

**DARTMOUTH
FALL ANNUAL TOWN MEETING
WARRANT**



TUESDAY, OCTOBER 19, 2010

7:00 PM

DARTMOUTH HIGH SCHOOL AUDITORIUM
555 BAKERVILLE ROAD

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**TOWN OF DARTMOUTH
WARRANT
FALL ANNUAL TOWN MEETING
OCTOBER 19, 2010**

BRISTOL, SS.

To either of the Constables or Police Officers of the Town of Dartmouth in said County of Bristol and Commonwealth of Massachusetts.

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Dartmouth qualified to vote in Town affairs to meet in the Sylvia Waite Auditorium at the **Dartmouth High School**, situated on **555 Bakerville Road**, Dartmouth, Massachusetts, on Tuesday, the nineteenth day of October next at seven of the clock in the evening, then and there to act on the following articles, viz:

ARTICLE 1: OUTSTANDING BILLS

To see if the Town will vote to appropriate \$3,537.75 from the tax levy for the purpose of paying outstanding bills of prior fiscal years as follows:

| <u>Vendor</u> | <u>Department</u> | <u>Amount</u> | <u>Fiscal Year</u> |
|----------------------------------|------------------------|-------------------|--------------------|
| Web QA | Computer Services | \$1,125.00 | FY 2010 |
| Brody, Hardoon, Perkins & Kesten | Town Counsel | \$1,480.00 | FY 2010 |
| Southcoast Primary | Police Injured on Duty | \$ 28.81 | FY 2009 |
| Express Scripts | Police Injured on Duty | \$ 7.32 | FY 2009 |
| Antonio DaCunha DC | Police Injured on Duty | \$ 272.48 | FY 2009 |
| Hawthorn Medical | Police Injured on Duty | \$ 624.14 | FY 2005 |
| TOTAL | | \$3,537.75 | |

Or take any action relative thereto.

Sponsor: Director of Budget & Finance/Treasurer
Executive Administrator

ARTICLE 2: PERSONNEL BY-LAW

To see if the Town will vote to amend, pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 21, and Chapter 41, Sections 108A and 108C, the Dartmouth Personnel By-Law, Section 9, Schedule A by revising the titles of two positions as follows:

| <u>Proposed Title</u> | <u>Current Title</u> |
|--------------------------------------|--|
| Director of Dartmouth Adult Day Care | Social Day Program Coordinator |
| Activity Coordinator | Social Day Program Assistant Coordinator |

Or take any action relative thereto.

Sponsor: Executive Administrator

ARTICLE 3: AUTHORIZATION FOR APPROPRIATION – WATERWAYS

To see if the Town will vote to appropriate \$57,000.00 from the Waterways Enterprise Fund Retained Earnings to supplement the Fiscal 2011 Waterways Enterprise Operating Budget; or take any action relative thereto.

Sponsor: Director of Budget & Finance/Treasurer
Executive Administrator

ARTICLE 4: SOLAR ENERGY GENERATING FACILITY LEASE

To see if the Town will vote to authorize, pursuant to Massachusetts General Laws Chapter 40, Section 4, the Board of Public Works to negotiate the terms and conditions of, and enter into, a lease, license or other contractual agreement of not more than 30 years in duration, for the use of the Town-owned property known as the Russells Mills Road Landfill Site & Highway Yard and described by the Dartmouth Assessors as Map 33 – Lot 89, Map 33 - Lot 90, Map 28 – Lot 52, and Map 29 – Lot 11, for the purpose of granting access to, and allowing the installation of solar energy generating facilities at, that site, provided that any such negotiated lease, license or other contractual agreement shall be subject to review and approval by the Select Board prior to its execution by the Board of Public Works; or take any action relative thereto.

Sponsor: Board of Public Works

ARTICLE 5: RESCIND BORROWING AUTHORIZATION AND REPURPOSE EXCESS BOND PROCEEDS

To see if the Town will rescind the authority to borrow previously authorized un-issued debt, comprised of amounts voted by the Town under the following warrant articles from prior years:

| Town Meeting Date | Warrant Article | Purpose | Amount to Rescind |
|-------------------|-----------------|---------------|-------------------|
| June 7, 2005 | 36 | Sewer Project | \$435,232.00 |
| May 3, 2006 | 7 | Sewer Project | \$ 21,527.00 |
| June 5, 2007 | 16 | Sewer Project | \$750,000.00 |

;and to see if the Town will vote to transfer the sum of \$501,000.00 from Water Enterprise Fund Excess Bond Proceeds from the following funds:

| Town Meeting Date | Warrant Article | Purpose | Amount of Excess |
|-------------------|-----------------|----------------------------|------------------|
| May 13, 1986 | 8 | Water Improvements | \$145,339.79 |
| May 15, 2001 | 35 | Chase Rd. Water Main | \$ 17,183.78 |
| May 27, 2003 | 33 | Route 6 Water Main | \$ 37,651.43 |
| June 1, 2004 | 18 | Beeden/Reed Rd. Water Main | \$ 92,498.17 |

| | | | |
|--|--|-------------------|--------------|
| November 9, 2004 | 27 | Water Wells | \$ 24,050.00 |
| Sept. 9, 1981; Jan. 15, 1991; May 7, 1991; Oct. 27, 1992 | 22 (Sept. 81) 23 (Oct. 91) 46 (May 91) 30 (Oct. 92) | Well Construction | \$184,276.83 |

for the purpose of paying off temporary borrowings (Bond Anticipation Notes) and thereby avoiding the need to permanently bond for the following previously authorized projects:

| Town Meeting Date | Warrant Article | Purpose | Borrowed Amount |
|-------------------|-----------------|-----------------------|-----------------|
| October 16, 2007 | 22 | Filter Media Replace. | \$105,000.00 |
| June 3, 2008 | 23 | TCE Water Main Repl. | \$181,000.00 |
| June 2, 2009 | 8 | Backhoe | \$ 15,000.00 |
| June 2, 2009 | 9 | Potter St. Water Main | \$200,000.00 |

Or take any action relative thereto.

Sponsor: Director of Budget & Finance/Treasurer

**ARTICLE 6: AMENDMENT TO ARTICLE 3-JUNE 1, 2010
COMMUNITY PRESERVATION ACT – MASSACHUSETTS
AUDUBON SOCIETY STONE BARN FARM RESTORATION
AND REHABILITATION PROJECT – 786 HORSENECK ROAD**

To see if the Town will amend Article 3 of the Spring Annual Town Meeting held on June 1, 2010 which appropriated \$689,750.00 of Community Preservation Funds to the Massachusetts Audubon Society for the historic restoration and rehabilitation of the stone barn, farm house, and tractor barn on this historic Dartmouth farm at 786 Horseneck Road, Dartmouth by striking the amount "\$178,909.00" which was to be appropriated from the Historic Preservation Reserve and replacing it with the amount "\$68,909.00", and by striking the amount "\$509,841.00" which was to be appropriated from the CPA Unreserved Fund Balance and replacing it with the amount "\$619,841.00", and further to ratify the remainder of said Article 3 of the Spring Annual Town Meeting held on June 1, 2010; the purpose of this amendment is to correct the allocation of said funding sources; or take any action relative thereto.

Sponsor: Community Preservation Committee

**ARTICLE 7: AMENDMENT TO ARTICLE 6-JUNE 1, 2010
COMMUNITY PRESERVATION ACT – TOWN OF
DARTMOUTH DEPARTMENT OF PARKS AND RECREATION
– CREATION OF DARTMOUTH COMMUNITY PARK –
DARTMOUTH STREET**

To see if the Town will amend Article 6 of the Spring Annual Town Meeting held on June 1, 2010 which appropriated \$144,000.00 of Community Preservation Funds to the Town of Dartmouth Department of Parks and Recreation for the creation of a new

recreation area and improvements on a portion of the property shown as lots 206 and 209 on Assessor's Map 128, Dartmouth Street, Dartmouth, by striking the amount "\$143,000.00" which was to be appropriated from the Open Space Reserve and replacing it with the amount "\$38,205.00" and by inserting prior to the words "to the Town of Dartmouth" in the second line of said Article 6 the following: "and \$104,795.00 from the CPA Unreserved Fund Balance", and further to ratify the remainder of Article 6 of the Spring Annual Town Meeting held on June 1, 2010; the purpose of this amendment is to correct the allocation of said funding sources; or take any action relative thereto.

Sponsor: Community Preservation Committee

ARTICLE 8: COMMUNITY PRESERVATION ACT – RUSSELLS MILLS LIBRARY

To see if the Town will vote to appropriate \$34,000.00 from FY2011 Community Preservation Fund Annual Revenues and \$99,000.00 from the CPA Unreserved Fund Balance to the Town of Dartmouth for rehabilitation work to preserve the historical integrity of the Russells Mills Library building located at 1205 Russells Mills Road for future use, all in accordance with the terms and conditions of the Community Preservation Municipal Funding Award and to further authorize \$1,000.00 from FY2011 Community Preservation Fund Annual Revenues to pay its legal fees and costs associated with this Warrant Article and the execution of the Community Preservation Committee Municipal Funding Award with the Town of Dartmouth for the Russells Mills Library building; or take any action relative thereto.

Sponsor: Community Preservation Committee

ARTICLE 9: COMMUNITY PRESERVATION ACT – DARTMOUTH COMMUNITY PARK PHASE II

To see if the Town will vote to appropriate \$154,980.00 from FY2011 Community Preservation Fund Annual Revenues to the Town of Dartmouth Department of Parks and Recreation for the second phase of development of the new recreation area known as Dartmouth Community Park, a parcel of land of approximately 1.9 +/- acres owned by the Town of Dartmouth as described on Assessors Map 128, Lots 206 and 209 and located on Dartmouth Street, all in accordance with the terms and conditions of the Community Preservation Municipal Funding Award and to further authorize \$1,000.00 from FY2011 Community Preservation Fund Annual Revenues to pay its legal fees and costs associated with this Warrant Article and the execution of the Community Preservation Committee Municipal Funding Award with the Town of Dartmouth for the phase two improvements for the Dartmouth Community Park; or take any action relative thereto.

Sponsor: Community Preservation Committee

ARTICLE 10: COMMUNITY PARK GRANT AUTHORIZATION

To see if the Town will vote to authorize the Town, through any relevant Department, Board, Commission, Committee or Official, to apply for grants and/or reimbursements from the Commonwealth of Massachusetts deemed necessary under the PARC Act (301 CMR 5.00) and/or any other state or federal grant program for the purpose of funding playground equipment, lighting, landscaping and other improvements to the Dartmouth Community Park, a parcel of Town-owned land of approximately 1.9 +/- acres as described on Assessors Map 128, Lots 206 and 209; to designate this parcel for public parkland, recreation, and open space use in the management and control of the Town Department of Parks and Recreation pursuant to Massachusetts General Laws, Chapter 45, Section 14, et. seq.; to seek reimbursement under the PARC Act (301 CMR 5.00) and enter into any necessary contracts thereto; to appropriate \$369,000.00 for the purpose of funding said playground equipment, lighting, landscaping and other improvements, and to determine whether this appropriation shall be raised by borrowing or otherwise, provided that no such funds shall be appropriated or expended until such time as the Town shall have applied for, obtained and executed an agreement in connection with the PARC Act (301 CMR 5.00); and provided that, at the time of any such issuance of bonds or notes for this appropriation, the amount of any such authorized borrowing shall be reduced by the amount that has been received by the Town through state or federal grants and any Community Preservation Act appropriation approved by Town Meeting as part of Article 9 in this Fall Town Meeting Warrant for October 19, 2010, such that the total expenditure from all sources does not exceed the sum dollar amount of grants, reimbursements, and any Community Preservation Act appropriation approved by Town Meeting as part of Article 9, excluding any monies obtained through fundraising; and to authorize the Town, through any relevant Department, Board, Commission, Committee or Official, to take any other action necessary to carry out this project; or to take any action relative thereto.

Sponsor: Select Board
Executive Administrator

ARTICLE 11: ZONING BY-LAWS – “FOR SALE” SIGNS AND REAL ESTATE DEVELOPMENT SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

To see if the Town will vote to amend the Dartmouth Zoning By-Laws by adding the following new language:

Under SECTION 9 – NEIGHBORHOOD BUSINESS DISTRICTS, DEVELOPMENT STANDARDS:

- 9.308D A single sign for the temporary (once property sold must be removed) advertisement of the sale of property upon which the sign is located. The overall dimensions of the sign shall not exceed sixteen (16) square feet and placed on the property being advertised. Permanent subdivision identification signs, the overall dimensions of which shall not exceed sixteen (16) square feet, are allowed on private property with no more than two (2) single sided or one (1) double sided sign at an intersection and meeting

intersection sight triangle setback requirements. One temporary (once all lots sold, must be removed) subdivision advertisement sign not to exceed the overall dimension of sixteen (16) square feet is allowed at the entrance to a subdivision. The above signs shall not be illuminated either internally or directly. The above signs are allowed in addition to and can exceed the total maximum allowed square footage of other signs otherwise permitted.

Under SECTION 10A – LIMITED BUSINESS DISTRICTS, ALLOWED USES:

10A.104 A single sign for the temporary (once property sold must be removed) advertisement of the sale of property upon which the sign is located. The overall dimensions of the sign shall not exceed sixteen (16) square feet and placed on the property being advertised. Permanent subdivision identification signs, the overall dimensions of which shall not exceed sixteen (16) square feet, are allowed on private property with no more than two (2) single sided or one (1) double sided sign at an intersection and meeting intersection sight triangle setback requirements. One temporary (once all lots sold, must be removed) subdivision advertisement sign not to exceed the overall dimension of sixteen (16) square feet is allowed at the entrance to a subdivision. The above signs shall not be illuminated either internally or directly. The above signs are allowed in addition to and can exceed the total maximum allowed square footage of other signs otherwise permitted.

Under SECTION 11 – GENERAL BUSINESS DISTRICTS, SIGNS:

11.509 A single sign for the temporary (once property sold must be removed) advertisement of the sale of property upon which the sign is located. The overall dimensions of the sign shall not exceed thirty-two (32) square feet and placed on the property being advertised. Permanent subdivision identification signs, the overall dimensions of which shall not exceed thirty-two (32) square feet, are allowed on private property with no more than two (2) single sided or one (1) double sided sign at an intersection and meeting intersection sight triangle setback requirements. One temporary (once all lots sold, must be removed) subdivision advertisement sign not to exceed the overall dimension of thirty-two (32) square feet is allowed at the entrance to a subdivision. The above signs shall not be illuminated either internally or directly. The above signs are allowed in addition to and can exceed the total maximum allowed square footage of other signs otherwise permitted.

Or take any action relative thereto.

Sponsor: Planning Board

**ARTICLE 12: ZONING-BY-LAWS - OFFICE INDUSTRIAL ZONING DISTRICT
FOR FAUNCE CORNER ROAD**

To see if the Town will vote to amend the Dartmouth Zoning By-Laws in the following manner:

First, to add Office Industrial Districts (OI) to the list of zoning districts in Section 2.200 of the Dartmouth Zoning By-Laws;

Second, amend the Dartmouth Zoning Map dated March 23, 1999 by changing the following lots from a Limited Industrial District to an Office Industrial District, shown on Assessor's Map 63, Lots 3, 4, 4-1, 4-2, 4-3, 4-4, 5, 6, 8, 9, 10, 11, 11-1, 11-4, 15-1, 15-3, 16, 17, 19, 19-1, 19-2, 19-3, that portion of Lot 12 west of the brook, that portion of Lot 13 west of the brook, that portion of Lot 14 west of the brook; and also the lots shown on Assessor's Map 68, Lots 1, 1-1, 2, 3, 4, 5, 6, 7, 8, 9, 9-1, 10, 28, 29, 29-1, 29-2, 30, 31, 32, 33, 34, and 35.

Third, to insert into the Dartmouth Zoning By-Laws, the Office Industrial District bylaw as Section 14A - Office Industrial Districts, with the following language:

SECTION 14A – OFFICE INDUSTRIAL DISTRICT

14A.100 PURPOSE

The purpose of Office Industrial Districts is to provide an area for office and industrial uses that:

- Provide professional and technically skilled employment.
- Generate a maximum number of jobs to built floor space.
- Have high value buildings and equipment that maximize tax revenues.
- Promote growth where investments have been made in infrastructure such as water, sewer, and highway access.
- Create aesthetic surroundings.

14A.200 ALLOWED USES

Within any Office Industrial District, as indicated on the Zoning Map dated March 23, 1999, any of the following uses are allowed:

14A.201 MEDICAL OFFICES

A business that provides physical or mental health care or medical services, including, but not limited to, general practitioner's offices, dentists, optometrists, and medical clinics. Veterinarian offices are also allowed as medical offices.

14A.202 MEDICAL LABORATORIES AND DIAGNOSTIC FACILITIES

Uses which provide an opportunity for experimentation, observation, testing, and analysis concerning the practice of medicine.

14A.203 HOSPITALS, CLINICS

Uses specializing in, and licensed pursuant to state law with respect to, giving clinical and emergency services of a medical or surgical nature, whether to persons or animals.

14A.204 PROFESSIONAL OFFICES

A business that provides predominantly professional, administrative, or clerical services to a consumer, including, but not limited to, accounting, legal and real estates offices. Such services can be provided on or from the property.

14A.205 CORPORATE OFFICES

The business offices of local, national or international companies.

14A.206 FINANCIAL INSTITUTIONS

A business related to banking or other financial uses.

14A.207 RESEARCH AND DEVELOPMENT LABORATORIES AND FACILITIES

Uses which provide an opportunity for safe scientific experimentation, observation, testing and analysis, including, but not limited to, biotechnology uses.

14A.208 MANUFACTURE OF MEDICAL AND ELECTRONIC PRODUCTS

A use which produces from raw materials or assembles from pre-made parts, medical or electronic products, where such production or assemblage requires the employment of skilled technicians. Any such manufacturing process is to take place within a building.

14A.209 MANUFACTURING RETAIL OUTLETS

The retail sale of products substantially manufactured on the premises is allowed as long as no more than 10% of the total floor area of the building and up to a maximum of 2,500 square feet of floor area is devoted to retail sales. Such retail sales are permitted whether said manufacturing was allowed as of right pursuant to Section 14A.208 or was permitted pursuant to a Special Permit that was granted under Section 14A.301.

14A.210 HEALTH CLUBS

A use that promotes fitness and health by the use of specialized health/exercise equipment or facilities.

14A.211 MUNICIPAL USES

Any building, structure, facility, or use owned and operated by the Town of Dartmouth.

14A.212 FIRE DISTRICT USES

Any building, structure, facility or use owned and operated by a Dartmouth Fire District and with the expressed purpose to promote public safety.

14A.213 AGRICULTURAL USES

Are uses which include the use of land for agricultural purposes such as dairying, equine activities, pasturage, animal and poultry husbandry, crop production, truck farming, horticulture, floriculture, forestry, aquaculture, hydroponics or viticulture and uses ancillary to these activities.

The purpose of defining and setting standards for agricultural uses is to encourage legitimate agricultural uses in the Town of Dartmouth by allowing these uses to function with minimal conflict. This agricultural use regulation applies to all agricultural uses, provided that these uses shall enjoy all the rights and privileges, and be subject to those liabilities, afforded to such uses under Massachusetts General Laws. Massachusetts Law shall apply in the event that it affords more protection to agricultural uses above five acres in area than does this By-law.

The right to farm is hereby recognized to exist in the Town and is hereby declared a permitted use provided it is in conformance with all other federal, state and local law. The right to farm includes, but is not limited to:

- A. Production of crops, trees, foods, fibers, apiary and forest products, livestock, poultry, and other agricultural commodities.
- B. Housing of farm laborers located on the farm at which they are employed, subject to State building codes and Town zoning.
- C. Erection of agricultural buildings, including those dedicated to the processing and packaging of the output of the farm and ancillary to agricultural production.
- D. Grazing of animals and use of range for fowl.
- E. Construction of fences.

- F. Operation and transportation of large, slow-moving equipment over roads within the Town.
- G. Control of pests, including, but not limited to, insects and weeds, predators and diseases of plants and animals, subject to Massachusetts Pesticide Board Regulations.
- H. Conducting agriculture-related educational and farm-based recreational activities, including agritourism, provided that the activities are related to marketing the agricultural output or services of the farm.
- I. Use of any and all equipment accessory to agriculture, including but not limited to: irrigation pumps and equipment, aerial and ground seeding and spraying, tractors, harvest aids, and bird control devices.
- J. Processing and packaging of the agricultural output of the farm.
- K. Operation of a farmer's market or farm stand with attendant signage, including the construction of building and parking areas in conformance with applicable Town and State standards.
- L. Operation of a pick-your-own operation with attendant signage.
- M. Replenishment of soil nutrients and improvement of soil tilth.
- N. Clearing of woodlands using open burning and other techniques, installation and maintenance of vegetative and terrain alterations and other physical facilities for water and soil conservation and surface water control in wetland areas, as stipulated in Farming in Wetlands Resource Area: A guide to Agriculture and the Massachusetts Wetlands Protection Act, Commonwealth of Massachusetts, Departments of Environmental Management, Environmental Protection, and Food and Agriculture. Rev. January 1996 (Publication on file at the Dartmouth Town Hall at the offices of the Conservation Commission, the Town Clerk, and the Agricultural Commission). or the most recent applicable guidance.
- O. On-site composting of organic agricultural wastes which is subject to best management practices, prevents the unpermitted discharge of pollutants, is accessory to the primary agricultural use, is not to be sold to the general public, and does not cause a public nuisance (M.G.L., 310 CMR 16.05(4)(c)) and M.G.L., Chapter 21H, Section 7(b).
- P. The application of manure, fertilizers and pesticides. (see: current Massachusetts Pesticide Board Regulations 333CMR 1.00).
- Q. Installation of wells, ponds, and other water resources for agricultural purposes such as irrigation, sanitation, and marketing preparation.

- R. On-farm relocation of earth and the clearing of ground for farming operations, provided that the movement of soils that are rated as "prime" by the Natural Resources Conservation Service shall not adversely affect agriculture in the Commonwealth. Off-farm earth removal shall be conducted only by Special Permit from the Zoning Board of Appeals in accordance with Section 38 of the Zoning By-Laws.

The minimum area of agricultural use shall be that necessary for the agricultural product being produced (See Board of Health regulations for lots less than five (5) acres). Agricultural uses include as an accessory use those facilities for the sale of agricultural products, wine and dairy products, except that facilities for the sale of agricultural products shall be regulated in the following manner:

During the harvest season of the primary crop, at least 50% of the products offered for sale on agricultural land owned or leased by a particular person shall have been produced on land owned or leased by the same person. Non-agricultural products customarily offered for sale shall not exceed 30% of the value of agricultural products offered for sale from the premises.

Consistent with Massachusetts General Laws Chapter 111, Section 125A, the odor from the normal maintenance of livestock or the spreading of manure upon agricultural and horticultural or farming lands, or noise from livestock or farm equipment used in normal, generally acceptable farming procedures or from plowing or cultivation operations upon agricultural and horticultural or farming lands shall not be deemed to constitute a nuisance.

14A.214 WIRELESS COMMUNICATION SITES

The following wireless communications sites are allowed by right:

- A. Towers under one hundred (100) feet in height erected for the exclusive use of a federally licensed amateur radio operator. The dual use of such towers for telecommunications purposes may be permitted by Special Permit as provided in Section 14A.305.
- B. The placement of transmitting or receiving equipment within existing structures so that such equipment is not visible from the outside of the structure.
- C. The placement of transmitting or receiving equipment on the exterior face or roof of existing structures provided such equipment does not exceed the highest point of the structure by more than twenty (20) feet.

- D. Any equipment, including towers, in existence as of October 19, 2010 can be altered, maintained or replaced by right so long as such alteration, maintenance or replacement does not represent an increase or intensification of the use or height of such equipment. This provision does not allow new commercial or non-accessory uses to be added to existing equipment or towers, except as otherwise provided by Special Permit pursuant to Section 14A.305.

14A.215 REAL ESTATE SIGNS

A single sign for the temporary (once property sold must be removed) advertisement of the sale of property upon which the sign is located. The overall dimensions of the sign shall not exceed thirty-two(32) square feet and placed on the property being advertised. Permanent subdivision identification signs, the overall dimensions of which shall not exceed thirty-two (32) square feet, are allowed on private property with no more than two (2) single sided or one (1) double sided sign at an intersection and meeting intersection sight triangle setback requirements. One temporary (once all lots sold, must be removed) subdivision advertisement sign not to exceed the overall dimension of thirty-two (32) square feet is allowed at the entrance to a subdivision. The above signs shall not be illuminated either internally or directly.

14A.216 ACCESSORY USES

A structure or use that:

- A. Is clearly incidental to and customarily found in connection with a principal building or principal use;
- B. Is subordinate in area, extent or purpose to the principal building or principal use served;
- C. Contributes to the comfort, convenience, or necessity of occupants in the principal building or principal use served; and
- D. Is located on the same lot as the principal building or principal use served.

14A.217 EXEMPT USES

Any uses exempted from zoning by Massachusetts General Laws, Chapter 40A, Section 3, except that the development standards of this Zoning Bylaw shall apply.

14A.218 OTHER USES PROHIBITED

Any other uses, not listed above or in Section 14A.300 are prohibited.

14A.300 USES PERMITTED BY SPECIAL PERMIT

The following uses shall require a Special Permit from the designated Special Permit Granting Authority:

14A.301 OTHER MANUFACTURING

Uses which create products from raw materials or assembly from pre-made parts where the process takes place entirely within a building and generally employs skilled technicians. Other manufacturing uses are allowed by Special Permit granted by the Planning Board if the following requirements are met:

- A. The proposed manufacturing uses shall satisfy the purposes listed in Section 14A.100.
- B. Will not detract from the value or operation of abutting and nearby office industrial uses due to appearance of the building or frequent traffic generated by large trailer trucks.

14A.302 HOTELS

A facility offering transient lodging accommodations on a daily or monthly rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities. Hotels are allowed by Special Permit granted by the Planning Board if the following requirements are met:

- A. The hotel includes a conference center, which is a significant component of the hotels purpose.
- B. The architecture of the building is of exceptional design and expresses quality and distinction.

14A.303 CONFERENCE AND TRAINING CENTERS

A use which includes, but is not limited to, facilities which conduct business conferences, educational sessions, seminars, and trade shows. Conference and training centers are allowed by Special Permit granted by the Planning Board, if the following requirements are met:

- A. Any traffic generated by the proposed use which contributes to congestion in adjacent streets and intersections is mitigated to the satisfaction of the Planning Board.

- B. The architecture of the building is of exceptional design and expresses quality and distinction.

14A.304 CONVENIENCE RETAIL, RESTAURANTS AND SERVICES

Uses which provide support services to uses in the Office Industrial District. Convenience retail, restaurants and services are allowed by Special Permit granted by the Planning Board if the following requirements are met:

- A. The proposed use is desirable, useful and convenient for workers in the Office Industrial District.
- B. The applicant shall provide a marketing plan or other analysis that demonstrates to the satisfaction of the Planning Board that the proposed use will receive 60% of its business from individuals working within the Office Industrial or nearby Limited Industrial District.
- C. A similar use is not located within five hundred (500) feet.
- D. The restaurant is designed so that 90% of all business will cater to eat in customers. Drive-thru take out is not allowed.
- E. The architecture of the building is of exceptional design and expresses quality and distinction.
- F. Cafeteria restaurants for employees within allowed-use and special permit buildings are not required to obtain a Special Permit under this section.

14A.305 FREESTANDING TELECOMMUNICATIONS FACILITIES

A telecommunications facility includes but shall not be limited to, a free standing structure taller than fifty (50) feet (hereinafter referred to as a "Tower"), related equipment, and any building or other structure upon which such equipment is to be located, the purpose of which is to transmit or receive communications at a distance. Towers for commercial radio or television broadcasting are not included in this definition and are not permitted in this district. This regulation is created in order to promote safety and minimize the visual impact of the telecommunications facility, mitigate negative impacts to the district and encourage multiple uses on one structure.

The placement of transmitting or receiving equipment on the exterior of existing structures above fifty (50) feet shall require a Special Permit from the Board of Appeals except as may be otherwise provided in these By-laws and needs to meet the applicable requirements for telecommunications facilities.

A telecommunications facility is allowed by Special Permit granted by the Board of Appeals if the following requirements are met:

- A. An applicant for a telecommunications facility shall submit to the Board of Appeals satisfactory evidence that an existing structure is not currently available or already proposed in the service area in order to build a new telecommunications facility.
- B. The Board of Appeals may allow a telecommunications facility to the height necessary to accommodate the transmitter/ receiver for the proposed service and to encourage co-location. The Board of Appeals may limit the telecommunications facility design to one which has the least visual impact to the neighborhood.
- C. All towers shall be set back from residential structures and schools, except those located on the parcel where the tower is to be located, a distance at least equal to the height of the tower. The Board of Appeals, as part of the Special Permit process, may impose more restrictive setbacks.
- D. Telecommunications facilities or transmitters/receivers shall be located on sites which minimize the visual impact to the district. The applicant shall show to the Board of Appeals how this will be accomplished. Preference shall be given to sites in existing woodlands which will help screen the base of any proposed tower. Where adequate existing woodlands are not available, a planting plan shall be provided which shows any plantings to screen the telecommunications facility. All vegetation whether existing or proposed within or appurtenant to the site shall be maintained and protected by the owner of the telecommunications facility from cutting which will impair the screening ability of the vegetation.
- E. Telecommunications facilities, if painted, shall be painted to minimize visual impact, except where colors specified by the Federal Aviation Administration for aircraft visibility are required.
- F. Adequate fencing and other means shall be provided to control access to the base of any proposed tower, equipment or guy wires. Fences for the purpose of this section shall be no lower than six (6) feet and no higher than ten (10) feet without the permission of the Board of Appeals. If metal fencing is used it shall be screened except for access gates unless such requirement is waived by the Board of Appeals.
- G. Compliance with Section 16 or off-street parking requirements of the Zoning Bylaw is not required, except that the Board of Appeals shall review the site plan for access by service vehicles in a manner which minimizes negative impact to the neighborhood.
- H. All signs and general lighting shall be subject to the standards of the zoning district in which such telecommunications facility is located

unless otherwise allowed by the Board of Appeals, except where signs and lighting are required by the FAA for aircraft visibility.

- I. Any such Special Permit for a telecommunications facility shall include as one of its conditions the requirement that the applicant allow co-location on the tower if it is structurally and technically feasible to do so. Such requirements shall not be construed to limit the applicant's right to charge rent at fair market rates. The applicant shall indicate if additional co-location is feasible on the tower. If additional co-location is possible and approved under the Special Permit, the additional capacity can be added without an amendment to the Special Permit. A conceptual rendering of how the tower could look shall be provided. The applicant shall not be required to adhere to the contents of said conceptual rendering.
- J. The Board of Appeals may impose reasonable additional restrictions or conditions to protect the district from hazards and promote the purposes of these regulations and the Zoning Bylaw.
- K. Towers not in existence before October 19, 2010 shall be removed within three (3) months of cessation of use, or termination of the Special Permit. In addition, the Board of Appeals shall require the posting of a bond to cover the costs of removal of the tower. The three (3) month deadline may be extended by the Board of Appeals if the owner of the tower demonstrates that new users are actively being pursued to use the tower.
- L. The Board of Appeals may limit the Special Permit to a specific individual or corporation, except that such Special Permit may be transferred to similarly -FCC- licensed individuals or corporations without further permission of the Board of Appeals.
- M. The Board of Appeals may revoke the Special Permit if the telecommunications tower is found to be in non-compliance with the Special Permit conditions or these Zoning Bylaw in accordance with M.G.L., Chapter 40A, Section 9.

14A.400 DEVELOPMENT STANDARDS

14A.401 MINIMUM LOT AREA

The minimum lot area shall be 50,000 square feet. More than one use or primary building is allowed on a lot.

14A.402 MINIMUM LOT FRONTAGE

The minimum frontage for lots shall be one hundred fifty (150) feet.

14A.403 MAXIMUM HEIGHT

The maximum height of any building or structure shall be fifty (50) feet, and no more than three stories. Non-habitable structures such as chimneys, towers, elevator over runs, roof top mechanics and parapets may extend above fifty (50) feet, but no higher than sixty (60) feet.

The Planning Board by Special Permit may allow non-habitable structures to exceed sixty 60 feet, providing such increase above 60 feet does not create detrimental effects to the surrounding neighborhood.

Height of all buildings and structures shall be measured from the average grade of the ground at the base of the structure.

14A.404 SETBACKS

Any building or structure placed on a lot whether temporary or permanent shall meet the following minimum setback requirements:

| | Setback Description | Minimum Setback |
|----|---|-----------------|
| A. | From street r-o-w lines or vehicular easement lines | 50' |
| B. | From all other perimeter lot lines | 25' |
| C. | From residential districts | 100' |

Stonewalls and retaining walls are exempt from the above setback requirements. Sign setbacks are regulated under Section 14A.407 – Signs. Fences three (3) feet or less are exempt from A, B, and C., while fences greater than three (3) feet are exempt only from B. and C. above.

14A.405 LOT COVERAGE

In Office Industrial Districts, all uses on a lot which include, but are not limited to: buildings, structures, driveways, parking areas, gravel areas, walks, patios, storage areas, impermeable surfaces, etc. shall not cover more than 60% of the lot. Natural areas such as landscaping, gardens, lawns, etc. are not regulated within the lot coverage. Also, pedestrian walks for strolling, exercise, or connecting to abutting properties are not considered "lot coverage".

Lot coverage can be increased by an additional 15% (up to a maximum of 75%) only if a minimum of 80% of the roof area is a vegetated green roof or Lot coverage can be increased by an additional 5% (up to a maximum of 65%) if the parking facility is setback at least fifty (50) feet from all streets (except that for driveway connections can be made to the street).

All runoff from building roofs shall be recharged into the ground for one (1) inch of rainfall in a one hour period.

14A.406 PARKING

The design standards contained in Section 16 - Off-Street Parking Plan Regulations, shall be complied with, except:

- A. Off-street parking spaces for manufacturing shall be provided on the premises at the rate of 1.1 per employee, or one for each 1,000 square feet of gross floor area if employment is not known.
- B. All parking, storage, and loading areas shall be at least fifty (50) feet from any residential district.

14A.407 SIGNS

Signs shall be regulated and controlled as in Section 11 - General Business Districts - Signs; except that signs must be set back at least ten (10) feet from street lines and may not exceed sixty (60) square feet in area. The requirements of Section 11.502 shall not apply to real estate signs as defined in Section 14A.215.

14A.408 ARCHITECTURAL STANDARDS

Buildings with a footprint larger than 2,000 square feet constructed in the Office Industrial District shall meet the following requirements:

- A. In order to avoid long blank outside walls, walls shall not be longer than thirty (30) feet without an articulation such as, but not limited to: a window, a footprint offset, a siding change, a pilaster. Whatever articulation is chosen, the same articulation shall not be repeated for more than 1/3 the length of the wall.
- B. No outside wall longer than one hundred (100) feet shall meet the roof without a change in height which is significant enough to visually break the long straight line.
- C. All roof units, such as, but not limited to HVAC units, elevator overruns, vent pipes, or other such paraphernalia shall not be visible when standing at ground level at the same elevation as the building.
- D. Covered entryways/porches shall be provided for public entrances into the building before entry doors.
- E. The Director of Inspectional Services may seek advice from the Planning Board or its designee on whether a building complies with the above conditions.

14A.409 LANDSCAPING

In addition to any landscaping required under Section 16 of the Zoning Bylaws, the following landscaping shall be shown on the site plan for all office industrial buildings:

- A. Shade trees planted along the frontage of all streets spaced no further than thirty (30) feet apart on center and at least two (2) inch caliper when planted.
- B. Shade trees including at least 50% evergreen trees planted around the perimeter edges of areas developed for parking and buildings.
- C. All buildings shall have foundation plantings.

14A.410 OUTDOOR STORAGE

No material or supplies shall be stored or permitted to remain on any part of the property outside the building constructed thereon. Except that finished products or semi-finished products may be stored behind the building and shall be appropriately screened on all sides, but shall in no instance be placed on that side of a building paralleling an existing or proposed street. Outdoor storage of finished or semi finished products shall not exceed 25% of the building footprint. Said storage shall be temporary in nature only, intended for immediate transport into the adjacent building or transport off the premises. No waste material or refuse shall be dumped upon or permitted to remain upon any part of said property outside of a building constructed thereon.

14A.411 LIGHTING

All artificial lighting located in the Office Industrial District shall not contribute to light pollution or create a nuisance as a result of glare onto streets or abutting property. Lighting units shall not be located higher than twenty-five (25) feet.

All light sources shall be shielded from above and the light source directed downward to illuminate only the premises. Full cutoff lighting is required within fifty (50) feet of any residential zone.

14A.412 NOISE LIMITS

Noise levels emanating from, but not limited to, air conditioners, fans, vents, loading areas, machinery, or normal operations on the premises (including persons) shall not exceed 60 dba at the lot line. This noise limit does not apply to municipal or fire district public safety alert devices.

14A.413 UTILITIES

All water, sewer, gas, electric, telephone and other utility services shall be underground.

14A.414 TRAFFIC MITIGATION

Prior to the issuance of any building permit by the Director of Inspectional Services, the applicant for said permit shall engage in the following procedures with respect to traffic mitigation:

- A. A traffic impact assessment report shall be provided to the Director of Inspectional Services. This report shall include the projected a.m. and p.m. peak traffic, the average daily traffic and the hourly distribution of vehicles, including with respect to gross vehicle weight, for the proposed project. This report shall also include a review of any existing master plans relating to traffic in the vicinity of the proposed project, an assessment of the impact of that project upon the implementation of the master plan, and an analysis of that project's impact on proposed takings for roadway improvements. Finally, this report shall include a review of possible locations of curb cuts on nearby parcels, demonstrating consistency with the master plan.
- B. The Director of Inspectional Services will engage the services of a consultant, paid for by the applicant, to conduct an independent analysis of the factual assertions and conclusions of the traffic impact assessment report.
- C. If either the traffic impact assessment report or the independent analysis thereof, using recent traffic counts and the latest edition of the ITTE Trip Generation Handbook, indicate that the proposed facility would increase the traffic volume of nearby roads and intersections by at least 10%, a Level of Service ("LOS") analysis for pre and post-development conditions is required. If no such LOS analysis is required, then the Director of Inspectional Services may issue a building permit.
- D. The LOS analysis shall be provided by the applicant. It shall then be reviewed by a consultant again chosen by the Director of Inspectional Services, and again paid for by the applicant. If either this analysis, or the review thereof, indicates that the proposed facility will result in either 1) a reduction in service of two or more levels (e.g. from level A to level C) or 2) a reduction in service to level D or lower (i.e. intersection failure), then the proposed facility is subject to subsection E below. If the analysis, and the review thereof, indicate that the proposed facility will

result only in a reduction in service by one level, so long as the reduction is not to level D or lower (e.g. from level B to level C), then the Director of Inspectional Services may issue a building permit.

- E. The applicant of any proposed facility whose anticipated traffic impact subjects it to this subsection shall be required to submit a traffic mitigation plan to the Director of Inspectional Services, who shall engage the services of a consultant, again paid for by the applicant, in reviewing it. The Director of Inspectional Services shall also consult with the Planning Board and the Department of Public Works in reviewing this plan. The mitigation plan shall be sufficient to create the following conditions: 1) prevent a reduction in service of more than one level; and 2) prevent a reduction in service to level D or lower. Only if these requirements are met shall a building permit be issued.
- F. If a building permit is issued only after a traffic mitigation plan was submitted pursuant to subsection E, no certificate of occupancy may be issued for the project until such time as that plan has been implemented.

It is strongly recommended that the applicant consult with the Director of Inspectional Services prior to the submission of a building permit application. The Director of Inspectional Services shall review the plans and issue or deny a building permit within 30 days. The Director of Inspectional Services may submit plans to the Planning Director, Town Engineer, Conservation Officer, and other appropriate officials and boards.

14A.415 TRASH DISPOSAL

If the volume or nature of the trash to be disposed requires the use of a dumpster, the following standards apply:

- A. Dumpsters shall be kept closed and of a design which prevents access by animals and minimizes odors.
- B. Dumpsters shall be enclosed by solid walls/fences/gate on four sides to a height at least one foot above the dumpster, and shall not be located in the front setback of any building nor within fifty (50) feet of any residential zone. The bottom of the enclosure shall be of an impervious easily cleaned surface.

14A.416 NUISANCE CLAUSE

No use is allowed which creates a nuisance to abutters or to the surrounding area, or create any hazards such as, but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property,

structure or dwelling in the area. It is the judgment of the Director of Inspectional Services to determine if a use will create a nuisance.

14A.417 OTHER DEVELOPMENT STANDARDS

If the land is located in one of the following zoning overlay districts, additional development standards may be imposed as set forth in the applicable section of the Zoning By-laws:

| <u>Zoning Overlay District</u> | <u>Section of Zoning By-Laws</u> |
|-------------------------------------|--------------------------------------|
| Flood Prone Land District | 19 |
| Aquifer Protection District | 20 |
| Faunce Corner Road Overlay District | 21 |

Or take any action relative thereto.

Sponsor: Planning Board

**ARTICLE 13: ACCEPTANCE OF MASSACHUSETTS GENERAL LAWS,
CHAPTER 39 SECTION 23D – ADJUDICATORY HEARINGS**

To see if the Town will vote to accept, for all Town Boards, Committees and Commissions that have the authority or duty to hold adjudicatory hearings, the provisions of Massachusetts General Laws, Chapter 39, Section 23D, which provide that a member of any such Board, Committee or Commission shall not be disqualified from voting in any adjudicatory matter solely as a result of being absence from one hearing session regarding such matter, provided that certain conditions enumerated in that section are met; or take any action relative thereto.

Sponsor: Conservation Commission
Planning Board
Executive Administrator

**ARTICLE 14: ACCEPTANCE OF MASSACHUSETTS GENERAL LAWS,
CHAPTER 32B SECTION 9E – TOWN CONTRIBUTION MORE
THAN 50 PERCENT OF EMPLOYEE HEALTH INSURANCE
FOR RETIREES**

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 32B, Section 9E, which allows the Town to contribute more than fifty percent (50%) of a premium for contributory group life and health insurance for employees retired from the service of the Town and their dependents; or take any action relative thereto.

Sponsor: Executive Administrator

ARTICLE 15: SPECIAL PETITION TO LEGISLATURE TO CREATE A TRUST FUND FOR POLICE OFFICER MEDICAL BENEFITS

To see if the Town will vote to petition the legislature to enact special legislation to authorize the Town of Dartmouth to establish and maintain a medical claims trust fund into which amounts may be appropriated by Town Meeting to reimburse work-related medical claims for police officers, pursuant to the provisions of section 100 of chapter forty-one. Costs of insurance or reinsurance for these medical claims and outside claims services may be disbursed from said funds. Notwithstanding the provisions of section fifty-five of chapter forty-four, the treasurer shall be the custodian of said fund and may deposit the proceeds in national banks or invest the proceeds by deposit in savings banks, cooperative banks or trust companies organized under the laws of the commonwealth, or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the commonwealth or in federal savings and loan associations situated in the commonwealth. Any interest or return of premium or claims advance, excluding dividends applicable to section eight or eight A, shall be added to and become part of the fund. The treasurer shall invest and reinvest as aforesaid such funds to the extent not required for current disbursement as determined by the Town. Any interest liability incurred as the result of processing a tax anticipation loan authorized by section four of chapter forty-four, and directly related to the establishment or the continuance of the aforesaid claims trust fund, shall be chargeable to said fund. The treasurer shall take measures that will assure a sufficient balance at all times in said fund to make prompt payment for incurred and unpaid claims and other related liabilities; or take any action relative thereto.

Sponsor: Executive Administrator
 Director of Budget & Finance/Treasurer

ARTICLE 16: GENERAL BY-LAWS – PARKING REGULATIONS

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 40, Sections 21 and 21D, to repeal the following:

- Parking Regulations By-Law, Sections 2 through 4; and
- Streets and Sidewalks By-Law, Sections 1 through 3;

And concurrently, to amend the last sentence of the Gulf Road Landing By-Law, Section 2, Subsection 22 to the following:

Any motor vehicle or trailer without a Launching Permit, Special Launching Permit, or Town Resident Privilege sticker parked in the Gulf Road Landing shall, as is determined to be prudent by the Select Board pursuant to M.G.L. c. 40, § 22D, be towed and stored at the owner’s expense.

And concurrently, to amend the Parking Regulations By-Law by adding the following:

SECTION 2. SCOPE, LIMITATIONS AND EXEMPTIONS

SUBSECTION 2.1 SCOPE OF APPLICABILITY

The parking regulations shall apply to all motor vehicles and trailers. Motor vehicles shall include any conveyance that is not moved by human power. Trailers shall include any object, including refuse dumpsters and semi-trailers, that is not self-propelled and that is designed to be towed or moved by a motor vehicle, unless otherwise noted. Further, the parking regulations shall apply only to the parking of motor vehicles and trailers on public ways, unless otherwise expressly stipulated.

SUBSECTION 2.2 DEFINITION OF PARKING

Any vehicle or trailer shall be considered to be parked for the purposes of these parking regulations if it has been left unattended or if the person or persons attending to it do not have the means or ability to move it immediately upon request or command. Whether a vehicle is running shall not affect this determination.

SUBSECTION 2.3 EMERGENCY VEHICLES

The parking regulations shall not apply to any emergency services vehicles, including, but not limited to, law enforcement, medical emergency and fire safety vehicles, when they are being used in the performance of emergency response activities.

SUBSECTION 2.4 LAWFUL COMMANDS

The parking regulations shall not apply to any motor vehicle or trailer that has been parked at the lawful command or direction of a law enforcement officer or other safety official.

SUBSECTION 2.5 PRESUMPTION OF LAWFUL PARKING

Unless otherwise expressly limited or proscribed by a provision of this By-Law, the parking of motor vehicles and trailers on public ways and in designated public parking lots shall be presumed to be lawful.

SECTION 3. PENALTIES FOR PARKING REGULATIONS

The following fines for violations of the Town of Dartmouth Parking Regulations, as described in detail in Sections 5 through 10, shall be paid to the Town Parking Clerk and remitted to the Town Tax Collector:

| | |
|----------------|---|
| GROUP A | FINE AMOUNT: \$30.00 |
| | Failing to park parallel to the curb |
| | Failing to park such that each wheel of the side that abuts the curb is within six inches of that curb |
| | Parking in the wrong direction |
| | Parking during an unauthorized time period |
| | Parking for longer than is authorized |
| GROUP B | FINE AMOUNT: \$45.00 |
| | Parking in a crosswalk |
| | Parking on a sidewalk |
| | Parking in a Taxi Stand |
| | Parking in a Bus Stop |
| | Parking in a no parking zone |
| | Parking within twenty feet of an intersection |
| | Parking within ten feet of a driveway |
| | Parking in a restricted parking area without a valid residential parking permit |
| | Unauthorized use, alteration or reproduction of a residential parking permit |
| | Double parking |
| | Parking so as to impermissibly narrow the width of a public way |
| GROUP C | FINE AMOUNT: \$60.00 |
| | Parking within, or blocking access to, a fire lane |
| | Obstructing the access of any fire apparatus to a private way |
| | Parking within ten feet of a fire hydrant |
| | Obstructing a driveway |
| | Obstructing an intersection |
| | Impeding snow removal |
| | Parking within 50 feet of a fire station wall, or on the opposite side of the street parallel thereto |
| | Parking adjacent to, or upon, a center strip or traffic island |
| GROUP D | FINE AMOUNT: \$125.00 |
| | Obstructing a handicap ramp |
| | Parking in a handicap parking space or zone |
| | Parking in striped handicap loading zone |
| | Overnight parking of a motor vehicle or trailer that has a gross weight of at least 18,000 pounds |
| | Parking a commercial motor vehicle or trailer with at least one ton of capacity at night for longer than one hour |
| | Parking a detached trailer that weighs at least 10,000 pounds or detached semi-trailer |

SECTION 4. RESTRICTED PARKING AREAS

SUBSECTION 4.1 RESTRICTED RESIDENTIAL PARKING

No motor vehicle shall be parked on any public way, or part thereof, on which a sign has been posted that states that parking is limited to residential permit parking, unless said motor vehicle exhibits a valid, unexpired residential parking permit for that particular designated permit area. Any violation of this prohibition shall be punished by a fine as stipulated in Section 4. Notwithstanding, a residential parking permit shall not be required for any vehicle or trailer that is currently being used in the unloading or loading of cargo or materials to or from any residence within the designated permit area.

The Town Parking Clerk shall be authorized to issue such permits. Further, the Select Board is authorized to promulgate the criteria and application process for obtaining such a permit, and the designated areas in which such permits are to be required. Notwithstanding this discretionary power, no residential parking permit shall be issued to any vehicle of greater than 18,000 pounds in weight or to any trailer.

Every residential parking permit shall be displayed prominently on the motor vehicle for which it was issued. Any unauthorized use, alteration or reproduction of a residential parking permit shall result in a fine as stipulated in Section 4, the revocation of said permit, and the inability to receive another residential parking permit for two (2) years thereafter.

SUBSECTION 4.2 LIMITED TIME PARKING

On any public way, or part thereof, on which there is posted a sign that limits the number of consecutive minutes or hours a motor vehicle or trailer may be parked, no motor vehicle or trailer shall be parked for longer than the allowed time period. Violations of this prohibition shall be punished by a fine as stipulated in Section 4.

SUBSECTION 4.3 RESTRICTED TIME PARKING

On any public way, or part thereof, on which there is posted a sign that prohibits parking during certain hours of the day or night, or during certain days of the week or month, no motor vehicle or trailer shall be parked during said prohibited period. Violations of this prohibition shall be punished by a fine as stipulated in Section 4.

SUBSECTION 4.4 HANDICAPPED PARKING

No motor vehicle or trailer shall be parked in any designated handicapped parking space, whether on a public way or in a public or private off-street parking area, as provided in M.G.L. c. 40, §§ 21(23) and 22A, unless it prominently displays official handicapped identification as provided in M.G.L. c. 90, § 2 or as provided by any other state of the United States or any province of Canada. Any violation of this prohibition shall be punished by a fine as stipulated in Section 4, and shall result, as is determined to be prudent by the Select Board pursuant to M.G.L. c. 40, § 22D, in the towage and storage, at the owner's expense, of the motor vehicle or trailer so in violation.

Further, the Town Parking Clerk shall be authorized to designate, at his or her discretion, a handicap parking space on the public way abutting any residence that so requests such designation.

SECTION 5. RESTRICTIONS FOR TRAILERS, COMMERCIAL VEHICLES AND HEAVY VEHICLES

SUBSECTION 5.1 OVERNIGHT PARKING

No motor vehicle or trailer, or any combination thereof, that has a gross weight at or in excess of 18,000 pounds, exclusive of any cargo or materials being stored or hauled therein, shall be parked on any public way between the hours of nine post-meridian and seven ant-meridian, or anytime on Sundays or legal holidays as defined in M.G.L. c. 4, § 7.

No commercial motor vehicle or trailer, or any combination thereof, that has a gross weight that is less than 18,000 pounds, exclusive of any cargo or materials being stored or hauled therein, but that has a capacity of at least one ton, shall be parked on any public way for more than sixty consecutive minutes between the hours of nine post-meridian and seven anti-meridian; provided that said time period may be extended if so required to effectuate the completion of any loading or unloading of cargo or materials.

Any violation of any of these prohibitions shall be punished by a fine as stipulated in Section 4.

SUBSECTION 5.2 DETACHED TRAILERS AND SEMI-TRAILERS

No trailer that has a gross weight at or in excess of 10,000 pounds, and no semi-trailer of any size, shall be parked on any public way between the hours of seven anti-meridian and nine post-meridian, unless it is attached to a motor vehicle that is capable of towing or moving it.

Any violation of this prohibition shall be punished by a fine as stipulated in Section 4.

SUBSECTION 5.3 EXCEPTION FOR DISPOSAL DUMPSTERS

The prohibitions of this section shall not apply to any disposal dumpster that is parked temporarily as part of a construction of demolition project, and that has been approved by the Chief of Police or his designee.

SECTION 6. IMPROPER PARKING

SUBSECTION 6.1 DISTANCE AND ANGLE FROM CURB

All motor vehicles and trailers that are parked on a public way shall be parked such that they are parallel to the curb and such that all of the wheels on the side that abuts the curb

are not more than six inches from said curb. Any violation of this prohibition shall be punished by a fine as stipulated in Section 4.

SUBSECTION 6.2 WRONG DIRECTION

No motor vehicle or trailer shall be parked on a public way such that it faces oncoming traffic on that side of the public way. Any violation of this prohibition shall be punished by a fine as stipulated in Section 4.

SUBSECTION 6.3 OBSTRUCTING A PUBLIC WAY

No motor vehicle or trailer shall be parked on a public way such that it fails to leave a clear and unobstructed lane for traffic flow that is at least ten feet wide on a one-way street or twenty feet wide on a two-way street. Any violation of this prohibition shall be punished by a fine as stipulated in Section 4, and shall result, as is determined to be prudent by the Select Board pursuant to M.G.L. c. 40, § 22D, in the towage and storage, at the owner's expense, of the motor vehicle or trailer so in violation.

SUBSECTION 6.4 DOUBLE PARKING

No motor vehicle or trailer shall be parked alongside, whether wholly or partially, another parked vehicle or trailer. Any violation of this prohibition shall be punished by a fine as stipulated in Section 4, and shall result, as is determined to be prudent by the Select Board pursuant to M.G.L. c. 40, § 22D, in the towage and storage, at the owner's expense, of the motor vehicle or trailer so in violation.

SUBSECTION 6.5 SIDEWALK

No part of any parked motor vehicle or trailer shall rest upon any sidewalk. Any violation of this prohibition shall be punished by a fine as stipulated in Section 4.

SECTION 7. PROHIBITED PARKING

SUBSECTION 7.1 MARKED AREAS

No motor vehicle or trailer shall be parked, at any time and for any duration, on any public way, or part thereof, on which there is posted a sign that entirely restricts parking. Further, no motor vehicle or trailer shall be parked, at any time or for any duration, in any marked crosswalk, taxi stand or bus stop. Any violation of any of these prohibitions shall be punished by a fine as stipulated in Section 4, and shall result, as is determined to be prudent by the Select Board pursuant to M.G.L. c. 40, § 22D, in the towage and storage, at the owner's expense, of the motor vehicle or trailer so in violation.

SUBSECTION 7.2 PROXIMITY PARKING

No motor vehicle or trailer shall be parked, at any time and for any duration, within ten feet of a driveway, or within twenty feet of an intersection of two public ways or a public way and a private way. Any violation of any of these prohibitions shall be punished by a fine as stipulated in Section 4.

Should a parked motor vehicle or trailer actually block, whether partially or completely, a driveway or intersection, then said fine shall be increased as stipulated in Section 4, and said motor vehicle or trailer shall, as is determined to be prudent by the Select Board pursuant to M.G.L. c. 40, § 22D, be towed and stored at the owner's expense.

SUBSECTION 7.3 ADJACENT TO CENTER STRIP

No motor vehicle or trailer shall be parked adjacent to, or upon, any center division strip or traffic island that bifurcates any public way. Any violation of this prohibition shall be punished by a fine as stipulated in Section 4, and shall result, as is determined to be prudent by the Select Board pursuant to M.G.L. c. 40, § 22D, in the towage and storage, at the owner's expense, of the motor vehicle or trailer so in violation.

SUBSECTION 7.4 HANDICAPPED RAMPS AND LOADING ZONES

No motor vehicle or trailer shall be parked on any public way, or part thereof, on which there is designated by posted sign or painted stripe a handicapped loading area. Further, no motor vehicle or trailer shall be parked on any public or private way so as to obstruct or block, whether partially or completely, a curb ramp intended or designed to permit sidewalk or building access to a handicapped person.

Any violation of any of these prohibitions shall be punished by a fine as stipulated in Section 4, and shall result, as is determined to be prudent by the Select Board pursuant to M.G.L. c. 40, § 22D, in the towage and storage, at the owner's expense, of the motor vehicle or trailer so in violation.

SECTION 8. INTERFERENCE WITH FIRE FIGHTING

SUBSECTION 8.1 FIRE LANES

The Chief of Dartmouth Fire Districts One, Two and Three shall designate locations for fire lanes, said fire lanes to be a distance of twenty feet from the curbing at all mall, shopping center, hotel and nursing home where sidewalks exist, or otherwise to be a distance of eighteen feet from said curbing. The owner of record of such buildings shall provide, install and maintain all necessary signs and painted striping in order to so designate all such fire lanes. No motor vehicle or trailer shall be parked, at any time or for any duration, within any designated fire lane, or on any public or private way such that it blocks access to the fire lane.

Any violation of any of these prohibitions shall be punished by a fine as stipulated in Section 4, and shall result, as is determined to be prudent by the Select Board pursuant to M.G.L. c. 40, § 22D, in the towage and storage, at the owner's expense, of the motor vehicle or trailer so in violation.

SUBSECTION 8.2 FIRE HYDRANT

No motor vehicle or trailer shall be parked, on any public or private way, within ten feet of that section of the curb that is adjacent to a fire hydrant.

Any violation of this prohibition shall be punished by a fine as stipulated in Section 4, and shall result, as is determined to be prudent by the Select Board pursuant to M.G.L. c. 40, § 22D, in the towage and storage, at the owner's expense, of the motor vehicle or trailer so in violation.

SUBSECTION 8.3 OBSTRUCTION OF FIRE APPARATUS

No motor vehicle or trailer shall be parked on any public or private way such that it blocks a private way, or any way to which the public has a right of entry as either a licensee or an invitee, such that any fire apparatus, vehicles or equipment is denied access.

Any violation of this prohibition shall be punished by a fine as stipulated in Section 4, and shall result, as is determined to be prudent by the Select Board pursuant to M.G.L. c. 40, § 22D, in the towage and storage, at the owner's expense, of the motor vehicle or trailer so in violation.

SUBSECTION 8.4. FIRE STATION

On the side of any public way on which a fire station is located, no motor vehicle or trailer shall be parked within fifty feet of any wall of said fire station. Additionally, no motor vehicle or trailer shall be parked on the other side of any public way parallel to such a restricted parking zone.

Any violation of any of these prohibitions shall be punished by a fine as stipulated in Section 4, and shall result, as is determined to be prudent by the Select Board pursuant to M.G.L. c. 40, § 22D, in the towage and storage, at the owner's expense, of the motor vehicle or trailer so in violation.

SECTION 9. SNOW REMOVAL

No motor vehicle or trailer shall be parked upon any public way, for any duration, during a declared snow ban, so as to impede or disrupt to removal or plowing or snow or ice by the Department of Public Works and its employees and contract workers. Any violation of this prohibition shall be punished by a fine as stipulated in Section 4, and shall result in the towage and storage, at the owners expense, of the motor vehicle or trailer so in violation, as provided in Section 1 of the Vehicle By-Law;

Or take any action relative thereto.

Sponsor: Dartmouth Police Department

ARTICLE 17: HANDICAPPED PARKING

To see if the Town will vote to amend the Dartmouth General By-Laws, Section 2, Penalties for Parking Violations – Group D, as follows:

| Group D | | From: | To: |
|----------------|--|--------------|------------|
| 27 | Obstructing a handicap ramp | \$125.00 | \$250.00 |
| 28 | Parking in a handicap parking zone | \$125.00 | \$250.00 |
| 29 | Parking in striped handicap loading zone | \$125.00 | \$250.00 |

Or take any action relative thereto.

Sponsors: Dartmouth Disability Action Committee
Executive Administrator

ARTICLE 18: GENERAL BY-LAWS – BLACK FRIDAY

To see if the Town will vote to adopt, pursuant to Massachusetts General Laws Chapter 40, Sections 21 and 21D, the Dartmouth General By-Laws – Miscellaneous, Section 8, which reads as follows:

Section 8. RESTRICTION OF RETAIL BUSINESS HOURS OF OPERATION

For the purpose of controlling noise and ensuring public order and safety, no business entity, whether individual, partnership or corporation, for which a substantial portion of its revenue stems from the sale of retail commodities or goods, exclusive of food or fuel products, may operate between the hours of twelve anti-meridian and four anti-meridian.

Notwithstanding, the Select Board, should it determine it to be in the interests of public safety, may waive the restrictions of this Section for any drug store, pharmacy or apothecary that dispenses prescription medication and that seeks such a waiver.

Further notwithstanding, a business entity shall be exempt from the restrictions of this Section under the following circumstances:

- 1) the business entity submits an application along with a safety plan to the Select Board detailing the days, and the hours thereof, for which it seeks an exemption from this Section, said application to be submitted at least 60 days prior to the earliest date for which an exemption is sought;
- 2) the Select Board requests that the Chief of Police, or his designee, conduct a public safety review, in which past and predicted customer volume and traffic would be utilized in order to determine the appropriate number of police officers that would need to be detailed to the business entity in order to ensure public safety and order during the time period that is stipulated in the application, said public safety review to be completed at least 45 days prior to the earliest date for which an exemption is sought;
- 3) the Select Board, at least 30 days prior to the earliest date for which an exemption is sought, provides the business entity with the cost of providing the necessary police detail(s) for the time period that is stipulated in the application; and
- 4) the business entity pays to the Town the entire cost of the assigned police detail(s) at least 15 days prior to the earliest date for which an exemption is sought.

Each minute of operation in violation of this By-Law shall be considered a separate offense. Violations of this By-Law shall be punishable by a tiered schedule of fines as follows:

\$100.00 per violation for the first thirty violations during any given day;

\$200.00 per violation for the thirty-first through sixtieth violations during any given day;

\$300.00 per violation for any violation after the sixtieth violation during any given day.

Violations may be enforced, at the discretion of the enforcing person, pursuant to the non-criminal disposition method promulgated in Massachusetts General Law Chapter 40, Section 21D and Dartmouth General By-Laws – Violations, Non-Criminal, Section 1.

And concurrently, to see if the Town will vote to amend, pursuant to Massachusetts General Laws Chapter 40, Sections 21 and 21D, the Dartmouth General By-Laws – Violations, Non-Criminal, Section 2, by adding the following to the violations that are enforceable by the Police Department:

Operation of a Retail Business During Unauthorized Hours:

\$100.00 per violation for violations 1-30 during any given day

\$200.00 per violation for violations 31-60 during any given day

\$300.00 per violation for violations 61 and after during any given day

Or take any action relative thereto.

Sponsor: Dartmouth Police Department

ARTICLE 19: ACCEPTANCE OF CAPITAL IMPROVEMENT PLANNING COMMITTEE REPORT AND FUNDING OF FY 2011 CAPITAL PLAN

To see if the Town will vote to accept the Capital Improvement Planning Committee Report for Capital Needs for FY 2011, as subsequently amended by the Select Board, and fund from the following: \$1,578,667.64 from Surplus Revenue; \$500,000.00 from Borrowing; \$1,324.79 of excess bond proceeds from appropriations made for DPW capital projects under Article 34 and 37 of the May 15, 2001 Annual Town Meeting; \$80,007.57 of excess bond proceeds from appropriations made for DPW capital equipment under Article 21 of the November 12, 2002 Special Town Meeting; \$60,000.00 of excess bond proceeds from appropriations made for Beeden/Reed Road Water Mains under Article 18 of the June 1, 2004 Annual Town Meeting. The Treasurer, with the approval of the Select Board, is authorized to borrow \$500,000.00 pursuant to Massachusetts General Laws, Chapter 44, Section 7, or any other enabling authority and to issue bond or notes of the Town therefor; or to take any action relative thereto.

| ITEM(S) | COST | FUNDING SOURCE |
|--|---------------------|-----------------------------|
| POLICE DEPARTMENT | | |
| (4) Police Cruisers | \$155,000.00 | Surplus Revenue |
| Tac Channel Radio Equipment | \$18,000.00 | Surplus Revenue |
| (10) Taser X3 Units | \$22,000.00 | Surplus Revenue |
| TOTAL | \$195,000.00 | |
| DPW – HIGHWAY DIVISION | | |
| (2) 34,400 GVW or Equivalent Dump Trucks | \$81,332.36 | G.F. Excess Bond Proceeds |
| (\$190,000 funded through multiple sources) | \$108,667.64 | Surplus Revenue |
| Road Maintenance & Improvements | \$200,000.00 | Surplus Revenue |
| De-icing Equipment | \$32,000.00 | Surplus Revenue |
| TOTAL | \$422,000.00 | |
| DPW – WATER ENTERPRISE FUND | | |
| 17,950 GVW Cab & Chassis 4WD Small Dump Truck With Plow | \$60,000.00 | W.E.F. Excess Bond Proceeds |
| TOTAL | \$60,000.00 | |
| TOWN GOVERNMENT | | |
| Town Hall Condenser | \$50,000.00 | Surplus Revenue |
| Financial System Upgrade | \$50,000.00 | Surplus Revenue |
| Desktop & Operating Software Replacement | \$98,000.00 | Surplus Revenue |
| TOTAL | \$198,000.00 | |
| LIBRARIES | | |
| Southworth Heating, Venting & Air Conditioning/ Fire Alarm System Replacement | \$500,000.00 | Borrowing |
| TOTAL | \$500,000.00 | |
| SCHOOLS | | |
| Math Textbook Replacements | \$470,000.00 | Surplus Revenue |
| Boiler Replacement – Quinn & Middle Schools | \$375,000.00 | Surplus Revenue |
| TOTAL | \$845,000.00 | |

KEY:

G.F. = General Fund
W.E.F = Water Enterprise Fund
S.E.F. = Sewer Enterprise Fund
R.E. = Retained Earnings

Sponsor: Various Town Departments
Director of Budget & Finance/Treasurer
Capital Improvement Planning Committee
Executive Administrator

ARTICLE 20: BORROWING – QUINN SCHOOL ROOF REPLACEMENT

To see if the Town will vote to appropriate the sum of one million five hundred thousand dollars (\$1,500,000.00) for the roof replacement at the James M. Quinn Elementary School at 529 Hawthorne Street, Dartmouth, Massachusetts 02747, including the payment of any and all costs incidental and related thereto, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, said sum to be expended under the direction of the School Building Committee, and to meet said appropriation the Town Treasurer, with approval of the Select Board, is authorized to borrow said sum pursuant to Massachusetts General Laws Chapter 44, Section 7 or any other enabling authority, and issue bonds and notes of the Town therefor; that the Town of Dartmouth acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town of Dartmouth incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Dartmouth; provided further that any grant that Town of Dartmouth may receive from the MSBA for the Project shall not exceed the lesser of (1) 47.64% of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Dartmouth and the MSBA; or take any action relative thereto.

Sponsor: School Department
 Director of Budget & Finance/Treasurer
 Capital Improvement Committee
 Executive Administrator

**ARTICLE 21: COLLECTIVE BARGAINING AND NON-UNION COLA FOR
 FY2011**

To see if the Town will vote to implement the collective bargaining agreement entered into between the Town and the Dartmouth Town Employees Associations and DPW Laborers Union and fund a cost-of-living adjustment (COLA) for the non-union employees by appropriating the following FY 2011 sums:

- 1) \$60,448.10 for the Dartmouth Town Employees Association from the tax levy
- 2) \$73,433.85 for the DPW Laborers Union with \$34,188.68 of this sum from the tax levy, \$17,014.76 from Sewer Enterprise Fund Receipts, \$13,219.97 from Water Enterprise Fund Receipts, and \$9,020.43 from Solid Waste Enterprise Fund Receipts
- 3) \$23,839.23 for the non-union employees with \$19,320.72 of this sum from the tax levy, \$1,770.53 from Senior Social Day Care Program Receipts, and \$2,747.98 from Waterways Enterprise Fund Receipts

and to authorize the Town Accountant to make the necessary adjustments within Schedule A as voted in Article 10 of the June 1, 2010 Spring Annual Town Meeting; or take any action relative thereto.

Sponsor: Executive Administrator

ARTICLE 22: APPROPRIATION TO THE STABILIZATION FUND

To see if the Town will vote to transfer \$221,175.00 from surplus revenue for the purpose of supplementing the Stabilization Fund pursuant to Massachusetts General Laws Chapter 40, Section 5B; or take any action relative thereto.

Sponsor: Select Board
Executive Administrator
Director of Budget & Finance/Treasurer

ARTICLE 23: ACCEPTANCE AND APPROPRIATION TO A POST EMPLOYMENT HEALTH INSURANCE LIABILITY FUND

To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 32B, Section 20, which allows the Town to establish an Other Post-Employment Benefits Liability Trust Fund for the purpose of funding future financial obligations of the Town for health insurance benefits of retirees, and to transfer \$50,000.00 from surplus revenue into this trust fund; or take any action relative thereto.

Sponsor: Select Board
Executive Administrator
Director of Budget & Finance/Treasurer

And you hereby are directed to serve this warrant by posting an attested copy of the same in the Town Office Building not less than seven days before the day appointed to said meeting.

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

Given under our hands at said Dartmouth this. 4TH.day of October in the year of our Lord two thousand ten.

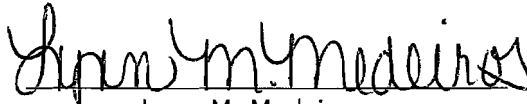
SELECT BOARD OF THE TOWN OF DARTMOUTH:

William J. Trimble, Chairman/s
Michael P. Watson/s
Joe Michaud/s
Lara H. Stone/s
Shawn D. McDonald/s

October 4, 2010

A true copy.

Attest:



Lynn M. Medeiros
Town Clerk