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Town of North Attleborough  
**TOWN COUNCIL**  
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2/4/2026 - Minutes

## I. Pledge Of Allegiance

Subcommittee Chair Donovan called the meeting to order at 6:33 PM and led the Subcommittee members and audience in the pledge of allegiance.

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

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

Dan Donovan (Chair)

John Simmons

Laura Wagner

Ryan Benharris

John Donohue

**Staff Present:**

Town Manager (T.M), Michael Borg

Town Planner, Gil Hilario

Planning Board Chair, Jason Gittle

Animal Control Officer (ACO), Stephanie Mitchell

Health Director, Anne Marie Fleming

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**Residents Present:**

Three residents, no public comment invited at this meeting

**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 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.
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 January 21, 2026, Bylaw Sub-Committee Meeting Minutes

Approval of the January 21, 2026 Bylaw Sub-Committee meeting minutes

**Simmons moved to approve, 2nd by Benharris, passed 5-0**

**III. Resident And Community Comment**

None at this time.

**IV. Old Business**

- 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 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.

**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 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.**

- **T.M Borg:** During discussion, provided document, “Operational & Fiscal Impact Review.” The document detailed the financial impact on requiring an estimated 200 annual inspections. Projected estimate of expense, \$25,700. An annual fee of \$125 would be required to result in a budget neutral impact.
- **Chair Donovan:**
  - Requested Wagner read revised draft of Bylaw, which incorporates feedback to this point. Wagner then reviewed the new draft, discussion followed.
  - Proposed shifting from creating a new Bylaw to establishing a BOH regulation, similar to how horse stables are addressed. The new approach puts the control in the hands of the BOH. Chair Donovan stated that the ACO and Director of Public Health are the experts and it may make more sense to let them establish the requirements. A summary of key points to this approach is as follows:
    - Stables (horses) are a good example of the structure we already use. The zoning bylaw determines where stables are allowed through the Use Table, and the Board of Health regulations (Chapter 392) govern how they are operated — sanitation, setbacks, manure management, inspections, and nuisance control. Zoning handles land use compatibility, and the Board of Health handles public health and enforcement.
    - Chickens could be handled the same way. Instead of creating a highly detailed zoning section, we could add a specific line in Use Table B for “Backyard Chickens (Hens Only)” and include a note that the use is subject to Board of Health regulations. The Board of Health would then adopt a new set of regulations (Chapter 392A - similar in structure to the stable regulations) covering number of hens by lot size, coop and run standards, setbacks, manure management, rodent control, free-range limitations, and inspections.
    - This keeps the zoning bylaw simpler and focused on where the use is allowed, while giving the Board of Health clear authority and flexibility to address health, nuisance, and enforcement issues — which is ultimately where most concerns about chickens fall.
    - It also has the benefit of being consistent with how the Town already regulates larger animals, rather than creating an entirely new regulatory model just for chickens.
    - Chapter 392 and a possible draft Chapter 392A were provided for reference and discussion purposes.
- **Chair Donovan:** After discussing this proposed new approach, the Chair inquired if there was support for it among the members, but there was not. The proposal was set aside and the focus returned to the Bylaw draft.
- **Chair Donovan:** Requested that the BOH look over the updated draft and provide feedback (including fees).
- **Wagner:**

o The Bylaw addresses both the resident who wants chickens and the neighboring residents. Support the annual fee proposed by T.M Borg (\$125). Council can reassess in several years and adjust it accordingly, if needed. It's better to put the necessary controls in upfront, and provide the necessary funding, and then scale it back in a year or two, if needed. It will be much harder to address problems after they occur, when the proper funding and regulation is not in place.

- **Simmons :**

- o Not in favor of annual inspection if it means establishing a \$125 fee.

Would be open to an initial fee at a higher amount, Covering pre-inspection, and then a lower annual fee for the subsequent annual inspections. Overall though, would rather annual inspections be struck.

- o Emphasized not being dismissive over residents concerns, but discussed thoughts on property rights, addressing nuisance, animal rights and impact on budget. Does not support hiring a new PT employee. Also, wants to keep the decision making control with Council and not defer it to BOH.

- **Director Fleming:** recommended that both a BOH agent and ACO should go to inspections together

- **Donohue :**

- o Interested in knowing - of the 43 special permits granted, how often has the BOH agent been called to any of these properties?

- o Noted that waived annual inspections could lead to more nuisance calls, which will also add to the impact on the budget.

- o In addition, stated concerns regarding instances when a BOH agent was not allowed on the property. Supports this Bylaw clearly stating that allowing a BOH agent on the property is required.

- o Ask about fees for other cities/towns in the Commonwealth fee ACO: Range is \$0 - \$100 (Right to farm communities typically don't have fees), with the average being between \$30-\$40. Also, some towns start high, and then reduce the fee

- **Benharris:** In light of T.M Borg's budget impact, I do not support annual inspections. This Bylaw was developed in order to allow chickens by right. This new direction does not reflect the intention.

>> **Action: T.M Borg offered to work with the ACO and BOH Director, rewrite the draft and present it to the Bylaw Committee. The Committee agreed.**

**> Simmons moved to continue the discussion of this measure to**

**The March 5, 2026 Bylaw Subcommittee meeting. 2nd by Donohue.**

**Motion passed 5-0**

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

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- **T.M Borg :**

- o The multi-use overlay district (MXO) is designed to facilitate adaptive reuse for properties here in North Attleboro. It is not focused on one type of development, but rather, allows for mixed uses; housing, commercial, both or other uses (details provided in agenda packet)
- o The Planning Board is the Special Permit granting authority.
- o This is not a housing bylaw, rather an effort to expand our economic opportunities in North Attleboro. There is minimal space available for new development, and the focus is now on adaptive reuse of existing underutilized/vacant properties to develop them with the best and highest use in mind.

- **Chair Donovan:** Took this item first, in respect to staff present (Town Planner Hilario, Planning Board Chair Gittle). Provided positive feedback, Noted development areas in other towns that are a positive example of multi-use (eg. University Station, Westwood).

- **Chair Donovan: Criticisms/Questions:**

- o Colors: 5 zones and 7 colors. Multiple colors in one zone is confusing. TP Hilario agreed, stating that there are plans to change this on the overlay map.
- o Development standards: 1) 13a "Building location will be Parallel or perpendicular to the street," Why? TP Hilario explained why this is an advantage to town planning. PC Gittle noted that it is also waivable.
- o Prohibited uses - makes sense, except for dry cleaners, why? TP Hilario Contamination is an issue (chemical use). Also, low economic impact (few jobs created, minimal tax revenue generated). In addition, when this type of business ends, turnover of the space is expensive due to chemical use history.
- o Were there any areas that generated debate when choosing the five? PC Gittle: The downtown area generated considerable discussion, but ultimately, the decision was to include it. It's a clearly defined area that is already mixed use.

- **Town Planner, Gil Hilario:**

- o Division: There will be a marketing effort behind the MXO, there will be a logo and outreach to press will occur (Including Boston Globe).
- o Companies look for flexibility, highway access. Old way of thinking was to group similar industries. Mixed use is now more desirable.
  - Goal: 1 adaptive reuse
  - Goal 2: Complete renovation
- o As the current zoning bylaws are written, several types of industries are not allowed. MXO is attended to address this
- o Noted Marlborough's corporate focused zone and the benefit that this has had.

- **Planning Board Chair, Jason Gittle:** This draft was a year in development, with an accelerated effort increasing three months ago. Extensive discussion went into the draft. Finally, it was decided to widen the discussion by providing it to Bylaw and Council in an effort to establish the best possible outcome. Three main areas that will

- o Boundaries: Instead of looking at specific properties, took a wider view of the overall town. 1 & 2) Rt 1 North & South, cement sprawl is a problem and outdated types of development. 3) Mall District 4) Kelley Blvd 5) Downtown area - looking for gateway areas (already a mix of heavy commercial and residential)

- o Dimensional guidelines and Design Standards: Tried to be consistent with existing overlays design standards
- o Test of the bylaw itself
  - Scrutiny:
    - Meets with MGL?
    - How do we compare to other municipalities
    - Adaptive reuse, high & best use.
    - How does this meet our Master Plan?
- o Overlay vs "traditional" zoning. Underlying zoning remains (uses by right). The overlay is an option, by Special Permit only
- o Emphasized consistency throughout existing overlays bylaws
- o Noted MGL Ch 40 and how MXO will help the town with the development of affordable housing

- **Wagner:** Provided positive feedback overall. Asked for further clarification and understanding regarding Special Permitting in the case of denial

- **Simmons:** What is the appeal process if denied? (TP Hilario: Developer has 30 Days to appeal to Land Court). Spoke about overall thoughts on the MXO Bylaw. Provided positive feedback, appreciated the clarification on underlying zoning remains by right. Also spoke about design standards, pros and cons. Noted preferred design standards vs required design standards

- **Benharris:** Positive feedback overall. Comment on branding and marketing, emphasized the importance of making sure that information about projects is available to the general public in an effort to curb opponents who spread misinformation. We need to clearly explain what the overlay district is, but also, what it's not.

- o **T.M Borg:** we will have a dedicated website and this effort ties in with Economic Development

- **Donohue:** Asked about concerns regarding this as spot zoning.

- o **Gittle:** Scope of overlay district avoids this. Also, able to articulate why these specific zones have been chosen - all of which already have some mix of use present

- **Donohue:**

- o Spoke about past ratio, residential/commercial was 80/20 but this no longer the case. It's important for the town to generate more revenue and MXO will help us meet this goal
- o How many other communities have a MXO? PC Gittle: 113
- o Were there any that stood out? PC Gittle Wakefield, Tewksbury, and Dedham stood out (Gittle and Hilario)
- o A potential danger when changing a bylaw is how it impacts other bylaws. How does this MXO co-exist with existing bylaws? TP Hilario: We copied requirements in many cases from existing bylaws when consistency is important.

- **Benharris:** Benefits, will bring in more commercial business, but noted that if the Emerald Square Mall sells, MXO will provide development opportunities other than building another mall, which is a limit of the current zoning..

**> Donohue moved to continue the discussion of the measure until the**

**Feb 18, 2026 Bylaw Subcommittee Mtg. 2nd by: Simmons. motion**

**passed, 5-0**

- c. 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**

*Note: The Planning Board met 01-22-26 They held a public hearing and voted on measure, 3-2 against recommendation. The Planning Board stated, however, that if the large auto dealers were separated from one another and special permits were added for 5b, the vote would have been 3-2 in favor of recommendation. Also, there were questions about the definition of a motor vehicle accessory.*

- **T.M Borg:** Provided an updated draft of Schedule B. Changed 5b to special permit. He noted that If this measure passes with the change to 5b, it will conflict with MXO. He noted his supports of the Special Permit for 5b
  - Next steps. Planning board already voted. Need to withdraw the original measure and resubmit to Council as amended. Or, Council can amend the measure, send it back to Planning Board and then back to Bylaw and and then back to Council. Likely, end of March for 2nd reading and public hearing. Question for legal: Does planning need to have another public mtg? T.M Borg agreed to look into these questions
- **Chair Donovan:** Supports having control and the special permit. This change represents a compromise. Some want the prohibition, but others do not want restrictions. Council has a goal to address the perception that doing business in North Attleboro is difficult. Prohibitions do not help dispel this perception.
- **Town Planner, Gil Hilario:** discussed the amendment and the process
- **Planning Board Chair, Jason Gittle:** should not prohibit anything when the Planning Board has the ability to control it by special permit. Weigh the risks of prohibiting business, with being open to options
- **Wagner:** Does not support the amendment to 5b, allowing used cars by special permit. We just discussed the goal of MXO and the Town's vision for development. This does not fit. Better to stick with conviction and pursue stated vision.
- **Simmons:** The government needs to stay out of business. Businesses and investors should decide what businesses are added. Question, who issues the license? TP Hilario: Licensing Board
- **Beharris:** Does not support the change. Town does not benefit, residents support the prohibition on more used cars. This change does not address a need.
- **Donohue:** Conflicted on the change. Spoke about businesses and the potential for revenue. Wants to hear more about the Planning Board's decision

**> Simmons moved to continue the discussion of the measure until the**

**Feb 18, 2026 Bylaw Subcommittee Mtg. 2nd by: Beharris.**

**motion passed, 5-0**

> Reached 3 hour point of meeting (9:30 PM), break required per Rules.

**Donohue moved that the subcommittee take a 5 recess. 2nd by Simmons. Motion passed, 5-0**

V. New Business

None at this time.

VI. Adjournment

**Donohue moved to adjourn, 2nd by Simmons.**

Meeting adjourned at 9:40 PM

*Respectfully submitted by Laura Wagner*