

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 25, 2024 at 7:00 PM
TOWN HALL LOWER-LEVEL CONFERENCE ROOM
43 South Washington Street

I. Pledge Of Allegiance

II. Approval Of Minutes

- a. Minutes of the March 11, 2024 Town Council Meeting

III. Town Councilor Community Announcements

IV. Town Manager's Report

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

V. Resident And Community Comment

VI. Confirmations

- a. None at this time.

VII. Sub-Committee Reports

- a. Finance
 - i. 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.REVISED. COMPLETE.SIGNED.PDF*](#)

- ii. 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*](#)

b. Economic Growth & Sustainability

c. By-Law

i. PUBLIC HEARING

1. SECOND READING, DISCUSSION and VOTE:

- 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. PUBLIC HEARING

1. SECOND READING, DISCUSSION and VOTE:

- 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 MEETINGS.SIGNED.COMPLETE.PDF*](#)

e. School Committee Representative

f. Communication, Public Participation & Engagement

g. Local Emergency Planning

VIII. Old Business

IX. New Business

- a. Measure 2024-075- Rescind Borrowing Authorization- High School Outdoor Athletic Complex \$1.5 MM & Townwide Telephone System Upgrade \$500,00.00.
- b. Measure 2024-082- Increase Borrowing Authorization for Amvet School Roof Replacement project to \$3.4 MM and add ADA Compliance
- c. Measure 2024-077- Authorization to re-purpose \$30,000.00, previously authorized from FY24 Free Cash for the Hazard Mitigation Plan Review, for the Fire Station Feasibility Study CIP Project
- d. Measure 2024-078- Authorization to begin the negotiation process with the current owners of the Webster Mill Property
- e. Measure 2024-079- Approval to transfer funds from previous projects to fund the demolition of the Webster Mill Property in the amount of \$72,212.31.
- f. Measure 2024-080- Authorization to Transfer \$5,000.00 from ARPA Funds to the Downtown North Attleborough Collaborative to support Police Details at the Annual Downtown Block Party
- g. Measure 2024-085- Approval to form a Public/Private Partnership with North Attleborough Junior Football to fund a new scoreboard at Community Field in the amount of \$44,000.00 to be funded by NEU ARPA Funds

X. Executive Session

- a. M.G.L. c.30A, Sec.21(a), Sec.3.- To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares

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 #: 2024-072

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
Date: 2024.03.07 15:19:22-0500
Power 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

35 JOHNSON ST

Location

35 JOHNSON ST

Mblu

43/ 183/ / /

Acct#

Owner

INHABITANTS OF TOWN OF NORTH ATTLEBORO

Assessment

\$330,200

Appraisal

\$330,200

PID

10295

Building Count

1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2024	\$185,600	\$144,600	\$330,200
Assessment			
Valuation Year	Improvements	Land	Total
2024	\$185,600	\$144,600	\$330,200

Owner of Record

Owner

INHABITANTS OF TOWN OF NORTH ATTLEBORO

Sale Price

\$0

Co-Owner

Certificate

Address

43 S WASHINGTON ST
N ATTLEBORO, MA 02760

Book & Page

27016/0239

Sale Date

05/14/2021

Instrument

1E

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
INHABITANTS OF TOWN OF NORTH ATTLEBORO	\$0		27016/0239	1E	05/14/2021
DOYLE BONNIE	\$1		13900/0080	1F	07/22/2004
OLEARY EDWIN F + GENEVIEVE	\$0		01094/0247		01/01/1953

Building Information

Building 1 : Section 1

Year Built:

1950

Living Area:

1,238

Replacement Cost: \$331,378
Building Percent Good: 56
Replacement Cost
Less Depreciation: \$185,600

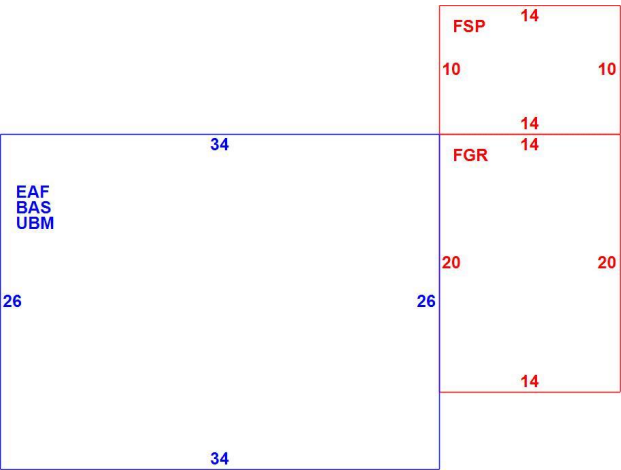
Building Attributes	
Field	Description
Style:	Cape Cod
Model	Residential
Grade:	Average
Stories:	1.25
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Carpet
Interior Flr 2	
Heat Fuel	Oil
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	5
Bath Style:	Average
Kitchen Style:	Standard
Num Kitchens	01
Cndtn	
Num Park	
Fireplaces	
Fndtn Cndtn	
Basement	

Building Photo



(<https://images.vgsi.com/photos2/NorhattleboroPhotos/\00\00\27\68.jpg>)

Building Layout



([ParcelSketch.ashx?pid=10295&bid=9589](#))

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	884	884
EAF	Attic, Finished	884	354
FGR	Garage, Attached	280	0
FSP	Porch, Screen, Fin	140	0
UBM	Unfin Bsmnt	884	0
		3,072	1,238

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use		Land Line Valuation	
Use Code	931R	Size (Acres)	0.27
Description	SELECTMEN-IMPRVD	Frontage	0
Zone	R15	Depth	0
Neighborhood	0060	Assessed Value	\$144,600
Alt Land Appr Category	No	Appraised Value	\$144,600

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2023	\$163,400	\$144,600	\$308,000
2022	\$128,100	\$144,600	\$272,700
2021	\$141,200	\$144,600	\$285,800

Assessment			
Valuation Year	Improvements	Land	Total
2023	\$163,400	\$144,600	\$308,000
2022	\$128,100	\$144,600	\$272,700
2021	\$141,200	\$144,600	\$285,800

**Property Information**

Property ID 43-183
Location 35 JOHNSON ST
Owner INHABITANTS OF TOWN OF NORTH ATTLEBORO



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town of North Attleborough, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 05/03/2023
 Data updated 05/03/2023

Print map scale is approximate.
 Critical layout or measurement
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 this resource.

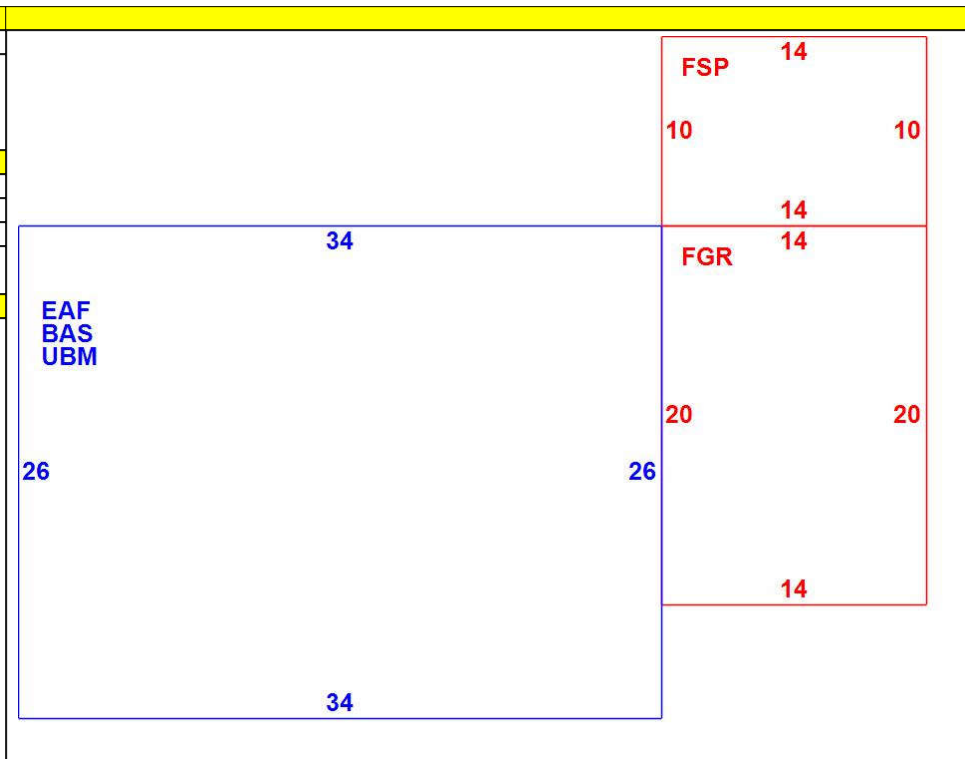
State Use **931R**
Print Date 3/5/2024 10:51:54 AM

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Style:	04	Cape Cod			
Model	01	Residential			
Grade:	03	Average			
Stories:	1.25				
Occupancy	1				
Exterior Wall 1	14	Wood Shingle			
Exterior Wall 2					
Roof Structure:	03	Gable/Hip			
Roof Cover	03	Asph/F Gls/Cmp			
Interior Wall 1	05	Drywall/Sheet			
Interior Wall 2					
Interior Flr 1	14	Carpet			
Interior Flr 2					
Heat Fuel	02	Oil			
Heat Type:	05	Hot Water			
AC Type:	01	None			
Total Bedrooms	03	3 Bedrooms			
Total Bthrms:	1				
Total Half Baths	0				
Total Xtra Fixtrs					
Total Rooms:	5				
Bath Style:	02	Average			
Kitchen Style:	02	Standard			

CONDO DATA			
Parcel Id		C	Owne 0.0
		B	S
Adjust Type	Code	Description	Factor%
Condo Flr			
Condo Unit			
COST / MARKET VALUATION			
Building Value New			331,378
Year Built			1950
Effective Year Built			1978
Depreciation Code			P
Remodel Rating			
Year Remodeled			
Depreciation %			44
Functional Obsol			0
External Obsol			0
Trend Factor			1
Condition			
Condition %			
Percent Good			56
RCNLD			185,600
Dep % Ovr			
Dep Ovr Comment			
Misc Imp Ovr			
Misc Imp Ovr Comment			
Cost to Cure Ovr			
Cost to Cure Ovr Comment			

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value

BUILDING SUB-AREA SUMMARY SECTION							
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value	
BAS	First Floor	884	884	884	212.15	187,541	
EAF	Attic, Finished	354	884	354	84.96	75,101	
FGR	Garage, Attached	0	280	112	84.86	23,761	
FSP	Porch, Screen, Fin	0	140	35	53.04	7,425	
UBM	Unfin Bsmnt	0	884	177	42.48	37,551	
Ttl Gross Liv / Lease Area		1,238	3,072	1,562		331,379	



35 WHITING ST

Location 35 WHITING ST

Mblu 8/ 12/ / /

Acct#

Owner INHABITANTS OF TOWN OF NORTH ATTLEBORO

Assessment \$243,400

Appraisal \$243,400

PID 1457

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2024	\$129,600	\$113,800	\$243,400
Assessment			
Valuation Year	Improvements	Land	Total
2024	\$129,600	\$113,800	\$243,400

Owner of Record

Owner	INHABITANTS OF TOWN OF NORTH ATTLEBORO	Sale Price	\$0
Co-Owner	TREASURERS OFFICE - TAX TITLE	Certificate	
Address	43 S WASHINGTON ST N ATTLEBORO, MA 02760	Book & Page	25202/0086
		Sale Date	07/09/2019
		Instrument	1K

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
INHABITANTS OF TOWN OF NORTH ATTLEBORO	\$0		25202/0086	1K	07/09/2019
HART KATHLEEN R M, FEID D R, K D, ET AL	\$100		19449/0109	1F	05/19/2011
HART K, LEBLANC D, FIED D R JR, K L, J +	\$0		D CERT/0		02/26/2010
FEID DAVID ROBERT	\$1		04906/0098		12/23/1991
FEID DAVID ROBER + KATHLEEN RO	\$0		00964/0272		12/17/1948

Building Information

Building 1 : Section 1

Year Built:	1910
Living Area:	630
Replacement Cost:	\$249,231
Building Percent Good:	52
Replacement Cost Less Depreciation:	\$129,600
Building Attributes	
Field	Description
Style:	Conventional
Model	Residential
Grade:	Average
Stories:	1.5
Occupancy	1
Exterior Wall 1	Asbest Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Plastered
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	Carpet
Heat Fuel	Oil
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	5
Bath Style:	Average
Kitchen Style:	Standard
Num Kitchens	
Cndtn	
Num Park	
Fireplaces	
Fndtn Cndtn	
Basement	

Building Photo

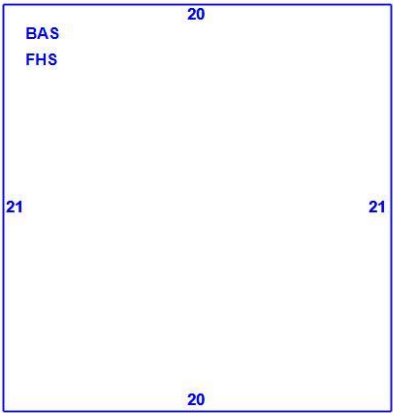


(<https://images.vgsi.com/photos2/NorthattleboroPhotos/\00\01\59\55.jpg>)

Building Layout

FBM
(315 sf)

UBM
(105 sf)



([ParcelSketch.ashx?pid=1457&bid=1433](#))

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	420	420
FHS	Half Story, Finished	420	210

FBM	Finished Bsmnt	315	0
UBM	Unfin Bsmnt	105	0
		1,260	630

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use		Land Line Valuation	
Use Code	931R	Size (Acres)	0.29
Description	SELECTMEN-IMPRVD	Frontage	0
Zone	IC30	Depth	0
Neighborhood	0050	Assessed Value	\$113,800
Alt Land Appr	No	Appraised Value	\$113,800
Category			

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2023	\$110,000	\$113,800	\$223,800
2022	\$96,600	\$113,800	\$210,400
2021	\$89,000	\$113,800	\$202,800

Assessment			
Valuation Year	Improvements	Land	Total
2023	\$110,000	\$113,800	\$223,800
2022	\$96,600	\$113,800	\$210,400
2021	\$89,000	\$113,800	\$202,800



Property Information

Property ID 8-12
 Location 35 WHITING ST
 Owner INHABITANTS OF TOWN OF NORTH ATTLEBORO



MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT

Town of North Attleborough, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 05/03/2023
 Data updated 05/03/2023

Print map scale is approximate.
 Critical layout or measurement
 activities should not be done using
 this resource.

CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT								712 N ATTLEBORO, MA VISION						
INHABITANTS OF TOWN OF NORTH 43 S WASHINGTON ST N ATTLEBORO MA 02760								Description	Code	Assessed	Assessed									
								EXEMPT	9310	129,600	129,600									
								EXM LAND	9310	113,800	113,800									
SUPPLEMENTAL DATA																				
Alt Prcl ID 00800012 Water Town: Sewer/Sep Old Parcel ZBA Decis Trailing GIS ID F_702095_2823163						Lots Plan/Bldr L I & E Occ Permit Suppleme Assoc Pid#														
						Total						243,400	243,400							
RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)												
INHABITANTS OF TOWN OF NORTH ATTL HART KATHLEEN R M, FEID D R, K D, ET HART K, LEBLANC D, FIED D R JR, K L, J FEID DAVID ROBERT FEID DAVID ROBER + KATHLEEN RO		25202	0086	07-09-2019	U	I	0	1K	Year	Code	Assessed	Year	Code	Assessed V	Year	Code	Assessed			
		19449	0109	05-19-2011	U	I	100	1F	2024	9310	129,600	2023	9310	110,000	2022	9310	96,600			
		D CE	0	02-26-2010	U	I	0			9310	113,800		9310	113,800		9310	113,800			
		04906	0098	12-23-1991			1													
		00964	0272	12-17-1948			0													
								Total	243,400	Total	223,800	Total	210,400							
EXEMPTIONS			OTHER ASSESSMENTS					This signature acknowledges a visit by a Data Collector or Assessor												
Year	Code	Description	Amount	Code	Description	Number	Amount	Comm Int												
Total			0.00																	
ASSESSING NEIGHBORHOOD										APPRaised VALUE SUMMARY										
Nbhd		Nbhd Name		B		Tracing		Batch		Appraised Bldg. Value (Card)								129,600		
0050										Appraised Xf (B) Value (Bldg)								0		
										Appraised Ob (B) Value (Bldg)								0		
										Appraised Land Value (Bldg)								113,800		
										Special Land Value								0		
										Total Appraised Parcel Value								243,400		
										Valuation Method								C		
										Total Appraised Parcel Value								243,400		
BUILDING PERMIT RECORD										VISIT / CHANGE HISTORY										
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Notes		Date	Id	Type	Is	Cd	Purpost/Result					
0428-01	05-24-2001		ROOF	1,000		100				10-25-2021	KJ			01	Measur+1Visit					
										07-26-2021	DM			50	Reval Review					
										07-22-2013	DED			25	Field Review					
										05-15-2013	SS			01	Measur+1Visit					
										02-11-2009	RW			00	Measur+Listed					
										02-05-2009	RW			20	MEASU/NAH					
LAND LINE VALUATION SECTION																				
B	Use Code	Description	Zone	LA	Land Type	Land Units	Unit Price	Size Adj	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes		Location Adjustmen		Adj Unit P	Land Value		
1	931R	SELECTMEN-IM	IC30			12,478	SF	10.13	1.00000	5	0.90	0050	1.000	ACC		1.0000	9.12	113,800		
Total Card Land Units						0.2865	AC	Parcel Total Land Area						0.2865	AC	Total Land Value				113,800

CONSTRUCTION DETAIL						CONSTRUCTION DETAIL (CONTINUED)					
Element	Cd	Description				Element	Cd	Description			
Style:	06	Conventional									
Model	01	Residential									
Grade:	03	Average									
Stories:	1.5										
Occupancy	1					CONDO DATA					
Exterior Wall 1	07	Asbest Shingle				Parcel Id		C		Owne	0.0
Exterior Wall 2									B		S
Roof Structure:	03	Gable/Hip				Adjust Type	Code	Description		Factor%	
Roof Cover	03	Asph/F Gls/Cmp				Condo Flr					
Interior Wall 1	03	Plastered				Condo Unit					
Interior Wall 2						COST / MARKET VALUATION					
Interior Flr 1	12	Hardwood				Building Value New				249,231	
Interior Flr 2	14	Carpet				Year Built				1910	
Heat Fuel	02	Oil				Effective Year Built				1979	
Heat Type:	05	Hot Water				Depreciation Code				F	
AC Type:	01	None				Remodel Rating					
Total Bedrooms	02	2 Bedrooms				Year Remodeled					
Total Bthrms:	1					Depreciation %				43	
Total Half Baths	0					Functional Obsol				0	
Total Xtra Fixtrs						External Obsol				5	
Total Rooms:	5					Trend Factor				1	
Bath Style:	02	Average				Condition					
Kitchen Style:	02	Standard				Condition %					
						Percent Good				52	
						RCNLD				129,600	
						Dep % Ovr					
						Dep Ovr Comment					
						Misc Imp Ovr					
						Misc Imp Ovr Comment					
						Cost to Cure Ovr					
						Cost to Cure Ovr Comment					
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)											
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value	
BUILDING SUB-AREA SUMMARY SECTION											
Code	Description	Living Area		Floor Area		Eff Area		Unit Cost		Undeprec Value	
BAS	First Floor	420		420		420		334.09		140,318	
FBM	Finished Bsmnt	0		315		95		100.76		31,739	
FHS	Half Story, Finished	210		420		210		167.05		70,159	
UBM	Unfin Bsmnt	0		105		21		66.82		7,016	
Ttl Gross Liv / Lease Area		630		1,260		746				249,232	

FBM
(315 sf)

UBM
(105 sf)

BAS
FHS

20

21

21

20

CHAPTER 8. Real Property Transactions

Overview

Chapter 30B applies to the purchase, sale, lease or rental of real property (including interests in real property). Chapter 30B establishes an advertised proposal process that you must follow in **acquiring** real property by purchase or rental with a **cost** greater than \$35,000, and in **disposing** of real property by sale or rental with a **value** greater than \$35,000.⁹⁹ Chapter 30B has additional requirements for the disposition of real property, regardless of its value.

Real property is defined as property consisting of land, buildings, crops, or other resources still attached to or within the land or improvements or fixtures permanently attached to the land or a structure on it. Interests in real property include leases, mortgages, preservation restrictions, easements and profits à prendre (such as the right to remove gravel or ledge from land).

The following real property transactions are *not* subject to Chapter 30B, either because they are specifically exempted or because the transactions are governed by other statutes:

M.G.L. c. 7C, § 38, requires that a disclosure of beneficial interests be filed for each real property transaction regardless of the cost or value of the acquisition or disposition. The person acquiring property from, or selling or leasing property to, a public agency must file the disclosure. No agreement, renewal or extension is valid until the disclosure is filed with the Division of Capital Asset Management and Maintenance. Also, a new disclosure must be filed within 30 days of a change in beneficial interests during the term of an agreement.

Profits à prendre do not include the right to enter property to remove standing wood or timber. Under Massachusetts case law, transactions involving the right to remove standing wood or timber are not considered to be interests in real property subject to Section 16 of Chapter 30B. Such transactions are subject to the rules governing the sale of surplus supplies contained in Section 15 of Chapter 30B.

⁹⁹ M.G.L. c. 30B, § 16.

In addition, it is our Office's opinion that Chapter 30B does not apply a private party's exercise of a unilateral option, granted prior to the enactment of Chapter 30B, to renew or extend a lease for real property if the right to exercise that option, and all the terms and conditions that govern the option, were spelled out in the original lease. A typical example would be a lease, executed by your local jurisdiction prior to the effective date of Chapter 30B in May 1990, that gives the lessee one or more unilateral option(s) to extend or renew the lease. However, Chapter 30B would apply to any change to the lease outside of the original terms.

Chapter 30B allows you to shorten the period for advertising for proposals or dispense with advertising altogether in only two special circumstances: (1) in an emergency, if you determine that the time required would endanger the health or safety of people or property; or (2) for an acquisition, if you determine that advertising for proposals would not benefit your local jurisdiction because of the unique quality or location of the property you need. Additional information on these circumstances is presented at the end of this chapter's section on real property acquisitions.

Under Chapter 30B you must conduct an open and fair competition that places all proposers on common footing, solicit information that will allow manageable and meaningful comparisons of offers and base your decisions solely on the information you solicited.

Chapter 30B places no restrictions on who within your jurisdiction may undertake or approve a real property transaction. Consult with your legal counsel if you have questions about who is authorized by your local charter, bylaws, ordinances, or other local rules to conduct real property transactions.

Chapter 30B gives you flexibility in fashioning a proposal solicitation process (solicitation) for real property transactions. You may structure your solicitation to resemble a bid, through which you will select the proposer that meets your quality requirements and offers the best price, or to resemble an RFP for supplies or services, through which you will also consider the relative merits of the proposals submitted. It is important to note that even though Section 16 of Chapter 30B requires you to solicit

Real Property Acquisitions

You must solicit proposals to acquire real property by lease or purchase at a cost of more than \$35,000. The *value* of the property is irrelevant to determining whether Chapter 30B applies. For example, you may lease a valuable piece of property for ten years for \$1.00 per year without issuing a solicitation because the cost to your jurisdiction is less than \$35,000, even if the value of the property is higher.

If you are leasing space, you determine the value of the acquisition by calculating the lease price over the entire contract term. For example, if a three-year lease with a monthly rent of \$1,000 has an entire contract cost of \$36,000, it must be procured by an advertised solicitation.

Step 1: Determine what you need to acquire

As a practical matter, before you acquire any property you must determine what you need. The initial cut at determining your needs may be simple: for example, you need land for a public works yard, a parking lot or office space. However, you should consider the details. For example:

- Do you want to purchase the property or lease it?
- How much land or office space is needed? Are you interested in acquiring a set amount, or are you willing to consider offers for more than your minimum needs?
- What level of finish do you want for office space?
- What are your location requirements? Is any area in your local jurisdiction acceptable?
- How much parking is needed? Is there access to public transportation?
- Is the space accessible to persons with disabilities?
- Are there any environmental issues relevant to the site?
- Do you have any special utility requirements?

Once you have identified what you need, check to see whether your local government already owns a suitable property. If you have a real property inventory, consult it. Also, consult with department heads and other officials concerning the current and future availability of property that meets your needs.

- the purpose for which the property is to be used (for example, “a public works yard”);
- any special requirements (for example, “the property may not be adjacent to wetlands or over an aquifer”);
- the method of acquisition, such as a lease or purchase; and
- the planned occupancy date and, if you plan to lease the property, the lease term.

You may append other documents (for example, a study of your need for a public works yard) or describe them and indicate how they may be obtained.

Evaluation criteria. Indicate how you will select a proposal from among the competing proposals. The process is similar to developing evaluation criteria for supplies or services (described in Chapters 4 and 5). You should establish:

- criteria to evaluate responsiveness (whether the proposer agrees to provide property that meets your specifications and whether the proposal contains all the required documents and forms, properly completed) and responsibility (whether the proposer has the capability, reliability and integrity to perform under the contract);
- comparative criteria, if you decide that you want to look at the relative merits of the property proposals rather than selecting the responsive and responsible proposal that offers the best price; and
- a method to evaluate prices.

You may establish any rating scheme that preserves open and fair competition, keeps proposers on a common footing, and allows manageable and meaningful comparisons. You have the option to use the same rating categories that are used in Chapter 30B RFPs for supplies and services: highly advantageous, advantageous, not advantageous and unacceptable. However, you are not required to do so.

The box on the next page illustrates two alternate methods of using evaluation criteria in real property acquisitions. The first is, in effect, a bid process through which you will acquire property by selecting the lowest-priced proposal meeting your defined requirements. The second is a proposal process through which you may select a higher-priced proposal because of advantages the higher-priced property offers.

rents for each year of the lease? If rent escalators may be proposed, you should state how you will calculate the present value of the rental payments and include the formula in your solicitation.

Similarly, if you plan to accept price proposals for a lease that includes utilities and for a lease that does not, you should include in the solicitation the method you will use to determine the value of the utilities. To simplify price comparisons in a lease acquisition, it is helpful to provide a standard price form for all proposers to complete.

Rule for award. Your solicitation should contain a clear rule for award stating how the winning offer will be selected. For example, if you plan to select the lowest-priced offer of leased space meeting your evaluation criteria, your rule for award might be stated as follows:

The lowest-priced offer from a responsive and responsible proposer will be selected.

If you plan to weigh offers from responsive and responsible proposers, your rule for award might be stated as follows:

The most advantageous offer from a responsive and responsible proposer, taking into consideration all evaluation criteria and price, will be selected.

Submission requirements. Your solicitation should state the rules for proposal submission. Specify when (date and time) and where sealed proposals must be delivered, how proposal packages should be marked, and how proposers may correct, modify or withdraw proposals. State that the selected proposer will be required to submit a disclosure of beneficial interests to the Division of Capital Asset Management and

You may solicit prices for two different lease terms if you state a rule for how you will decide which term to select.

This can be useful if you want to compare, say, a five-year lease to a ten-year lease. Be careful to establish a clear decision rule up front and follow it to avoid the appearance of favoritism.

Price and non-price proposals need not be submitted separately.

Unlike the Chapter 30B RFP requirements for supplies and services, the Chapter 30B requirements for real property transactions do not require separate submissions of price and non-price proposals. Moreover, real property proposals, including price proposals, are not confidential after they are opened.

The box below contains information about contract terms and conditions for real property acquisitions.

Real Property Acquisitions: Contract Terms and Conditions

Purchases. If you are purchasing real property, have your attorney draft any required terms into the purchase and sale agreement. Include any mandatory purchase terms in the solicitation. Require a certification of tax compliance from the seller (M.G.L. c. 62C, § 49A) and a disclosure of beneficial interests (M.G.L. c. 7C, § 38).

Leases. If you are acquiring property by lease, spell out mandatory lease terms in the solicitation. A typical lease should:

- Name the parties to the lease and the responsible parties to receive any notices under the lease.
- Incorporate by reference the proposal chosen, including a detailed description of the leased property.
- Specify the duration of the lease, including any renewal, extension or other options. If the lease will include a renewal option, you must specify how the rent will be determined for the renewal period.
- Identify the payment terms, including when payments are due.
- Spell out all of the responsibilities and obligations of the parties for maintenance, cleaning, utilities, rubbish disposal, snow removal, liability and casualty insurance, etc.
- Specify that lease amendments must be in writing and signed by individuals authorized to contract on behalf of your local government.
- Specify what constitutes cause to terminate the lease, what notice must be provided prior to termination and what opportunity must be granted to correct any problem.
- Prohibit any activity that would constitute a violation of the conflict of interest law (M.G.L. c. 268A).
- Specify that the lease constitutes the entire agreement and that there are no agreements other than those incorporated therein.
- Require a certification of tax compliance by the lessor (M.G.L. c. 62C, § 49A) and a disclosure of beneficial interests (M.G.L. c. 7C, § 38).

Step 3: Advertise for proposals

You must advertise for proposals in a newspaper with a circulation sufficient to inform the people in the affected locality.¹¹⁰ The advertisement must be published at least once a week for two consecutive weeks before the day you selected for opening

¹¹⁰ M.G.L. c. 30B, § 16(d).

Step 5: Open and evaluate proposals

Proposals must be opened in public at the time and place specified in the solicitation. You should record the name of each proposer, the location of the property each proposer is offering and each proposal price. The proposals become public information when they are opened. All documents should be submitted in one sealed envelope.

You must evaluate the proposals using only the criteria you identified in the solicitation. If your solicitation states that you will make an award to the responsive and responsible proposer that offers the best price (in essence, a bid process), you may simply identify the lowest-priced proposal and then evaluate that proposal to determine whether it meets the requirements stated in the solicitation. If the proposal does not meet the requirements, reject it and proceed to evaluate the next lowest-priced proposal.

If your solicitation states that you will evaluate proposals using comparative evaluation criteria, it will usually be most efficient to first look at the responsiveness and responsibility of the proposals and reject any that you deem nonresponsive or not responsible. Then evaluate all the remaining proposals on the basis of your comparative criteria and price, prepare written evaluations and decide which proposal best meets the needs of your local jurisdiction, considering the evaluation criteria and price.

If you determine that it is not in the best interest of your local jurisdiction to award the contract, you may choose to cancel the proposal process.¹¹² You may do so before or after you open and evaluate proposals. However, after you have executed a contract, you will not be able to cancel the transaction.

Step 6: Submit disclosures

You must submit the name of the selected proposer and the amount of the transaction to the *Central Register*, which is published by the Secretary of the Commonwealth.¹¹³

¹¹² See *Mangano v. Town of Wilmington*, 51 Mass. App. Ct. 857 (2001).

¹¹³ Appendix B provides the website address for the online submission form for this notice, and Appendix D provides contact information for the Secretary of the Commonwealth.

Real Property Acquisitions: Unique Property Acquisitions and Emergencies

Unique Acquisitions

Chapter 30B does not require you to solicit proposals to acquire property if your local jurisdiction has determined that it needs a particular piece of property because of its unique qualities or location.¹¹⁵ For example, you may use this Chapter 30B provision to acquire open land abutting an existing park or a particular parcel of wooded land for conservation purposes. You may not, however, use this provision to acquire property simply because you are not aware of any other property that will meet your requirements. For example, if you need space for an office in a particular area, you may be aware of only one available location, but you still must advertise for proposals to test the market.

The Chapter 30B rules for acquiring unique property require you to make a written determination that advertising will not benefit your local jurisdiction because of the unique qualities or location of the property needed. The determination must specify how the property proposed for acquisition satisfies the unique requirements of your local jurisdiction.

Although such an acquisition of real property is exempt from the advertised solicitation

Chapter 30B does not authorize “swaps” of real property between a local government and a private party. You can acquire a property without competition if it meets the requirements for a unique acquisition, but there is no basis for disposing of property without an advertised competition. Acquisitions and dispositions of real property must be carried out as separate processes under the statute.

You may execute a separate option contract to purchase unique property before publishing a public notice, as long as the contract does not require you to purchase the property. After you have identified property that meets the standard for waiving the advertised solicitation process, you may secure an option for the property obliging the owner to sell it to you for an agreed-upon price. You can then publish the required 30-day notice in the *Central Register*.

¹¹⁵ M.G.L. c. 30B, § 16(e)(2).

If you invoke this provision, you must publish a notice in the *Central Register* at the earliest opportunity stating the reason for declaring the emergency.¹¹⁹

M.G.L. c. 7C, § 38, requires disclosure of all beneficial interests in real property acquired or disposed of by a public agency. The selected proposer must file the disclosure of beneficial interests with DCAMM. No contract to lease or sell property, and no renewal or extension of such an agreement, is valid until the seller or lessor files this form with DCAMM.¹²⁰ An updated disclosure form must be filed within 30 days of any change in beneficial interests during a lease term.

¹¹⁹ Appendix B provides the website address for the online submission form for this notice, and Appendix D provides contact information for the Secretary of the Commonwealth.

¹²⁰ Appendix B contains the website address for DCAMM's real estate transaction disclosure form for this purpose, and Appendix D provides contact information for DCAMM.

requirements. In that case, you would not specify a use restriction. However, if you were leasing only part of a school building, M.G.L. c. 40, § 3, would require you to specify that the use be compatible with the functioning of the school.

Step 2: Determine the value of the property

You must determine the value of the property before you can dispose of it. Chapter 30B requires that you determine the property's value by using procedures customarily accepted as valid by the appraising profession. You may hire an appraiser, although you are not required to do so. You may also rely on the municipal assessment of a property's value if it is current, if the municipality is assessed at 100 percent, and if the assessment is determined through valid procedures. The value of most parcels of property will likely exceed the \$35,000 threshold for advertised competition. For a lease, you may use market rent data, or even advertised rental rates, if the number of similar properties on the market is sufficient to determine the lease value.

Step 3: Develop the solicitation

If the value of the property exceeds \$35,000, you must solicit proposals. Your solicitation provides interested parties with the information they need to decide whether they want the property and to submit a responsive proposal. The major components of a real property disposition solicitation are as follows:

- a description of the property and interest in the property you plan to sell or lease (the "property description") and any use restrictions;
- evaluation criteria;
- rule for award;
- proposal submission requirements; and
- the contract terms and conditions.

Property description. The property description must be detailed enough for interested parties to understand what you are offering. Be sure to identify use restrictions established by your local jurisdiction. If the property is being offered for sale, include a reference to a deed or survey. Also identify in the property description the buildings and structures included in the disposition and any restrictions on their use, such as deed restrictions. Drawings, plot plans and other relevant documents should either be

You should inform proposers how you will determine the best price. For example, in a multi-year lease, specify whether proposers may propose level monthly payments over the term, or if they may propose escalating rents for each year of the lease. If rent escalators may be proposed, you should state how you will calculate the present value of the rental payments and include the formula in the solicitation. To simplify lease price comparisons, it is helpful to provide a standard price form for all proposers to complete.

If you are interested in promoting a public purpose and price is less important, you will have to carefully think through what you want and how you will evaluate it. The box on the next page presents information on dispositions to promote public purposes.

Rule for award. Your solicitation should contain a clear rule for award stating how the winning offer will be selected. For example, if you plan to select the highest-priced offer meeting your evaluation criteria, your rule for award might be stated as follows:

The highest-priced proposal from a responsive and responsible proposer will be selected.

If you plan to weigh offers from responsive and responsible proposers, your rule for award might be stated as follows:

The most advantageous proposal from a responsive and responsible proposer, taking into consideration price and all other evaluation criteria set forth in the solicitation, will be selected.

If, when leasing surplus real property, your objective is to promote a public purpose, such as an affordable day care center, you may award a fixed-rent contract to the responsive and responsible proposer that meets your evaluation criteria. Thus, your rule for award would not include price as a selection factor; for example:

The most advantageous proposal from a responsive and responsible proposer, taking into consideration all evaluation criteria set forth in the solicitation, will be selected.

The box below contains additional information about real property dispositions to promote public purposes.

Proposal submission requirements. Your solicitation should state the rules for proposal submission. Specify when (date and time) and where sealed proposals must be delivered, how proposal packages should be marked, and how proposers may correct, modify, or withdraw proposals. If the disposition is a lease, include any options to renew or extend the lease. State that the selected proposer will be required to submit a disclosure of beneficial interests to DCAMM, as required by M.G.L. c. 7C, § 38, and include any standard forms proposers must submit.

Price and non-price proposals need not be submitted separately. Unlike Chapter 30B's RFP requirements for supplies and services, Chapter 30B does not require separate submissions of price and non-price proposals for real property transactions. Moreover, real property proposals, including price proposals, are not confidential after they are opened.

Contract terms and conditions. Any terms and conditions you will require in the agreement must be specified in the solicitation and in the contract, including use restrictions and the terms of any renewal, extension or purchase options. It is important to note that Chapter 30B does not limit the length of real property contracts. That is, the Chapter 30B majority vote requirement for supply and service contracts exceeding three years¹²³ does not apply to Chapter 30B real property contracts. However, there may be other statutory or local restrictions that apply to your real property contracts. For example, M.G.L. c. 40, § 3, limits towns to public building leases of 30 years and leases of school houses in use as schools to 25 years. A Massachusetts Appeals Court decision affirmed a Superior Court ruling that held that an automatic renewal clause on the same terms that exceeded the limit violated M.G.L. c. 40, § 3.¹²⁴ Your legal counsel can advise you regarding restrictions that may apply to your local jurisdiction's real property transactions.

¹²³ M.G.L. c. 30B, § 12(b).

¹²⁴ *Comets Community Youth Center, Inc. v. Town of Natick*, 56 Mass. App. Ct. 1109 (2002).

Step 4: Advertise for proposals

You must advertise for proposals in a newspaper with a circulation sufficient to inform the people of the affected locality.¹²⁵

The advertisement must be published at least once a week for two consecutive weeks before the day you select for opening the proposals. The last publication must occur at least eight days before the proposal opening. You may, of course, advertise in more newspapers, in newspapers outside your area, and more frequently.

The advertisement must specify the geographical area, the terms and conditions of the proposed transaction, and the time and place for the submission of proposals and awarding of the contract. It must also state where and when prospective proposers may obtain a copy of the solicitation.

You can contract with a broker to help dispose of property. The broker's job will be to show the property and encourage the submission of sealed proposals on the due date. Your contract with the broker is subject to Chapter 30B.

Advertise where you will maximize exposure to potentially interested parties. For example, if you are offering to lease office space, you will probably reach more potential lessees by advertising in the classified section under "office space" rather than advertising in the legal notices section.

If the proposed disposition involves more than 2,500 square feet, you must also publish an advertisement, at least 30 days before the opening of proposals, in the *Central Register*, which is published by the Secretary of the Commonwealth.¹²⁶

You may inform potential proposers, including brokers and developers, of the availability of the solicitation. Be careful to avoid favoritism or the appearance of favoritism.

¹²⁵ M.G.L. c. 30B, § 16(d).

¹²⁶ Appendix B provides the website address for the online submission form for this advertisement, and Appendix D contains contact information for the Secretary of the Commonwealth.

If you determine that it is not in the best interest of your local jurisdiction to award the contract you may choose to cancel the proposal process.¹²⁷ You may do so before or after you open and evaluate proposals. However, once you have executed a contract, you will not be able to cancel the transaction.

Step 7: Submit disclosures

You must submit the name of the selected proposer and the amount of the transaction to the *Central Register*, which is published by the Secretary of the Commonwealth.¹²⁸ If you intend to dispose of the property for less than the value determined in Step 2, your *Central Register* notice must explain the reasons for your decision and disclose the difference between the value and the price to be received.¹²⁹ To be consistent with its purpose, this notice should be published prior to entering into a binding agreement to dispose of the property.

Also, M.G.L. c. 7C, § 38, requires disclosure of all beneficial interests in real property acquired or disposed of by a public agency. The selected proposer's disclosure of beneficial interests must be filed with DCAMM. No contract to lease or sell property, and no renewal or extension of such an agreement, is valid until the seller or lessor files this form with DCAMM.¹³⁰ An updated disclosure form must be filed within 30 days of any change in beneficial interests during a lease term.

Step 8: Execute the contract

If you are selling real property, have your legal counsel draft a purchase and sale agreement that incorporates all of the mandatory terms and conditions required by the solicitation. If you are disposing of the property by lease, execute a lease that incorporates all the terms and conditions stated in the solicitation.

¹²⁷ See *Mangano v. Town of Wilmington*, 51 Mass. App. Ct. 857 (2001).

¹²⁸ M.G.L. c. 30B, § 16(f). Appendix B provides the website address for the online submission form for this disclosure, and Appendix D contains contact information for the Secretary of the Commonwealth.

¹²⁹ M.G.L. c. 30C, § 16(g).

¹³⁰ Appendix B contains the website address for DCAMM's real estate transaction disclosure form for this purpose, and Appendix D provides contact information for DCAMM.

disclosure of beneficial interests with DCAMM. No contract to lease or sell property, and no renewal or extension of such an agreement, is valid until the seller or lessor files this form with DCAMM.¹³² An updated disclosure form must be filed within 30 days of any change in beneficial interests during a lease term.

Intragovernmental and Intergovernmental Dispositions

Intragovernmental real property transactions, such as the transfer of use of a property from one department to another department within a single city or town, are not subject to Chapter 30B. However, intergovernmental real property transactions, such as the sale of land by one local government to another local government, are subject to some Chapter 30B requirements.¹³³ If you intend to dispose of real property to the federal government, the Commonwealth, another state, a county or another local jurisdiction, you must first declare the property available for disposition, identify use restrictions and determine the property's value. If you are going to dispose of the property for less than the determined value, you must publish a notice in the *Central Register* explaining the reasons for your decision and disclosing the difference between the value and the price to be received.¹³⁴

¹³² Appendix B contains the website address for DCAMM's real estate transaction disclosure form for this purpose and Appendix D provides contact information for DCAMM.

¹³³ M.G.L. c. 30B, § 16(i).

¹³⁴ Appendix B provides the website address for the online submission form for this notice and Appendix D provides contact information for the Secretary of the Commonwealth.

Section 1. CONTRACTS

- a. The procedures established under various Massachusetts General Laws shall apply to all Town Contracts for the procurement of supplies, services or real property and for the disposing of supplies or real property, except where additional requirements are stipulated in these By-Laws.
- b. In all cases where the amount of the procurement is ten-thousand dollars (\$10,000) or greater, the same shall be in writing and signed by at least a majority of the Board or Committee, or their delegated authority or designee, making such procurement. Copies of the related purchase order or contract shall be filed with the Town Accountant, the involved department or committee and the contractor.
- c. The Town Accountant, or his/her designee, shall verify the availability of funds for all procurement contracts under which the town shall be a party.
- d. The Chief Procurement Officer as appointed by the Board of Selectmen may delegate powers and duties in accordance with c. 30B s. 19.
- e. Any Board or officer in charge of a Department of the Town may, with the prior approval of the Selectmen in writing, sell or otherwise dispose of property within the control of the Department which has become obsolete or is not required for further use by such Department. Property of a value exceeding three hundred dollars (\$300.00) shall be sold, traded in, or otherwise disposed of on the basis of competitive bids
- f. Whenever a Town board or officer having charge of real estate, except for park, forest and conservation land, shall determine that such real estate is no longer needed for the use of the Department, such Board or officer shall forthwith give notice of such determination to the Board of Selectmen. The board of Selectmen shall then have custody of such property and shall dispose of same by two-thirds vote of a regular or special Town meeting in accordance with M.G.L. Ch. 40, Sections 3 and 15A.
- g. All contractual agreements, surety bonds and deeds and easements which the Town is a party shall be submitted to Town Counsel for approval as to form and manner of execution.

Section 2. ELIGIBILITY OF TOWN OFFICERS TO DO BUSINESS WITH THE TOWN

No Town officer, elected or appointed, or member of a Committee chosen by the Town or by the Board of Selectmen, nor any agent of such officer or Committee, shall have any financial interest in any contract or bargain made or approved in behalf of the Town by himself, any Board or Committee of which he is a member, or for which he may act as agent. The Town Treasurer shall pay no bills contracted in violation of this section.



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 #: 2024-064

TOWN COUNCIL MEASURE SUBMITTAL

Date: 2/26/2024

Submitted By: Town Manager

Telephone #: 508-699-0100

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, email=mborg@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
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Reason: I am the author of this document
Date: 2024.02.23 08:47:01-0500
Foxit 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.