



**SPECIAL TOWN MEETING  
TOWN OF DIGHTON, MA  
NOVEMBER 14, 2024**

The Special Town Meeting held on November 14, 2024, at the Dighton-Rehoboth High School and was called to order at 7:02 PM by Kevin Smith Jr., Moderator. The Pledge of Allegiance to the Flag was recited. The Checkers were Rita Araujo, Ashley Daigneault, Jean Lahousse, Peg Mullen, Kathleen Perry, Joan Ready and Jo-Ann Wilson. From the Finance Committee was Thomas Araujo, Tracy Karolczuk, Susan Lorenz, Jacob Stebbins and Doug White. Present and seated on stage from the Board of Selectmen was Chairman Peter Caron, Mark Pacheco, and Nicole Mello. Also, present and seated on stage was Ralph Vitacco Town Administrator, Matthew Costa Town Counsel, Shara Costa Town Clerk, and Sirena Amaral Town Accountant. The Special Town Meeting Dissolved at 9.17 PM. Total attendance was 100.

**Motion Passes:** On Motion of Mark Pacheco and Seconded, Mr. Moderator, I move that we dispense with the reading of the warrant.

**Motion Carries:** On Motion of Nicole Mello and Seconded, Mr. Moderator, I move that we dispense with the reading of the articles, and that reference to them be made by number and content.

**Motion Carries:** On Motion of Peter Caron and seconded, Mr. Moderator, I move that the Town consider adjournment this evening at 10:00 P.M.

**ARTICLE 1. VOTED UNANIMOUSLY:** On Motion of Mark Pacheco and Seconded, Mr. Moderator, I move that we hear reports of the Town Officials.

**Chairman Peter Caron of the Board of Selectmen read the following statement:**

"On behalf of my two colleagues Nicole Mello and Mark Pacheco and myself good evening and welcome. The last six months have been relatively quiet; however, we do have a new Town Administrator Ralph Vitacco. We must remain vigilant as we confront ongoing issues that require our collective focus and action. We recently had a debt exclusion vote that did not pass. This vote will result in some aggressive budget cuts for the next fiscal year. It is of most importance that we work together to devise solutions that serve the interest of all residents. Tonight presents an opportunity for each of you to express your thoughts ideas and concerns. Your ideas are crucial and your voice deserves

*Shara Costa*

TOWN CLERK

to be heard. In conclusion, together we can navigate complexities that lie ahead we can forge a brighter future for our town. Thank you for your commitment your passion and progress, to your readiness to engage in these essential conversations. Thank you."

**ARTICLE 1 (Continued). VOTED UNANIMOUSLY:** On Motion of Nicole Mello and Seconded, Mr. Moderator, I move that the Town vote to accept the reports of the Town Officials.

**ARTICLE 2. VOTED UNANIMOUSLY:** On Motion of Jacob Stebbins and seconded, Mr. Moderator, I move that the Town vote to transfer from Free Cash the amount of \$1,758.00 to pay prior year bills.

*Board of Selectmen Recommends*  
*Finance Committee Recommends*

**ARTICLE 3. VOTED UNANIMOUSLY:** On motion of Thomas Araujo and seconded, Mr. Moderator, I move that the Town transfer from Free Cash the sum of \$106,146.76 to be expended by the Fire Chief as the fourth payment of a seven-year lease purchase of a new fire engine and any necessary accessories.

*Board of Selectmen Recommends*  
*Finance Committee Recommends*

**ARTICLE 4. VOTED UNANIMOUSLY:** On Motion of Doug White and seconded, Mr. Moderator, I move that the Town vote to transfer from the Ambulance Fund the amount of \$145,533.06 to be expended by the Fire Chief as the second payment of a three-year lease purchase of a new ambulance.

*Board of Selectmen Recommends*  
*Finance Committee Recommends*

**ARTICLE 5. VOTED UNANIMOUSLY:** On Motion of Tracy Karolczuk and seconded, Mr. Moderator, I move that the Town vote to transfer from Free Cash the sum of \$31,094.29 to be expended by the Highway Superintendent as the second-year payment of a four-year lease purchase of an excavator and any necessary accessories.

*Board of Selectmen Recommends*  
*Finance Committee Recommends*

**ARTICLE 6. MOTION PASSES:** On Motion of Susan Lorenz and seconded, Mr. Moderator, I move that the Town vote to transfer \$1,050,000.00 from the Town of Dighton Capital Stabilization Fund, to be combined with the appropriation of \$150,000.00 previously made under Article 32 of the June 7, 2022 Annual Town Meeting, for the purpose of paying the costs of conducting a feasibility study to identify current deficiencies, forecast future growth, and propose construction options that meet current and future needs at Dighton Elementary

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School, 1250 Somerset Ave. Dighton, MA 02715, including the payment of all costs incidental or related thereto, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority, said amount to be expended under the direction of Dighton Elementary School Building Committee. The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town.

*Board of Selectmen Recommends 1.2 million*  
*Finance Committee Recommends 1.2 million*

**Motion Allowed:** On Motion from Resident Leonard Hull and seconded, Mr. Moderator, I would like to make a motion to allow a non-resident superintendent Bill Runey to address the group.

**Bill Runey Superintendent of schools read the following statement:**

"Good evening everyone, Bill Runey Superintendent of schools, I do want to be respectful of the five minutes so bear with me as this will be a little bit of a lightening round. Thank you to the residents who turned out tonight on this important issue. No matter where you stand, I think it's great that you're coming out and allowing democracy to take place. I want to thank the Selectmen, Fin-com, the School Committee who have counseled us along the way, the School Building Committee has done an excellent job, volunteers giving a lot of their time effort and energy for this, I want to thank Mr. Vitacco, the Town Hall team as well as election officials for making tonight a reality. I want to thank the Dighton PTO for helping us to publicize tonight's Town Meeting, I want to thank my central office team who's helped with communications and also technology and I want to thank Champions Child Care for donating their time tonight for some child care for some of our families with younger children. These are our school building committee members (referring to presentation) in the interest of time I'm not going to list all their names but I am very grateful for their time, effort, and energy. What is the MSBA? As the warrant article has already made mention, it is a competitive grant program and through that competitive grant program. If a feasibility study is approved, the feasibility will discuss extensive repairs, renovations, school construction, or additions. The MSBA makes these decisions based on need and urgency. MSBA experts saw our deficiencies and deemed them urgent and this completely debunks the myth about this being an issue of upkeep. I am so sorry to be so passionate about this, but that's offensive that we have not kept the building up. The building is seventy-some-odd years old. Our statement of interest was approved in December of 2023 and I think it's relevant to know that we, three out of 10 districts were selected 19 out of 63. So, this is a very competitive grant program and we were selected based on need and urgency. What this is not, this is not the start of a new

*Mara Costa*

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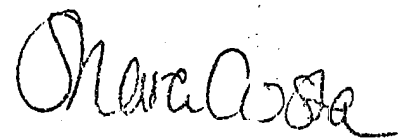
construction; this is not the start of design; this is not the start of a multi-million-dollar construction project. Right now, we don't even have an estimate of what the construction cost would be, what renovation cost would be etc., etc. These are just the priorities that the statement of interest (referring to presentation) signified to the MSBA in terms of making their decision about whether or not our needs were urgent. Our enrollment projections are one of our biggest concerns. Our projected enrollment going through FY 31 takes us from 493 to about 530. The MSBA capacity without modulars is 400. The MSBA capacity with our current modulars is 468 and next year we're projected to be 25 students more than what the MSBA considers to be acceptable. History of the building originally constructed in 1953 was approximately 50,000 square ft. In 1999 some additions were made. In 2018 the Town made the decision to bring the modular classrooms in as a temporary measure to address overcrowding. Those modulars are now in their sixth year of what was a five-year temporary plan. As I mentioned before our team does a tremendous job of working to maintain and upkeep the building. You'll hear from other members of the building committee this is well beyond maintenance and upkeep. The summary of the priorities; the building is not as safe as it needs to be; it does not have the handicap accessibility that it needs to have, it is not a 21<sup>st</sup> century learning environment. Our kids deserve better and our staff deserves better. We do not have modern technology. The Dighton PTO has done a great job of donating some technology to us but when you have only two outlets in a classroom there's so much that you can even plug in, in terms of modern technology and we can have theater, our kids could have a stage to perform on and so on. The egress and the parking issues at the campus are one of our biggest safety concerns. We have cars that serpentine around the middle school while the middle school is in session. That is a safety issue for our middle school students. We also have cars and busses and specialized transportation that cross each other at drop off, pickup and dismissal. Our staff members do the best job they can but they're not police officers they're not skilled in traffic enforcement.

On Motion from Mark Pacheco and seconded, Mr. Moderator, at this time I'd like to ask for a secret ballot for this vote. 97 votes were cast 68 in favor, 29 opposed. Article 6 passes.

**ARTICLE 7. VOTED UNANIMOUSLY:** On motion of Thomas Araujo, Mr. Moderator, I move that the Town vote to raise and appropriate \$36,000.00 to fund Fiscal Year 2025 personnel expenses for employees covered under the recently settled Dighton Police Officers Local 306 collective bargaining agreement.

*Board of Selectmen Recommends  
Finance Committee Recommends*

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**ARTICLE 8. VOTED UNANIMOUSLY:** On motion of Jacob Stebbins, Mr. Moderator, I move that the Town vote to raise and appropriate \$17,362.00 to fund Fiscal Year 2025 personnel expenses for employees covered under the recently settled 911 Dispatchers MassCop Local 502 collective bargaining agreement.

*Board of Selectmen Recommends  
Finance Committee Recommends*

**ARTICLE 9. VOTED UNANIMOUSLY:** On motion of Jacob Stebbins, Mr. Moderator, I move that the Town vote to raise and appropriate \$130,000.00 to fund Fiscal Year 2025 personnel expenses for employees covered under the recently settled Dighton Permanent Firefighters Association, International Association of Firefighters, Professional Firefighters of Massachusetts Local 4332 collective bargaining agreement.

*Board of Selectmen Recommends  
Finance Committee Recommends*

**ARTICLE 10. VOTED UNANIMOUSLY:** On Motion of Susan Lorenz and seconded, Mr. Moderator, I move that the Town vote to transfer from Free Cash, the sum of \$9,000.00 to be expended by the Highway Superintendent for the purchase of "No Parking" signs and necessary poles, hardware and any related accessories.

*Board of Selectmen Recommends  
Finance Committee Recommends*

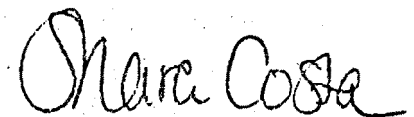
**ARTICLE 11. VOTED UNANIMOUSLY:** On Motion of Tracy Karolczuk and seconded, Mr. Moderator, I move that the Town vote to transfer from Free Cash, the sum of \$10,000.00 to be expended by the Highway Superintendent for the repair of the Traffic Control Cabinet located at the Center Street crosswalk in the area of Bristol County Agricultural High School.

*Board of Selectmen Recommends  
Finance Committee Recommends*

**ARTICLE 12. VOTED UNANIMOUSLY:** On Motion of Susan Lorenz and seconded, Mr. Moderator, I move that the Town vote transfer from Free Cash, the sum of \$351,869.50 and \$351,869.50 to be transferred from Capital Stabilization for a total of \$703,739.00 to be expended by the Highway Superintendent to additionally fund the Pleasant Street Bridge Reconstruction Project.

*Board of Selectmen Recommends  
Finance Committee Recommends*

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**ARTICLE 13. VOTED UNANIMOUSLY:** On Motion of Doug White and seconded, Mr. Moderator, I move that the Town vote to transfer from Free Cash, a sum not to exceed \$4,000.00 to be expended by the Board of Selectmen as a dollar-for-dollar match of funds raised under the direction of Dighton's 250th Anniversary for America Committee, for planning, implementation and expenses associated with Dighton's celebration of America's 250th anniversary.

*Board of Selectmen Recommends*

**ARTICLE 14. Motion Tabled:** On Motion of Thomas Araujo and seconded, Mr. Moderator, I move that the Town vote to transfer from Free Cash the sum of \$75,000.00 for the purchase of one fully equipped administrative police vehicle including a radio, antenna, and any other related accessories.

*Board of Selectmen Recommends  
Finance Committee Recommends*

**Motion to table article 14 and seconded, (non-discussion motion) motion to table passes**

**ARTICLE 15. VOTED UNANIMOUSLY:** On Motion of Jacob Stebbins and seconded, Mr. Moderator, I move that the Town vote to transfer from the Opioid Settlement Stabilization Account the sum of \$2,000.00 to be expended by the Police Chief to purchase Violence/Drug Kits, to be utilized as a teaching tool for the school Violence/Drug programs.

*Board of Selectmen Recommends  
Finance Committee Recommends*

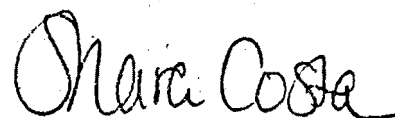
**ARTICLE 16. VOTED UNANIMOUSLY:** On Motion of Allisha Wilson Dighton Member of the CPC Committee and seconded, Mr. Moderator, the Community Preservation Committee recommends this Article and I move that the Town vote to transfer \$8,500.00 from the CPA Fund Balance Reserved for Historical Resources to be expended by the Community Preservation Committee for the research, presentation and submission of the Nomination to the National Register of Historic Places for the Mount Hope Finishing Company Historic District.

*Board of Selectmen Recommends  
Finance Committee Recommends*

**ARTICLE 17. VOTED UNANIMOUSLY:** On Motion of Susan Lorenz and seconded, Mr. Moderator, I move that the Town vote to transfer from Free Cash a sum of \$30,000.00 to the Stabilization Account.

*Board of Selectmen Recommends  
Finance Committee Recommends*

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**ARTICLE 18. VOTED UNANIMOUSLY:** On Motion of Doug White and seconded, Mr. Moderator, I move that the Town vote to transfer from Free Cash a sum of \$30,000.00 to the Capital Stabilization Account.

*Board of Selectmen Recommends  
Finance Committee Recommends*

**ARTICLE 19. VOTED UNANIMOUSLY:** On Motion of Tracy Karolczuk and seconded, Mr. Moderator, I move that the Town vote to transfer from Free Cash, the sum of \$30,000.00 to the "Other Post-Employment Benefits Liability Trust Fund" established to cover the unfunded actuarial liability for retirees' health care and life insurance benefits.

*Board of Selectmen Recommends  
Finance Committee Recommends*

**ARTICLE 20. Motion Tabled:** On Motion of Nancy Goulart and seconded, Mr. Moderator, I move that the Town vote to accept clause 54 of Section 5 of Chapter 59 of the Massachusetts General Laws, and authorize the Town to establish a minimum fair cash value required for commercial personal property accounts to be taxed, and further establish such minimum fair cash value at \$10,000 for Small Commercial Exemptions.

*Board of Selectmen Recommends*

**Motion to table article 20 and seconded, (non-discussion motion)** motion to table fails discussion continues:

**Second Motion to table article 20 and seconded, (non-discussion motion)** motion to table Passes

**ARTICLE 21. Motion Tabled:** On Motion of Nancy Goulart and seconded, Mr. Moderator, I move that article 21 be tabled.

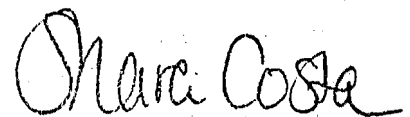
**ARTICLE 22. VOTED UNANIMOUSLY:** On Motion of Ray Hague and seconded, Mr. Moderator, I move that the Town vote to accept G.L. C.59, § 5 clause 22J as added by Section 23 of Chapter 178 of the Acts of 2024 (An Act Honoring, Empowering, and Recognizing our Service Members and Veterans).

*Board of Selectmen Recommends*

**ARTICLE 23. VOTED UNANIMOUSLY:** On Motion of Paul Reynolds and seconded, Mr. Moderator, I move that the Town vote to amend the General Bylaws by adding a new Article "Tax Title Payment Agreement Bylaw", as outlined in Article 23 of the Special Town Meeting Warrant of November 14, 2024.

*Board of Selectmen Recommends*

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### **Tax Title Payment Agreement Bylaw**

A. Pursuant to the provisions of M.G.L. Ch. 60, § 62A, the Treasurer shall have the authority to enter into written payment agreements with persons entitled to redeem parcels in tax title. The payment agreement shall be executed on such terms and conditions for payment of the delinquent taxes, interest and any other costs, fees or charges associated with same, in accordance with M.G.L. Ch. 60, § 62A and this bylaw. The Treasurer shall not refuse to enter into agreements with eligible taxpayers.

B. Such agreements and waivers shall apply uniformly for classes of tax titles defined herein as follows

1. Commercial property;
2. Residential property;
3. Industrial property; and
4. Open space.

C. All payment agreements shall comply with the following minimum requirements:

1. The payment agreement shall be for a term of ten (10) years; provided, however, that nothing herein shall preclude the taxpayer from completing payments of the amount owed within a shorter period of time.
2. The payment agreement shall include a waiver of the Treasurer's interest that has accrued in the tax title account, but only if the taxpayer complies with the terms of the agreement. However, no taxes, Collector's interest or fees may be waived in any payment agreement.
3. The payment agreement must state the amount of the payment due from the taxpayer at the time of execution of the agreement, which shall be 10% of the amount needed to redeem the parcel at the inception of the agreement.

D. During the term of the agreement, the Treasurer may not bring an action to foreclose the tax title unless payments are not made in accordance with the schedule set out in the payment agreement or timely payments are not made on other amounts due to the Town that are a lien on the same parcel.

**ARTICLE 24. MOTION PASSES:** On Motion of Paul Reynolds and seconded, Mr. Moderator, I move that the Town vote to amend the Section of the Town of Dighton Bylaws named CONSERVATION BY-LAW on pages 19-23, as presented in Article 24 of the Special Town Meeting Warrant of November 14, 2024, by deleting the words with strikethroughs and adding the language which is underlined in bold print.

*Board of Selectmen Recommends*

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~~Regulations, By Law and Policies~~

**Dighton Conservation Commission Bylaw**

**I. Purpose**

The purpose of this bylaw is to protect the wetlands, water resources, and adjoining land areas in the Town of Dighton by conditioning activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon the resource area values, including but not limited to the following: public or private water supply, ground water, flood control, erosion and sedimentation control, storm damage prevention including coastal storm flowage, water quality, water pollution control, fisheries, shellfish, wildlife habitat, rare species habitat including rare plant species, agriculture, aquaculture, and recreation values, deemed important to the community. This bylaw is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Wetlands Protection Act (G.L.Ch.131~40) and Regulations hereunder (310 CMR10.00).

**II. Jurisdiction**

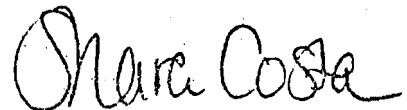
Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater or coastal wetlands; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds of any size; rivers; streams; creeks; beaches; dunes; estuaries; the ocean; land under water bodies; lands subject to flooding or inundation by groundwater or surface water; land subject to tidal action, coastal storm flowage, or flooding; and lands within 100 feet of any of the aforesaid resource areas; rivers, streams, and creeks whether perennial or intermittent; and lands within 200 feet of any river, stream, or creek; and lands abutting any of the aforesaid areas. Said resource areas shall be protected whether or not they border surface waters.

**III. Applications for Permits and Requests for Determination**

Written application shall be filed with this Commission to perform activities affecting resource areas protected by this bylaw. This application should be the standard form as set forth by the Massachusetts Department of Environmental Protection (DEP).

At the time of a permit application, the applicant shall pay a filing fee as set forth by the DEP. A local fee of per the table below made payable to Town of Dighton- is required for all filings in addition to the local portion set forth by the DEP, See Below Section XVI.

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The Commission may waive the filing fee, consultant fee and costs and expenses for a permit application or request for determination filed by a government agency and shall waive them for a request for determination filed by a person having no financial connection with the property which is the subject of the request.

At the time a permit application is received, or at any time during the hearing process, the Commission is authorized to require an applicant to pay the fee for specific expert engineering and other consultant services deemed necessary by the Commission to come to a final decision on the application. The Commission will select the consultant in question. As provided by Massachusetts General Law Chapter 44, Section 53G, The Dighton Conservation Commission may employ reasonable fees for the employment of outside consultants engaged by the Commission, for specific outside expert services. Such services shall be deemed necessary by the Commission to come to a final decision on an application submitted to the Conservation Commission pursuant to the requirements of the Wetlands Protection Act (M.G.L. Ch. 131 Section 40), the Dighton Wetlands Protection Bylaw, the Conservation Commission Act (M.G.L. Ch. 40 Section 8C) or any other state or municipal statute, bylaw, or regulation as they may be amended from time to time. The Conservation Commission may also impose fees for other consultant services, related to application review, or permit conditioning or monitoring, under any of the above referenced laws or regulations. Said fees for said services shall be set forth in a regulation to be adopted by vote of the Conservation Commission in accordance with applicable law, including but not limited to M.G.L. Chapter 44 Section 53G.

The Commission may waive the filing fee, consultant fee and costs and expenses for a permit application or request for determination by a government agency.

The Commission shall require the payment of the consultant fee prior to the initiation of consulting services. Failure by the applicant to pay the consultant fee specified by the Commission or it's duly authorized Agent within ten (10) business days of the request for payment, or refusal of payment, shall be cause for the Commission to deny the application based on lack of sufficient information to evaluate whether the project meets applicable performance standards in 310 CMR 10.00 and the Dighton Wetlands Protection Bylaw or its regulations.

A TRUE COPY ATTEST The applicant shall pay the fee to the Town of Dighton to fund the 53G consultant services account established by the Commission with the Town Treasurer's office, which may be drawn upon by the Commission for specific consultant services approved by the Commission at one of its public meetings.

*Shara Costa*

TOWN CLERK

The Commission shall return any unused portion of the consultant fee to the applicant upon the completion of the project along with any accrued interest.

#### IV. Notices and Hearings

Any person filing a permit application with this Commission at the same time shall give written notice thereof, by certified mail (return receipt) or hand delivered, to all abutters at their mailing address shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public street or way, and abutters to the abutters within 300 feet of the property line on which the applicant is proposing work, including any in another municipality or across a body of water.

The Commission may combine its hearing under this bylaw with the hearing conducted with the Wetlands Protection Act (G.L. Ch.131~40) and Regulations (310 CMR 10.00).

The Commission shall have the authority to continue the hearing to a certain date announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information from the applicant or other deemed necessary by the Commission.

#### V. Coordination with Other Boards

Any person filing a permit application with the Commission shall provide a copy at the same time, by certified mail or hand delivered, to the ~~select board~~, Selectmen, planning board, board of health, building inspector, Stormwater Committee and Highway Superintendent.

#### VI. Permits and Conditions

If the Commission, after a public hearing, determines that the activities which are subject to the permit application or the land and water uses which will result there from are likely to have a significant individual or cumulative effect upon the resource area values protected by this bylaw, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activity requested. If it issues a permit, the Commission shall impose conditions, which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions.

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The Commission is empowered to deny a permit for failure to meet the requirements of this bylaw; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, standards, and other requirements in regulations of the Commission; for failure to site the project in an alternative manner with less potential impact, where such siting is clearly possible; for failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this bylaw; and where no conditions are adequate to protect those values. Due consideration shall

be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

Lands within 200 feet of rivers, ponds and lakes and lands within 100 feet of other resource areas are presumed important to the protection of these resources because activities undertaken in close proximity to resource areas have a high likelihood of adverse impact upon the wetlands or other resource. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission therefore may require that the applicant maintain a strip of continuous, undisturbed vegetative cover within the 200-foot (or 100-foot) area, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by this bylaw.

To prevent wetlands loss, the Commission shall require applicants to avoid alteration where feasible; shall minimize wetlands alteration; and, where alteration is unavoidable, shall require full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation.

A permit shall expire three years from the date of issuance. Any permit may be renewed once for an additional one year provided that a request for renewal is received in writing by the Commission prior to expiration.

No work proposed in any permit application shall be undertaken until the permit issued by the Commission has been recorded in the registry of deeds and the permit holder certifies in writing to the Commission that the permit has been recorded.

#### VII. Setbacks

A. No subsurface sewage disposal system will be permitted within the 100-foot buffer zone of any wetland or within 200 feet of any perennial stream as shown on the USGS map 1985 or later. This set back will not be required for the renovation or replacement (but is required for the substantial enlargement) of septic systems construction ~~prior to the~~

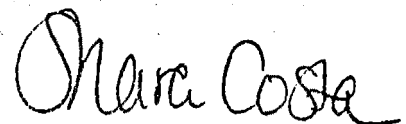
~~effective date of this bylaw.~~

B. No dwelling or structure shall be built less than 50 feet from the outer edge of any wetland.

C. A 25-foot minimum undisturbed vegetated buffer zone will be required to protect wetlands and wildlife.

D. Isolated wetlands and vernal pools will be considered wetlands and afforded the same minimum setback distances for septic systems, construction and undisturbed vegetative zones.

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E. Vernal Pool should hold special protections and will have a migration corridor of at least 100 feet to other wetlands or natural environment from the mean annual high-water mark that will be left in its natural and undisturbed state.

#### VIII. Regulations

Additions, deletions and alterations to the above regulations may be made through public notice and public hearing. The Commission shall then promulgate rules and regulations to effectuate the purposes of the bylaw when voted and filed with the town clerk. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw.

#### IX. Definitions

The term "bank" shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level; whichever is higher.

The term "vernal pool" shall include a confined basin depression which, at least in most years, holds water for a minimum of two continuous months during the spring/summer, and which is free of adult fish populations, as well as the area within 100 feet of the mean annual boundary of such a depression, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife.

It shall include, in addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the resource area for a Vernal Pool shall be 100 feet outward from the mean annual high-water line defining the depression, but shall not include a lawn, garden, landscaped area or developed area in existence at the time of the effective date of this provision in this chapter.

The term "rare species" shall include, without limitation, all vertebrate and invertebrate animals and plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division.

*Mara Costa*

TOWN CLERK

The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

The term "alter" shall include, without limitations, the following activities when undertaken to, upon, within or affecting resource areas protected by this bylaw:

- A. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind
- B. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics
- C. Drainage or other disturbance of water level or table
- D. Dumping, discharging, or filling with any material, which may degrade water quality
- E. Placing of fill, or removing of material, which would alter elevation
- F. Driving of piles, erection, or repair of buildings, or structures of any kind
- G. Placing of obstructions or objects in water
- H. Destruction of plant life including cutting of trees
- I. Changing temperature, biochemical oxygen demand, or other physical, biological, for chemical characteristics of any waters
- J. Any activities, changes, or work, which may cause or tend to contribute to pollution of any body of water or groundwater
- K. Incremental activities, which have, or may have, a cumulative adverse impact on the resource areas protected by this bylaw.

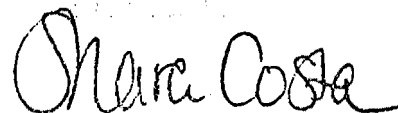
Except as otherwise provided in this bylaw or in regulations of the Commission, the definitions of terms in this bylaw shall be set forth in the Wetlands Protection Act (G.L. Ch. 131~40) and Regulations (310 CMR 10.00).

#### X. Enforcement

No person shall remove, fill, dredge, build upon, or otherwise alter resource areas protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw.

The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

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The Commission shall have the authority to enforce this bylaw, its regulations, and permits issued hereunder by violation notices, administrative orders (if Dighton should accept G.L. Ch. 40~21D), and civil and criminal court actions. Any person who violates provisions of this bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violation, or may be fined, or both.

Upon request of the Commission, the ~~Select Board~~ **Selectmen** and the town counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the chief of police shall take legal action for enforcement under criminal law.

Municipal boards and officers, including any police officer or other officer having police power, shall have authority to assist the Commission in enforcement.

Any person, who violates any provision of this bylaw, or regulations, permits, or administrative orders issued hereunder, shall be punished by a fine of not more than \$300. Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permits, or administrative orders violated shall constitute a separate offense.

#### **XI. Burden of Going Forward** and Burden of Proof

A. The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have unacceptable significant or cumulative effect upon the resource area values protected by this bylaw. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

**Burden of going forward. The project proponent shall have the burden of going forward with credible evidence from a competent source in support of all matters asserted pursuant to Subsection B below.**

#### **B. Burden of proof**

##### **(1)**

**Permit for work. The Applicant shall have the burden of proving by a preponderance of the credible evidence that any proposed work and its**

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natural and consequential cumulative impacts and effects shall have no adverse effect upon any of the Bylaw wetland values and, further, shall contribute to the protection of the Bylaw wetland values by complying with the general performance standards established for each Bylaw resource area. Failure to meet the burden of proof shall be cause for the Conservation Commission to deny the application for a permit for work along with any work or activity proposed therein.

(2)

Determinations of applicability and resource delineation. The Applicant shall have the burden of proving by a preponderance of the credible evidence that the Conservation Commission does not have jurisdiction over the proposed activity (work), in a request for a determination of applicability; and that the boundaries of the resource areas subject to protection under the Bylaw (Bylaw resource areas) are accurate, in a request for a determination of resource delineation.

(3)

Determination of significance (non-significance). The Applicant requesting a determination of significance or applying for a permit for work shall have the burden of demonstrating by clear and convincing evidence that the Bylaw resource area is not significant (that it does not play a role in) to the protection of one or more Bylaw wetland values.

(4)

Waiver. The Commission may waive a performance standard set forth in these Bylaws. The person requesting a waiver of a performance standard shall have the burden of demonstrating by clear and convincing evidence that:

(a)

there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said Bylaw;

(b)

avoidance, minimization and mitigation have been employed to the maximum extent practicable and the proposed work, including all mitigation measures, and the natural and consequential cumulative effects of the work, will have no significant adverse effects upon any of the Bylaw wetland values;

(c)

the project provides benefits a demonstrable public interest; and

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(d)

the project is otherwise in compliance with this Bylaw.

(5)

Waiver for Rare Species Habitat. Notwithstanding above, where the project limit of work is within or abuts an estimated rare species habitat as designated on the most current map prepared by the Massachusetts Natural Heritage & Endangered Species Program (NHESP), the Commission shall be diligent in its review of the proposed activity. The Commission may consider waiving the rare species performance standard when the following conditions are met in addition to the requirements in the Bylaw. The Applicant for a waiver of a performance standard shall have the burden of demonstrating by clear and convincing evidence that:

(a)

The MA Natural Heritage and Endangered Species Program (NHESP) has been consulted, and has issued a formal determination, prior to filing a request with the Commission; and

(b)

The project has been designed in accordance with any formal determination of the NHESP to address the standards in the MA Endangered Species Act and its implementing regulations at 321CMR 10.00; and

(c)

At least 14 days prior to the public hearing, the Applicant must provide to the Commission the NHESP determination and accompanying comments. The Commission cannot close the hearing until the NHESP has been consulted and has submitted written comments.

## XII. Appeals

A decision of the Commission shall be reviewable in the Superior Court in accordance with G.L. Ch. 249-4


## XIII. Relationship to the Wetlands Protection Act

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (G.L. Ch. 131) and Regulations (310 CMR 10.00) hereunder.

## XIV. Severability

The invalidity of any section or provision of this bylaw shall not invalidate any

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other section or provision thereof, nor shall it invalidate any permit or determination, which previously has been issued.

Amendments - Warrant article # 21 from 2002 meeting " To see if the Town will vote to approve the Dighton Conservation Commission proposal changes in the following paragraph of its bylaws from: Any person who violates any provision of this bylaw, or regulations, permits, or administrative orders issued hereunder, shall be punished by a fine or not more than \$300. Each day or portions thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permits, or administrative orders violated shall constitute a separate offense. To read as follows: Any person, who violates any provision of this bylaw, or regulations, permits, or administrative orders issued hereunder, shall be punished by a fine of \$300. Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permits, or administrative orders violated shall constitute a separate offense. The purpose of this change is to comply with the recommendations made by the Office of the Attorney General, or act thereon.

#### XV. Exceptions

##### A.

The application and permit required by this chapter shall not be required for work performed for normal maintenance or improvement of land in agricultural use as defined by the Wetlands Protection Act Regulations at 310 CMR 10.04. Provided, however, nothing contained within this provision shall prohibit the Commission from exercising its full enforcement powers under this chapter and the Wetlands Protection Act should it determine the activity is not normal maintenance or improvement of land in agricultural use.

##### B.

The permit and application required by this chapter shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunication services, provided that the structure or facility is not substantially changed or enlarged, provided that written notice has been given to the Commission prior to

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commencement of work, and provided that the work conforms to performance standards and design specifications in adopted by the Commission.

C.

The permit and application required by this chapter shall not apply to emergency projects necessary for the protection of the health or safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof, provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement, provided that the Conservation Commission or its agent certifies the work as an emergency project, provided that the work is performed only for the time and place certified by the Conservation Commission for the limited purposes necessary to abate the emergency, and provided that within 21 days of commencement of any emergency project a permit application shall be filed with the Commission for review as provided in this chapter. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

D.

The exceptions provided in the Wetland Protection Act[1] and regulations, 310 CMR 10.02(2), shall apply under this chapter.

XVI. Fees

<u>Request</u>	<u>Fee</u>
<u>Abbreviated Notice of Resource Area Delineation (includes 1 Site Inspection)</u>	<u>\$150</u>
<u>Notice of Intent Fee (includes 1 Site inspection)</u>	<u>\$150</u>
<u>Additional Site Inspection</u>	<u>\$50</u>
<u>Amended Orders of Conditions (Includes 1 Site Inspection)</u>	<u>\$100</u>

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*Shana Costa*

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<u>Request to Extend Order of Conditions</u>	<u>\$100</u>
<u>Request for a Certificate of Compliance (Includes 1 Site Inspection)</u>	<u>\$50</u>
<u>Replacement of an Original Order of Conditions</u>	<u>\$50</u>
<u>After the Fact Filing</u>	<u>\$250</u>

**Motion to Amend Passes:** On Motion of Nancy Goulart and seconded, Mr. Moderator, move to make minor amendment page 8. Section V. Coordination with other Boards, my amendment is that where it says starting with the underscored and highlighted Selectmen, planning board, board of health, building inspector, that Stormwater Committee be inserted before and Highway Superintendent.

**ARTICLE 25. VOTED UNANIMOUSLY:** On Motion of Peter Caron and seconded, Mr. Moderator, I move that the Town vote to amend the Town of Dighton General Bylaws by adding a new Bylaw to establish a designated school zone in the area of the Bristol County Agricultural High School as outlined in Article 25 of the Special Town Meeting Warrant of November 14, 2024.

### *Board of Selectmen Recommends*

#### **Section 1: Purpose and Intent**

The purpose of this bylaw is to establish a designated school zone in the area of the Bristol County Agricultural High School to enhance the safety of students and school personnel. This bylaw authorizes the Town to regulate traffic speed, install signage, and enforce safety measures within the school zone to protect the well-being of students and community members.

#### **Section 2: Definitions**

For the purposes of this bylaw:

- "School Zone" refers to any designated area on a public road within 300 feet of school property where traffic regulations are established to ensure safety.
- "School" refers to any public or private educational institution, including elementary, middle, and high schools, as well as preschools, located within the municipality.

#### **Section 3: Designation of School Zones**

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1. The Town hereby designates the area surrounding Bristol County Agricultural High School at 135 Center Street as a School Zone.
2. The limits of the School Zone shall extend from the intersection of Center Street and Route 138 to the Dighton / Berkley Town Line or as determined by the Dighton Highway Department based on proximity to the school property and student crossing patterns.
3. School Zones may be expanded, modified, or removed as necessary, following an assessment and approval by the Board of Selectmen.

#### **Section 4: Traffic and Safety Regulations**

1. Speed Limits: The speed limit within the School Zone shall not exceed 20 miles per hour during school hours or at times when children are present, as indicated by posted signage.
2. Signage and Road Markings: The Town shall install and maintain appropriate signage and road markings indicating the beginning and end of the School Zone, along with other relevant safety information.
3. Pedestrian Safety: Crosswalks and other pedestrian facilities shall be installed and maintained within the School Zone as deemed necessary by the Dighton Highway Department.

#### **Section 5: Enforcement**

1. The Dighton Police Department is authorized to enforce all regulations and provisions within the School Zone.

#### **Section 6: Severability**

If any section, provision, or part of this bylaw is determined to be invalid or unenforceable, such determination shall not affect the remaining provisions, which shall remain in full force and effect.

#### **Section 7: Effective Date**

This bylaw shall take effect upon approval by ~~Select-Board~~ Board of Selectmen and, where required, by the Attorney General of Massachusetts, and upon posting in accordance with state law.

**Motion to Amend Passes:** On Motion of Nancy Goulart and seconded, Mr. Moderator, I move to make a minor amendment page 16 section 7 Effective Date This Bylaw shall take effect upon approval by Board of Selectmen and, where required, by the Attorney General of Massachusetts, and upon posting in accordance with state law.

**ARTICLE 26. Motion Passes:** On Motion of Paul Reynolds and seconded, Mr. Moderator, I move that the Town will vote pursuant to the provisions of General Laws Chapter 40, Section 58 to authorize a municipal charges lien on real property located within the Town for certain

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Town charges, namely any charge payable to the Town resulting from fines issued by the Conservation Commission under the Conservation By-Law, or Wetland Protection Act (G.L.Ch.131§40) and Regulations hereunder (310 CMR 10.00).

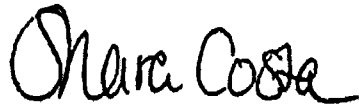
*Board of Selectmen Recommends*

**ARTICLE 27. VOTED UNANIMOUSLY:** On Motion of Mark Pacheco and seconded, Mr. Moderator, I move that the Town vote to accept the provisions of Massachusetts General Laws Chapter 33, Section 59 which provides that Town employees serving in the armed forces of the Commonwealth, or a reserve component of the armed forces of the United States, shall be entitled to receive pay without loss of ordinary remuneration (certain pay and benefits) as a public employee during service in the uniformed service.

*Board of Selectmen Recommends*

**ARTICLE 28. VOTED UNANIMOUSLY:** On Motion from floor and seconded, to dissolve the Special Town Meeting.

ATTEST:



Respectfully Submitted,  
Shara A. Costa  
Town Clerk

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