

# **DARTMOUTH FALL ANNUAL TOWN MEETING WARRANT**



**TUESDAY, OCTOBER 16, 2018**

**7:00 P.M.**

**DARTMOUTH HIGH SCHOOL AUDITORIUM**  
**555 BAKERVILLE ROAD**

**FALL ANNUAL TOWN MEETING**  
**OCTOBER 16, 2018**  
**INDEX**

<b>ART #</b>	<b>PAGE</b>	<b>SUBJECT</b>
1	3	Community Preservation Committee- High Hill Purchase
2	3	Community Preservation Committee- Mendes- Monteiro House Project
3	4	Community Preservation Committee- Historic Preservation Reserve
4	4	High Hill Road Greenway Link Project – Grant Authorization and Approval
5	5	Appropriation to the Stabilization Fund
6	5	Appropriation to the Stabilization Fund for Streetlight Upgrades and Replacement
7	5	Acceptance of Capital Planning Committee Report and Funding of FY 2019 Capital Plan
8	7	Town Clerk Fees
9	9	Police Station Electricity Easement
10	9	Library Electricity Easement
11	10	Zoning- Marijuana Establishments Overlay District
12	12	Temporary Major Repairs Through Betterment Assessment for Clarendon Street
13	13	Rezoning Lot from Single Residence A to Office Park- Petition
14	13	Solar Rezoning Article- Petition

**TOWN OF DARTMOUTH  
WARRANT  
FALL ANNUAL TOWN MEETING  
OCTOBER 16, 2018**

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 Auditorium at the Dartmouth High School, situated on 555 Bakerville Road, Dartmouth, Massachusetts, on Tuesday, the 16<sup>th</sup> day of October at seven of the clock in the evening, then and there to act on the following articles, viz:

**ARTICLE 1: COMMUNITY PRESERVATION – HIGH HILL PURCHASE**

To see if the Town will vote to appropriate \$400,000.00 from the Community Preservation Unrestricted Fund to the Town of Dartmouth Conservation Commission for acquisition of certain land on High Hill Road, referenced as Dartmouth Assessor's Map 77, Lot 53, for the open space High Hill Greenway Link Project, all in accordance with the terms and conditions of the Community Preservation Project Memorandum of Understanding.

Or take any other action relative thereto.

Sponsor: Community Preservation Committee

**ARTICLE 2: COMMUNITY PRESERVATION-MENDES-MONTEIRO HOUSE PROJECT**

To see if the Town will vote to appropriate \$100,000.00 from the Community Preservation Unrestricted Fund and \$400,000.00 from Fiscal Year 2019 Community Preservation Fund Annual Revenues to the Partners in Housing, Inc. for the creation of community housing known as the Mendes-Monteiro House Project on a portion of the property on Anderson Way that is referenced as Dartmouth Assessor's Map 177, Lot 4, all in accordance with the terms and conditions of the Community Preservation Project Grant Agreement.

Or take any other action relative thereto.

Sponsor: Community Preservation Committee

**ARTICLE 3: COMMUNITY PRESERVATION COMMITTEE- HISTORIC PRESERVATION RESERVE**

To see if the Town will vote to appropriate or reserve for later appropriation monies from Fiscal Year 2019 Community Preservation Fund Annual Revenues in the amount of \$80,000.00 to be allocated to the Historic Preservation Reserve.

Or take any other action relative thereto.

Sponsor: Community Preservation Committee

**ARTICLE 4: HIGH HILL ROAD GREENWAY LINK PROJECT – GRANT AUTHORIZATION AND APPROVAL**

To see if the Town will vote to authorize the acquisition, at a total cost of up to four hundred thousand dollars exactly (\$400,000.00), for a parcel of land on High Hill Road, consisting of 57.8 acres and described as Lot 53 on Dartmouth Assessor's Map 77, to be held under the Conservation Commission's custody, care and control in accordance with Massachusetts General Laws, Chapter 40, Section 8C and Article 97 of the Amendments of the Constitution of the Commonwealth of Massachusetts, for the benefit of the public and in order to ensure that said land shall remain available to the public for conservation and passive recreation purposes.

And further, to appropriate up to two hundred and thirty-two thousand dollars exactly (\$232,000.00) towards the cost of said acquisition, and to authorize the Treasurer, with the approval of the Select Board, and for the purpose of meeting this appropriation, to borrow any or all of said amount under and pursuant to Massachusetts General Laws, Chapter 44, Sections 7 or 8C, or any other enabling authority, and to issue bonds or notes of the Town therefor.

And further, to clarify that only so much of the two hundred and thirty-two thousand dollars exactly (\$232,000.00) so appropriated may actually be borrowed and expended for the acquisition of said land as is equaled by the total amount that the Conservation Commission and/or Select Board first receives, or otherwise secures by contract for receipt or reimbursement, from any federal, state or other local sources of funding, including, without limitation, from the State Local Acquisitions for Natural Diversity (LAND) Grant Program pursuant to Massachusetts General Laws, Chapter 132A, Section 11, but exclusive of the community preservation funds received through the approval of Article 1 of this Warrant.

And further, to clarify that no portion of the two hundred and thirty-two thousand dollars exactly (\$232,000.00) so appropriated may be expended for said acquisition except in combination with the expenditure of at least one hundred and sixty-eight thousand dollars exactly (\$168,000.00) of the community preservation funds appropriated for that purpose by the approval of Article 1 of this Warrant, and which expenditure mandates, in accordance with Massachusetts General Laws, Chapter 44B, Section 12(a), the imposition upon the acquired land of a conservation restriction subject to the provisions of Massachusetts General Laws, Chapter 184, Sections 31-33.

And further, to authorize the Conservation Commission and/or the Select Board to enter into, execute, submit and file any and all applications, agreements and instruments that are necessary or expedient in order to effectuate: 1) said acquisition; 2) the conveyance of said conservation restriction to an appropriate non-profit organization that is statutorily entitled to hold such restrictions ; and 3) the receipt of any such grants, reimbursements or other funds from any such federal, state, or local source, for the purpose of funding all or any portion of the cost of said acquisition.

Or take any other action relative thereto.

Sponsors:      Conservation Commission  
                         Select Board

**ARTICLE 5:    APPROPRIATION TO THE STABILIZATION FUND**

To see if the Town will vote to appropriate and transfer the sum of \$280,000.00 from surplus revenue for the purpose of supplementing the Stabilization Fund pursuant to Massachusetts General Laws, Chapter 40, Section 5B;

Or take any other action relative thereto.

Sponsor:          Select Board

**ARTICLE 6:    APPROPRIATION TO THE STABILIZATION FUND FOR STREETLIGHT UPGRADES AND REPLACEMENTS**

To see if the Town will vote to transfer the sum of \$30,000.00 from the FY 2019 Streetlight Expense account for the purpose of supplementing a Stabilization Fund for Streetlight Upgrades and Replacement pursuant to Massachusetts General Laws, Chapter 40, Section 5B;

Or take any other action relative thereto.

Sponsor:          Select Board

**ARTICLE 7:    ACCEPTANCE OF CAPITAL PLANNING COMMITTEE REPORT AND FUNDING OF FY 2019 CAPITAL PLAN**

To see if the Town will vote to accept the Capital Planning Committee Report of Capital Needs for FY 2019 (Fall Annual Town Meeting) and fund from the following:

- \$4,136,909.00 from Surplus Revenue;
- \$291,175.00 from Water Enterprise Retained Earnings;
- \$223,500.00 line item transfer from appropriations made for Faunce Corner Rd. Phase II (Tucker Rd. Relocation) under Article 3 of the October 20, 2015 Town Meeting;
- \$65,000.00 from Dartmouth Cable Television (DCTV) Retained Earnings

<b>TOWN GOVERNMENT</b>		
Town Technology & Infrastructure Initiatives	\$190,000.00	Surplus Revenue
TOTAL	\$190,000.00	
<b>POLICE DEPARTMENT</b>		
(~1.4) Police Cruisers Replacement	\$72,840.00	Surplus Revenue
(2) Administrative Vehicles Replacement	\$74,394.00	Surplus Revenue
TOTAL	\$147,234.00	
<b>DARTMOUTH PUBLIC SCHOOLS</b>		
Dartmouth Memorial Stadium Renovations – Phase I	\$1,100,000.00	Surplus Revenue
TOTAL	\$1,100,000.00	
<b>DPW – ADMINISTRATION DIVISION</b>		
Faunce Corner Road Phase III Engineering	\$223,500.00	Line Item Transfer
	\$26,500.00	Surplus Revenue
TOTAL	\$250,000.00	
<b>DPW – CONSTRUCTION DIVISION</b>		
(1) 16,500 GVW Stake Body Truck Replacement	\$41,175.00	Surplus Revenue
	\$41,175.00	W.E.F. Retained Earn.
TOTAL	\$82,350.00	
<b>DPW - HIGHWAY DIVISION</b>		
Road Maintenance & Improvements	\$1,000,000.00	Surplus Revenue
Richard Street Improvement Project	\$220,000.00	Surplus Revenue
Norwell Street Improvement Project	\$137,500.00	Surplus Revenue
Osbourne Street Improvement Project	\$99,000.00	Surplus Revenue
Frank Street Improvement Project	\$82,500.00	Surplus Revenue
(1) Heavy Duty Bucket Truck	\$140,000.00	Surplus Revenue
(1) Stump Grinder	\$35,000.00	Surplus Revenue
(1) Chipper Replacement	\$59,000.00	Surplus Revenue
TOTAL	\$1,773,000.00	
<b>DPW - WATER ENTERPRISE FUND</b>		
TTHM – Treatment	\$250,000.00	W.E.F. Retained Earn.
TOTAL	\$250,000.00	

(1) John Deere Compact Tractor/Backhoe Replacement	\$60,000.00	Surplus Revenue
Security Cameras for Jones Park & Allen St. Garage	\$20,000.00	Surplus Revenue
Dartmouth Regional Park Fence Replacement	\$14,000.00	Surplus Revenue
(1) Light Duty Bucket Truck Replacement (joint request with Police Department)	\$65,000.00	Surplus Revenue
<b>TOTAL</b>	<b>\$159,000.00</b>	
<b>LIBRARIES</b>		
Library Construction (Tucker Road Replacement)	\$700,000.00	Surplus Revenue
<b>TOTAL</b>	<b>\$700,000.00</b>	
<b>DCTV ENTERPRISE FUND</b>		
Building Repairs Phase III	\$35,000.00	DCTV Retained Earn.
DCTV Studio Set	\$30,000.00	DCTV Retained Earn.
<b>TOTAL</b>	<b>\$65,000.00</b>	

**KEY:**

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

Or take any other action relative thereto.

Sponsors: Capital Planning Committee  
Select Board

**ARTICLE 8: TOWN CLERK FEE SCHEDULE**

To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 262, Section 34 and Chapter 40, Section 21, to amend the General By-Laws by adding the following new provisions:

Chapter 196, Article IV Town Clerk Fees

§ 196-4 Increase from default statutory fees

In accordance with the provisions of Massachusetts General Laws, Chapter 262, Section 34, the Town has increased the fees for certain services of the Town Clerk beyond the default statutory amounts for said services. These increased fees are listed in the

schedule of fees that is found in § 196-5. To the extent that a particular service of the Town Clerk is enumerated in said Section 34 but is not listed in this schedule of fees, then the default statutory fee for that service as provided in said Section 34 shall continue to apply.

§ 196-5

Schedule of fees

Item	Fee
Filing Amendment to Birth Record	\$25.00
Filing Correction to Birth Record	\$25.00
Issuance of Birth Certificate	\$10.00
Filing Delayed Birth Record	\$25.00
Filing Correction to Death Record	\$25.00
Issuance of Death Certificate	\$10.00
Filing Out-of-State Marriage Certificate	\$25.00
Filing Correction to Marriage Record	\$25.00
Issuance of Marriage Certificate	\$10.00
Filing Business Certificate	\$40.00
Filing Amendment to Business Certificate to reflect any of: change of residence, discontinuance of business, retirement or withdrawal from business, and change of location of business	\$10.00
Issuance of Certified Copy of Business Certificate	\$3.00
Issuance of Certified Copy of Amendment to Business Certificate	\$3.00
Recording of the following information related to a Massachusetts-registered podiatrist: name, address, and date and number of podiatry certificate	\$15.00
Recording of Certificate of Registration for Optometry	\$15.00
Issuance of Certified Copy of Certificate of Registration for Optometry	\$10.00
Recording of name of Massachusetts-registered physician or osteopath	\$15.00
Filing of Inventory of Items for "end of business sale", however called or described	\$3.00 per page
Recording of Order relating to transmission lines issued pursuant to M.G.L. c. 166, § 22	\$30.00
Recording of Power of Attorney	\$10.00
Filing a copy of Declaration of Trust or other written instrument creating a trust	\$15.00
Filing a copy of an Amendment to a Declaration of Trust or other written instrument creating a trust	\$10.00
Genealogy Research (birth, death and marriage records)	\$23.00 per hour after the first half hour of research



§ 196-6

Not comprehensive

The schedule of fees that is found in § 196-5 is not a comprehensive listing of possible services that are performed by the Town Clerk for which a fee can and will be charged. Nothing in this schedule of fees should be construed as limiting the ability of the Town in general, or the Town Clerk in particular, to set fees for other services pursuant to any other legal authority, including statute, regulation, by-law or Town Charter.

Or take any other action relative thereto.

Sponsor: Town Clerk

#### **ARTICLE 9: POLICE STATION ELECTRICITY EASEMENT**

To see if the Town will vote to authorize the Select Board to convey to NSTAR Electric Company d/b/a Eversource Energy, and its successors, assigns and licensees, an easement on the property that is referenced as Lot 14 of Dartmouth Assessor's Map 168, that is commonly known as 1390 Tucker Road, and upon which a new police station is being constructed, for the purpose of enabling the installation and maintenance of electricity distribution lines and associated equipment upon and under said property, under such terms and conditions as the Select Board determines are reasonable and prudent.

Or take any other action relative thereto.

Sponsor: Select Board

#### **ARTICLE 10: LIBRARY ELECTRICITY EASEMENT**

To see if the Town will vote to authorize the Select Board, in consultation with the Board of Library Trustees, to convey to NSTAR Electric Company d/b/a Eversource Energy an easement on the property that is referenced as Lot 1 of Dartmouth Assessor's Map 56, that is commonly known as 211 Cross Road, and upon which a new library is being constructed, for the purpose of enabling the installation and maintenance of electricity distribution lines and associated equipment upon and under said property, under such terms and conditions as the Select Board, in consultation with the Board of Library Trustees, determines are reasonable and prudent.

Or take any other action relative thereto.

Sponsor: Select Board

**ARTICLE 11: ZONING- MARIJUANA ESTABLISHMENTS OVERLAY DISTRICT**

**Item 1**

To see if the Town will vote to amend the Zoning Map by creating a Marijuana Establishments Overlay District comprised of the Office Industrial District, the General Industrial District, and a portion of the Limited Industrial District, all as shown in more detail on the proposed map that is included with this Article and available for review at the Planning Board's office and the Town Clerk's Office.

**Item 2**

And further, to see if the Town will vote to amend the Zoning By-Law by deleting Article 4 (§§ 375-4.1 and 375-4.2) in its entirety and replacing it with the following:

**Article 4**  
**Marijuana Establishments Overlay District**

**§ 375-4.1. Purpose.**

- A. The purpose of this article is to regulate those facilities that are known as Marijuana Establishments, as that term is defined in 935 CMR 500.002, or any successor regulation thereto.
- B. The purpose of regulating Marijuana Establishments is:
  - (1) To designate areas in Town for such facilities that will have the least impact on community character;
  - (2) To site such facilities close to highway access and public transportation in order to minimize traffic impacts to the Town;
  - (3) To locate such facilities away from residences and places where children regularly congregate; and
  - (4) To limit the overall number of such facilities in the Town of Dartmouth to the extent allowed by the laws of the Commonwealth of Massachusetts.

**§ 375-4.2. Applicability.**

The Marijuana Establishments Overlay District is an overlay district superimposed on the underlying zoning districts, the boundaries of which are shown on the official Dartmouth Zoning Map.

### **§ 375-4.3. Special Permit uses.**

Marijuana Establishments are not allowed as-of-right in any District within the Town, whether as a primary or accessory use or as a home occupation. The Planning Board may grant a Special Permit allowing a Marijuana Establishment in the Marijuana Establishments Overlay District.

### **§ 375-4.4. Standards for granting Special Permit.**

The Planning Board may grant a Special Permit for a Marijuana Establishment if the following standards are satisfied:

- A. Nondiscretionary standards.
  - (1) A Marijuana Establishment and the parcel on which it is proposed to be located must meet all setback, lot size, lot coverage, height, frontage and other dimensional requirements and development standards of the underlying District in which it is located;
  - (2) A Marijuana Establishment shall not be located within 1,000 feet of another Marijuana Establishment that is located within the Town. The one-thousand-foot distance shall be measured in a straight line from the nearest point of the facility in question to the nearest point of the Marijuana Establishment;
  - (3) A Marijuana Establishment shall not be sited within a radius of 500 feet of an existing public or private school, college/university, daycare, library, any facility in which children commonly congregate, or residence (single-family or multi-family). The five-hundred-foot distance shall be measured in a straight line from the nearest point of the facility in question to the nearest point of the Marijuana Establishment;
  - (4) The outdoor fencing of any Marijuana Establishment shall be a non-reflective, earth tone color, such as black or dark green;
  - (5) Parking at a Marijuana Establishment shall comply with the requirements of Article 24, Site Plan Review, except that parking spaces shall be provided at the rate of one parking space per employee for the largest shift, plus one parking space for each 250 square feet of building floor space that is devoted to customer service;
  - (6) No Special Permit may be issued for a Marijuana Establishment that engages in the sale of marijuana or marijuana products for consumption on-site until and unless the voters of the Town approve an initiative petition to allow such on-site consumption in accordance with M.G.L. c. 94G, § 3(b), or any successor statute thereto; and
  - (7) No Special Permit may be issued for a given type of Marijuana Establishment, once the Town has reached the minimum number of that type of Marijuana Establishment that it is obligated to allow in accordance with the provisions of M.G.L. c. 94G, § 3, or any successor statute thereto.

- (8) Discretionary standards. In exercising its discretion whether to grant a Special Permit, the Planning Board shall consider the impact of the proposed Marijuana Establishment on public health and safety, and the effect of the proposed Marijuana Establishment on the character of the neighborhood and the Town.

**§ 375-4.5. Conditions.**

In addition to any conditions that the Planning Board chooses to impose upon a granted Special Permit, including, without limitation, with respect to the allowed days and hours of operation of any component of a Marijuana Establishment that is open to public consumers or customers, the following conditions automatically apply to said grant:

- A. Prior to obtaining a building permit, and prior to beginning operation of the Marijuana Establishment if no such permit is needed, the following documentation shall be provided to the Director of Inspectional Services and the Chief of Police:
- (1) The License for the Marijuana Establishment that was issued by the Cannabis Control Commission; and
  - (2) The Operating Policies and Procedures for the Marijuana Establishment that were created pursuant to either 935 CMR 500.101(1)(c)(7) or 935 CMR 500.101(2)(e)(8), or any successor regulations thereto.
- B. The Special Permit may not be transferred, even to any successor in interest to the holder of the Special Permit.

Or take any other action relative thereto.

Sponsor: Planning Board

**ARTICLE 12: TEMPORARY MAJOR REPAIRS THROUGH BETTERMENT ASSESSEMENT FOR CLARENDON STREET**

To see if the Town will vote to appropriate \$23,000.00 by borrowing for the purpose of making temporary major repairs (reconstruction) to the private way portion of Clarendon Street, including all costs incidental and related thereto, such as engineering, design and administration of the project, and further to authorize the Treasurer, with the approval of the Select Board, to borrow up to \$23,000.00 pursuant to Massachusetts General Laws, Chapter 44, Section 7, or any other enabling authority, and to issue bonds or notes of the Town therefor; any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and further to authorize the assessment of betterments to each lot which abuts the reconstructed private way in accordance with Massachusetts General Laws, Chapter 80 and any other applicable law;

Or take any other action relative thereto.

Sponsors:     Select Board  
                  Board of Public Works

**ARTICLE 13:     REZONING LOT FROM SINGLE RESIDENCE A TO OFFICE PARK-  
PETITION**

To see if the Town will vote to re-zone Assessor's Map 169, Lot 240 from Residence A to Office Park.

Or take any other action relative thereto.

Sponsor:   Voter Petition Group

**ARTICLE 14:     SOLAR REZONING ARTICLE- PETITION**

To see if the Town will vote to amend Section 37 (Large-Scale Ground-Mounted Solar Photovoltaic Installations) of the Zoning Bylaw by allowing as of right in Single Residence A., Single Residence B, Single Residence C and General Residence Districts Large-Scale Installations which qualify as an Agricultural Solar Tariff Generation Unit ("ASTGU") under the Massachusetts Department of Energy Resource's Solar Massachusetts Renewable Target ("SMART") Program pursuant to 225 CMR 20.00 (Regulatory Provisions Specific to ASTGUs), located on land that for each of the five immediately preceding years has been actively devoted to raising cranberries and has been classified as such under G.L. Chapter 61A,

Or take any other action relative thereto.

Sponsor:   Voter Petition Group

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 24<sup>th</sup> day of September in the year of our Lord two thousand eighteen.

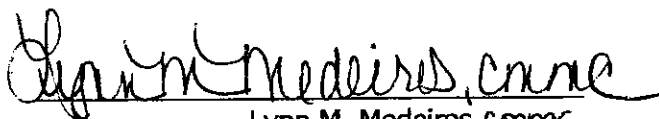
SELECT BOARD OF THE TOWN OF DARTMOUTH:

Shawn McDonald, Chairman/s  
Stanley Mickelson, Vice-Chairman/s  
John Haran/s  
Frank Gracie/s  
David Tatelbaum/s

September 24, 2018

A true copy.

Attest:

  
Lynn M. Medeiros, CMMC  
Town Clerk