

Justin Paré, President
John Simmons, Vice President
John Costello
Daniel Donovan
Mark Gould, Jr.



Darius Gregory
Andrew Shanahan
Andrea Slobogan
Patricia St. Pierre

Town of North Attleborough
TOWN COUNCIL
43 South Washington St, North Attleboro
Phone: (508) 699-0100

PUBLIC MEETING

MARCH 11, 2024 at 7:00 PM
TOWN HALL LOWER-LEVEL CONFERENCE ROOM
43 South Washington Street

I. Pledge Of Allegiance

II. Approval Of Minutes

- a. Approval of Town Council Minutes of February 11, 2024

III. Town Councilor Community Announcements

IV. Town Manager's Report

[*TOWN MANAGER'S REPORT*](#)

V. Resident And Community Comment

VI. Confirmations

- a. Measure 2024-071-Confirmation of Appointment of Sasha Cuerda as an Alternate for the Zoning Board of Appeals

Documents:

[*MEASURE 2024-071-CONFIRMATION OF APPOINTMENT OF SASHA CUERDA.PDF*](#)

VII. Sub-Committee Reports

- a. Finance
 - i. Measure 2024-067-Approval to reallocate remaining funds from previously bonded/borrowed Capital Projects to be used for the Richards Memorial Library Refurbishment

Documents:

[*MEASURE 2024-067-APPROVAL TO REALLOCATED FUNDS FOR RML REFURBISHMENTS.SIGNED.PDF*](#)

- ii. Measure 2024-068- Approval to establish a Special Education Stabilization Fund

Documents:

[*MEASURE 2024-068-APPROVAL TO ESTABLISH A SPECIAL EDUCATION STABILIZATION FUND.SIGNED.PDF*](#)

- iii. Measure 2024-069- Approval to transfer \$60,000.00 FY24 Free Cash to the Special Education Stabilization Fund-AMENDED

Documents:

[*MEASURE 2024-069- APPROVAL TO TRANSFER OF 60,000 FY24 FREE CASH TO SPECIAL EDUCATION FUND.AMENDED.SIGNED.PDF*](#)

b. Economic Growth & Sustainability

c. By-Law

i. FIRST READING:

- 1. Measure 2024-064- That the Town Council amend the North Attleborough Zoning Bylaws, Chapter 290, Section 54, Schedule B, Principal use Agriculture #5 Commercial Stables, Kennels... and Selected words and terms; Animal Kennel, or Hospital.

Documents:

[*MEASURE 2024-064-THAT THE TOWN AMEND THE NORTH ATTLEBOROUGH ZONING BY-LAWS, ANIMAL KENNELS.SIGNED.COMPLETE.PDF*](#)

ii. FIRST READING:

- 1. Measure 2024-065- To See if the Town Council will vote to amend the North Attleborough Bylaws, Chapter 108, Animals

Documents:

[*MEASURE 2024-065-TO SEE IF TOWN COUNCIL WILL VOTE TO AMEND THE NA BYLAWS CHPT. 108,ANIMALS.SIGNED.COMPLETE.PDF*](#)

d. Rules

- i. Measure 2024-020- Approval to Establish Regular Scheduled Town Council Sub-Committee Meetings

Documents:

[*MEASURE 2024-020- APPROVAL TO ESTABLISH REGULAR SCHEDULED TOWN COUNCIL SUB-COMMITTEE*](#)

- e. School Committee Representative
- f. Communication, Public Participation & Engagement
- g. Local Emergency Planning

VIII. Old Business

- a. Measure 2024-072-Authorization to approve a New Request for Bid Sale of Real Property for the parcels of land only, located at both 35 Johnson St. and 35 Whiting St.

Documents:

[*MEASURE 2024-072-AUTHORIZATION TO APPROVE A NEW REQUEST FOR BID SALE FOR 35 JOHNSON AND 35 WHITING ST..PDF*](#)

IX. New Business

- a. Measure 2024-073-To Authorize the transfer of \$50,000.00 from the Public Buildings Full Time Salaries Account to the Town Attorney Account

Documents:

[*MEASURE 2024-073-AUTHORIZE TRANSFER OF 50,000 TO TOWN ATTORNEY ACCOUNT.PDF*](#)

X. Executive Session

- a. M.G.L. c.30A, Sec.21(a) To discuss the deployment of, or strategy regarding security personnel or devices, e.g., a sting operation.
- i. Measure 2024-062 Safety & Security Project

Documents:

[*MEASURE 2024-062-SAFETY SECURITY PROJECT.SIGNED.PDF*](#)

XI. Adjournment

Paper copies of Measures can be obtained at the Town Manager's Office at the North Attleborough Town Hall between the hours of 8:00AM-6:00PM on Monday, 8:00AM-4:00PM Tuesday through Thursday, and Friday 8:00AM -12:00PM.

*Hardcopies of all "Voted Measures" can be obtained in the Town Clerk's Office at the North Attleborough Town Hall between the hours of 8:00AM-6:00PM on Monday, 8:00AM-4:00PM Tuesday through Thursday, and Friday 8:00AM -12:00PM upon request. *



Measure #: 2024-071

TOWN COUNCIL MEASURE SUBMITTAL

Date: 2/11/2024

Submitted By: Town Manager

Telephone #: 508-699-0100

MEASURE DESCRIPTION:

Confirmation of Appointment of Sasha Cuerda as an Alternate for the Zoning Board of Appeals. Term to expire 6/27/2027.

Signed:

Michael Borg

Digitally signed by Michael Borg
DN: cn=US, ou=Town Manager, cn=Michael Borg, email=miborg@nattleboro.com
Reason: I am the author of this document
Location:
Date: 2024.03.07 15:04:20-0500
Post PDF Editor Version: 12.0.0

PURPOSE AND JUSTIFICATION:

An interview with Sasha Cuerda of 778 Old Post Road, North Attleborough, MA was completed with the Town Manager to serve as an Alternate for the Zoning Board of Appeals. After a favorable interview, I recommend him for appointment.

Therefore, I respectfully request the Town Council confirm the appointment of Sasha Cuerda as an Alternate for the Zoning Board of Appeals. His Term will expire on June 30, 2027.

SPECIAL REQUIREMENTS:

ATTACHMENTS: Application

REFER TO SUB-COMMITTEE:

Measure #: 2024-071

TOWN COUNCIL MEASURE SUBMITTAL

Date: 2/11/2024	Submitted By: Town Manager	Telephone #: 508-699-0100
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PURPOSE AND JUSTIFICATION CONTINUED:



Measure #: 2024-067

TOWN COUNCIL MEASURE SUBMITTAL

Date: 2/26/2024

Submitted By: Town Manager

Telephone #: 508-699-0100

MEASURE DESCRIPTION:

Approval to reallocate remaining funds from previously bonded/borrowed Capital Projects in the amount of \$859,669.81 and to transfer from FY24 Free Cash in the amount of \$12,180.19. The total amount of \$871,850.00 to be used for the Richards Memorial Library Refurbishment

Signed:

Michael Borg

Digitally signed by Michael Borg
DN: cn=US, o=Town Manager, cn=Michael Borg, email=mm@nab.org
Reason: I am the author of this document
Date: 2024.02.23 12:09:28-0500
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PURPOSE AND JUSTIFICATION:

Approval to reallocate remaining funds from previously bonded Capital Projects to be used for the Richards Memorial Library Refurbishment from the following accounts:

Funding Sources:	Amount:	Account:
Town Phone System Upgrade-M2021-053	\$38,465.93	31155153/585012
Rehab Falls Dam-A6/16ATM	\$78,332.69	31171267/584003
Repair Lighting Town Hall-A6C/20ATM	\$110,000.00	31192287/581502
Repair Ceiling Tile Town Hall- A6C/20ATM	\$150,000.00	31192287/582030
Engine 4 Replacement-M2021-053	\$10,849.79	31220153/585104
Engine 6 Replacement-A8/14JTM	\$411.52	31220261/585104
Fire ST2 Heating System-A6/15ATM	\$478.11	31220263/584007
Highway Salt Shed-A6C/18ATM	\$117.96	31422278/582025
Chestnut St. Bridge-A6C/18ATM	\$471,013.81	31422278/586208
Total:	\$859,669.81	

As well as approval to transfer FY24 Free Cash in the amount of \$12,180.19.

Therefore, I respectfully request that the Town Council approve the reallocation of remaining funds from previously bonded/borrowed Capital Projects in the amount of \$859,669.81 and to transfer from FY24 Free Cash in the amount of \$12,180.19. The total amount of \$871,850.00 to be used for the Richards Memorial Library Refurbishment.

SPECIAL REQUIREMENTS:

ATTACHMENTS:

REFER TO SUB-COMMITTEE: Finance

Measure #: 2024-067

TOWN COUNCIL MEASURE SUBMITTAL

Date: 2/26/2024

Submitted By: Town Manager

Telephone #: 508-699-0100

PURPOSE AND JUSTIFICATION CONTINUED:



Measure #: 2024-068

TOWN COUNCIL MEASURE SUBMITTAL

Date: 2/26/2024

Submitted By: Town Manager

Telephone #: 508-699-0100

MEASURE DESCRIPTION:

Approval to establish a Special Education Stabilization Fund

Signed:

Michael Borg

Digitally signed by Michael Borg
DN: cn=Michael Borg, o=North Attleborough, ou=North Attleborough, email=mborg@nattleboro.com
Reason: I am the author of this document
Location:
Date: 2024.02.23 06:49:10 -0500
Fixed PDF Editor Version: 12.0.0

PURPOSE AND JUSTIFICATION:

I respectfully request the Town Council vote to establish a Special Education Stabilization Fund pursuant to MGL Chapter 40, Section 5B; the funding of which and any appropriation(s) from shall be authorized by vote of the legislative body of the Town (the Town Council).

SPECIAL REQUIREMENTS:

ATTACHMENTS:

REFER TO SUB-COMMITTEE: Finance

Measure #: 2024-068

TOWN COUNCIL MEASURE SUBMITTAL

Date: 2/26/2024

Submitted By: Town Manager

Telephone #: 508-699-0100

PURPOSE AND JUSTIFICATION CONTINUED:



Measure #: 2024-069

TOWN COUNCIL MEASURE SUBMITTAL

Date: 2/26/2024

Submitted By: Town Manager

Telephone #: 508-699-0100

MEASURE DESCRIPTION:

Approval to transfer \$60,000.00 of FY24 Free Cash to the Special Education Stabilization Fund.
AMENDED

Signed:

Michael Borg

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DN: cn=Michael Borg, o=North Attleborough
Reason: I am the author of this document
Date: 2024.02.23 09:10:06-0500
First PDF Editor Version: 12.0.0

PURPOSE AND JUSTIFICATION:

Purpose: The purpose of funding the Special Education Stabilization Fund with FY24 Free Cash is to:

1. Ensure continuity of services through the uninterrupted delivery of special education services to students with disabilities, irrespective of financial uncertainties.
2. Address unforeseen costs and expenses that arise due to fluctuations in special education needs.
3. Enhance our flexibility and responsiveness within the school district with the flexibility to respond promptly to emerging special education needs without the need for immediate budget reallocations or cuts to other essential services.

Justification: The need for allocating funds to the Special Education Stabilization Fund is underscored by several critical factors:

1. Rising Costs: The cost of providing high-quality special education services is steadily increasing, driven by the need for specialized staff, tailored educational materials, and technology-enhanced learning aids.
2. Enrollment Variability: The number of students requiring special education services can fluctuate significantly from year to year, leading to unpredictable budgetary pressures.
3. Regulatory Compliance: Federal and state mandates require that all students with disabilities receive a free and appropriate public education in the least restrictive environment, necessitating sufficient funding to comply with these legal obligations.

Community Impact: Investing in the Special Education Stabilization Fund reinforces the community's commitment to supporting all its members, ensuring that students with disabilities have equal opportunities to succeed and contribute to the community.

Therefore, I respectfully request the Town Council vote to transfer \$60,000.00 FY24 Free Cash to the Special Education Stabilization Fund.

SPECIAL REQUIREMENTS:

ATTACHMENTS:

REFER TO SUB-COMMITTEE: Finance

Measure #: 2024-069

TOWN COUNCIL MEASURE SUBMITTAL

Date: 2/26/2024	Submitted By: Town Manager	Telephone #: 508-699-0100
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PURPOSE AND JUSTIFICATION CONTINUED:



Measure #: 2024-064

TOWN COUNCIL MEASURE SUBMITTAL

Date: 2/26/2024	Submitted By: Town Manager	Telephone #: 508-699-0100
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MEASURE DESCRIPTION:

That the Town Council amend the North Attleborough Zoning Bylaws, Chapter 290, Section 54, Schedule B, Principal use Agriculture #5 Commercial Stables, Kennels... and Selected words and terms; Animal Kennel, or Hospital.

Signed:

Michael Borg

Digitally signed by Michael Borg
DN: cn=Michael Borg, o=North Attleborough, ou=Town Manager, email=Michael.Borg@nattleboro.com
Reason: I am the author of this document
Date: 2024.02.23 08:40:42-0500
File: PDF Editor Version 12.0.0

PURPOSE AND JUSTIFICATION:

To clarify and expand the definitions of Kennels in the Zoning Board of Appeals By-law language. That the Town Council vote to amend the North Attleborough Zoning Bylaws, Schedule B, Principal Use, Agriculture.

See recommendations (in red print) for proposed amendments attached)

This measure will be referred to the Bylaw Subcommittee and the Planning Board. The Planning Board is required to have a Public Hearing. The Town Council is required to have a First Reading, and then a Public Hearing with a Second Reading and Vote on the amended Zoning Bylaws.

Therefore, it is respectfully requested that the Town Council amend the North Attleborough Zoning Bylaws, Chapter 290, Section 54, Schedule B, Principal Use Agriculture #5 Commercial Stables, Kennels... and Selected words and terms; Animal Kennel, or Hospital.

SPECIAL REQUIREMENTS: This measure requires 2 readings and a public hearing

ATTACHMENTS: Proposed Amendment to Zoning By-Laws

REFER TO SUB-COMMITTEE: Bylaw Subcommittee and Planning Board

Measure #: 2024-064

TOWN COUNCIL MEASURE SUBMITTAL

Date: 2/26/2024	Submitted By: Town Manager	Telephone #: 508-699-0100
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PURPOSE AND JUSTIFICATION CONTINUED:

ZONING BYLAW DEFINITIONS AMENDMENT

§ 290-54 Selected words and terms.

The following definitions shall be applied in determining the meaning of words and terms in this bylaw:

ABANDONMENT

The cessation of a nonconforming use as indicated by the visible or otherwise apparent intention of an owner to discontinue a nonconforming use of a structure or lot; or the removal of the characteristic equipment or furnishings used in the performance of the nonconforming use without its replacement by similar equipment or furnishings; or the replacement of a nonconforming use or structure by a conforming use or structure.

ACCESSORY BUILDING

A subordinate building located on the same lot with the principal building or use, the use of which is customarily incidental to that of the main building or the use of the land.

ACCESSORY USE

A use customarily incidental to that of the principal building or use of the land, and located on the same lot as such principal building or use. Swimming pools shall be considered an accessory use and shall be treated as a structure in regard to setbacks and side yard requirements.

ADULT BOOKSTORE

An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, and other adult matter which is distinguished or characterized by its emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31. For the purposes hereof, the words "substantial or significant" shall mean more than 25% of the establishment's inventory of stock or more than 25% of the establishment's gross floor area.

ADULT CABARET

A nightclub, bar, restaurant, tavern, dance hall, or similar commercial establishment which regularly features:

- A. Persons who appear in a state of nudity; or
- B. Live performances which are characterized by an emphasis depicting anatomical areas specified as less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola, and human genitals in a state of sexual arousal, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31; or
- C. Films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of anatomical areas specified as above, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31.

ADULT MATTER

Any printed material, visual representation, live performance or sound recording, including, but not limited to, books, magazines, motion-picture films, pamphlets, phonographic records, pictures, photographs, videos, computer software, computer discs, laser discs, figures, statues, plays, or dances which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31.

ADULT MOTION-PICTURE THEATRE

An enclosed building used for presenting material distinguished by an emphasis on adult matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31.

ADULT PARAPHERNALIA STORE

An establishment having as a substantial or significant portion of its stock devices, objects, tools, toys, or other adult matter which is distinguished or characterized by its association with sexual activity, including sexual conduct or sexual excitement as defined in MGL c. 272, § 31. For the purposes hereof, the words "substantial or significant" shall mean more than 25% of the establishment's inventory of stock or more than 25% of the establishment's gross floor area.

ADULT RETIREMENT COMMUNITY (ARC)

A development subject to the age restriction and the other standards set forth in § 290-33, as authorized by special permit and the special permit granting authority. All of the land within an ARC shall be within one, or a combination of, the R-10, R-10S, R-15 or R-20 Districts.

ADULT VIDEO STORE

An establishment having a substantial or significant portion of its stock-in-trade videos, movies, or other film material, or other adult matter which is distinguished or characterized by its emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31. For the purposes hereof, the words "substantial or significant" shall mean more than 25% of the establishment's inventory of stock or more than 25% of the establishment's gross floor area.

ALTERATIONS

As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or as enlargement whether by extending on a side or by increasing in height, or the moving from one location or position to another.

ANIMAL FEEDLOT

A plot of land on which ten or more livestock per acre are kept for the purposes of feeding.

~~**ANIMAL KENNEL OR HOSPITAL**~~

~~A structure used for the harboring and/or care of more than three dogs that are more than six months old, whether commercially operated or not.~~ **REMOVE**

APARTMENTS

A building containing more than two dwelling units complete with kitchen facilities and bath.

AQUIFER

A geologic formation, group of formations or part of a formation which contains sufficient saturated permeable material to yield significant quantities of potable ground water to public or private wells.

AREA, BUILDING

The total of areas taken on a horizontal plane at the largest floor level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

AREA, NET SITE

The total area within the property lines, excluding external streets.

ASSISTED LIVING FACILITY

A residential development offering a special combination of housing, personalized supportive services as defined by MGL c. 19D and health care designed to respond to the individual needs of those who need help in activities of daily living.

BASEMENT

A portion of a building partially below grade which has less than 1/2 of its height, measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building. A basement shall not be considered a story unless its ceiling is four feet or more above the average finished grade.

BOARDINGHOUSE

A building containing four or more boarding units.

BOARDING UNIT

One or more rooms for the semipermanent use of one, two, or three individuals not living as a single housekeeping unit and not having cooking facilities. A boarding unit shall include rooms in boardinghouses, lodging houses, tourist homes or rooming houses. It shall not include convalescent, nursing or rest homes; dormitories or charitable, educational or philanthropic institutions; or apartments or hotels.

BUILDING

A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels. When separated by division walls from the ground up without openings, each portion of such building shall be deemed a separate building.

BUILDING COVERAGE

The building area expressed as a percent of the net site area.

BUILDING HEIGHT

The vertical distance measured from the average finished grade of the adjacent ground to the highest part on the roof surface, if a flat roof; to the deck lines of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof.

BUILDING, DETACHED

A building completely surrounded by open space on the same lot.

BUILDING, FRONT LINE OF

The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

BUILDING, PRINCIPAL

A building in which is conducted the principal use of the lot on which it is situated. In any residential district, a dwelling or apartment shall be deemed to be a main building on the lot on which the same is situated.

BULK STORAGE

Exposed outside storage of sand, lumber, coal, or other bulk materials, and storage of liquids in tanks, except underground, as an accessory use.

BUSINESS OFFICE

Facility for the transaction of business exclusive of the receipt, retail sale, or processing of merchandise.

BUSINESS PARK

An area planned, developed and managed as a unit for occupancy by more than one office and/or light industrial building with the option of shared common areas and/or parking.

CELLAR

A portion of a building, partly or entirely below grade, which has half or more than 1/2 of its height, measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building. A cellar is not deemed a story.

CEMETERY

Premises for the cremation and/or burial of the dead, including embalming facilities.

CERTIFICATE OF OCCUPANCY

A certificate issued by the Building Inspector authorizing the occupancy and the use of land and/or structures and buildings.

[Amended 8-29-2023 by Measure No. 2023-079]

CLUB

Premises or building of a nonprofit organization exclusively servicing members and their guests for recreational, athletic, or civic purposes, but not including any vending stands, merchandising, or commercial activities except as required generally for the membership and purposes of such club. Does not include golf clubs or sportsmen's club as elsewhere defined, or clubs or organizations whose chief activity is a service customarily carried on as a business.

COMMERCIAL ANIMAL ESTABLISHMENT

Any pet shop, grooming shop, riding school or stable, boarding or breeding kennels, or any establishment selling or harboring animals.

COMMERCIAL BOARDING OR TRAINING OR DOGGIE DAYCARE KENNEL

An establishment used for boarding, holding, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under MGL c. 129, § 39A, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards and cares for animals owned by others.

COMMERCIAL BREEDER KENNEL

An establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.

CONTRACTOR'S YARD

Premises used by a building contractor or subcontractor for storage of equipment and supplies, fabricating of subassemblies, and parking of wheeled equipment.

DISPOSAL

The deposit, injection, dumping, spilling, leaking, incineration or placing of any hazardous material into or on any land or water so that such hazardous material or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground water.

DISTRIBUTION

On-site storage of a material or product for shipment or transportation to another site or sites.

DRIVE-THROUGH ESTABLISHMENT

A commercial establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles, so as to provide sales and/or services directly to patrons inside their motor vehicles, or where patrons drive motor vehicles onto the premises to a window or mechanical device, through or by which the customers are serviced without exiting their vehicles.

DRIVE-THROUGH WINDOW

A service window within an establishment designated and intended to be used to provide for sales and/or service to patrons who remain in their vehicles.

DRIVEWAY

An area, located on a lot, which is not more than 25 feet in width built for access to a garage, or off-street parking or loading space.

[Amended 8-29-2023 by Measure No. 2023-079]**DWELLING**

A privately or publicly owned permanent structure which is occupied in whole or part as a home, residence, or sleeping space of one or more persons. The terms "one-family," "two-family," or "multifamily" shall not include hotel, lodging house, hospital, membership club, mobile home, or dormitory.

DWELLING CONVERSION

Change in construction or occupancy of a dwelling to accommodate families in addition to the number by which it was previously occupied.

DWELLING, MULTIFAMILY

A structure occupied by three or more families living independently of each other.

DWELLING, SINGLE-FAMILY

A detached building occupied by a single family and having no party wall or walls in common with an adjacent structure.

DWELLING, TWO-FAMILY

A detached building designated for two families.

EARTH REMOVAL

Extraction of sand, gravel, topsoil, or other earth for sale or for use at a site removed from the place of extraction, exclusive of the grading of a lot preparatory to the construction of a building for which a building permit has been issued, or the grading of streets in accordance with an approved definitive plan.

ELDERLY

A person who is at least 60 years of age or, if under 60, must be receiving SSI benefits.

ERECT

To build, construct, reconstruct, or conduct any physical development of the premises required for a building. To excavate, fill, drain, and the like preparation for building shall also be considered to erect.

ESSENTIAL SERVICES

Services provided by public utility or governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply or disposal systems whether underground or overhead. Facilities necessary for the provision of essential services include poles, wires, drains sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith. Specifically excluded from this definition are buildings necessary for the furnishing of adequate service by such public utility or governmental agencies for the public health, safety, or general welfare.

FAMILY

An individual or two or more persons related by blood, marriage, or legal adoption living as a single housekeeping unit and including necessary domestic help such as nurses or servants and further including not more than three lodgers or roomers taken for hire. A group of individuals not related by blood, marriage, or legal adoption but living together as a single housekeeping unit may constitute a family. For purposes of controlling residential density, each such group of four individuals shall constitute a single family.

FARM, CROP

Premises used for garden produce raised for commercial sale.

FARM, STOCK

Premises used for raising of livestock, fur-bearing animals, or fowl. This classification shall be interpreted to include all farm products other than crops.

FARM, PIG

Premises used for the raising of pigs.

FLOODLINE

The limits of flooding from a particular body of water caused by a storm whose frequency of occurrence is one year in 100 years, as determined and certified by a registered professional engineer qualified in drainage.

FLOODWAY

The area subject to periodic flooding, the limits of which are determined by the floodline.

FLOOR AREA, MAXIMUM

The total floor area of a building or buildings upon the same lot, including all floors but excluding the cellar.

FUNERAL HOME

Facility for the conduct of funerals and related activities such as embalming.

GARAGE, PRIVATE

A private garage or storage area used as an accessory to a single residential dwelling for parking or storage by automobiles shall not exceed a capacity of three automobiles, unless authorized by the Zoning Board of Appeals.

GOLF COURSE

An unlighted area of at least 30 acres, with nine or more standard holes and customary accessory buildings.

GROUNDWATER

All the water beneath the surface of the ground.

GUESTHOUSE, COMMERCIAL

A dwelling of single-family character in which not more than four individual rooms are offered for rent, for the primary purpose of furnishing overnight lodging to tourists.

GUESTHOUSE, PRIVATE

A detached or semidetached building located upon the same lot with a one-family dwelling, containing no more than 250 square feet and not containing cooking facilities, the use of said building being limited to the entertainment of relatives and friends without fee or other costs.

HAZARDOUS MATERIALS

Any substance or combination of substances, including any liquid petroleum product, that because of quantity, concentration or physical, chemical or infectious characteristics poses a significant present or potential hazard to water supplies or to human health if disposed of into or on any land or water in the Town. Any substance deemed a "hazardous waste" in MGL c. 21C and MGL c. 21E and 310 CMR 30.00 shall also be deemed a hazardous material for purposes of this Zoning Bylaw.

HAZARDOUS WASTE

A waste, or combination of wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in serious illness or pose a substantial present or potential hazard to human health, safety or welfare or to the environment (excluding domestic sewage or industrial discharges under valid permits).

HAZARDOUS WASTE FACILITY

A site or works for the storage, treatment, disposal or other processes where hazardous wastes can be stored, treated or disposed of (excluding municipal or industrial wastewater treatment facilities).

HOME OCCUPATION

An occupation or a profession which:

- A. Is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; and
- B. Is carried on by a member of the family residing in the dwelling unit.

HOSPITAL

Facility for the care and treatment of patients, as licensed by the Massachusetts Department of Public Health.

HOTEL

Premises used as individual sleeping or dwelling units without kitchens, with primary access to each unit through enclosed corridors.

IMPERVIOUS SURFACES

Materials or structures on or above the ground that do not allow precipitation to infiltrate the underlying soil.

INDUSTRIAL BUILDING

An enclosed structure whose original purpose is for manufacturing or storage.

JUNK

Any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk. Unregistered inoperative automobiles stored outdoors for more than six months shall be considered junk.

JUNKYARD

The use of any area of any lot, whether inside or outside a building, for the storage, keeping, or abandonment of junk, or scrap or discarded materials, or the dismantling, demolition or abandonment of automobile(s) or other vehicle(s) or machinery or parts thereof.

LANDSCAPING

Unoccupied space open to the sky on the same lot with a building, free of all structures, pavement or other uses that preclude landscaping, maintained with grass or other plant material.

LEACHABLE WASTE

Waste materials, including solid wastes, sewage, sludge and agricultural wastes, that are capable of releasing water-borne contaminants to the surrounding environment.

LIGHT INDUSTRIAL BUILDING

A building used for light industry.

LIGHT INDUSTRY

The assembly of fabricated materials to create another normally more complex product.

LOT

A parcel of land either occupied or vacant, or to be occupied by a building or group of buildings and accessory building and used together with such yards and other open spaces as are required by the bylaw. A lot may be land so recorded in a deed or on a plat of record, or it may include parts of, or a combination of, such lots when adjacent to one another, provided such ground is used for one improvement. All lots shall front on and have ingress and egress by means of a street or right-of-way.

LOT FRONTAGE

That portion of a lot fronting upon and having access to a street. Lot frontage shall be measured continuously along the front lot line along one street between side lot lines or, in the case of corner lots, between one side lot line and the midpoint of the corner radius. Access to the buildable portion of a lot shall be from the street declared as frontage unless access from another boundary is deemed necessary by the Planning Board. A street claimed as frontage must be paved unless deemed acceptable by the Planning Board after receiving input from the Building Inspector and Department of Public Works and other Town personnel as may be affected. Unpaved or gravel roads must be approved by the Planning Board.

[Amended 8-29-2023 by Measure No. 2023-079]

LOT LINES

The lines bounding a lot as defined herein.

- A. **LOT LINE, FRONT**The property line dividing a lot from a street right-of-way.
- B. **LOT LINE, REAR**The lot line opposite from the front lot line.
- C. **LOT LINE, SIDE**Any lot line not a front or rear lot line.

LOT, CORNER

A lot which has an interior angle of less than 135° at the intersection of two street lines. A lot abutting a curved street shall be considered a corner lot if the tangents to the curve at the point of intersection of the side lot lines intersect at an interior angle of less than 135°.

LOT, DEPTH

The mean horizontal distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

LOT, WIDTH OF

The horizontal distance between the side lot lines as measured parallel to the front lot line.

MANUFACTURED STEEL STORAGE CONTAINER, PORTABLE

Any vehicle, trailer, or container, either with or without wheels, that has no motive power of its own but which can be drawn by, or placed on, or used in connection with a motor vehicle, excluding a solid waste container.

MANUFACTURING

The fabrication of raw materials, construction or assembly of a product.

MIXED USE

Two or more uses occupying the same structure or lot, each of which is independent of and unrelated to the other.

MIXED-USE BUILDING

A building which contains dwellings located above the ground floor of an institutional, civic, office, commercial or retail use.

MIXED-USE DEVELOPMENT

A compact urban development which integrates a variety of land uses, including residential, office, commercial, service and employment, and can result in measurable reductions in traffic impacts.

MOBILE STRUCTURE

A movable structure designed for year-round occupancy used for office or other nonresidential activity.

MOBILE HOME

A movable or portable dwelling built on a chassis, connected to utilities and designed without a permanent foundation for year-round living.

MOBILE HOME PARK

Privately owned land upon which two or more mobile homes are or are intended to be parked and occupied as dwellings.

MOTEL or MOTOR COURT

Premises used as individual sleeping or dwelling units without kitchens, with primary access from each unit directly outdoors. The building or group of buildings may be either detached or in connected units. The term "motel" includes buildings designated as tourist courts, motor lodges, cabins, and by similar appellations.

MOTOR VEHICLE, BOAT, AND FARM IMPLEMENT SALES OR RENTAL

Premises with first and/or second class license for new and/or used auto sales, or for auto rentals or similar establishments for boat or farm implement sales. Includes service and repair facilities.

MUNICIPAL USE

Premises used for any operation by the Town government.

NONCONFORMING STRUCTURE

A building, structure, or portion thereof, lawfully existing and used at the time this bylaw became effective, which was designed, erected, or structurally altered for a use that does not conform to the regulations of the district in which it is located; or a building, structure or portion thereof which does not conform to the regulations of area, lot coverage, height, yards, or other characteristics or location in the lot, in the district in which it is located.

NONCONFORMING USE

A use which lawfully occupied a building, or portions thereof, or land at the time this bylaw became effective and which does not conform to the use regulations of the district in which it is located.

NURSERY or GREENHOUSE

Premises gainfully used for the propagation of trees, shrubs, vines, flowers, or other plants for transplanting, stock for grafting, or for cut flowers, for rental or wholesale distribution.

NURSERY OR GREENHOUSE, PRIVATE

An accessory use whose products are not for sale at either retail or wholesale.

NURSING, CONVALESCENT, OR REST HOME

Premises for the care of three or more persons, as licensed by the Massachusetts Department of Public Health.

OFFICE PARK

An area planned, developed and managed as a unit for occupancy by more than one office building with the option of shared common areas and/or parking.

OPEN SPACE

The space on a lot unoccupied by buildings or structures, unobstructed to the sky by man-made objects other than walks, swimming pools, and terraced areas, not devoted to streets, driveways, off-street parking or loading spaces and expressed as a percentage of total lot area.

PARKING LOT, COMMERCIAL

A parcel of land or portion thereof used for the parking or storage of motor vehicles as a commercial enterprise for which any fee is charged independently of any other use of the premises and not in conjunction with motor vehicle sales.

PARKING, ACCESSORY

Parking on the same lot as the principal use, to service that use only.

PARKING, BUSINESS

Parking for the use of employees, customers, or visitors of any nonresidential activity, when not located on the same lot as the activity it serves, including the parking of up to three commercial vehicles.

PARKING, PRIVATE

Accessory parking, not including parking for more than one commercial vehicle, for vehicles of over two-ton load capacity or of more than one vehicle for fee.

PARKING, PUBLIC

Parking of noncommercial vehicles for fee, whether enclosed or not.

PERSONAL KENNEL

A pack or collection of more than four dogs, three months or older, owned or kept under single ownership, of private personal use; provided, however, that breeding of personally kept dogs may take place for the purpose of improving, exhibiting or showing the breed, use in legal sporting activity or other personal reasons; provided, further, that selling, trading, bartering, or the distribution of such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers, or pet shops; provided, further, that personal kennels shall not sell, trade, barter or distribute any dogs not bred from their personally owned dogs; provided, further, that dogs temporarily housed at a personal kennel in conjunction with an animal shelter or rescue registered with the Department of Agricultural Resources may be sold, traded, bartered or distributed if the transfer is not made for the purpose of profiting thereby.

PET SHOP

Any person, partnership, or corporation, whether operated separately or in connection with another business enterprise (except for a licensed kennel), that buys, sells, or boards any species of animal.

PRINCIPAL USE

The main or primary purpose for which a structure or lot is designed, arranged, or intended, or for which it may be used, occupied or maintained under this bylaw. Any other use within the main structure or the use of any other structure or land on the same lot and incidental or supplementary to the principal use and permitted under this bylaw shall be considered an accessory use.

PUBLIC HOUSING

Housing facilities constructed by the raising of public funds for use by special classes of citizens, such as homes for the aged or infirm.

PUBLIC UTILITY

Utility licensed by the Department of Public Works to supply gas, electricity, transportation, etc.

PUBLIC UTILITY SERVICE AREA

An area used for bulk storage, exposed shipment, or truck parking.

RECHARGE AREA

Any area of porous, permeable geologic deposits, especially, but not exclusively, deposits of stratified sand and gravel, through which water from any source drains into an aquifer, and includes any wetland or body of surface water surrounded by or adjacent to such area, together with the watershed of any wetland or body of surface water adjacent to such area.

RECREATION, INDOOR COMMERCIAL

Theater, bowling alley, or other commercial, recreation or entertainment carried on in an enclosed building, including an indoor facility, with or without seating for spectators, and providing accommodations for a variety of individual, organized or club/franchised sports (but not including professional adult sports teams on a permanent basis), including but not limited to ice hockey, basketball, wrestling, soccer, lacrosse, tennis, volleyball, racquetball or handball. Such sports facility may also provide within the building other athletic, health and fitness activities (not to exceed 40,000 square feet) snack bar, cafe, or nonfranchise restaurant (not to exceed 5,000 square feet) or other related supporting activities (not to exceed 13,000 square feet).

RECREATION, OUTDOOR COMMERCIAL

Drive-in theater, golf driving range, bathing beach, or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated elsewhere in this bylaw.

RECREATION, PRIVATE

Recreation facilities accessory to and on the same lot as a principal building.

RECYCLABLE BEVERAGE BOTTLES AND CANS

Any empty bottles and cans of any type of beverage that are sold by any permitted retail business, which are temporarily stored on the site of said business to be removed for recycling on a regularly scheduled basis.

REFUSE FACILITY

A sanitary landfill; a refuse transfer station; a refuse incinerator or resource recovery facility rated by the Massachusetts Department of Environmental Protection at more than 1/2 ton of refuse per hour; a dumping ground for refuse; or any other works that has a principal use of receiving, treating, processing, storing or disposing of refuse. The term "refuse" as used herein includes all solid and or liquid waste materials, including but not limited to garbage, rubbish and sludge; but does not include wastes otherwise considered as hazardous wastes.

[Amended 8-29-2023 by Measure No. 2023-079]**RELIGIOUS USE**

Premises used primarily for worship, or religious education.

RESEARCH PARK

An area planned, developed and managed as a unit for occupancy by more than one building devoted to research and development with the option of shared common areas and/or parking.

RESTAURANT WITH OUTDOOR SERVICE

Establishment serving food to persons outside of any building and within sight of a public way.

RESTAURANT, INDOOR

Establishment for the sale of prepared food for consumption on the premises, either indoors out of sight of public way, or for consumption in the home.

RETAIL BUSINESS

Premises used in the sale of goods or articles individually or in small quantities directly to the consumer. Such premises shall not contain storage or processing areas occupying more than 50% of the gross floor area.

ROADSIDE STAND

A structure of a semi-permanent or temporary type located in a district in which agricultural uses are allowed, from which raw produce, 75% of which is grown on the premises, is offered for sale on a regular basis.

SCHOOL

An educational institution which is religious, sectarian, denominational, public, or private.

SCHOOL, NURSERY

A facility designed to provide daytime care or instruction for two or more children from two years to five years of age, inclusive, and operated on a regular basis.

SELF-STORAGE OR STORAGE UNIT FACILITY

Any real property consisting of a structure or group of structures containing separate storage spaces designed to store personal property and used for individual renting or leasing.

[Added 11-21-2022 by Measure 2022-108]

SIGN

Any permanent or temporary structure or part thereof, attached thereto, or painted, or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as or which is in the nature of an announcement, direction or advertisement. The word "sign" includes the word "billboard" but does not include the flag, pennant or insignia of any nation, state or other political unit or of any political, educational, charitable, philanthropic, civil, professional, religious or like campaign, drive, movement or event.

SIGN, A-FRAME

A two-sided sign, hinged or attached at the top of the sign panels, identifying, advertising, or directing attention to a business(es), product(s), operation(s), or service(s) sold or offered in the building in front of which the sign is located.

SIGN, ANIMATED

(See also and note difference from changeable sign.) A sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means. Animated signs include the following types:

- A. **NATURALLY ENERGIZED** Signs whose motion is activated by wind or other atmospheric impingement. Wind-driven signs include flags, banners, pennants, streamers, spinners, metallic disks, or other similar devices designed to move in the wind.
- B. **MECHANICALLY ENERGIZED** Signs manifesting a repetitious preprogrammed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives.
- C. **ELECTRICALLY ENERGIZED** Illuminated signs whose motion or visual impression of motion is activated primarily by electrical means. Electrically energized animated signs are two types:
 - (1) **FLASHING SIGNS** Illuminated signs exhibiting a preprogrammed, repetitious, cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) is either the same as or less than the duration of the period of darkness (off phase), and in which the intensity of illumination varies from zero (off) to 100% (on) during the programmed cycle.
 - (2) **ILLUSIONARY MOVEMENT SIGNS** Illuminated signs exhibiting the illusion of movement by means of a preprogrammed, repetitious, sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns.

SIGN, AREA OF

The area of a freestanding sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed. The supporting framework, open or enclosed, may be part of the design, but for the purpose of this bylaw shall not be considered part of the sign area unless used for lettering, wording, or symbols. When the sign consists of individual letters or symbols attached to or painted on a surface, building wall or window, the area shall be considered to be that of the smallest rectangular or any regular shape which encompasses all of the letters and symbols.

SIGN, AWNING

A sign painted on, printed on, or attached flat against the surface of an awning.

SIGN, BLADE

(See "sign, projecting").

SIGN, BUSINESS

A sign used to direct attention to a service, product sold or other activity performed on the same premises upon which the sign is located.

SIGN, CHANGEABLE

A sign whose informational content can be changed or altered by manual or electric, electromechanical, or electronic means. Changeable signs include the following types:

- A. **MANUALLY ACTIVATED** Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.
- B. **ELECTRICALLY ACTIVATED** Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Includes the following two types:
 - (1) **FIXED-MESSAGE ELECTRONIC SIGN** Signs whose basic informational content has been preprogrammed to include only certain types of information projection, such as time, temperature, predictable traffic conditions, or other events subject to prior programming.
 - (2) **COMPUTER-CONTROLLED VARIABLE-MESSAGE ELECTRONIC SIGN** Signs whose informational content can be changes or altered by means of computer-driven electronic impulses.

SIGN, GENERAL ADVERTISING

Any sign advertising products or services other than products or services available on the lot on which the sign is located, or any sign which is not located within 200 feet of the building or other structure at which the products or services advertised thereon are available.

SIGN, GROUND

A sign erected on or affixed to the land, including any exterior sign not attached to a building. The term "ground sign" shall include standing signs.

SIGN, IDENTIFICATION

A sign used simply to identify the name, address, and title of an individual family or firm occupying the premises upon which the sign is located or to give information such as time or temperature.

SIGN, INCIDENTAL

A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

SIGN, PORTABLE

A sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

SIGN, PROJECTING (also SIGN, BLADE)

A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

SIGN, ROOF

A sign erected on or affixed to the roof of a building.

SIGN, TEMPORARY

A sign constructed of cloth, fabric or other lightweight temporary material with or without a structural frame intended for a limited period of display, including decoration displays for holidays or public demonstrations.

[Amended 8-29-2023 by Measure No. 2023-079]**SIGN, WALL**

A sign affixed to the exterior wall of a building and extending not more than 15 inches therefrom.

SOLID WASTES

Useless, unwanted or discarded solid materials with insufficient liquid content to be free-flowing, including, for example, rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse.

SPORTSMAN'S CLUB

A club whose primary purpose is conservation, hunting, or fishing.

STABLE, PRIVATE

An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

STABLE, PUBLIC

A building in which horses are kept for remuneration, hire or sale.

STORMWATER DETENTION OR RETENTION BASIN

Any man-made basin or ponding area which is incorporated into the design of the development of a lot which temporarily or permanently detains or retains stormwater runoff from the lot.

STORY

The portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds 1/3 of the area of the floor immediately below, it shall be deemed to a story. An attic shall not be deemed to a story if unfinished and without human occupancy. A story under a gable, hipped, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story, shall be considered a half story.

STREET

A way which is classified as one of the following: (a) a public way or a way which the Town Clerk certifies is maintained and used as a public way; or (b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law; or (c) a way in existence when the Subdivision Control Law became effective in the Town, having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. The term "street" shall be synonymous with the words "road," "avenue," "highway," and "parkway," and similar designations.

STREET LINE

The right-of-way line of a street. The street line is established by the public authority laying out the right-of-way upon which the lot abuts.

STRUCTURE

Anything constructed or erected, the use of which requires location on the ground, or attachment to something located on the ground except a boundary wall or fence.

SUBDIVISION CONTROL LAW

Refers to MGL c. 41, § § 81K to 81GG, inclusive, entitled "Subdivision Control," including all subsequent amendments thereto.

SUBSTANTIALLY DIFFERENT USE

A use which by reason of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment or similar characteristics from the use to which it is being compared.

TEMPORARY STRUCTURE

An accessory tent or construction shanty to be used for less than one year.

TRANSIT ORIENTED DEVELOPMENT

An overlay district that allows vertical mixed use (including retail, office and attached multifamily residential) adjacent to a regional bus transfer facility and designed specifically for pedestrian, transit and bike users.

TRANSPORTATION TERMINAL

Premises for the parking and/or servicing of more than three commercial vehicles, or any number of vehicles of over two-ton load capacity.

TRAVEL TRAILER

A vehicular, portable structure built on a chassis, designed to be used for travel, recreational, and vacation uses.

TRAVEL TRAILER PARK

Privately owned land upon which two or more travel trailers are parked for recreational and vacation use.

USES

The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

VETERINARY CLINIC AND/OR HOSPITAL

A veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that “veterinary kennel” shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary care.

VISUAL MATERIAL

Any motion-picture film, picture, photograph, videotape, any book, magazine, or pamphlet that contains pictures, photographs or similar visual representations or reproductions. Undeveloped photographs, pictures, motion-picture films, videotapes and similar visual representations or reproductions may be visual materials, notwithstanding that processing, development or similar acts may be required to make the contents thereof apparent.

WATERSHED

Land lying adjacent to watercourses and surface water bodies which create the catchment or drainage areas of such watercourses and bodies.

WIRELESS COMMUNICATIONS FACILITY

A wireless communications monopole, tower, or other related structure, including antennas and accessory structures, if any, which facilitates the provision of wireless communications services.

WIRELESS COMMUNICATIONS SERVICES

The provision of the following types of services: cellular telephone service, personal communications service, and enhanced specialized mobile radio service.

YARD

A portion of a lot upon which the principal building is situated, unobstructed artificially from the ground to the sky and having at least two sides open to lot lines.

YARD, FRONT

A yard extending for the full width of the lot between the building line of the nearest principal building wall and the front lot line or, in the case of a corner lot, the street lot line.

YARD, REAR

A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the principal building wall and the rear lot line.

YARD, SIDE

Yard extending for the full length of a building between the nearest building wall and the side lot line.

ZONE I

The 400-foot protective radius surrounding a public water supply well as approved by the Massachusetts Department of Environmental Protection (DEP).

ZONE II

That area of an aquifer which contributes water to a well under the most severe recharge and pumping conditions that can be realistically anticipated (180 days of pumping at safe yield with no recharge from precipitation), as defined in 310 CMR 22.00.

ZONE III

That land area beyond Zone II from which surface water and groundwater drain into Zone II, as defined in 310 CMR 22.00.

SCHEDULE B

[illegible]



Measure #: 2024-065

TOWN COUNCIL MEASURE SUBMITTAL

Date: 2/26/2024

Submitted By: Town Manager

Telephone #: 508-699-0100

MEASURE DESCRIPTION:

To See if the Town Council will vote to amend the North Attleborough Bylaws, Chapter 108, Animals.

Signed:

Michael Borg

Digitally signed by Michael Borg
DN: cn=Michael Borg, email=mborg@nattleboro.com
Reason: I am the author of this document
Date: 2024.02.23 08:47:01-0500
Post PDF Editor Version: 12.0.0

PURPOSE AND JUSTIFICATION:

To See if the Town Council will vote to amend the North Attleborough Bylaws, Chapter 108, Animals.

A study was conducted by a working group consisting of the Bylaw Sub-Committee members, Town Clerk, Town Planner, ZBA Administrative Assistant, and Animal Control Officer.

The group met and reviewed, studied, and made recommendations for amendments to the General Bylaws as per Measure 2024-040- To see if the Town Council will conduct a comprehensive examination of Chapter 108, Article 1 within the General Bylaws, as well as Chapter 290, Use Schedule B found in the Zoning Bylaws and then provide revisions as necessary or needed.

See recommendations for amendment (in red print) attached.

This measure will be referred to the Bylaw Sub-Committee for review and a referral back to the Town Council where there will be a First Reading, and a Public Hearing with a Second Reading and Vote.

Therefore, it is respectfully requested that the Town Council vote to amend the North Attleborough Bylaws, Chapter 108, Animals.

SPECIAL REQUIREMENTS: This measure requires 2 readings and public hearing

ATTACHMENTS: Recommendations per study & Measure 2024-040

REFER TO SUB-COMMITTEE: Bylaw Sub-Committee

Measure #: 2024-065

TOWN COUNCIL MEASURE SUBMITTAL

Date: 2/26/2024

Submitted By: Town Manager

Telephone #: 508-699-0100

PURPOSE AND JUSTIFICATION CONTINUED:

General Bylaws amendments

Chapter 108

Animals

Article I

Animal Control

[Adopted as Art. VIII of the Bylaws]

§ 108-1 Purpose.

This article is adopted by the Town for the control and restriction of animals and pets within the Town.

§ 108-2 Definitions.

Adoption

The delivery of an animal to any person 18 years of age or older for the purpose of harboring as a pet.

Animal

Every nonhuman species of animal, both domestic and wild.

Animal shelter

Any facility operated by a humane society, or municipality or its authorized agent, for the purpose of impounding animals under the authority of this bylaw or state law for care, confinement, return to owner, adoption, or euthanasia.

Dangerous Animal

A animal that either:

- A. Without justification, attacks a person or domestic animal, causing physical injury or death; or
- B. Behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to one or more persons, domestic or owned animals.

Animal

Any animal of the canine species.

Loose Animal

Any animal not under the restraint of a person capable of controlling the animal and/or off the premises of the owner or the keeper.

Domestic Animal

Any animal designated as domestic by regulations promulgated by the Department of Fish and Game.

Grooming Establishment

A commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

Keeper

Any person, business, corporation, entity, or society, other than the owner, harboring or having

possession of a animal.

Kennel

A pack or collection of animals or cats on a single premises, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel, or veterinary kennel (*see Zoning Bylaws for definitions*).

Owner

Any person, partnership, or corporation owning, keeping, or harboring one or more animals. A animal shall be deemed to be harbored if it is fed or sheltered for seven consecutive days or more.

Public Nuisance

Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:

- A. Is repeatedly found at large.
- B. Damages the property of anyone other than its owner.
- C. Molests or intimidates pedestrians or passersby.
- D. Chases vehicles.
- E. Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored (except where the location of the harbored animal is a licensed boarding or breeding kennel).
- F. Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
- G. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.
- H. Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained.
- I. Attacks other domestic animals.
- J. Has been found by the Animal Control Officer/Chief of Police, after notice to its owner, to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety.
- K. Is a female animal in heat not confined to a building or secure enclosure; or
- L. Has bitten any person.

§ 108-3 Animal licensing.

- A. The owner or keeper of a animal within the Town of North Attleborough six months old or over shall

cause it to be licensed during each license period and pay the fee therefor. The licensing of a animal shall be conducted through the office of the Town Clerk.

- B.** The annual license period shall commence on April 1 of each year and terminate thereafter on March 31. During the license period, the owner or keeper of the licensed animal shall cause it to **always** wear around its neck or body a collar or other suitable material to which is securely attached **a current rabies tag** and a tag in the form established by the Town Clerk, and upon which shall appear the license number, license year, and name of the Town. A substitute tag for a lost tag can be obtained from the Town Clerk for a fee of \$5. The license fee shall be:
- (1) Male animal: \$20.
 - (2) Female animal: \$20.
 - (3) Spayed female or neutered male: \$10.
- C.** Any license purchased on or after May 1 of each year shall include a late charge of \$25, unless proof, such as a bill of sale or affidavit or similar document, can be shown that the animal was purchased or brought into Town within the previous 60 days. No license fee or part thereof is refundable. There shall be no license fee charged for:
- (1) **A service animal specifically trained to provide a service. Animals that are trained to assist the physically handicapped, or other service animals as defined by the Americans with Disabilities Act or governmental police animals.**
 - (2) Animal owners over the age of 70 (1 animal per household).
 - (3) Disabled veterans and/or their surviving spouse (as defined by VA benefits).
- D.** The Town Clerk shall not grant a license for any animal unless the owner or keeper thereof provides a veterinarian's certificate of vaccination in accordance with MGL c. 140, § 145B, or a certificate of exemption pursuant to MGL c. 140, § 145B; and a certificate from a veterinarian shall be required for a spayed female or neutered male. The license shall be in a form established by the Town Clerk and shall be subject to conditions and requirements approved by the Town Council. This subsection shall not apply to a person to whom a valid kennel license has been issued.
- E.** Kennel licenses. See MGL c. 140, § 137A, and inspections, MGL c. 140, § 137C. This subsection shall include commercial boarding or training kennels issued by the Town Clerk and the annual fees shall be in accordance with chapter 108-3(B). Such kennel license shall be in a form established by the Town Clerk and shall be subject to conditions and requirements approved by the Town Council.
- F.** The Animal Control Officer may at any time inspect any facility commercial boarding and training kennels, charitable kennels, kennels, and, if in his/her judgment it is not being maintained in a sanitary and humane manner, shall file a request to revoke or suspend said license with the Town Manager, who shall act in accordance with MGL c. 140, § 137C.
- G.** This section shall not apply to any pet shop licensed under MGL c. 129, § 39A.
- H.** Any license or kennel license of any kind herein defined held by any person found guilty of or having admitted sufficient facts or penalized for cruelty to animals or for possessing or training a fighting animal shall be void as of the date thereof and shall be immediately surrendered to the Town Clerk, together with any tag thereunder. No new license or new kennel license shall be issued to such person for five years after the date of the surrender of the license or kennel license.
- I.** The fee for all licenses hereunder shall be set by Town Council.

§ 108-4 **Animal Control Officer.**

- A. Animal Control Officer shall be appointed by the Town Manager subject to Article IV of the Charter.
- B. The Town Manager shall annually within 10 days after June 1 in each licensing year issue a warrant to the Animal Control Officer directing him/her to catch and confine all animals within the Town that have not been licensed and tagged as hereinabove required, to file and prosecute complaints for failure to comply with this section against the owners or keepers thereof, ~~and to destroy by approved methods each animal which has been detained for a period of at least seven days, provided that the Animal Control Officer may make available for adoption any animal not found to be diseased for such sum as is approved by the Town Manager.~~ Any animal so adopted shall be licensed before delivery to the purchaser. The Animal Control Officer shall keep and maintain records required by the Town Council for each confined animal (MGL c. 140, § 151A).
- C. Each owner or keeper of a animal, cat, or ferret that is six months of age or older shall cause such animal, cat, or ferret to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine according to manufacturer's directions and shall cause such animal, cat, or ferret to be revaccinated at intervals as recommended by the manufacturer. In accordance with MGL c. 140, § 145B(a) to (f), whoever violates this section shall be punished by a fine of not more than \$100.
- D. ~~Any owner or keeper of a animal who shall fail to comply with any order of the Animal Control Officer or fail to comply with this section shall be punished by a fine of \$50 for a first offense in the calendar year, \$100 for second offense in the calendar year, \$150 for a third offense in the calendar year and \$200 for a fourth or subsequent offense in the calendar year. This section follows MGL c. 140, § 174E.~~

§ 108-5 **Miscreant animal or pet.**

In accordance with MGL c. 140, § 157, in part: The Animal Control Officer shall investigate or cause the investigation of any complaint to determine whether a animal is a nuisance or a dangerous animal in accordance with MGL c. 140, § 157.

Motor vehicles; striking, injuring or killing animals or cats

~~The operator of a motor vehicle that strikes and injures or kills a animal or cat shall forthwith report such a accident to the owner or custodian of said animal or cat or to a police officer in the town wherein such accident has occurred. A violation of this section shall be punished by a fine of not more than \$100 for a first offense or not more 10 days in a house of corrections and a fine of \$500 and the cost of medical expenses, not to exceed \$2,500, imprisonment in a house of correction for not more than 6 months or both such fine and cost and imprisonment for a second and subsequent offense. Nothing in this section shall preclude a civil cause of action including, but not limited to medical expenses, by the aggrieved party.~~

§ 108-6 **Restraints.**

- A. No person owning or keeping a animal within the Town shall permit it to go at large on public ways, parks, playgrounds, school yards, or public properties, or buildings unless it is restrained or controlled by a leash of suitable material and being not more than six feet in length and as further restricted pursuant to MGL c. 140, § 174E.
- B. Any working animals, such as police animals, farm animals, guide animals, or hunting animals, shall be allowed to perform their necessary duties with the proper restraint and control as may be required by its master or person or persons in whose charge the animal is assigned.
- C. Any owner or keeper of a animal who shall fail to comply with any order of the Animal Control Officer or fail to comply with this section shall be punished by a fine of \$50 for a first offense in the calendar

year, \$100 for second offense in the calendar year, \$150 for a third offense in the calendar year and \$200 for a fourth or subsequent offense in the calendar year. This section follows MGL c. 140, § 174E.

- D. The Animal Control Officer shall apprehend and confine all animals observed by him/her within the limits of the Town in violation of this section. He shall forthwith release any animal so confined if duly licensed to its owner or keeper upon payment to the Animal Control Officer of \$50, together with the sum of \$25 for each day or fractional portion thereof of such confinement. Such payment shall be considered reimbursement for the time and expense necessary to prevent further violation of this bylaw and shall not bar proceedings under Subsection C of this section. The Animal Control Officer shall not make any complaint to the District Court after having collected such payment unless directed by the Town Manager.

§ 108-7 **Removal of waste.**

It shall be the duty of each person who owns, possesses, controls, or harbors a animal(s) to remove and dispose of any feces left by his/her animal(s) on any public area within the Town of North Attleborough or any private property neither owned nor occupied by said person. This regulation shall not apply to a animal accompanying a handicapped person who, by reason of his or her handicap, is physically unable to comply with the requirements of this section or to any person who utilizes a service animal. Violation of this section shall be subject to a penalty as provided in Chapter 1, General Provisions, § 1-3.

108-8 Confinement of animal in a motor vehicle causing exposure to extreme heat or cold; protection of animal by animal control or law enforcement officer or fire fighter; penalties. MGL 140 sec. 174F

- (a) A person shall not confine an animal in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold.
- (b) After making reasonable efforts to locate a motor vehicle's owner, an animal control officer, as defined in section 136A, law enforcement officer or fire fighter may enter a motor vehicle by any reasonable means to protect the health and safety of an animal. An animal control officer, law enforcement officer or fire fighter may enter the motor vehicle for the sole purpose of assisting the animal and may not search the vehicle or seize items found in the vehicle unless otherwise permitted by law.
- (c) An animal control officer, law enforcement officer or fire fighter who removes or otherwise retrieves an animal under this section shall leave written notice in a secure and conspicuous location on or in the motor vehicle bearing the officer's or fire fighter's name and title and the address of the location where the animal may be retrieved. The owner may retrieve the animal only after payment of all charges that have accrued for the maintenance, care, medical treatment and impoundment of the animal.
- (d) An animal control officer, law enforcement officer or fire fighter who removes or otherwise retrieves an animal from a motor vehicle under subsection (b), and the agency or municipality that employs the officer or fire fighter shall be immune from criminal or civil liability that might otherwise result from the removal.
- (e) After making reasonable efforts to locate a motor vehicle's owner, a person other than an animal control officer, law enforcement officer or fire fighter shall not enter a motor vehicle to remove an animal to protect the health and safety of that animal in immediate danger unless the person: (i) notifies law enforcement or calls 911 before entering the vehicle; (ii) determines that the motor vehicle is locked or there is no other reasonable means for exit and uses not more force than reasonably necessary to enter the motor vehicle and remove the animal; (iii) has a good faith and reasonable belief, based upon known circumstances, that entry into the vehicle is reasonably necessary to prevent imminent danger or harm to the animal; and (iv) remains with the animal in a safe location in reasonable proximity to the vehicle until law enforcement or another first responder arrives.

(f) A person who removes an animal from a motor vehicle pursuant to subsection (e) shall be immune from criminal or civil liability that might otherwise result from the removal.

(g) A violation of subsection (a) shall be a civil infraction punishable by a fine of not more than \$150 for a first offense, by a fine of not more than \$300 for a second offense and by a fine of not more than \$500 for a third or subsequent offense.

(h) Nothing in this section shall preclude prosecution under section 77 of chapter 272.

(i) A city or town shall enforce this section through its animal control officers or police officers in a manner consistent with the disposition provisions in section 21D of chapter 40.



Measure #: 2024-020

TOWN COUNCIL MEASURE SUBMITTAL

Date: 9/11/2023 Submitted By: Town Manager Telephone #: 508-699-0100

MEASURE DESCRIPTION:

Approval to Establish Regular Scheduled Town Council Sub-Committee Meetings

Signed:

Michael Borg

Digitally signed by Michael Borg
DN: cn=US, ou=Town Manager, cn=Michael Borg, email=miborg@nattleboro.com
Reason: I am the author of this document
Date: 2023.09.08 12:25:36-0400
First PDF Editor Version: 12.0.0

PURPOSE AND JUSTIFICATION:

Purpose:

The purpose of establishing regularly scheduled subcommittee meetings is to facilitate efficient and focused collaboration among members of the subcommittee. These meetings serve as a structured forum for subcommittee members to discuss, plan, and execute their responsibilities effectively, ultimately contributing to the successful achievement of the subcommittee's and the Town Council's goals.

Justification:

Enhancing Productivity and Accountability: Regularly scheduled subcommittee meetings provide a dedicated platform for members to review progress, share updates, and set priorities. This fosters a sense of accountability, thereby reducing the risk of tasks being overlooked.

Timely Decision-Making: Scheduled meetings help expedite decision-making processes. As issues arise, subcommittee members can convene promptly to discuss and resolve them, preventing delays and ensuring that important matters are addressed in a timely manner.

Optimizing Resource Allocation: Regular meetings allow subcommittees to access needed resources that support their requirements. Regular meetings allow for deconfliction of constrained meeting resources such as conference rooms. Further, regular meetings ensure media coverage of subcommittee meetings.

Continuous Progress Monitoring: Consistent meetings enable continuous progress monitoring. Subcommittees can track their achievements, identify obstacles, and adjust their strategies as needed to stay on course and meet their objectives.

Stakeholder Engagement: Most importantly, regularly scheduled meetings offer a structured platform for engaging with stakeholders, whether they are community members, experts, or other relevant parties. This engagement ensures that the subcommittee's work aligns with the needs and expectations of its constituents.

SPECIAL REQUIREMENTS:

ATTACHMENTS:

REFER TO SUB-COMMITTEE: Rules Sub-Committee

TOWN COUNCIL MEASURE SUBMITTAL

Date: 9/11/2023	Submitted By: Town Manager	Telephone #: 508-699-0100
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PURPOSE AND JUSTIFICATION CONTINUED:

Alignment with Strategic Goals: An established an regular meeting schedule supports the Town Council's strategic priorities of Good Governance and a Thriving Community.

In conclusion, the establishment of regularly scheduled subcommittee meetings serves a vital purpose in promoting productivity, communication, and accountability among subcommittee members. It enhances decision-making, resource allocation, and progress monitoring while aligning subcommittee efforts with strategic goals and fulfilling potential regulatory obligations. These meetings provide a structured framework for effective collaboration, ensuring that the subcommittee can fulfill its mission and deliver value to the residents of North Attleborough.



Measure #: 2024-072

TOWN COUNCIL MEASURE SUBMITTAL

Date: 3/11/2024

Submitted By: Town Manager

Telephone #: 508-699-0100

MEASURE DESCRIPTION:

Authorization to approve a New Request for Bid Sale of Real Property for the parcels of land only, located at both 35 Johnson St. and 35 Whiting St.

Signed:

Michael Borg

Digitally signed by Michael Borg
DN: cn=US, ou=Town Manager, cn=Michael Borg, email=m.borg@nattleboro.com
Reason: I am the author of this document
Location:
Date: 2024.03.07 15:19:22-0500
PDF PDF Editor Version: 12.0.0

PURPOSE AND JUSTIFICATION:

On April 28, 2023, bids were solicited for two properties, but all offers received fell short of expectations. The 2023 assessed valuation of 35 Whiting Street stood at \$223,800, and that of 35 Johnson Street was \$308,000, representing the minimum amounts the Town was willing to accept. Due to the inadequacy of the bids, they were consequently declined.

Given the declining state of the houses on these properties, I propose selling the parcels for no less than 90% of the land assessed values.

35 Whiting Street

2024 Total Assessed Value \$243,400.00

Land-only Assessed Value \$ 113,800.00

90% of Land-only Assessed Value = \$102,420.00

35 Johnson Street

2024 Total Assessed Value \$330,200.00

Land-only Assessed Value \$144,600.00

90% of Land-only Assessed Value = \$130,140.00

I respectfully request the Town Council approve this measure allowing the Town Manager to initiate a new bidding process for the sale of real property situated at 35 Johnson Street and 35 Whiting Street. The bids should start at a minimum of 90% of their appraised land values.

SPECIAL REQUIREMENTS:

ATTACHMENTS: Property Cards

REFER TO SUB-COMMITTEE: Finance

Measure #: 2024-072

TOWN COUNCIL MEASURE SUBMITTAL

Date: 3/11/2024	Submitted By: Town Manager	Telephone #: 508-699-0100
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PURPOSE AND JUSTIFICATION CONTINUED:



Measure #: 2024-073

TOWN COUNCIL MEASURE SUBMITTAL

Date: 03/11/2024

Submitted By: Town Manager

Telephone #: 508-699-0100

MEASURE DESCRIPTION:

To Authorize the transfer of \$50,000.00 from the Public Buildings Full Time Salaries Account to the Town Attorney Account

Signed:

Michael Borg

Digitally signed by Michael Borg
DN: cn=Michael Borg, o=Town Manager, email=Michael.Borg@nattleboro.com
Reason: I am the author of this document
Location:
Date: 2024.03.07 15:16:54-0500
PDF PDF Editor Version: 12.0.0

PURPOSE AND JUSTIFICATION:

It is requested that the Town Council approve the transfer of \$50,000.00 from the Public Buildings Full Time Salaries Account (011928-511000). \$25,000.00 will be transferred to the Legal Services Account (011519-530003) and \$25,000.00 will be transferred to the Labor Relations Account (011519-530004).

The balances in each of these accounts is almost zero and will need to be replenished to pay anticipated future invoices for Legal Services and Labor Relation Services rendered.

SPECIAL REQUIREMENTS:

ATTACHMENTS:

REFER TO SUB-COMMITTEE: Finance

Measure #: 2024-073

TOWN COUNCIL MEASURE SUBMITTAL

Date: 03/11/2024	Submitted By: Town Manager	Telephone #: 508-699-0100
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PURPOSE AND JUSTIFICATION CONTINUED:



Measure #: 2024-062

TOWN COUNCIL MEASURE SUBMITTAL

Date: 2/16/2024

Submitted By: Town Manager

Telephone #: 508-699-0100

MEASURE DESCRIPTION:

Safety & Security Project

Signed:

Michael Borg

Digitally signed by Michael Borg
DN: cn=US, ou=Town Manager, cn=Michael Borg, email=miborg@nattleboro.com
Reason: I am the author of this document
Date: 2024.02.23 08:35:42-0500
Power PDF Editor Version: 12.0.0

PURPOSE AND JUSTIFICATION:

To see if the Town Council will approve the expenditure of \$180,000 of FY24 Free Cash related to enhancing the safety and security infrastructure within our community. Following a comprehensive review process, a proposal has been selected that aligns with our town's objectives and requirements in this area. The specifics of this proposal, including the selected firm and the detailed scope of work, will be discussed further during an upcoming executive session. This approach ensures that all considerations are thoroughly vetted, maintaining our commitment to the community's well-being and security.

SPECIAL REQUIREMENTS:

ATTACHMENTS:

REFER TO SUB-COMMITTEE: Finance

Measure #: 2024-062

TOWN COUNCIL MEASURE SUBMITTAL

Date: 2/16/2024

Submitted By: Town Manager

Telephone #: 508-699-0100

PURPOSE AND JUSTIFICATION CONTINUED: