	0
<b><u>Governmental, Institutional, &amp; Public Service Uses</u></b>							
Municipal	P	P	P	P	P	P	P
Museums	0	0	P	P	P	P	P
Educational	BOS	BOS	P	P	P	0	0
Religious	P	P	P	P	P	P	P
Nursing Home	0	PB	P	P	P	0	0
Public or Private Utility Facilities	0	0	0	0	0	BOS	BOS
Hospitals	0	0	BOS	BOS	BOS	0	0
Correctional Facilities	0	0	0	0	0	BOS	BOS
Cemeteries	P	P	0	0	0	P	P
Post Office	0	0	P	P	P	BOS	0
Assisted Living Facility	0	0	PB	PB	0	0	0
<b><u>Business Uses (#4)</u></b>							
Retail Store <5,000 G.S.F.	0	0	P	P	P	PB	0
Retail Store >5,000 G.S.F.	0	0	PB	PB	PB	0	0
Professional Office	0	0	P	P	P	0	0
Financial Service	0	0	P	P	P	0	0
Restaurant	0	0	P	P	P	PB	0
Restaurant – Fast Food	0	0	PB	P	PB	PB	0
Hotel, Inn or Motel	0	0	P	P	P	PB	0
Combined Business or Dwelling	0	0	PB	P(#1)	PB	0	0
Lodge or Club	BOS	BOS	P	P	P	P	P
Redemption Center<5,000 G.S.F.	0	0	PB	PB	0	PB	PB
Redemption Center>5,000 G.S.F.	0	0	PB	PB	0	PB	PB
Funeral Home	0	BOS	P	P	P	0	0
Veterinary Care	0	0	P	P	P	0	0
Commercial Kennel	0	0	0	BOS	0	BOS	BOS
Personal Services	0	0	P	P	P	PB	0
General Services	0	0	P	P	P	P	0
Studio	0	0	P	P	P	P	0
Building Trade Shop	0	0	P	P	P	P	0
Commercial Recreation	0	0	BOS	BOS	BOS	BOS	0

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Principal Uses	Residential		Business			Industrial	
	R-1	R-2	B-1	B-2	B-3	I-1	I-2
Lounge or Pub	0	0	BOS	BOS	BOS	0	0
Commercial and Trade School	0	0	BOS	P	BOS	BOS	0
Amusement Facility Indoor	0	0	BOS	BOS	BOS	0	0
Amusement Facility Outdoor	0	0	BOS	BOS	BOS	0	0
Motor Vehicle Service Station	0	0	BOS	BOS	BOS	BOS	BOS
Car Wash	0	0	BOS	BOS	BOS	0	0
Motor Vehicle Repair or Body Shop	0	0	BOS	BOS	BOS	P	P
Light Vehicle Sales	0	0	BOS	BOS	BOS	0	0
Vehicle Equipment Sales	0	0	BOS	P	BOS	BOS	0
Motor Vehicle Rental Agency	0	0	PB	0	0	0	0
Parking Facility	0	0	BOS	BOS	BOS	0	0
Commercial Breeding Facility	0	0	0	0	0	BOS	0
Zoo	0	0	<del>BOS</del> 0	BOS	BOS	BOS	BOS
Commercial Broadcast Facility (not including studio)	0	0	BOS	BOS	BOS	BOS	P
Airport – Fixed Wing	0	0	0	0	0	PB	PB
Aircraft – Heliport	0	0	<del>PB</del> 0	PB	PB	PB	PB
Rifle Range (outdoor)	0	0	0	0	0	BOS	BOS
Boarding House	0	PB	0	0	0	0	0
Day Care Facility	BOS	BOS	BOS	BOS	BOS	0	0
Body Art Establishment	0	0	BOS(#10)	BOS(#10)	BOS(#1)	0	0
Shooting Range (Indoor)	0	0	0	P	0	0	0
Domestic Pet Services	0	0	PB	PB	PB	PB	0
Registered Marijuana Dispensaries (RMD)	0	0	0	0	0	BOS	0
<u>Industrial Use (#5)</u>							
Research/Office Park	0	0	0	0	0	PB	PB
Warehouse	0	0	0	0	0	PB	P
Mini-Warehouse	0	0	PB	PB	PB	PB	PB
Construction Yard	0	0	0	0	0	PB	PB
Lumber Yard	0	0	<del>PB</del> 0	PB	PB	PB	PB
Heating Fuel Sales/Service	0	0	0	PB	0	PB	PB
Heavy Manufacturing	0	0	0	0	0	0	PB
Heavy Vehicle Sales	0	0	BOS	BOS	BOS	BOS	BOS
Heavy Vehicle Repair	0	0	0	BOS	0	0	BOS
Light Manufacturing	0	0	0	P	PO	P	P
Waste Treatment	0	0	0	0	0	0	BOS
Waste Recovery	0	0	0	0	0	0	BOS
Waste Transfer Facility	0	0	0	0	0	BOS	BOS
Slaughterhouse & Similar	0	0	0	0	0	0	BOS
Telecommunications Facility	0(#9)	0(#9)	0/(#9)	0(#9)	0(#9)	BOS(#)	BOS(#)
Marijuana Establishment	0	0	0	0	0	BOS	0

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Principal Uses	Residential		Business			Industrial	
	R-1	R-2	B-1	B-2	B-3	I-1	I-2
Heavy Vehicle Sales or Repair Garage	0	0	0	BOS	0	0	BOS
Natural Materials Operation	0	0	0	0	0	PB	PB
<b><u>Other Uses</u></b>							
Storage	0	0	0	0	0	0	PB
Containerized Temp. Storage	BOS	BOS	BOS	BOS	BOS	BOS	BOS
Truck Terminal	0	0	0	0	0	0	0
Solid Waste Disposal	0	0	0	0	0	0	0
Biological Research	0	0	0	0	0	BOS	BOS
Adult Entertainment Establishments	0	0	0	0	BOS	0	0
Fairs, Carnivals, Etc. (#6) (#7)	0	0	BOS	BOS	BOS	BOS	P
Accessory Dwelling Units (# 8)	PB	PB	PB8	PB(#8)	PB(#8)	PB(#8)	PB(8)
Student Transit Vehicle Parking	0	0	0	0	0	PB	PB

**NOTES:**

**CODES:**

P - A Permitted Use

0 - A Prohibited Use

PB - Special Permit – Planning Board

BOS - Special Permit – Board of Selectmen

**FOOTNOTES:**

#1 - See Section 3.12.00 Soil, Vegetation, Rock and Gravel Removal

#2 - Requires 1.5 X Base Lot Area of the R-2 Zone

#3 - See Section 7.2 Special Permits – Multi Family Development

#4 - See Section 8.1 Site Plan Review Major Business Complex

#5 - See Section 8.2 Site Plan Review Major Industrial Complex

#6 - See Section 8.3 Fairs, Carnivals, Etc.

#7 - Not allowed in these Zones except when approved by the Board of Selectmen on municipally owned land

#8 - Permitted use shall be exclusively for those pre-existing non-conforming Residential units in said zones.

#9 - Or in an existing church steeple or other existing structure of sufficient height approved by the Board of Selectmen

#10 - Not within 500 ft. of zones R1, R2, or within 500 ft. of a public or private school

#11 - Notwithstanding anything to the contrary in this Zoning Bylaw, a Single Family Dwelling Use and Structure existing as of June 1, 2011 shall be permitted by right to be located on the same

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Lot as other principal uses allowed in a B-2 Zoning District, provided that such other non-Single Family Dwelling uses and structures comply with the requirements of the B-2 Zoning District as well as other provisions of the Zoning Bylaw. Any modification to said Single Family Dwelling after June 1, 2011, whether or not another use permitted in the B-2 District is located on such lot, shall be subject to approval by Special Permit issued by the Planning Board.

4. To amend the **Town of Dracut Zoning Map** as follows:

- a. By changing the zoning designation of the properties in the R-2 District to the R-1 District
- b. By eliminating the R-3 District from the legend and designating the all the properties in the R-3 District as now in the R-2 District
- c. By changing the zoning designation of all properties in the B-2 and B-3 District to the B-1 District
- d. By changing the zoning designation of properties in the B-4 and B-5 Districts to the B-2 and B-3 Districts and eliminating the B-4 and B-5 Districts from the legend of the Zoning Map.

or take any action relative thereto.

Submitted by: Alison Manugian, Community Development Director

Recommendations: Recommendation to be given at the May 9<sup>th</sup> Selectmen Meeting

**ARTICLE #24  
ZONING BY-LAW  
SECTION 4 INTENSITY OF USE REQUIREMENTS**

**To see if the Town will Vote to Amend Section 4. Intensity of Use (Dimensional) Requirements as follows:**

1. Amend **Section 4.2 Lot Perimeter** by deleting it in its entirety and insert a new Section 4.2 to read as follows:

**“4.2 Lot Shape**

In all districts any lot created after the effective date of this amendment to the Zoning Bylaw shall have a lot shape factor **equal to or greater than .40** using the following formula:

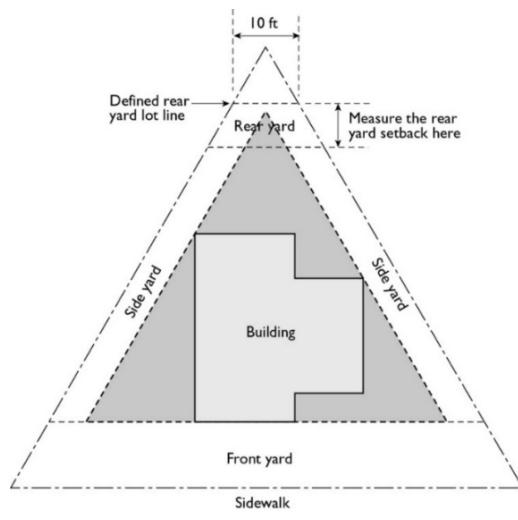
Lot Shape Factor = (Lot Area x 16) ÷ (Lot Perimeter x Lot Perimeter)

2. Amend **Section 4.3.6 Side and Rear Yards** by inserting the following after **Figure 5** to read as follows:

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“Where no lot line is within forty-five degrees of being parallel to the front lot line, a line ten feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard setback. See Figure 6.

Figure 6. Lot Lines



3. **Amend Section 4.4 Table of Standard Dimensional Requirements** as follows:
  - a. By deleting the Column titled **R2** in its entirety and renaming the column titled **R3** to **R-2**
  - b. Deleting the columns titled **B2** and **B-3** in their entirety and renumbering the subsequent “**B**” columns accordingly.
  - c. Delete footnotes **3, 4, 5, and 6**
  - d. Amend the dimensional requirements for the R-2 district.
  - e. Revise the front yard setback in the B-1 districts from a minimum of 30 feet to a maximum of 30 feet.
  - f. The minimum lot width in all Districts is 50 feet.
  - g. Add a new row titled **Impervious Lot Coverage**
  - h. Increase the side yard setback in the I-1 District to 40 feet.
  - i. Add footnote 3 which increases the setback to 50 feet when adjoining a Residential District
  - j. Add footnote 4 which increases the setback to 80 feet when adjoining a Residential District
  - k. Otherwise amend the table to read as follows:

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**4.4 Table of Standard Dimensional Requirements**

Dimension	Zoning District						
	R-1	R-2	B-1	B-2	B-3	I-1	I-2
Minimum Lot Area (Square Feet)	40,000	22,000 <sup>1</sup>	22,000	40,000	40,000	90,000	90,000
Minimum Lot Frontage (Lin. Feet)	175	100	125	200	200	225	225
Minimum Lot Width (Lin. Feet)	50	50	50	50	50	50	50
Maximum/Minimum Front Yard (Lin. Feet)	NA/30	NA/30 <sup>5</sup>	30/0	NA/30	NA/30	NA/60	NA/60
Minimum Side Yard (Lin. Feet) <sup>2</sup>	15	15 <sup>6</sup>	20	20	20	40	40
Minimum Rear Yard (Lin. Feet) <sup>2</sup>	35	15	20	20	20 <sup>3</sup>	40 <sup>3</sup>	40 <sup>4</sup>
Maximum Building Height (Stories/Lin. Feet)	2.5/36	2.5/36	3/45	3/45	3/45	5/60	5/60
<i>Maximum Lot Coverage percentage</i>	30	50	75	65	65	65	75

1. Multi-family development must comply with Section 7.2 of this Bylaw.
2. Including buffering requirements as per Section 4.6 of this Bylaw.
3. Fifty (50) feet where lot adjoins a residential district.
4. Eighty (80) feet where lot adjoins a residential district.
5. The front yard setback in the R-2 District may be reduced to a prevailing setback for a new structure on a lot. The prevailing setback shall be computed by calculating the average of the front yard setbacks of the adjacent buildings, on the same side of the street, within a two hundred (200) foot distance from each side yard of the subject property. If the two hundred (200) feet is interrupted by an intersection, only the front setbacks up to that intersection shall be used in calculating the average. For vacant lots or existing buildings have a greater front setback than the required front yard setback, the required front yard setback shall be used in the calculation.
6. In the R-2 District, the side yard setback may be reduced on one side to a distance not less than ten (10) feet provided the remaining side yard setback conforms with the required fifteen (15) foot side yard setback

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4. **Delete Sections 4.4.1 Additional Development of Structures (Dedicated for Business Use) and Section 4.4.2 Multiple Principal Structures** in their entirety and insert a new Section 4.4.1 to read as follows:

**“4.4.1 Multiple Principal Structures”**

Except in the residential districts, unless otherwise permitted in this Bylaw, more than one principal structure may be erected on a lot with the following conditions:

- A. Lot area to be 60,000 square feet or more.
- B. All principal buildings on the lot shall be served by access ways suitable for fire, police, and emergency vehicles.
- C. Site Plan Review as per Section 8.1.1 for any principal building having 10,000 square feet gross floor area.
- D. All principal buildings on the same lot shall be accessible via pedestrian walkways connected to the required parking for the principal building.
- E. The particular use or activity to be conducted on the lot shall be subject to the provisions of Section 3.3.
- F. The parking for the structure shall be provided pursuant to Section 6.1.
- G. There shall be public water and sewer available for the lot.
- H. Any lot which adjoins a Residential Zoning district or adjacent residential use shall comply with Section 4.5.

5. Amend **Section 9. Definitions** by inserting the following Definition in alphabetical order.  
“Lot Coverage: The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, expressed as a percent of site area.”
6. Amend **Section 4.5 Buffering, Screening, and Grading** and **Sections 4.6 Use of Buffer Area** by deleting them in their entirety and replacing them with the following:

**4.5 Buffering Screening and Grading**

**4.5.1 Purpose.**

The purpose of the provisions of this section is to protect against potential noxious, visual or descriptive effects of adjacent land uses of differing character and intensity; prevent the intrusion upon residential areas of such effects and limiting the deleterious effects of erosion.

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**4.5.2 Side or Rear Lot Line Buffers for Business and Industrial Uses Abutting Residential Districts.**

Where a side or rear lot line of a development in a Business or Industrial District adjoins a residential district, the owner of such development shall maintain as open space a strip of land extending inward in accordance with the setbacks specified in Section 4.4 from such side or rear zoning district lines.

**4.5.3 Screening and Planting Requirements**

Such Buffer strips of land shall contain a continuous screen of planting of vertical habitat in the center of the strip not less than five (5) feet in width and six (6) feet in height at the time of occupancy of such lot. Plantings shall thereafter be maintained by the owner or occupant so as to maintain a dense screen year-round. At least fifty percent (50%) of the plantings shall consist of evergreens and they shall be evenly spaced along the length of the buffer strip with at least one shade tree at 2" caliper diameter at breast height within every 40 feet and well-maintained grass, bark mulch, or other ground covers to the depth of the developed portion of the lot. In lieu of continuous planting, a solid brick, stone, or wood fence not more than six (6) feet in height may be established and maintained, such fence to be complemented with plantings in an amount no less than twenty percent (20%) of the amount required under the foregoing provisions of this subsection. Existing undisturbed vegetated areas may satisfy or partially satisfy the requirements of this Section, if in the sole discretion of the Planning Board. It is determined that the existing undisturbed vegetation provides a satisfactory landscape buffer consistent with the purpose of this Section.

**4.5.4 Use of Buffer Areas**

Buffers adjoining Residentially Zoned, areas may not be used for any other purposes including those uses accessory to and in support of the primary use, with the exception of Stormwater facilities, such as but not limited to bio retention basins.

**7. Amend Section 4.7 Landscaping (Applies to B-2, B-3, I-1, and I-2 districts only) by deleting it in its entirety and replacing it with the following:**

**“4.6. Landscaping Requirements in the B-2, B-3, I-1 and I-2 Districts**

All uses as allowed or permitted in the B-3, B-3, and I-1, districts shall conform to the following landscaping requirements.

- A. Each principal and accessory building or structure shall have landscaped strips on all sides to be within 25 feet of each building. Loading and access areas are excepted.

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- B. Each landscaped strip shall be at least ten feet in width if facing the front lot line and five feet in width facing the side and rear lot lines and contain some combination of shade trees, deciduous shrubs, and evergreens and/or well-maintained grass, bark mulch or other ground cover.
- C. No landscaped strips are to be required on any side of a building where public or employee parking is not permitted and where there is no public access to or from the building."

8. Amend **Section 4.8 Grading** by deleting it in its entirety replacing it with a new section entitled **Section 4.7. Grading and Retaining Walls** to read as follows:

**"4.7. Grading and Retaining Walls**

Grading General - Any land use involving the regrading of more than one acre of land and the construction of a structure thereon, excluding single- and two-family structures held in separate ownership from adjoining lots at the time of permitting shall be subject to the requirements of this section.

- A. Slopes over 15% - Slopes of 15% or greater which will result from grading, construction, or other land alteration shall be stabilized either through a structural retaining wall or cribbing, or through vegetative slope stabilization, comprising no less than four inches of topsoil planted densely with plants having shallow fibrous roots sufficient to retain the soil such as grasses, legumes, dogwood, emir privet, rugosa rose, and bayberry.
- B. Finish Grades - Lots having average finish grades in excess of 10% shall either retain existing vegetation or provide vegetative slope stabilization as above, on a percentage of lot area equal to not less than twice the average percentage slope."
- C. Retaining Walls - Retaining walls with a reveal of 4 feet or greater shall be considered structures and shall be subject to the setback requirements of **Section 4.4 Table of Standard Dimensional Requirements** and the requirements of the State Building Code.

or take any action relative thereto.

Submitted by: Alison Manugian, Community Development Director

Recommendations: Recommendation to be given at the May 9<sup>th</sup> Selectmen Meeting

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**ARTICLE #25  
ZONING BY-LAW  
SECTION 3.2.2 SPLIT LOT ZONING**

**To see if the Town will Vote to Amend the Zoning Bylaw as follows:**

1. Amend **Section 3.2 Regulation of Uses** by inserting a new Section 3.2.2 to read as follows:

**3.2.2 Split Lot Zoning**

- A. Special Permit. Where a zoning district boundary line divides any lot existing at the time such line was adopted and in single or joint ownership, the regulations of one of the districts on said lot may be extended in whole or in part to the portion of the lot that lies in the other district(s) by a special permit issued by the Planning Board. The Planning Board shall not issue a special permit unless it finds the applicant has demonstrated compliance with Section 2.3.7 Mandatory Finding by Special Permit Granting Authority and may impose conditions consistent with Section 2.3.7 Special Permit Conditions.
- B. As of Right. Absent the issuance of a special permit pursuant to Section 3.2.2.A, any lot, where a zoning district boundary line divides such lot shall be governed by the district regulations applicable to that portion of the lot. Where the use of land is permitted in one of the districts but not the other(s), the uses permitted in the more restrictive district are limited to dimensional requirements such as yard setback, lot size, and/or similar. The use of the land in the more restrictive zoning district for uses such as access ways, driveways, other physical appurtenances, or for other uses not permitted in the more restrictive district are prohibited, unless a special permit is issued pursuant to Section 3.2.2A.

or take any action relative thereto.

Submitted by: Alison Manugian, Community Development Director

Recommendations: Recommendation to be given at the May 9<sup>th</sup> Selectmen Meeting

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**ARTICLE #26  
ZONING BY-LAW  
SOLAR PHOTOVOLTAIC FACILITIES**

**To see if the Town will Vote to Amend the Zoning Bylaw as follows:**

- 1. Amend Section 2.4.2 Applicability by inserting at the existing 2.4.2.A.5 the following language:**

“Large Scale Solar Photovoltaic Facility” and renumbering the existing 2.4.2.A.5 as 2.4.2.A.6”

- 2. Amend Section 3.3 (Table of Permitted Uses) of the Zoning Bylaw by inserting the following row in Section titled Other Uses as follows:**

**3.3 TABLE OF PRINCIPAL USES**

Other Uses	Residential		Business			Industrial	
	R-1	R-2	B-1	B-2	B-3	I-1	I-2
Large Scale Solar Photovoltaic Facility	PB	0	0	PB	PB	PB	PB

- 3. Amend Section 3.4.1. Accessory Uses Permitted by inserting the following Sections.**

3.4.1.E.5 Roof Mounted and Small-Scale Solar Energy Systems accessory to a principal use are allowed in all zoning districts subject to all local and other government requirements.

3.4.1.E.6 Medium Scale Ground Mounted Solar Energy Systems accessory to a principal use are allowed by Special Permit from the Planning Board subject to all local and other government requirements.

- 4. Amend Section 3.5.3 Nonconforming Uses and Structures Applicability by inserting after the first sentence the following sentences:**

Improvements that do not change the use or the basic characteristics or appearance of the building or structure are allowed. Such improvements include but are not limited to the installation or replacement of roof mounted solar energy systems.

- 5. Add a new Section 8.7. Large Scale Ground-Mounted Solarvoltaic Facilities to read as follows:**

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## **8.7 LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC FACILITIES**

### **8.7.1 Purpose.**

The purpose of this section is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations. The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

### **8.7.2 Applicability.**

This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

### **8.7.3 General Requirements**

The following requirements are common to all solar photovoltaic installations to be sited in designated locations.

- A. Compliance with laws, bylaws and regulations. The construction and operation of all large-scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.
- B. Building permit and building inspection. No large-scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining appropriate permits.
- C. Fees. The application for a building permit for a large-scale solar photovoltaic installation must be accompanied by the fee required for a building permit.
- D. Site plan review. Ground-mounted large-scale solar photovoltaic shall undergo Site Plan Review by the Planning Board prior to construction, installation or modification as provided in this section. Site Plan Review may be conducted concurrently with the Special Permit process.

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E. General. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts.

**8.7.4 Required Documents.**

Pursuant to the special permit and site plan review process, the project proponent shall provide the following documents in addition to those required in Sections 2.3.12 and 2.4. 5 respectively:

- I. Blueprints or drawings of the solar photovoltaic installation stamped and signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures or vegetation;
- II. One- or three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
- III. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
- IV. Name, address, and contact information for proposed system installer;
- V. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- VI. The name, contact information and signature of any agents representing the project proponent; and

1. Documentation of actual or prospective access and control of the project site
2. Zoning district designation for the parcel(s) of land comprising the project site [submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose];
3. Proof of liability insurance;
4. Description of financial surety that satisfies Planning Board requirements.
5. Site control. The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation. Fencing around installed equipment shall be provided to control access to a large-scale ground-mounted solar photovoltaic facility in order to prevent access to the facility. The fencing shall be compatible with the character of the Town and shall not consist of barbed wire or razor wire.
6. The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for

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maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.

7. Decommissioning Plan. The applicant shall submit with its application a decommissioning plan be implemented upon abandonment and/or in conjunction with removal of the facility. The owner or operator of the large-scale solar photovoltaic installation shall notify the Building Inspector in writing at least twenty days prior to when a solar large-scale solar photovoltaic installation will be decommissioned. Decommissioning of an abandoned or discontinued large-scale solar photovoltaic installation shall be completed within six months after the facility ceases operation.

The decommissioning plan shall include:

1. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all large-scale solar photovoltaic installation components, structures, equipment, security barriers, and transmission lines from the site;
2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
3. The anticipated life of the large-scale solar photovoltaic installation;
4. The estimated decommissioning costs and how said estimate was determined;
5. The method of ensuring that funds will be available for decommissioning and restoration;
6. The method by which the decommissioning cost will be kept current;
7. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the large-scale solar photovoltaic installation, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
8. A listing of any contingencies for removing an intact operational large-scale solar photovoltaic installation from service, and for removing a large-scale solar photovoltaic installation that has been damaged by a fire or other event.
9. Decommissioning Fund. The owner and/or operator of the large-scale solar photovoltaic installation, shall continuously maintain a fund or other surety acceptable to the Town, in a form approved by the Planning Board and Town Counsel, for the removal of the large-scale solar photovoltaic installation, in an amount to be determined by the Planning Board, for the period of the life of the facility. All costs of the financial security shall be borne by the applicant. The Town shall have the right to access the surety should the owner and/or operator fail to properly decommission large-scale solar photovoltaic installation.
10. Utility notification. No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Planning Board that the

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local electric utility has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems less than 250 kW shall be exempt from this requirement. The Building Commissioner may issue a permit only if the large-scale ground-mounted solar photovoltaic device complies with this section.

**8.7.5 Waivers.**

The Planning Board may waive submission requirements of Site Plan or Special Permit Applications as it deems appropriate. However, if the device does not comply with one or more of the following requirements, the applicant shall be required to obtain a special permit from the Planning Board. If a special permit is not otherwise required, the Planning Board may waive such requirement(s), after finding that such waiver(s) will not derogate from the intent of this chapter or be detrimental or injurious to the public.

**8.7.6 Dimension and Density Requirements.**

**Setbacks.** For large-scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

- A. **Front yard:** The front yard depth shall be at least 50 feet.
- B. **Side yard:** Each side yard shall have a depth of at least 50 feet.
- C. **Rear yard:** The rear yard depth shall be at least 50 feet.
- D. **Appurtenant structures.** All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

**8.7.7 Design standards.**

- A. **Lighting.** Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety, security, and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

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- B. Signage. Signs on large-scale ground-mounted solar photovoltaic installations shall comply with Section 6.2 of this Zoning Bylaw. A sign consistent with this Zoning Bylaw shall be required to identify the owner and provide a twenty-four-hour emergency contact phone number. Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.
- C. Utility connections. Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the electric utility. If an existing aboveground connection solution already exists, however, this can be used if it meets the requirements of the electric utility. Electrical transformers for utility interconnections may be aboveground if required by the electric utility.
- D. Stormwater management. Calculations of storm drainage to demonstrate and assure compliance with the requirements of all applicable federal, state and local regulations and guidelines including, but not limited to, the Department of Environmental Protection Stormwater Management Policy, as it may be amended, must be provided for any large-scale solar photovoltaic installation.

8.7.8 Safety and Environmental Standards.

- A. Emergency services. The large-scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief and electric utility. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- B. Land clearing, soil erosion and habitat impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.
- C. Mitigation for Loss of Carbon Sequestration and Forest Habitat. If land that is Forestland or has been Forestland within one year immediately preceding the filing of an application to install a Tier 2 BESS, the applicant shall demonstrate that they have made best efforts to preserve forest land and minimize loss of carbon sequestration. Monitoring and maintenance.
  - I. Solar photovoltaic installation conditions. The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level

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acceptable to the local Fire Chief and emergency medical services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

II. Modifications. All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Planning Board and the electric utility.

#### 8.7.9 Abandonment

Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the large-scale solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section upon any abandonment, the Town may, after compliance with any applicable state and federal constitutional requirements, enter the property and utilize the available bond and/or security for the removal of a solar photovoltaic installation and restoration of the site in accordance with the decommissioning plan.

**Amend Section 9 Definitions by inserting the following in alphabetical order:**

**SOLAR ENERGY SYSTEM, GROUND-MOUNTED:** A solar photovoltaic system on a parcel that is structurally mounted on the ground and is not roof-mounted,

**SOLAR ENERGY SYSTEM, LARGE-SCALE:** An Active Solar Energy System that has a rated minimum nameplate capacity of 250kW DC.

**SOLAR ENERGY SYSTEM, MEDIUM-SCALE:** An Active Solar Energy System that has a rated nameplate capacity of 10 - 250 kW DC.

**SOLAR ENERGY SYSTEM, ROOF-MOUNTED:** An Active Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale)

**SOLAR ENERGY SYSTEM, SMALL-SCALE:** An Active Solar Energy System that has a rated nameplate capacity of 10 kW DC or less.

or take any action relative thereto.

Submitted by: Alison Manugian, Community Development Director

Recommendations:

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**ARTICLE #27  
ZONING BY-LAW  
BATTERY ENERGY STORAGE SYSTEMS (BESS)**

**To see if the Town will Vote to amend the Zoning Bylaw as follows:**

- 1. Amend Section 3.3 (Table of Permitted Uses) of the Zoning Bylaw after the entry by inserting the following row in section titled “Other Uses”.**

**3.3 TABLE OF PRINCIPAL USES**

Other Uses	Residential		Business			Industrial	
	R-1	R-2	B-1	B-2	B-3	I-1	I-2
Battery Energy Storage Systems	PB	0	0	PB	PB	PB	PB

- 2. By Inserting a new Section 8.8 to read as follows:**

**8.8 BATTERY ENERGY STORAGE SYSTEMS (BESS)**

**8.8.1 Purpose.** The purpose of this Section is to advance and protect the public health, safety, welfare, and quality of life by creating regulations for the installation and use of BESS, with the following objectives:

- To provide a regulatory scheme for the location, construction and operation of BESS consistent with best practices and safety protocols;
- To ensure compatible land uses in the vicinity of the areas affected by BESS and to mitigate any potential impacts on abutting and nearby properties; and
- To mitigate the impacts of BESS on environmental resources such as agricultural lands, forests, wildlife, wetlands and other natural resources.

In the event of any conflict between the provisions of this section and the provisions of state law or regulations, the state law and regulations shall prevail.

**8.8.2 Definitions**

As used in this section of the Dracut Zoning Bylaw, the following terms shall have the meanings indicated.

**ANSI:** American National Standards Institute

**Battery or batteries:** A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy

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electrochemically. For the purposes of this Bylaw, batteries utilized in consumer products are excluded from these requirements.

**Battery Energy Storage Management System:** An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

**Cell:** The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

**Commissioning:** A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

**Dedicated-Use Building:** A building that is built for the primary intention of housing battery energy storage system equipment, and complies with the following:

1. The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.
2. No other occupancy types are permitted in the building.
3. Occupants in the rooms and areas containing BESS are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
4. Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:
  - a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.
  - b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing BESS or other energy system equipment.

**Nationally Recognized Testing Laboratory (NRTL):** A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

**NFPA:** National Fire Protection Association.

**Non-Dedicated-Use Building:** All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

**Non-Participating Property:** Any property that is not a participating property.

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**Non-Participating Residence:** Any residence located on non-participating property.

**Participating Property:** A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property.

**UL:** Underwriters Laboratory

### **8.8.3 Applicability**

- A. The requirements of this Bylaw shall apply to BESS permitted, installed, decommissioned, or modified after the effective date of this Bylaw, excluding general maintenance and repair. BESS subject to this Bylaw are only those that exceed the following capacities:
  - Lead-acid with a capacity of greater than 70 kWh
  - Nickel with a capacity of greater than 70 kWh
  - Lithium-ion with a capacity of greater than 30 kWh
  - Sodium nickel chloride with a capacity of greater than 20 kWh
  - Flow with a capacity of greater than 20 kWh
  - Other battery technologies with a capacity of greater than 10 kWh

BEES that do not meet the threshold capacities above are not subject to this Bylaw and are allowed by right in all zoning districts.

- B. A BESS that is subject to this Bylaw is classified as Tier 1 or Tier 2 as follows:
  1. Tier 1 BESS has an aggregate energy capacity less than or equal to 1MWh and, if in a room or enclosed area, consists of only a single energy storage system technology.
  2. Tier 2 BESS has an aggregate energy capacity greater than 1MWh or are comprised of more than one storage battery technology in a room or enclosed area.

### **8.8.4 General Requirements**

- A. All permits required by state and local codes and Bylaws, including but not limited to a building permit, an electrical permit, and a fire department permit shall be required for installation of all BESS.
- B. All BESS, all Dedicated Use Buildings, and all other buildings or structures that (a) contain or are otherwise associated with a battery energy storage and (b) subject to the requirements of the State Building Code, shall be designed, erected, and installed in accordance with all applicable provisions of the State Building Code 780 CMR, State Fire Code 527 CMR 1.00, and State Electrical Code 527 CMR 12.00. All BESS shall comply with NFPA 855, Standard for the Installation of Stationary Energy Storage Systems.

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C. BESS capacities, including array capacity and separation, are limited to the thresholds contained in NFPA 855.

- a. Utility Lines and Electrical Circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles.

**8.8.5 Permitting Requirements for Tier 1 BESS**

Tier 1 BESS are allowed by right in all zoning districts, subject to applicable provisions of the State Building Code, Electrical Code, Fire Code, and other applicable codes, and are subject to site plan review and such provisions of this Bylaw as are applicable.

**Permitting Requirements for Tier 2 BESS**

Tier 2 BESS are subject to this Bylaw and require the issuance of a special permit in those zoning districts identified in TABLE 1, Schedule of Uses, and are subject to Major Site Plan Review pursuant to Section 3.5. Tier 1 and Tier 2 BESS shall comply with the applicable requirements set forth in this Bylaw, as well as this Zoning Bylaw, and the Dracut General Bylaws. The following requirements apply to all Tier 1 and Tier 2 BESS subject to this Bylaw, except where it is specifically noted to apply only to Tier 2 BESS:

- A. Signage. Signage shall comply with the requirements of Section 6.2 of this Zoning Bylaw and the following requirements: in the event of a conflict between the provisions of Section 6.2 and this section, the requirements of this Section shall prevail.
  1. The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the BESS, any special hazards associated, the type of suppression system installed in the area of BESS, and 24-hour emergency contact information, including reach-back phone number.
  2. As required by the state electrical code, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
  3. Signage compliant with ANSI Z535 shall be provided on doors to rooms, entrances to BESS facilities, and on BESS outdoor containers.
- B. Lighting. The lighting of the BESS shall comply with Section 2.4.11 of this Zoning Bylaw.
- C. Vegetation and tree cutting. Areas within twenty feet on each side of a BESS installation shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted provided that they do not form a means of

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readily transmitting fire. Removal of trees should be minimized to the extent possible.

- D. Setbacks.
  - 1. All Tier 2 BESS shall be set back a minimum of 50 feet from all side, rear, and front lot lines; except if abutting or across the street from a residential zoning district in which case a Tier 2 BESS shall be set back a minimum of 100 feet from side, rear, and front lot lines.
  - 2. In addition, a minimum of 20 feet must be maintained between BESS components and all buildings, stored combustible materials, hazardous materials, high-piled storage, personnel means of egress, and other exposure hazards not associated with electrical grid infrastructure.
- E. Dimensional. Tier 2 BESS shall comply with the dimensional limitations for principal structures of the underlying zoning district as provided in Section 4 of this Zoning Bylaw, unless otherwise provided in this Bylaw.
- F. Fencing Requirements. Tier 2 BESS, including all mechanical equipment, shall be enclosed by a minimum eight-foot-high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building. Security barriers, fences, landscaping, and other enclosures must not inhibit required airflow or exhaust from the BESS and components. Electrical equipment greater than 1,000V requires a separate and additional means to restrict access. NFPA 855 requires specialty safety systems to be provided based on the BESS chemistry and installed location.
- G. Screening and Visibility. Tier 2 BESS shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area. Such features may not inhibit required air flow to or exhaust from the BESS and components and must comply with the setbacks established above.
- H. Mitigation for Loss of Carbon Sequestration and Forest Habitat. If land that is Forestland or has been Forestland within one year immediately preceding the filing of an application to install a Tier 2 BESS, the applicant shall demonstrate that they have made best efforts to preserve forest land and minimize loss of carbon sequestration. Fire Protection: Any building built or modified as a BESS shall have a full fire protection system, designed and engineered to meet the hazard regardless of building size. Any facility located in an area not served by a municipal water supply shall install a cistern approved by the Fire Chief for fire protection systems and firefighting operations.
- I. Batteries. Failed battery cells and modules shall not be stored on the site and shall be removed no later than 30 days after deemed failed by the BESS operator or cell/module manufacturer. The operator shall notify the Dracut Fire Chief in advance if the type of battery or batteries used onsite is to be changed.
- J. Decommissioning Plan. The applicant shall submit with its application a decommissioning

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plan be implemented upon abandonment and/or in conjunction with removal of the facility. The owner or operator of the BESS shall notify the Building Inspector in writing at least twenty days prior to when a BESS will be decommissioned. Decommissioning of an abandoned or discontinued BESS shall be completed within six months after the facility ceases operation.

The decommissioning plan shall include:

1. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all BESS components, structures, equipment, security barriers, and transmission lines from the site;
2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
3. The anticipated life of the battery energy storage system;
4. The estimated decommissioning costs and how said estimate was determined;
5. The method of ensuring that funds will be available for decommissioning and restoration;
6. The method by which the decommissioning cost will be kept current;
7. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
8. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

K. Decommissioning Fund. The owner and/or operator of the BESS, shall continuously maintain a fund or other surety acceptable to the Town, in a form approved by the Planning Board and Town Counsel, for the removal of the BESS, in an amount to be determined by the Planning Board, for the period of the life of the facility. All costs of the financial security shall be borne by the applicant. The Town shall have the right to access the surety should the owner and/or operator fail to properly decommission the energy storage system.

L. Proof of Liability Insurance. The applicant or property owner shall provide evidence of commercial liability insurance in an amount and type generally acceptable in the industry and approved by the Planning Board prior to the issuance of a building permit and shall continue such insurance in effect until such facility has been decommissioned, removed, and the site restored in accordance with this Bylaw.

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**8.8.6 Site plan application.**

For a Tier BESS the site plan application shall include the following information, in addition to that required in Section 2.4 Site Plan Review, of this Zoning Bylaw and the Planning Board Rules and Regulations:

- A. A one- or three-line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all State Electrical Code compliant disconnects and over current devices.
- B. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
- C. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the BESS. Such information of the final system installer shall be submitted prior to the issuance of building permit.
- D. Large-scale fire test data, evaluation information, and calculations, and modeling data. For any of the following, UL 9540A fire test data must be made available to the Planning Board for review:
  - BESS systems with a capacity of greater than 50kWh
  - BESS systems with spacing between arrays of less than 3 feet
- E. Commissioning Plan. The system installer or commissioning agent shall prepare a commissioning plan prior to the start of commissioning. Such plan shall be compliant with NFPA 855 and document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in applicable state codes. Where commissioning is required by the Building Code, battery energy storage system commissioning shall be conducted by a Massachusetts Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required by applicable state codes shall be provided to the Building Inspector prior to final inspection and approval and maintained at an approved on-site location.
- F. Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with state codes, including documentation that BESS components comply with the safety standards set forth in subsection 8.12.I.
- G. Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set

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forth state codes and NFPA 855. Maintenance provisions will be driven by manufacturer requirements for the specific listed system.

- H. Interconnection will be completed per 527 CMR 12.00. System interconnections into utility grids shall be in accordance with NFPA 855. An accessible disconnect is required per 527 CMR 12.00.
- I. Emergency Operations Plan. An Emergency Operations Plan compliant with NFPA 855 is required. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. For so long as the BESS is operational, the operator shall provide the Fire Department, Police Department, Building Inspector, and Town Manager's office with contact information for personnel that can be reached 24 hours per day every day, and this contact information shall be updated by the operator whenever there is a change in the information. The operator shall also be required to have an official representative be present onsite not later than two hours after notification by the Fire Chief, Police Chief, or their designee. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
  - 1. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
  - 2. Procedures for inspection and testing of associated alarms, interlocks, and controls, including time intervals for inspection and testing.
  - 3. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
  - 4. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
  - 5. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
  - 6. Procedures for safe disposal of battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
  - 7. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.
  - 8. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

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**8.8.7 Ownership Changes.**

If the owner of the BESS changes or the owner of the property changes, the special permit may remain in effect, provided that the successor owner or operator shall assume, in writing, all the obligations of the special permit, site plan approval, and decommissioning plan. A new owner or operator of the BESS shall notify the Building Commissioner and the Planning Board of such change in ownership or operator within 14 days of the ownership change, in writing.

**8.8.8 Safety**

- A. System Certification. BESS and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for BESS and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:
  1. UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
  2. UL 1642 (Standard for Lithium Batteries),
  3. UL 1741 or UL 62109 (Inverters and Power Converters),
  4. Certified under the applicable electrical, building, and fire prevention codes as required.
  5. Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.
- B. Site Access. BESS shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.
- C. BESS, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

**8.9.9 Abandonment**

The BESS shall be considered abandoned when it ceases to operate consistently for more than one year without written consent of the Planning Board. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, after compliance with any applicable state and federal constitutional requirements, enter the property and utilize the available bond and/or security for the removal of a BESS and restoration of the site in accordance with the decommissioning plan.

or take any action relative thereto.

Submitted by: Alison Manugian, Community Development Director

Recommendations: Recommendation to be given at the May 9<sup>th</sup> Selectmen Meeting

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**ARTICLE #28  
ZONING BY-LAW  
FLOOD PLAIN OVERLAY DISTRICT**

To see if the Town will delete **Section 5.1 Flood Plain and Floodway Districts** and replace with the following:

**Section 5.1 Floodplain Overlay District**

**5.1.1 Purpose**

The purposes of the Floodplain Overlay District (FPOD) are to:

- A. Ensure public safety through reducing the threats to life and personal injury;
- B. Eliminate new hazards to emergency response officials;
- C. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- D. Avoid the loss of utility services that if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- E. Eliminate costs associated with the response and cleanup of flooding conditions; and
- F. Reduce damage to public and private property resulting from floodwaters.

**5.1.2 Definitions**

For purposes of this section of the Dracut Zoning Bylaw, the following definitions shall apply:

**AREA OF SPECIAL FLOOD HAZARD:** That land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, and/or A99.

**Base Flood:** means the flood having a one percent chance of being equaled or exceeded in any given year.

**Development:** means any manmade change to improved or unimproved real property, including but not limited to buildings or other structures, dredging, filling, grading, paving, excavation or drilling operations. The term “development” does not include the resurfacing of existing pavements by the Town of Dracut Public Works Department for maintenance and safety of roadways. [US Code of Federal Regulations, Title 44, Part 59]

**District:** means Floodplain Overlay District.

**Flood Boundary and Floodway Map:** means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the

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100-year floodway. (For maps done in 1987 and later, the floodway designation is including on the FIRM.)

**Flood Hazard Boundary Map (FHBM):** means an official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59]

**Flood Insurance Rate Map** means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study** means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of flood-related erosion hazards.

**Floodplain Overlay District:** Area established as an overlay district as indicated on the Town of Dracut's Flood Insurance Rate Maps (FIRM) and the flood boundary and flood insurance maps developed by the Federal Emergency Management Agency (FEMA) and Federal Insurance Administration.

**Floodway:** The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202].

**Functionally Dependent Use** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

**Highest Adjacent Grade** means the highest natural elevation of the ground surface prior to construction measured next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

**Historic Structure** means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

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- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

**Lowest Floor** means the lower floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

**Manufactured Home** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

**Manufactured Home Park or Subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**New Construction:** means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of floodplain management regulation adopted by the Town of Dracut, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* For the purpose of determining insurance rates, **NEW CONSTRUCTION** means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

**One Hundred Year Flood.** See Base Flood.

**Recreational Vehicle** means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

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**Regulatory Floodway.** See Floodway.

**Special Flood Hazard Area** means an area having special flood and/or flood-related erosion hazards, and shown on an FHB or FIRM as Zone A, AO, AE, A99, and AH.

**Start of Construction:** The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the building permit date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202.

**Structure** means, for floodplain management purposes, a walled and roofed building that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means a walled and roofed building, including a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

**Substantial Damage** means any damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed.

**Substantial Repair of a Foundation:** When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a

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foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

**Variance** means a grant of relief by a community from the terms of a Floodplain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

**Violation** means the failure of a structure or other development to be fully compliant with the community's Floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

**Zone A** means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local or other data.

**Zone AE** (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined."

**Zone AH and AO** means the 100-year floodplain with flood depths of one to three feet.

**Zone A99** means areas to be protected from the 100-year flood by Federal flood protection system under construction. Base flood elevations have not been determined.

**Zones B, C, and X** areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C.

#### **5.1.3 Establishment of Floodplain Overlay District and Floodplain Overlay District Boundaries**

The Floodplain Overlay District (FPOD) is herein established as an overlay district. The FPOD includes all special flood hazard areas designated within the Town of Dracut designated as Zone A, AE, AH, AO and A99 on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Dracut are panel numbers 25017C0404E, 25017C0407E (Corrected 5/17/2010), 25017C0408E, 25017C0409E, 25017C0416E, 25017C0417E, 25017C0426E (Corrected 5/17/2010) and 25017C0428E, dated June 4, 2010. These maps indicate the 1%-chance regulatory floodplain. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4,

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2010. The FIRM, and Flood Insurance Study (FIS) report are incorporated herein by reference and are on file with the Town Clerk, Building Inspector and the Town Engineer.

**5.1.4 Community Floodplain Administrator.**

The Town of Dracut hereby designates the position of Inspector of Buildings to be the official floodplain administrator for the Town.

**5.1.5 Permits required for all proposed development in the Floodplain Overlay District.**

The Town of Dracut requires a building permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

**5.1.6 All necessary permits must be obtained.**

Dracut's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that necessary permits have been acquired.

**5.1.7 Floodway Encroachment**

**Floodway Data.** In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge

In the floodway, as shown on the Flood Boundary and Floodway Map, the following provisions shall apply:

- a. All encroachments, including fill, new construction, substantial improvements of existing structures, and other development are prohibited unless certification by a registered professional engineer is provided by the applicant to demonstrate that such encroachments shall not result in any increase in flood levels greater than the occurrence of the 100-year flood.
- b. Any encroachment meeting the above standard shall comply with the floodplain requirements of the State Building Code with the exception of the requirements noted herein.

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**5.1.8 Un-numbered A Zones.**

In A Zones, in the absence of FEMA BFE data and floodway data, the Inspector of Buildings will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

**5.1.9 AO and AH zones drainage requirements.**

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

**5.1.10 Subdivision Proposals.**

All subdivision proposals and development proposals in the floodplain overlay district shall be reviews to assure that:

- (a) Such proposals minimize flood damage.
- (b) Public utilities and facilities are located & constructed so as to minimize flood damage.
- (c) Adequate drainage is provided.

**5.1.11 Base Flood Elevation for Subdivision Proposals.**

When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

**5.1.12 AO and AH Zones Drainage Requirements.**

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

**5.1.13 Alteration or Relocation of a Watercourse in a Riverine Situation.**

The Inspector of Buildings shall notify, in a riverine situation, the following of any alteration or relocation of a watercourse:

1. Adjacent communities
2. Bordering State < if affected.
3. NFIP State Coordinator

Massachusetts Department of Conservation and Recreation (DCR)  
Flood Hazard Management  
251 Causeway Street, Suite 700

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Boston, MA 02114-2104

4. NFIP Program Specialist  
Federal Emergency Management Agency, Region 1  
99 High Street, 6<sup>th</sup> Floor, Boston MA 02111

**5.1.14 New technical data.**

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:

FEMA Region 1 Risk Analysis Branch Chief  
99 High St., 6<sup>th</sup> Floor, Boston, MA 02110

And a copy of notification to:

Massachusetts NFIP State Coordinator  
MA Dept. of Conservation and Recreation,  
251 Causeway Street, Boston, MA 02114.

**5.1.15 Variances to Building Code Floodplain standards.**

If a variance to the State Building Code Floodplain standards is issued by the State Building Code Appeals Board, a copy of such shall be provided by the applicant to the Inspector of Buildings of the Town of Dracut within 60 days of the variance issuance.

Such notification shall be maintained with the record of all variance actions for the project in the floodplain overlay district.

**5.1.16 Variances To Zoning Bylaws Related to Community Compliance with the National Flood Insurance Program (NFIP).**

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: i) Good and sufficient cause and exceptional non-financial hardship exist; ii) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and iii) the variance is the minimum necessary to afford relief.

**5.1.17 Allowed Uses**

A – Encouraged Uses

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

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1. Agricultural uses such as farming, grazing, truck farming, horticulture, etc;
2. Forestry and nursery uses;
3. Outdoor recreational uses, including fishing, boating, play areas, etc.;
4. Conservation of water, plants, wildlife;
5. Wildlife management of areas, foot, bicycle and/or horse paths;

**B – Other Allowable Uses**

6. Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises;
7. Buildings lawfully existing prior to the adoption of these provisions;
8. Temporary construction for the repair or placement of pipes, drains, utilities, and like installations, which are currently permitted by the Town of Dracut or Dracut Water Supply District; and
9. Any work undertaken by or on behalf of the Town of Dracut individually or Dracut Water Supply District, so long as that work is subject to regulation under existing state or federal laws or regulations

**5.1.18 Abrogation.**

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local bylaws, ordinances or codes.

**5.1.19 Disclaimer of liability.**

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

**5.1.20 References and Additional Information**

Reference to Existing Regulations. This Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws (known as the Massachusetts Wetlands Protection Act (WPA), and with the following:

1. Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas, (currently 780 CMR 120(G));

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2. Wetlands Protection Act Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
3. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00); and
4. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage.
5. Local Wetlands protections bylaws, if stricter than the DEP regulations and the WPA.

**ARTICLE #29  
ZONING BY-LAW  
SECTION 3.3 TABLE OF PERMITTED USES**

**Section 3.3 Table of Permitted Uses**

- A. To see if the Town will vote to amend the Zoning Bylaw by amending Section 3.3 Table of Permitted Uses to read as follows with the proposed changes in bold and noting the existing permit status crossed out and the proposed permitting status added.

<b>Principal Uses</b>	<b>Residential</b>		<b>Business</b>			<b>Industrial</b>	
	<b>R-1</b>	<b>R-2</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>I-1</b>	<b>I-2</b>
<b><u>General uses</u></b>							
Agriculture	P	P	P	P	P	P	P
Conservation	P	P	P	P	P	P	P
Earth Removal	0	0	0	0	0	BOS(#1)	BOS(#1)
Recreation	P	P	P	P	P	P	P
<b><u>Residential Uses</u></b>							
Single Family Dwelling	P	P	0	0	0	0	0
Two Family Dwelling	0	PB(#2)	PB(#2)	0	0	0	0
Multi-Family Dwelling	0	PB(#3)	<del>0</del> PB(#3)	<del>0</del> PB(#3)	<del>0</del> PB(#3)	0	0
<b><u>Governmental, Institutional, &amp; Public Service Uses</u></b>							
Municipal	P	P	P	P	P	P	P
Museums	0	0	P	P	P	<del>P</del> 0	<del>P</del> 0
<b>For Profit Educational</b>	<b>0</b>	<b>PB</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>0</b>	<b>0</b>
<b>Not for Profit Educational</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
Religious	P	P	P	P	P	P	P
Nursing Home	0	PB	<del>P</del> PB	P	P	0	0
Public or Private Utility Facilities	0	0	<del>0</del> PB	<del>0</del> PB	<del>0</del> PB	<del>BOS</del> P	<del>BOS</del> P
Hospitals	0	0	<b>BOS&gt;0</b>	BOS	BOS	0	0

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Principal Uses	Residential		Business			Industrial	
	R-1	R-2	B-1	B-2	B-3	I-1	I-2
Correctional Facilities	0	0	0	0	0	BOS	BOS
Cemeteries	P	P	0	0	0	P	<b>0-P</b>
Post Office	<b>0-P</b>	<b>0-P</b>	P	P	P	<b>PB P</b>	<b>0-P</b>
Assisted Living Facility	0	<b>0-P</b>	PB	PB	0	0	0
<b>Business Uses (#4)</b>							
Retail Store <5,000 G.S.F.	0	0	P	P	P	<b>PB P</b>	<b>0-P</b>
Retail Store >5,000 G.S.F.	0	0	<b>PB P</b>	<b>PB P</b>	<b>PB P</b>	<b>0 PB</b>	<b>0 PB</b>
Professional Office	0	0	P	P	P	0	0
Financial Service	0	0	P	P	P	0	0
Restaurant	0	0	P	P	P	PB	<b>0 PB</b>
Restaurant – Fast Food	0	0	<b>PB P</b>	P	<b>PB P</b>	PB	<b>0 PB</b>
<b>Restaurant - Fast Food with Drive Thru</b>	<b>0</b>	<b>0</b>	PB	PB	PB	PB	PB
Hotel, Inn or Motel	0	0	<b>P PB</b>	P	P	<b>BOS PB</b>	<b>0&gt;PB</b>
Combined Business and Dwelling	0	0	<b>PB P</b>	<b>P{#11} P</b>	<b>PB P</b>	0	0
Lodge or Club	<b>BOS</b> PB	<b>BOS</b> PB	P	P	P	P	P
<b>Redemption Center &lt; 5,000 G.S.F.</b>	<b>0</b>	<b>0</b>	<b>PB</b>	<b>PB</b>	<b>PB</b>	<b>PB</b>	<b>PB</b>
<b>Redemption Center &gt; 5,000 G.S.F.</b>	<b>0</b>	<b>0</b>	<b>PB</b>	<b>PB</b>	<b>PB</b>	<b>PB</b>	<b>PB</b>
Funeral Home	0	<b>BOS 0</b>	P	P	P	<b>0-P</b>	<b>0-P</b>
Veterinary Care	0	0	P	P	P	<b>0-P</b>	<b>0-P</b>
Commercial Kennel	0	0	0	<b>P 0</b>	<b>P 0</b>	<b>P 0</b>	<b>P 0</b>
Personal Services	0	0	P	P	P	<b>PB 0</b>	0
General Services	0	0	P	P	P	<b>PB 0</b>	0
Studio	0	0	P	P	P	<b>P 0</b>	0
Building Trade Shop	0	0	<b>P 0</b>	P	P	<b>P 0</b>	0
Commercial Recreation	0	0	<b>BOS 0</b>	PB	PB	<b>PB P</b>	<b>PB P</b>
Lounge or Pub	0	0	<b>BOS PB</b>	<b>BOS PB</b>	<b>BOS PB</b>	0	0
Commercial and Trade School	0	0	<b>BOS P</b>	P	P	<b>PB P</b>	<b>PB P</b>
Amusement Facility Indoor	0	0	<b>BOS P</b>	<b>BOS P</b>	<b>BOS P</b>	0	0
Amusement Facility Outdoor	0	0	<b>BOS 0</b>	<b>BOS PB</b>	<b>BOS PB</b>	0	0
Motor Vehicle Service Station	0	0	<b>BOS P</b>	<b>BOS P</b>	<b>BOS P</b>	<b>BOS P</b>	<b>BOS P</b>
Car Wash	0	0	<b>BOS PB</b>	<b>BOS P</b>	<b>BOS P</b>	<b>0-P</b>	<b>0-P</b>

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Principal Uses	Residential		Business			Industrial	
	R-1	R-2	B-1	B-2	B-3	I-1	I-2
Motor Vehicle Repair or Body Shop	0	0	<b>BOS PB</b>	<b>BOS P</b>	<b>BOS P</b>	P	P
Light Vehicle Sales	0	0	<b>BOS PB</b>	<b>BOS P</b>	<b>BOS P</b>	<b>0-P</b>	<b>0-P</b>
Vehicle Equipment Sales	0	0	<b>BOS PB</b>	P	<b>BOS P</b>	<b>BOS P</b>	<b>0-P</b>
Motor Vehicle Rental Agency	0	0	PB	<b>0-P</b>	<b>0-P</b>	<b>0-P</b>	<b>0-P</b>
Parking Facility	0	0	<b>BOS PB</b>	<b>BOS P</b>	<b>BOS P</b>	<b>0-P</b>	<b>0-P</b>
Commercial Breeding Facility	0	0	0	0	0	PB	0
Zoo	0	0	<b>BOS 0</b>	<b>BOS 0</b>	<b>BOS 0</b>	<b>BOS</b>	<b>BOS</b>
Commercial Broadcast Facility (not including studio)	0	0	<b>BOS 0</b>	<b>BOS 0</b>	<b>BOS 0</b>	<b>BOS 0</b>	P>0
Airport – Fixed Wing	0	0	0	0	0	<b>PB 0</b>	<b>PB 0</b>
Aircraft – Heliport	0	0	<b>P 0</b>	<b>P 0</b>	<b>P 0</b>	<b>P 0</b>	<b>P 0</b>
Rifle Range (outdoor)	0	0	0	0	0	<b>BOS 0</b>	<b>BOS 0</b>
Boarding House	0	PB(#3)	0	0	0	0	0
Day Care Facility	<b>BOS P</b>	<b>BOS P</b>	<b>BOS P</b>	<b>0-P</b>	<b>BOS P</b>	<b>0-P</b>	<b>0-P</b>
Body Art Establishment	0	0	BOS(#10)	BOS(#10)	BOS(#10)	0	0
<del>Registered Marijuana Dispensaries (RMD)</del>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>BOS</b>	<b>BOS</b>
Shooting Range (Indoor)	0	0	0	P	<b>0-P</b>	<b>0-P</b>	<b>0-P</b>
Domestic Pet Services	0	0	<b>PB P</b>	<b>PB P</b>	<b>PB P</b>	<b>PB P</b>	<b>0-P</b>
<b><u>Industrial Use (#5)</u></b>							
Research/Office Park	0	0	0	<b>0 PB</b>	<b>0 PB</b>	PB	PB
Warehouse	0	0	0	<b>0 PB</b>	<b>0 PB</b>	PB	<b>P PB</b>
Mini-Warehouse	0	0	<b>P 0</b>	PB	PB	PB	PB
Construction Yard	0	0	0	0	0	<b>PB P</b>	<b>PB P</b>
Lumber Yard	0	0	0	PB	PB	<b>PB P</b>	<b>PB P</b>
Heating Fuel Sales/Service	0	0	0	PB	PB	<b>PB P</b>	<b>PB P</b>
Heavy Manufacturing	0	0	0	0	0	<b>0 PB</b>	<b>0 PB</b>
<del>Heavy Vehicle Sales</del>	<b>0</b>	<b>0</b>	<b>0</b>	<b>BOS</b>	<b>BOS</b>	<b>BOS</b>	<b>BOS</b>
<del>Heavy Vehicle Repair</del>	<b>0</b>	<b>0</b>	<b>0</b>	<b>BOS</b>	<b>BOS</b>	<b>0</b>	<b>0</b>
Light Manufacturing	0	0	0	<b>0 PB</b>	<b>0 PB</b>	P	P
Waste Treatment	0	0	0	0	0	<b>0 PB</b>	<b>BOS PB</b>
Waste Recovery	0	0	0	0	0	<b>0 PB</b>	<b>0 PB</b>
Waste Transfer Facility	0	0	0	0	0	<b>BOS PB</b>	<b>BOS PB</b>
<b>Slaughter House &amp; Similar</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Telecommunications Facility	PB(#9)	PB(#9)	PB(#9)	PB(#9)	PB(#9)	PB(#9)	PB(#9)

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<b>Principal Uses</b>	<b>Residential</b>		<b>Business</b>			<b>Industrial</b>	
	<b>R-1</b>	<b>R-2</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>I-1</b>	<b>I-2</b>
Marijuana Establishment	0	0	0	<b>0 BOS</b>	<b>0 BOS</b>	BOS	BOS
Heavy Vehicle Sales and/or Repair Garage	0	0	0	<b>BOS PB</b>	<b>0 PB</b>	PB	PB
Natural Materials Operation	0	0	0	0	0	PB	PB
<b><u>Other Uses</u></b>							
Storage	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Containerized Temp. Storage	PB	PB	PB	PB	PB	PB	PB
Truck Terminal	0	0	0	0	0	0	<b>0 PB</b>
<b>Solid Waste Disposal</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Biological Research	0	0	0	<b>0 PB</b>	<b>0 PB</b>	<b>BOS PB</b>	<b>BOS PB</b>
Adult Entertainment Establishments	0	0	0	0	BOS	0	0
Fairs, Carnivals, Etc. (#6) (#7)	0	0	BOS	BOS	BOS	<b>BOS 0</b>	<b>BOS 0</b>
Accessory Dwelling Units (#8)	<b>PB P</b>	<b>PB P</b>	PB(#8)	PB(#8)	PB(#8)	PB(#8)	PB(#8)
Student Transit Vehicle Parking	0	0	0	0	0	PB	PB

or take any action relative thereto.

Submitted by: Alison Manugian, Community Development Director

Recommendations: Recommendation to be given at the May 9<sup>th</sup> Selectmen Meeting

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**ARTICLE #30  
ZONING BY-LAW – ZONING MAP UPDATE  
ORCHARD STREET & LAKEVIEW AVE**

To see if the Town will vote to amend the Zoning Map by amending the district designation of the following parcels as follows:

- A. 1960 & 1968 Lakeview Ave which are current split zoned B3 and I1 to proposed B1
- B. 20, 26, 34, 46 Orchard Street from I-1 to R-2
- C. 88 Mill Street to remain with current I-1 designation

as shown on the attached plan below.

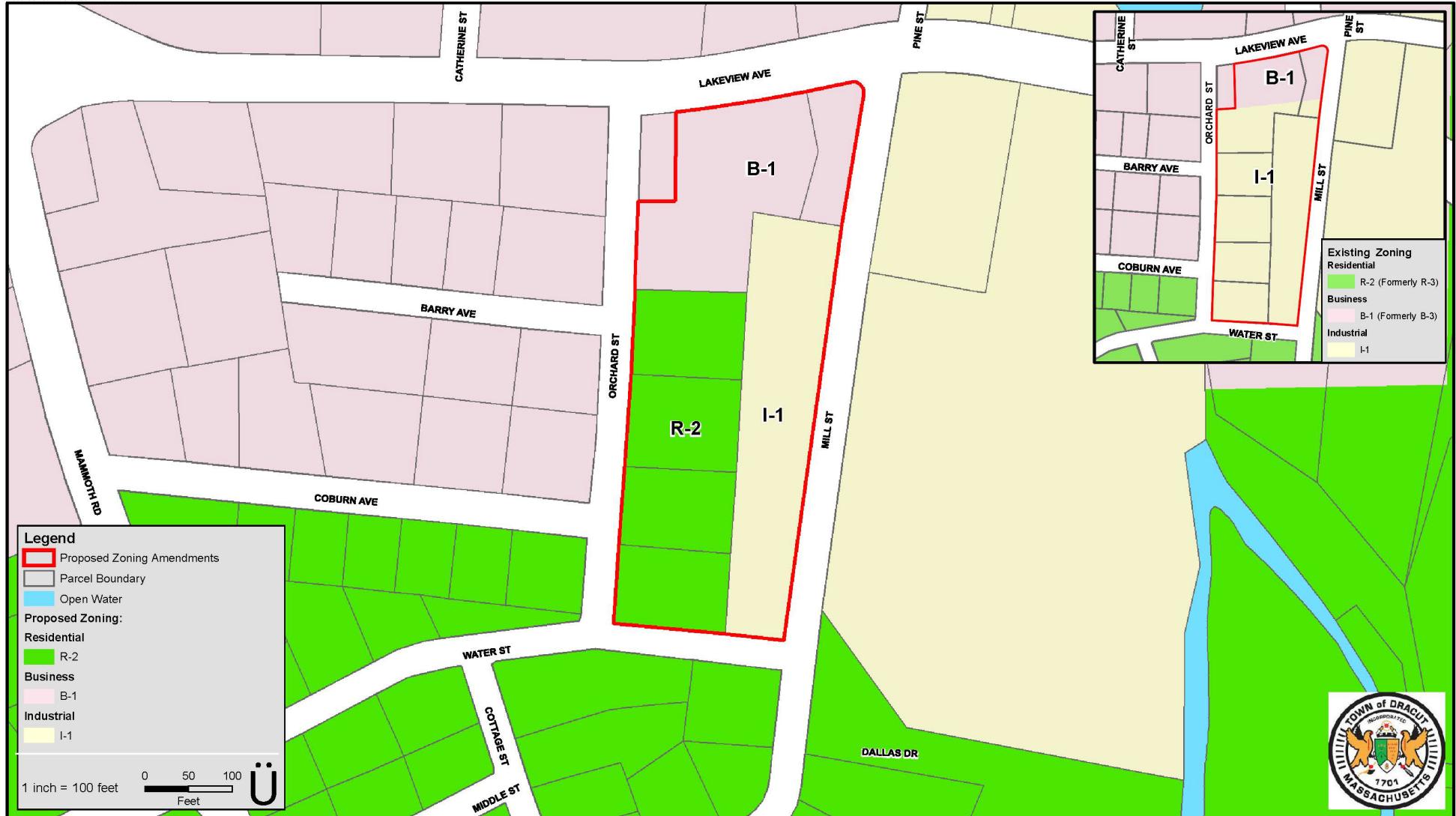
or take any action relative thereto.

Submitted by: Alison Manugian, Community Development Director

Recommendations: Recommendation to be given at the May 9<sup>th</sup> Selectmen Meeting

**ANNUAL TOWN MEETING WARRANT**  
**TOWN OF DRACUT**  
**JUNE 5, 2023**

File Location: G:\GIS\Prj\6117000\Output\Maps\MXD\ReportMaps\Zoning Amendments\Dracut\_11x17\_Zoning Amendment\_2\_20230328.mxd  
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**DRACUT ZONING BYLAW REVIEW AND UPDATE**

**ANNUAL TOWN MEETING WARRANT  
TOWN OF DRACUT  
JUNE 5, 2023**

**ARTICLE #31  
ZONING BY-LAW**

**ZONING MAP UPDATE 133 PHINEAS STREET AND 148 & 161 FLOWER LANE**

To see if the Town will vote to amend the Zoning Map the district designation of the parcel(s) at 133 Phineas Street and 148 & 161 Flower Lane with a zoning designation of R-1 to the R-2 district.

as shown on the attached plan:

or take any action relative thereto.

Submitted by: Alison Manugian, Community Development Director

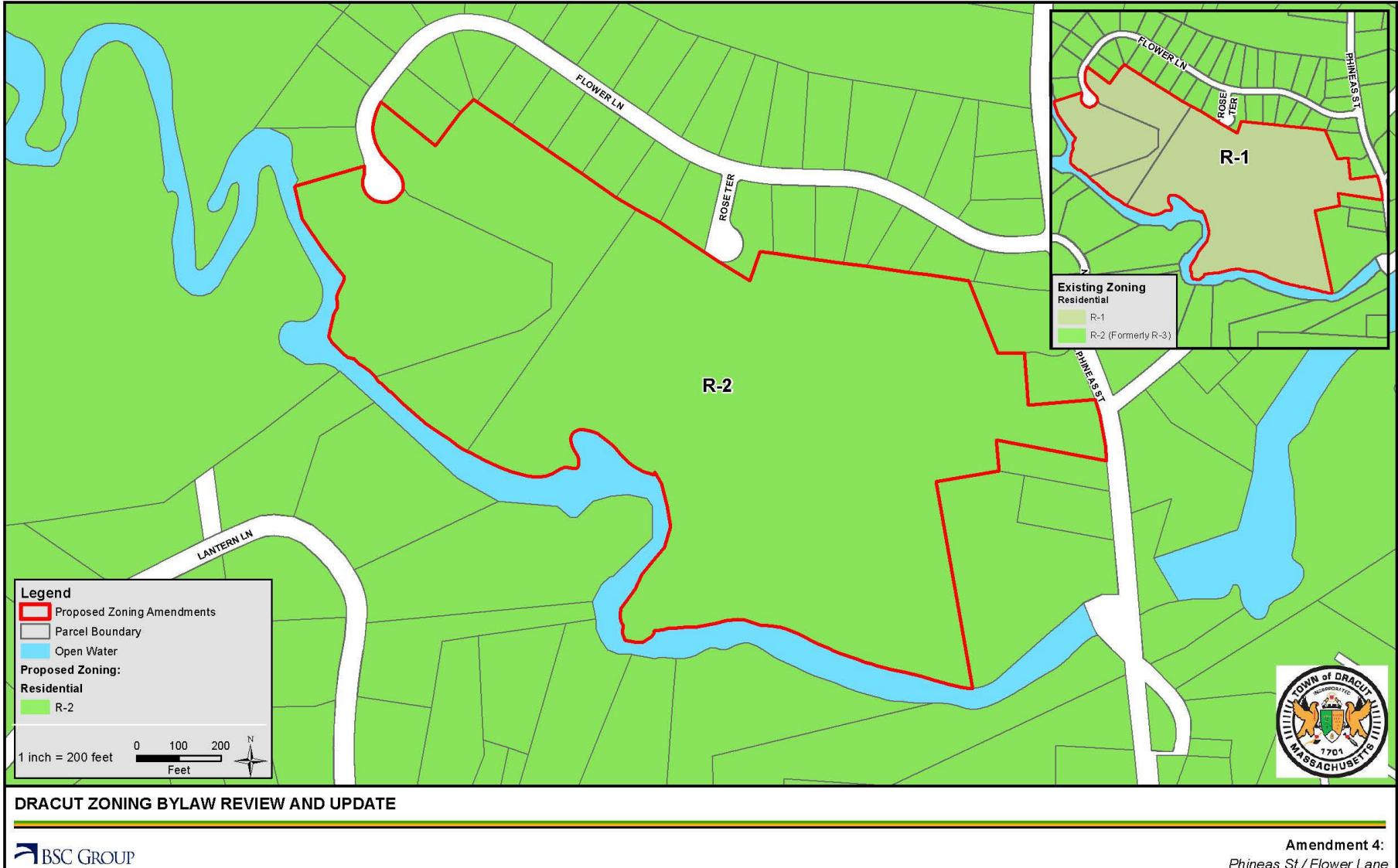
Recommendations: Recommendation to be given at the May 9<sup>th</sup> Selectmen Meeting

**ANNUAL TOWN MEETING WARRANT  
TOWN OF DRACUT  
JUNE 5, 2023**

File Location: G:\GISPrj\6117000\OutputMaps\MXD\ReportMaps\ZoningAmendments\Dracut\_11x17\_ZoningAmendment\_4\_20230328.mxd  
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## ANSWER



**ANNUAL TOWN MEETING WARRANT  
TOWN OF DRACUT  
JUNE 5, 2023**

**ARTICLE #32  
ZONING BY-LAW – ZONING MAP UPDATE  
94 HAMPSON STREET**

To see if the Town will vote to amend the Zoning Map the district designation of the parcel known as 94 Hampson Street with a zoning designation of R-2 to the B-1 zoning district.

as shown on the attached plan:

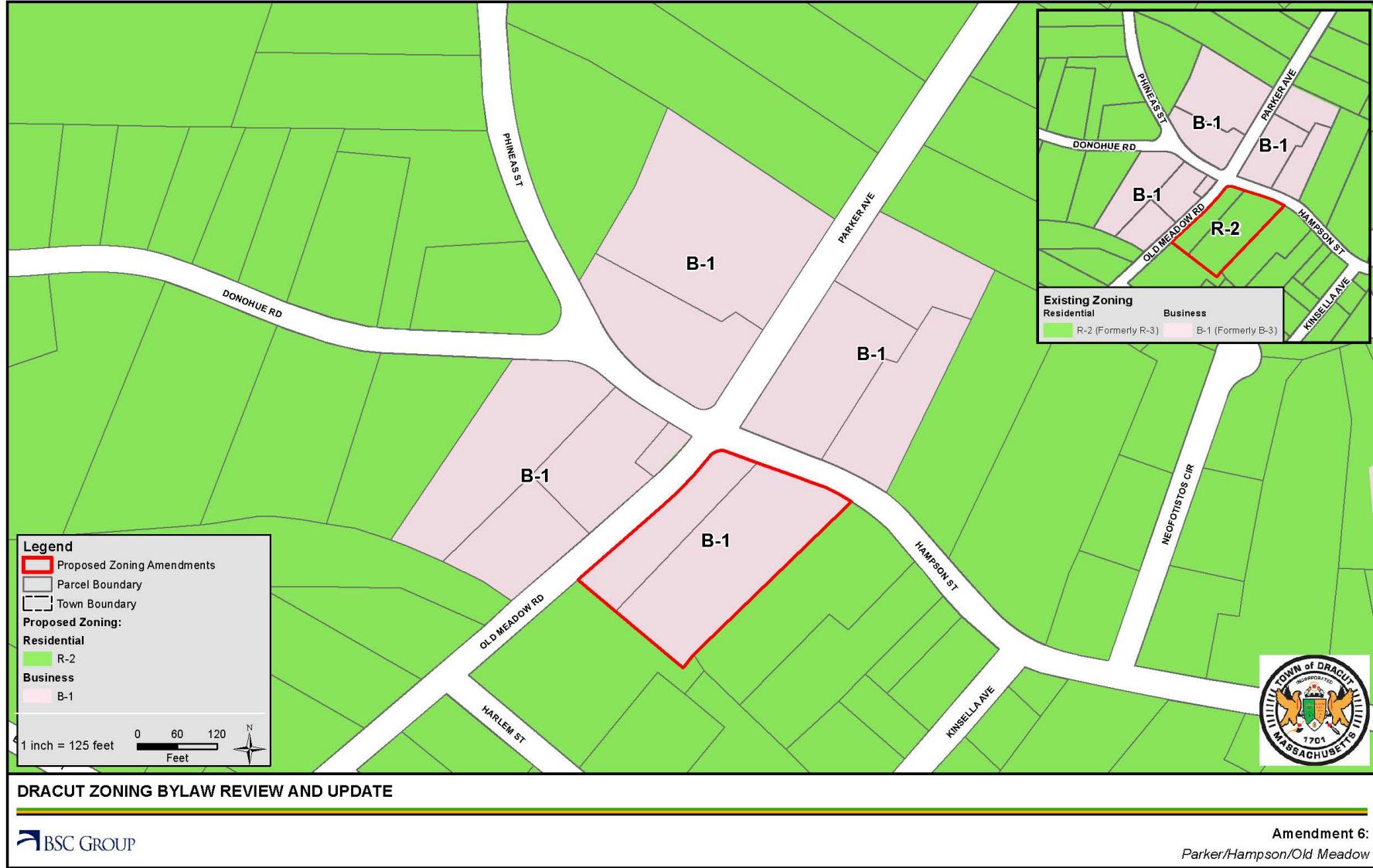
or take any action relative thereto.

Submitted by: Alison Manugian, Community Development Director

Recommendations: Recommendation to be given at the May 9<sup>th</sup> Selectmen Meeting

**ANNUAL TOWN MEETING WARRANT**  
**TOWN OF DRACUT**  
**JUNE 5, 2023**

File Location: G:\GISPrj\6117000\Output\Maps\MXD\ReportMaps\ZoningAmendments\Dracut\_11x17\_ZoningAmendment\_6\_20230328.mxd  
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**ANNUAL TOWN MEETING WARRANT  
TOWN OF DRACUT  
JUNE 5, 2023**

**ARTICLE #33  
ZONING BY-LAW – ZONING MAP UPDATE  
PLEASANT STREET EAST OF NAVY YARD**

To see if the Town will vote to amend the Zoning Map by amending the district designation of the parcel(s)known as 130, 140, 146, 148, 150, and 152 Pleasant Street with a zoning designation of R-2 to the B-1 district.

as shown on the attached plan:

or take any action relative thereto.

Submitted by: Alison Manugian, Community Development Director  
Recommendations: Recommendation to be given at the May 9<sup>th</sup> Selectmen Meeting

**ANNUAL TOWN MEETING WARRANT**  
**TOWN OF DRACUT**  
**JUNE 5, 2023**

File Location: G:\GIS\Prj\6117000\Output\Maps\MXD\Report\Maps\Zoning\Amendments\Dracut\_11x17\_ZoningAmendment\_7\_20230328.mxd  
Date Saved: 4/6/2023 11:33:25 AM



**DRACUT ZONING BYLAW REVIEW AND UPDATE**

 **BSC GROUP**

Amendment 7:  
Navy Yard

**ANNUAL TOWN MEETING WARRANT  
TOWN OF DRACUT  
JUNE 5, 2023**

**ARTICLE #34  
ZONING BY-LAW – ZONING MAP UPDATE  
BANCROFT/HAMBLETT/OLIVER/STEVENS/SLADEN AND CASS**

To see if the Town will vote to amend the Zoning Map the district designation of the parcels known

as: 10, 26, 36, 54, 54, 64, 72, 77, 80, 87 Bancroft Street

11, 12, 33 Oliver Drive

10, 20, 28 Stevens Street

85 Hamblett Avenue

272 Sladen Street

100 Cass Avenue

with a zoning designation of R-1 to the R-2 zoning district

as shown on the attached plan:

or take any action relative thereto.

Submitted by: Alison Manugian, Community Development Director

Recommendations: Recommendation to be given at the May 9<sup>th</sup> Selectmen Meeting

**ANNUAL TOWN MEETING WARRANT**  
**TOWN OF DRACUT**  
**JUNE 5, 2023**

File Location: G:\GISPrj\6117000\Output\Maps\MXD\ReportMaps\ZoningAmendments\Dracut\_11x17\_ZoningAmendment\_8\_20230328.mxd  
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**DRACUT ZONING BYLAW REVIEW AND UPDATE**

**BSC GROUP**

**Amendment 8:**

Bancroft/Oliver/Stevens/Sladen/Cass

**ANNUAL TOWN MEETING WARRANT  
TOWN OF DRACUT  
JUNE 5, 2023**

**ARTICLE #35  
ZONING BY-LAW – ZONING MAP UPDATE  
204 PLEASANT STREET**

To see if the Town will vote to amend the Zoning Map the district designation of the parcel known as 204 Pleasant Street with a zoning designation of B-1 to the R-2 zoning district.

as shown on the attached plan:

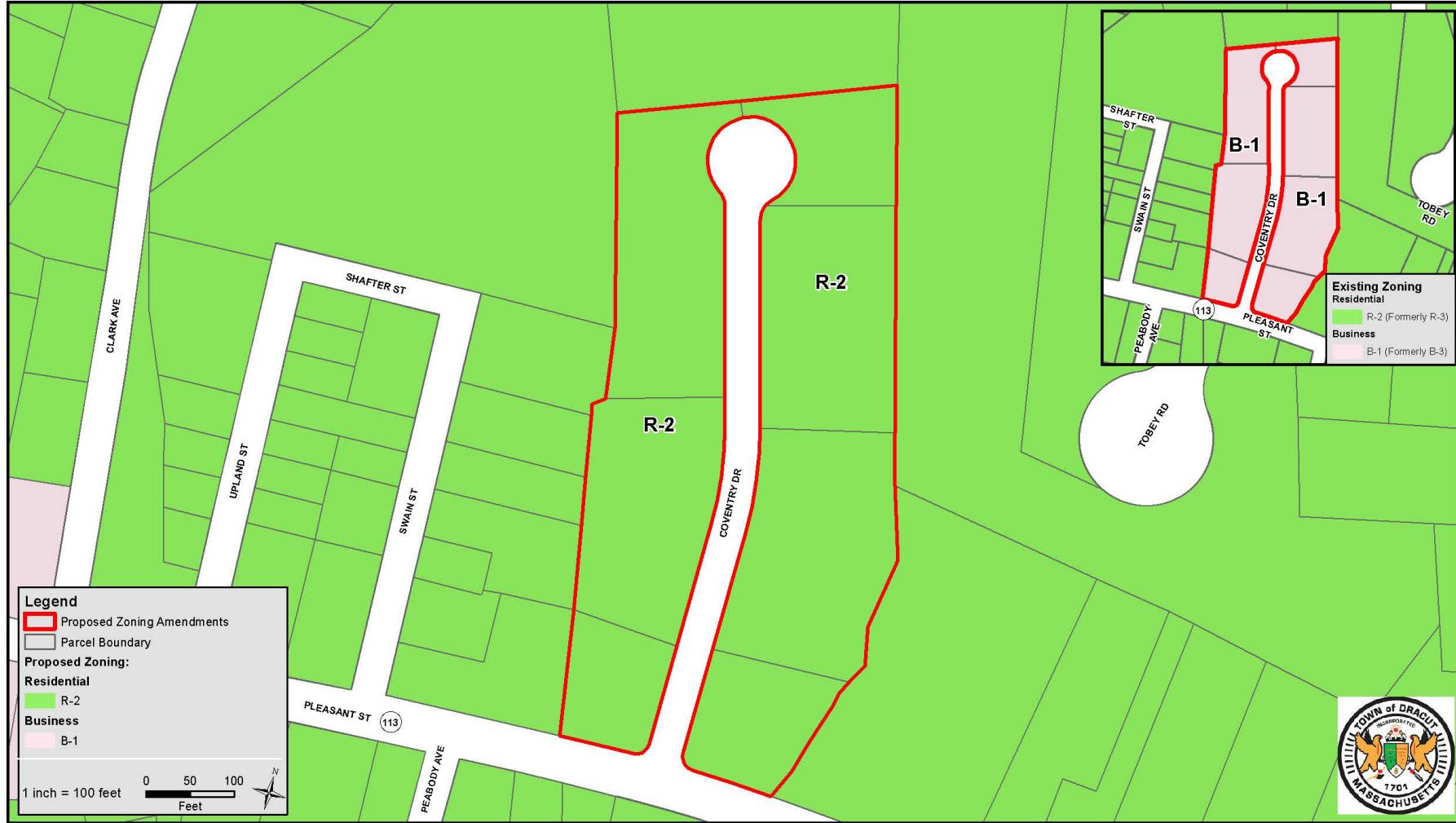
or take any action relative thereto.

Submitted by: Alison Manugian, Community Development Director

Recommendations: Recommendation to be given at the May 9<sup>th</sup> Selectmen Meeting

ANNUAL TOWN MEETING WARRANT  
TOWN OF DRACUT  
JUNE 5, 2023

File Location: G:\GIS\Prj\6117000\Output\Maps\MD Reports\Maps\Zoning Amendments\Dracut\_11x17\_ZoningAmendment\_9\_20230328.mxd  
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DRACUT ZONING BYLAW REVIEW AND UPDATE

BSC GROUP

Article 13: Zoning Amendment 9  
204 Pleasant Street

**ANNUAL TOWN MEETING WARRANT  
TOWN OF DRACUT  
JUNE 5, 2023**

**ARTICLE #36  
ZONING BY-LAW – ZONING MAP UPDATE  
MERRIMACK AVENUE CORRIDOR**

To see if the Town will vote to amend the Zoning Map the district designation of Merrimack Avenue Corridor as follows:

To realign the B-1 District Boundaries on the northerly side of Merrimack Avenue with the adjoining districts to better reflect property lines and site topography.

as shown on the attached plan:

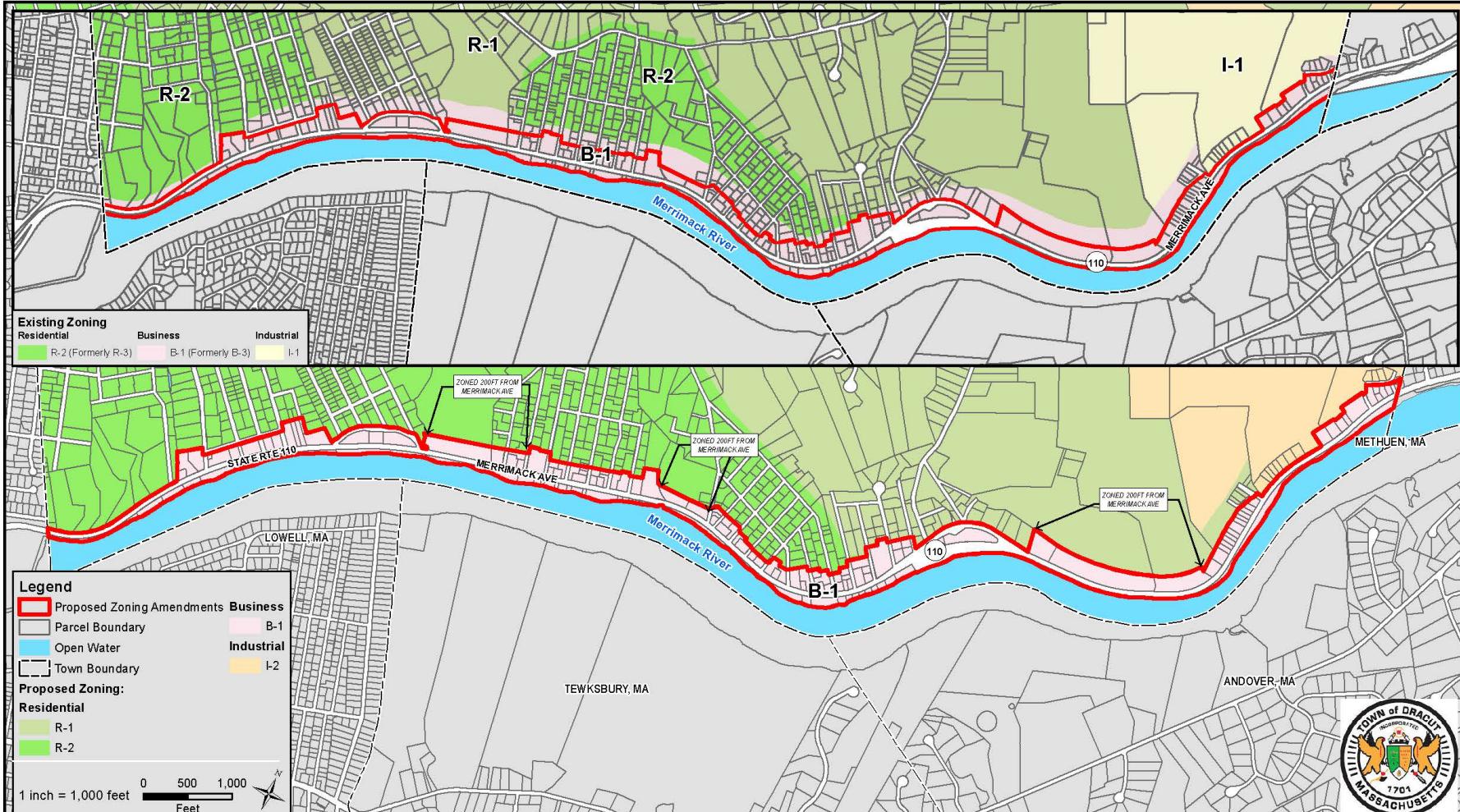
or take any action relative thereto.

Submitted by: Alison Manugian, Community Development Director

Recommendations: Recommendation to be given at the May 9<sup>th</sup> Selectmen Meeting

ANNUAL TOWN MEETING WARRANT  
TOWN OF DRACUT  
JUNE 5, 2023

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DRACUT ZONING BYLAW REVIEW AND UPDATE

BSC GROUP

Amendment 10:  
Merrimack Ave

**ANNUAL TOWN MEETING WARRANT  
TOWN OF DRACUT  
JUNE 5, 2023**

**ARTICLE #37  
ZONING BY-LAW – ZONING MAP UPDATE  
REZONE FROM I-1 TO I-2 OFF MERRIMACK AVENUE**

To see if the Town will vote to amend the Zoning Map of Dracut by changing the designation of the properties located north of Merrimack Avenue and on both sides of Methuen Street bordering with the Methuen City limits known as:

1226, 1228, 1256, 1258, 1274, 1282, and 1286, Merrimack Avenue

1375, 1401, 1412, 1450, 1470, 1471, 1476, 1480, 1601, Methuen Street, Rear Methuen Street, and Methuen Street

50 Jackson Street (West)

Poppy Lane Rear

with a zoning district designation of I-1 to a zoning district designation of I-2 as shown on the attached Plan

as shown on the attached plan:

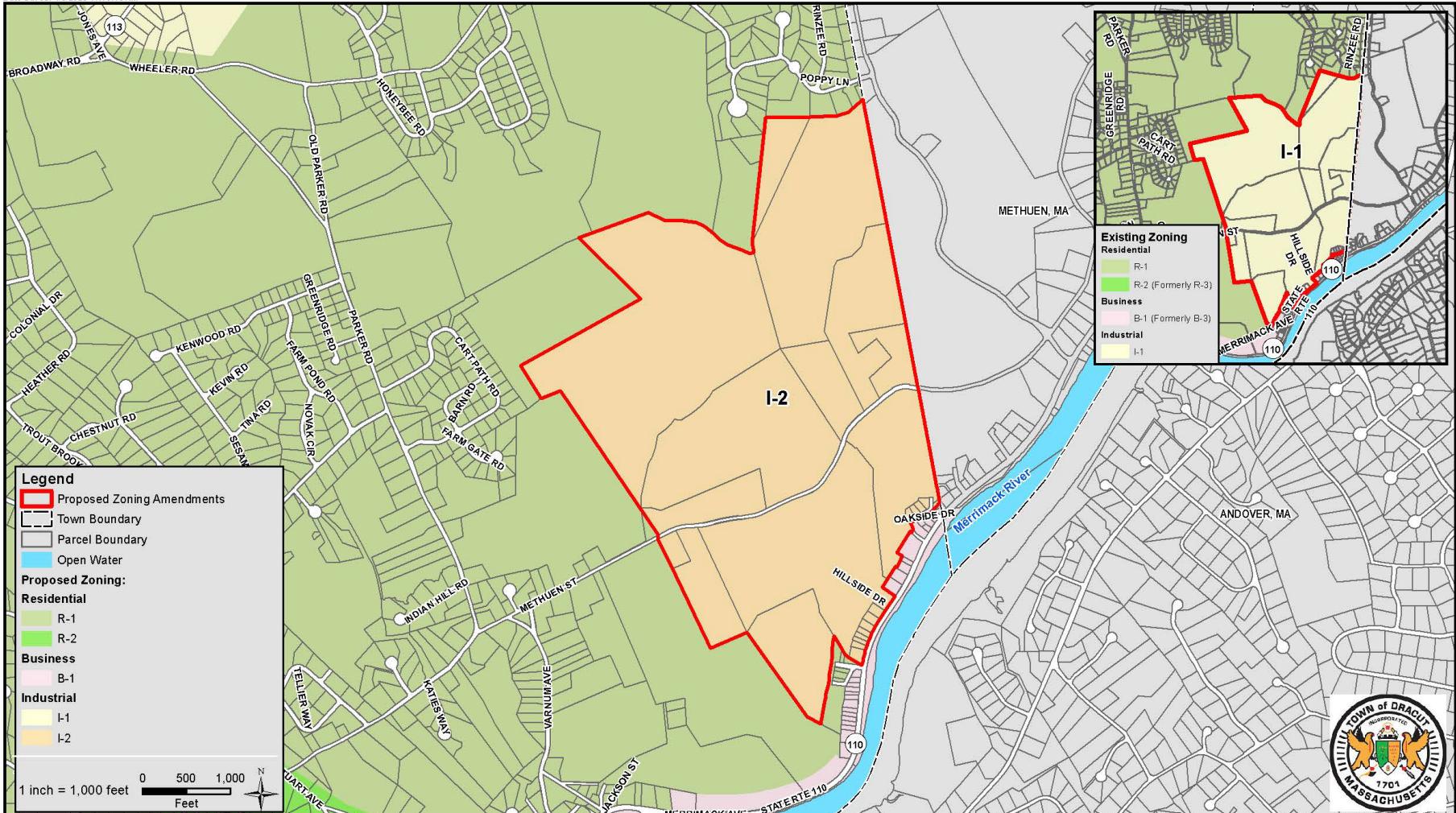
or take any action relative thereto.

Submitted by: Alison Manugian, Community Development Director

Recommendations: Recommendation to be given at the May 9<sup>th</sup> Selectmen Meeting

**ANNUAL TOWN MEETING WARRANT**  
**TOWN OF DRACUT**  
**JUNE 5, 2023**

File Location: G:\GIS\Proj\6117000\Output\Maps\MXD\Report\maps\Zoning\Amendments\Dracut\_11x17\_ZoningAmendment\_11\_20230328.mxd  
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**DRACUT ZONING BYLAW REVIEW AND UPDATE**

**BSC GROUP**

Amendment 11:  
 Brox Property

**ANNUAL TOWN MEETING WARRANT  
TOWN OF DRACUT  
JUNE 5, 2023**

**ARTICLE #38  
ZONING BY-LAW – ZONING MAP UPDATE  
WEST OF BEAVER BROOK AND MAMMOTH AND GUMPUS ROADS**

To see if the Town will vote to amend the Zoning Map as follows:

**Subsection A**

1. Amending the district designation of all properties west of Beaver Brook north of Lakeview Avenue and Tyngsboro Road with a zoning designation of R-1 to a zoning designation of R-2
2. Amend the district designation of the property known as 750 Nashua Road from B-1 to R-

**Subsection B**

3. Amend the district designation of all the parcels west of Mammoth and Gumpus Roads south of Lakeview Ave and Tyngsboro Road with a zoning designation of R-1 to zoning district designations of R-2

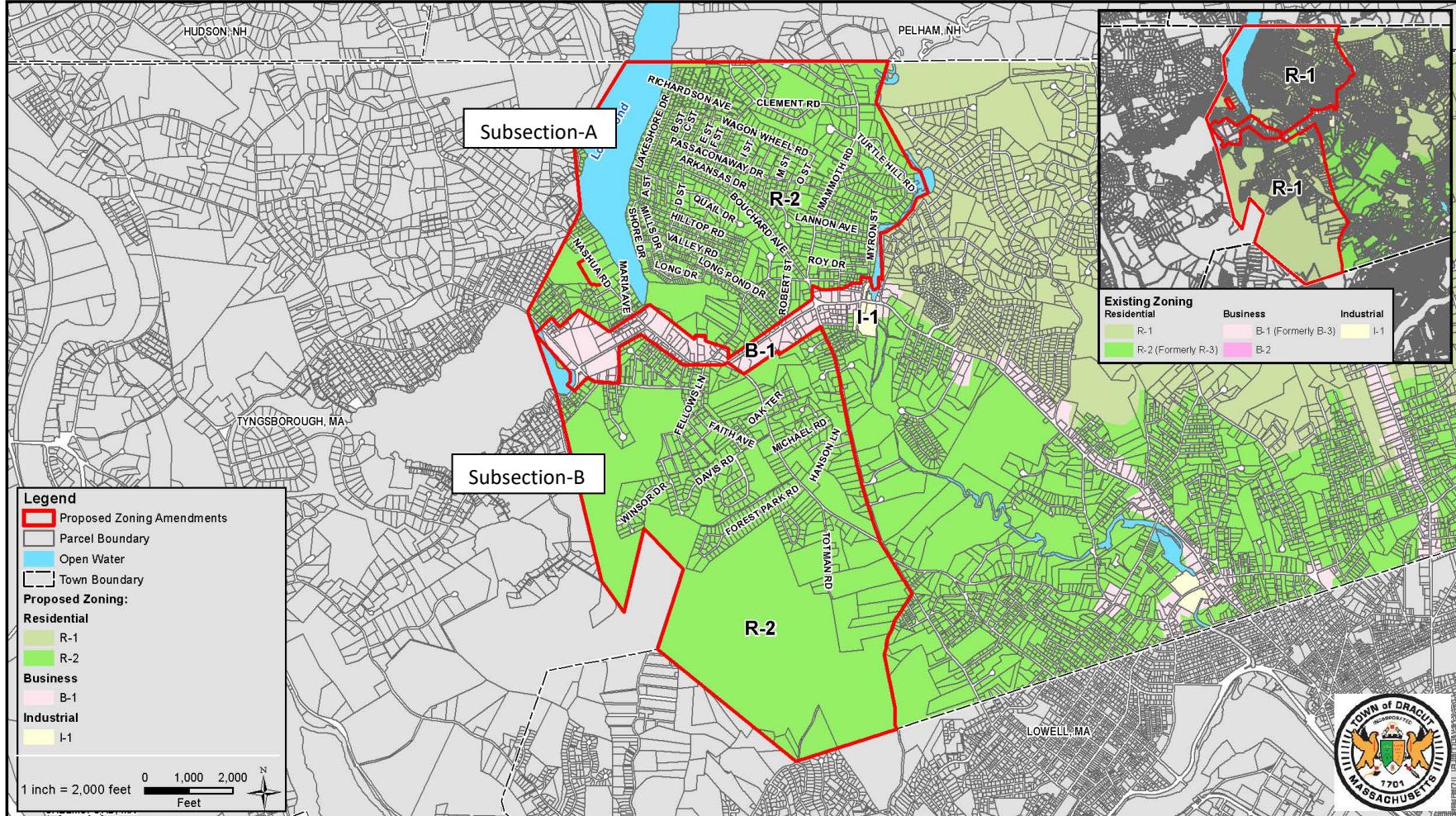
As shown on the attached plans

or take any action relative thereto.

Submitted by: Alison Manugian, Community Development Director  
Recommendations: Recommendation to be given at the May 9<sup>th</sup> Selectmen Meeting

**ANNUAL TOWN MEETING WARRANT**  
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**DRACUT ZONING BYLAW REVIEW AND UPDATE**



Amendment 1, Amendment 12A & Amendment 12B:  
750 Nashua Road, West of beaver brook & West of Mamoth/Gumpus Road

**ANNUAL TOWN MEETING WARRANT  
TOWN OF DRACUT  
JUNE 5, 2023**

**ARTICLE #39  
ZONING BY-LAW – ZONING MAP UPDATE  
SOUTH OF METHUEN STREET ADJACENT TO R-2 DISTRICTS**

To see if the Town will vote to amend the Zoning Map the district designation of the parcels south of Methuen Street between and adjacent to the R-2 zoning district with a zoning designation of R-1 to the R-2 district.

As shown on the attached plan

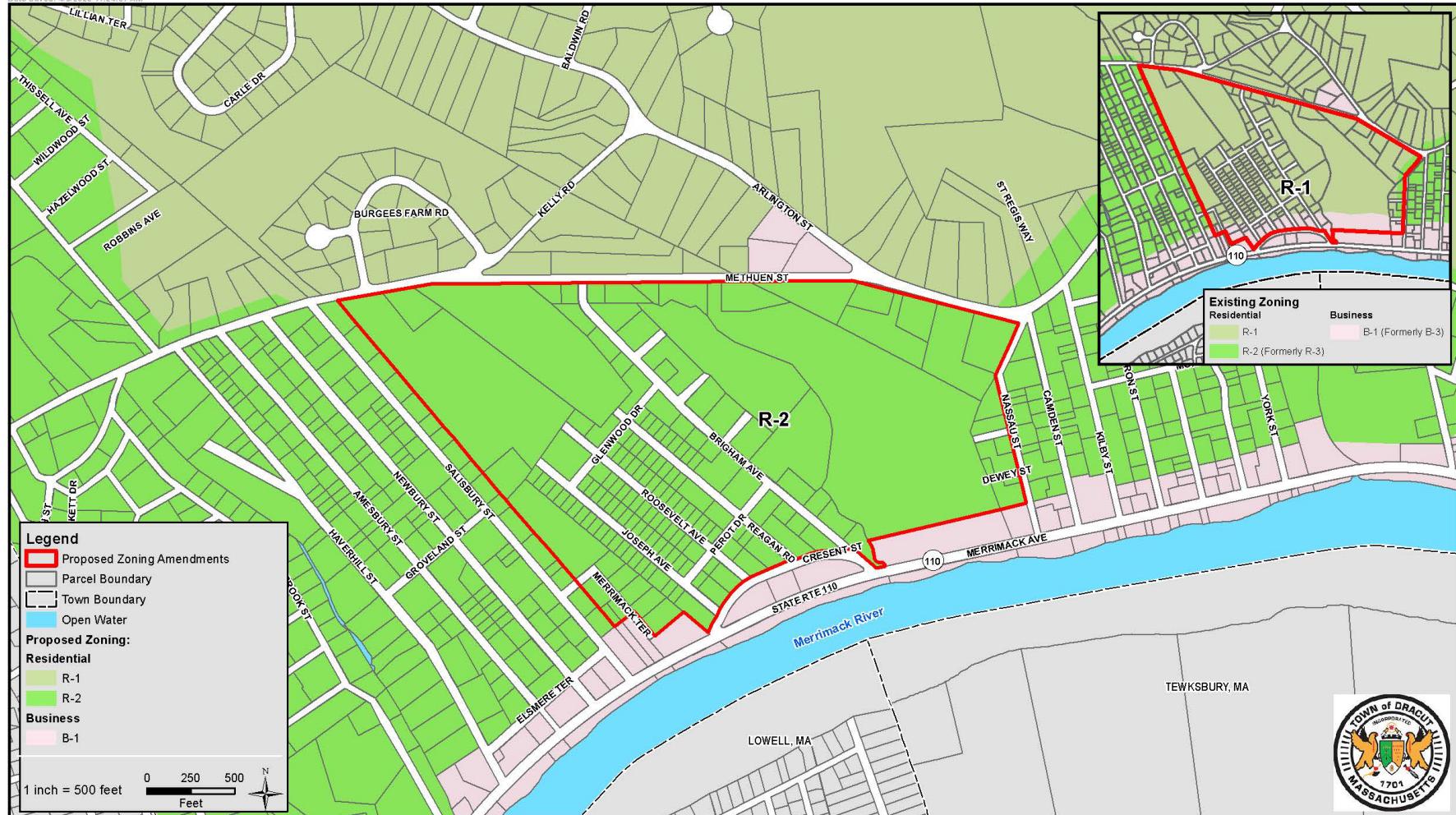
or take any action relative thereto.

Submitted by: Alison Manugian, Community Development Director

Recommendations: Recommendation to be given at the May 9<sup>th</sup> Selectmen Meeting

**ANNUAL TOWN MEETING WARRANT**  
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**JUNE 5, 2023**

File Location: G:\GISPrj\6117000\Output\Maps\WDX\Report\maps\ZoningAmendments\Dracut\_11x17\_ZoningAmendment\_13\_20230328.mxd  
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**DRACUT ZONING BYLAW REVIEW AND UPDATE**

**ANNUAL TOWN MEETING WARRANT  
TOWN OF DRACUT  
JUNE 5, 2023**

**ARTICLE #40  
SOLAR PANELS – BOND AUTHORIZATION**

To see if the Town will vote to appropriate a sum of money for the purchase and installation of three solar photovoltaic systems utilizing the rooftops of Dracut High, Brookside Elementary, and Englesby Elementary Schools, including all costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing, transfer of unexpended bond proceeds; transfer of available funds or otherwise; or to take any other action relative thereto.

Submitted by: Victor Garofalo, Assistant Town Manager/Finance Director  
Recommendations: Approval Recommended (Selectmen)

**ARTICLE #41  
GENERAL BY-LAW  
ENERGY REVOLVING FUND**

To see if the Town will vote to amend the Town By-Law by adding to Chapter 5, Section 6.1 Energy Revolving Fund as follows:

**Purpose**

This bylaw establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies, or officers in connection with the operation of programs or activities that generate fees, charges, or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by Massachusetts General Laws Chapter 44, Section 53E½.

**Expenditure Limitations**

A department or agency head, board, committee, or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this bylaw without appropriation subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
- B. No liability shall be incurred in excess of the available balance of the fund.
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Selectmen and Finance Committee.

**ANNUAL TOWN MEETING WARRANT  
TOWN OF DRACUT  
JUNE 5, 2023**

**Interest**

Interest earned on monies credited to a revolving fund established by this bylaw shall be credited to the general fund.

**Procedures and Reports**

Except as provided in Massachusetts General Laws Chapter 44, Section 53E½ and this bylaw, the laws, charter provisions, by-laws, rules, regulations, policies, or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this bylaw. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made. for its use.

**Fund Name**

There shall be a separate fund called the Energy Revolving Fund authorized for the use of the Building Maintenance Department.

**Revenues**

The Town Accountant shall establish the Energy Revolving Fund as a separate account and credit to the fund all of the revenue generated from or received by the Building Maintenance Department in connection with utility incentives or EV Stations for the purchase and resale of energy.

**Purposes and Expenditures**

During each fiscal year, the Building Maintenance Department may incur liabilities against and spend monies from the Energy Revolving Fund for the purchase of energy and energy conservation efforts.

**Fiscal Years.**

The Building Maintenance Energy Revolving Fund shall operate for fiscal years that begin on or after July 1, 2023.

**Expenditure Limit: \$150,000**

or act in any other way relative thereto:

Submitted by: Victor Garofalo, Assistant Town Manager/Finance Director  
Recommendations: Approval Recommended (Selectmen)

**ANNUAL TOWN MEETING WARRANT  
TOWN OF DRACUT  
JUNE 5, 2023**

**ARTICLE #42  
GENERAL BY-LAW  
SOLAR REVOLVING FUND**

To see if the Town will vote to amend the Town By-Law by adding to Chapter 5, Section 6.2 Solar Revolving Fund as follows:

**Purpose**

This bylaw establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies, or officers in connection with the operation of programs or activities that generate fees, charges, or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by Massachusetts General Laws Chapter 44, Section 53E½.

**Expenditure Limitations**

A department or agency head, board, committee, or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this bylaw without appropriation subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
- B. No liability shall be incurred in excess of the available balance of the fund.
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Selectmen and Finance Committee.

**Interest**

Interest earned on monies credited to a revolving fund established by this bylaw shall be credited to the general fund.

**Procedures and Reports**

Except as provided in Massachusetts General Laws Chapter 44, Section 53E½ and this bylaw, the laws, charter provisions, by-laws, rules, regulations, policies, or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this bylaw. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

**Fund Name**

There shall be a separate fund called the Energy Revolving Fund authorized for the use of the Finance Department.

**ANNUAL TOWN MEETING WARRANT  
TOWN OF DRACUT  
JUNE 5, 2023**

**Revenues**

The Town Accountant shall establish the Solar Revolving Fund as a separate account and credit to the fund all of the revenue generated from or received by the Building Maintenance Department in connection with utility incentives or EV Stations for the purchase and resale of energy.

**Purposes and Expenditures**

During each fiscal year, the Finance Department may incur liabilities against and spend monies from the Solar Revolving Fund for expenses related to Solar and School Department.

**Fiscal Years.**

The Solar Revolving Fund shall operate for fiscal years that begin on or after July 1, 2023.

**Expenditure Limit: \$500,000**

or act in any other way relative thereto:

Submitted by: Victor Garofalo, Assistant Town Manager/Finance Director  
Recommendations: Approval Recommended (Selectmen)

**ARTICLE #43  
SCHOOL FEASIBILITY STUDY**

To see if the Town will vote to appropriate, borrow or transfer from available funds, the sum of \$1,000,000 or any other amount to be expended under the direction of the Town of Dracut School Building Committee and Permanent Building Committee for the feasibility study of the Joseph A. Campbell School located at 1021 Methuen St, Dracut and the Greenmont Avenue Elementary School located at 37 Greenmont Ave, Dracut. Such study will also include a facilities and enrollment study of all district schools. This feasibility study relates to grants the Town may be eligible to receive from the Massachusetts School Building Authority (MSBA). The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, or act in any other way relative thereto.

Submitted by: Steven Stone, Superintendent  
Recommendations: Approval Recommended (Selectmen & Finance Committee)

**ANNUAL TOWN MEETING WARRANT  
TOWN OF DRACUT  
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**ARTICLE #44  
PETITIONERS ARTICLE – ZONING BY-LAW CHANGE  
12 ARLINGTON AVENUE**

To see if the Town will vote to amend the Dracut Zoning By-Laws, Section 4.17.00, Overlay District: as Follows: Add Map 52, Lot 75, 12 Arlington Ave, to be included in the Boundaries of the Dracut Center Neighborhood Overlay District. Lot 76 is in the district, and Lot 75 is part of the same Deed and should have both been included.

Submitted by: Voter Petition  
Recommendations: Recommendation to be given at the May 9<sup>th</sup> Selectmen Meeting

**ARTICLE #45  
STREET ACCEPTANCE**

To see if the Town will vote to accept the following streets listed below as described in on a plan entitled “Street Acceptance Plan”, prepared by the Town of Dracut Engineering Department as follows:

**SCOTT STREET**

To see if the Town will vote to accept Scott Street as shown on a plan entitled “Street Acceptance Plan Cranberry Road”, prepared by the Andover Consultants, dated July 22, 2003 and described as follows:

- Beginning at stone bound at the intersection of the westerly line of Salem Road and the northeasterly corner of lot 1 shown on plan book 116 plan 5 recorded at the Middlesex North Registry of Deeds;
- Thence along a curve to the left of radius 25.00' a distance of 43.46',
- Thence S 64°-25'-14" W a distance of 217.85',
- Thence along a curve to the right of radius 711.55' a distance of 198.70',
- Thence along a curve to the left of radius 218.83' a distance of 343.10,
- Thence S 64°-17'-30" W a distance of 572.14',
- Thence along a curve to the right of radius 150.00' a distance of 212.66,
- Thence N 34°-28'-40" W a distance of 949.48',
- Thence along a curve to the left of radius 25.00' a distance of 34.93',
- Thence N 57°-41'-41" E a distance of 95.75',
- Thence along a curve to the left of radius 25.00' a distance of 39.27',
- Thence S 34°-28'-40" E a distance of 945.47',

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- Thence along a curve to the left of radius 100.00' a distance of 141.77',
- Thence N 64°-17'-30" E a distance of 572.14',
- Thence along a curve to the right of radius 1268.83' a distance of 357.18',
- Thence along a curve to the left of radius 661.55' a distance of 184.74'
- Thence N 64°-25'-14" E a distance of 217.85',
- Thence along a curve to the right of radius 25.00' a distance of 34.95',
- Thence along Salem Road N 13°-49'-57" W a distance of 102.01' to the point of beginning; or act in any other way relative thereto.

**KEVIN ROAD**

To see if the Town will vote to accept Kevin Road as shown on a plan entitled "Old Parker Village – Phase II Dracut, MA "As-Built" Plan and Profile of Kevin and Tina Road", prepared by Village Engineering and Surveying, dated August 7, 1987 and described as follows:

- Beginning at stone bound at the intersection of the easterly line of Sesame Street and the northwesterly corner of lot 60 shown on plan book 124 plan 48 recorded at the Middlesex North Registry of Deeds;
- Thence along a curve to the right of radius 30.00' a distance of 47.12',
- Thence N 52°-48'-23" E a distance of 320.00',
- Thence along a curve to the right of radius 30.00' a distance of 30.58',
- Thence along a curve to the left of radius 75.00' a distance of 388.54,
- Thence along a curve to the right of radius 30.00' a distance of 30.58,
- Thence S 52°-48'-23" W a distance of 317.23',
- Thence along a curve to the right of radius 30.00' a distance of 48.61',
- Thence along Sesame Street S 35°-45'-09" E a distance of 111.52' to the point of beginning; or act in any other way relative thereto.

**TINA ROAD**

To see if the Town will vote to accept Tina Road as shown on a plan entitled "Old Parker Village – Phase II Dracut, MA "As-Built" Plan and Profile of Kevin and Tina Road", prepared by Village Engineering and Surveying, dated August 7, 1987 and described as follows:

- Beginning at stone bound at the intersection of the easterly line of Sesame Street and the northwesterly corner of lot 68 shown on plan book 124 plan 48 recorded at the Middlesex North Registry of Deeds;
- Thence along a curve to the right of radius 30.00' a distance of 37.23',
- Thence N 46°-32'-13" E a distance of 350.24',
- Thence along a curve to the right of radius 30.00' a distance of 30.58',
- Thence along a curve to the left of radius 75.00' a distance of 388.54,

**ANNUAL TOWN MEETING WARRANT  
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- Thence along a curve to the right of radius 30.00' a distance of 30.58',
- Thence S 46°-32'-13" W a distance of 323.78',
- Thence along a curve to the right of radius 30.00' a distance of 50.49',
- Thence along Sesame Street S 29°-53'-06" E a distance of 106.62' to the point of beginning; or act in any other way relative thereto.

**KINGS FIELD ROAD**

To see if the Town will vote to accept Kings Field Road as shown on a plan entitled "Street Acceptance Plan Kingsfield Road", prepared by the Andover Consultants, dated May 6, 2004 and described as follows:

- Beginning at stone bound at the intersection of the northerly line of Aurelie Drive and the southwesterly corner of lot 4 shown on plan book 164 plan 28 recorded at the Middlesex North Registry of Deeds;
- Thence along a curve to the right of radius 30.00' a distance of 47.12',
- Thence N 07°-15'-21" W a distance of 211.49',
- Thence along a curve to the left of radius 150.00' a distance of 47.36',
- Thence N 25°-20'-46" W a distance of 252.57',
- Thence along a curve to the right of radius 150.00' a distance of 69.00',
- Thence N 01°-00'-32" E a distance of 784.27',
- Thence along a curve to the left of radius 150.00' a distance of 191.77',
- Thence N 72°-14'-27" W a distance of 264.61',
- Thence along a curve to the right of radius 25.00' a distance of 39.27',
- Thence S 17°-45'-33" W along Patricia Lane distance of 100.00',
- Thence along a curve to the right of radius 25.00' a distance of 39.27',
- Thence S 72°-14'-27" E a distance of 264.61'
- Thence along a curve to the right of radius 100.00' a distance of 127.84',
- Thence S 01°-00'-32" W a distance of 784.27',
- Thence along a curve to the left of radius 150.00' a distance of 69.00',
- Thence S 25°-20'-46" E a distance of 252.57',
- Thence along a curve to the right of radius 100.00' a distance of 31.57',
- Thence S 07°-15'-21" E a distance of 211.49',
- Thence along a curve to the right of radius 30.00' a distance of 47.12',
- Thence along Aurelie Drive N 82°-44'-39" E a distance of 110.00' to the point of beginning; or act in any other way relative thereto.

**ANNUAL TOWN MEETING WARRANT  
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JUNE 5, 2023**

**WINTER HILL DRIVE**

To see if the Town will vote to accept Winter Hill Drive as shown on a plan entitled "Street Acceptance Plan Kingsfield Road", prepared by the Andover Consultants, dated July 22, 2003 and described as follows:

- Beginning at stone bound at the intersection of the westerly line of Mammoth Road and the southeasterly corner of lot 15 shown on plan book 122 plan 76 recorded at the Middlesex North Registry of Deeds;
- Thence along a curve to the right of radius 25.00' a distance of 39.27',
- Thence N 89°-16'-32" W a distance of 5.00',
- Thence along a curve to the right of radius 101.96' a distance of 91.34',
- Thence N 37°-56'-56" W a distance of 50.00',
- Thence along a curve to the left of radius 460.84' a distance of 197.73',
- Thence N 62°-31'-55" W a distance of 97.46',
- Thence along a curve to the right of radius 233.93' a distance of 106.53',
- Thence N 36°-26'-20" W a distance of 618.08',
- Thence along a curve to the left of radius 518.77' a distance of 334.60',
- Thence N 73°-23'-39" W a distance of 103.35',
- Thence along a curve to the right of radius 25.00' a distance of 19.77',
- Thence along a curve to the left of radius 75.00' a distance of 390.15',
- Thence along a curve to the right of radius 25.00' a distance of 31.74',
- Thence S 73°-23'-39" E a distance of 78.93',
- Thence along a curve to the right of radius 302.36' a distance of 468.77',
- Thence S 36°-26'-20" E a distance of 618.08',
- Thence along a curve to the left of radius 283.93' a distance of 129.30',
- Thence S 62°-31'-55" E a distance of 97.46',
- Thence along a curve to the right of radius 410.84' a distance of 176.28',
- Thence S 37°-56'-56" E a distance of 50.00',
- Thence along a curve to the left of radius 151.96' a distance of 136.13',
- Thence S 89°-16'-32" E a distance of 5.00',
- Thence along a curve to the right of radius 25.00' a distance of 39.27',
- Thence along Mammoth Road N 00°-43'-28" E a distance of 100.00' to the point of beginning; or act in any other way relative thereto.

Submitted by: Edward Patenaude, Public Works Director

Recommendations: Recommendation to be given at the May 9<sup>th</sup> Selectmen Meeting

**ANNUAL TOWN MEETING WARRANT  
TOWN OF DRACUT  
JUNE 5, 2023**

Given under hands this 25<sup>th</sup> day of April 2023

Dracut Board of Selectmen

Alesin M. Kenest

Joseph D. Rose

Jennifer Kopanski

Allyssa

This 27<sup>th</sup> day of April 2023 have this date posted up attested copies of the above warrant at the following places as designed in the Bylaws of the Town of Dracut:

Precincts 1 & 6A

Senior Center, 951 Mammoth Road

Precincts 2, 3, 4, 5, 6, 7, 8 and 9

Richardson Middle School, 1570 Lakeview Ave

Town Hall, 62 Arlington Street

Inside and Outside

MA 22

True Copy Attest: Thomas Tzimos, Constable