

**PROCEEDINGS
SPECIAL TOWN MEETING
January 22, 2018**

On January 22, 2018, Town Clerk, Kevin Poirier, opened the Special Town Meeting at 7:06pm by announcing, “with 73 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 the Men and Women service in our Armed Forces.

Town moderator, Deborah Kohl, read the warrant

**NORTH ATTLEBOROUGH WARRANT
FOR THE REPRESENTATIVE SPECIAL TOWN MEETING
Monday, January 22, 2018
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 22nd of January 2018, 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 at the Richards Memorial Library, and Town Hall at least twenty-one days before the time of said meeting. 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 November 16, 2017.

NORTH ATTLEBOROUGH BOARD OF SELECTMEN

Michael Lennox, Chairman
Keith Lapointe, Vice-Chairman
John C. Rhyno
Paul Belham
Patrick Reynolds

Moderator 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 an attested copy of this warrant in Town Hall Lobby, Richards Memorial Library and Town Website twenty-one (21) days before the time of said meeting.

Chief John J. Reilly, Constable
Town of North Attleborough

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 and 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.

ARTICLE 1 – FUND COLLECTIVE BARGAINING AGREEMENT

FIRE DEPARTMENT

To see if the town will vote to supplement the budgets of the Fire Department for the staffing (salary and wages), equipping, maintaining, and other operating expenses for ambulance services and Local 1992 Firefighters by appropriation of the sum of \$187,615.00 from Ambulance Revolving Fund. Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION

To fund Collective Bargaining Agreement effective July 1, 2015, Approved at the March 2017 STM

FINANCE COMMITTEE VOTE: 5-1

MAJORITY ROLL CALL

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to supplement the budgets of the Fire Department for staffing by appropriating the sum of \$187,615.00 from Ambulance Revolving Fund.

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

Motion made as follows: That the Town vote to supplement budget line 220A Salaries of the Fire Department for the staffing (salary and wages), equipping, maintaining, and other operating expenses for ambulance services and Local 1992 Firefighters by appropriating the sum of \$187,615.00 from Ambulance Revolving Fund.

Motion Seconded.

Motion Carried.

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

ARTICLE 2 – PAY PRIOR YEAR UNPAID BILLS

TREASURER

To see if the town will vote to appropriate a sum of money needed to pay prior year(s) unpaid bills. Said sum to be from Free Cash or transferred from available funds. Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION

Invoices received after the close of the fiscal year are paid through this article.

FINANCE COMMITTEE VOTE: 6-0

9/10 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to authorize the payment of two – Treasurer/Collector prior fiscal year invoices related to bond expenses and totaling \$1,000.00, that were missed due to a clerical error. Said invoices to be paid from the Treasurer/Collector’s current Fiscal Years budget.

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

By a 9/10 majority vote, the RTM members approved the Finance Committee’s recommendation.

ARTICLE 3 – SUPPLEMENT FISCAL YEAR 2018 OPERATING BUDGETS

BOARD OF SELECTMEN

To see if the Town will vote to appropriate a sum of money to supplement various Fiscal Year 2018 departmental operating budgets. Said sum to be funded from free cash or transfer from available funds. Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION

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

FINANCE COMMITTEE VOTE: 6-0

MAJORITY VOTE

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

FINANCE COMMITTEE REASON: At the time of voting there were no budgets that required supplementing.

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

ARTICLE 4 – AUTHORIZATION TO ENTER INTO A TEN YEAR CONTRACT

SOLID WASTE DEPT.

To see if the Town will vote to authorize the Board of Selectmen to enter into a contract for solid waste and recycling collection and disposal for up to 10 years in length.

PURPOSE AND JUSTIFICATION

The town’s current contract is ending in June 2018. It is necessary to have a vote of the RTM in order for the department to have the option to negotiate a longer contract in the hopes of getting better pricing.

FINANCE COMMITTEE VOTE: 6-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to authorize the Board of Selectmen to enter into a contract for solid waste and recycling collection and disposal for up to 10 years in length.

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

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

Letter from the Planning Board read into the record as follows:

December 14, 2017

Deborah Kohl

Town Moderator

Town of North Attleborough

43 South Washington Street

North Attleborough, MA 02760

Re: Articles 5-13 of the January 22, 2018, Special Town Meeting

Dear Ms. Kohl:

At their meeting held on Thursday, December 7, 2017, the Planning Board voted (3-0) to **NOT Support Article's 5 & 8** (Car Dealerships by Special Permit & Lot Shape Rule of 22).

By a vote of 3-0 The Planning Board voted to **Support** the following Zoning Articles:

Article 6 – No New Mobile Home Parks

Article 7 – Storage of Trailers

Article 9 – Lot Frontage

Article 10 – Sign Regulations Changes

Article 11 – Temporary Moratorium on Recreational Marijuana Establishments

Article 12 – Parking Regulation Changes

Article 13 – Rezoning of 538 Mt. Hope Street from R-15 to R-10

On Behalf of the Planning Board,

Nancy Runkle
Town Planner

cc: Town Clerk
Finance Committee

ARTICLE 5 – AMEND ZONING BY-LAW- SPECIAL PERMIT PROCESS

PLANNING BOARD

To see if the Town will vote to amend the Town's Zoning By-Law to require all car dealerships—new and/or used cars—to go through the Special Permit process:

Under "Retail and Service" as "Principal Use" on line 5 "Establishments selling motor vehicles and/or motor vehicle accessories and boats," change the "P" to an "S" for zone C-30, and allow the "S" to remain for zones C-60 and IC-30. Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION

Return Car Dealerships to being allowed by Special Permit

FINANCE COMMITTEE VOTE: 6-0

MAJORITY VOTE

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

FINANCE COMMITTEE REASON: At their public meeting the Planning Board voted not to support this article.

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

ARTICLE 6 – AMEND ZONING BY-LAW – USE REGULATIONS MOBILE HOME PARKS

PLANNING BOARD

To see if the Town will vote to amend the Town’s Zoning By-Law to prohibit new mobile home parks while allowing the renovation and controlled expansion of existing mobile home parks:

Under “Residential Use” as “Principal Use” on line 6 add the word “Existing” before the words “Mobile Home Parks (See Section VI.E) to line **6 and the following after the words “Mobile Home Parks (See Section VI.E) “ and expansion and renovation of existing mobile home parks when current tax map parcel is retained as a mobile home park use and proposed expansion is to properly-zoned contiguous parcels.”

So it will read:

Existing Mobile Home Parks and expansion and renovation of existing mobile home parks when current tax map parcel is retained as a mobile home park use and proposed expansion is to properly-zoned contiguous parcels.

AND

Under “Residential Use” as “Principal Use” below line **6 Add: 6a. New Mobile Home Parks. --- [all zones, not permitted] Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION

Cap the number of mobile home parks while allowing maintenance, renovation, and expansion of existing parks.

FINANCE COMMITTEE VOTE: 6-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to Amend Section V, Use Regulations, Principal Use, Residential, # 6 to read as follows:

<p>**6 Existing Mobile Home Parks (See Section VI E) and expansion and renovation of existing mobile home parks when current tax map parcel is retained as a mobile home park use and proposed expansion is to properly-zoned contiguous parcels</p>	<p>(Allowed by Special Permit in the C-60 and not permitted (---) in all other zones)</p>
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AND

That the Town vote to Amend Section V, Regulations, Principal Use, Residential by adding a new section titled **6a as follows:

****6a New Mobile Home Parks. --- [all zones, not permitted]**

FINANCE COMMITTEE REASON: The Town currently has 6 existing mobile home parks, this would allow those existing parks to remain and expand but would disallow the creation of any new mobile home parks. The Committee supports this action because mobile home parks are only allowed in the C-60 Commercial District, the Town’s largest Commercial District and the Committee feels that the Town would be better served by Commercial Establishments, which tend to generate significantly more tax revenue than mobile home parks, being constructed on those parcels.

By a 2/3 majority vote, the RTM members Defeated the Finance Committee’s recommendation. (Yes 35 No 38)

ARTICLE 7 – AMEND ZONING BY-LAW- ACCESSORY STORAGE OF A TRAILER

PLANNING BOARD

To see if the Town will vote to amend the Town’s Zoning By-Law by doing the following:

Under “Accessory Use” on line 8 “Accessory storage of a trailer...” by adding the words “accessory building.”

The revised #8 will read as follows:

Accessory storage of a trailer, unregistered automobile or boat, utility trailer, boat trailer provided; it shall either be stored within a principal building, *accessory building*, or behind the building line within the side or rear yards and it shall not be used for dwelling or sleeping purposes.

Unregistered automobile or unregistered trailers shall not be stored outside in residential districts. Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION

This is a housekeeping article to correct an omission.

FINANCE COMMITTEE VOTE: 6-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend Section V, Use Regulations, Schedule B, Accessory Use # 8 to read as follows:

8 Accessory storage of a trailer, unregistered Automobile’s or boat, utility trailer, boat trailer provided; it shall either be stored within a principal building, accessory building or behind the building line within the side or rear yards and it shall not be used for dwelling or sleeping purposes. Unregistered automobile or unregistered trailers shall not be stored outside in residential districts

(The districts in which it is allowed by right, allowed by Special Permit or not allowed, have not changed)

FINANCE COMMITTEE REASON: The word “accessory building” was accidentally overlooked in the original drafting of that section.

By a 2/3 majority vote, the RTM members approved the Finance Committee’s recommendation.

ARTICLE 8 – AMEND ZONING BY-LAW – LOT SHAPE

PLANNING BOARD

To see if the Town will vote to amend the Town’s Zoning By-Law IX.B. DEFINITIONS, “Lot Shape” by doing the following:

Add, in appropriate alphabetical position, the following: “Lot Shape—Rule of 22—The square of the lot perimeter divided by the gross area of the lot does not exceed twenty-two (22).” Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION

Encourage regular lot shapes by instituting a lot shape bylaw used in many Massachusetts towns.

FINANCE COMMITTEE VOTE: 4-2

MAJORITY VOTE

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

FINANCE COMMITTEE REASON: At their public meeting the Planning Board voted not to support this article.

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

ARTICLE 9 – AMEND ZONING BY-LAW – LOT FRONTAGE

PLANNING BOARD

To see if the Town will vote to amend the Town’s Zoning By-Law IX.B. DEFINITIONS, “Lot Frontage” by doing the following:

Delete “Lot Frontage—That portion of a lot fronting upon a street or public way, to be measured continuously along one street line between its side lot lines and their intersection with the street line.”

Replace it with: “Lot Frontage—That portion of a lot fronting upon and having access to a street. Lot frontage shall be measured continuously along the front lot line along one street between side lot lines or, in the case of corner lots, between one side lot line and the mid-point of the corner radius. Access to the buildable portion of a lot shall be from the street declared as frontage unless access from another boundary is deemed necessary by the Planning Board. A street claimed as frontage must be paved unless deemed acceptable by the Planning Board after receiving input from the Building Commissioner and Department of Public Works and other Town personnel as may be affected. Unpaved or gravel roads must meet the design standards set forth by the University of Massachusetts Transportation Center and Baystate Roads, unless waived by the Planning Board.” Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION

Lot frontage must be paved unless certain conditions are met, and the road or way claimed as frontage must provide the access to the buildable portion of the lot.

FINANCE COMMITTEE VOTE: 6-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Town’s Zoning By-Law IX.B.

DEFINITIONS, “Lot Frontage” by deleting the current definition in its entirety and replacing it as follows:

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

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

Motion to amend as follows: Amendment to change last sentence to read “unpaved or gravel roads must be approved by the Planning Board.

Motion seconded

Motion carried

By a 2/3 majority vote, the RTM members approved the Finance Committee’s recommendation.

Motion made to waive the reading of the recommendation for Article 10.

Motion Seconded.

Motion Carried

ARTICLE 10 – AMEND TOWN BY-LAW – SIGNS

PLANNING BOARD

To see if the Town will vote to amend the Town’s Zoning By-Law VI.G Signs by deleting the sections shown and replacing them as shown as recommended by SRPEDD our regional planning agency:

DELETE Section VI.G. in its entirety as shown:

Section VI - SUPPLEMENTARY REGULATIONS

G. Signs

~~1. **Applicability.** No signs shall be attached, erected or otherwise installed on any property without first obtaining a sign permit from the Building Inspector, such permit to be granted only in accordance with the following regulations:~~

~~Temporary political signs shall be permitted and shall be exempt from obtaining a sign permit from the Building Inspector.~~

~~A 501(c)(3) non-profit organization that has approval from the Board of Selectman or the appropriate authority having jurisdiction to beautify and maintain town owned land will be allowed to erect one sign on each area of beautified land. The sign shall not exceed six~~

~~square feet. The sign, with approval from the Board of Selectman or the authority of jurisdiction, will include the name of the non-profit organization and name only of the contributor that will provide the ongoing landscape maintenance. The sign will be permanently placed and maintained by the non-profit organization on the beautified town owned land. (10/2016)~~

~~1.1 Purpose. The purpose of this section of this By Law shall be to coordinate the type, placement, and scale of signs within the different zoning districts to recognize the commercial communication requirements of all sectors of the business community; and to encourage the innovative use of design and aesthetic consideration.~~

~~2. General Sign Regulations~~

~~a. No sign shall extend above the roof line of the building to which it is attached. Roof signs are not allowed.~~

~~b. Any traffic or directional sign owned or installed by a government agency shall be permitted.~~

~~c. Temporary interior window displays or temporary banners shall be permitted except as provided in d. below. Temporary shall be construed to mean any period not exceeding 30 consecutive days. Temporary political signs shall not be more than 16 square feet in surface area.~~

~~d. A sign (including temporary interior window displays or banners) or its illuminator shall not by reason of its location, shape, size or color interfere with traffic or be confused with or obstruct the view of the effectiveness of any official traffic sign, traffic signal, or traffic marking. Therefore, flashing or animated signs are not permitted and red, yellow, or green colored lights shall not be permitted.~~

~~e. No more than two signs shall be allowed for any one business or industrial establishment in the "C" or "I" Districts.~~

~~f. No more than one sign shall be allowed for any one premises in the "R" Districts.~~

~~g. The limitations as to the number of signs permitted does not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers, and visitors, whether in a vehicle or on foot, of any business, industry or residence.~~

~~h. The supporting members for any pole sign, projecting sign, or any other sign shall be in acceptable proportion to the size of the sign.~~

~~i. No sign shall be erected so as to obstruct any door, window or fire escape on a building.~~

~~j. At the boundary line of the town and within a street right of way, a sign not exceeding 5 square feet in area indicating the meetings of any North Attleborough civic organization may be erected only after the granting of a special permit by the Board of Appeals.~~

~~k. If lighting is provided, the source of light shall be shielded as to prevent direct glare from the light source onto any public street or onto adjacent property.~~

~~l. In any district one unlighted temporary sign offering premises for sale or lease for each parcel in one ownership shall be permitted provided: it shall not exceed six square feet in surface area; and it shall be set back at least 10 feet from the street lot line.~~

~~m. In any district one unlighted temporary sign of an architect, engineer or contractor erected during the period such person is performing work on the premises on which such sign is erected shall be permitted provided: it shall not exceed four square feet in surface area; and it shall be set back at least 10 feet from the street lot line.~~

~~n. Mobile or portable signs shall not be considered as fixed, standing or outdoor advertising signs and will be subject to only the regulations of paragraph 7 of this section.~~

~~o. The following types of signs do not require a permit under this section but must be in conformance with all other requirements of this By Law and any other applicable By Laws, laws, and rules and regulations:~~

~~i. Construction signs of thirty two (32) square feet or less.~~

- ~~ii. Directional/information signs of six (6) square feet or less.~~
- ~~iii. Holiday or special events decorations.~~
- ~~iv. Nameplates of one (1) square foot or less.~~
- ~~v. Political signs.~~
- ~~vi. Public signs or notices, or any sign relating to an emergency.~~
- ~~vii. Real estate signs.~~
- ~~viii. Incidental signs.~~

~~p. Indemnification and insurance: All persons involved in the maintenance, installation, alteration, or relocation of projecting signs within 10 feet of or upon any public right of way or property shall agree to hold harmless and indemnify the Town, its officers, agents, and employees, against any and all claims of negligence resulting from such work insofar as this By Law has not specifically directed the placement of a sign.~~

~~**2.1. Signs Permitted in All Districts**~~

- ~~a. All signs not requiring permits under this By Law (see Section VI.G.2.o.)~~
- ~~b. Non illuminated political signs.~~
- ~~c. Directional/information sign(s) per lot as required.~~
- ~~d. Temporary special events sign(s) and decoration(s) per premises for special events, grand openings, or holidays.~~

~~**3. Signs Permitted in Any "R" District**~~

- ~~a. All signs permitted in Paragraph 2.1.~~
- ~~b. One subdivision identification sign per subdivision entrance road, not to exceed thirty two (32) square feet in sign area in each location.~~
- ~~c. One professional nameplate for each medical doctor or dental practitioner, provided: such sign shall not exceed one square foot in surface area.~~
- ~~d. One identification sign for each dwelling unit, provided: such sign shall not exceed one square foot in surface area; if lighted, it shall be illuminated with white light by indirect method only; and it shall not be used other than for identifying the occupancy.~~
- ~~e. One identification sign for each membership club, funeral establishment, hospital, church, other place of public assembly, community facility or public utility use, provided: the sign shall not exceed ten square feet in surface area; and if lighted, it shall be illuminated with white light by indirect method only.~~
- ~~f. One unlighted temporary sign relating to a new residential subdivision during the actual period of construction, provided: it shall not exceed 32 square feet in surface area; and it shall be set back at least ten feet from any street lot line.~~
- ~~g. Except for professional nameplates and the residential nameplate, any other sign in an "R" District shall be set back at last one half of the required depth of the front yard.~~

~~**3.1. Signs Permitted in the "C-7.5" District**~~

- ~~a. Signs permitted in Paragraph 3, subject to the same regulations, and business signs. General advertising signs shall be prohibited. Projecting signs are prohibited, except for one "icon" or symbolic sign not to exceed four square feet in surface area, and such sign shall not extend beyond the front lot line or into the public right of way.~~

~~_____ b. _____ One (1) wall sign or electric awning sign not to exceed fifteen (15) percent of aggregate area of occupancy elevation on which the signs are installed.~~

~~_____ c. _____ Incidental signs not to exceed (4) square feet of sign area per occupancy.~~

~~_____ **4. _____ Signs Permitted in Any Other "C" or "IC" District [IC Added 2016]**~~

~~_____ a. _____ Signs permitted in Paragraph 3.1, subject to the same regulations, and business signs. General advertising signs shall be prohibited. Projecting signs are prohibited.~~

~~_____ b. _____ One wall sign for each lot street frontage of each establishment, provided: it shall be attached and parallel to the main wall of a building; the aggregate surface area of all wall signs in any one lot shall not exceed five percent (5%) of the aggregate surface area of all exterior walls of buildings on such lot; and if lighted, it shall be illuminated internally or by indirect method with white light only.~~

~~_____ c. _____ One pole sign for each street frontage of each establishment, provided: it shall not exceed one (1) square foot of sign area for each linear foot of property frontage not to exceed 200 square feet in surface area; no portion of it shall be set back less than ten feet from any street lot line; it shall not be erected so that any portion of it is over 30 feet above the ground or sidewalk; and if lighted, it shall be illuminated internally or by indirect method with white light only.~~

~~_____ d. _____ One standing (or ground) sign for each lot street frontage of a business establishment in the C30 and C60 business district, provided: it shall not exceed one (1) square foot of sign area for each linear foot of property frontage not to exceed 200 square feet in surface area, on any one side; no portion of it shall be set back less than 10 feet from any street lot line; it shall not rise to more than 12 feet from the ground or sidewalk; and it shall be illuminated internally or by indirect method with white or blue light only. Where a single lot is occupied by more than one business whether in the same structure or not, there shall not be more than one standing sign.~~

~~_____ **5. Signs Permitted in the "I" and "OP" Districts**~~

~~_____ a. _____ Wall signs permitted in Paragraph 4, subject to the same regulations.~~

~~_____ b. _____ One standing (or ground) sign for each establishment, provided: it shall not exceed one (1) square foot of sign area for each linear foot of property frontage not to exceed 200 square feet in surface area; it shall be set back at least 15 feet from any street lot line; it shall not be erected so that any portion of it is over 15 feet above the ground or sidewalk; and if lighted, it shall be illuminated internally or by indirect method with white light only.~~

~~_____ **6. Outdoor Advertising Signs**~~

~~_____ a. _____ No outdoor advertising sign shall be erected in an "R" or "C" District or in any residentially developed or agriculturally used area in any other district.~~

~~_____ b. _____ No outdoor advertising sign shall be erected in any "I" District:~~

~~_____ (1) Within 50 feet of any public way.~~

~~_____ (2) Within 300 feet of any public park, playground, or other public grounds, if within view of any portion of the same.~~

~~_____ (3) Within a radius of 150 feet from the point where the centerlines of two or more public ways intersect.~~

~~_____ (4) Upon the roof of any building.~~

~~_____ (5) Exceeding an area of 300 square feet or one half square feet per foot of lot frontage or, in the case of wall signs, of one sixth of the area of said wall, whichever is smaller.~~

~~_____ (6) Exceeding a height of 12 feet.~~

~~_____ (7) Within 100 feet of a church, public building or monument.~~

- ~~c. Outdoor advertising signs shall be subject to all provisions of this Bylaw.~~
- ~~d. If lighted outdoor advertising signs shall be illuminated by indirect method with white light only.~~

7. Temporary Signs

- ~~a. Maximum size: (40 sq. ft.) Such permit shall be limited to a 30 day time of service with a 60 day time limitation before a new permit can be issued. Signs shall be either attached to building or detached, if detached, setbacks shall be at least 10' (feet) from any lot line. Signs shall not obstruct the vision triangle specified in Section VI.B. of this by law.~~
- ~~b. Temporary signs shall not be internally illuminated. Illuminated by indirect external light only.~~
- ~~c. No temporary sign shall be placed so as to obstruct any means of egress or rights of way, sidewalks, etc.~~
- ~~d. No temporary sign shall be placed such that it obstructs vision or creates traffic hazard.~~
- ~~e. Temporary signs shall not be allowed on a lot in Principal Use Residential as defined in Schedule B of this by law.~~

8. Portable Signs

- ~~a. Maximum size: (40 sq. ft.) Such permit shall be limited to a 30 day time of service with a 60 day time limitation allowable before a new permit can be issued. Setbacks at least 10' (feet) from any lot line.~~
- ~~b. Portable signs shall not be internal or external illumination, no flashing lights or otherwise animated.~~
- ~~c. No portable sign shall be placed so as to obstruct any means of egress or rights of way, sidewalks, etc.~~
- ~~d. No portable sign shall be placed such that it obstructs vision or creates traffic hazard.~~
- ~~e. Portable signs shall not be allowed on a lot in Principal Use Residential as defined in Schedule B of this by law.~~

9. Signs, A-Frame

One non illuminated A-Frame sign, subject to the following conditions:

- ~~1. Sign shall only announce that particular business being served.~~
- ~~2. Sign shall not exceed a maximum height of 44" and a maximum width of 28" with a minimum height of 28".~~
- ~~3. Sign shall be located directly in front of the business being served and within the property lines.~~
- ~~4. Sign shall only be displayed during normal business hours and shall be removed and stored indoors during off hours.~~
- ~~5. Businesses shall be permitted to freely select and change messages related to that entity.~~
- ~~6. Signs shall not be displayed during times of inclement weather such as high winds or snow storms.~~
- ~~7. Businesses having no front yard area may place an A-Frame sign on public property provided that the sign complies with the following:
 - ~~a.) There shall be no less than five (5) feet of unobstructed sidewalk between the curb and the frontage property line.~~
 - ~~b.) The applicant shall sign a waiver of liability form provided by the Town of North Attleborough.~~
 - ~~c.) The applicant shall provide proof of liability insurance. Specific insurance requirements to be determined.~~~~
- ~~8. A-Frame sign permits shall be valid for a period of one (1) year.~~

AND REPLACE WITH:

G. Signs

1. Applicability. No signs shall be attached, erected or otherwise installed on any property without first obtaining a sign permit from the Building Inspector, such permit to be granted only in accordance with the following regulations:

Temporary political signs shall be permitted and shall be exempt from obtaining a sign permit from the Building Inspector.

1.1 Purpose. The purpose of this section of this By-Law shall be to coordinate the type, placement, and scale of signs within the different zoning districts to recognize the commercial communication requirements of all sectors of the business community; and to encourage the innovative use of design and aesthetic consideration.

2. General Sign Regulations

- a. No sign shall extend above the roof line of the building to which it is attached. Roof signs are not allowed.
- b. Any traffic or directional sign owned or installed by a government agency shall be permitted.
- c. Temporary interior window displays or temporary banners shall be permitted except as provided in d. below. Temporary shall be construed to mean any period not exceeding 30 consecutive days. Temporary political signs shall not be more than 16 square feet in surface area.
- d. A sign (including temporary interior window displays or banners) or its illuminator shall not by reason of its location, shape, size or color interfere with traffic or be confused with or obstruct the view of the effectiveness of any official traffic sign, traffic signal, or traffic marking. Therefore, flashing or animated signs are not permitted and red, yellow, or green colored lights shall not be permitted.
- e. No more than two signs shall be allowed for any one business or industrial establishment in the "C" or "I" Districts. When more than one sign is provided, their designs shall be coordinated in terms of graphic style, color and materials.
- f. No more than one sign shall be allowed for any one premises in the "R" Districts.
- g. The limitations as to the number of signs permitted does not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers, and visitors, whether in a vehicle or on foot, of any business, industry or residence.
- h. Installation of small, externally illuminated wayfinding signs not to exceed two (2) square feet in area per side is encouraged to assist visitors to locate sites of interest within the Downtown & TOD Priority Development Area (PDA). Wayfinding signs should not exceed seven (7) feet in height, and should be installed for the benefit of pedestrian traffic.
- i. The supporting members for any pole sign, projecting sign, or any other sign shall be in acceptable proportion to the size of the sign.
- j. No sign shall be erected so as to obstruct any door, window or fire escape on a building.
- k. At the boundary line of the town and within a street right-of-way, a sign not exceeding 5 square feet in area indicating the meetings of any North Attleborough civic organization may be erected only after the granting of a special permit by the Board of Appeals.

l. If lighting is provided, it shall be white, steady, and stationary. The source of light shall be shielded as to prevent direct glare from the light source onto any public street or onto adjacent property.

m. In any district one unlighted temporary sign offering premises for sale or lease for each parcel in one ownership shall be permitted provided: it shall not exceed six square feet in surface area; and it shall be set back at least 10 feet from the street lot line.

n. In any district one unlighted temporary sign of an architect, engineer or contractor erected during the period such person is performing work on the premises on which such sign is erected shall be permitted provided: it shall not exceed four square feet in surface area: and it shall be set back at least 10 feet from the street lot line.

o. Mobile or portable signs shall not be considered as fixed, standing or outdoor advertising signs and will be subject to only the regulations of paragraph 7 (Temporary Signs) of this section.

p. The following types of signs do not require a permit under this section but must be in conformance with all other requirements of this By-Law and any other applicable By-Laws, laws, and rules and regulations:

- i. Construction signs of thirty two (32) square feet or less.
- ii. Directional/information signs of six (6) square feet or less.
- iii. Holiday or special events decorations.
- iv. Nameplates of one (1) square foot or less.
- v. Political signs.
- vi. Public signs or notices, or any sign relating to an emergency.
- vii. Real estate signs.
- viii. Incidental signs.

q. Indemnification and insurance: All persons involved in the maintenance, installation, alteration, or relocation of projecting signs within 10 feet of or upon any public right-of-way or property shall agree to hold harmless and indemnify the Town, its officers, agents, and employees, against any and all claims of negligence resulting from such work insofar as this By-Law has not specifically directed the placement of a sign.

2.1. Signs Permitted in All Districts

- a. All signs not requiring permits under this By-Law (see Section VI.G.2.o.)
- b. Non-illuminated political signs.
- c. Directional/information sign(s) per lot as required.
- d. Temporary special events sign(s) and decoration(s) per premises for special events, grand openings, or holidays.

3. Signs Permitted in Any "R" District

- a. All signs permitted in Paragraph 2.1.
- b. One subdivision identification sign per subdivision entrance road, not to exceed thirty two (32) square feet in sign area in each location.
- c. One professional nameplate for each medical doctor or dental practitioner, provided: such sign shall not exceed one square foot in surface area.

- d. One identification sign for each dwelling unit, provided: such sign shall not exceed one square foot in surface area; if lighted, it shall be illuminated with white light by indirect method only; and it shall not be used other than for identifying the occupancy.
- e. One identification sign for each membership club, funeral establishment, hospital, church, other place of public assembly, community facility or public utility use, provided: the sign shall not exceed ten square feet in surface area; and if lighted, it shall be illuminated with white light by indirect method only.
- f. One unlighted temporary sign relating to a new residential subdivision during the actual period of construction, provided: it shall not exceed 32 square feet in surface area; and it shall be set back at least ten feet from any street lot line.
- g. Except for professional nameplates and the residential nameplate, any other sign in an "R" District shall be set back at least one-half of the required depth of the front yard.

3.1. Signs Permitted in the "C-7.5" District

- a. Signs permitted in Paragraph 3, subject to the same regulations, and business signs. General advertising signs shall be prohibited. Projecting signs are prohibited, except for one "icon" or symbolic sign not to exceed four square feet in surface area, and such sign shall not extend beyond the front lot line or into the public right-of-way. Projecting signs are allowed if located within the Downtown & TOD Priority Development Area (PDA).
- b. One (1) wall sign or awning sign not to exceed fifteen percent (15%) of aggregate area of occupancy elevation on which the signs are installed.
- c. Incidental signs not to exceed (4) square feet of sign area per occupancy.
- d. Street banners advertising a public entertainment or advertising a community event, as may be specifically approved by the Board of Selectmen, may be displayed in locations designated for a period of time not to exceed eight (8) consecutive days, the first of which shall occur not more than seven (7) days prior to such entertainment or event. All said banners shall be removed within twenty-four (24) hours after such entertainment or event.
- e. One (1) projecting sign that shall not extend beyond the curb line nor more than fifty (50) inches, exclusive of any supporting structure from the building. A projecting sign shall not be less than ten (10) feet from the ground level at the base of the building, over a vehicular way, over a sidewalk, or a lesser distance so long as public safety is not endangered. Allowable area of a projecting sign will be computed as one-half (½) square foot for each horizontal linear foot of the facade of the establishment on which it hangs. Such sign shall not extend above the building, nor be more than twelve (12) square feet in area.

4. Signs Permitted in Any Other "C" or "IC" District [IC Added 2016]

- a. Signs permitted in Paragraph 3.1, subject to the same regulations, and business signs. General advertising signs shall be prohibited. Projecting signs are prohibited.
- b. One wall sign for each lot street frontage of each establishment, provided: it shall be attached and parallel to the main wall of a building; the aggregate surface area of all wall signs in any one lot shall not exceed five percent (5%) of the aggregate surface area of all exterior walls of buildings on such lot; and if lighted, it shall be illuminated internally or by indirect method with white light only.
- c. One pole sign for each street frontage of each establishment, provided: it shall not exceed one (1) square foot of sign area for each linear foot of property frontage not to exceed 200 square feet in surface area; no portion of it shall be set back less than ten feet from any street lot line; it shall not be erected so that any portion of it is over 30 feet above the ground or sidewalk; and if lighted, it shall be illuminated internally or by indirect method with white light only.
- d. One standing (or ground) sign for each lot street frontage of a business establishment in the C30 and C60 business district, provided: it shall not exceed one (1) square foot of sign area for each linear foot of property frontage not to exceed 200 square feet in surface area, on any one side; no portion of it shall be set back less than 10 feet from any street lot line; it shall not rise to more than 12 feet from the ground or sidewalk; and it shall be illuminated internally or by indirect method with white or blue

light only. Where a single lot is occupied by more than one business whether in the same structure or not, there shall not be more than one standing sign.

5. Signs Permitted in the "I" and "OP" Districts

a. Wall signs permitted in Paragraph 4, subject to the same regulations.

b. One standing (or ground) sign for each establishment, provided: it shall not exceed one (1) square foot of sign area for each linear foot of property frontage not to exceed 200 square feet in surface area; it shall be set back at least 15 feet from any street lot line; it shall not be erected so that any portion of it is over 15 feet above the ground or sidewalk; and if lighted, it shall be illuminated internally or by indirect method with white light only.

6. Outdoor Advertising Signs (a definition should to be provided in Section IX)

a. No outdoor advertising sign shall be erected in an "R" or "C" District or in any residentially developed or agriculturally used area in any other district.

b. No outdoor advertising sign shall be erected in any "I" District:

(1) Within 50 feet of any public way.

(2) Within 300 feet of any public park, playground, or other public grounds, if within view of any portion of the same.

(3) Within a radius of 150 feet from the point where the centerlines of two or more public ways intersect.

(4) Upon the roof of any building.

(5) Exceeding an area of 300 square feet or one-half square feet per foot of lot frontage or, in the case of wall signs, of one sixth of the area of said wall, whichever is smaller.

(6) Exceeding a height of 12 feet.

(7) Within 100 feet of a church, public building or monument.

c. Outdoor advertising signs shall be subject to all provisions of this Bylaw.

d. If lighted outdoor advertising signs shall be illuminated by indirect method with white light only.

7. Temporary Signs

a. Maximum size: (40 sq. ft.) Such permit shall be limited to a 30-day time of service with a 60 day time limitation before a new permit can be issued. Signs shall be either attached to building or detached, if detached, setbacks shall be at least 10' (feet) from any lot line. Signs shall not obstruct the vision triangle specified in Section VI.B. of this by-law.

b. Temporary signs shall not be internally illuminated. Illuminated by indirect external light only.

c. No temporary sign shall be placed so as to obstruct any means of egress or rights-of-way, sidewalks, etc.

d. No temporary sign shall be placed such that it obstructs vision or creates traffic hazard.

e. Temporary signs shall not be allowed on a lot in Principal Use-Residential as defined in Schedule B of this by-law.

8. Portable Signs

a. Maximum size: (40 sq. ft.) Such permit shall be limited to a 30-day time of service with a 60 day time limitation allowable before a new permit can be issued. Setbacks at least 10' (feet) from any lot line.

- b. Portable signs shall not be internal or external illumination, no flashing lights or otherwise animated.
- c. No portable sign shall be placed so as to obstruct any means of egress or rights-of-way, sidewalks, etc.
- d. No portable sign shall be placed such that it obstructs vision or creates traffic hazard.
- e. Portable signs shall not be allowed on a lot in Principal Use-Residential as defined in Schedule B of this by-law.

9. Signs, A-Frame

One non-illuminated A-Frame sign, subject to the following conditions:

- 1. Sign shall only announce that particular business being served.
- 2. Sign shall not exceed a maximum height of 44" and a maximum width of 28" with a minimum height of 28".
- 3. Sign shall be located directly in front of the business being served and within the property lines.
- 4. Sign shall only be displayed during normal business hours and shall be removed and stored indoors during off hours.
- 5. Businesses shall be permitted to freely select and change messages related to that entity.
- 6. Signs shall not be displayed during times of inclement weather such as high winds or snow storms.
- 7. Businesses having no front yard area may place an A-Frame sign on public property provided that the sign complies with the following:
 - a.) There shall be no less than five (5) feet of unobstructed sidewalk between the curb and the frontage property line.
 - b.) The applicant shall sign a waiver of liability form provided by the Town of North Attleborough.
 - c.) The applicant shall provide proof of liability insurance. Specific insurance requirements to be determined.
- 8. A-Frame sign permits shall be valid for a period of one (1) year. All permits shall expire on 12/31 of that given year. Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION

To update the sign regulations to include new Transit Oriented Development.

FINANCE COMMITTEE VOTE: 5-1

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Town's Zoning By-Law VI.G Signs by deleting the existing section in its entirety and replacing it with the following new Section G.:

G. Signs

1. Applicability. No signs shall be attached, erected or otherwise installed on any property without first obtaining a sign permit from the Building Inspector, such permit to be granted only in accordance with the following regulations:

Temporary political signs shall be permitted and shall be exempt from obtaining a sign permit from the Building Inspector.

1.1 Purpose. The purpose of this section of this By-Law shall be to coordinate the type, placement, and scale of signs within the different zoning districts to recognize the commercial communication requirements of all sectors of the business community; and to encourage the innovative use of design and aesthetic consideration.

2. General Sign Regulations

- a. No sign shall extend above the roof line of the building to which it is attached. Roof signs are not allowed.**
- b. Any traffic or directional sign owned or installed by a government agency shall be permitted.**
- c. Temporary interior window displays or temporary banners shall be permitted except as provided in d. below. Temporary shall be construed to mean any period not exceeding 30 consecutive days. Temporary political signs shall not be more than 16 square feet in surface area.**
- d. A sign (including temporary interior window displays or banners) or its illuminator shall not by reason of its location, shape, size or color interfere with traffic or be confused with or obstruct the view of the effectiveness of any official traffic sign, traffic signal, or traffic marking. Therefore, flashing or animated signs are not permitted and red, yellow, or green colored lights shall not be permitted.**
- e. No more than two signs shall be allowed for any one business or industrial establishment in the "C" or "I" Districts. When more than one sign is provided, their designs shall be coordinated in terms of graphic style, color and materials.**
- f. No more than one sign shall be allowed for any one premises in the "R" Districts.**
- g. The limitations as to the number of signs permitted does not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers, and visitors, whether in a vehicle or on foot, of any business, industry or residence.**
- h. Installation of small, externally illuminated wayfinding signs not to exceed two (2) square feet in area per side is encouraged to assist visitors to locate sites of interest within the Downtown & TOD Priority Development Area (PDA). Wayfinding signs should not exceed seven (7) feet in height, and should be installed for the benefit of pedestrian traffic.**
- i. The supporting members for any pole sign, projecting sign, or any other sign shall be in acceptable proportion to the size of the sign.**
- j. No sign shall be erected so as to obstruct any door, window or fire escape on a building.**
- k. At the boundary line of the town and within a street right-of-way, a sign not exceeding 5 square feet in area indicating the meetings of any North Attleborough civic organization may be erected only after the granting of a special permit by the Board of Appeals.**
- l. If lighting is provided, it shall be white, steady, and stationary. The source of light shall be shielded as to prevent direct glare from the light source onto any public street or onto adjacent property.**
- m. In any district one unlighted temporary sign offering premises for sale or lease for each parcel in one ownership shall be permitted provided: it shall not exceed six square feet in surface area; and it shall be set back at least 10 feet from the street lot line.**
- n. In any district one unlighted temporary sign of an architect, engineer or contractor erected during the period such person is performing work on the premises on which such sign is erected shall be permitted provided: it shall not exceed four square feet in surface area: and it shall be set back at least 10 feet from the street lot line.**
- o. Mobile or portable signs shall not be considered as fixed, standing or outdoor advertising signs and will be subject to only the regulations of paragraph 7 (Temporary Signs) of this section.**
- p. The following types of signs do not require a permit under this section but must be in conformance with all other requirements of this By-Law and any other applicable By-Laws, laws, and rules and regulations:**
 - i. Construction signs of thirty two (32) square feet or less.**

- ii. **Directional/information signs of six (6) square feet or less.**
- iii. **Holiday or special events decorations.**
- iv. **Nameplates of one (1) square foot or less.**
- v. **Political signs.**
- vi. **Public signs or notices, or any sign relating to an emergency.**
- vii. **Real estate signs.**
- viii. **Incidental signs.**

q. **Indemnification and insurance: All persons involved in the maintenance, installation, alteration, or relocation of projecting signs within 10 feet of or upon any public right-of-way or property shall agree to hold harmless and indemnify the Town, its officers, agents, and employees, against any and all claims of negligence resulting from such work insofar as this By-Law has not specifically directed the placement of a sign.**

2.1. Signs Permitted in All Districts

- a. **All signs not requiring permits under this By-Law (see Section VI.G.2.o.)**
- b. **Non-illuminated political signs.**
- c. **Directional/information sign(s) per lot as required.**
- d. **Temporary special events sign(s) and decoration(s) per premises for special events, grand openings, or holidays.**

3. Signs Permitted in Any "R" District

- a. **All signs permitted in Paragraph 2.1.**
- b. **One subdivision identification sign per subdivision entrance road, not to exceed thirty two (32) square feet in sign area in each location.**
- c. **One professional nameplate for each medical doctor or dental practitioner, provided: such sign shall not exceed one square foot in surface area.**
- d. **One identification sign for each dwelling unit, provided: such sign shall not exceed one square foot in surface area; if lighted, it shall be illuminated with white light by indirect method only; and it shall not be used other than for identifying the occupancy.**
- e. **One identification sign for each membership club, funeral establishment, hospital, church, other place of public assembly, community facility or public utility use, provided: the sign shall not exceed ten square feet in surface area; and if lighted, it shall be illuminated with white light by indirect method only.**
- f. **One unlighted temporary sign relating to a new residential subdivision during the actual period of construction, provided: it shall not exceed 32 square feet in surface area; and it shall be set back at least ten feet from any street lot line.**
- g. **Except for professional nameplates and the residential nameplate, any other sign in an "R" District shall be set back at least one-half of the required depth of the front yard.**

3.1. Signs Permitted in the "C-7.5" District

a. Signs permitted in Paragraph 3, subject to the same regulations, and business signs. General advertising signs shall be prohibited. Projecting signs are prohibited, except for one "icon" or symbolic sign not to exceed four square feet in surface area, and such sign shall not extend beyond the front lot line or into the public right-of-way. Projecting signs are allowed if located within the Downtown & TOD Priority Development Area (PDA).

b. One (1) wall sign or awning sign not to exceed fifteen percent (15%) of aggregate area of occupancy elevation on which the signs are installed.

c. Incidental signs not to exceed (4) square feet of sign area per occupancy.

d. Street banners advertising a public entertainment or advertising a community event, as may be specifically approved by the Board of Selectmen, may be displayed in locations designated for a period of time not to exceed eight (8) consecutive days, the first of which shall occur not more than seven (7) days prior to such entertainment or event. All said banners shall be removed within twenty-four (24) hours after such entertainment or event.

e. One (1) projecting sign that shall not extend beyond the curb line nor more than fifty (50) inches, exclusive of any supporting structure from the building. A projecting sign shall not be less than ten (10) feet from the ground level at the base of the building, over a vehicular way, over a sidewalk, or a lesser distance so long as public safety is not endangered. Allowable area of a projecting sign will be computed as one-half ($\frac{1}{2}$) square foot for each horizontal linear foot of the facade of the establishment on which it hangs. Such sign shall not extend above the building, nor be more than twelve (12) square feet in area.

4. Signs Permitted in Any Other "C" or "IC" District [IC Added 2016]

a. Signs permitted in Paragraph 3.1, subject to the same regulations, and business signs. General advertising signs shall be prohibited. Projecting signs are prohibited.

b. One wall sign for each lot street frontage of each establishment, provided: it shall be attached and parallel to the main wall of a building; the aggregate surface area of all wall signs in any one lot shall not exceed five percent (5%) of the aggregate surface area of all exterior walls of buildings on such lot; and if lighted, it shall be illuminated internally or by indirect method with white light only.

c. One pole sign for each street frontage of each establishment, provided: it shall not exceed one (1) square foot of sign area for each linear foot of property frontage not to exceed 200 square feet in surface area; no portion of it shall be set back less than ten feet from any street lot line; it shall not be erected so that any portion of it is over 30 feet above the ground or sidewalk; and if lighted, it shall be illuminated internally or by indirect method with white light only.

d. One standing (or ground) sign for each lot street frontage of a business establishment in the C30 and C60 business district, provided: it shall not exceed one (1) square foot of sign area for each linear foot of property frontage not to exceed 200 square feet in surface area, on any one side; no portion of it shall be set back less than 10 feet from any street lot line; it shall not rise to more than 12 feet from the ground or sidewalk; and it shall be illuminated internally or by indirect method with white or blue light only. Where a single lot is occupied by more than one business whether in the same structure or not, there shall not be more than one standing sign.

5. Signs Permitted in the "I" and "OP" Districts

a. Wall signs permitted in Paragraph 4, subject to the same regulations.

b. One standing (or ground) sign for each establishment, provided: it shall not exceed one (1) square foot of sign area for each linear foot of property frontage not to exceed 200 square feet in surface area; it shall be set back at least 15 feet from any street lot line; it shall not be erected so that any portion of it is over 15 feet above the ground or sidewalk; and if lighted, it shall be illuminated internally or by indirect method with white light only.

6. Outdoor Advertising Signs (a definition should be provided in Section IX)

- a. No outdoor advertising sign shall be erected in an "R" or "C" District or in any residentially developed or agriculturally used area in any other district.
- b. No outdoor advertising sign shall be erected in any "I" District:
 - (1) Within 50 feet of any public way.
 - (2) Within 300 feet of any public park, playground, or other public grounds, if within view of any portion of the same.
 - (3) Within a radius of 150 feet from the point where the centerlines of two or more public ways intersect.
 - (4) Upon the roof of any building.
 - (5) Exceeding an area of 300 square feet or one-half square feet per foot of lot frontage or, in the case of wall signs, of one sixth of the area of said wall, whichever is smaller.
 - (6) Exceeding a height of 12 feet.
 - (7) Within 100 feet of a church, public building or monument.
- c. Outdoor advertising signs shall be subject to all provisions of this Bylaw.
- d. If lighted outdoor advertising signs shall be illuminated by indirect method with white light only.

7. Temporary Signs

- a. Maximum size: (40 sq. ft.) Such permit shall be limited to a 30-day time of service with a 60 day time limitation before a new permit can be issued. Signs shall be either attached to building or detached, if detached, setbacks shall be at least 10' (feet) from any lot line. Signs shall not obstruct the vision triangle specified in Section VI.B. of this by-law.
- b. Temporary signs shall not be internally illuminated. Illuminated by indirect external light only.
- c. No temporary sign shall be placed so as to obstruct any means of egress or rights-of-way, sidewalks, etc.
- d. No temporary sign shall be placed such that it obstructs vision or creates traffic hazard.
- e. Temporary signs shall not be allowed on a lot in Principal Use-Residential as defined in Schedule B of this by-law.

8. Portable Signs

- a. Maximum size: (40 sq. ft.) Such permit shall be limited to a 30-day time of service with a 60 day time limitation allowable before a new permit can be issued. Setbacks at least 10' (feet) from any lot line.
- b. Portable signs shall not be internal or external illumination, no flashing lights or otherwise animated.
- c. No portable sign shall be placed so as to obstruct any means of egress or rights- of-way, sidewalks, etc.
- d. No portable sign shall be placed such that it obstructs vision or creates traffic hazard.
- e. Portable signs shall not be allowed on a lot in Principal Use-Residential as defined in Schedule B of this by-law.

9. Signs, A-Frame

One non-illuminated A-Frame sign, subject to the following conditions:

- 1. Sign shall only announce that particular business being served.**
- 2. Sign shall not exceed a maximum height of 44" and a maximum width of 28" with a minimum height of 28".**
- 3. Sign shall be located directly in front of the business being served and within the property lines.**
- 4. Sign shall only be displayed during normal business hours and shall be removed and stored indoors during off hours.**
- 5. Businesses shall be permitted to freely select and change messages related to that entity.**
- 6. Signs shall not be displayed during times of inclement weather such as high winds or snow storms.**
- 7. Businesses having no front yard area may place an A-Frame sign on public property provided that the sign complies with the following:**
 - a.) There shall be no less than five (5) feet of unobstructed sidewalk between the curb and the frontage property line.**
 - b.) The applicant shall sign a waiver of liability form provided by the Town of North Attleborough.**
 - c.) The applicant shall provide proof of liability insurance. Specific insurance requirements to be determined.**
- 8. A-Frame sign permits shall be valid for a period of one (1) year. All permits shall expire on 12/31 of that given year.**

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

Motion made as follows: Move to refer Article 10 to a committee of 5 members to be appointed by the town moderator. Said committee shall report to the town moderator.

Motion seconded.

Motion carried.

Motion made to waive the reading of Article 11

Motion seconded.

Motion carried.

**ARTICLE 11 – AMEND ZONING BY-LAW – RECREATIONAL MARIJUANA PLANNING BOARD
TEMPORARY MORATORIUM**

To see if the Town will vote to amend the Town’s Zoning By-Law to initiate a temporary moratorium on recreational marijuana establishments, that would provide as follows, and further to amend the Table of Contents to add Section VI. S., “Temporary Moratorium on Recreational Marijuana Establishments:”

Section VI.S. TEMPORARY MORATORIUM ON THE SALE AND DISTRIBUTION OF RECREATIONAL MARIJUANA

1. Purpose

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulation the cultivation, distribution, possession, and use of marijuana for recreational purposes. The law provides that it is effective on December 15, 2016,

and the Cannabis Control Commission (CCC) is required to issue regulations regarding implementation by March, 2018, or any date revised by the Commonwealth.

Currently under the Zoning Bylaw, Recreational Marijuana Establishments and Marijuana Retailers are not a permitted use in the Town and any regulations promulgated by the Cannabis Control Commission are expected to provide guidance to the Town in regulating Recreational Marijuana Establishments and Marijuana Retailers. Further, the ballot measure establishes two important provisions that require ballot action by the Town prior to the adoption of zoning. First, the Town must, by ballot, determine whether it will issue licenses for Recreational Marijuana Establishments and Marijuana Retailers, and second, by ballot that cannot occur prior to November 6, 2018, the next biennial state election, on whether to allow on-site consumption of marijuana products should the Town decide to allow licenses for such facilities.

The regulation of Recreational Marijuana Establishments and Marijuana Retailers raise novel and complex legal, planning and public safety issues and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and Marijuana Retailers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments and Marijuana Retailers and other uses related to the regulation of recreational marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments and Marijuana Retailers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives.

2. Definition

“Recreation Marijuana Establishment” shall mean a “marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana related business.

3. Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments and Marijuana Retailers.

The moratorium shall be in effect through December 31, 2018.

During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

4. Severability.

The provisions of this by-law are severable. If any provision, paragraph, sentence, or clause of this By-law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of application of this bylaw.” Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION

The Board of Selectmen is requesting that the Zoning By-Laws be amended to allow for a temporary moratorium on dispensaries and sellers of recreational marijuana. As laid out in the initiative passed on November 8, 2016, the Cannabis Advisory Board must set forth regulations on the sale and use of recreational marijuana.

FINANCE COMMITTEE VOTE: 6-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Town’s Zoning By-Law by adding a new Section VI.S. “Temporary Moratorium on Recreational Marijuana Establishments:” as follows:

Section VI.S. TEMPORARY MORATORIUM ON THE SALE AND DISTRIBUTION OF RECREATIONAL MARIJUANA

1. Purpose

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulation the cultivation, distribution, possession, and use of marijuana for recreational purposes. The law provides that it is effective on December 15, 2016, and the Cannabis Control Commission (CCC) is required to issue regulations regarding implementation by March, 2018, or any date revised by the Commonwealth.

Currently under the Zoning Bylaw, Recreational Marijuana Establishments and Marijuana Retailers are not a permitted use in the Town and any regulations promulgated by the Cannabis Control Commission are expected to provide guidance to the Town in regulating Recreational Marijuana Establishments and Marijuana Retailers. Further, the ballot measure establishes two important provisions that require ballot action by the Town prior to the adoption of zoning. First, the Town must, by ballot, determine whether it will issue licenses for Recreational Marijuana Establishments and Marijuana Retailers, and second, by ballot that cannot occur prior to November 6, 2018, the next biennial state election, on whether to allow on-site consumption of marijuana products should the Town decide to allow licenses for such facilities.

The regulation of Recreational Marijuana Establishments and Marijuana Retailers raise novel and complex legal, planning and public safety issues and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and Marijuana Retailers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments and Marijuana Retailers and other uses related to the regulation of recreational marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments and Marijuana Retailers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives.

2. Definition

“Recreation Marijuana Establishment” shall mean a “marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana related business.

3. Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments and Marijuana Retailers.

The moratorium shall be in effect through December 31, 2018.

During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

4. Severability.

The provisions of this by-law are severable. If any provision, paragraph, sentence, or clause of this By-law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of application of this bylaw.”

FINANCE COMMITTEE REASON: As stated in the purpose and justification. The Committee also wanted to note that the “Cannibis Advisory Board” referred to in the purpose and justification is affiliated with the “Cannibis Control Commission”.

By a 2/3 majority vote, the RTM members approved the Finance Committee’s recommendation.

Motion made to waive the reading of Article 12

Motion seconded.

Motion carried.

ARTICLE 12 – AMEND ZONING BY-LAW – OFF STREET PARKING AND LOADING PLANNING BOARD

To see if the Town will vote to amend the Town’s Zoning By-Law VI.A.1 Off-Street Parking and Loading by deleting the sections shown and replacing them as shown as recommended by SRPEDD our regional planning agency:

DELETE Section VI.A.1. as shown:

Section VI - SUPPLEMENTARY REGULATIONS

A. Off-Street Parking and Loading

1. Off-Street Parking

~~Off street parking shall be provided in all districts where off street parking is required, according to the standards set forth in the following table. Off street parking in connection with a specific use of land in the retail district abutting North and South Washington Streets may be exempt from these regulations by special exception of the Board of Appeals. Off street automobile parking spaces, open or enclosed, shall be considered an accessory use and shall be provided in accordance with Schedule C. Off Street Parking Regulations. Accessible parking spaces shall be provided in accordance with 521 CMR (Architectural Access Board) as amended. On a lot which is split between two zoning districts, off street parking which is an accessory use to the principal use of the lot shall be located only within that portion of the lot which is in the same zoning district as the principal use of the lot.~~

AND REPLACE Section VI.A.1. WITH:

A. Off-Street Parking and Loading

1. Off-Street Parking

Off-street parking shall be provided in all districts where off-street parking is required, according to the standards set forth in the following table. Off-street parking requirements in connection with a specific use of land located in the Downtown & TOD Priority Development Area (PDA) if the applicant provides the permitting authority with documentation demonstrating the needed reduction. The area known as the Downtown & TOD Priority Development Area (PDA) is defined and shown on the 2013 South Coast Rail Corridor Plan Town of North Attleborough Community Priority Areas Map (June 2013). Boundaries correspond to selected parcels within the Commercial 7.5 Zoning District and Transit Oriented Development Overlay Zoning District.

Off-street automobile parking spaces, open or enclosed, shall be considered an accessory use and shall be provided in accordance with Schedule C. On a lot which is split between two zoning districts, off-street parking which is an accessory use to the principal use of the lot shall be located only within that portion of the lot which is in the same zoning district as the principal use of the lot.

- a. Uses located in the Downtown & TOD Priority Development Area (PDA) which require three (3) or fewer commercial parking spaces are exempt from this bylaw.
- b. Required number of commercial parking spaces may be reduced when the applicant provides the permitting authority with information on the ability to share parking within the development or on adjacent properties in the Downtown & TOD Priority Development Area (PDA) as provided in Section VI.A.9 - Combined Facilities.
- c. In the Downtown & TOD Priority Development Area (PDA), commercial parking requirements may be reduced by as much as eighty percent (80%) if a publicly-owned off-street parking facility is located within one thousand feet (1,000’) of an entrance to the use. This reduction will be allowed if the permitting authority finds that said public parking will accommodate the parking demands of the proposed project.
- d. On-street parking spaces that are completely contained within the frontage of the property may be counted toward the commercial parking requirements in the Downtown & TOD Priority Development Area (PDA). Off-street parking within three hundred feet (300’) of the property may be counted towards the commercial parking requirement within the Downtown & TOD Priority Development Area.

e. For all commercial uses in the Downtown & TOD Priority Development Area (PDA), one (1) bicycle parking space shall be provided for every 4 (four) parking spaces required under this bylaw. The permitting authority may reduce the number of required bicycle parking spaces based on information provided by the applicant justifying the reduction.

SCHEDULES C AND D REMAIN UNCHANGED.

DELETE THE REMAINDER OF SECTION VI.A. from Section VI.A.3. forward until Section VI.B. is reached, as shown:

~~3. Each space for off street parking shall be a minimum of ten (10) feet by twenty (20) feet and shall include 100 sq. ft. of off street area for maneuvering and driveways. Accessible parking spaces shall be provided in accordance with 521 CMR (Architectural Access Board) as amended. Each space for off street loading shall be a minimum of 12 feet by 50 feet with a vertical clearance of at least 14 feet, and shall include 700 sq. ft. of off street area for maneuvering and driveways.~~

~~4. New Construction. On all new construction after the date of passage of this bylaw, a location plan of the buildings and parking area, with the exception of residential dwellings on lots within an approved subdivision plan shall be submitted to the Planning Board in accordance with the requirements for surfacing, drainage, and entrance clearances, etc., as outlined in Section VI.H.~~

~~5. Change in Use. Whenever after the date of this by law, there is a change in the lawful use of the premises or in the number of employees or business visitors or any other unit of measurement specified in any of the foregoing paragraphs of this section, and whenever such change creates a need for an increase of more than twenty (20) percent of the number of off street automobile parking spaces as determined by the requirements of this section, more off street parking facilities shall be provided on the basis of the adjusted needs as determined by this section.~~

~~6. Mixed Uses. In the case of mixed uses, the parking facilities required shall be of the sum of the requirements for the various individual uses, computed separately in accordance with this subsection; parking facilities for one (1) use shall not be considered as providing the required parking facilities for any other use unless it can be clearly demonstrated that the need for parking occurs at different times.~~

~~7. Existing Spaces. Parking or loading spaces being maintained in any district in connection with any existing use on the effective date of this Bylaw, or any spaces subsequently provided in accordance with this Bylaw, shall not be decreased or in any way removed from service to the use originally intended to be served so long as said use remains, unless a number of parking or loading spaces is constructed elsewhere such that the total number of spaces conforms to the requirements of Schedules C and D, provided: this regulation shall not require the maintenance of more parking or loading space than is required according to the Schedules.~~

~~8. Computation of Spaces. When the computation of required parking or loading spaces results in the requirement of a fractional space, a fraction of one-half or more shall require one space.~~

~~9. Combined Facilities. Parking required for two or more buildings or uses may be provided in combined facilities on the same or adjacent lots, subject to approval by the Planning Board where it is evident that such facilities will continue to be available for the several buildings or uses.~~

~~10. Location of Parking Spaces. Required off street parking spaces shall be provided on the same lot as the principal use.~~

~~a. Parking spaces on a lot which is developed for a multi family dwelling use shall be no closer than 5 feet to any side or rear lot line. In such a multi family dwelling use, no off street parking spaces (except those located within a garage) shall be located within fifteen (15) feet of any wall of a principal building along which are located windows serving habitable rooms for dwelling purposes less than ten feet above the ground or along which is located an entrance or exit generally intended for use for dwelling purposes by residents thereof.~~

~~11. Location of Loading Spaces. The loading spaces required for the uses listed in Schedule D shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this Bylaw.~~

~~12. Parking and Loading Space Standards. All parking and loading areas containing over five spaces, including automotive and drive-thru establishments of all types, shall be either contained within structures, or subject to the following:~~

~~a. The area shall be effectively screened with suitable planting or fencing on each side which adjoins or faces the side or rear lot line of a lot situated in any "R" District. The parking area on a lot which is developed for a multi-family dwelling use shall be effectively screened from neighboring properties with suitable dense evergreen shrubs or other dense evergreen plantings a minimum of five (5) feet in height on each side of the parking area which adjoins or faces a side or rear lot line of a lot. A solid fence a minimum of five (5) feet in height may be substituted for the dense evergreen plantings if suitable landscaping is provided in addition to the fencing.~~

~~b. The area and access driveways thereto shall be surfaced with bituminous or cement concrete material and shall be graded and drained so as to dispose of all surface water accumulation in accordance with acceptable engineering practices. The location of spaces shall be suitably marked by painted lines or other appropriate markings.~~

~~c. A substantial bumper of masonry, steel or heavy timber, or a concrete curb or berm curb which is backed, shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties, and sidewalks and screening materials.~~

~~d. The layout of the parking area shall allow access for emergency vehicles at all times and sufficient space for the storage of plowed snow unless removal by some other means is assured.~~

~~e. Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.~~

~~f. There shall not be any business operation for vehicle repair for profit or gasoline or oil service facilities or any repair made to any motor vehicles, except on a lot occupied by a permitted automotive use. Any gasoline or oil facilities shall be at least 25 feet from any lot line.~~

~~g. There shall not be any storage of materials or equipment or display of merchandise within required parking area except as part of approved building operations.~~

~~h. Parking and loading spaces other than those required for single family dwellings shall be so arranged as not to permit backing of vehicles onto any street.~~

~~i. Parking and loading spaces serving new residential uses shall be surfaced with a durable pavement.~~

~~j. Any portion of any entrance or exit driveway shall not be closer than 50 feet to the curb line of an intersecting street.~~

~~k. Any entrance or exit driveway shall not exceed 25 feet in width at its intersection with the front lot line except for automotive service stations and fire stations, in which cases the widths may be increased to 30 feet. If entrance and exit driveways are side by side an island a minimum of 6' wide shall be provided.~~

~~l. The Board of Appeals may grant a special exception to permit the reduction of the parking space requirements to 80 percent of that required in Schedule C. Off-Street Parking Regulations, where conditions unique to the use will reasonably justify such a reduction.~~

~~m. The Board of Appeals may grant a special exception to permit the reduction of the size of the loading space where such reduced size is consistent with the dimensions of the commercial vehicle serving the premises.~~

~~n. The off street parking and loading standards set forth in Section VI.A shall not apply to motor vehicles displayed or stored within outdoor display areas provided the motor vehicles are displayed or stored in connection with the sale of motor vehicles by an individual or entity possessing a Class I or Class II license to sell motor vehicles issued pursuant to Massachusetts General Laws Chapter 140.~~

AND REPLACE WITH:

3. Size Requirements. Each space for off-street parking shall be a minimum of ten (10) feet by twenty (20) feet and shall include 100 sq. ft. of off-street area for maneuvering and driveways. Accessible parking spaces shall be provided in accordance with 521 CMR (Architectural Access Board) as amended. Each space for off-street loading shall be a minimum of 12 feet by 50 feet with a vertical clearance of at least 14 feet, and shall include 700 sq. ft. of off-street area for maneuvering and driveways.

a. The size of parking spaces may be reduced to nine (9) feet by eighteen (18) feet within the Downtown & TOD Priority Development Area. On-street parking spaces in the Downtown & TOD Priority Development Area which are parallel to the flow of traffic shall have minimum dimensions of eight (8) feet by twenty-one (21) feet.

b. The permitting authority may grant a special exception to permit the reduction of the size of the loading space where such reduced size is consistent with the dimensions of the commercial vehicle serving the premises within the Downtown & TOD Priority Development Area (PDA).

4. New Construction. On all new construction after the date of passage of this bylaw, a location plan of the buildings and parking area, with the exception of residential dwellings on lots within an approved subdivision plan shall be submitted to the Planning Board in accordance with the requirements for surfacing, drainage, and entrance clearances, etc., as outlined in Section VI.H - Site Plan Review.

5. Change in Use. Whenever after the date of this by-law, there is a change in the lawful use of the premises or in the number of employees or business visitors or any other unit of measurement specified in any of the foregoing paragraphs of this section, and whenever such change creates a need for an increase of more than twenty (20) percent of the number of off-street automobile parking spaces as determined by the requirements of this section, more off-street parking facilities shall be provided on the basis of the adjusted needs as determined by this section.

6. Mixed Uses. In the case of mixed uses, the parking facilities required shall be of the sum of the requirements for the various individual uses, computed separately in accordance with this subsection; parking facilities for one (1) use shall not be considered as providing the required parking facilities for any other use unless it can be clearly demonstrated that the need for parking occurs at different times.

7. Existing Spaces. Parking or loading spaces being maintained in any district in connection with any existing use on the effective date of this Bylaw, or any spaces subsequently provided in accordance with this Bylaw or as may be allowed elsewhere in this Bylaw, shall not be decreased or in any way removed from service to the use originally intended to be served so long as said use remains, unless a number of parking or loading spaces is constructed elsewhere such that the total number of spaces conforms to the requirements of Schedules C and D, provided this regulation shall not require the maintenance of more parking or loading space than is required according to the Schedules.

8. Computation of Spaces. When the computation of required parking or loading spaces results in the requirement of a fractional space, a fraction of one-half or more shall require one space.

9. Combined Facilities. Parking required for two or more buildings or uses may be provided in combined facilities on the same or adjacent lots, subject to approval by the Planning Board where it is evident that such facilities will continue to be available for the several buildings or uses.

a. The applicant shall provide the permitting authority with documentation which demonstrates that the peak parking demands associated with the proposed uses do not overlap. Reductions shall not exceed thirty percent (30%) for those parking spaces required under normal application of requirements for the commercial uses proposed. An applicant may use the latest peak demand analyses published by the Institute of Traffic Engineers (ITE) or other sources acceptable by the permitting authority.

b. Uses sharing a parking facility shall provide for safe, convenient walking between uses and parking, including safe, well-marked pedestrian crossings, signage, and adequate lighting.

10. Off-Site Parking. Separate from or in conjunction with the Combined Facilities provision, an applicant may use off-site parking located in a privately-owned lot to satisfy their parking requirements. The applicant shall provide the necessary information to the permitting authority in order to use off-site parking to satisfy the parking requirements.

a. The off-site parking located in a privately-owned lot shall be within three hundred feet (300') of the property for which it is being requested.

b. Off-site parking may only be provided if the privately-owned off-site lot has an excess number of spaces or if the applicant can demonstrate that the on-site and off-site uses have non-competing peak demands.

c. The amount of required parking spaces being reduced on-site shall be equal to the amount being provided off-site and can account for up to one hundred (100%) of the minimum required on-site parking.

d. Off-site parking spaces provided by a separate private property owner shall be subject to a legally binding agreement that will be presented to the permitting authority during the Site Plan Review process or as a condition of approval. If the conditions for shared parking become null and void and the shared parking arrangement is discontinued, this will constitute a zoning violation for any use approved expressly with shared parking. The applicant or property owner must then provide written notification of the change to the Zoning Enforcement Official and, within 60 days of that notice, provide a remedy satisfactory to the permitting authority to provide adequate parking.

e. Uses utilizing off-site parking shall provide for safe, convenient walking between uses and parking, including safe, well-marked pedestrian crossings, signage, and adequate lighting.

11. Location of Parking Spaces. Required off-street parking spaces shall be provided on the same lot as the principal use, except if located within the Downtown & TOD Priority Development Area as provided in Section VI.A, paragraph 10 - Off-Site Parking.

a. Parking spaces on a lot which is developed for a multi-family dwelling use shall be no closer than 5 feet to any side or rear lot line. In such a multi-family dwelling use, no off-street parking spaces (except those located within a garage) shall be located within fifteen (15) feet of any wall of a principal building along which are located windows serving habitable rooms for dwelling purposes less than ten feet above the ground or along which is located an entrance or exit generally intended for use for dwelling purposes by residents thereof.

b. Parking should be placed to the side or rear of the building within the Downtown & TOD Priority Development Area (PDA).

c. Residential parking should be clearly marked or separated from the commercial or public parking and located within two hundred feet (200') of the residential building entrance.

d. Bicycle parking facilities shall be located in a clearly designated safe and convenient location. Whenever possible, the bicycle parking shall be placed within fifty feet (50') of building entrances and in well-lit areas.

12. Location of Loading Spaces. The loading spaces required for the uses listed in Schedule D shall in all cases be on the same lot as the use they are intended to serve, except for those uses within the Downtown & TOD Priority Development Area (PDA). In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this Bylaw.

a. Loading spaces and access drives leading thereto shall be so designed that vehicles to be loaded or unloaded are not required to maneuver in the public way to enter or leave the designed loading area unless located within the Downtown & TOD Priority Development Area (PDA).

b. Commercial loading spaces should be clearly marked and/or separated from the residential or public parking and be located within two hundred feet (200') of the commercial building entrance.

c. No part of an off-street loading area required by this bylaw for any nonresidential building or use shall be included as part of an off-street loading area similarly required for another building or use, unless the use(s) are within the Downtown & TOD Priority Development Area (PDA) and the type of buildings or uses indicates that the usage of such loading area would not occur simultaneously, as determined by the permitting authority.

13. Parking and Loading Space Standards. All parking and loading areas containing over five spaces, including automotive and drive-thru establishments of all types, shall be either contained within structures, or subject to the following:

a. The area shall be effectively screened with suitable planting or fencing on each side which adjoins or faces the side or rear lot line of a lot situated in any "R" District. The parking area on a lot which is developed for a multi-family dwelling use shall be effectively screened from neighboring properties with suitable dense evergreen shrubs or other dense evergreen plantings a minimum of five (5) feet in height on each side of the parking area which adjoins or faces a side or rear lot line of a lot. A solid fence a minimum of five (5) feet in height may be substituted for the dense evergreen plantings if suitable landscaping is provided in addition to the fencing.

b. The area and access driveways thereto shall be surfaced with bituminous or cement concrete material and shall be graded and drained so as to dispose of all surface water accumulation in accordance with acceptable engineering practices. The location of spaces shall be suitably marked by painted lines or other appropriate markings.

c. A substantial bumper of masonry, steel or heavy timber, or a concrete curb or berm curb which is backed, shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties, and sidewalks and screening materials.

d. The layout of the parking area shall allow access for emergency vehicles at all times and sufficient space for the storage of plowed snow unless removal by some other means is assured.

e. Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.

f. There shall not be any business operation for vehicle repair for profit or gasoline or oil service facilities or any repair made to any motor vehicles, except on a lot occupied by a permitted automotive use. Any gasoline or oil facilities shall be at least 25 feet from any lot line.

g. There shall not be any storage of materials or equipment or display of merchandise within required parking area except as part of approved building operations.

h. Parking and loading spaces other than those required for single-family dwellings shall be so arranged as not to permit backing of vehicles onto any street.

i. Parking and loading spaces serving new residential uses shall be surfaced with a durable pavement.

j. Any portion of any entrance or exit driveway shall not be closer than 50 feet to the curb line of an intersecting street.

k. Any entrance or exit driveway shall not exceed 25 feet in width at its intersection with the front lot line except for automotive service stations and fire stations, in which cases the widths may be increased to 30 feet. If entrance and exit driveways are side by side an island a minimum of 6' wide shall be provided.

l. The off-street parking and loading standards set forth in Section VI.A shall not apply to motor vehicles displayed or stored within outdoor display areas provided the motor vehicles are displayed or stored in connection with the sale of motor vehicles by an individual or entity possessing a Class I or Class II license to sell motor vehicles issued pursuant to Massachusetts General Laws Chapter 140.

m. Parking facilities and connecting drives shall be provided and maintained with a permanent, dust-free surface with individual spaces properly marked and maintained. Adequate drainage shall be provided.

n. The off-street parking and loading standards set forth in this section shall not apply to motor vehicles displayed or stored within outdoor display areas provided the motor vehicles are displayed or stored in connection with the sale of motor vehicles by a n individual or entity possessing a Class I or Class II license to sell motor vehicles issued pursuant to Massachusetts General Laws Chapter 140. Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION

To update the parking regulations to include new Transit Oriented Development.

FINANCE COMMITTEE VOTE: 5-1

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town will vote to amend the Town's Zoning By-Law VI.A.1 Off-Street Parking and Loading by deleting the current Section VI.A.1 Off Street Parking & Loading and replace it with the following:

A. Off-Street Parking and Loading

1. Off-Street Parking

Off-street parking shall be provided in all districts where off-street parking is required, according to the standards set forth in the following table. Off-street parking requirements in connection with a specific use of land located in the Downtown & TOD Priority Development Area (PDA) if the applicant provides the permitting authority with documentation demonstrating the needed reduction. The area known as the Downtown & TOD Priority Development Area (PDA) is defined and shown on the 2013 South Coast Rail Corridor Plan Town of North Attleborough Community Priority Areas Map (June 2013). Boundaries correspond to selected parcels within the Commercial 7.5 Zoning District and Transit Oriented Development Overlay Zoning District.

Off-street automobile parking spaces, open or enclosed, shall be considered an accessory use and shall be provided in accordance with Schedule C. On a lot which is split between two zoning districts, off-street parking which is an accessory use to the principal use of the lot shall be located only within that portion of the lot which is in the same zoning district as the principal use of the lot.

- a. Uses located in the Downtown & TOD Priority Development Area (PDA) which require three (3) or fewer commercial parking spaces are exempt from this bylaw.
- b. Required number of commercial parking spaces may be reduced when the applicant provides the permitting authority with information on the ability to share parking within the development or on adjacent properties in the Downtown & TOD Priority Development Area (PDA) as provided in Section VI.A.9 - Combined Facilities.
- c. In the Downtown & TOD Priority Development Area (PDA), commercial parking requirements may be reduced by as much as eighty percent (80%) if a publicly-owned off-street parking facility is located within one thousand feet (1,000') of an entrance to the use. This reduction will be allowed if the permitting authority finds that said public parking will accommodate the parking demands of the proposed project.
- d. On-street parking spaces that are completely contained within the frontage of the property may be counted toward the commercial parking requirements in the Downtown & TOD Priority Development Area (PDA). Off-street parking within three hundred feet (300') of the property may be counted towards the commercial parking requirement within the Downtown & TOD Priority Development Area.
- e. For all commercial uses in the Downtown & TOD Priority Development Area (PDA), one (1) bicycle parking space shall be provided for every 4 (four) parking spaces required under this bylaw. The permitting authority may reduce the number of required bicycle parking spaces based on information provided by the applicant justifying the reduction.

AND

That the Town vote to delete the remainder of Section VI.A., specifically from Section VI.A.3. forward until Section VI.B. and replace with the following:

3. **Size Requirements.** Each space for off-street parking shall be a minimum of ten (10) feet by twenty (20) feet and shall include 100 sq. ft. of off-street area for maneuvering and driveways. Accessible parking spaces shall be provided in accordance with 521 CMR (Architectural Access Board) as amended. Each space for off-street loading shall be a minimum of 12 feet by 50 feet with a vertical clearance of at least 14 feet, and shall include 700 sq. ft. of off-street area for maneuvering and driveways.
 - a. The size of parking spaces may be reduced to nine (9) feet by eighteen (18) feet within the Downtown & TOD Priority Development Area. On-street parking spaces in the Downtown & TOD Priority Development Area which are parallel to the flow of traffic shall have minimum dimensions of eight (8) feet by twenty-one (21) feet.

b. The permitting authority may grant a special exception to permit the reduction of the size of the loading space where such reduced size is consistent with the dimensions of the commercial vehicle serving the premises within the Downtown & TOD Priority Development Area (PDA).

4. **New Construction.** On all new construction after the date of passage of this bylaw, a location plan of the buildings and parking area, with the exception of residential dwellings on lots within an approved subdivision plan shall be submitted to the Planning Board in accordance with the requirements for surfacing, drainage, and entrance clearances, etc., as outlined in Section VI.H - Site Plan Review.

5. **Change in Use.** Whenever after the date of this by-law, there is a change in the lawful use of the premises or in the number of employees or business visitors or any other unit of measurement specified in any of the foregoing paragraphs of this section, and whenever such change creates a need for an increase of more than twenty (20) percent of the number of off-street automobile parking spaces as determined by the requirements of this section, more off-street parking facilities shall be provided on the basis of the adjusted needs as determined by this section.

6. **Mixed Uses.** In the case of mixed uses, the parking facilities required shall be of the sum of the requirements for the various individual uses, computed separately in accordance with this subsection; parking facilities for one (1) use shall not be considered as providing the required parking facilities for any other use unless it can be clearly demonstrated that the need for parking occurs at different times.

7. **Existing Spaces.** Parking or loading spaces being maintained in any district in connection with any existing use on the effective date of this Bylaw, or any spaces subsequently provided in accordance with this Bylaw or as may be allowed elsewhere in this Bylaw, shall not be decreased or in any way removed from service to the use originally intended to be served so long as said use remains, unless a number of parking or loading spaces is constructed elsewhere such that the total number of spaces conforms to the requirements of Schedules C and D, provided this regulation shall not require the maintenance of more parking or loading space than is required according to the Schedules.

8. **Computation of Spaces.** When the computation of required parking or loading spaces results in the requirement of a fractional space, a fraction of one-half or more shall require one space.

9. **Combined Facilities.** Parking required for two or more buildings or uses may be provided in combined facilities on the same or adjacent lots, subject to approval by the Planning Board where it is evident that such facilities will continue to be available for the several buildings or uses.

a. The applicant shall provide the permitting authority with documentation which demonstrates that the peak parking demands associated with the proposed uses do not overlap. Reductions shall not exceed thirty percent (30%) for those parking spaces required under normal application of requirements for the commercial uses proposed. An applicant may use the latest peak demand analyses published by the Institute of Traffic Engineers (ITE) or other sources acceptable by the permitting authority.

b. Uses sharing a parking facility shall provide for safe, convenient walking between uses and parking, including safe, well-marked pedestrian crossings, signage, and adequate lighting.

10. **Off-Site Parking.** Separate from or in conjunction with the Combined Facilities provision, an applicant may use off-site parking located in a privately-owned lot to satisfy their parking requirements. The applicant shall provide the necessary information to the permitting authority in order to use off-site parking to satisfy the parking requirements.

a. The off-site parking located in a privately-owned lot shall be within three hundred feet (300') of the property for which it is being requested.

b. Off-site parking may only be provided if the privately-owned off-site lot has an excess number of spaces or if the applicant can demonstrate that the on-site and off-site uses have non-competing peak demands.

c. The amount of required parking spaces being reduced on-site shall be equal to the amount being provided off-site and can account for up to one hundred (100%) of the minimum required on-site parking.

d. Off-site parking spaces provided by a separate private property owner shall be subject to a legally binding agreement that will be presented to the permitting authority during the Site Plan Review process or as a condition of approval. If the conditions for shared parking become null and void and the shared parking arrangement is discontinued, this will constitute a zoning violation for any use approved expressly with shared parking. The applicant or property owner must then provide written notification of the change to the Zoning Enforcement Official and, within 60 days of that notice, provide a remedy satisfactory to the permitting authority to provide adequate parking.

e. Uses utilizing off-site parking shall provide for safe, convenient walking between uses and parking, including safe, well-marked pedestrian crossings, signage, and adequate lighting.

11. **Location of Parking Spaces.** Required off-street parking spaces shall be provided on the same lot as the principal use, except if located within the Downtown & TOD Priority Development Area as provided in Section VI.A, paragraph 10 - Off-Site Parking.

a. Parking spaces on a lot which is developed for a multi-family dwelling use shall be no closer than 5 feet to any side or rear lot line. In such a multi-family dwelling use, no off-street parking spaces (except those located within a garage) shall be located within fifteen (15) feet of any wall of a principal building along which are located windows serving habitable rooms for dwelling purposes less than ten feet above the ground or along which is located an entrance or exit generally intended for use for dwelling purposes by residents thereof.

b. Parking should be placed to the side or rear of the building within the Downtown & TOD Priority Development Area (PDA).

c. Residential parking should be clearly marked or separated from the commercial or public parking and located within two hundred feet (200') of the residential building entrance.

d. Bicycle parking facilities shall be located in a clearly designated safe and convenient location. Whenever possible, the bicycle parking shall be placed within fifty feet (50') of building entrances and in well-lit areas.

12. **Location of Loading Spaces.** The loading spaces required for the uses listed in Schedule D shall in all cases be on the same lot as the use they are intended to serve, except for those uses within the Downtown & TOD Priority Development Area (PDA). In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this Bylaw.

a. Loading spaces and access drives leading thereto shall be so designed that vehicles to be loaded or unloaded are not required to maneuver in the public way to enter or leave the designed loading area unless located within the Downtown & TOD Priority Development Area (PDA).

b. Commercial loading spaces should be clearly marked and/or separated from the residential or public parking and be located within two hundred feet (200') of the commercial building entrance.

c. No part of an off-street loading area required by this bylaw for any nonresidential building or use shall be included as part of an off-street loading area similarly required for another building or use, unless the use(s) are within the Downtown & TOD Priority Development Area (PDA) and the type of buildings or uses indicates that the usage of such loading area would not occur simultaneously, as determined by the permitting authority.

13. **Parking and Loading Space Standards.** All parking and loading areas containing over five spaces, including automotive and drive-thru establishments of all types, shall be either contained within structures, or subject to the following:

a. The area shall be effectively screened with suitable planting or fencing on each side which adjoins or faces the side or rear lot line of a lot situated in any "R" District. The parking area on a lot which is developed for a multi-family dwelling use shall be effectively screened from neighboring properties with suitable dense evergreen shrubs or other dense evergreen plantings a minimum of five (5) feet in height on each side of the parking area which adjoins or faces a side or rear lot line of a lot. A solid fence a minimum of five (5) feet in height may be substituted for the dense evergreen plantings if suitable landscaping is provided in addition to the fencing.

b. The area and access driveways thereto shall be surfaced with bituminous or cement concrete material and shall be graded and drained so as to dispose of all surface water accumulation in accordance with acceptable engineering practices. The location of spaces shall be suitably marked by painted lines or other appropriate markings.

c. A substantial bumper of masonry, steel or heavy timber, or a concrete curb or berm curb which is backed, shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties, and sidewalks and screening materials.

d. The layout of the parking area shall allow access for emergency vehicles at all times and sufficient space for the storage of plowed snow unless removal by some other means is assured.

e. Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.

f. There shall not be any business operation for vehicle repair for profit or gasoline or oil service facilities or any repair made to any motor vehicles, except on a lot occupied by a permitted automotive use. Any gasoline or oil facilities shall be at least 25 feet from any lot line.

g. There shall not be any storage of materials or equipment or display of merchandise within required parking area except as part of approved building operations.

h. Parking and loading spaces other than those required for single-family dwellings shall be so arranged as not to permit backing of vehicles onto any street.

i. Parking and loading spaces serving new residential uses shall be surfaced with a durable pavement.

j. Any portion of any entrance or exit driveway shall not be closer than 50 feet to the curb line of an intersecting street.

k. Any entrance or exit driveway shall not exceed 25 feet in width at its intersection with the front lot line except for automotive service stations and fire stations, in which cases the widths may be increased to 30 feet. If entrance and exit driveways are side by side an island a minimum of 6' wide shall be provided.

l. The off-street parking and loading standards set forth in Section VI.A shall not apply to motor vehicles displayed or stored within outdoor display areas provided the motor vehicles are displayed or stored in connection with the sale of motor vehicles by an individual or entity possessing a Class I or Class II license to sell motor vehicles issued pursuant to Massachusetts General Laws Chapter 140.

m. Parking facilities and connecting drives shall be provided and maintained with a permanent, dust-free surface with individual spaces properly marked and maintained. Adequate drainage shall be provided.

n. The off-street parking and loading standards set forth in this section shall not apply to motor vehicles displayed or stored within outdoor display areas provided the motor vehicles are displayed or stored in connection with the sale of motor vehicles by a n individual or entity possessing a Class I or Class II license to sell motor vehicles issued pursuant to Massachusetts General Laws Chapter 140. Or to do or act in any manner relative thereto.

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

Motion made as follows: .Move to refer Article 12 to a committee of 5 members to be appointed by the town moderator. Said committee shall report to the town moderator.

Motion seconded.

Motion carried.

ARTICLE 13 – AMEND ZONING BY-LAW ASSESSORS MAP 13/ LOTS 38 AND 39 PRIVATE PETITIONER

To see if the town will vote to amend Zoning By-Law Map of the Town of North Attleborough, MA dated September 1969, as amended, by changing the zoning district of the land described as North Attleborough Assessors Map 13 Lot 38 and Lot 39 located at 538 Mt. Hope Street in said North Attleborough from R15 to R10. A portion of Assessor Map 13 depicting Lot 38 and Lot 39 and their location is attached hereto as Exhibit "A". Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION

All of the property to the left of these parcels along Chestnut Street is zoned as R10, and most of the lots surrounding said lots 38 and 39 are even smaller than 10,000 square ft. with multi-family residences. It is proposed that Lots 38 and 39 be able to be used in the same consistent manner with the lots surrounding them.

FINANCE COMMITTEE VOTE: 6-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend Zoning By-Law Map of the Town of North Attleborough, MA dated September 1969, as amended, by changing the zoning district of the land described as North Attleborough Assessors Map 13 Lot 38 and Lot 39 located at 538 Mt. Hope Street in said North Attleborough from R15 to R10.

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

By a 2/3/ 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 7:59 PM on January 22, 2018.