

**DARTMOUTH
SPRING ANNUAL TOWN MEETING
WARRANT**



TUESDAY, JUNE 7, 2022

9:00 A.M.

DARTMOUTH MIDDLE SCHOOL AUDITORIUM
366 SLOCUM ROAD

SPRING ANNUAL TOWN MEETING
June 7, 2022
INDEX

ART #	PAGE	SUBJECT
1 ATM	3	Community Preservation Committee – Administrative Budget
2 ATM	3	Community Preservation Committee – Town Clerk Historic Records Preservation
3 ATM	4	Community Preservation Committee – FY 2023 Open Space, Community Housing, and Historic Preservation Reserve
4 ATM	4	Appropriation from the Cemetery Sale of Lot Fund
5 ATM	4	Establish FY 2023 Maximum Spending Budget for Revolving Funds
6 ATM	5	Acceptance of Capital Planning Committee Report and Funding of FY 2023 Capital Plan
7 ATM	7	Purchase of Property at 245 Russells Mills Road
8 ATM	7	Salaries and Stipends of Elected Officials
9 ATM	8	Schedule A- FY 2023 Budget Appropriation
10 ATM	8	Funding Sewer and Septic System Betterments
11 ATM	8	Funding Solid Waste Enterprise Fund
12 ATM	9	Funding Water Department Enterprise Fund
13 ATM	10	Funding Sewer Department Enterprise Fund
14 ATM	11	Funding Dartmouth Cable Television (DCTV) Enterprise Fund
15 ATM	12	Funding Waterways Management Enterprise Fund
16 ATM	13	Personnel By-Law Amendments- New Positions and Salary Adjustments
17 ATM	15	Appropriation to the Stabilization Fund
18 ATM	15	General Bylaws – Amendments to Stormwater Bylaw

**TOWN OF DARTMOUTH
WARRANT
SPRING ANNUAL TOWN MEETING
June 7, 2022**

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 via remote participation, on Tuesday, the 7th day of June at nine of the clock in the morning, then and there to act on the following articles, viz:

**ARTICLE 1: COMMUNITY PRESERVATION COMMITTEE –
ADMINISTRATIVE BUDGET**

To see if the Town will vote to appropriate from Fiscal Year 2023 Community Preservation Annual Revenues in the amount of \$35,000.00 for administrative expenses as referenced in the Community Preservation Fiscal Year 2023 budget.

Or take any other action relative thereto.

Sponsor: Community Preservation Committee

**ARTICLE 2: COMMUNITY PRESERVATION COMMITTEE – TOWN CLERK
HISTORIC RECORDS PRESERVATION**

To see if the Town will vote to appropriate \$25,000.00 from the Community Preservation Committee Historic Preservation Reserve to the Town of Dartmouth for the Town Clerk Historic Records Preservation project, all in accordance with the terms and conditions of the Community Preservation Memorandum of Understanding and referenced in the Community Preservation Fiscal Year 2023 budget.

Or take any other action relative thereto.

Sponsor: Community Preservation Committee

ARTICLE 3: **COMMUNITY PRESERVATION COMMITTEE – FY 2023 OPEN SPACE, COMMUNITY HOUSING, AND HISTORIC PRESERVATION RESERVE**

To see if the Town will vote to appropriate or reserve for later appropriation monies from Fiscal Year 2023 Community Preservation Fund Annual Revenues in the amount of \$275,000.00 as referenced in the Community Preservation Fiscal Year 2023 budget to be allocated as follows:

\$100,000.00 Open Space
\$100,000.00 Community Housing
\$ 75,000.00 Historic Preservation

Or take any other action relative thereto.

Sponsor: Community Preservation Committee

ARTICLE 4: **APPROPRIATION FROM THE CEMETERY SALE OF LOT FUND**

To see if the Town will vote to appropriate and transfer the sum of \$2,000.00 from the Cemetery Sale of Lot Fund to be spent on cemetery purposes in accordance with Massachusetts General Laws, Chapter 114, Sections 15 & 25;

Or take any other action relative thereto.

Sponsor: Select Board

ARTICLE 5: **ESTABLISH FY 2023 MAXIMUM SPENDING BUDGET FOR REVOLVING FUNDS**

To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 44, Section 53E½ and § 37-6 of the General By-laws, to determine the maximum spending limits in FY 2022 for the following revolving funds, the purposes of which are detailed in § 37-6 of the General Bylaws:

<u>Name of Revolving Fund</u>	<u>Maximum Spending Amount</u>
Cemetery Revolving Fund	\$4,500.00
Recreation & Park Revolving Fund	\$185,000.00
Library Revolving Fund for Lost/Damaged Items	\$3,500.00

Or take any other action relative thereto.

Sponsor: Select Board

ARTICLE 6: ACCEPTANCE OF CAPITAL PLANNING COMMITTEE REPORT AND FUNDING OF FY 2023 CAPITAL PLAN

To see if the Town will vote to accept the Capital Planning Committee Report of Capital Needs for FY 2023 (Spring Annual Town Meeting) and fund from the following:

- \$434,871.00 from the Tax Levy;
- \$1,852,567.00 from Surplus Revenue;
- \$3,667.00 from Sewer Enterprise Retained Earnings;
- \$175,000.00 from Receipts Reserved for Inflow & Infiltration;
- \$533,667.00 from Water Enterprise Retained Earnings;
- \$390,500.00 from Solid Waste Enterprise Retained Earnings;
- \$6,750.00 from Waterways Management Enterprise Retained Earnings

ITEM(S)	COST	FUNDING SOURCE
TOWN GOVERNMENT		
(2) Plow Replacement for Facility Trucks	\$15,400.00	Surplus Revenue
TOTAL	\$15,400.00	
POLICE DEPARTMENT		
(4) Police Cruisers Replacement	\$234,871.00	Tax Levy
TOTAL	\$234,871.00	
DARTMOUTH PUBLIC SCHOOLS		
School Technology & Infrastructure	\$200,000.00	Tax Levy
TOTAL	\$200,000.00	
DPW - ENGINEERING DIVISION		
GPS Survey Equipment	\$3,667.00	Surplus Revenue
	\$3,667.00	S.E.F. Retained Earn.
	\$3,667.00	W.E.F. Retained Earn.
TOTAL	\$11,001.00	
DPW - HIGHWAY DIVISION		
Ashley Street Improvement Project	\$382,000.00	Surplus Revenue
Bolton Street Improvement Project	\$395,000.00	Surplus Revenue
Buttonwood Road Improvement Project	\$400,000.00	Surplus Revenue
St. John Street Improvement Project	\$475,000.00	Surplus Revenue
Walsh Street Improvement Project	\$157,500.00	Surplus Revenue
TOTAL	\$1,809,500.00	

DPW - SEWER ENTERPRISE FUND		
Inflow & Infiltration Remediation	\$175,000.00	Receipts Reserved for I&I
TOTAL	\$175,000.00	
DPW - WATER ENTERPRISE FUND		
Smith Neck Road Tank Painting	\$300,000.00	W.E.F. Retained Earn.
Treatment Plant/System Upgrades for Disinfection By-Products	\$200,000.00	W.E.F. Retained Earn.
Water Department Operational Study	\$30,000.00	W.E.F. Retained Earn.
TOTAL	\$530,000.00	
DPW – SOLID WASTE ENTERPRISE FUND		
(1) Mack Rear Loader Packer Replacement	\$308,500.00	S.W.E.F. Retained Earn.
(4) Steel Solid Waste Containers Replacement	\$52,000.00	S.W.E.F. Retained Earn.
Solid Waste & Recycling Operational Study	\$30,000.00	S.W.E.F. Retained Earn.
TOTAL	\$390,500.00	
PARKS & RECREATION		
(4) Aqua Eye Scanners	\$24,000.00	Surplus Revenue
TOTAL	\$24,000.00	
WATERWAYS MANAGEMENT ENTERPRISE FUND		
(1) Engine for Pump-Out Boat Replacement	\$6,750.00	W.M.E.F. Retained Earn.
TOTAL	\$6,750.00	

KEY:

G.F. = General Fund

W.E.F. = Water Enterprise Fund

S.E.F. = Sewer Enterprise Fund

S.W.E.F. = Solid Waste Enterprise Fund

W.M.E.F. = Waterways Management Enterprise Fund

Retained Earn. = Retained Earnings

Or take any other action relative thereto.

Sponsors: Capital Planning Committee
Select Board

ARTICLE 7: PURCHASE OF PROPERTY AT 245 RUSSELLS MILLS ROAD

To see if the Town will authorize the Select Board to purchase the real property containing approximately 1.06 ± acres, known as 245 Russells Mills Road, located in Dartmouth, MA, depicted on Assessor's Map 132, Lot 2, for any municipal purpose, and to authorize said purchase by the Select Board, and further to authorize the Select Board to take any and all actions necessary or convenient to finalize said purchase and to effectuate all necessary instruments to transfer and acquire said property; said purchase in the amount of Two Hundred and Ninety Thousand Dollars and 00/100 (\$290,000.00) will be paid for with grant monies provided to the Town through the American Rescue Plan Act as approved for expenditure by the Select Board; or take any other action relative thereto.

Sponsor: Select Board

ARTICLE 8: SALARIES AND STIPENDS OF ELECTED OFFICIALS

To see if the Town will vote to fix the salary of the following elected officer of the Town as provided in Massachusetts General Laws, Chapter 41, Section 108 and any and all Acts in Amendment thereof:

		FY 2022	FY 2023
Town Clerk	1@	\$79,350.00	\$91,709.00

; and to see if the Town will vote to fix the stipends of the following elected officers of the Town as provided in Massachusetts General Laws, Chapter 41, Section 108 and any and all Acts in Amendment thereof:

		FY 2022	FY 2023
Board of Assessors	3@	\$0	\$0
Board of Health	3@	\$0	\$0
Board of Library Trustees	6@	\$0	\$0
Parks & Recreation Board	5@	\$0	\$0
Select Board	5@	\$0	\$0
Planning Board	5@	\$0	\$0
School Committee	5@	\$0	\$0
Town Moderator	1@	\$0	\$0

Or take any other action relative thereto.

Sponsor: Select Board

ARTICLE 9: SCHEDULE A- FY 2023 BUDGET APPROPRIATION

To see if the Town will vote to appropriate \$96,814,219.00 from various funding sources, for the purpose of funding expenses, salary and compensation of all elected and appointed officers of the Town, for payment of debt and interest, charges and outlays of the various Town Departments for the ensuing 2023 fiscal year:

(Note: See FY 2023 Operating Budget in your packet)

Or take any other action relative thereto.

Sponsors: Various Town Departments

ARTICLE 10: FUNDING SEWER AND SEPTIC SYSTEM BETTERMENTS

To see if the Town will vote to appropriate the sum of \$1,049,031.19 from sewer betterment revenue to cover the FY 2023 debt service and associated fees on sewer betterment projects as administered by the Sewer Enterprise Fund of the Department of Public Works;

and to see if the Town will vote to appropriate the sum of \$43,053.00 from septic system betterment revenue to cover the FY 2023 debt service and associated fees on Title 5 septic system betterment loans as administered by the Board of Health;

and to concurrently authorize the Town Accountant to make the necessary adjustments to each applicable special assessment fund for the various projects and loans;

Or take any other action relative thereto.

Sponsor: Select Board

ARTICLE 11: FUNDING SOLID WASTE ENTERPRISE FUND

To see if the Town will vote to approve \$1,769,534.00 pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 53F½, with an appropriation of \$1,407,738.00 for the purpose of funding direct operating expenses of the Solid Waste Department for FY 2023, and, in order to fund indirect operating expenses, an additional \$361,796.00 has already been appropriated in the General Fund Operating Budget and allocated to the Solid Waste Enterprise Fund, with all expenses funded from Solid Waste Enterprise revenues, all as shown in detail below:

FY 2022 Budget	Estimated SWEF Expenses	FY 2023 Recommend
\$1,187,855.00	Sanitation Division	\$1,223,693.00
\$50,000.00	Emergency Reserve	\$50,000.00
\$130,748.00	Crapo Hill Assessment	132,745.00
\$0.00	Debt Service	\$0.00
\$1,300.00	Solar Net Metering Credits	\$1,300.00
\$1,369,903.00	Subtotal Direct Expenses	\$1,407,738.00
\$24,215.00	DPW Administrative Cost	\$24,923.00
\$35,702.00	Highway Division Cost	\$35,702.00
\$42,389.00	Fleet Maintenance Division Cost	\$43,150.00
\$258,981.00	Town Overhead	\$258,021.00
\$361,287.00	Subtotal Indirect Expenses	\$361,796.00
\$1,731,190.00	TOTAL	\$1,769,534.00
FY 2022 Budget	Estimated SWEF Revenues	FY 2023 Recommend
\$825,000.00	Solid Waste Base Rate	\$850,000.00
\$826,190.00	SMART Bag Fee/Misc. Revenue	\$839,534.00
\$80,000.00	Transfer Station	\$80,000.00
\$1,731,190.00	TOTAL	\$1,769,534.00

Or take any other action relative thereto.

Sponsors: Select Board
Board of Public Works

ARTICLE 12: FUNDING WATER DEPARTMENT ENTERPRISE FUND

To see if the Town will vote to approve \$5,383,985.00, pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 53F½, with an appropriation of \$4,157,340.00 for the purpose of funding direct operating expenses of the Water Department for FY 2023, and, in order to fund indirect operating expenses, an additional \$1,226,645.00 has already been appropriated in the General Fund Operating Budget and allocated to the Water Enterprise Fund, with all expenses funded from Water Enterprise revenues, all as shown in detail below:

FY 2022 Budget	Estimated Water Expenses	FY 2023 Recommend
\$2,885,453.00	Water Division	\$3,080,537.00
\$599,510.00	Debt Service	\$906,498.00
\$170,305.00	Solar Net Metering Credits	\$170,305.00
\$3,655,268.00	Subtotal Direct Expenses	\$4,157,340.00
\$181,235.00	DPW Administrative Cost	\$186,325.00
\$132,507.00	Construction Division Cost	\$133,280.00
\$153,728.00	Engineering Cost	\$155,563.00
\$42,580.00	Fleet Maintenance Division Cost	\$61,447.00
\$647,964.00	Town Overhead	\$690,030.00
\$1,158,014.00	Subtotal Indirect Expenses	\$1,226,645.00
\$4,813,282.00	TOTAL	\$5,383,985.00
FY 2022 Budget	Estimated Water Revenues	FY 2023 Recommend
\$70,000.00	System Development Charge	\$80,000.00
\$295,000.00	Other Departmental Revenue	\$295,000.00
\$5,000.00	Interest/Demands	\$10,000.00
\$2,000.00	Investment Income	\$2,000.00
\$4,441,282.00	Water Rates	\$4,996,985.00
\$4,813,282.00	TOTAL	\$5,383,985.00

Or take any other action relative thereto.

Sponsors: Select Board
 Board of Public Works

ARTICLE 13: FUNDING SEWER DEPARTMENT ENTERPRISE FUND

To see if the Town will vote to approve \$5,588,817.00 pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 53F½, with an appropriation of \$4,443,980.00 for the purpose of funding direct operating expenses of the Sewer Department for FY 2023, and, in order to fund indirect operating expenses, an additional \$1,144,837.00 has already been appropriated in the General Fund Operating Budget and allocated to the Sewer Enterprise Fund, with all expenses funded from Sewer Enterprise revenues, all as shown in detail below:

FY 2022 Budget	Estimated Sewer Expenses	FY 2023 Recommend
\$772,529.00	Sewer Division	\$785,486.00
\$2,181,641.00	Water Pollution Control	\$2,190,691.00
\$151,150.00	Stabilization Fund	\$151,150.00
\$964,070.00	Debt Service	\$1,018,151.00
\$298,502.00	Solar Net Metering Credits	\$298,502.00
\$4,367,892.00	Subtotal Direct Expenses	\$4,443,980.00
\$70,918.00	DPW Administrative Cost	\$72,909.00
\$103,061.00	Construction Division Cost	\$103,662.00
\$128,106.00	Engineering Cost	\$129,636.00
\$14,193.00	Fleet Maintenance Division Cost	\$20,482.00
\$862,274.00	Town Overhead	\$818,148.00
\$1,178,552.00	Subtotal Indirect Expenses	\$1,144,837.00
\$5,367,777.00	TOTAL	\$5,588,817.00
FY 2022 Recommend	Estimated Sewer Revenues	FY 2023 Recommend
\$55,000.00	System Development Charge	\$55,000.00
\$400,000.00	Other Departmental Revenue	\$500,000.00
\$35,000.00	Infiltration/Inflow	\$35,000.00
\$5,000.00	Interest/Demands	\$5,000.00
\$600.00	Investment Income	\$600.00
\$5,050,844.00	Sewer Rates	\$4,993,217.00
\$5,367,777.00	TOTAL	\$5,588,817.00

Or take any other action relative thereto.

Sponsors: Select Board
Board of Public Works

**ARTICLE 14: FUNDING DARTMOUTH CABLE TELEVISION (DCTV)
ENTERPRISE FUND**

To see if the Town will vote to approve \$531,876.00 pursuant to special legislation approved by the Commonwealth of Massachusetts in 2014 and the provisions of Massachusetts General Laws, Chapter 44, Section 53F½, with an appropriation of \$415,093.00 for the purpose of funding direct operating expenses of the Dartmouth Cable Television (DCTV) for FY 2023, and, in order to fund indirect operating expenses, an additional \$116,783.00 has already been appropriated in the General Fund Operating Budget and allocated to the Dartmouth Cable Television Enterprise Fund, with all expenses funded from cable access franchise fees and other Dartmouth Cable Television revenues, all as shown in detail below:

FY 2022 Budget	Estimated DCTV Expenses	FY 2023 Recommend
\$350,489.00	Personnel Services	\$303,977.00
\$107,116.00	Expenses	\$111,116.00
\$457,605.00	Subtotal Direct Expenses	\$415,093.00
\$137,843.00	Town Overhead	\$116,783.00
\$137,843.00	Subtotal Indirect Expenses	\$116,783.00
\$595,448.00	TOTAL	\$531,876.00
FY 2022 Budget	Estimated DCTV Revenues	FY 2023 Recommend
\$589,448.00	Cable Access Franchise Fees	\$525,876.00
\$5,000.00	Sale of Tapes, Sponsorships, & Services	\$5,000.00
\$1,000.00	Other Income (Solar Credits & Investment)	\$1,000.00
\$595,448.00	TOTAL	\$531,876.00

Or take any other action relative thereto.

Sponsors: Select Board
DCTV Committee

ARTICLE 15: FUNDING WATERWAYS MANAGEMENT ENTERPRISE FUND

To see if the Town will vote to approve \$376,236.00 pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 53F½, with an appropriation of \$306,536.00 for the purpose of funding direct operating expenses of the Waterways Management Department for FY 2023, and, in order to fund indirect operating expenses, an additional \$69,700.00 has already been appropriated in the General Fund Operating Budget and allocated to the Waterways Management Enterprise Fund, with expenses funded with \$332,236.00 from Waterways Receipts; a transfer of \$2,000.00 from the General Fund to the Waterways Management Enterprise Fund as a subsidy for parking fines issued by the Waterways staff at Waterways landings for which the General Fund is the chief beneficiary; and a transfer of \$42,000.00 from the Waterways Improvement Fund for the purpose of funding \$42,000.00 of the salary of the Harbormaster (included in the appropriation for Personnel Services below) in accordance with Massachusetts General Laws, Chapter 40, Section 5G; all as shown in detail below:

FY 2022 Budget	Estimated Waterways Expenses	FY 2023 Recommend
\$207,026.00	Personnel Services	\$211,536.00
\$83,985.00	Expenses	\$84,200.00
\$11,400.00	Debt Service	\$10,800.00
\$302,411.00	Subtotal Direct Expenses	\$306,536.00
\$58,585.00	Town Overhead	\$69,700.00
\$58,585.00	Subtotal Indirect Expenses	\$69,700.00
\$360,996.00	TOTAL	\$376,236.00
FY 2022 Budget	Estimated Waterways Revenues	FY 2023 Recommend
\$192,396.00	Waterways Usage Fee	\$201,786.00
\$94,350.00	Mooring Fees	\$99,600.00
\$28,500.00	Licenses & Permits – Boat Launch	\$29,100.00
\$2,000.00	Parking Ticket Revenues (Transfer)	\$2,000.00
\$42,000.00	Waterways Improvement Fund (Transfer)	\$42,000.00
\$1,750.00	Other Income (Solar Credits & Investment)	\$1,750.00
\$360,996.00	TOTAL	\$376,236.00

Or take any other action relative thereto.

Sponsors: Select Board
Waterways Management Commission

ARTICLE 16: PERSONNEL BY-LAW AMENDMENTS – NEW POSITIONS AND SALARY ADJUSTMENTS

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:

By amending Schedule A, Administrative & Supervisory Group, to add the following position:

Title: Public Health Nurse
Compensation Grade or Schedule: 9 (\$30.62/hr.-\$41.37/hr.)

And by amending Schedule A, Administrative & Supervisory Group, to change the pay for the following positions:

Title: Engagement Coordinator
Compensation Grade or Schedule: NU-5 (\$18.92/hr. - \$23.25/hr.) to 5 (\$20.71/hr. - \$27.13/hr.)

Title: Program Coordinator
Compensation Grade or Schedule: NU-5 (\$18.92/hr. - \$23.25/hr.) to 5 (\$20.71/hr. - \$27.13/hr.)

Title: Confidential Secretary
Compensation Grade or Schedule: NU-7A (\$22.63/hr. - \$27.02/hr.) to 5 (\$20.71/hr. - \$27.13/hr.)

Title: Confidential Licensing Aide
Compensation Grade or Schedule: NU-8 (\$23.51/hr. - \$28.89/hr.) to 6 (\$23.01/hr. - \$30.06/hr.)

Title: System Analyst
Compensation Grade or Schedule: NU-7 (\$21.86/hr. - \$25.96/hr.) to 8 (\$27.84/hr. - \$36.23/hr.)

Title: Administrative Assistant to the Police Chief
Compensation Grade or Schedule: NU-10 Annual (\$28.40/hr.- \$38.34/hr.) to 6 Annual (\$23.01/hr. - \$39.11/hr.)

Title: DPW Administrative Assistant
Compensation Grade or Schedule: NU-10 Annual (\$28.40/hr.- \$38.34/hr.) to 7 Annual (\$25.31/hr. - \$37.16/hr.)

And by amending Schedule E, Seasonal and Part-time Positions, to add the following positions:

Title: Library Substitute
Compensation Pay: \$16.35/hr.

Title: Snow Plow Driver
Compensation Pay: \$33.75/hr.

And by amending Schedule E, Seasonal and Part-time Positions, to change the pay for the following positions:

Title: Playground Instructor
Compensation Pay: \$14.25/hr. to \$15.25/hr.

Title: Park Laborer
Compensation Pay: \$14.50/hr. to \$15.25/hr.

Title: Assistant Recreation Director
Compensation Pay: \$17.50/hr. to \$18.25/hr.

Title: Truck Driver/Laborer
Compensation Pay: \$17.50/hr. to \$18.25/hr.

Concession Assistant Manager
Compensation Pay: \$14.25/hr.-\$18.00/hr. to \$16.00/hr.-\$20.00/hr.

Assistant Harbormaster (Seasonal)
Compensation Pay: \$15.00/hr. to \$20.00/hr.

COA Bus Driver
Compensation Pay: \$14.25/hr. to \$16.25/hr.

Or take any other action relative thereto.

Sponsor: Select Board

ARTICLE 17: APPROPRIATION TO THE STABILIZATION FUND

To see if the Town will vote to appropriate and transfer the sum of \$1,100,000.00 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 18: GENERAL BYLAWS – AMENDMENTS TO STORMWATER BYLAW

To see if the Town will vote to amend Chapter 313 of the General Bylaws, regarding stormwater management, by deleting the language of § 313-3A and replacing it with the following

A. Parcel criteria. A parcel of land shall be subject to the requirements of § 313-4 if it meets any of the following criteria:

(1) It is at least 5,000 square feet;

- (2) It is contiguous to separately designated parcels that are in common ownership, operation or effective control of the same person, corporate entity or other public or private entity, and the combination of it and all such contiguous parcels is at least 5,000 square feet; or
- (3) It is part of any plan that was approved or endorsed, and thereafter recorded, in accordance with Massachusetts General Laws, Chapter 41, Section 81P, Massachusetts General Laws, Chapter 41, Sections 81K through 81GG, Massachusetts General Laws, Chapter 40R, or Massachusetts General Laws, Chapter 40B, or any successor statutes thereto.

And further, by adding the following language to the end of § 313-3B(2) after a comma:

but excluding the regrading of such land or the creation of new agricultural land

And further, by adding the following language to the end of § 313-3B(4) after a comma:

provided that said Board has consulted with the Director in order to ensure full compliance both with the stormwater runoff standards as described in § 313-5A and with the common, comprehensive stormwater system requirements of § 313-3C

And further, by adding the phrase "or other decision" after the word "conditions" in § 313-3B(5).

And further, by adding the following language to the end of § 313-3B(5) after a comma:

provided that said Commission has consulted with the Director in order to ensure full compliance both with the stormwater runoff standards as described in § 313-5A and with the common, comprehensive stormwater system requirements of § 313-3C

And further, by deleting in § 313-3B(6) all language beginning with "but only so long as" and replacing it with the following:

provided that said Board has consulted with the Director in order to ensure full compliance both with the stormwater runoff standards as described in § 313-5A and with the common, comprehensive stormwater system requirements of § 313-3C

And further, by deleting the language of § 313-3B(7) and replacing it with the following:

Any activity that is authorized by a recorded definitive subdivision plan that has been approved by the Planning Board pursuant to Massachusetts General Laws, Chapter 41, Sections 81K through 81GG, provided that said Board has consulted with the Director in order to ensure full compliance both with the stormwater runoff standards as described in § 313-5A and with the common, comprehensive stormwater system requirements of § 313-3C.

And further, by deleting the language of § 313-3B(8) in its entirety and replacing it with the following:

Any activity that is undertaken in accordance with a special permit that is granted under the Zoning Bylaw, provided that the relevant Special Permit Granting Authority has consulted with the Director in order to ensure full compliance both with the stormwater runoff standards as described in § 313-5A and with the common, comprehensive stormwater system requirements of § 313-3C.

And further, by adding a new § 313-3C, as follows:

§ 313-3C Multi-Parcel Activity. Whenever this Chapter applies to contiguous commonly owned parcels as described in § 313-3A(2), or to any plan as described in § 313-3A(3), then the common owner of all such contiguous parcels, or of all parcels as shown on said plan, must submit a single application under § 313-4B for all such parcels, which application shall provide for a common, comprehensive stormwater system for all such parcels.

(1) No individual parcel may be conveyed by said common owner until such time as a single stormwater permit has been issued for all such parcels.

(2) For residential developments, no individual parcel may be conveyed by said common owner until a homeowners' association has been established through recorded instrument in the chain of title of all such parcels, which homeowners' association shall have responsibility, including financial responsibility, for the maintenance, repair and replacement of the common, comprehensive stormwater system. The Board may establish regulations detailing the specific provisions that must be found in the recorded homeowners' association documents relative to the stormwater system. Failure by the

homeowners' association to maintain, repair and replace the common, comprehensive stormwater system shall be a violation of this Chapter, for which both the homeowners' association and each individual parcel owner who is a member thereof shall be responsible.

- (3) For nonresidential developments, whenever an individual parcel is conveyed, the deed must create an easement, running with the land, allowing one of the parcels to have the ability to maintain, repair and replace the common, comprehensive stormwater system. The Board may establish regulations detailing the specific provisions that must be found in the easement relative to the stormwater system. Failure by the owner of the parcel benefiting from this easement to maintain, repair and replace the common, comprehensive stormwater system shall be a violation of this Chapter.
- (4) Subsequent to the conveyance of any individual parcels to separate owners, all parcel owners of any portion of the originally permitted land must jointly apply for any amendment to the stormwater permit. In the event that an individual parcel is conveyed in violation of §§ 313-3C(1) through (3), then all parcel owners of any portion of the land that was subject to § 313-3C nonetheless must jointly apply for a stormwater permit for a common, comprehensive stormwater system before any land disturbance activities may take place on any of said parcels.
- (5) In the Director's sole discretion, the Director may determine that the nature of the multi-parcel development does not require a common, comprehensive stormwater system, and therefore that separate stormwater permits may be sought for individual parcels, and individual parcels may be conveyed prior to the receipt of any stormwater permit. In such instances, the Director shall issue a written decision stating that the requirements of § 313-3C do not apply.
- (6) The provisions of § § 313-3C(2) through (4) also shall apply to any single parcel that has a stormwater system that was established pursuant to a stormwater permit and that is subsequently divided into multiple parcels.

And further, by adding a new § 313-4G, as follows:

§ 313-4G Waivers. Both the Director and the Board, in their respective sole discretions, may grant waivers to the stormwater runoff standards as provided in § 313-5A, but only so long as the application can establish that the waiver would neither derogate from the protection of the MS4, nor negatively impact the public resources or infrastructure of the Town, in the particular instance.

And further, by adding a new § 313-4H, as follows:

§ 313-4H Recordation. A stormwater permit shall be recorded in the chain of title of all parcels to which it applies. Such recordation shall occur before any land disturbance activities are undertaken, and in the case of stormwater permits as discussed in § 313-3C, such recordation shall occur before the conveyance of any individual parcel.

And further, by adding the phrase "Except as otherwise allowed by § 313-4G," to the beginning of § 313-5A.

And further, by adding the following language after a semicolon at the end of the second sentence of § 313-5A:

further provided, that nothing shall preclude the Board from creating different stormwater runoff standards for different sizes of parcels and for different parcel uses

And further, by adding the word "applicable" before the word "standards" in the final sentence of § 313-5A.

And further, by adding the following sentence to the end of § 313-5D:

The Director may not grant a waiver under § 313-4G to a stormwater runoff standard that the Board has required to be applied with respect to a stormwater permit.

And further, by adding a new § 313-7C, as follows:

§ 313-7C Judicial Relief. The Board shall have the authority, and may delegate to the Director the authority, to seek declaratory, injunctive and other equitable relief in the Superior Court to enforce the requirements of this Chapter 313 and the terms and conditions of any stormwater permit that is issued pursuant thereto.

Or take any other action relative thereto.

Sponsor: Board of Public Works

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 9th day of May in the year of our Lord two thousand twenty two.

SELECT BOARD OF THE TOWN OF DARTMOUTH:

David Tatelbaum, Chair
Stanley Mickelson, Vice Chair
Shawn McDonald
Frank Gracie III
Heidi Silva Brooks

May 9, 2022

A true copy.

Attest:

Sarah Haskell Arruda
Town Clerk