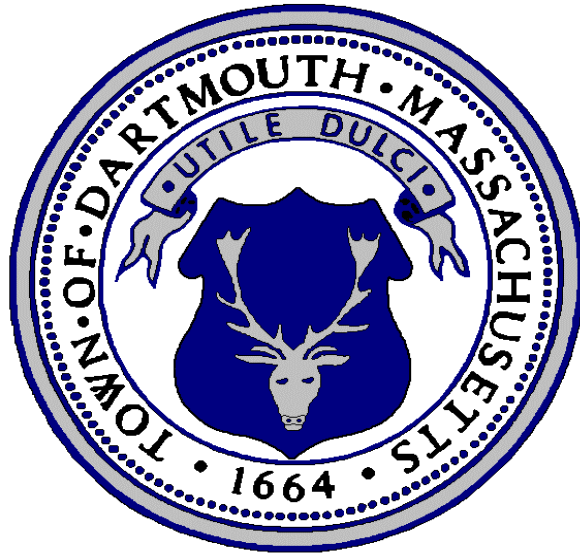


TOWN OF DARTMOUTH



MINUTES

SPECIAL TOWN MEETING
TUESDAY, JANUARY 26, 2010

SPECIAL TOWN MEETING

JANUARY 26, 2010

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3STM*	29	ACCEPTANCE OF MA GENERAL LAWS – CHAPTER 32B, SECTION 18 – CONTRIBUTORY GROUP GENERAL OR BLANKET INSURANCE FOR PERSONS IN THE SERVICE OF COUNTIES, CITIES, TOWNS AND DISTRICTS AND THEIR DEPENDENTS; MEDICARE EXTENSION PLANS; MANDATORY TRANSFER OF RETIREES		

SUMMARY OF APPROPRIATIONS

SPECIAL TOWN MEETING
AUGUST 25, 2009

Gross Appropriations		\$9,500,000.00
Borrowing	\$9,500,000.00	
		\$9,500,000.00

SPECIAL TOWN MEETING
JANUARY 26, 2010

Pursuant to a warrant duly issued the Special Town Meeting of the inhabitants of the Town of Dartmouth, represented by their duly elected and qualified Town Meeting Members, was held in the auditorium of the Dartmouth High School on Tuesday, January 26, 2010.

The meeting was called to order at 7:05 o'clock in the evening by the Moderator, Steve Sharek.

The Moderator declared that their being 205 Town Meeting Members present out of a total of 365 and 184 being a quorum, a quorum was present. Additional members checked in after the meeting was called to order.

Precinct	Membership	Attended	Absent
1	38	23	15
2	38	22	16
3	21	9	12
4	38	27	11
5	39	30	9
6	39	27	12
7	39	30	9
8	38	24	14
9	37	28	9
10	38	30	8
TOTAL	365 100%	250 68%	115 32%

The Moderator appointed Michelle DeFranco and Lynne A.White as tellers.

MOVED and duly seconded:

That the meeting note the correct call of the Warrant and the lawful posting and return of service thereon.

UNANIMOUSLY. 7:12 P.M.

MOVED and duly seconded:

That the Moderator is hereby relieved from reading each article in its entirety and is allowed to refer to them by title and number.

UNANIMOUSLY.

7:12 P.M.

MOVED and duly seconded;

That the Moderator is hereby allowed to take up action on any of the several articles out of numerical sequence as he may determine.

UNANIMOUSLY. 7:12 P.M.

ARTICLE 1 STM: DESIGN AND CONSTRUCTION OF WIND TURBINES

MOVED and duly seconded:

That the Town appropriate \$9,500,000.00 to pay costs of designing, acquiring and constructing two (2) wind turbines for the production of electricity for use by the town, including the payment of all costs incidental and related thereto; and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow \$9,500,000.00 under and pursuant to Chapter 44, Section 7(3B) of the Massachusetts General Laws, as amended, or any other enabling authority and to issue bonds or notes of the town therefore; that the Select Board are authorized to apply for and accept any grants that may be available for this project, and that the amount authorized to be borrowed by this vote shall be reduced to the extent of any grants received by the Town on account of this project prior to the issuance of any bonds or notes, and that all funds appropriated by this vote shall be expended at the direction of the Board of Public Works and the Select Board.

SO VOTED. YES 182 NO 44 9:42 PM

ARTICLE 2 STM: ZONING BY-LAW – VILLAGE BUSINESS DISTRICT

MOVED and duly seconded:

That the Town will amend the Dartmouth Zoning By-Laws by creating a new zoning district entitled "Village Business Districts" which will be inserted in the Zoning By-Laws in the following manner:

First, to change the indexing of existing Section 10 so that the existing Section 10 – Limited Business District, would be changed to Section 10A – Limited Business District, with the following sections changed from 10.100 to 10A.100, 10.101 to 10A.101, 10.102 to 10A.102, 10.103 to 10A.103, 10.200 to 10A.200, 10.201 to 10A.201, 10.300 to 10A.300, 10.301 to 10A.301, 10.302 to 10A.302.

Second, to change Section 2.200 ZONING DISTRICTS by adding "Village Business Districts (VB)" to the list of Zoning Districts and change the word "nine" in the first sentence to "eleven".

Third, insert a new Section 10 entitled Section 10 – Village Business Districts with the following text:

SECTION 10 - VILLAGE BUSINESS DISTRICTS

10.100 PURPOSE

The purpose of Village Business Districts is to allow Dartmouth's traditional, mixed use Villages to function harmoniously as economically viable, diverse and prosperous centers, encompassing local businesses, civic institutions and compact residential development. Development within such Districts shall be pedestrian oriented and enhance the pedestrian experience. As Business Districts, this By-Law especially intends to create a zoning district that is small business friendly while preserving the local and historical character and scale of each said Village.

10.200 ALLOWED USES

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

10.201 RETAIL SERVICES

A business that primarily provides a specialized service to a consumer. Such services can be provided on or from the property. Examples of retail services are: laundries, barbershops, funeral homes, and marine support facilities.

10.202 RETAIL SALES

A business that primarily provides a product or products for sale from the premises. Examples of retail sales uses are pharmacies, bakeries, plant nurseries, grocery stores, hardware stores, or liquor stores.

10.203 PROFESSIONAL OR BUSINESS OFFICES

An office that provides professional or business services to a consumer. Such services can be provided on or from the property. Examples of office uses are: accountants, attorneys, and real estate offices.

10.204 MEDICAL OFFICES

A business that provides health care or medical services. Examples of medical offices are: general practitioner's offices, dentists, optometrists, and medical clinics. Veterinarian offices are also allowed as medical offices.

10.205 RESTAURANTS

An establishment that serves food or beverages prepared on the premises for consumption on or off the premises. Outdoor, as well as indoor dining is allowed.

10.206 BUSINESS APARTMENTS

A business apartment is defined as one (1) residential unit available for use by one family, which is located in a building being used for business purposes such as, but not limited to, retail, office, recreational, restaurant or limited production uses.

The purpose of a business apartment is to encourage small businesses and to provide convenient and affordable housing for individuals connected to the business i.e. individuals who own or are employed by the business. If rented to others, the business apartment could help subsidize business space to make the business more affordable for starter businesses. Business apartments can also help reduce commuter traffic if used by employees of the business.

A business apartment is allowed if the following conditions are met:

- A. There is only one business apartment on a lot used for business purposes.
- B. There are no hazards or nuisances created by mixing a residential unit with the other use(s) within the building.

10.207 EDUCATIONAL USES

Uses which provide a curriculum of academic instruction or teach a skill, art or a hobby. Examples of educational uses are: schools of general education, art schools, martial art studios, and culinary schools.

10.208 MUSEUMS, ART GALLERIES AND LIBRARIES

Uses which provide displays of history, art, or cultural artifacts. Uses which make available books or archived information.

10.209 SINGLE-FAMILY DWELLINGS

A single building or portion thereof that provides living quarters for one family. The living quarters may or may not include cooking, sleeping or sanitary facilities but generally provides space for people to live. The living quarters shall be clearly designed for use by one family which forms a single housekeeping unit. Indications of a single housekeeping unit may consist of but not be limited to shared: living spaces, cooking, sanitary facilities, use of utilities or table board.

Where multiple facilities such as kitchens, baths, or living rooms are provided in a single-family home, they shall only be allowed in such a manner so that they cannot be partitioned into separate, family living quarters, unless as allowed in these by-laws.

10.210 TWO-FAMILY DWELLINGS

A single building or portion thereof that provides living quarters for two families. Each family living in separate, non-interactive living quarters in the same building with no internal access between living quarters. The living quarters may or may not include cooking, sleeping or sanitary facilities but generally provides space for people to live. Indications of a single housekeeping unit may consist of but not be limited to shared: living spaces, cooking, sanitary facilities, use of utilities or table board. Where multiple facilities such as kitchens, baths, or living rooms are provided in a dwelling unit of a two-family home, they shall only be allowed in such a manner so that they cannot be partitioned into separate, family living quarters. The exterior appearance of a two-family dwelling shall be so designed to resemble a single-family residence. In general, the two family dwelling shall not have two entrance doors or garage doors serving different units on any one side of the building or matching or repetitious window and door placement which clearly identifies each residential unit.

10.211 RENTING OF ROOMS

Within a single-family dwelling, rooms may be rented to a maximum of two additional persons. The accommodations of these two additional persons shall be within the living quarters of the resident owner, sharing the same cooking, sanitary facilities and table board. A resident owner is defined as the person that is named as grantee on the deed or other instrument of title and occupies the premises as a primary residence. For a property owned by an entity such as a limited liability company or a trust, the principal of said entity must occupy the premises as a primary residence.

10.212 BY-RIGHT VILLAGE LODGING HOUSES (BED & BREAKFAST)

A "by-right lodging house" is a dwelling where a resident owner provides nightly accommodations to at least three (3) but no more than six (6) lodgers. Meals may also be provided. The accommodations of these persons shall be within the living quarters of the resident owner, sharing the same cooking, sanitary facilities and table board. A resident owner is defined as the person that is named as grantee on the deed or other instrument of title and occupies the premises as a primary residence. For a property owned by an entity such as a limited liability company or a trust, the principal of said entity must occupy the premises as a primary residence.

The purpose of by-right lodging houses is to stimulate economic revival in Village Business Districts by encouraging lodging for visitors who hopefully will shop and eat in the Village Business Districts. Allowing by-right lodging houses in Village Business Districts is also meant to encourage this use in areas of the Town in which it can be readily accommodated with respect to Town services and best utilize existing oversized buildings. Such lodging is to be provided in a manner that lodgers will be accommodated in a household or family type setting and enjoy a more intimate relationship with the Village community.

A Building/Occupancy Permit for a by-right lodging house shall only be issued if the following conditions are met:

- A. The lodging house shall be located in a building which was in existence prior to (date of Town Meeting). Any additions to the building shall be limited to 1/3 of the pre-(Town Meeting date) habitable floor area.
- B. The property owner must occupy the single-family residence as a primary residence and manage the lodging house.
- C. The lodging house and its related activities shall not create or generate a nuisance to the neighborhood. If any person feels a nuisance has been created by the operation of the by-right lodging house, a complaint may be filed with the Planning Board which shall notice and hold a public hearing with the owner of the lodging house to discuss the complaint. After the public hearing, the Planning Board will then decide if the operation of the by-right lodging house is in violation of this By-law and whether the operation thereof can continue.

10.213 LIMITED PRODUCTION OF GOODS

The manufacture of goods such as, but not limited to, furniture, pottery, cabinets or other specialty items which are then sold from the premises. Mail order sales are also allowed in addition to on-site sales.

The purpose of this section is to allow intermediate-sized handicraft-type businesses, which could benefit from greater commercial visibility for the sale of specialty products manufactured on the premises.

The limited production of goods is allowed if the following conditions are met:

- A. All manufacturing shall take place within a building not to exceed 8,000 square feet in area. At least 10% of the area of the building shall be devoted to on-site retail sales.
- B. The proposed use does not create 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.
- C. The storage, use, and disposal of hazardous materials shall comply with all local, State and Federal laws or regulations.

10.214 GARAGES, SHEDS, STORAGE BUILDINGS

A building or structure used primarily for the purpose of storage, sheltering motorized vehicles and boats, or as a workshop.

10.215 STORAGE OF BOATS AND ACCESSORIES

The storage of boats, boat accessories, docks and marine-oriented machinery or equipment for their servicing.

10.216 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.

10.217 MUNICIPAL USES

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

10.218 PLACES OF WORSHIP

An institution or place where religious services, spiritual meetings or associated activities are held on a regular basis.

10.219 GARDENS

Land set aside for the growing of ornamental, vegetable, or fruiting plants or for horticultural beautification of the property. Plant products can be offered for sale from the premises. Buildings or structures to support this activity are considered accessory uses.

10.220 RECREATIONAL USES

A use that provides recreational facilities such as but not limited to the following uses: play areas, game courts, swimming pools, boat launching ramps, fishing areas, etc.

10.221 HOSPITALITY CENTERS

Public or private facilities to serve the comfort of pedestrians or boaters by providing information, restrooms, showers, lockers, or similar comforts.

10.222 AQUACULTURE

Facilities related to the production of shellfish, fish, or aquatic plants. For production areas located on top of or in marine or fresh waters, accessory land based support facilities such as docks, storage, and propagation buildings are allowed.

10.223 REAL ESTATE SIGNS

A single sign for the temporary (once property is sold sign must be removed) advertisement of the sale of the property upon which the sign is located. The overall dimensions of the sign shall not exceed 6 square feet and must be placed on the property being advertised. The signs shall not be illuminated either internally or directly.

10.224 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.

10.225 WIRELESS COMMUNICATIONS SITES

The following wireless communications sites are allowed by right if the following conditions are met:

- A. Towers under one hundred feet (100') in height erected for the exclusive use of a federally licensed amateur radio operator, provided, however, that commercial/non-accessory uses on such towers may be allowed only by Special Permit in accordance with the Zoning By-Laws.
- B. Transmitting or receiving equipment is placed totally within the interior of existing structures so that such equipment is not visible from the outside of the structure.
- C. Any equipment, including towers, in existence as of (TM DATE) 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.

In all cases, the applicant shall certify to the Director of Inspectional Services, through the appropriate engineer certified in Massachusetts, that the equipment or tower proposed conforms to all local, State, and Federal laws and regulations prior to construction or installation.

10.226 SOCIAL CLUBS

Buildings or facilities owned or operated by an association, corporation, or persons for a social, educational or recreational purpose; but not operated primarily for profit.

10.227 YACHT & BEACH CLUBS

Land and support facilities set aside for the enjoyment of water based recreation and operated either for profit or non-profit. Clubhouses, swimming pools, tennis courts, parking facilities, a restaurant and conference/function rooms are allowed when operated as secondary incidental services.

10.228 BOAT REPAIR

Any building, premises, or land in which or upon which a business service or industry involving the maintenance, servicing, repair, or painting of boats is conducted or rendered.

10.229 EXEMPT USES

Any uses exempted from zoning by Massachusetts General Laws, Chapter 40A, Section 3, except that the development standards of this Zoning By-Law shall apply and shall be implemented in a manner consistent with M.G.L. c. 40A, Section 3.

10.230 OTHER USES PROHIBITED

Unless expressly listed above, allowed by Special Permit or exempt under Massachusetts General Laws, all other uses are hereby prohibited.

10.300 SPECIAL PERMIT USES

The following uses are allowed in Village Business Districts only by Special Permit granted by the identified Special Permit Granting Authority in accordance with the criteria and procedures as set forth in the By-laws and M.G.L. Chapter 40A:

10.301 VILLAGE APARTMENTS

A building consisting of three (3) or more residential units ("Village Apartments"), each unit available for use by one family, may be allowed only by Special Permit from the Planning Board if the following conditions are met:

- A. The maximum number of residential units allowed on a lot shall be determined by the Planning Board.
- B. The architectural appearance of buildings is of a scale and style which complements, is respectful of and preserves the character of the neighborhood.

- C. Parking shall be as approved by the Planning Board using the standards for a Special Permit under Subsection 10.306 (Village Parking Lots). Submission to and approval by the Planning Board of an Off-street Parking Plan under Section 16 is not required since the site plan approved in the Special Permit process will be deemed the approved Off-street Parking Plan.
- D. Village apartments shall provide recreational facilities and be distinguished by exceptional landscaping where feasible.
- E. Village apartments shall utilize any existing buildings of significant architecture worth preserving.
- F. It will be strongly encouraged to create pedestrian and, if applicable, vehicular connections between the residential units and business uses. It is the intent of this condition to integrate residential units with business uses both on- and off-site to promote a mixed use, Village environment.
- G. The Planning Board may require improvements such as, but not limited to, benches, street trees, lighting, and improved sidewalks adjacent to the site, in order to enhance the Village character and to accommodate pedestrians making use of the premises.
- H. The Planning Board may impose additional restrictions or conditions to maintain the character of the neighborhood, and to protect and promote the general health, safety and welfare of the community.
- I. Once a Special Permit has been granted by the Planning Board, the Planning Board may revoke or modify the Special Permit after holding a public hearing in accordance with M.G.L. Chapter 40A if any condition of the Special Permit has not been adhered to.

10.302 VILLAGE BUSINESS APARTMENTS

“Village Business Apartments” are two or more residential units, each available for use by one family, which are located in a building which is being used for retail, office, or restaurant uses. Village business apartments may be allowed only by Special Permit from the Planning Board if the following conditions are met:

- A. The proposed residential units should enhance the economic stability of the community and viability of the other use(s) within the building.
- B. There are no hazards or nuisances created by mixing residential units and the other use(s) within the building.
- C. The maximum number of residential units allowed on a lot shall be determined by the Planning Board.

- D. The architectural appearance of buildings is of a scale and style which complements, is respectful of and preserves the character of the neighborhood.
- E. Parking shall be as approved by the Planning Board using the standards for a Special Permit under Subsection 10.306 (Village Parking Lots). Submission to and approval by the Planning Board of an Off-street Parking Plan under Section 16 is not required since the site plan approved in the Special Permit process will be deemed the approved Off-Street Parking Plan.
- F. It will be strongly encouraged to create pedestrian and, if applicable, vehicular connections between the residential units and business uses. It is the intent of this condition to integrate residential units with business uses both on- and off-site to promote a mixed use, Village environment.
- G. The Planning Board may require improvements such as, but not limited to, benches, street trees, lighting, and improved sidewalks adjacent to the site, in order to enhance Village character and to accommodate pedestrians making use of the premises.
- H. The Planning Board may impose additional restrictions or conditions to maintain the character of the neighborhood, and to protect and promote the general health, safety and welfare of the community.
- I. Once a Special Permit has been granted by the Planning Board, the Planning Board may revoke or modify the Special Permit after holding a public hearing in accordance with M.G.L. Chapter 40A if any condition of the Special Permit has not been adhered to.

10.303 SENIOR RESIDENTIAL SERVICES

“Senior Residential Services” include residential facilities or developments which are occupied primarily by persons 55 years of age and older, excluding their spouses or surviving spouses from said age requirement, and which may or may not include residential units occupied by resident staff personnel of any age.

Senior residential services as defined in this by-law currently encompass over-55 independent living, nursing homes, assisted living and adult day care facilities and can offer the full range of nursing care from total assistance to independent living. Such residential facilities may provide shared food preparation services, or independent food preparation areas. In addition, common recreational, laundry, social, medical and service facilities may be provided for the exclusive use of residents.

The purpose of permitting senior residential services in business zoned areas is to facilitate a mutually beneficial arrangement between residents and businesses by providing convenient access to services for residents and providing a steady customer base for business. In addition, the Town has a significant interest in broadening its housing choices for its aging population.

Senior residential services may be allowed only by Special Permit from the Planning Board if the following conditions are met:

- A. The maximum number of residential units, beds, or people allowed on a site shall be determined by the Planning Board based on factors including, but not limited to, impact on the neighborhood, affordability for residents, quality of life, and provision for adequate open space, recreational facilities, parking, landscaping, and buffers. The minimum size of residential units shall be at least 300 square feet. Residential units can be located in freestanding single-unit buildings or in multi-unit buildings.
- B. The architectural appearance of buildings is of a scale and style which complements, is respectful of and preserves the character of the neighborhood.
- C. It must be demonstrated, and the Planning Board must agree and so find, that the proposal has a positive impact on existing local businesses.
- D. Parking shall be as approved by the Planning Board using the standards for a Special Permit under Subsection 10.306 (Village Parking Lots). Submission to and approval by the Planning Board of an Off-street Parking Plan under Section 16 is not required since the site plan approved in the Special Permit process will be deemed the approved Off-street Parking Plan.
- E. The Planning Board may require improvements such as, but not limited to, benches, street trees, lighting, and improved sidewalks adjacent to the site, in order to enhance Village character and to accommodate pedestrians making use of the premises.
- F. It will be strongly encouraged to create pedestrian and, if applicable, vehicular connections between the residential units and business uses. It is the intent of this condition to integrate residential units with business uses both on and off-site to promote a mixed use, Village environment.
- G. Conversion of independent living facilities or developments permitted under this By-law to general housing shall not be allowed. The Planning Board shall require legal restrictions or employ other means to ensure that such facilities and developments remain as senior residential services.
- H. The Planning Board may impose additional restrictions or conditions to maintain a viable business district and to maintain the character of the neighborhood, to promote quality development of the area and to protect and promote the general health, safety, and welfare of the community.
- I. Once a Special Permit has been granted by the Planning Board, the Planning Board may revoke or modify the Special Permit after holding a public hearing in accordance with M.G.L. Chapter 40A if any condition of the Special Permit has not been adhered to.

10.304 VILLAGE LODGING HOUSES

A "Village Lodging House" is a dwelling where nightly accommodations are provided for seven (7) or more persons. A resident manager must occupy the premises. Meals may also be provided for guests and the public.

The purpose of Village lodging houses is to stimulate economic revival in Village Business Districts by providing lodging to visitors who hopefully will shop and dine in the Village Business District.

This more intensive use of Village lodging houses may be allowed only by a Special Permit from the Planning Board to ensure that it does not create a nuisance in the neighborhood and that it will contribute in a positive manner to the Village.

A Special Permit for a Village lodging house may be granted by the Planning Board if in its opinion the following conditions are met:

- A. The architectural appearance of buildings is of a scale and style which complements, is respectful of and preserves the character of the neighborhood. Preference will be given to lodging houses which preserve existing buildings, especially historic structures.
- B. Parking shall be as approved by the Planning Board using the standards for a Special Permit under Subsection 10.306 (Village Parking Lots). Submission to and approval by the Planning Board of an Off-street Parking Plan under Section 16 is not required since the site plan approved in the Special Permit process will be deemed the approved Off-street Parking Plan.
- C. The owner of the Village lodging house shall live on the premises.
- D. The Planning Board may require improvements, such as, but not limited to, benches, street trees, lighting, and improved sidewalks adjacent to the site in order to enhance Village character and to accommodate pedestrians making use of the premises.
- E. It will be strongly encouraged to create pedestrian and, if applicable, vehicular connections between the residential units and business uses. It is the intent of this condition to integrate residential units with business uses both on- and off-site to promote a mixed use, Village environment.
- F. Proposed areas (if any) for eating or entertainment shall be indicated on the plans and the Planning Board may limit the amount or time of use.
- G. The maximum number of lodgers allowed is to be determined by the Planning Board and shall not be detrimental to the neighborhood.

- H. The Planning Board may impose additional restrictions or conditions to maintain the character of the neighborhood and to protect and promote the general health, safety and welfare of the community.
- I. Once a Special Permit has been granted by the Planning Board, the Planning Board may revoke or modify the Special Permit after holding a public hearing in accordance with M.G.L. Chapter 40A if any condition of the Special Permit has not been adhered to.

10.305 VILLAGE GAS STATIONS

“Village Gas Stations” are any premises where gasoline or other petroleum products are dispensed into the fuel tanks of motorized vehicles or boats.

Village gas stations may be allowed only by Special Permit from the Planning Board if, in its opinion, the following conditions are met:

- A. The proposed use will not create a traffic hazard or excessive traffic congestion at the proposed location.
- B. Vehicles making normal use of the premises will not back into or line up in adjacent public ways or sidewalks.
- C. The architectural appearance of proposed buildings and canopies does not conform to standardized gas station architecture and does not give the general appearance of a gas station but is uniquely designed to complement, be respectful of and preserve the traditional Village architecture and the character of the neighborhood with respect to scale and style.
- D. Parking shall be as approved by the Planning Board using the standards for a Special Permit under Subsection 10.306 (Village Parking Lots). Submission to and approval by the Planning Board of an Off-street Parking Plan under Section 16 is not required since the site plan approved in the Special Permit process will be deemed the approved Off-street Parking Plan.
- E. It will be strongly encouraged to create pedestrian and, if applicable, vehicular connections between the proposed gas station and surrounding uses. It is the intent of this condition to integrate Village gas stations into a mixed use, Village environment.
- F. The Planning Board may require improvements such as, but not limited to, benches, street trees, lighting, and improved sidewalks adjacent to the site in order to enhance Village character and to accommodate pedestrians making use of the premises.
- G. The Planning Board may impose additional restrictions or conditions to maintain the character of the neighborhood, and to protect and promote the general health, safety and welfare of the community.

- H. Once a Special Permit has been granted by the Planning Board, the Planning Board may revoke or modify the Special Permit after holding a public hearing in accordance with M.G.L. Chapter 40A if any condition of the Special Permit have not been adhered to.

10.306 VILLAGE PARKING LOTS

“Village Parking Lots” include all areas devoted to or available for use by motor vehicles which shall include but is not limited to parking stalls, access aisles, loading areas, vehicle storage areas or any areas where motor vehicles have regular access to.

A Special Permit from the Planning Board is required for any Village parking lot that has five (5) or more parking spaces. However, a Special Permit is not required for a Village parking lot if the Planning Board approves such parking lot as part of a Special Permit pursuant to another subsection of this by-law. The Village parking lot may be the principal use. A Special Permit for a Village parking lot may be granted by the Planning Board if, in its opinion, the following conditions are met:

- A. If the Village parking lot is located in an area between buildings which are closely spaced, the architectural line of the street shall be maintained through the use of hedging or architectural solutions.
- B. The Village parking lot is reasonably screened from abutting properties and streets. Preference shall be given to landscape screening.
- C. Where buildings are located on the same lot, Village parking lots shall generally be located behind or at the side of these buildings and not between the building and the street.
- D. The design standards of Section 16 of the Zoning By-Laws as well as the standards of this subsection 10.306 are met. The Planning Board can waive these standards, including the number of parking spaces if, in its opinion, the waiver will enhance Village character. Submission to and approval by the Planning Board of an Off-Street Parking Plan under Section 16 is not required for Village parking lots since the site plan approved in the Special Permit process will be deemed the approved Off-street Parking Plan.
- E. It will be strongly encouraged to create pedestrian and, if applicable, vehicular connections between the Village parking lot and surrounding uses. It is the intent of this condition to integrate Village parking lots into a mixed use, Village environment.
- F. The Planning Board may require improvements such as, but not limited to, benches, street trees, lighting, and improved sidewalks adjacent to the site in order to enhance Village character and to accommodate pedestrians making use of the premises.

- G. The Planning Board may impose additional restrictions or conditions to maintain the character of the neighborhood, and to protect and promote the general health, safety and welfare of the community.
- H. Once a Special Permit has been granted by the Planning Board, the Planning Board may revoke or modify the Special Permit after holding a public hearing in accordance with M.G.L. Chapter 40A, if any condition of the Special Permit has not been adhered to.

10.307 PROCESSING OF SHELLFISH, FISH OR MARINE PRODUCTS

The processing of shellfish, fish or marine products not for consumption on the premises may be allowed only by Special Permit granted by the Planning Board if, in its opinion, the following conditions are met:

- A. The processing and storage areas are not larger than 8,000 square feet.
- B. The proposed use does not create a nuisance to abutters or the neighborhood from, but not limited to, hazards from fire, fumes, gas, oil, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent, waste material or electrical interference which may impair the normal use and peaceful enjoyment of any property, structure, business or dwelling in the neighborhood.
- C. The products processed are landed or arrive by port facilities in the Town of Dartmouth.
- D. At least 10% of the area of the building shall be devoted to retail sales of the products being processed from the premises.
- E. The architectural appearance of buildings is of a scale and style which complements, is respectful of and preserves the character of the neighborhood.
- F. Parking shall be as approved by the Planning Board using the same standards as Subsection 10.306 (Village Parking Lots). Submission to and approval by the Planning Board of an Off-street Parking Plan under Section 16 is not required since the site plan approved in the Special Permit process will be deemed the approved Off-street Parking Plan.
- G. The Planning Board may require improvements such as, but not limited to, benches, street trees, lighting, and improved sidewalks adjacent to the site in order to enhance Village character and to accommodate pedestrians making use of the premises.
- H. The Planning Board may impose additional restrictions or conditions to maintain the character of the neighborhood, and to protect and promote the general health, safety and welfare of the community.

- I. Once a Special Permit has been granted by the Planning Board, the Planning Board may revoke or modify the Special Permit after holding a public hearing in accordance with M.G.L. Chapter 40A if any condition of the Special Permit has not been adhered to.

10.308 AUTO REPAIR

“Auto Repair” means any building, premises, or land in or upon which a business service or industry involving the maintenance, servicing, repair, or painting of motor vehicles is conducted or rendered. Auto repair may be allowed only by Special Permit granted by the Planning Board if, in its opinion, the following conditions are met:

- A. The proposed use does not create a nuisance to abutters or the neighborhood from, but not limited to, hazards from fire, fumes, gas, oil, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent, waste material or electrical interference which may impair the normal use and peaceful enjoyment of any property, structure, business or dwelling in the neighborhood.
- B. All areas including storage for the proposed use are limited to 5,000 square feet.
- C. The architectural appearance of buildings is of a scale and style which complements, is respectful of and preserves the character of the neighborhood.
- D. Outdoor storage of autos, supplies or parts are screened from abutting streets and properties.
- E. Parking shall be as approved by the Planning Board using the same standards as Subsection 10.306 (Village Parking Lots). Submission to and approval by the Planning Board of an Off-street Parking Plan under Section 16 is not required since the site plan approved in the Special Permit process will be deemed the approved Off-street Parking Plan.
- F. The Planning Board may impose additional restrictions or conditions to maintain the character of the neighborhood, and to protect and promote the general health, safety and welfare of the community.
- G. Once a Special Permit has been granted by the Planning Board, the Planning Board may revoke or modify the Special Permit after holding a public hearing in accordance with M.G.L. Chapter 40A if any condition of the Special Permit has not been adhered to.

10.400 DEVELOPMENT STANDARDS

These regulations acknowledge the small size of existing lots in the Village Business District and allow use of these lots if the standards of these by-laws are met.

All uses in Village Business Districts including uses allowed by Special Permit or exempted by M.G.L. Chapter 40A, Section 3, shall meet the development standards below, as applicable and as according to M.G.L. c. 40A, Section 3:

10.401 LOT AREA

The minimum lot area shall be 5,000 square feet. More than one use is allowed on a lot.

10.402 FRONTAGE

The minimum frontage for lots shall be 50 feet.

10.403 SETBACKS

The purpose of these setback requirements is to preserve Village character by maintaining the architectural continuity of the Village, to provide access within the lot and for maintenance of the buildings located thereon.

Setback Dimensions

Any building or structure placed on a lot, whether temporary or permanent, shall meet the following minimum and maximum setback requirements as stated below:

	<u>Minimum Setback</u>
A. From street right-of-way lines or vehicular easement lines	5 feet ¹
B. From all other perimeter lot lines	5 feet ²

Exemptions from Setback Requirements

Buildings or structures which are legally in existence prior to (Town Meeting date) shall be considered to be in compliance with Section 10.403 and are allowed to expand along the setback line or lines of the existing building/ structure to a point which intersects another existing setback line of the same building/structure or to a point that intersects the setback line defined in Section 10.403, whichever is less restrictive.

¹ This setback does not include unenclosed porches or steps, which have a zero (0) setback requirement.

² Except that a passageway at least ten (10) feet wide must be available from a street or right of way to the opposite side of the building

Exempt expansions shall not exceed the height of the part of the existing structure/building being expanded except where the expansion is outside the current setback and the height is otherwise allowed by these Zoning By-laws.

Signs, fences, stonewalls, retaining walls and boundary delineation structures are exempt from these setback requirements.

10.404 HEIGHT

The maximum height of all buildings or freestanding structures shall be thirty feet (30'). Non-habitable structures placed on top of buildings or structures shall not exceed forty-five feet (45') in height. Height shall be measured from the average of the finished grade at the foundation around the building or structure to the highest part of the building/structure or to the average level of the highest gable or slope of a hip roof. Where non-habitable structures exceed thirty feet (30') in height, the non-habitable structure shall be setback from all property lines at least ½ the height of the non-habitable structure. The height of the non-habitable structure shall be measured from the average finish grade at the foundation. Non-habitable, for purposes of this section, means spaces not accessible for use by persons whether for living, working, sleeping, eating, cooking, recreation, storage or a combination thereof. Examples of non-habitable structures are chimneys, decorative cupolas, or antennae. Chimneys are excluded from the ½ the height setback described above.

10.405 PERCENTAGE OF LOT COVERAGE

In Village Business 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 70% of the lot. Natural areas such as landscaping, gardens, lawns, etc. are not regulated within the lot coverage.

Lot coverage can be increased by an additional 20% (up to a maximum of 90%) only if all lot coverage above 70% is in semi-permeable pavement such as, brick, cobblestone, stone or concrete pavers. Each paver shall not be larger than two square feet and shall not be cemented in place. The purpose of this bonus is to encourage removal of impervious blacktop or concrete and replace it with attractive, semi-permeable paving which improves the environment and appearance of the Village.

10.406 PARKING AND DRIVEWAYS

A. General Requirements

The following uses shall not require any off-street parking spaces:

1. Retail services, retail sales, professional or business offices, museums, art galleries, libraries and limited production of goods occupying a floor area of 1,500 square feet or less.
2. Restaurants with 50 seats or less.
3. Educational uses with 10 students or less.

As long as the above uses are independent businesses, more than one of the above qualified uses can occupy a property and be individually exempt from the Parking requirements stated in this Section.

All other uses not listed above shall require off-street parking spaces in accordance with the following table:

<u>Use</u>	<u># of Parking Spaces Required</u>
Aquaculture	0
Boat Repair	0
Business Apartments	1 per apartment
By-Right Village Lodging House	1 per 2 lodging rooms
Educational Uses (more than 10 students)	1 per 2000 s.f. of bldg.
Fire District Uses	.5 per max. # of full-time employees per shift
Garages, Sheds, Storage bldgs.	0
Gardens	0
Hospitality Centers	0
Limited Production of Goods	1 per 1000 s.f. of bldg. over 1500 s.f.
Medical Offices	1 per 1000 s.f. of bldg. over 1500 s.f.
Municipal Uses	.5 per max. # of full-time employees per shift
Museums, art galleries	1 per 2000 s.f. over 1500 s.f.
Place of Worship	1 per 10 seats
Professional or Business Offices	1 per 1000 s.f. of bldg. over 1500 s.f.
Real Estate Signs	0
Recreational Uses	0
Renting of Rooms	1 per renter
Restaurants	1 per 8 seats over 50 seats
Restaurants, 10 or less outdoor seats	0
Retail Sales	1 per 1000 s.f. of bldg. over 1500 s.f.
Retail Services	1 per 1000 s.f. of bldg. over 1500 s.f.
Single Family Dwelling	1 per dwelling
Social Clubs	1.5 per maximum #of emp. per shift
Special Permit Uses	As determined by Special Permit Granting Authority
Storage of Boats & Accessories	0
Two Family Dwelling	1 per unit
Wireless Communication Sites	0

Yacht and Beach Clubs

1.5 per maximum #of emp. per shift

The Planning Board may reduce the number of required parking spaces only by Special Permit if, in its opinion, it determines that adequate on-street parking exists in the neighborhood, or the proposed use will benefit the Village Business District.

B. Standards for Parking Facilities of 4 or Less Parking Spaces

Parking facilities with 4 or less parking spaces whether such number is required by these By-laws or not shall meet the following requirements:

1. Each parking space shall be at least 17' long x 9' wide.
2. Driveways and parking areas shall consist of an improved and graded surface, such as but not limited to gravel, cobblestone, brick, asphalt or concrete. If driveways are improved with loose material such as gravel or shell, a firm driveway apron of non-loose material shall be provided from the edge of the road to within 5 feet inside of the property.
3. The maximum width of driveways/parking spaces at and to a point 5 feet from the street line shall be 20 feet.
4. Parking facilities shall be setback at least 2' from perimeter lot lines. This perimeter lot line setback shall not apply to the lot lines that common driveways cross.
5. The standards of Section 16 of the Zoning By-laws do not apply to parking facilities with 4 parking spaces or less in Village Business Districts; the above standards of this Subsection 10.406(B) shall instead apply to facilities with 4 parking spaces or less in Village Business Districts.

C. Standards for Parking Facilities of 5 or More Parking Spaces and for Special Permit Uses

Parking facilities of 5 or more parking spaces whether such number is required by these By-laws or not and Special Permit Uses shall require a Special Permit under Section 10.306 - Village Parking Lots.

10.407 SIGNS

The purpose of regulating signs in Village Business Districts is to provide information to the public while preventing clutter and confusion in an area which is generally densely developed, to prevent over commercialization to a mixed use area which contains or is adjacent to residential uses and to encourage signs which complement and enhance the unique, local architectural and aesthetic character of Dartmouth's Villages.

Signs located in Village Business Districts shall meet the following requirements:

- A. Each business on a property is allowed one or more of the following signs as qualified by the requirements below:
1. A wall sign no larger than 8 square feet.
 2. One freestanding sign per lot which is permanently anchored to the ground and is not taller than 8 feet. Free standing signs shall not be larger than 8 square feet on one side. More than one business can be listed on the free standing sign as long as the free standing sign does not exceed 8 square feet.
 3. Window signs shall not cover more than 25% of the window or 50% of a door window, and the total of all window signs shall not exceed 8 square feet.
 4. A message sign (a changeable wording sign, to advertise sales, etc.) no larger than 8 square feet. Message signs cannot have adjustable letters or electronic messages. Chalk boards, marker boards, and hand written notices are allowed.
 5. Awning signs no more than 30% of the awning area, and the total of all awning signs shall not exceed 8 square feet.
 6. Signs projecting 90° off a wall of a building, and no larger than 8 square feet on one side.
- B. Signs shall not have moving parts or flashing lights. Hanging signs are not considered moving parts. Signs shall not be of a type that confuse, distract, or call undue attention by the use of color, shape, light, or other features.
- C. For double sided signs, only one side of the sign needs to count towards the maximum area.
- D. If signs are illuminated they shall be done in such a manner that the light source is not visible.
- E. Signs shall relate to each use of the property upon which it is located except for political signs, or as allowed elsewhere in these by-laws.
- F. The area of logos, street numbers, addresses, etc. are all counted towards sign area.
- G. Instructional/educational, directional and traffic signs are allowed as needed.
- H. Signs projecting into the Town right-of-way off a building are allowed by permit from the Building Department. Such signs shall not interfere with pedestrians, vehicular movement, visibility, or create a safety problem.

- I. Signs existing as of (Town Meeting date) shall comply with these standards if any wording is changed, the sign is to be rebuilt, or any requirement for a building/sign permit is needed; except that normal maintenance of existing signs is allowed without needing to comply with this by-law.
- J. These standards do not apply to political signs.

10.408 LIGHTING

All artificial lighting located in Village Business Districts 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 fourteen feet (14').

All light sources shall be shielded from above and the light source directed downward to illuminate only the premises. Exception to this downward shielding requirement is allowed for historical styles which complement the Village.

10.409 ARCHITECTURAL APPEARANCE OF BUILDINGS

Existing buildings as of (Town Meeting date) and new buildings under 500 square feet in total area are exempt from the architectural appearance standards of this Section 10.409. Existing buildings being renovated are considered new buildings if the cost of renovations which change the shape, bulk or scale of the building exceed 50% of the value of the building in a 10 year period. Interior changes or exterior maintenance are not considered renovations under this section. Buildings whether existing or new located in designated Historic Districts which have architectural review requirements and buildings serving exempt uses under Massachusetts General Law do not need to comply with this section. Temporary structures for the storage and repair of boats are exempt from this section.

All new buildings of 500 square feet or greater area within Village Business Districts shall require a Special Permit from the Planning Board to approve the architectural appearance of the building. The Planning Board may grant a Special Permit if, in its opinion, the following conditions are met:

- A. New buildings shall be compatible with the scale and architectural character of the surrounding neighborhood. Ground-level design elements such as building entryways, windows, and porches shall be designed for the use, comprehension and enjoyment of pedestrians.
- B. Architectural details such as trim, windows, porches, siding, signs, and lighting shall be compatible with the design style of the majority of existing structures in the neighborhood.

10.410 PEDESTRIAN/BICYCLE IMPROVEMENTS

The purpose of requiring pedestrian and bicycle improvements is to encourage non-automotive, alternative means of access within Village Business Districts. The densely developed character of Village Business Districts adjacent to residential areas lends itself to access by pedestrians and bicyclists.

The following improvements shall be required for new or reconstructed buildings greater than 5,000 square feet:

- A. A sidewalk along the frontage of the lot.
- B. Landscaping (street trees, potted plants, flower boxes, landscape beds) which improves the aesthetics of the streetscape and comfort of pedestrians.
- C. An area for pedestrians to sit near the building entrance.
- D. A place where bicycles can be parked and securely attached, with signage visible from the street identifying bike parking.

10.411 UTILITIES

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

10.412 TRASH DISPOSAL

Waste materials must be stored within a building prior to pickup from the premises for 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. The bottom of the enclosure shall be of an impervious easily cleaned surface.

Restaurants which provide food, which can easily be eaten outside or off the premises, shall provide a waste container outside the building readily available for use by customers.

10.413 LOADING AREAS

Loading areas can consist of a designated parking space.

10.414 NOISE LIMITS

Noise levels emanating from 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.

10.415 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>
Waterfront Overlay District	18
Flood Prone Land District	19
Aquifer Protection District	20
Faunce Corner Road Overlay District	21

10.500 DEFINITIONS

10.501 FAMILY

A family shall consist of one or more persons who live together and form a single housekeeping unit. Indications of a single housekeeping unit may consist of but are not limited to shared living spaces, cooking, sanitary facilities, use of utilities or table board. If more than one person, a family shall be limited to one of the groups listed below:

- A. A group of persons related by blood, adoption or marriage.
- B. If not related by blood, adoption or marriage, a group of persons not to exceed four.
- C. A group of handicapped or disabled persons as allowed in M.G.L., Chapter 40A, Section 3.

Fourth and finally, to amend the "Dartmouth Zoning Map – Zoning Districts" dated March 23, 1999 by changing the following described area from a "Limited Business District" to a "Village Business District":

"Beginning at a point at the intersection of Elm Street and Seaward Lane thence southerly on Elm Street to its intersection with the southeast corner of Assessor's Map 112, Lot 10; thence westerly along the south boundary of Assessor's Map 112, Lot 10 to the Apponagansett River; thence generally northerly along the shoreline of the Apponagansett River to Bridge Street; thence easterly along Bridge Street to its intersection with Water Street; thence northerly along Water Street to Seaward Lane; thence easterly along Seaward Lane to its intersection with Elm Street and the beginning point".

SO VOTED. YES 243 NO 1 7:27 PM

ARTICLE 3 STM: ACCEPTANCE OF MA GENERAL LAWS – CHAPTER 32B, SECTION 18 – CONTRIBUTORY GROUP GENERAL OR BLANKET INSURANCE FOR PERSONS IN THE SERVICE OF COUNTIES, CITIES, TOWNS AND DISTRICTS AND THEIR DEPENDENTS; MEDICARE EXTENSION PLANS; MANDATORY TRANSFER OF RETIREES

MOVED and duly seconded:

That the Town accept the provisions of M.G.L. Chapter 32B, Sec. 18.

UNANIMOUSLY. 7:17 PM

MOVED and duly seconded:

To dissolve the Special Town Meeting.

UNANIMOUSLY VOTED. 9:43 PM

Attest:

Lynn M. Medeiros, Town Clerk