

TOWN OF DALTON
 SPECIAL TOWN MEETING
WAHCONAH REGIONAL HIGH SCHOOL – SEPTEMBER 22, 2008 – 7:00 P.M.

The Moderator, Ronald J. Marcella, Sr., called the Meeting to order at 7:02 p.m.

Jean M. Gingras , Victoria M. Sedgwick and Deborah Deane Smith were appointed tellers and sworn by Town Clerk, Barbara L. Suriner. There was a total of 76 Registered Voters checked at the door as follows:

PRECINCT 1	-	42
PRECINCT 2	-	<u>34</u>
		76

ARTICLE 1. It was moved, seconded and voted that the Town amend the votes taken under Articles 8 and 9 at the Annual Town Meeting on May 5, 2008, to reduce the sums of money raised and appropriated thereunder by the following amounts: Department 155 Floating Clerical Salaries \$18,988, Department 610 Library Salaries \$4, 274, Department 210 Police Salaries \$60,253, Department 222 Communications Salaries \$4,106 and Expenses \$1,000, Department 292 Animal Control Salaries \$552 and Expenses \$626, Department 420 Highway Salaries \$19,521 and Expenses \$10,500, Department 491 Cemetery Salaries \$25,308, Department 434 Transfer Station Expenses \$31,400, Department 522 Public Health Nurse \$6,000, Department 630 Parks & Recreation Expenses \$4,500, Department 914 Group Health Insurance \$26,547, Department 998 Pension Reserve \$10,000 and further to amend the vote taken under Article 18 at said Annual Town Meeting such that \$246,618 raised and appropriated thereunder not be contingent upon approval of a Proposition 2 ½ override vote.

CARRIED. DECLARED MAJORITY. (3 NO)

ARTICLE 2. It was moved, seconded and voted that the Town accept the second paragraph of Section 2 of Massachusetts General Laws Chapter 60 which provides that “In cities and towns which accept the provisions of this paragraph, no tax shall be collected if the actual tax due is less than ten dollars. If a tax committed to the collector is unpaid and is less than ten dollars, the collector shall request in writing that the assessors abate such tax and certify such abatement in writing to the collector. Said certificate of abatement shall discharge the collector from further obligations to collect the tax so abated”.

CARRIED. UNANIMOUSLY.

ARTICLE 3. It was moved, seconded and voted that the Town adopt an amendment to the Animal Control By-law by striking the words, “sixty-first” in the fourth line of the Town of Dalton Code Section 23-3I and substituting the words, “thirty-first”, to read: “Should any owner or keeper of an animal fail to license that animal as required under MGL Chapter 140, before February 1, the owner or keeper shall pay a late fee as established by the Select Board before obtaining said license, except for a dog brought into the Town as provided by MGL 140, Section 138. This late fee shall be applicable from the thirty-first day after arrival of such dog. Any person maintaining a commercial kennel in the Town of Dalton who fails to license as prescribed by this section and the laws of the Commonwealth, shall pay a late fee as established by the Select Board, commencing February 1.”

CARRIED. UNANIMOUSLY.

ARTICLE 4. It was moved, seconded and voted that the Town amend the Code of the Town of Dalton, Chapter 350 Zoning by adopting a new ARTICLE XVIII, PLANNED INDUSTRIAL DEVELOPMENT DISTRICT” (PIDD), and by amending Attachment 1 thereto, Table of Use Regulations by adding said PIDD to the PRINCIPAL PERMITTED INDUSTRIAL USES and by amending ARTICLE II of said Chapter, Definitions and Word Usage, to incorporate definitions related to said PIDD, and further to amend Chapter 350, to the numbering arrangement, sequence and captions necessary to effectuate said amendments thereto, all such amendments being available at the Special Town Meeting of September 22, 2008 as follows:

- (1) Adopt a new ARTICLE XVIII, Planned Industrial Development District (PIDD) and renumber subsequent sections accordingly.
- (2) Amend the Town of Dalton Zoning Map to add a Planned Industrial Development District.
- (3) Amend Attachment 1, Table of Use Regulations by adding a Planned Industrial Development District (PIDD) to the PRINCIPAL PERMITTED USES.
- (4) Amend ARTICLE II, Definitions and Word Usage by adding the following definitions.

ANODIZING FACILITY – A facility that uses a production process that subjects a metal to electrolytic action in which the metal serves as an anode.

BATCHING FACILITY: An industrial facility for the production of asphalt, concrete or related material or products used in construction or building but does not include the on-site excavation of material used in the production as a primary use.

FOOD PROCESSING FACILITY: Facility for the preparation, processing, canning or processing of food products for human or animal consumption.

HAZARDOUS MATERIALS: Hazardous materials include all substances defined as hazardous or toxic under MGL c. 21E and 310 CMR 40.00 and include any substance or mixture of such physical, chemical or infectious characteristics that could pose a significant actual or potential hazard to human health or the environment if it were discharged onto the land or into the air or waters of the town. Toxic or hazardous materials include, but are not limited to: organic chemicals; petroleum products; heavy metals; radioactive or infectious wastes; acids; alkalis; pesticides; solvents; and thinners in quantities greater than those incidental to the primary use.

HAZARDOUS WASTE: A waste which is injurious to human health or the environment. Hazardous wastes are defined by MGL c. 21C and the Massachusetts Hazardous Waste Regulations, 310 CMR 30.010.

HEAVY MANUFACTURING AND INDUSTRIAL FACILITY: Manufacture or assembly of a product, including processing, fabrication, assembly, treatment, packaging which may involve compounding raw or unprocessed material and may also involve outdoor operations as part of the manufacturing process.

INDUSTRIAL USE: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution which activities are edominantly conducted within an enclosed building. These on-site production processes may consist of or be created from electronics and micro-electronics parts, plastic components, cloth, glass, leather, wood, ceramic components, paper or other materials.

MANUFACTURING USE: Manufacture or assembly of a product, including processing, fabrication, assembly, treatment, packaging which may involve compounding raw or unprocessed material which activities are predominantly conducted within an enclosed building.

MOLD MAKING, AND MOLDING: Use engaged in a manufacturing process of making of molds to form objects by heating the molding material to a fluid state and injecting, extruding, or inserting it into a mold.

PUBLIC UTILITIES FACILITY: Any facility, including but not limited to buildings, structures, generating and switching stations and pumping stations related to the furnishing of utility services to the public which are essential to the public health, safety and general welfare. This includes but is not limited to electric, gas, telephone, water and sewer service.

(5) Amend § 350-16 related to uses permitted as of right by adding the following changes.
 § 350-16. Any use listed in § 350-22 is permitted as of right in any district under which it is denoted by the symbol “P”, subject to all applicable provisions of this bylaw. Any use listed in § 350-22 is permitted as of right with site plan review in any district under which it is denoted by the symbol “PR”, subject to all applicable provisions of this By-Law.

(6) Amend § 350-24 Table of Dimensional Requirements by adding dimensional requirements for a Planned Industrial Development District (PIDD)

Districts	Required Minimum Lot Area (square feet)	Required Minimum Yards ¹				Maximum Coverage		Maximum Height of Building ⁷	
		Frontage (feet) ^{2,3}	Front (feet) ⁵	Side (feet) ⁴	Rear (feet)	Buildings	Total	Stories	Feet
PIDD	20,000	70	20	10	10	80%	90%	N/R	60

(7) Amend § 350-26 Fences by adding the following changes related to the Planning Industrial Development District (PIDD).

C. Chain link fences, not exceeding five feet in height, are permitted in front yards and along front lot lines, except that chain link fences are not allowed in front yards in the PIDD. Chain link fences exceeding five feet in height are permitted in front yards and along front yard lot lines in business and industrial districts by special permit.

(8) Amend § 350-28 relating to Supplementary District Regulations by adding the following changes related to the Planning Industrial Development District (PIDD).

§ 350-28 Transition requirements.

Any lot or use created after the effective date of this bylaw shall comply with the requirements stated below.

A. Industrial/business abutting residential. Wherever a lot in an industrial or business district abuts land in a residential district, a buffer strip shall be created on said lot along the industrial or business district side of the zoning district boundary as illustrated in Plate 3 at the end of this bylaw. The width of the buffer strip shall be at least twice the minimum yard requirement of the residential district, but in no event less than 40 feet and in the PIDD the width of the buffer strip shall be no less than 50 ft from a residential district. Such buffer strip shall be suitably landscaped and screened densely along the residential district boundary so as to screen effectively any business or industrial activity from the ground-level view from adjacent residential property. No parking areas, storage of materials or signs shall be located in a buffer strip.”

(9) Amend § 350-109 Schedule of sign regulations by adding the following changes related to a Planned Industrial Development District (PIDD).

ARTICLE XVIII
PLANNED INDUSTRIAL DEVELOPMENT DISTRICT

§ 350 - 107 PURPOSE

The purposes of the Planned Industrial Development District (PIDD) are:

- A. To encourage diversity in the community tax base through appropriate industrial development;
- B. To encourage the development of flexible industrial space and adaptive reuse of existing buildings in the district;
- C. To encourage sound site planning and design to prevent negative impacts to the health, safety, or general welfare of the public or the neighboring land uses; and
- D. To minimize potential adverse environmental conditions, such as pollution and noise, associated with industrial development.

§ 350 - 108 PLANNED INDUSTRIAL DEVELOPMENT DISTRICT BOUNDARIES

The boundary of the Planned Industrial Development District is shown on the Town of Dalton Zoning Map, which map is hereby incorporated and made part of this bylaw.

§ 350 - 109 USE REGULATIONS

Uses in the Planned Industrial Development District shall be permitted as of right, permitted as of right with Site Plan Review, permitted by special permit or not permitted as shown in § 350-22 Table of Use Regulations.

Uses in the Planned Industrial Development District shall comply with all other applicable parts of this Article in addition to the provisions of applicable Articles and sections of the Zoning By-Law of the Town of Dalton. Where the requirements of other Articles and sections of this bylaw differ, the requirements of the Planned Industrial Development District shall govern. All uses shall conform with local, state and federal regulations, including but not limited to the Dalton Board of Health, Massachusetts Department of Public Health, Massachusetts Department of Environmental Protection, United States Environmental Protection Agency, National Institute for Occupational Safety and Health (NIOSH) and Occupational Safety and Health Administration (OSHA). All uses in the Planned Industrial Development District shall be connected to a municipal or permitted water supply and sewer.

In addition to the requirements shown in § 350-22 Table of Use Regulations, F Permitted Accessory Uses, the following accessory structures and uses are allowed in the Planned Industrial Development District as of right with site plan review provided they are customarily incidental to permitted uses: retail sales, cafeterias, automatic teller machines and day-care facilities, provided that the accessory use is limited to no more than 20% of the floor area of the principal use.

§ 350 - 110 **PROHIBITED USES**

Uses not specifically permitted in the Planned Industrial Development District are prohibited.

§ 350 - 111 **REQUIRED INFORMATION WITH APPLICATION**

Applications for permits to establish any of the uses herein shall be accompanied by such plans and information as are required by this Article and any other applicable Articles and sections of this bylaw or as may be reasonably required by the Site Plan Review Agent or Special Permit Granting Authority in order that the proposal of the applicant may be clearly understood and compliance with the provisions, intent and purpose of this bylaw be established.

A. Submittal Requirements for Site Plan Review

(1) A key map at a scale of not less than one (1) inch to eight hundred (800) feet showing the relation of the subject property to adjoining properties, existing streets, roads and railroad right-of-ways within one thousand (1,000) feet of any part of the property.

(2) A map indicating the uses of all property within two hundred (200) feet of the proposed site, including any subdivided lands, parks or other open space or uses, residences, business, industries or other buildings or structures, such uses to be shown on a drawing to scale.

(3) Topographic map of the property at two (2) foot contour intervals, showing the existing and proposed grades and the location of natural features, such as streams, swamps, rock outcrops and major trees six (6) inches or more in diameter at a point four (4) feet above ground level.

(4) A site plan, indicating but not limited to the following:

(a) The proposed use or uses of land and buildings, and the proposed location, size and height of the building, including preliminary architectural drawings;

(b) The location and design of off-street parking and loading areas;

(c) All means of vehicular ingress and egress to and from the site onto public streets and the relationship to street circulation;

(c) Location and type of recreational facilities, if any;

(e) Location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences; description of methods of water supply and sewage disposal, and location of such facilities; and location of all proposed water lines, valves and hydrants;

(f) The proposed outdoor lighting, signs, screening, fencing and landscaping;

(g) A complete list of chemicals, pesticides, herbicides, fuels or other potentially hazardous materials or waste to be used or stored on the premises; and

(h) The proposed noise levels emanating from the site from stationary and mobile sources.

(5) A detailed computation of total lot area, of building floor area for each type of proposed use and lot coverage by all buildings.

(6) The proposed accessory use or uses of buildings, structures or land.

(7) Site plan or any portion thereof, involving engineering, architecture or land surveying, shall be prepared by a duly licensed engineer, architect, landscape architect or land surveyor. A site plan may be prepared on one or more sheets to show clearly the information required herein and to facilitate the review and approval of the plan. Every site plan shall show the name of the development, the name and address of the record owner or developer, north point, scale, date, all easements or right-of-ways provided for public services or utilities. It shall reserve a blank space in the upper right corner three (3) inches wide and five (5) inches high for the use of the approving authority. Site plans shall be prepared to a scale of not smaller than one (1) inch equal one hundred (100) feet.

§ 350 – 112 MODIFICATION OF SITE PLAN AND WAIVER REQUIREMENTS

Any site plan may be revised by following the same procedure as required for the original approval. Waivers of any of the foregoing submittal requirements set forth in § 350 - 111 may be granted when such waiver is not contrary to the public interest and not inconsistent with the provisions, intent and purpose of this Article.

§ 350 - 113 EXPIRATION AND EXTENSION

Approval of a site plan shall lapse in one year if a substantial use or construction has not begun by such date except for good cause. Additionally, once substantial construction has begun, the proposed construction shall be completed within one year unless otherwise specified as part of the site plan approval.

§ 350 - 114 SITE PLAN REVIEW AGENT

For the purposes of this Article, the Site Plan Review Agent shall be the Building Inspector. Site plan approval by the Site Plan Review Agent shall be required for any uses listed in § 350-22 Table of Use Regulations, subject to development standards in § 350 - 118. Such approval shall not be withheld unless the proposed development will violate any provisions of this bylaw in which case the Site Plan Review Agent may require such revision of the plan as may be necessary to insure compliance with applicable provisions of this bylaw. Applicants for site plan review not able to comply with the provisions of this Article may request a special permit pursuant to the requirements of this Article. No building permit shall be issued for any building or structure in any area covered by the site plan, except in conformity with such site plan which has been duly approved, unless thirty (30) days have elapsed from the date of submission of the site plan review application to the Site Plan Review Agent without any action by the Site Plan Review Agent. A site plan, once approved, shall become a part of a building permit.

§ 350 – 115 SPECIAL PERMIT GRANTING AUTHORITY

For the purposes of this Article, the Special Permit Granting Authority shall be the Planning Board, unless otherwise indicated in § 350-22 Table of Use Regulations. Special permit approval by the Special Permit Granting Authority shall be required for any uses listed in § 350-22 Table of Use Regulation, subject to development standards in § 350 - 118. Except where this Article contains different requirements, the requirements of ARTICLE XI shall apply to special permits. Any application for a special permit under this Article shall be accompanied by and comply with the submittal requirements for Site Plan Approval.

§ 350 - 116 REQUIRED STUDIES

The Site Plan Review Agent or the Special Permit Granting Authority at its sole discretion may require studies to be prepared, at the applicant's expense, to make findings regarding access, water supply, sewerage disposal, water quality, stormwater management, erosion control, rare and endangered species, and historic and archaeological sites, among other possible studies. These consultant(s) may be retained at the applicant's expense under MGL Chapter 44, § 53G.

§ 350 - 117 CERTIFICATE OF OCCUPANCY

No certificate of occupancy shall be issued for use of any building or structure or use of land under this Article, unless the building or structure is constructed or used or the land is developed or used in conformity with an approved site plan, special permit or any amendment of such plan or permit.

§ 350 - 118 PLANNED INDUSTRIAL DEVELOPMENT STANDARDS

The following standards shall apply to applications permitted under this Article.

A. Lighting:

(1) Lighting shall comply with the requirements of § 350-96.

B. Noise:

(1) Noise shall conform to the requirements of the Dalton Municipal Noise Control By-Law.

There shall be a report from the Noise Control Officer confirming that the proposed site development plan is expected to comply with the requirements of the Dalton Municipal Noise Control By-Law.

C. Landscaping:

- (1) Street Buffer Strip: Except for a required sidewalk, a landscaped buffer strip at least ten (10) feet wide, continuous except for approved driveways, shall be established adjacent to any public road to visually separate parking and other uses from the road.
- (2) District Buffer Strip: A continuous natural or landscaped buffer strip of at least fifty (50) feet in width shall be provided and maintained between industrial districts and any residential districts and/or property lines. The buffer strip shall be of a density to substantially screen the development in question from view, along the zoning district line in question. Plantings of various approved evergreen species are encouraged and shall have a minimum four inches in diameter measured four feet from ground level.
- (3) Large Parking Areas: Parking areas containing over 30 spaces shall have at least one shade tree per ten (10) parking spaces, such tree to be a minimum of 4 inches in diameter 4 feet from the ground and located either in or adjacent to the parking area.
- (4) Fencing: Fencing may be allowed in conjunction with plantings.
- (5) Berms: Berms may be required in appropriate circumstances.
- (6) Screened Areas: Exposed storage areas, refuse disposal facilities, machinery, service areas, truckloading areas, utility buildings and structures and other similar uses shall be screened from view from neighboring properties and streets using dense, hardy evergreen plantings, earthen berms or wall or tight fence complemented by evergreen plantings.
- (7) Maintenance: All landscaping features, structures and areas shall be properly maintained.

D. Signs and Advertising Devices

Signs and advertising devices shall comply with the requirements set forth in ARTICLE XVIII.

E. Storm Water Management:

- (1) All development shall comply with the Department of Environmental Protection's (DEP) Storm Water Management Policy (including Phase II Storm Water Management requirements) to ensure that the rate of surface water run-off from the site shall not be increased after construction.
- (2) Where applicable, no approval shall be issued unless a report shall have been received from the Dalton Storm Water Management Commission or its agent that the storm drainage system is consistent with DEP Storm Water Management Policy and that there is sufficient storm drainage capacity to meet the flow demands of the proposed development on-site, and where applicable, without causing surge in those storm drainage lines which serve the project and are consistent with the standards of the Town.

F. Site Development Standards:

- (1) Land Disturbance: Site building design should reduce unnecessary land disturbance to the extent possible.
- (2) Site Design: Placement of buildings, structures, or parking facilities shall relate to the site's scenic qualities and shall blend with the natural landscape to the extent possible.
- (3) Archeological or Historical Resources: Applicants may be required to submit the proposed development plan to the Dalton Historical Commission and/or the Massachusetts Historical Commission for review and comment regarding possible archaeological or historical resources on the site.
- (4) Preservation of Existing Vegetation: To the extent possible, priority shall be given to the preservation of existing stands of trees, trees at site perimeter, contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions), and specimen trees.
- (5) Finished Grade: Finished grades should be limited to no greater than a 3:1 slope while preserving, matching or blending with the natural contours and undulations of the land to the greatest extent possible.
- (6) Topsoil: A minimum of 6" of topsoil shall be placed on all disturbed surfaces which are proposed to be planted.

G. Pedestrian and Vehicular Access; Traffic Management

The proposed development shall provide a Transportation Plan showing the proposed parking, loading, and traffic circulation within the site, access and egress points and other features related to traffic generated by the proposed use. For projects subject to a special permit the transportation plan may be required to be prepared by a qualified traffic consultant and may be required to show proposed mitigation measures. In addition, for projects subject to a special permit a Transportation Impact Study and Transportation Demand Management Plan may be required. Transportation shall meet the following standards.

- (1) Access:
 - (a) To the extent feasible, access shall be provided via one of the following
 1. Access via a common driveway serving adjacent lots or premises;
 2. Access via an existing side street;
 3. Access via a cul-de-sac or loop road shared by adjacent lots or premises;
 4. Access via roadways abutting residential districts shall be avoided where possible.
 - (b) Access and egress to a development with frontage on more than one street shall be in a manner that causes the least impact to the surrounding neighborhoods.
 - (c) Access shall be obtained from existing driveways where such access is safe and efficient. Where two or more access ways now exist, access may be limited to the more safe and efficient location.
 - (d) Curb Cuts: Curb cuts shall be limited to the minimum width for safe entering and exiting and shall in no case exceed 30 feet in width unless waived for commercial truck traffic.
 - (e) Interior Circulation: The proposed development shall ensure safe interior circulation within its site by accommodating and separating pedestrians and vehicular traffic and ensuring safe access to all users of the site.
 - (f) Sight Distance: Adequate sight distance shall be provided and maintained at all access locations, egress locations and all intersections affected by the development. At a minimum, these site distances shall meet standards articulated in the Massachusetts Highway Department and American Association of State Highway Transportation Official standards for safe-stopping sight distances.
 - (g) Parking Areas: Where feasible, parking areas should to be located to the side or behind buildings so as to provide an appropriate setting for the building within the context of the site and neighborhood. No off-street parking area shall be located in the required front yard. Parking to meet minimum requirements specified in § 350-41 shall be paved with hard surface material such as bituminous concrete. Parking in addition to minimum standards may be other than a hard surface material provided it shall be treated with a surface binder, gravel, crushed stones or other material to prevent dust and erosion.
 - (h) Traffic Calming Features: Traffic calming measures may be required.
 - (i) Level of Service Maintenance or Improvement: The suggested Level of Service (LOS) of intersections impacted by the traffic generated the development shall be:
 - ii. For newly constructed floor area, LOS “D” or better;
 - iii. For projects subject to a special permit– present LOS if present level of service is “D” or lower where such suggested standard is not met, or where a proposed project will result in an increase of 10 seconds of delay to a signalized intersection, the Special Permit Granting Authority may require the applicant to provide detailed plans (including reconstruction concepts) that when implemented would result in a intersection LOS as set forth above, or a return to existing conditions, whichever is applicable.
 - (j) Dangerous Intersections: For projects subject to a special permit, safety improvements may be required for any net increase in traffic volumes of 10% or more at an intersection that has an accident history of more than 5 accidents in the last three years for which data is available.

There shall be a report from the Traffic Commission confirming that the proposed site development provides for adequate parking, adequate traffic circulation and transportation capacity for the site.

H. Utilities; Security; Emergency Systems:

Projects may not overburden Town infrastructure services including water, gas, electrical and waste water systems. Building design may make use of water-conserving plumbing and minimize the amount of storm water runoff through the use of best management practices for storm water management. Further, building may be designed to make use of natural and energy resources efficiently in construction, maintenance, and long term operation of the building, including supporting mechanical systems that reduce the need for mechanical equipment generally and its location on the roof specifically. Compliance with the Leadership in Energy and Environmental Design (LEED) certification standards and other evolving environmental efficiency standards shall be encouraged.

- a. Wastewater Treatment and Disposal: There shall be report from the from the Board of Health confirming that the proposed site development provides for wastewater treatment and or disposal in a manner that is consistent with regulations of the Commonwealth of Massachusetts and the Dalton Board of Health.
- b. Water: There shall be a report from the Water Department confirming that there shall be sufficient water capacity to meet the flow demands of the proposed use without causing municipal water flow characteristics off-site to fall below the standards adopted by the Town.
- c. Site Security: There shall be a certification by the Police Chief or their designee that the petitioner has provided a written plan for site security, which plan has been approved by the Police Chief or their designee.

- d. Underground: All electrical, cable and telecommunications lines shall be installed underground.
- e. Fire Alarm System: There shall be sufficient municipal fire alarm system capacity to meet the operating requirements of the proposed site development and use under applicable codes, regulations, and statutes enforced by the Fire Chief or their designee.

I. Hazardous Materials or Waste

Those businesses using or storing such hazardous materials shall submit a hazardous materials management plan that complies with the Regulations of the Massachusetts Hazardous Waste Management Act 310 CMR 30. Said plan shall also be submitted to Fire Chief, and Board of Health.

There shall be reports from the Fire Chief and Board of Health confirming that an acceptable hazardous materials management plan has been prepared.

J. General Performance Standards

The applicant shall demonstrate compliance with the general performance standards specified in § 350-90.

K. Dust, Fumes, Vapors, Gases and Odors

Emission of dust, dirt, fly ash, fumes, vapors or gases that could be injurious to human health, animals or vegetation; detrimental to the enjoyment of adjoining or nearby properties; or that could soil or stain persons or property, at any point beyond the lot line of the use generating such emission shall be prohibited. In addition, no land use or establishment shall be permitted to produce harmful, offensive or bothersome odors, scents or aromas, (such as, but not limited to, those produced by manufacturing process, commercial food preparation, food processing, fish sales, rendering, fermentation process, decaying organic matter, and incinerators) perceptible beyond their lot lines, either at ground or habitable elevation. The location and vertical height of all exhaust fans, vents, chimneys or any other sources discharging or emitting smoke, fumes, gasses, vapors, odors, scents or aromas shall be shown on the site plan with a description of the source materials. In no case shall dust, fumes, vapors, gases or odors regulated by this Article exhaust onto adjoining properties

§ 350 - 119 WAIVER OF STANDARDS

For a site plan approval or a special permit under this Article, the Planning Board may waive any of the development standards set forth in § 350 - 118 where such waiver is consistent with public health and safety, and where such waiver does not undermine the purposes of this Article and the proposed development will serve the goals and objectives set forth in § 350 - 107.

§ 350 - 120 SPECIAL PERMIT MITIGATION

The applicant may propose specific design alternatives and/or off-site improvements to municipal facilities to meet the development standards. Where such proposal is acceptable such design alternatives and improvements may be incorporated as a condition of the special permit, if granted. Where such mitigation is required, reasonable conditions may be imposed, including, but not limited to, the following:

- A. Timing: All improvements may be required to be completed prior to the issuance of either a building permit or a certificate of occupancy for the proposed development. Improvements associated with a phased development may be required to be completed for that phase prior to the issuance of either a building permit or a certificate of occupancy for such phase.
- B. Cost of Improvements: The required design work and cost of construction and implementation of improvements required as a condition of a special permit shall be the full responsibility of the applicant.
- C. Cost of Review and Inspection: The cost of review of plans and the cost of periodic inspection of work during construction shall be the full responsibility of the applicant and shall be charged in accordance with procedural requirements to be adopted and from time to time, as may be amended by the Planning Board.
- D. Specifications: All work proposed to improve or upgrade Town utilities and services shall be done according to the specifications established by the appropriate Town department or official.
- E. Road and Intersection Improvements: All road and intersection improvements proposed as part of development and redevelopment shall be consistent with local plans.

§ 350 – 121 ENFORCEMENT OF THE SPECIAL PERMIT

The Special Permit Granting Authority may ensure compliance with these performance standards at the application stage by requiring evidence of probable compliance, whether by example of similar facilities or by engineering analysis, verified by technical peer review. In addition, the Special Permit Granting Authority may require a monitoring program at the applicant's expense for compliance purposes for a time period as may be specified in the special permit.

Table of Use Regulations

KEY:

NP = Prohibited use

P = Use permitted by right

S = Use authorized by Select Board

PA = Use authorized by special permit from Board of Appeals

PB = Use authorized by special permit from Planning Board

PS = Use authorized by special permit from Select Board

PR = Use authorized by right with site plan review

<u>PRINCIPAL PERMITTED USES</u>	<u>RESIDENTIAL</u>				<u>BUSINESS</u>		<u>INDUSTRIAL</u>			<u>SPECIAL REQUIREMENTS</u>
	R-1	R-2	R-3	R-4	B-1	B-2	I-1	I-2	PIDD	
A. Residential Uses										
1. New one-family detached dwelling	P	P	P	P	NP	NP	NP	NP	NP	
2. New two-family dwelling	NP	PA	PA	PA	NP	NP	NP	NP	NP	§ 350-53
3. New multifamily dwelling with six or less units on a lot	NP	NP	PA	PA	NP	NP	NP	NP	NP	§ 350-54
4. Conversion of existing dwelling to accommodate not more than six dwelling units	NP	PA	PA	PA	PA	PA	NP	NP	NP	§ 350-55
5. Conversion of existing nonresidential building or portion thereof to accommodate one or more dwelling units	NP	PA	PA	PA	PA	PA	NP	NP	NP	§ 350-56
6. Motels, hotels or inns	NP	NP	NP	NP	PA	PA	NP	NP	NP	
7. Lodging, bed-and-breakfast, boarding - or tourist house	PA	PA	PA	PA	NP	PA	NP	NP	NP	
8. Mobile home as a temporary dwelling	PA	PA	PA	PA	NP	PA	PA	PA	NP	§ 350-57
9. Mobile home park	PB	PB	PB	PB	NP	NP	NP	NP	NP	Art. XIII
10. Assisted living residence	PA	PA	PA	PA	NP	PA	NP	NP	NP	
B. Community, Educational and Recreational Uses										
B. Community, Educational and Recreational Uses										
1. Religious or educational use on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic, or by religious sect or denomination, or by nonprofit educational corporation	P	P	P	P	P	P	P	P	P	
2a. Public utilities facilities	PA	PA	PA	PA	PA	PA	PA	PA	PB	Art. XVI
2b. Municipal facilities	PA	PA	PA	PA	PA	PA	PA	PA	NP	
3. Private schools, colleges, kindergarten, nursery school, not exempt under MGL c. 40A, § 3	PA	PA	PA	PA	NP	NP	NP	NP	PB	
4. Hospitals, clinics, health centers, nursing, rest, or convalescent homes, welfare centers	PA	PA	PA	PA	NP	PA	NP	NP	NP	
5. Private nonprofit membership club or lodge	PA	PA	PA	PA	PA	PA	NP	NP	NP	
6. Outdoor sports facility such as golf courses, county clubs, tennis clubs, riding rings, boat livery, ski tow	PA	PA	PA	PA	NP	NP	NP	NP	NP	

<u>PRINCIPAL PERMITTED USES</u>	<u>RESIDENTIAL</u>				<u>BUSINESS</u>		<u>INDUSTRIAL</u>			<u>SPECIAL REQUIREMENTS</u>
	R-1	R-2	R-3	R-4	B-1	B-2	I-1	I-2	PIDD	
7. Recreational facility owned or operated by an agency of the Town or other government	PA	PA	PA	PA	NP	NP	NP	NP	NP	
8. Funeral parlor or undertaking establishment	NP	PA	PA	NP	NP	NP	NP	NP	NP	
9. Cemetery	PB	PB	PB	PB	NP	NP	NP	NP	NP	
10. Camping facilities	PA	NP	NP	PA	NP	NP	NP	NP	NP	§ 350-59
11. Child care facility	P	P	P	P	P	P	P	P	P	
12. Family day-care home	PA	PA	PA	PA	PA	PA	PA	PA	PB	
C. Office, Retail and Consumer Service Establishments										
1a. Business, professional or governmental offices	PA	PA	PA	NP	P	P	NP	NP	PR	Art. XVI
1b. Banks, retail	PA	PA	PA	NP	P	P	NP	NP	NP	
2. Stores, salesrooms showrooms for the conduct or retail business, services and shops for custom work provided display, storage and sales are conducted within a building	NP	NP	NP	NP	P	P	P	P	PB	
3. Restaurants and other places serving food and beverages to be consumed within the building or off the premises	NP	NP	NP	NP	P	PA	NP	P	NP	
4. Restaurants and other places serving food and beverages to be consumed on the premises	NP	NP	NP	NP	PA	PA	NP	PA	NP	
5. Automotive sales and services or repair shops, public garages, or taxi service	NP	NP	NP	NP	NP	PA	PA	PA	PB	Art. XVI
6. Bulk storage and/or sale of petroleum products	NP	NP	NP	NP	NP	NP	NP	NP	PB	Art. XVI
7. Car and truck washes	NP	NP	NP	NP	NP	NP	NP	NP	PB	Art. XVI
8. Dog kennel or veterinary hospital; buildings used for such purposes shall not be closer than 100 feet from lot boundaries	PA	NP	NP	NP	PA	NP	PA	NP	NP	
9. Lumber yards or construction contractor's or building material and supply yards serving retail trade, provided that all merchandise stored in the open is screened from ground level view from any abutting street or property	NP	NP	NP	NP	NP	NP	PA	PA	NP	
10. Theater, moving-picture houses, bowling alleys, billiard rooms, dance halls, roller-skating rinks, public gymnasiums, places for conducting boxing or prize fighting, and similar commercial amusement places	NP	NP	NP	NP	NP	PA	PA	PA	NP	

<u>PRINCIPAL PERMITTED USES</u>	<u>RESIDENTIAL</u>				<u>BUSINESS</u>		<u>INDUSTRIAL</u>			<u>SPECIAL REQUIREMENTS</u>
	R-1	R-2	R-3	R-4	B-1	B-2	I-1	I-2	PIDD	
11. Neighborhood retail center	NP	NP	NP	NP	PB	NP	NP	NP	NP	§ 350-58
12. Planned unit office or research center	NP	NP	NP	NP	PB	PB	PB	PB	PR	§ 350-60
13. Personal wireless facilities and towers	PA	PA	PA	PA	PA	PA	PA	PA	PB	Art. XIV
13. Adult entertainment establishments	NP	NP	NP	NP	PA	PA	NP	NP	NP	
15. Printing, publishing or data processing	NP	NP	NP	NP	PA	PA	PA	PA	PR≤40,000 s.f. structure PB >40,000 s.f. structure	Art. XVI
16. United States Postal Service or private courier service facility	NP	NP	NP	NP	PA	PA	PA	PA	PB	Art. XVI
17. Medical or dental laboratory and/or medical research and associated facilities	NP	NP	NP	NP	PA	PA	PA	PA	PR≤40,000 s.f. structure PB >40,000 s.f. structure	Art. XVI
D. Industrial, Manufacturing and Storage Uses										
1a. Manufacturing use	NP	NP	NP	NP	NP	NP	PA	PA	PR≤40,000 s.f. structure PB >40,000 s.f. structure	Art. XVI
1b. Industrial use	NP	NP	NP	NP	NP	NP	PA	PA	PR≤40,000 s.f. structure PB >40,000 s.f. structure	Art. XVI
1c. Heavy manufacturing and industrial facility, including facility for the manufacture of paper and other pulp based related products.	NP	NP	NP	NP	NP	NP	PA	PA	PB	Art. XVI
2. Wholesale business or storage use in an enclosed structure, not to include the bulk storage of trash or garbage	NP	NP	NP	NP	NP	NP	P	P	PR≤40,000 s.f. structure PB >40,000 s.f. structure	Art. XVI
3. Removal or earth material such as topsoil, sod, loam, peat, humus, clay, sand, gravel or rock except as provided in Subsection F(10) herein	PB	NP	NP	PB	NP	NP	NP	NP	NP	§ 350-61 Art. XVI
4. Solid waste disposal and recycling	PB	NP	NP	PB	NP	NP	PA	PA	PB	§ 350-62 Art. XVI
5. Sawmill	PB	NP	NP	PB	NP	NP	PA	PA	NP	Art. XVI
6. Newspaper or job-printing establishment	NP	NP	NP	NP	PA	PA	PA	PA	PR≤40,000 s.f. structure PB >40,000 s.f. structure	Art. XVI
7. Enclosed assembly, bottling, packing or finishing plant, not to include food products.	NP	NP	NP	NP	PA	PA	PA	PA	PR≤40,000 s.f. structure PB >40,000 s.f. structure	Art. XVI
8. Radio or television station transmitting facilities or other communication uses.	NP	NP	NP	NP	PA	PA	PA	PA	PA	Art. XVI
9. Mold making and molding use	NP	NP	NP	NP	PA	PA	PA	PA	PR≤40,000 s.f. structure PB >40,000 s.f. structure	Art. XVI
10. Trucking or bus terminals	NP	NP	NP	NP	NP	NP	PA	PA	PB	Art. XVI
11. Dry-cleaning or laundry establishments	NP	NP	NP	NP	P	P	P	P	PR≤40,000 s.f. structure PB >40,000 s.f. structure	Art. XVI
12. Food processing facility	NP	NP	NP	NP	PA	PA	PA	PA	PB	Art. XVI

PRINCIPAL PERMITTED USES	RESIDENTIAL				BUSINESS		INDUSTRIAL			SPECIAL REQUIREMENTS
	R-1	R-2	R-3	R-4	B-1	B-2	I-1	I-2	PIDD	
subdivision plans										
d. Any accessory use incidental to a permitted use including cultivation of land, planting, landscaping or drainage of land										
11. Any accessory use to a by-right use, whether or not on the same parcel, which is necessary in connection with scientific research and development or related production provided the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good	PA	PA	PA	PA	PA	PA	PA	PA	PA	
G. Specifically Excluded Uses										
Radioactive waste disposal. No land within any use district in the Town of Dalton may be used for the collection, treatment, storage, burial, incineration or disposal of radioactive waste, including but not limited to wastes classified as low-level radioactive waste	NP	NP	NP	NP	NP	NP	NP	NP	NP	

Schedule of Sign Regulations

KEY:

P = Use permitted

B = Use subject to permit issued by the Inspector of Buildings

O = Use prohibited

	Residential				Business		Industrial		
	R-1	R-2	R-3	R-4	B-1	B-2	I-1	I-2	PIDD
A. On-Premises Signs or Advertising Devices									
Non-flashing, stationary signs with no exposed incandescent or florescent lighting sources.									
1) NAME PLATE									
a) One sign for each family residing on the premises indicating the name of the owner or occupant or pertaining to permitted accessory use, provided that each sign with a single exposed side does not exceed three square feet in area, or each sign with back-to-back sides does not exceed two square feet in area.	P	P	P	P		P	P		P

b) One wall or ground sign, single- or double- faced, not exceeding 15 square feet of sign face area, on the premises of a church, library, school or other public building, giving only the name and nature of the occupancy and information as to the schedule of use or occupancy. In addition, wall or ground signs not exceeding one square foot of sign face area may be used for a driveway entrance or exit or for warning purposes.	B	B	B	B		B	B		B	B	B
2) ANNOUNCEMENT											
a) Advertising for sale, rental or lease of a lot or building. One sign not to exceed six square feet or two signs not to exceed two square feet each. Two signs back-to-back shall be considered one sign.	P	P	P	P		P	P		P	P	P
b) Temporary signs pertaining to lease, sale or use of land in an area in the process of development. One sign not to exceed 24 square feet. Two signs back-to-back shall be considered one sign. Top horizontal line shall be no more than three feet above ground level. Such signs shall not be attached to trees, rocks or fences.	B	B	B	B		B	B		B	B	B
3) ADVERTISING											
a) Attached: Signs advertising goods sold or services rendered on the premises not to exceed 40 square feet and not to project more than eight inches beyond the face of the building facing the traveled way. Letters and symbols on buildings or structures shall be considered a sign, the area of which is determined by the smallest perimeter encompassing all of the letters and symbols. Signs and symbols on buildings or structures shall not extend more than four feet above the maximum height of the eave line.	O	O	O	O		B	B		B	B	B
b) Unattached: One sign pertaining to goods sold or services rendered on the premises upon which they are displayed not to exceed 35 square feet. Top horizontal line shall be no more than 20 feet above ground level. Two signs back-to-back shall be considered one sign.	O	O	O	O		B	B		B	B	B
B. Off-Premises Signs or Advertising Devices											
Public information at roadside including service club, church, public building, charitable or civic organization or hospital signs not exceeding three square feet sign face area. Any configuration combining two or more of the above signs shall not exceed 15 square feet sign face area.	B	B	B	B		B	B		B	B	B
C. Other Signs and Advertising Devices											
1) Flag or banner type signs or a temporary nature not to exceed 24 square feet and not to be displayed more than 14 days.	O	O	B	O		B	B		B	B	B

2) Search lights for promotional advertising (use not to exceed 7 days)	O	O	O	O		B	B		B	B	B
3) Window signs comprising posters, placards or signs painted or otherwise displayed on the inside of windows close to and approximately parallel to the window panes and visible from the street shall not exceed 25% of the individual window area or 10% of the glass area of any required exit door.	O	O	O	O		P	P		O	O	B

TWO-THIRDS VOTE REQUIRED

CARRIED. UNANIMOUSLY.

ARTICLE 5. It was moved, seconded and voted that the Town amend the Code of the Town of Dalton, Chapter 350 Zoning Attachment 1 thereto, Table of Use Regulations by adding a number 12 Swimming Pools, to the Permitted Accessory Uses described under Section F. as follows:

	R-1	R-2	R-3	R-4	B-1	B-2	I-1	I-2	PIDD
12. Swimming Pools Section IX applies	P	P	P	P	PA	PA	PA	PA	PB

And by amending ARTICLE II of said Chapter, Definitions and Word Usage, to incorporate the definition of a swimming pool as follows: Swimming Pool – Any fabricated structure maintained or used or which may be use for swimming purposes whether above or in ground and which has a maximum depth of water greater than twenty-four inches. It shall also include privately owned pools belonging to or connected with any type of multiple housing development, motel, hotel, or similar establishment. And further to amend Chapter 350, to the numbering arrangement, sequence and captions necessary to effectuate said amendments thereto.

TWO-THIRDS VOTE REQUIRED

CARRIED. DECLARED MAJORITY.

ARTICLE 6. It was moved , seconded and voted that the Town amend the Code of the Town of Dalton, Chapter 350 Zoning by adopting amendments to ARTICLE VII, Supplementary District Regulations, Section 350-26, as follows:

F. Barbed wire, electrified or similar fencing shall not be permitted in any residential district except for agricultural purposes in R-1 or R-4 districts unless authorized by special permit from the Zoning Board of Appeals.

G. Temporary security fences shall be allowed in conjunction with valid building permits for construction and/or demolition at a site. Such fences shall not exceed eight (8) feet in height and shall be constructed of chain link materials. Said fences will be allowed for a period of not more than ninety (90) days, with extensions granted for up to one (1) year upon written request to the Building Inspector. Extensions to allow such fences beyond these time periods may be granted by the Zoning Board of Appeals.

And further to amend Chapter 350, to the numbering arrangement, sequence and captions necessary to effectuate said amendments thereto.

TWO-THIRDS VOTE REQUIRED

CARRIED. UNANIMOUSLY.

ARTICLE 7. It was moved, seconded and voted that the Town amend the Code of the Town of Dalton, Chapter 350 Zoning by adopting a section 350-63A to ARTICLE XII, “Drive Through Facility”.

350-64A DRIVE-THROUGH FACILITY

A special permit is required for the installation of a drive-through facility where business is transacted from the vehicles of customers or patrons. (This is not a use allowed by right in a business district.)

Traffic Impact Study:

If a detailed traffic impact analysis is requested by the SPGA for any special permit or site plan approval application containing a drive-through facility, a registered professional engineer experienced and qualified in traffic engineering shall prepare the traffic impact study. The traffic impact study shall contain the following information:

1. Existing traffic conditions – average daily and peak hour volumes, average and peak speeds, sight distance, accident data, and levels of service of intersections and streets affected by the proposed development.
2. Projected traffic conditions – average annual traffic growth, impacts of proposed development.
3. Projected impacts of the proposed development shall include projected peak hour and daily traffic generated by the development on roads and ways in the vicinity of the development.
4. Proposed mitigation shall include a plan (with supporting text) to minimize traffic and safety impacts through such means as physical design and layout concepts.

And by amending Attachment 1 thereto, Table of Use Regulations F. Permitted Accessory Uses, “to add number 13. Drive Through Facility For banks, financial institutions, and car washes only. All other uses are specifically excluded”.

	R-1	R-2	R-3	R-4	B-1	B-2	I-1	I-2	PIDD
13. Drive-Through Facility for banks, financial institutions and car washes only. All other uses are specifically excluded	P	P	P	P	PA	PA	PA	PA	PB

and by amending ARTICLE II of said Chapter, Definitions and Word Usage, to amend the phrase, “DRIVE-THROUGH WINDOW” to read “DRIVE-THROUGH FACILITY”, and further to amend Chapter 350, to the numbering arrangement, sequence and captions necessary to effectuate said amendments thereto.

TWO-THIRDS VOTE REQUIRED

FAILED. YES-47 NO-24.

It was moved, seconded and voted to reconsider the main motion.

CARRIED. MAJORITY.

The Main Motion for Article 7 was then re-voted.

TWO-THIRDS VOTE REQUIRED

CARRIED. YES-46 NO-19.

ARTICLE 8. It was moved, seconded and voted that the Town pay unpaid bills from the prior fiscal year as follows: Verizon \$26.29, New England Security Center \$25.00 and Berkshire County Sheriff’s Communications Center \$875.00, and further to transfer said amounts from the Reserve Fund account #132 (or General Stabilization Fund).

CARRIED. UNANIMOUSLY.