

TOWN OF DALTON  
SPECIAL TOWN MEETING  
WAHCONAH REGIONAL HIGH SCHOOL – JUNE 26, 2006 – 7:00 P.M.

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

Elizabeth Erb and Victoria Sedgwick were appointed tellers and sworn by Town Clerk, Barbara L. Suriner. There was a total of 96 Registered Voters checked at the door as follows:

PRECINCT 1 - 37  
PRECINCT 2 - 59  
96

ARTICLE 1. It was moved, seconded and voted that the Town accept the provisions of Section 39A of Chapter 131 of the Massachusetts General Laws “the Berkshire Scenic Mountains Act”, and further that the Town designate its Conservation Commission to carry out the provisions thereof.

CARRIED. UNANIMOUSLY.

ARTICLE 2. Submitted by Petition. Article 2 is advisory only and non-binding. It was moved, seconded and voted that the Town:

- 1) adopt the BERKSHIRE SCENIC MOUNTAIN ACT, (MASS Law, Chapter 131, section 39A), immediately to control development proposed on scenic mountains, such as Franklin Acres, and
- 2) that the Planning Board, and /or the Board of Appeals absolutely oppose any request for zoning variance/waiver of bi-law regarding the “Maximum 5% grade for roads”.

CARRIED. YES - 50 NO - 44

ARTICLE 3. It was moved, seconded and voted that the Town accept the provisions of Section 18 of Chapter 32B of the Massachusetts General Laws, “Transfer of Retirees, Spouses and Dependents Enrolled in Medicare Part A to Medicare Extension Plan”; thereunder, all retirees, their spouses and dependents insured or eligible to be insured shall be required to transfer to a Medicare extension plan.

CARRIED. UNANIMOUSLY.

ARTICLE 4. It was moved, seconded and voted that the Town transfer the sum of \$20,825 from Free Cash in the Treasury to fund additional expenses in department # 423 Snow and Ice incurred under the provisions of Massachusetts General Laws Chapter 44 Section 31D.

CARRIED. UNANIMOUSLY.

ARTICLE 5. It was moved, seconded and voted that the Town transfer the sum of \$38,106 from the Capital Projects Stabilization Fund for the costs related to the Fiscal Year 2007 annual element of the Capital Improvement Program and further that the town vote to appropriate the sum of \$153,600 including borrowing costs associated with said program, and authorize the Town Treasurer, with the approval of the Select Board, to borrow said sum in accordance with MGL Chapter 44, Section 7.

Department	Project/Equipment/ Program	Borrowed	Stabilization	Other Funding	Total
Police	Police Cruiser	\$ 30,000			\$ 30,000
	Laser Printer & Shredder		\$ 3,606		3,606
Parks/Cemeteries	Survey – Historic Preservation Plan		25,000		25,000
Highways/Sewers	Transfer Station Paving	24,000			24,000
	Sewer Flusher & Truck	91,600			91,600
	Hydro-turn Plow	8,000			8,000
Library	Air Conditioners		2,500		2,500
General Govt.	Lawn Benches - Keep Dalton Walking		2,500		2,500
	Computers – Bldg. Sup., Town Clerk		4,500		4,500
<b>Totals</b>		<b>\$153,600</b>	<b>\$ 38,106</b>		<b>\$ 191,706</b>

CARRIED. DECLARED TWO-THIRDS MAJORITY. (2 “NO” VOTES)

ARTICLE 6. It was moved and seconded that the Town appropriate the sum of \$5,000 from Free Cash in the Treasury to the Reserve Fund for the purpose of paying for extraordinary and unforeseen expenses through the end of the 2006 Fiscal Year.

CARRIED. UNANIMOUSLY.

ARTICLE 7. It was moved, seconded and voted that the Town authorize an employment agreement between the Town and the Director of Communications, whose annual salary was previously funded under Article 5 of the May 1, 2006 Annual Town Meeting.

CARRIED. UNANIMOUSLY.

ARTICLE 8. It was moved, seconded and voted that the Town transfer the sum of \$9,256 from the Litigation Stabilization Fund to pay for attorney's fees in relation to the prosecution, compromise and settlement of litigation in the 2006 Fiscal Year.

CARRIED. UNANIMOUSLY.

ARTICLE 9. It was moved, seconded and voted that the Town amend the Fiscal Year 2006 Town Operating Budget for several departments to increase the salary and expense amounts appropriated thereunder by the following amounts: Department #151 Legal Counsel - \$15,600, Department# 210 Police Department Salaries - \$10,000, Department #424 Streetlights - \$6,200, Department #449 Sewer Treatment Expenses - \$77,500 and further, that the sum of \$109,300 be transferred from Free Cash in the Treasury to pay said salaries and expenses.

CARRIED. UNANIMOUSLY.

ARTICLE 10. It was moved, seconded and voted that the Town amend the vote taken under Article 18 of the May 1, 2006 Annual Town Meeting by reducing the appropriation from the Capital Stabilization Fund from \$181,346 to \$161,915.

CARRIED. UNANIMOUSLY.

ARTICLE 11. It was moved, seconded and voted that the Town appropriate the sum of \$141,150 from available funds to be reimbursed by a Grant from the Commonwealth of Massachusetts in accordance with Chapter 90 Section 34 of the Massachusetts General Laws.

CARRIED. UNANIMOUSLY.

ARTICLE 12. It was moved, seconded and voted that the Town amend the vote taken under Article 5, "Town Operating Budget", of the May 1, 2006 Annual Town Meeting to increase the amounts appropriated for Department #710 Maturing Debt and Interest as follows: 710LS (Library/Senior) from \$0 to \$29,265 and 710H (Highway) from \$58,355 to \$119,214.

CARRIED. UNANIMOUSLY.

ARTICLE 13. It was moved, seconded and voted that the Town adopt an Adult Entertainment Zoning Bylaw to address, mitigate and protect the Town from the secondary effects of adult entertainment and sexually oriented businesses that are referenced and defined by said bylaw, available at the Special Town Meeting of June 26, 2006.

CARRIED. DECLARED MAJORITY.

ARTICLE 14. It was moved, seconded and voted that the Town add or amend the following definitions in the Town of Dalton Zoning Bylaw Section 2.2;

**Large Refuse Container: A container typically or usually used to collect waste, garbage, or other similar material which can contain more than one (1) cubic yard of material and no more than 202 gallons of material;**

**Demolition Container: A container temporarily placed for removal of debris from construction, demolition, renovation, or cleanup of a premise;**

and to change the existing definition of Travel Trailer to read as follows:

Travel Trailer: A vehicular, portable structure built on a chassis designed as a temporary dwelling for travel, recreation, or vacation having a body width not exceeding eight (8) feet, and body length not to exceed forty (40) feet, any of which shall be used only in Recreational or Camping facilities."

CARRIED. DECLARED TWO-THIRDS MAJORITY. (4 "NO" VOTES)

ARTICLE 15. It was moved, seconded and voted that the Town amend the Town of Dalton Zoning Bylaw Section 5.1 to read; “No building or structure or land shall be used or occupied for the purpose or in any manner other than one or more uses as set forth in the TABLE OF USE REGULATIONS, Section 5.9 herein, or as exempted by Section 8 of this By-Law or by statute. Any use not listed shall be construed to be prohibited. **Any use designated in Section 5.9 by the symbol “NP” is not permitted in the zoning district so designated.**”

CARRIED. UNANIMOUSLY.

ARTICLE 16. It was moved, seconded and voted that the Town amend the Town of Dalton Zoning Bylaw Section 5.9; Table of Use Regulations; The symbol “NP” added to the Table of Use Regulations wherever there is currently a blank space.

CARRIED. UNANIMOUSLY.

ARTICLE 17. It was moved, seconded and voted that the Town amend the Town of Dalton Zoning By-Law 6.1 General Provisions to read; “No building or structure shall hereafter be erected, altered or moved unless it complies with the requirements set forth in the following Table of Dimensional Requirements, Section 6.2, except as specifically exempted by this By-Law. **Dimensional requirements shall be measured from the appropriate property line. Required minimum front, side, and rear yard areas shall be open and unobstructed to the sky except as permitted by Section 7.1 and 9.2 of the Dalton Zoning Bylaws.**”

CARRIED. UNANIMOUSLY.

ARTICLE 18. It was moved, seconded and voted that the Town amend the Town of Dalton Zoning Bylaw, LANDSCAPING AND MAINTENANCE, 7.4.1 to read; “**the entire front yard (measured from the street line to the front of the dwelling) in any residential district shall be maintained in harmony with the surrounding neighborhood.**”

DEFEATED. DECLARED TWO-THIRDS MAJORITY. (4 “YES” VOTES)

ARTICLE 19. It was moved, seconded and voted that the Town amend the Town of Dalton Zoning Bylaw, ACCESSORY STRUCTURES AND USES, 9.2.2 to include in its wording; **“a. Carports or open sided shed type structures shall be permitted only by special permit per Section 11.2.11.3.D.”**

DEFEATED. YES - 31 NO - 29 (TWO-THIRDS VOTE REQUIRED)

ARTICLE 20. It was moved, seconded and voted that the Town to amend the Town of Dalton Zoning Bylaw 9.2.4 to replace the portion of the By-Law which reads; **“a. Not to be located within the required front yard, with;**  
**a. Not to be located within the required front yard in any R-1 district.**  
**b. Not to be located within the entire (required and remaining) front yard in any R-2, R-3, or R-4 district.”**

DEFEATED. YES - 25 NO - 36 (TWO-THIRDS VOTE REQUIRED)

ARTICLE 21. It was moved, seconded and voted that the Town amend the Town of Dalton Zoning Bylaw 9.2.4 to include;  
**“d. Be constructed of materials that are compatible with the associated primary building. The following structures are permitted for use provided that they comply with all other provisions of this Bylaw and that they are not visible from a public roadway or adjacent properties:**  
**1. Fabric or plastic tarp covered.**  
**2. Constructed all or in part from shipping containers of any type.**  
**3. Constructed all or in part from tractor/trailer parts of any type.”**

DEFEATED. YES - 32 NO - 25 (TWO-THIRDS VOTE REQUIRED)

It was moved, seconded and voted that the first reading of each Article be waived.

CARRIED. UNANIMOUSLY.

ARTICLE 22. It was moved, seconded and voted that the Town amend the Town of Dalton Zoning Bylaw 9.2.5 to read as; “An accessory building in a Residential District shall not exceed fifteen (15) feet in height above ground level, shall not have greater than a six hundred, twenty-five (625) square feet footprint and shall not be located nearer than ten (10) feet to the principal building or occupy more than thirty percent (30%) of the rear yard except by a special permit from the Board of Appeals. A lot may have a second accessory building with a footprint not exceeding one hundred fifty (150) square feet provided it meets setback requirements. **Said accessory building with a footprint of one hundred fifty (150) square feet or less shall not exceed ten (10) feet in height.** However, a second accessory building with a footprint larger than one hundred fifty (150) square feet shall require a special permit from the Board of Appeals.”

DEFEATED. DECLARED TWO-THIRDS MAJORITY.

ARTICLE 23. It was moved, seconded and voted that the Town amend the Town of Dalton Zoning Bylaw, ACCESSORY STRUCTURES AND USES, by adding the following new section:

**“9.2.6 LARGE REFUSE CONTAINERS;**

**9.2.6.1 Large refuse containers may be placed on property zoned for residential use provided that the property contains more than two living units.**

**Large refuse containers shall:**

- a. Not be placed in any portion of the required front yard area or in the side yard area, which is adjacent to any public way, street, or roadway.**
- b. Be located at least ten (10) feet from all property lines and shall have a suitable lid or cover.**
- c. Be screened from public view.**

**9.2.6.2 Large refuse containers for business use shall be screened from public view and shall have a suitable lid or cover.**

**9.2.6.3 Large refuse containers must be placed on a level pad extending at least one (1) foot in all directions from the edge of the container.”**

DEFEATED. YES - 31 NO - 17 (TWO-THIRDS VOTE REQUIRED)

ARTICLE 24. It was moved, seconded and voted that the Town amend the Town of Dalton Zoning Bylaw by adding the following new section.

**“9.2.7 DEMOLITION CONTAINERS;**

**9.2.7.1 Demolition containers may be in place for the duration of a valid building, renovation or demolition permit or for sixty (60) days, whichever is a longer period of time.”**

CARRIED. DECLARED TWO-THIRDS MAJORITY. (2 “NO” VOTES)

ARTICLE 25. It was moved, seconded and voted that the Town amend Town of Dalton Zoning Bylaw, OFF-STREET PARKING AND LOADING, 10.1.2 to read as; “An area of two hundred (200) square feet of appropriate dimensions for the parking of an automobile, exclusive of drives or aisles, shall be considered one (1) off-street parking space. **For business or industrial uses,** such spaces and access drives shall be so located and designed that entry to and exit from such off-street parking spaces does not require the backing of automobiles on to or off from the street.”

CARRIED. UNANIMOUSLY.

ARTICLE 26. It was moved, seconded and voted that the Town amend the Town of Dalton Zoning By-Law 10.1.5 to read as follows: “**Off-street parking areas may be located in the required front yard of business or industrial districts as regulated in Section 7.4.3 of this Bylaw. Except as permitted by special permit in residential districts, parking of not more than four (4) vehicles may be located in front yard areas (required and remaining) provided that:**

- 1. All vehicles are parked in the designated driveway area.**
- 2. All vehicles parked within fifty (50) feet of the street property line are parked no more than two (2) wide.”**

It was moved, seconded and voted to take no action under this Article.

CARRIED. UNANIMOUSLY.

ARTICLE 27. It was moved, seconded and voted that the Town amend the Town of Dalton Zoning Bylaw, ADMINISTRATION AND ENFORCEMENT, 15.1 to read as follows:

**“15.1.a** This Bylaw shall be administered by the Select Board through the Zoning Enforcement Officer appointed by the Board. No building permit or certificate of occupancy shall be granted by the Inspector of Buildings for any purpose except in compliance with the provisions of this Bylaw or a written order of the Board of Appeals or the courts.

**15.1.b** The Dalton Zoning Enforcement Officer may request assistance from the Dalton Planning Board to determine if a zoning violation does, or does not, exist. If such a request is made, the Dalton Planning Board shall make a recommendation by majority vote and refer the matter back to the Zoning Enforcement Officer.”

CARRIED. DECLARED TWO-THIRDS MAJORITY. (4 “NO” VOTES)

ARTICLE 28. It was moved, seconded and voted that the Town take no action under this Article.

CARRIED. UNANIMOUSLY.

ARTICLE 29. It was moved, seconded and voted that the Town take no action under this Article.

CARRIED. UNANIMOUSLY.

ARTICLE 30. It was moved, seconded and voted that the Town take no action under this Article.

CARRIED. UNANIMOUSLY.

ARTICLE 31. It was moved, seconded and voted that the Town take no action under this Article.

CARRIED. MAJORITY.

Meeting adjourned at 9:50 p.m.

---

Barbara L. Suriner, TOWN CLERK

---