

**TOWN OF DUDLEY
ANNUAL FALL TOWN MEETING
OCTOBER 30, 2017**

As instructed in the preceding warrant, legal voters of the Town of Dudley assembled in the Shepherd Hill High School Auditorium on Monday, October 30, 2017. The meeting was brought to order at 7:00 p.m. After the Pledge of Allegiance to the Flag, the Moderator made announcements regarding school grounds policy and proper decorum at a town meeting. The Town Clerk read the service of the warrant.

Moderator Christopher Starczewski announced that response time would be limited to five minutes. He then took a few moments to introduce himself and other town officials that were present at the meeting.

He then recognized Town Administrator Greg Balukonis who updated the voters on the power outage caused by the previous night's storm. National Grid had informed him that 411 residents were without power and it was expected to take up to 48 hours to restore.

Mr. Balukonis offered a brief financial update and urged the voters to use caution not to spend all sources of money at this meeting. Overall the Town is in solid financial condition and after tonight's meeting the Assessors would be able to set the new tax rate and the Town could move forward with a balanced budget.

ARTICLE 1: Unanimously accepted to receive the reports of the several Town Officers and all Committees.

ARTICLE 2: Unanimously accepted to hear and act on the recommendations of the Board of Selectmen and the Finance & Appropriation Advisory Committee.

ARTICLE 3: – Unanimously accepted to transfer a total of \$1,960.65 (One Thousand Nine Hundred Sixty Dollars and Sixty-Five Cents) from Webster Dispatch account #0001 145 5940 02 to the following FY 2017 accounts:

\$159.92 to COA Grief Grant 0205 000 5783 00

\$1800.73 to 911 Grant Account 0210 000 5776 09

ARTICLE 4: – Unanimously accepted to transfer a total of \$10,241.46 (Ten Thousand Two Hundred Forty-One Dollars and Forty-Six Cents) from Webster Dispatch account #0001 145 5940 02 for FY 2017 EMS Coverage account number 0232 000 5780 00.

The FAA recommended that Article 5 be approved and that the sum of \$13,237.06 (Thirteen Thousand Two Hundred Thirty-Seven Dollars and Six Cents) be transferred from Webster Dispatch account #0001 145 5940 02 to the following FY 2018 accounts:

A motion was made and seconded.

ARTICLE 5: – FY 2018 Supplemental Budget – Unanimously accepted to transfer from Webster Dispatch account #0001 145 5940 02 the sum of \$13,237.06 (Thirteen Thousand Two Hundred Thirty-Seven Dollars and Six Cents) to defray the supplemental charges and expenses of the Town and including debt and interest for Fiscal Year 2018 voted under Article 16 of the May 22, 2017 Annual Town Meeting.:

\$5,000.00 (Five Thousand Dollars and Zero Cents) to the Snow Removal Budget, Account # 0001 423 5700 02,

\$500.00 (Five Hundred Dollars and Zero Cents) to the Planning Board Professional Fees, Account 0410 000 5780 10;

\$900.00 (Nine Hundred Dollars and Zero Cents) to Zoning Expenses, 0001 176 5700 02;

\$611.06 (Six Hundred Eleven Dollars and Six Cents) to Building and Grounds Assistant, Account 0001 196 5113 01;

\$2,500.00 (Two Thousand Five Hundred Dollars and Zero Cents) for Municipal Hearings Officer, Account 0001 123 5111 01 as provided for in MGL Chapter 148A.

\$3,726.00 (Three Thousand Seven Hundred Twenty Six Dollars and Zero Cents) for Assistant Collector/Treasurer Salary, Account 0001-145-5121-01.

ARTICLE 6: – Unanimously accepted to transfer \$4,667.95 (Four Thousand Six Hundred Sixty Seven Dollars and Ninety-Five Cents) from Webster Dispatch account #0001 145 5940 02 to the below Fiscal 2018 line items to provide cost of living increases:

\$145.26 to Account 0001 242 5112 01 Building Inspector

\$551.53 to Account 0001 135 5112 01 Accountant

\$75.64 to Account 0001 136 5114 01 MIS Director

\$807.97 to Account 0001 420 5112 01 Highway Superintendent

\$616.80 to Account 0001 420 5113 01 Highway Foreman

\$462.91 to Account 0001 196 5114 01 Building & Grounds Supervisor

\$357.39 to Account 0001 196 5113 01 Building & Grounds Assistant

\$208.80 to Account 0001 161 5113 01 Town Clerk Assistant

\$570.43 to Account 0001 141 5112 01 Principal Assessor

\$78.86 to Account 0001 171 512101 Conservation Clerk

\$615.16 to Account 0001 610 5112 01 Library Director

\$177.20 to Account 0001 145 5123 01 Collector Clerk

ARTICLE 7: - Unanimously accepted to transfer from Webster Dispatch account #0001 145 5940 02 to add to the Compensated Absence Trust Account No.: 0800-000-5790-00 in the amount of \$2,980.53 (Two Thousand Nine Hundred Eighty Dollars and Fifty Three Cents) for retirement costs associated with municipal employees.

ARTICLE 8:- Unanimously accepted to transfer from Water Retained Earnings the amount of \$184.00 (One Hundred Eighty Four Dollars and Zero Cents) for the purpose of paying an unpaid invoice from Fiscal Year 2017.

R.I. Analytical Labs \$184.00

ARTICLE 9: - Passed Over by unanimous vote to see if the Town will vote to raise and appropriate, borrow or transfer from any available funds the sum of \$65,500.00 (Sixty-Five Thousand Five Hundred Dollars and Zero Cents) for the purchase and equipping of a new Four Wheel Drive Truck with Plow for the Highway Department, said costs to be reduced by the trade or sale of 1998 one ton truck.

ARTICLE 10: - Passed Over by unanimous vote see if the Town will vote to raise and appropriate, borrow or transfer from any available funds the sum of \$48,500.00 (Forty-Eight Thousand Five Hundred Dollars and Zero Cents) for the purchase of a new Four Wheel Drive Truck for the Buildings & Grounds Department.

The FAA recommended that Article 11 be approved and that the sum of \$22,000 be transferred from Free Cash. A motion was made and seconded.

ARTICLE 11: - Unanimously accepted to transfer from Free Cash the sum of \$22,000.00 (Twenty-Two Thousand Dollars and Zero Cents) for the purchase and equipping of a new all-wheel drive cruiser for the Police Department, said amount to be offset or reduced by any insurance settlement.

The FAA recommended that Article 12 be approved and that the sum of \$220,000 be borrowed; the motion was moved. The Moderator recognized Treasurer/Collector Richard Carmignani Jr. He stated that he would like to see the phrase “and be offset or reduced by any insurance settlement” be stricken from the article. He recommended that the Town move forward with borrowing the entire amount of \$220,000 rather than wait on the insurance company to issue a check. He added that when the insurance company did send the check the money would be applied towards the borrowing debt.

The FAA amended their recommendation as stated by Treasurer/Collector Richard Carmignani; the motion was made and seconded.

ARTICLE 12: - Unanimously accepted as amended to borrow the sum of \$220,000.00 (Two Hundred Twenty Thousand Dollars and Zero Cents) as provided for in MGL Chapter 44, Section 7 and authorize the Board of Selectmen to issue bonds or notes for purchasing and equipping a new ambulance for use by the Fire Department.

The FAA recommended that Article 13 be approved and that the sum of \$15,000 (Fifteen Thousand Dollars) be transferred from Free Cash. The motion was made and seconded.

ARTICLE 13: - Unanimously accepted as amended to transfer from Free Cash the sum of \$15,000.00 (Fifteen Thousand Dollars and Zero Cents) for the purchase and installation of desktop and laptop computers, network infrastructure and a server for use by municipal departments.

The FAA recommended that Article 14 be approved and that the sum of \$14,300 (Fourteen Thousand Three Hundred Dollars) be transferred from Free Cash. The motion was made and seconded.

ARTICLE 14: - As declared by the Moderator is was accepted by Majority Vote to transfer from Free Cash the sum of \$14,300.00 (Fourteen Thousand Three Hundred Dollars and Zero Cents) for the purchase and installation of a new digital public information sign to be located at the Municipal Center.

The FAA recommended that Article 15 be approved and that the sum of \$12,000 (Twelve Thousand Hundred Dollars) be transferred from Free Cash. The motion was made and seconded.

ARTICLE 15: - Unanimously accepted to transfer from Free Cash the sum of \$12,000.00 (Twelve Thousand Dollars and Zero Cents) for the repair and maintenance of the office and storage buildings, the rebuilding of the catch basins, upgrade to the drainage system and repairs to the asphalted surface.

The FAA recommended to Pass Over Article 16; the motion was made and seconded.

ARTICLE 16: - Passed Over by unanimous vote to see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$15,000.00 (Fifteen Thousand Dollars and Zero Cents) for a Lucas CPR life saving device.

The FAA recommended approve Article 17 and to raise and appropriate the sum of \$21,696.00 (Twenty One Thousand Six Hundred Ninety-Six Dollars and Zero Cents); the motion was made and seconded.

ARTICLE 17: - Unanimously accepted to raise and appropriate and add to the Fiscal 2018 budget the sum of \$21,696.00 (Twenty One Thousand Six Hundred Ninety-Six Dollars and Zero Cents) to cover the anticipated short fall for Fiscal 2018 Emergency Management (EMS) Night Coverage budget account.

The FAA recommended that Article 18 be approved and that the sum of \$18,481.00 (Eighteen Thousand Four Hundred Eighty-One Dollars and Zero Cents) be transferred from Free Cash; the motion was made and seconded.

ARTICLE 18:- As declared by the Moderator, it was accepted by Majority Vote to transfer from Free Cash the sum of \$18,481.00 (Eighteen Thousand Four Hundred Eighty-One Dollars and Zero Cents) to repair the Safe Trailer.

The FAA recommended that Article 19 be approved and that the sum of \$12,000.00 (Twelve Thousand Dollars and Zero Cents) be transferred from Free Cash; the motion was made and seconded.

ARTICLE 19: – Unanimously accepted to transfer from Free Cash the sum of \$12,000.00 (Twelve Thousand Dollars and Zero Cents) to fund one fifth (1/5) of the cost of re-certification of real estate and personal property values for Fiscal Year 2023 as required by the Commonwealth’s Department of Revenue.

The FAA recommended that Article 20 be approved and that the sum of \$8,600.00 (Eight Thousand Six Hundred Dollars and Zero Cents) be transferred from Free Cash; the motion was made and seconded.

ARTICLE 20: - Unanimously accepted to transfer from Free Cash the sum of Eight Thousand Six Hundred Dollars and Zero Cents (\$8,600.00) for the purchase of a new Heat Exchanger for the Dudley Municipal Complex.

The FAA recommended that Article 21 be approved and that the sum of \$10,000.00 (Ten Thousand Dollars and Zero Cents) be transferred from Free Cash; the motion was made and seconded.

ARTICLE 21: - Unanimously accepted to transfer from Free Cash the sum of \$10,000 (Ten Thousand Dollars and Zero Cents) to undertake the Phase 1 and 2 Engineering Study of the Carpenter Pond and Lower Gore Pond Dams and Spillway Assessments of the Upper and Lower Merino Pond Dams, including related work, and to authorize the Board of Selectmen to apply for and expend grant funds for the purposes set forth in this Article.

The FAA recommended that Article 22 be approved and that the sum of \$10,000.00 (Ten Thousand Dollars and Zero Cents) be transferred from Webster Dispatch account; the motion was made and seconded.

ARTICLE 22:- Unanimously accepted to transfer from Webster Dispatch account the sum of \$10,000.00 (Ten Thousand Dollars and Zero Cents) to fund merit increases for department heads and non-union employees as recommended by the Personnel Board and Board of Selectmen.

ARTICLE 23:- Unanimously accepted to transfer from the Roadway Machinery Account (0406 000 5780 00) the amount of \$35,500.00 (Thirty-Five Thousand Five Hundred Dollars and Zero Cents) for the purchase of a One Ton Pick-Up truck, said costs to be reduced by the trade or sale of 1994 Pick-Up Truck.

The FAA recommended that Article 24 be approved and that the sum of \$100,000.00 (One Hundred Thousand Dollars and Zero Cents) be transferred from Free Cash; the motion was made and seconded.

ARTICLE 24:- Unanimously accepted to transfer from Free Cash the sum of \$100,000.00 (One Hundred Thousand Dollars and Zero Cents) to be added to the Town's Stabilization Fund.

ARTICLE 25:- Unanimously accepted to transfer from the Water Retained Earnings Account 0061-000-3590-01 the sum of \$27,135.00 (Twenty-Seven Thousand One Hundred Thirty-Five Dollars and Zero Cents) for the purchase of a F150 4-wheel drive with light bar.

ARTICLE 26 :- Unanimously accepted to transfer from the Sewer Retained Earnings Account 0060-000-3590-01 the sum of \$69,057.75 (Sixty-Nine Thousand Fifty-Seven Dollars and Seventy-Five Cents) for the purchase of a F450 utility truck with crane with maximum capacity of 3,500 lbs at 7' extend.

The FAA recommended that Article 27 be approved and that language be inserted to add the article to be numbered as Article 24 of the General By-laws as recommended by Town Counsel; the motion was made and seconded.

ARTICLE 27: - Unanimously accepted to amend the General By-laws by adding the following to be numbered Article 24 of the General By-laws:

The Town Clerk, or an agent designated by the Town Clerk, shall be authorized to assign appropriate numbers to sections, subsections, paragraphs, and subparagraphs of Town general by-laws where none are approved by Town Meeting.

Where Town Meeting has approved numbering of sections, subsections, paragraphs and subparagraphs of Town general by-laws, the Town Clerk or an agent designated by the Town Clerk, after consultation with the Town Administrator, shall be authorized to make non-substantive editorial revisions to the numbering to ensure consistent and appropriate sequencing, organization and numbering of the by-laws.

The FAA recommended that Article 28 be accepted as printed in Appendix B of the warrant; the motion was made and seconded.

* Scrivener's error. All by-law numbering appears in non-Roman numeral format as approved on November 4, 2013.

ARTICLE 28: - As declared by the Moderator, it was accepted by Majority Vote to amend the Dudley General By-Laws by deleting Article 38 in its entirety and inserting in place thereof the following:

ARTICLE 38 ***CAPITAL IMPROVEMENT PLANNING COMMITTEE***

Section 1. The Board of Selectmen shall establish and appoint a committee to be known as the Capital Improvement Planning Committee, composed of one member of the Board of Selectmen, one member of the Finance Committee, ~~one member of the Planning Board~~, the Town Treasurer and ~~three~~ **Four** members at large. The Town Administrator and the Town Accountant shall be ex-officio Committee members without the right to vote. The Committee shall choose its own officers.

Section 2. The Committee shall study proposed capital projects and improvements involving major non-recurring tangible assets and projects which: 1) are purchased or undertaken at intervals of not less than five years; 2) have a useful life of at least five years; and 3) cost ~~over \$25,000~~ **Twenty Thousand Dollar (\$ 20,000) or more.**

All officers, boards and committees, ~~including the Selectmen~~, shall, by June 30th of each year, give to the Committee, on forms prepared by it, information concerning all anticipated projects requiring Town Meeting action during the ensuing ~~six~~ **Five** years. The committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the town.

No appropriation shall be voted for a capital improvement requested by a department, board or commission, excepting the Water and Sewer Enterprises, unless the proposed capital improvement is considered in the Committee's report, or the Committee shall first have submitted a report to the Board of Selectmen explaining the omission.

Section 3. The Committee shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year, and a Capital Improvement Program including recommended capital improvements for the following five fiscal years. The

report shall be submitted to the Board of Selectmen for its consideration and approval and to the FAA for its recommendation. The Board shall submit its approved Capital Budget to the Fall Annual Town Meeting for adoption by the town.

Section 4. ~~Such~~ The Capital Improvement Program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the town through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future.

Section 5. The Committee's report and the Selectmen's recommended Capital Budget shall be published and made available in a manner consistent with the distribution of the Finance Committee report. The Committee shall deposit its original report with the Town Clerk.

The FAA deferred Article 29 to the Town Accountant. Town Accountant Deborah Thibaudeau stated that it was a new requirement of the Department of Revenue that there be a by-law for revolving funds rather than approve them on an annual basis.

The FAA recommended that Article 29 be approved and that language be inserted to add the article to be numbered as Article 45 of the General By-laws as recommended by Town Counsel; the motion was made and seconded.

ARTICLE 29:- Unanimously accepted to amend the Dudley General By-Laws by adding a new section to be numbered Article 45, to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44 § 53E 1/2.

DEPARTMENTAL REVOLVING FUNDS

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

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

A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.

B. No liability shall be incurred in excess of the available balance of the fund.

C. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Selectmen and Finance Committee (FAA).

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

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

5. Authorized Revolving Funds. The Revolving Fund Listing establishes:

- A. Each revolving fund authorized for use by a town department, board, committee, agency or officer,
- B. The department or agency head, board, committee or officer authorized to spend from each fund,
- C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant,
- D. The expenses of the program or activity for which each fund may be used,
- E. Any restrictions or conditions on expenditures from each fund;
- F. Any reporting or other requirements that apply to each fund, and
- G. The fiscal years each fund shall operate under this by-law.

REVOLVING FUNDS LISTING

A	B	C	D	E	F	G
REVOLVING FUND	DEPARTMENT, BOARD, COMMITTEE, AGENCY OR OFFICER AUTHORIZED TO SPEND FROM FUND	FEES, CHARGES OR OTHER RECEIPTS CREDITED TO FUND	PROGRAM OR ACTIVITY EXPENSES PAYABLE FROM FUND	RESTRICTIONS OR CONDITIONS ON EXPENSES PAYABLE FROM FUND	OTHER REQUIREMENTS OR REPORTS	FISCAL YEARS
ANIMAL CARE	Board of Health	Fees charged by Animal Office for animal care, and any donations received.	Animal Vet Expenses and items for Shelter			Fiscal Year 2019 and subsequent years
ARREST WARRANT SERVICES	Police	Charges for warrant services	Police Discretion			Fiscal Year 2019 and subsequent years
BOARD OF HEALTH EDUCATION PROGRAMS	Board of Health	Donations received.	BOH Programs			Fiscal Year 2019 and subsequent years
CEMETERY FEES	Board of Selectmen	Fees for Cremations	Expenses of Cremation			Fiscal Year 2019 and subsequent years
COA MEALS	Council on Aging	Fees for meals	Expenses of Meals			Fiscal Year 2019 and subsequent years
CRUISER USE	Police	Fees for Cruisers used at Outside Details	Expenses of police cruisers or to purchase a new cruiser.			Fiscal Year 2019 and subsequent years
FIRE OUTSIDE DETAILS	Fire Chief	Fees for Details	Wages for outside detail work			Fiscal Year 2019 and subsequent years
FIRE PENALTIES/VIOLATIONS	Fire Chief	Violations to code	Expenses associated to issuing penalties			Fiscal Year 2019 and subsequent years
FIREARMS PERMIT SERVICES	Police Chief	Fees for Firearm Permits	Police Expenses			Fiscal Year 2019 and subsequent years
GENEALOGY SERVICE	Town Clerk	Town Clerk fees & donations	Record Preservation and other associated expenses			Fiscal Year 2019 and subsequent years

TOWN GIFT SHOP	Board of Selectmen	Fees for Town items (cups, etc)	Replenish Town items		Fiscal Year 2019 and subsequent years
HAZARDOUS MATL. COLLECTION	Board of Health	Charges for disposal of hazardous material	Expenses for Haz. Waste Days		Fiscal Year 2019 and subsequent years
INSPECTOR SERVICES	Building Inspector	Fees charged and received by the Building Department for gas, electric and plumbing inspections.	Wages of inspectors performing gas, electric and plumbing inspections.	Salary of full time employees shall be paid from annual budget for Building Inspector and not from the fund.	Fiscal Year 2019 and subsequent years
LIBRARY LOST BOOKS	Library Director	Fees for lost books, cds, etc.	Expenses to replace books, cds, etc.		Fiscal Year 2019 and subsequent years
MUNICIPAL HEARINGS	Board of Selectmen	Fees for hearings	Legal notices, ads		Fiscal Year 2019 and subsequent years
PLANNING DOCUMENTS	Town Planner	Fees for copies, forms	Planning Expenses for paper, forms, etc.		Fiscal Year 2019 and subsequent years
TAX TITLE FEES	Town Treasurer	Fees for tax title	Tax Title Expenses		Fiscal Year 2019 and subsequent years
VET BRICKS/MEMORIAL	Veteran's Agent	Fees for Veteran Bricks	Expenses for bricks and Memorial Maintenance		Fiscal Year 2019 and subsequent years
WEBSITE	Info. Tech. Director	Advertising on Website Fees	Expenses for Website (Domain Name, Hosting Service)	Salary of full time employees paid from annual budget, not fund.	Fiscal Year 2019 and subsequent years

The FAA recommended that Article 30 be approved as printed.

A motion was made to amend Article 30 by deleting the words “enter into” and replace with the word “negotiate”. The motion to amend was seconded.

ARTICLE 30:- Unanimously accepted as amended to authorize the Board of Selectmen to negotiate a lease agreement, on terms the Board deems most favorable to the Town of Dudley, to provide a site for the installation of solar generation arrays and related equipment at the former Dudley Landfill located off Indian Road.

ARTICLE 31: - Unanimously accepted to transfer from Free Cash the amount of \$2,200.00 (Two Thousand Two Hundred Dollars and Zero Cents) necessary for improvements related to the installation of a left hand turn signal at the intersection of Route 197 and Route 12 and to repair a damaged overhead signal.

The FAA deferred Article 32 to the Planning Board. Planning Board Chairman Mark Marzeotti stated that the Board had held a public hearing on this article and that all legal requirements were met. Mr. Marzeotti made a motion to accept Article 32 as written; the motion was seconded.

ARTICLE 32:- Unanimously accepted to amend the Dudley Zoning By-laws, SECTION VI, DEFINITIONS, 6.01.00 PURPOSE, 6.01.01 Definitions Listing, by removing the existing definition of the term Frontage in its entirety and by removing the existing term Lot Frontage and its definition in their entirety, and inserting in place the following amended definition of the term Frontage:

Frontage – The distance measured along the front street lot line between the points of intersection of the side lot lines with the front lot line, which provides safe, convenient and

meaningful vehicular access to the building portion of the lot. Frontage for the purpose of this by-law shall be continuous frontage and in the case of corner lots shall be measured on the front lot line. This will be the street address for the property. Calculation of the frontage dimensional requirements shall be in conformance with Section 2.04.00 DENSITY REGULATIONS of this by-law, or to take any other action relative thereto.

Note- As a result of this amendment to the Zoning Bylaws, the following definitions and term as indicated by crossed off text would be removed in their entirety and replaced with the above definition:

~~Frontage – The boundary of a parcel abutting a way as approved by the Planning Board and from which access must be made.~~

~~Lot Frontage – A continuous lot boundary line which abuts:~~

- ~~a. a public way or a way which the Town Clerk certifies is maintained and used as a public way:~~
- ~~b. a way shown on a plan approved and endorsed in accordance with the Sub-division Control Law:~~
- ~~c. a way in existence when the Sub-division Control Law became effective in the Town, having in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for need of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings to be erected thereon~~

The FAA deferred Article 33 to the Planning Board. Planning Board Chairman Mark Marzeotti stated that the Board had held a public hearing on this article and that all legal requirements were met. Mr. Marzeotti made a motion to accept Article 33 as written; the motion was seconded.

ARTICLE 33: -Unanimously accepted to amend the Dudley Zoning By-laws, and the Dudley Zoning By-laws Map relative to large-scale ground-mounted solar photovoltaic installations, by amending SECTION III, SPECIAL USE REGULATIONS, 3.12.00 LARGE SCALE SOLAR PHOTOVOLTAIC, 3.12.02 Applicability, second paragraph, by adding the following text (consisting of two sentences) immediately after the existing second sentence of said paragraph:

In the Solar Overlay District, on lots which contain an area of not less than four acres, the construction and use of Large Ground-Mounted Solar Photovoltaic Installations shall require a special permit issued by the Planning Board in accordance with the procedures outlined in Section 5.01.04 of the Zoning By-laws. Said Solar Overlay District is hereby superimposed on the underlying zoning districts, as shown on the map entitled “Zoning Map Amendment PROPOSED SOLAR OVERLAY DISTRICT Parcel 212 13 (Oxford Avenue)”, dated October 03, 2017, which map is hereby made a part of the Zoning By-laws and Official Zoning Map and is on file in the Office of the Planning Board and the Town Clerk.

And by adopting the above referenced zoning map amendment per the above referenced map, which is to be on file with the Dudley Town Clerk and the Planning Board, and by amending the existing Dudley Zoning Map to include said Solar Overlay District.

The FAA deferred Article 34 to the Planning Board. Planning Board Chairman Mark Marzeotti stated that the Board had held a public hearing on this article and that all legal requirements were met. Mr. Marzeotti made a motion to accept Article 34 as written; the motion was seconded.

ARTICLE 34: - Unanimously accepted to amend the Dudley Zoning By-laws, SECTION IV GENERAL REGULATIONS, 4.03.00 SIGN STANDARDS, by removing the existing Section 4.03.02 Commercial and Industrial Sign Standards, in its entirety and inserting the following revised Section 4.03.02 in its place:

4.03.02 Commercial, Industrial and Institutional Sign Standards for Lots within the BUS 15, IND 43, IND 130, LI 43, and LI 87 Districts

4.03.02.01 Signs Not Requiring a Sign Permit

The following signs are permitted in commercial and industrial districts without a sign permit:

1. Signs permitted in Section 4.03.01 a, b, c, and d.
2. One (1) building contractor sign on a building or lot while actually under construction or renovation, not exceeding thirty-two (32) square feet in surface area on any one side.

4.03.02.02 Commercial Sign Standards

Signs shall relate to the use(s) of the premises on which they are located and shall only identify the occupant of such premises or advertise the articles or services within said premises. Unless indicated otherwise, no sign for a commercial use in a commercial or industrial zoning district shall be erected without a sign permit from the Building Inspector. The following standards shall be allowed:

- a. One electric awning sign for each commercial business establishment on a lot, not to exceed fifteen (15) percent of aggregate area of occupancy elevation on which the signs are installed.
- b. One wall sign for each commercial business establishment on a lot, provided: it shall be attached and parallel to the main wall of a building; and the aggregate surface area of all wall signs in any one lot shall not exceed ten percent (10%) of the aggregate surface area of all exterior walls of buildings on such lot.
- c. One pole sign per lot for each street frontage that provides actual physical access to the lot, which pole sign shall include a listing of each and every commercial business establishment on the lot, provided: it shall not exceed one (1) square foot of sign area for each linear foot of property frontage not to exceed 150 square feet in surface area on any one side; no portion of it shall be set back less than ten feet from any street lot line; it shall not be erected so that any portion of it is over 30 feet above the ground or sidewalk; and it shall not be placed in a location or a manner that would block or impede vision clearance for exiting traffic; or:
- d. One standing (or ground) sign for each street frontage that provides actual physical access to the lot, provided: it shall not exceed one (1) square foot of sign area for each linear foot of property frontage not to exceed 150 square feet in surface area, on any one side; no portion of it shall be set back less than 10 feet from any street lot line; and it shall not rise to more than 12 feet from the ground or sidewalk; and it shall not be placed in a location or a manner that would block or impede vision clearance for exiting traffic. Where a single lot is occupied by more than one business whether in the same structure or not, there shall not be more than one standing sign at each street frontage that provides actual physical access to the lot.

e. General advertising signs (billboards) shall be prohibited.

4.03.02.03 Industrial and Institutional Sign Standards

Signs shall relate to the use(s) of the premises on which they are located and shall only identify the occupant of such premises or advertise the articles or services within said premises. Unless indicated otherwise, no sign for an industrial or institutional commercial use in a commercial or industrial zoning district shall be erected without a sign permit from the Building Inspector. The following standards shall be allowed:

- a. Wall signs permitted in Section 4.03.02.02, subject to the same regulations.
- b. One standing (or ground) sign for each street frontage that provides actual physical access to the lot provided: it shall not exceed one (1) square foot of sign area for each linear foot of property frontage not to exceed 200 square feet in surface area; it shall be set back at least 15 feet from any street lot line; it shall not be erected so that any portion of it is over 15 feet above the ground or sidewalk; and it shall not be placed in a location or a manner that would block or impede vision clearance for exiting traffic. Where a single lot is occupied by more than one business, whether in the same structure or not, there shall not be more than one standing sign at each street frontage that provides actual physical access to the lot.
- c. General advertising signs (billboards) shall be prohibited, except that, at the entrance to an industrial park or office park, there may be located one unlighted standing (or ground) sign relating to the layout of said park and to the businesses located within said park, not to exceed 200 square feet in surface area.

And by removing the phrase “one hundred (100) square feet gross display area” following the word “exceed” within the existing Section 4.03.03 Illumination and Motion Regulations paragraph c. and replacing said phrase with the phrase the size specified in Section 4.03.02-above.

After the changes delineated above are made, Section 4.03.03 paragraph c. would read as follows (additions are in *italics and underlined*, and deletions are [~~bracketed and crossed off~~):

- c. Each steady illuminated sign in a commercial or industrial district shall not exceed [~~one hundred (100) square feet gross display area~~] *the size specified in Section 4.03.02.*

The FAA deferred Article 35 to the Planning Board. Planning Board Chairman Mark Marzeotti stated that the Board had held a public hearing on this article and that all legal requirements were met. Mr. Marzeotti made a motion to accept Article 35 as written; the motion was seconded.

ARTICLE 35:- Unanimously accepted to amend the Dudley Zoning By-laws, SECTION V ADMINISTRATIVE PROVISIONS, 5.01.00 ZONING BOARD OF APPEALS, 5.01.06 Applicability, third sentence, by removing the phrase “two (2)” after the word “after” and before the word “years” and inserting in its place the phrase “three (3)”.

The FAA recommended that Article 36 be approved and that the sum of \$10,000 (Ten Thousand Dollars and Zero Cents) be transferred from Free Cash. The motion was made and seconded.

ARTICLE 36: Unanimously accepted to transfer from Free Cash the sum of \$10,000.00 (Ten Thousand Dollars and Zero Cents) for the purpose of archival preservation.

Selectman John Marsi made a motion to adjourn. The motion was seconded by Selectman Kerry Cyganiewicz; motion to adjourn was unanimously accepted.

Brought to order at 7:00 p.m.
Adjourned: 8:20 p.m.
Voters Present: 64
Action Taken on Articles: 1-36

A True Copy.

Attest: Ora E. Finn
Ora E. Finn, CMMC
Dudley Town Clerk