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Town of North Attleborough
TOWN COUNCIL
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1/21/2026 - Minutes

I. Pledge Of Allegiance

Members: Dan Donovan (Chair), John Simmons, Laura Wagner, Ryan Benharris,
John Donohue

PLEDGE OF ALLEGIANCE

Subcommittee Chair Donovan called the meeting to order at 6:32 PM and led the Subcommittee members and audience in the pledge of allegiance.

By-Law Sub-Committee Members Present: Members Absent:

Dan Donovan (Chair)

Simmons

Laura Wagner

Ryan Benharris

John Donohue

Staff Present:

Town Manager (T.M) Michael Borg

Animal Control Officer, Stephanie Mitchell

Health Agent, Brian McCracken

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Residents Present:

7 people, 6 spoke

- Maureen Avila 11 Rosewood Ln
- Dave Avila, 11 Rosewood Ln
- Peter Yokum, 79 Coral Rd
- Jackie Connolly, 5 Gertrude Rd
- Lauren Ells, 8 Gertrude Rd
- Kathleen McCarthy, 181 Smith St

Invited Guests:

None at this time.

Documents Reviewed:

1. **Measure 2026-042**- Approval to Accept the proposed amendments to §108-4 modernize the Town's approach to backyard chicken keeping by recognizing the rights of residents to responsibly maintain chickens on their own property, while also establishing clear public-health protection to address concerns from neighbors— particularly those related to rodents. If accepted, this will also require an update of Ch.290 § 290-18.1 Use Schedule B 2 Agriculture (stock) to remove the prohibition and special permit requirements.
2. **Measure 2026- 046**- Proposal to amend the Zoning Bylaws to add a new section establishing Multi-Use Overlay Districts (MXO)
3. **Measure 2026- 047**- Proposal to amend the Zoning Bylaws, Use Schedule B, to Prohibit New and Used Auto Dealerships in all Residential and Commercial Zones

II. Approval Of Minutes

- a. Approval of December 4, 2025 Bylaw Sub-Committee Meeting Minutes

Approval of the December 4, 2025 Bylaw Sub-Committee meeting minutes

Donohue moved to approve, 2nd by Benharris, passed 4-0

III. Resident And Community Comment

None at this time.

IV. Old Business

- a. Measure 2026-042-The proposed amendments to §108-4 modernize the Town's approach to backyard chicken keeping by recognizing the rights of residents to responsibly maintain chickens on their own property, while also establishing clear public-health protections to address concerns from neighbors—particularly those related to rodents. If accepted, this will also require an update of Ch.290 § 290-18.1 Use Schedule B 2 Agriculture (stock) to remove the prohibition and special permit requirements.

a. **Measure 2026-042-** Approval to Accept the proposed amendments to §108-4 modernize the Town's approach to backyard chicken keeping by recognizing the rights of residents to responsibly maintain chickens on their own property, while also establishing clear public-health protection to address concerns from neighbors—particularly those related to rodents. If accepted, this will also require an update of Ch.290 § 290-18.1 Use Schedule B 2 Agriculture (stock) to remove the prohibition and special permit requirements.

- **Chair Donovan:** Reviewed process for bylaw change. Currently reviewing the feedback we received from town officials and residents and deciding what will be incorporated into the bylaw. Anticipates that at the next meeting we'll have a revised draft to review. Chair Donovan then noted that while this is not a public hearing, he thanked the residents who came to the meeting and then invited them to share a brief statement regarding their support/opposition/concerns for the bylaw change.
- **Maureen Avila 11 Rosewood Lane:** asked what prompted this amendment
 - **Chair Donovan:** Council president was approached by a resident who was denied a permit in R10 zone. The council then decided to look at the bylaw because 1) a zoning variance for chickens was being requested at almost every ZBA meeting and 2) the resident's request was denied simply because she lived in R10. The decision made by council was to explore the feasibility of revising the bylaw and including conditions to control conditions of approval. Currently, there is nothing in the bylaw exclusively focused on chickens. There is only a bylaw on livestock. This limits the town's ability to control and monitor backyard chicken coops and runs.
 - **Ms. Avila:** what has been discussed?
 - **Chair Donovan:** The Bylaw sub committee has discussed multifamily units, setbacks, and reviewed bylaws in other towns. Will try to address as many concerns as possible.
 - **Ms Avila:** My concern is that R10 prohibition made sense (small lots, close together). If the prohibition is removed, then the neighbors have no recourse to oppose their neighbor having chickens.
 - **Donovan:** removing prohibition does not mean that there are no restrictions. Biggest change, net benefit: chicken coops will have to be licensed. Think about it like dogs. This bylaw actually gives the town the ability to enforce rules that we don't have right now.
 - **Ms. Avila:** R15, where did the limit of 12 chickens come from? Also, annual inspection may not reflect actual conditions, and therefore, not reflect actual problems that may exist. Also, Items 3 & 6 [section G] (water and spilled feed) are not enforceable. Also had questions on consequences.
 - **Chair Donovan:** Consequences. Council established the ground rules and Health Dept. inspects and enforces the rules. Invited member Donohue to provide more information on the role of the Health Dept., which he did

- **Ms. Avila:** noted “flip-flop” in bylaw draft between home owner and resident. Suggested that the bylaw focus on owners. Also, concern about people who already have chickens “may not bother” to get a license. Main concern about R10 (small lots, often no fences)
- **Chair Donovan:** Noted that there will be outreach to known unlicensed coops to become compliant or risk fines and potential removal. The goal is to make the process inviting/easy so that all coops are licensed and identified.
- **Benharris:** Difference between a resident and a homeowner. Would not take away the right of the homeowner (if home owner denies permission, that will apply. This is similar to a homeowner having the right to ban pets from their rental properties). Also stated that he agrees that residents who already have chickens will want to be in compliance.

- **Dave Avila, 11 Rosewood Lane** Wants specific conditions identified, which will help with control. Has North looked at other towns?

- **Donovan:** Yes, multiple towns have been looked at. One of the goals of this bylaw is to provide guidelines of proper care
- **Benharris** noted the research done and shared by member Wagner
- **Wagner** shared that she looked at a number of towns with chicken bylaws and then focused on the ones that reported problems and how they were addressed.
- **Mr. Avila:** brought up concerns of Avian Flu.
- **Chair Donovan** responded that knowing where chickens are located will be beneficial in the event of a health concern.

- **Peter Yokum, 79 Coral Rd**

- He reported having a history of rodent activity in his neighborhood. Two causes identified: 1) dumpsters, hard to address due to no bylaw regulation - took several years) 2) Chickens, because they were prohibited, problem was solved quickly (chickens were removed)

- **Jackie Connolly, 5 Gertrude Rd**

- I went through rat problems, it took almost 3 years to get rid of them. My neighbor had chickens, which is what started the problems. The rats stays because of the dumpsters. Also asked about smart boxes - results?
- **T.M Borg** response: the boxes resulted in very few captures. We moved them around to several areas in town
- **Chair Donovan:** Important to get rid of food sources and water
- **Ms. Connolly:** Concern about annual inspection, “not enough.”
- **Chair Donovan:** There’s an initial license, but if there are problems residents can report the issue
- **Ms. Connolly:** Why not create a ballot petition to allow residents to vote on the issue? T.M Borg explained the process for bringing a petition before council.
- **Chair Donovan:** Explained why this bylaw is being addressed by Council - zoning is a legislative issue, which is why it goes to Council - Council is the legislative body. This is how our current form of government works.

- **Lauren Ells, 8 Gertrude Rd**

- Bought home 10 years ago and dreamed of having chickens. Once she learned more about what’s involved, and the risks of rodents, she changed by mind. Also, suggested that the bylaw include something about paying damages
- **Wagner:** noted that small claims court is already the option in the event that damage is done either to the chickens or by the chickens, to

neighboring properties.

- **Kathleen McCarthy, 181 Smith**

- Noted: Houses in this zone are very close together
- People tend to have good intentions [regarding cleanliness and upkeep], but then their efforts lag
- Manure - odor a concern, but also flies will be a problem
- There are many small restaurants located near the homes in this zone. How will this impact them?

Donohue: Licensing of the chickens. Applicants that came before the zoning board. Would like to hear more from enforcement officers. Also, is there a list of people who are licensed to have chickens?

Chair Donovan: There is no licensing process, there have only been special permits issued [43]. There could be many more chicken coops but we do not know where they are located at this point. With increased inspections and the possibility for complaints, we need to consider impact on town staff

Donohue: people who do inspection services are reactive, not proactive. We do not have inspectors going out unless there is an issue.

Chair Donovan: Put aside zones for now and ask ourselves, "Would there be a benefit to the town having them licensed and inspected?" Licensing would help, inspection would double annual ACO inspections. Bylaw could reference that inspections are being done annually for the state.

ACO Mitchell: Noted that state inspections have to be completely separate from Town inspections. She stated that she wants to know where the chickens are. Currently, there are 43 Special Permitted coops in R10, but there are others where no special permit process occurred.

Chair Donovan: approximately how many more coops are there?

ACO Mitchell: Roughly, 60 or so more. State requirement, to inspect livestock every year. During state inspections, the focus is not on town bylaws. The requirement is to take a count of all livestock present in town.

Health Agent McCracken: BOH does annual stable inspections approx 20 (horses only). BOH could do initial inspection and then the ACO will do the annual state inspection.

T.M Borg: R10, Suggestion: consider a preinspection, to ensure it is suitable for a coop and run. Also, to assess rodent population and risk.

Donovan: Our goal is to find the balance between not having too many loopholes but also not creating something so restrictive that 1) people don't comply and 2) it's too hard to enforce

- **Wagner:** Thoughts and changes I'd like to see:

- We already have chickens in town and there has not been an associated marked increase in rodent populations. My research in residential chicken coops indicates that with proper care, there will not be an adverse response in increased rodent activity. I think it's unfair to reject chicken coops overall because one resident may not provide proper conditions. We can address

non-compliance by having appropriate regulations in place. We know that bird feeders attract rats, which are not banned - I think we need to be consistent. Also, homeowners can maintain their property so as not to create conditions that are attractive to rats.

- From a public health perspective, I'd like to know where all the poultry are located in town, in the event that a public health response is necessary.

- I support the stated setback requirements, which will protect the rights of neighbors. Based on feedback heard tonight, increasing the set back to 15' makes sense.

- We've heard from the Health Director, Building Commissioner & ADA Coordinator, Animal Control Officer, and the Chair of the ZBA. I also spoke to Health Agent Brian McCracken. None of these officials were opposed to allowing residents to have chickens, as long as proper regulation was in place.

- Priorities for changes:

- the bylaw does not include a description of the ground conditions on which the chickens will be kept. I think it's inhumane to keep chicken on asphalt, and some of the homes within R10 have asphalt back yards. Also, asphalt will allow for waste to easily travel into neighboring properties or even, potentially, to drain into storm drains.

- R10 15 feet setback (some lots very small but we would need to consider all the lots. Some may be appropriate, others may not be but a proper set back could address this.

- Training required in order to get the license

- Pre-inspection - like this. Look for rodent activity, ask for coop and run set-up plan (include minimum size)

- Provide information to ensure the person understands expectations

- No coops in front yards

- **Donovan:** At the previous bylaw subcommittee meeting, the Chair of zoning board, noted that the measure as it is written now calls for the removal of the prohibition and SP requirement (290-18.1). By doing that we would allow people to have livestock of all sorts. An amendment is needed to avoid this and limit the change to chickens only.

Chair Donovan's proposed amendment:

Now reads:

Approval to Accept If accepted, this will also require an update of Ch.290 § 290-18.1 Use Schedule B 2 Agriculture (stock) to remove the prohibition and special permit requirements.

Proposed Amendment:

... If accepted, this will also require an update of Ch.290 § 290-18.1 in Use Schedule B 2 Agriculture (stock) ~~to remove the prohibition and special permit requirements.~~ **to add a**

line referring to Chickens after Agriculture (Stock).

> **Donohue moved to amend the bylaw as stated, 2nd by Benharris. Amendment passes, 4-0:**

- **Action Item:** Chair Donovan requested two volunteers to create a new draft of the proposed bylaw and have it ready for review at our February 4 meeting. Wagner and Donohue volunteered.

> **Donohue moved to continue discussion of the measure to Feb 4, 2026**

meeting. 2nd by Benharris: motion passed, 4-0

V. New Business

- a. Measure 2026- 046- Proposal to amend the Zoning Bylaws to add a new section establishing Multi-Use Overlay Districts (MXO)

Measure 2026-046- Proposal to amend the Zoning Bylaws to add a new section establishing Multi-Use Overlay Districts (MXO)

Overview provided by T.M Borg

- Multi Use Overlay Districts. Thanked Town Planner Gil Hilario, Previous Planning Board Chair Clarner and Current Chair Gittle, for their work in creating this draft
- Planning Board will be special permitting authority
- Additional commercial and industrial could be added to the designated zones
- Intended to help move us toward 75/25 goal for residential/CIP split
- Goal: create options while retaining the right to say yes or no to projects
- Gives us the ability to shape specific areas and prepare us for the next decade+

Chair Donovan: Mixed use for the entire parcel, not the traditional sense of residential above and commercial below. MXO allows for more flexibility, specifically, right now, the mall can only be a mall. This will change that. This bylaw has the potential to change the town in a positive manner.

T.M Borg: Could get an all residential proposal, or all industrial proposal, but control is retained with the planning board.

Chair Donovan: Found the selection of parcels interesting and would like to hear more about the selection process from Chair Gittle and Town Planner Hilario and a future meeting.

Donohue: The town had an 80/20 split years back. Agrees that the CIP segment should

grow and the MXO will be a good way to encourage more businesses to consider North Attleboro.

Benharris: Asked about the mall, potential for housing. Role of mall in the town / budget impacts

T.M Borg: Mall location could eventually be housing, light industrial, but the special permit process will allow us to retain control over proposed projects. Note: Mall property is privately owned. MXO will help in the future, if the owners decide to sell

Wagner: Positive response, proactive approach that makes North appealing and attracts the optimal projects. This will create opportunities for our Town.

> **Donohue moved to continue discussion of the measure to Feb 4, 2026**

meeting. 2nd by Benharris: motion passed, 4-0

- b. Measure 2026- 047- Proposal to amend the Zoning Bylaws, Use Schedule B, to Prohibit New and Used Auto Dealerships in all Residential and Commercial Zones

Measure 2026- 047- Proposal to amend the Zoning Bylaws, Use Schedule B, to Prohibit New and Used Auto Dealerships in all Residential and Commercial Zones

Overview provided by T.M Borg

- A large number of car dealerships already exist here in town, with the majority located on South Washington St. This measure will restrict additional dealerships due to this not being considered the highest and best use of land. Car dealerships do not generate a lot of jobs, and they do not pay an inventory tax. There is no intention to reduce or change the current dealerships in any way, but no new dealerships will be prohibited.

Chair Donovan: two questions 1) I don't have a problem with the idea that we have enough large dealerships or that it's not the highest or best use. But, I'd rather have flexibility and make this a special permit, vs prohibited.

2) Small auto repair shops that also sell used vehicles. Some comments received asked if these small shops would be impacted.

T.M Borg: Existing small dealerships would not be impacted, but, this proposed bylaw change would also prohibit new small dealerships from being added. Not new mechanic shops, but no used cars could be sold on the business' lot.

General discussion followed regarding the value of this proposed measure.

Wagner: I support putting this prohibition in place, which will encourage us to pursue our development goals. Additionally, in regards to small mechanic shops, opening a car mechanic shop today requires significant capital. Not being able to sell a few used cars on the lot will not have a significant impact, from my point of view.

Benharris: Supportive of prohibiting new dealerships. Noted benefit of people coming to North and frequenting other businesses. Concern about the impact of how technology will impact sales and the type of businesses that will succeed. Will creating this bylaw limit what type of business will succeed?

Donohue: Interested in knowing how many dealerships are currently present as well as how many small shop used car dealers. Could a new small shop mechanic selling used cars open?

> **Donohue moved to continue discussion of this measure to Feb 4,**

2026 meeting. 2nd Benharris 4-0

VI. Adjournment

Donohue moved to adjourn, 2nd by Benharris.

Meeting adjourned at 8:58 PM

Respectfully submitted by Laura Wagner