

**PROCEEDINGS
SPECIAL TOWN MEETING
JUNE 2, 2014**

On Monday, June 2, 2014, Town Clerk, Maxwell Gould, opened the Special Town Meeting at 7:09 PM announcing, “With 97 RTM members present, we have a quorum.”

Town Moderator, Deborah Kohl, led the membership in the Pledge of Allegiance to our Flag.

She then called for a moment of silence for our men and women serving overseas in the Armed Forces.

Town Moderator, Deborah Kohl, read the Warrant:

**NORTH ATTLEBOROUGH WARRANT
FOR THE REPRESENTATIVE SPECIAL TOWN MEETING
Monday, June 2, 2014**

THE COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

To either Constables of the Town of North Attleborough:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the legal voters of the Town of North Attleborough to meet at the North Attleborough Middle School Cafetorium, in said North Attleborough on:

Monday, the 2nd of June, 2014 A.D.

At 7:00 P.M., then and there to act upon the following articles to wit:

And you are hereby directed to serve this warrant by posting up attested copies thereof in at least ten public places in said Town and also in one place in each of the voting precincts within the Town at least twenty-one days before the time of said. Hereof, fail not, and make due return of this warrant with your doings thereon to the Town Clerk on or before the time of said meeting.

Given our hands and seal of the Town of North Attleborough on this April 24, 2014

NORTH ATTLEBOROUGH BOARD OF SELECTMEN

Joan Marchitto, Chairman
Mark Williamson, Vice-Chairman
John C. Rhyno
Patrick Reynolds
Anne Lonzo

Town Moderator, Deborah Kohl, then read the Return:

BRISTOL, ss.

Pursuant to this within warrant, I have notified the inhabitants of the Town of North Attleborough within described, to meet at the time and place for the purpose within mentioned by posting attested copies of this warrant in nineteen (19) public places in said town twenty-one (21) days before the time of said meeting.

Chief John J. Reilly,
Constable Town of North Attleboro

Town Clerk, Maxwell G. Gould, administered the Oath of Office to newly appointed, elected, and/or re-elected RTM members.

Robert Nerz (P7) made a motion as follows:

I move that the Town Meeting adopt the Bourne Amendment: That any motion to increase the amount of money recommended for an article must specify where the additional monies will come from.

Motion seconded.

Motion carried.

Robert Nerz (P7) made a motion as follows:

I move that the Town Meeting adopt the procedural rule: That the count of a super majority vote, when declared obvious by the Moderator, shall not be taken unless requested by seven or more RTM members.

Motion seconded.

Motion carried.

Don Bates (P8) made a motion as follows:

Motion to take Articles 6, 7, 8, & 9 out of order and consider them before Article 1.

Motion seconded.

Motion carried.

Articles 6, 7, 8, & 9 were considered at this point in the meeting. Refer to the Articles in their proper sequence in these proceedings for actions taken on them.

ARTICLE 1 AMEND ARTICLE 6 OF 2013 ATM

BOARD OF SELECTMEN

To see if the town will vote to amend Article 6 of the June 2013 Annual Town Meeting by amending:

LINE	AMOUNT	DESCRIPTION	REQUESTED BY	ANTICIPATED PROJECT STATUTORY CITATION, CHAPTER 44, () OR ANY OTHER ENABLING AUTHORITY
31	\$85,553.00	Repair and Replacement of windows, siding and doors at the Town's three fire stations	Fire Department	44,7 (3A)
36	Delete			
37	Delete			

PURPOSE AND JUSTIFICATION: Combining of these articles allows for economies of scale resulting in savings to the town by combining all three projects, rather than dealing with them individually.

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend Article 6 of the June 2013 Annual Town Meeting by deleting lines 36 and 37 and amending line 31 to read as follows:

LINE	AMOUNT	DESCRIPTION	REQUESTED BY	ANTICIPATED PROJECT STATUTORY CITATION, CHAPTER 44, () OR ANY OTHER ENABLING AUTHORITY
31	\$85,553.00	Repair and Replacement of windows, siding and doors at the Town's three fire stations	Fire Department	44,7 (3A)
36	Delete			

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a majority vote the RTM members approved the Finance Committee’s recommendations.

ARTICLE 2 APPROPRIATE FUNDS TO SUPPLEMENT BUDGETS BOARD OR SELECTMEN

To see if the town will vote to appropriate a sum of money to supplement various Fiscal Year 2014 departmental operating budgets. Said sum to be funded from free cash or transfer from available funds.

PURPOSE AND JUSTIFICATION: This article is being submitted to facilitate the operating expenses for various departments for the fiscal year.

FINANCE COMMITTEE VOTE: 7-0

2/3 ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$279,158.62 to supplement the following departmental budgets as outlined below:

DEPARTMENT	AMOUNT	FUNDING SOURCE
Animal Control / General Expenses (Dept. 292B)	\$2,500.00	Free Cash
Snow & Ice / Salaries (Dept. 423A)	\$55,489.68	\$13,908.00 from Free Cash and \$41,581.68 from the Stabilization Account
Snow & Ice / General Expenses (Dept. 423B)	\$186,168.94	Stabilization Account
Veterans / General Expenses (Dept. 543B)	\$20,000.00	Free Cash
Health Insurance (Dept. 914)	\$5,000.00	Transfer from Unemployment (Dept. 913)
Medicare (Dept. 916)	\$10,000.00	Free Cash

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

Joan Marchitto (P3) made a motion as follows:

Move to amend the Finance Committee’s recommendation by changing Health Insurance (Dept 914) from \$5,000 to \$8,000 and amend the total to read \$282,158.62.

Motion seconded.

Motion carried.

By a unanimous vote, the RTM members approved the Finance Committee’s Recommendation as amended.

At 7:31 PM a motion was made and seconded to adjourn the meeting for the purpose of opening the Annual Town Meeting.

Motion seconded.

Motion carried.

At 7:25 PM on June 4, 2014, the Special Town Meeting resumed. The quorum in attendance from the just adjourned Annual Town meeting continued to be present.

ARTICLE 3 APPROPRIATE \$94,945.67 FOR WASTE WATER TREATMENT BOARD OF PUBLIC WORKS

To see if the town will vote to appropriate the sum of \$94,945.67 for the funding of the Wastewater Treatment Facility Phase V project. Said sum shall be paid from Sewer Enterprise Retained Earnings.

PURPOSE AND JUSTIFICATION: In 2011, Massachusetts Water Pollution Abatement Trust (MWPAT) reimbursements were received for two projects at the Wastewater Treatment Facility, Phase III and Phase V upgrades. One of the payments for Phase V, was mistakenly applied to Phase III in the accounting system. At the end of these projects, the excess in Phase III fell to Retained

Earnings, but Phase V maintained a deficit on the books. This Article corrects this accounting error and returns the fund reimbursement to the correct project.

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$94,945.67 for the funding of the Wastewater Treatment Facility Phase V project. Said sum shall be paid from Sewer Enterprise Retained Earnings.

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a majority vote the RTM members approved the Finance Committee's recommendation.

ARTICLE 4 APPROPRIATE FUNDS FOR 911 SOFTWARE UPGRADE

I.T. DEPARTMENT

To see if the town will vote to transfer from free cash the sum of \$8,500.00 for the purchase of the Next Generation 911 software update. The IT Department will oversee the procurement and installation of the software.

PURPOSE AND JUSTIFICATION: The emergency services provided to the Town through 911 are essential to the health and wellbeing of the entire population of the Town. This vital system must be maintained to continue the success of our public safety departments.

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$8,500.00 for the purchase of the Next Generation 911 software update. Said sum to be paid from free cash.

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a majority vote the RTM members approved the Finance Committee's recommendation.

ARTICLE 5 AUTHORIZATION FOR THE B.O.S TO APPRAISE & ADVERTISE TOWN LAND FOR SALE

BOARD OF SELECTMEN

To see if the town will vote to authorize the Town of North Attleborough under the direction of the Board of Selectmen to obtain an appraisal and advertise for sale the following parcel of land owned by the Town:

Property location: Map 33 Part of Lot 25. The portion of the property is a triangular shaped lot of vacant land on the southern side of Walcott Road, a private road situated on the eastern side of Mt. Hope Street due south of Elmwood Street. The land area is 6,276 square feet with 213.27 foot frontage.

PURPOSE AND JUSTIFICATION: The land is located in an R-15 zone with a primary use of single family residences. The current land owned by the Town does not meet zoning requirements. The Town has been approached by the abutting property owner expressing interest in the potential purchase. Under Chapter 30B Section 16, the Town must obtain authorization from the governing body to declare the property available for disposition and allow the Town to engage in any transaction related to the sale or lease of town owned land. The property will be assessed and advertised for sale.

FINANCE COMMITTEE VOTE: 7-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to authorize the Town of North Attleborough under the direction of the Board of Selectmen to obtain an appraisal and advertise for sale the following parcel of land owned by the Town:

Property location: Map 33 Part of Lot 25. The portion of the property is a triangular shaped lot of vacant land on the southern side of Walcott Road, a private road situated on the eastern side of Mt. Hope Street due south of Elmwood Street. The land area is 6,276 square feet with 213.27 foot frontage.

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a 2/3's majority vote, declared obvious by the Moderator, the RTM members approved the Finance Committee's recommendation.

Town Moderator, Deb Kohl, read a letter from the Planning Board regarding their recommendations for Articles 6 and 7 into the record of the meeting.

*Richard Peterson, Chairman
Richard R. Houle, Vice-Chair
Mary E. Burgess, Town Planner*

*Thomas E. Welch
Gregory A. Walsh
Mary Signoriello, Secretary*

May 16, 2014

*Deborah Kohl
Town Moderator
Town of North Attleborough
43 South Washington Street
North Attleborough, MA 02760*

Re: Articles No. 6 and 7 for Proposed Amendments to the Zoning By-Laws, Scheduled for the June 2, 2014 Special Town Meeting.

Dear Ms. Kohl:

At their meeting held on Thursday, May 15, 2014, the Planning Board voted as follows on Articles No. 6 and 7 of the June 2, 2014 Special Town Meeting Warrant.

***Article 6:** The Board voted unanimously (4-0) to recommend that the Town vote to approve the article, with recommended changes to the formatting of the text.*

***Article 7:** The Board voted unanimously (4-0) to recommend that the Town vote to approve the article as submitted.*

On Behalf of the Planning Board,

*Mary E. Burgess
Town Planner*

MEB/lf

*cc: Town Clerk
Finance Committee*

Article 6 was considered before Article 1 in this warrant.

ARTICLE 6 AMEND SECTION VI OF ZONING BY-LAWS

PLANNING BOARD

To see if the town will vote to amend the North Attleborough Zoning By-Laws to delete in its entirety Section VI. – Supplemental Regulations, Q. Temporary Moratorium on Medical Marijuana Treatment Centers and replace with the following:

Q. Medical Marijuana Dispensaries and Cultivation Centers

1. General

Medical Marijuana Dispensaries are defined in accordance with the Department of Public Health as Medical Marijuana Treatment Center” shall mean a “not-for-profit entity, as defined by Massachusetts law only, registered by the

Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”

2. Purpose

- A. To provide for the establishment of Medical Marijuana Facilities in appropriate places and under strict conditions in accordance with 105 CMR 725.000: Implementation of an act for the humanitarian medical use of Marijuana.
- B. To minimize the adverse impacts of Medical Marijuana Facilities on adjacent properties, residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with said Facilities.
- C. To regulate through this bylaw and Special Permit plan review the facilities to be used as Medical Marijuana Dispensaries and Cultivation Centers.

3. Special Permit Granting Authority (SPGA)

For this purpose of this section, the Planning Board shall be the Special Permit Granting Authority, pursuant to Chapter 40A, Sections 1A and 9 of the Massachusetts General Laws.

4. Permitted Uses

Medical Marijuana Dispensaries and Cultivation Centers are allowed in the Industrial 60,000(sq. ft) zone. All setbacks and dimensional requirements set forth in Section V.- Use Regulations, Intensity Schedule A.

5. Buffers and Screens

A buffer area off five hundred (500) feet shall be provided at the perimeter of the property where it abuts residentially zoned districts, schools, churches, gymnasiums, playgrounds or any other area that children congregate, including driveways or streets necessary for access and egress to and from the site. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance. Buffer areas shall be continually maintained by the owners

6. Applicability

Any request for a building permit or change of use shall not be granted until a site plan for such request has been submitted to and approved by the Planning Board. Site Plan Review shall be required for:

- A. New construction of a non-residential use; or
- B. The construction, reconstruction, expansion or substantial alteration or improvement of an existing non-residential use or non-conforming use that results in a change or substantially different use as listed in Schedule B of this By-law; or
- C. The construction or creation of any new parking lot or the expansion or redesign of an existing parking lot; or
- D. Creation of any outdoor storage areas for vehicles, machinery, stock in trade or supplies;
- E. or the expansion of an existing area unless determined by the Planning Board to be of minimal size or impact.

7. Submission and Plan Requirement

- A. Any person desiring review of a site plan under this Section shall submit three (3) full size plans (minimum of 24” x 36”) copies and seven (7) 11”x17” reduced copies of the plan at a scale not to exceed 1”=40’ along with a detailed Project Narrative describing the existing and proposed conditions, three (3) copies of a Stormwater Management Report and Traffic Impact Analysis, if applicable, and two copies of the Form M application directly to the Planning Board after receiving a dated receipt for the filing of the plans with the Town Clerk within the same day.
- B. The Planning Board may request the assistance of outside consultants during their review of Special Permit consistent with the peer review procedures and guidelines under the provisions of M.G.L. c.44, 53G. At the time of the filing of an application for site plan review, the Planning Board shall determine if an outside consultant(s) is to be retained and if required will establish the review fee to be submitted by the Applicant to the Town for this purpose.
- C. As part of the submission of a Special Permit for review the Applicant shall prepare a project summary that accurately describes the nature, scale, and the general physical and operational relationship of the proposed project to the surrounding area, along with additional information the Applicant may deem pertinent. The plans need not be prepared by a Registered Professional but shall be drawn to an appropriate scale and include any applicable items. As part of the project description the Applicant may request waivers from the submission of any of the required items that they believe are not applicable to the proposed activity. However, the Planning Board reserves the right after review of a Minor Site Plan to determine, based on conditions specific to the site, that the plan be processed as a Site Plan for the purposes of providing additional information including the preparation of the plan by an appropriately Registered Professional.

- D. The Special Permit plans submitted to the Planning Board shall be prepared by a Professional Civil Engineer, Professional Land Surveyor and Landscape Architect as applicable registered in the Commonwealth of Massachusetts and provide at a minimum the following information in the plan set:
- i. Name of the Applicant and the lot owner.
 - ii. Assessor's plat and lot number.
 - iii. Book and page number of the current deed as recorded in Bristol County North Registry of Deeds.
 - iv. Zoning District, overlay zones and proposed use of the site.
 - v. An Existing Conditions Plan.
 - vi. Dimensions of the lot and proposed building setbacks from each lot line.
 - vii. Scale of plan.
 - viii. Locus plan of the area showing the specific site at a scale of 1"=2,000'.
 - ix. Location of existing and proposed structures including dimensions, total area, number of stories, and ground elevation at building corners.
 - x. Dimensions of parking spaces, loading areas, driveway openings, driveways, service areas and other open uses.
 - xi. Delineation of a vegetation clearing/limit of work line.
 - xii. A landscape design for the site including dimensions and details of sidewalks, fences, walls and planting areas.
 - xiii. All facilities for water, sewage disposal, refuse, snow removal and other waste disposal areas.
 - xiv. A storm water management design including but not limited to: catch basins, drain manholes, pipes, paved waterways, drywells, rip rap, retention and detention storage areas.
 - xv. All existing and proposed topographic contours at two (2) foot intervals.
 - xvi. All wetlands, flood plains, waterways and rock outcroppings.
 - xvii. Location, dimensions, and purpose of any easements.
 - xviii. All curbs, granite bounds, and pertinent roadway data including but not limited to the following: length, bearing, radii, tangent distances, and central angles to determine the exact location, direction, and length of every street and way line, lot line, and boundary line; and to establish these lines on the ground.
 - xix. Location of all signs and pavement markings.
 - xx. Zoning Table showing compliance with the requirements of Intensity Schedule A.
 - xxi. Proposed location(s) of accessory buildings or exterior storage.
 - xxii. Names and location of all existing abutters indicating limits of contiguous boundaries \and including the owners of land separated from the site by a street.
 - xxiii. A photometric lighting plan illustrating a 20' splash over which ends at the property line.
 - xxiv. Details suitable for construction of the various elements of the site plan.

Waivers of the applicable requirements may be requested and shall on the coversheet of the plans and in the accompanying narrative.

8. Design Standards

A. Stormwater Management and Erosion Control

All Site plans and Major Site Plan Special Permit plans submitted for Approval shall conform to the provisions of the most current Stormwater Management Regulations as promulgated by the Massachusetts Department of Environmental Protection and as applicable, to the National Pollution Discharge Elimination System (NPDES) requirements for construction sites. Furthermore, the Stormwater Management System shall be prepared by a Professional Civil Engineer registered in the Commonwealth of Massachusetts and be designed to:

- (1) Permit unimpeded flow of all natural water-courses.
- (2) Ensure that the site is prepared and graded in such a manner that development will not cause runoff to be discharged onto another site or into a street in a greater rate than in the pre-development condition in accordance with the most recent version of the Massachusetts Stormwater Handbook.
- (3) Use Low Impact Development (LID) techniques where possible as the preferred method to achieve management of stormwater including the use of existing natural areas to control and mitigate runoff.
- (4) Connect to the existing public drainage system, if present, provided adequate capacity in the system can be demonstrated by the Applicant and connection, construction methods and materials are approved by the Department of Public Works.
- (5) Provide enhancement of the overall quality of the runoff prior to discharge or

infiltration

(6) Storm drains shall be designed to convey runoff from the twenty five (25) year storm event based on the rational method, and so that the hydraulic grade line elevations of the system do not exceed the elevations of drain manhole rims during the one hundred (100) year storm event.

B. Traffic Impact Assessment

The preparation of a Traffic Impact Assessment which demonstrates that adequate lines of sight are provided to and from driveways and access points serving the property based on the posted or prevailing speed of traffic on the intersecting roadway, whichever is greater, in accordance with the sight distance standards of the American Association of State Highway and Transportation Officials (AASHTO) for roadways and intersections. A Traffic Impact Assessment shall be required for Major Site Plans and for Major Site Plan Special Permit Plans provided that one or more of the following thresholds is exceeded:

- A. The project will generate 100 or more peak-hour vehicle trips or 1,000 or more vehicle trips per day based on the latest edition of the Institute of Transportation Engineer's (ITE's) Trip Generation Manual and inclusive of pass-by and diverted linked trips.
- B. A project will result in the creation of 100 or more new parking spaces.
- C. When a Traffic Impact Assessment is required, it shall be prepared by or under the direction of a Professional Engineer duly Registered in the Commonwealth of Massachusetts with demonstrated experience in the areas of Traffic Engineering and/or Transportation Planning. The Traffic Impact Assessment shall bear the stamp or seal of the Professional Engineer in responsible charge for the preparation of said document. The scope of any required Traffic Impact Assessment shall be based on the level of site plan review as follows:

(a) Special Permits shall provide sufficient analysis of traffic related shall include analyses to demonstrate the following:

- i. Projected daily and peak-hour traffic generation for the project based on the latest edition of the Institute of Transportation Engineer's (ITE's) Trip Generation Manual;
- ii. Lines of Lines of sight for driveways and access points serving the property meet or exceed the sight line standards of the American Association of State Highway and Transportation Officials (AASHTO) for roadways and intersections based on the posted or prevailing speed of traffic on the intersecting roadway, whichever is greater;
- iii. Driveways and access points are designed to accommodate the turning and maneuvering requirements of emergency and delivery vehicles;
- iv. Safe and efficient accommodations are provided for pedestrians and bicyclists; and
- v. On-site circulation and access to parking is safe and unimpeded.

(b) The Special Permits where the exceeded threshold is traffic related shall include a Traffic Impact Assessment prepared in accordance with the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs (EEA)/MassDOT Guidelines for Environmental Impact Report/Environmental Impact Statement Traffic Impact Assessments (TIAs) and the standards of the Traffic Engineering and Transportation Planning professions for the preparation of such reports.

D. Parking Requirements

Refer to Section VI. A. of this Zoning Bylaw for Off-street Parking and Loading requirements. Plans that employ LID techniques such as alternative materials and parking layouts are favorable.

E. Lighting

A photometric lighting plan showing the location, height, direction, and intensity of existing and proposed external light fixtures shall be submitted for review. The plan shall show the intensity of illumination at ground level, expressed in foot-candles and the means employed to prevent glare, the trespass of light onto adjoining properties or streets and diminish the illumination of the night sky.

F. Landscaping

A landscape design shall be provided for all plans submitted for review. The plans shall be prepared by a Registered Landscape Architect. Additional landscaping is encouraged to enhance development of the site commensurate with the intensity of the proposed use.

9. Review Criteria

A. In considering a plan under this Section, the Planning Board shall assure, to a degree consistent with a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which located:

- (1) Protection of adjoining premises against encroachment of conflicting land uses.
- (2) Convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent streets, property, or improvements.
- (3) Method of disposal for sewage, refuse, and other wastes resulting from the uses site for the purposes permitted or permissible by the regulations of the district in which located:
- (4) Adequacy of space and location for the off-street loading and unloading of vehicles, goods, products, materials, and equipment incidental to the normal operation of the establishment.
- (5) Adequacy of lighting such that all lighting and other sources of illumination, whether interior or exterior, and all intense lights emanating from operations or equipment shall be shielded from direct view at normal eye level from adjacent properties and roadways.
- (6) Adequate provision of rights of way for future access to undeveloped property.
- (7) Adequate provision of screening from adjacent properties for any open air use deemed objectionable.
- (8) Preservation of natural growth and topographic features as appropriate.
- (9) Ensure that a minimum ten (10) foot vegetated buffer strip is provided along roadway frontages on non-residential plans and a thirty five (35) foot vegetated buffer is provided between residential and non-residential properties unless waived by the Planning Board due to spatial constraints.
- (10) Compliance with the applicable requirements for land development contained elsewhere in this Zoning Bylaw.

10. Plan Review and Approval Process

A. The Planning Board shall act on a Special Permit applications within 65 days after the plan is filed with the Town Clerk

B. When reviewing a Special Permit, the Planning Board may waive any submission requirement, development or drainage standard, or design guideline it determines to be unnecessary or not applicable to the review of the project provided that the Board determines that the project will not have a significant impact on the site, its relationship with abutting properties, traffic impacts to public ways, public infrastructure or services, environmental or historic resources. Waiver request shall be made by the Applicant in writing with stated reasons for requesting the waiver(s). Any waivers acted on by the Planning Board shall be in writing as part of the decision on the plan filed with the Town Clerk.

C. Failure of the Planning Board to open a Special Permit hearing within 65 days of the submission of the application to the Town Clerk shall be considered a constructive approval and if the decision is not filed within 90 days of the closing of the public hearing will result in a constructive approval as well.

D. Special Permits may be appealed as provided for in Chapter 40A, the Zoning Act within 20 days of the decision being submitted to the Town Clerk.

E. It shall be unlawful for any owner or person to alter or deviate from the conditions that are shown on an approved site plan without submitting a revised site plan and application to the Planning Board in accordance with the requirements of Section Q. Furthermore, the Planning Board shall have the power to modify or amend its approval of an approved plan on application of the person owning or leasing the premises in the event of changes in physical conditions sufficient to justify such action within the intent of this Section. All of the provisions of this Section applicable to approval shall where appropriate, be applicable to a modification or amendment.

F. Applications receiving Special Permit approval shall within thirty (30) days provide six (6) full size copies of the approved plan for distribution by the Planning Department to the various town departments.

G. A Special Permit that has been approved shall obtain a building permit within two (2) years thereof, or the Special Permit approval shall be rendered null and void.

H. Prior to the issuance of an occupancy permit, an As-built plan prepared by a Professional Land Surveyor registered in the Commonwealth of Massachusetts shall be submitted to the Planning Board for the administrative record along with a certification by a Professional Civil Engineer registered in the Commonwealth of Massachusetts that the plan and stormwater management system have been constructed in substantial compliance with the approved plan. Any substantial deviation from the approved plan shall be noted

along with the reason for the change.

I. The Planning Board shall adopt, and from time to time amend, reasonable regulations and filing fees to supplement the administration of Site Plan Review. Doing so, the applicant is required to pay the standard application fee in accordance with the fee schedule, the applicant is also responsible for the sliding scale for any new square footage

PURPOSE AND JUSTIFICATION: To provide for the establishment of Medical Marijuana Facilities in appropriate places and under strict conditions in accordance with 105 CMR 725.000. Implementation of an act for the humanitarian medical use of Marijuana. To minimize the adverse impacts of Medical Marijuana Facilities on adjacent properties, residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with said Facilities. To regulate through this bylaw and Special Permit plan review the facilities to be used as Medical Marijuana Dispensaries and Cultivation Centers.

FINANCE COMMITTEE VOTE: 7-1

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the North Attleborough Zoning By-Laws to delete in its entirety Section VI. – Supplemental Regulations, Q. Temporary Moratorium on Medical Marijuana Treatment Centers and replace with the following:

Q. Medical Marijuana Dispensaries and Cultivation Centers

1. General

Medical Marijuana Dispensaries are defined in accordance with the Department of Public Health as Medical Marijuana Treatment Center” shall mean a “not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”

2. Purpose

- A. To provide for the establishment of Medical Marijuana Facilities in appropriate places and under strict conditions in accordance with 105 CMR 725.000: Implementation of an act for the humanitarian medical use of Marijuana.
- B. To minimize the adverse impacts of Medical Marijuana Facilities on adjacent properties, residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with said Facilities.
- C. To regulate through this bylaw and Special Permit plan review the facilities to be used as Medical Marijuana Dispensaries and Cultivation Centers.

3. Special Permit Granting Authority (SPGA)

For this purpose of this section, the Planning Board shall be the Special Permit Granting Authority, pursuant To Chapter 40A, Sections 1A and 9 of the Massachusetts General Laws.

4. Permitted Uses

Medical Marijuana Dispensaries and Cultivation Centers are allowed in the Industrial 60,000(sq. ft) zone. All setbacks and dimensional requirements set forth in Section V.- Use Regulations, Intensity Schedule A.

5. Buffers and Screens

A buffer area of five hundred (500) feet shall be provided at the perimeter of the property where it abuts residentially zoned districts, schools, churches, gymnasiums, playgrounds or any other area that children congregate, including driveways or streets necessary for access and egress to and from the site. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance. Buffer areas shall be continually maintained by the owners.

6. Applicability

Any request for a building permit or change of use shall not be granted until a site plan for such request has been submitted to and approved by the Planning Board. Site Plan Review shall be required for:

- A. New construction of a non-residential use; or
- B. The construction, reconstruction, expansion or substantial alteration or improvement of an existing non-residential use or non-conforming use that results in a change or substantially different use as listed in

Schedule B of this By-law; or

- C. The construction or creation of any new parking lot or the expansion or redesign of an existing parking lot; or
- D. Creation of any outdoor storage areas for vehicles, machinery, stock in trade or supplies;
- E. or the expansion of an existing area unless determined by the Planning Board to be of minimal size or impact.

7. Submission and Plan Requirement

- A. Any person desiring review of a site plan under this Section shall submit three (3) full size plans (minimum of 24" x 36") copies and seven (7) 11"x17" reduced copies of the plan at a scale not to exceed 1"=40' along with a detailed Project Narrative describing the existing and proposed conditions, three (3) copies of a Stormwater Management Report and Traffic Impact Analysis, if applicable, and two copies of the Form M application directly to the Planning Board after receiving a dated receipt for the filing of the plans with the Town Clerk within the same day.
- B. The Planning Board may request the assistance of outside consultants during their review of Special Permit consistent with the peer review procedures and guidelines under the provisions of M.G.L. c.44, 53G. At the time of the filing of an application for site plan review, the Planning Board shall determine if an outside consultant(s) is to be retained and if required will establish the review fee to be submitted by the Applicant to the Town for this purpose.
- C. As part of the submission of a Special Permit for review the Applicant shall prepare a project summary that accurately describes the nature, scale, and the general physical and operational relationship of the proposed project to the surrounding area, along with additional information the Applicant may deem pertinent. The plans need not be prepared by a Registered Professional but shall be drawn to an appropriate scale and include any applicable items. As part of the project description the Applicant may request waivers from the submission of any of the required items that they believe are not applicable to the proposed activity. However, the Planning Board reserves the right after review of a Minor Site Plan to determine, based on conditions specific to the site, that the plan be processed as a Site Plan for the purposes of providing additional information including the preparation of the plan by an appropriately Registered Professional.
- D. The Special Permit plans submitted to the Planning Board shall be prepared by a Professional Civil Engineer, Professional Land Surveyor and Landscape Architect as applicable registered in the Commonwealth of Massachusetts and provide at a minimum the following information in the plan set:
 - 1. Name of the Applicant and the lot owner.
 - 2. Assessor's plat and lot number.
 - 3. Book and page number of the current deed as recorded in Bristol County North Registry of Deeds.
 - 4. Zoning District, overlay zones and proposed use of the site.
 - 5. An Existing Conditions Plan.
 - 6. Dimensions of the lot and proposed building setbacks from each lot line.
 - 7. Scale of plan.
 - 8. Locus plan of the area showing the specific site at a scale of 1"=2,000'.
 - 9. Location of existing and proposed structures including dimensions, total area, number of stories, and ground elevation at building corners.
 - 10. Dimensions of parking spaces, loading areas, driveway openings, driveways, service areas and other open uses.
 - 11. Delineation of a vegetation clearing/limit of work line.
 - 12. A landscape design for the site including dimensions and details of sidewalks, fences, walls and planting areas.
 - 13. All facilities for water, sewage disposal, refuse, snow removal and other waste disposal areas.
 - 14. A storm water management design including but not limited to: catch basins, drain manholes, pipes, paved waterways, drywells, rip rap, retention and detention storage areas.
 - 15. All existing and proposed topographic contours at two (2) foot intervals.
 - 16. All wetlands, flood plains, waterways and rock outcroppings.
 - 17. Location, dimensions, and purpose of any easements.
 - 18. All curbs, granite bounds, and pertinent roadway data including but not limited to the following: length, bearing, radii, tangent distances, and central angles to determine the exact location, direction, and length of every street and way line, lot line, and boundary line; and to establish these lines on the ground.

19. Location of all signs and pavement markings.
20. Zoning Table showing compliance with the requirements of Intensity Schedule A.
21. Proposed location(s) of accessory buildings or exterior storage.
22. Names and location of all existing abutters indicating limits of contiguous boundaries \and including the owners of land separated from the site by a street.
23. A photometric lighting plan illustrating a 20' splash over which ends at the property line.
24. Details suitable for construction of the various elements of the site plan.

Waivers of the applicable requirements may be requested and shall on the coversheet of the plans and in the accompanying narrative.

8. Design Standards

A. Stormwater Management and Erosion Control

All Site plans and Major Site Plan Special Permit plans submitted for Approval shall conform to the provisions of the most current Stormwater Management Regulations as promulgated by the Massachusetts Department of Environmental Protection and as applicable, to the National Pollution Discharge Elimination System (NPDES) requirements for construction sites. Furthermore, the Stormwater Management System shall be prepared by a Professional Civil Engineer registered in the Commonwealth of Massachusetts and be designed to:

1. Permit unimpeded flow of all natural water-courses.
2. Ensure that the site is prepared and graded in such a manner that development will not cause runoff to be discharged onto another site or into a street in a greater rate than in the pre-development condition in accordance with the most recent version of the Massachusetts Stormwater Handbook.
3. Use Low Impact Development (LID) techniques where possible as the preferred method to achieve management of stormwater including the use of existing natural areas to control and mitigate runoff.
4. Connect to the existing public drainage system, if present, provided adequate capacity in the system can be demonstrated by the Applicant and connection, construction methods and materials are approved by the Department of Public Works.
5. Provide enhancement of the overall quality of the runoff prior to discharge or infiltration
6. Storm drains shall be designed to convey runoff from the twenty five (25) year storm event based on the rational method, and so that the hydraulic grade line elevations of the system do not exceed the elevations of drain manhole rims during the one hundred (100) year storm event.

B. Traffic Impact Assessment

The preparation of a Traffic Impact Assessment which demonstrates that adequate lines of sight are provided to and from driveways and access points serving the property based on the posted or prevailing speed of traffic on the intersecting roadway, whichever is greater, in accordance with the sight distance standards of the American Association of State Highway and Transportation Officials (AASHTO) for roadways and intersections. A Traffic Impact Assessment shall be required for Major Site Plans and for Major Site Plan Special Permit Plans provided that one or more of the following thresholds is exceeded:

1. The project will generate 100 or more peak-hour vehicle trips or 1,000 or more vehicle trips per day based on the latest edition of the Institute of Transportation Engineer's (ITE's) Trip Generation Manual and inclusive of pass-by and diverted linked trips.
2. A project will result in the creation of 100 or more new parking spaces.
3. When a Traffic Impact Assessment is required, it shall be prepared by or under the direction of a Professional Engineer duly Registered in the Commonwealth of Massachusetts with demonstrated experience in the areas of Traffic Engineering and/or Transportation Planning. The Traffic Impact Assessment shall bear the stamp or seal of the Professional Engineer in responsible charge for the preparation of said document. The scope of any required Traffic Impact Assessment shall be based on the level of site plan review as follows:

- (a) Special Permits shall provide sufficient analysis of traffic related shall include analyses to demonstrate the following:

- i. Projected daily and peak-hour traffic generation for the project based on the latest edition of the Institute of Transportation Engineer's (ITE's) Trip Generation Manual;
 - ii. Lines of sight for driveways and access points serving the property meet or exceed the sight line standards of the American Association of State Highway and Transportation Officials (AASHTO) for roadways and intersections based on the posted or prevailing speed of traffic on the intersecting roadway, whichever is greater;
 - iii. Driveways and access points are designed to accommodate the turning and maneuvering requirements of emergency and delivery vehicles;
 - iv. Safe and efficient accommodations are provided for pedestrians and bicyclists;
And
 - v. On-site circulation and access to parking is safe and unimpeded.
- (b) The Special Permits where the exceeded threshold is traffic related shall include a Traffic Impact Assessment prepared in accordance with the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs (EEA)/MassDOT Guidelines for Environmental Impact Report/Environmental Impact Statement Traffic Impact Assessments (TIAs) and the standards of the Traffic Engineering and Transportation Planning professions for the preparation of such reports.

C. Parking Requirements

Refer to Section VI. A. of this Zoning Bylaw for Off-street Parking and Loading requirements. Plans that employ LID techniques such as alternative materials and parking layouts are favorable.

D. Lighting

A photometric lighting plan showing the location, height, direction, and intensity of existing and proposed external light fixtures shall be submitted for review. The plan shall show the intensity of illumination at ground level, expressed in foot-candles and the means employed to prevent glare, the trespass of light onto adjoining properties or streets and diminish the illumination of the night sky.

E. Landscaping

A landscape design shall be provided for all plans submitted for review. The plans shall be prepared by a Registered Landscape Architect. Additional landscaping is encouraged to enhance development of the site commensurate with the intensity of the proposed use.

9. Review Criteria

A. In considering a plan under this Section, the Planning Board shall assure, to a degree consistent with a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which located:

1. Protection of adjoining premises against encroachment of conflicting land uses.
2. Convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent streets, property, or improvements.
3. Method of disposal for sewage, refuse, and other wastes resulting from the uses site for the purposes permitted or permissible by the regulations of the district in which located:
4. Adequacy of space and location for the off-street loading and unloading of vehicles, goods, products, materials, and equipment incidental to the normal operation of the establishment.
5. Adequacy of lighting such that all lighting and other sources of illumination, whether interior or exterior, and all intense lights emanating from operations or equipment shall be shielded from direct view at normal eye level from adjacent properties and roadways.
6. Adequate provision of rights of way for future access to undeveloped property.
7. Adequate provision of screening from adjacent properties for any open air use deemed objectionable.
8. Preservation of natural growth and topographic features as appropriate.
9. Ensure that a minimum ten (10) foot vegetated buffer strip is provided along roadway frontages on non-residential plans and a thirty five (35) foot vegetated buffer is provided between residential and non-residential properties unless waived by the Planning Board due to spatial constraints.
10. Compliance with the applicable requirements for land development contained elsewhere in this Zoning

Bylaw.

10. Plan Review and Approval Process

A. The Planning Board shall act on a Special Permit applications within 65 days after the plan is filed with the Town Clerk

B. When reviewing a Special Permit, the Planning Board may waive any submission requirement, development or drainage standard, or design guideline it determines to be unnecessary or not applicable to the review of the project provided that the Board determines that the project will not have a significant impact on the site, its relationship with abutting properties, traffic impacts to public ways, public infrastructure or services, environmental or historic resources. Waiver request shall be made by the Applicant in writing with stated reasons for requesting the waiver(s). Any waivers acted on by the Planning Board shall be in writing as part of the decision on the plan filed with the Town Clerk.

C. Failure of the Planning Board to open a Special Permit hearing within 65 days of the submission of the application to the Town Clerk shall be considered a constructive approval and if the decision is not filed within 90 days of the closing of the public hearing will result in a constructive approval as well.

D. Special Permits may be appealed as provided for in Chapter 40A, the Zoning Act within 20 days of the decision being submitted to the Town Clerk.

E. It shall be unlawful for any owner or person to alter or deviate from the conditions that are shown on an approved site plan without submitting a revised site plan and application to the Planning Board in accordance with the requirements of Section Q. Furthermore, the Planning Board shall have the power to modify or amend its approval of an approved plan on application of the person owning or leasing the premises in the event of changes in physical conditions sufficient to justify such action within the intent of this Section. All of the provisions of this Section applicable to approval shall where appropriate, be applicable to a modification or amendment.

F. Applications receiving Special Permit approval shall within thirty (30) days provide six (6) full size copies of the approved plan for distribution by the Planning Department to the various town departments.

G. A Special Permit that has been approved shall obtain a building permit within two (2) years thereof, or the Special Permit approval shall be rendered null and void.

H. Prior to the issuance of an occupancy permit, an As-built plan prepared by a Professional Land Surveyor registered in the Commonwealth of Massachusetts shall be submitted to the Planning Board for the administrative record along with a certification by a Professional Civil Engineer registered in the Commonwealth of Massachusetts that the plan and stormwater management system have been constructed in substantial compliance with the approved plan. Any substantial deviation from the approved plan shall be noted along with the reason for the change.

I. The Planning Board shall adopt, and from time to time amend, reasonable regulations and filing fees to supplement the administration of Site Plan Review. Doing so, the applicant is required to pay the standard application fee in accordance with the fee schedule, the applicant is also responsible for the sliding scale for any new square footage.

FINANCE COMMITTEE REASON: As stated in the purpose and justification

By a 2/3's majority vote, declared obvious by the Moderator, the RTM members approved the Finance Committee's recommendation.

Article 7 was considered before Article 1 in this warrant.

ARTICLE 7 AMEND SECTION V OF ZONING BY-LAWS

PLANNING BOARD

To see if the town will vote to amend the North Attleborough Zoning By-Laws, Section V, Use Regulations, Schedule B, Principal Use, Retail and Service; by adding #30: Medical Marijuana Dispensaries and Cultivation Centers (see Section VI.Q. Medical Marijuana Dispensaries and Cultivation Centers), to be allowed in the I-60 District by Special Permit and to read as follows:

R-10 R-10S R-15 R-20 R-40 C-7.5 C-30 C-60 OP-60 IC-30 I-60
----- S

PURPOSE AND JUSTIFICATION: To provide for the establishment of Medical Marijuana Facilities in appropriate places and under strict conditions in accordance with 105 CMR 725.000: Implementation of an act for the humanitarian medical use of Marijuana. To minimize the adverse impacts of Medical Marijuana Facilities on adjacent properties, residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with said Facilities. To regulate through this bylaw and Special Permit plan review the facilities to be used as Medical Marijuana Dispensaries and Cultivation Centers.

FINANCE COMMITTEE VOTE: 8-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the North Attleborough Zoning By-Laws, Section V, Use Regulations, Schedule B, Principal Use, Retail and Service; by adding #30: Medical Marijuana Dispensaries and Cultivation Centers (see Section VI.Q. Medical Marijuana Dispensaries and Cultivation Centers), to be allowed in the I-60 District by Special Permit and to read as follows:

R-10 R-10S R-15 R-20 R-40 C-7.5 C-30 C-60 OP-60 IC-30 I-60
----- S

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a 2/3's majority vote, declared obvious by the Moderator, the RTM members approved the Finance Committee's recommendation.

Article 8 was considered before Article 1 in this warrant.

ARTICLE 8 ACCEPT THE PROVISION OF MGL CHAPTER 43D EXPEDITED PERMITTING

PLANNING BOARD

To see if the town will vote to accept the provisions of Chapter 43D: Expedited Permitting, of the MA General Laws as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006.

PURPOSE AND JUSTIFICATION: In 2006, the Massachusetts General Law Chapter 43D Expedited Permitting was signed into law. Since that time the program is establishing an inventory of Priority Development Sites (PDS) on which municipalities offer a maximum of 180 day local permitting process. Cities and towns that opt into Chapter 43D are able to target areas, through a streamlined local permitting process, specific for economic development. This programs offers cities and towns like North Attleborough a tool for targeted economic development by providing a transparent and efficient process for municipal permitting. The designation also increases the visibility of the target development site with online marketing of the site and the promotion of the town as having a pro-business regulatory climate through improved municipal planning and permitting efficiencies.

FINANCE COMMITTEE VOTE: 5-2

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to accept the provisions of Chapter 43D: Expedited Permitting, of the MA General Laws as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006.

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a majority vote the RTM members approved the Finance Committee's recommendation.

Article 9 was considered before Article 1 in this warrant.

ARTICLE 9 PRIORITY DEVELOPMENT SITE DESIGNATION

PLANNING BOARD

To see if the town will vote to accept the provisions of Chapter 43D of the MA General Laws as amended pursuant to Section 11 of Chapter 205 of the Acts of 2005, and to approve the filing of an application with the Interagency Permitting Board for the designation of Land on East Street (Map 4, Parcel 104, Map 5, Parcel 111, 112, 126, 193, 201, 211, 185, 186, 187, and 188) as a Priority Development Site.

PURPOSE AND JUSTIFICATION: In 2006, the Massachusetts General Law Chapter 43D Expedited Permitting was signed into law. Since that time, the program is establishing an inventory of Priority Development Sites (PDS) on which municipalities offer a maximum of 180 day local permitting process. Cities and towns that opt into Chapter 43D are able to target areas, through a streamlined local permitting process, specific for economic development. This program offers cities and towns like North Attleborough a tool for targeted economic development by providing a transparent efficient process for municipal permitting. The designation also increases the visibility of the target development site with online marketing of the site and the promotion of the town as having a pro-business regulatory climate through improved municipal planning and permitting efficiencies.

FINANCE COMMITTEE VOTE: 6-1

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to accept the provisions of Chapter 43D of the MA General Laws as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006, and to approve the filing of an application with the Interagency Permitting Board for the designation of Land on East Street (Map 4, Parcel 104, Map 5, Parcel 111, 112, 126, 193, 201, 211, 185, 186, 187, and 188) as a Priority Development Site.

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a majority vote the RTM members approved the Finance Committee’s recommendation.

**ARTICLE 10 AUTHORIZE SELECTMEN TO PETITION COURTS TO ENACT BOARD OF SELECTMEN
LEGISLATION TO REQUIRE VOTER RATIFICATION OF A
TOWN MEETING VOTE TO ABOLISH A TOWN BOARD**

To see if the town will vote to authorize the Board of Selectmen to petition the General Court to enact the following legislation to require voter ratification of a Town Meeting vote to abolish a Town board; provided the General Court may reasonable vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

An Act relative to abolishment of boards in the Town of North Attleborough:

- SECTION 1. Section 11 of Chapter 88 of the Acts of 1999 is hereby amended by striking out the words “old board or”.
- SECTION 2. For purpose of this section, the term “Board” shall mean a board, commission, committee, council, authority or a group of individuals appointed or elected as enumerated in the by-laws of the Town of North Attleborough.

An abolishment of any boards of the Town of North Attleborough requires an affirmative vote of Town Meeting and shall be submitted for ratification to the voters of the Town of North Attleborough at the next annual town election.

- SECTION 3. This act shall be submitted for acceptance by the voters of the Town of North Attleborough at the next town election following passage of the act in the form of the following question: Shall an act passed by the General Court in the year 2014 entitled “An Act relative to the abolishment of boards in the Town of North Attleborough”, be accepted? If a majority of the votes cast in answer to that question is in the affirmative, sections 1 and 2 shall take effect in the Town of North Attleborough on the first of May immediately following said election, but not otherwise.

- SECTION 4. This act shall take effect upon its passage.

FINANCE COMMITTEE VOTE: 5-2

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to authorize the Board of Selectmen to petition the General Court to enact the following legislation to require voter ratification of a Town Meeting vote to abolish a Town board; provided the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

An Act relative to abolishment of boards in the Town of North Attleborough:

- SECTION 1.** Section 11 of Chapter 88 of the Acts of 1999 is hereby amended by striking out the words “old board or”.
- SECTION 2.** For purpose of this section, the term “Board” shall mean a board, commission, committee, council, authority or a group of individuals appointed or elected as enumerated in the by-laws of the Town of North Attleborough.

An abolishment of any boards of the Town of North Attleborough requires an affirmative vote of Town Meeting and shall be submitted for ratification to the voters of the Town of North Attleborough at the next annual town election.

- SECTION 3.** This act shall be submitted for acceptance by the voters of the Town of North Attleborough at the next town election following passage of the act in the form of the following question: Shall an act passed by the General Court in the year 2014 entitled “An Act relative to the abolishment of boards in the Town of North Attleborough”, be accepted? If a majority of the votes cast in answer to that question is in the affirmative, sections 1 and 2 shall take effect in the Town of North Attleborough on the first of May immediately following said election, but not otherwise.

- SECTION 4.** This act shall take effect upon its passage.

FINANCE COMMITTEE REASON: The majority of the Committee felt that there were no adverse effects of petitioning the court to enact this legislation and give the voters the right to weigh in on the abolishment of a Town Board.

John Dromsky (P3) made a motion as follows:

I move that Article 10 of the June 2014 Special Town Meeting be committed to the By-Law Study and Codification Committee and the RTM Coordinating Committee for study with a recommendation to be submitted to this body for the October 2014 Semi-Annual Town Meeting.

Motion seconded.

Motion failed.

By a majority vote, the RTM members defeated the Finance Committee’s Recommendation.

ARTICLE 11 AMEND TOWN BY-LAWS – ARTICLE XII NEW SECTION 8 BUILDING INSPECTOR

To see if the town will vote to amend the Town By-Laws by adding a new section 8 “Abandoned/Vacant Buildings” to Article XII Public Safety as follows:

A. Definitions:

1. 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.
2. Owner: Any person, entity, service company, property manager or real estate broker, who alone or with others:
 - i.) Has legal or equitable title to any structure, dwelling unit, or parcel - vacant or otherwise; or
 - ii.) Has care, charge or control of any structure, dwelling unit, parcel of land and, vacant or otherwise; in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
 - iii.) Is a mortgagee in possession of any such property; or
 - iv.) Is an agent, trustee or other person appointed by the courts and vested with possession or control; or

v.) Is an officer or trustee of the associated unit owners of a condominium;

Each such person is bound to comply with the provisions of these minimum standards as if they were the owner; or

vi.) Is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated a foreclosure process.

3. Days: Consecutive calendar days.

4. Foreclosed: A property, placed as security for a real estate loan, as to which all rights of the mortgagor or his grantee in the property have been terminated as a result of a default of the loan.

5. Mortgagee: The creditor, including but not limited to service companies and lenders under a mortgage agreement, or any successor in interest of the mortgagee's rights, interest or obligations under the mortgage agreement.

6. Property: Any real property or portion thereof, located in the Town of North Attleborough which contains a building, structure or other improvements.

7. Vacant Property: A vacant building which is not being actively used or occupied and which has not been actively used or occupied within the preceding 120 days. This definition shall not apply to property which is undergoing renovations or repairs due to fire or other casualty. For purposes of this article, "vacant" also includes abandoned, foreclosed and property (ies) for sale or lease. Excluded from this definition is residential property that is vacant due to the owner(s) temporary absence.

8. Commissioner: Inspector of Buildings appointed by the Town of North Attleborough or his designee.

B. Registration:

All owners of vacant and/or foreclosed properties shall register (at no charge) such properties with the Building Commissioner on a form provided by the Building Department. An owner shall file said registration with the Commissioner within 30 days following the occurrence of a vacancy or foreclosure, whichever first occurs. If the owner is an out-of-state corporation, person or other entity, the owner shall appoint an in-state agent authorized to accept service of process and other documents under this article.

PURPOSE AND JUSTIFICATION: The purpose of the By-Law is to protect the health, safety and welfare of the citizens by preventing blight, protecting property values and neighborhood integrity, protecting the Town's resources, avoiding the creation and maintenance of nuisances and ensuring the safe and sanitary maintenance of Dwellings, Commercial & Industrial properties. Inadequately maintained vacant buildings are at an increased risk for fire, unlawful entry, and any other public health and safety hazards. This By-Law will help secure the welfare of the Town's residents and neighborhoods by requiring all Residential, Commercial & Industrial property owners, including lenders, trustees, service companies and alike, to properly maintain vacant properties.

FINANCE COMMITTEE VOTE: 6-1

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Town By-Laws by adding a new section 8 "Abandoned/Vacant Buildings" to Article XII Public Safety as shown below.

A. **Definitions:**

1. **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.**

2. **Owner: Any person, entity, service company, property manager or real estate broker, who alone or with others:**

i.) **Has legal or equitable title to any structure, dwelling unit, or parcel - vacant or otherwise; or**

ii.) **Has care, charge or control of any structure, dwelling unit, parcel of land and, vacant or otherwise; in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or**

iii.) Is a mortgagee in possession of any such property; or

iv.) Is an agent, trustee or other person appointed by the courts and vested with possession or control; or

v.) Is an officer or trustee of the associated unit owners of a condominium;

Each such person is bound to comply with the provisions of these minimum standards as if they were the owner; or

vi.) Is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated a foreclosure process.

3. Days: Consecutive calendar days.

4. Foreclosed: A property, placed as security for a real estate loan, as to which all rights of the mortgagor or his grantee in the property have been terminated as a result of a default of the loan.

5. Mortgagee: The creditor, including but not limited to service companies and lenders under a mortgage agreement, or any successor in interest of the mortgagee's rights, interest or obligations under the mortgage agreement.

6. Property: Any real property or portion thereof, located in the Town of North Attleborough which contains a building, structure or other improvements.

7. Vacant Property: A vacant building which is not being actively used or occupied and which has not been actively used or occupied within the preceding 120 days. This definition shall not apply to property which is undergoing renovations or repairs due to fire or other casualty. For purposes of this article, "vacant" also includes abandoned, foreclosed and property (ies) for sale or lease. Excluded from this definition is residential property that is vacant due to the owner(s) temporary absence.

8. Commissioner: Inspector of Buildings appointed by the Town of North Attleborough or his designee.

B. Registration:

All owners of vacant and/or foreclosed properties shall register (at no charge) such properties with the Building Commissioner on a form provided by the Building Department. An owner shall file said registration with the Commissioner within 30 days following the occurrence of a vacancy or foreclosure, whichever first occurs. If the owner is an out-of-state corporation, person or other entity, the owner shall appoint an in-state agent authorized to accept service of process and other documents under this article.

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a majority vote, the RTM members approved the Finance Committee's recommendation.

ARTICLE 12 STABILIZATION FUND

BOARD OF SELECTMEN

To see if the town will vote to appropriate from free cash or other available funds the sum of \$_____ to the Stabilization Fund.

PURPOSE AND JUSTIFICATION: This article was submitted to transfer funds that were used at the Annual Town Meeting for operating budgets.

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That consideration of this article be indefinitely postponed.

FINANCE COMMITTEE REASON: At the time of voting there was no money available to deposit into the stabilization account.

By a majority vote the RTM members approved the Finance Committee's recommendation.

By a majority vote the RTM members approved a motion to adjourn Sine Die at 8:13 PM on June 4, 2014.