

**PROCEEDINGS
SPECIAL TOWN MEETING
March 18, 2019**

On March 18, 2019, Town Clerk, Kevin Poirier, opened the Special Town Meeting at 7:07pm by announcing, “with 61 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 March 18, 2019

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 18th of March 2019, 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 January 31, 2019.

NORTH ATTLEBOROUGH BOARD OF SELECTMEN

Michael Lennox, Chairman
Keith Lapointe, Vice-Chairman
Patrick Reynolds
Patrick Sullivan
Justin Pare’

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 – APPROPRIATE A SUM OF MONEY TO SUPPLEMENT DEPARTMENTAL BUDGETS **BOARD OF SELECTMEN**

To see if the town will vote to appropriate a sum of money to supplement various Fiscal Year 2019 budget line items. Said sum to be funded from free cash or transfer from available funds. Or to take any other action 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: 7-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to supplement Department 150B – Legal Counsel Expenses by appropriating \$50,000.00 from Free Cash.

FINANCE COMMITTEE REASON: The Assessor’s office needs funds to defend a tax abatement filed by Simon Properties regarding the Emerald Square mall..

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

ARTICLE 2 – FIREFIGHTERS CONTRACT **BOARD OF SELECTMEN**

To see if the town will vote to appropriate a sum of money to supplement the budgets of Fire Department and Ambulance for the purpose of financing any changes made in the Personnel By-Laws, as a result of collective bargaining and otherwise for salary increases for Firefighters Local 1992 and to determine how said appropriation shall be raised, whether by taxation, transfer from available funds or otherwise. Or to take any action relative thereto.

PURPOSE AND JUSTIFICATION

To fund contract effective July 1, 2019.

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

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

FINANCE COMMITTEE REASON: At the time of voting the contract had not been settled.

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

ARTICLE 3 – GRANT AN EASEMENT AT 616 TOWNE ST.

BOARD OF SELECTMEN

To see if the town will vote to authorize the Board of Selectmen to grant the buyer of property located at 616 Towne Street, North Attleborough, MA, owned by the Town, a non-exclusive right and permanent easement to pass and re-pass by foot or by motor vehicle over a 20’ wide area from Towne Street to the garage of 616 Towne Street to be depicted on a plan so marked and approved by the Board of Selectmen.

The easement shall run with the land burdening the adjacent property of the Town of North Attleborough, and further authorize the Board of Selectmen to execute any documents or instruments necessary to effect said easement upon such terms as they deem in the best interest of the Town or take any other action relating thereto.

PURPOSE AND JUSTIFICATION

The property is under agreement with an investor. The easements are required in order to provide access to the existing driveway and for the Town’s access to its property behind the house lot.

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to authorize the Board of Selectmen to grant the buyer of property located at 616 Towne Street, North Attleborough, MA, owned by the Town, a non-exclusive right and permanent easement to pass and re-pass by foot or by motor vehicle over a 20’ wide area from Towne Street to the garage of 616 Towne Street to be depicted on a plan so marked and approved by the Board of Selectmen.

The easement shall run with the land burdening the adjacent property of the Town of North Attleborough, and further authorize the Board of Selectmen to execute any documents or instruments necessary to effect said easement upon such terms as they deem in the best interest of the Town.

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

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

ARTICLE 4 – APPROPRIATION OF \$30,000

BOARD OF SELECTMEN

To see if the town will vote to appropriate \$30,000.00 for the purchase of Transmission Modules to install the new Tightrope Playback System from the Verizon Retained Earnings Account. Or to take any action relative thereto.

PURPOSE AND JUSTIFICATION

Comcast initially indicated the Transmission Modules would be provided at no cost.

FINANCE COMMITTEE VOTE: 6-0-1

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate \$30,000.00 for the purchase of Transmission Modules to install the new Tightrope Playback System for North TV. Said funds to be appropriated from the Verizon Retained Earnings account.

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

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

ARTICLE 5 – ESTABLISH A RETAIL TOBACCO INSPECTION AND

BOARD OF HEALTH

COMPLIANCE CHECKS REVOLVING FUND

Authorize the Board of Health to establish a Retail Tobacco Inspection and Compliance Checks Revolving Fund for FY 2020 in accordance with M.G.L. Chapter 44 Section 53E½ to be able to contract for services to conduct inspections; compliance checks; and regulations enforcement of Retail Tobacco establishments in North Attleborough. The funding of which is to be no more than 50% of the total Tobacco License fees paid annually to the Board of Health and to authorize expenditures of up to \$4,500.00 from such fund to pay for outside consultant(s) deemed necessary by the Board of Health. Or to take any action relative thereto.

PURPOSE AND JUSTIFICATION

North Attleborough currently has 30 retail Tobacco establishment licenses. Since 2011 North Attleborough has been included in a State grant for Western Bristol County & Foxborough that covered 13 communities and provided for multiple inspections and compliance checks of all our Tobacco Retail Establishments. Due to the success of the program (retailers having minimal violations/citations) in North Attleborough, we have been excluded from the grant due to budget cuts. The Board of Health is unable to take over this responsibility with its current staffing levels and would like to continue to maintain the compliance and protect the health and safety of our youth. This Revolving Fund would allow the Board of Health to contract for services to continue inspections; compliance checks; and enforcement of Regulations in our Tobacco Retail Establishments.

Chapter 60 Section 15B:

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

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

FINANCE COMMITTEE REASON: These types of accounts may only be created at an annual town meeting.

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

Planning Board letter read into the record.

February 25, 2019

Deborah Kohl
43 South Washington Street
North Attleboro, MA 02760

Dear Ms. Kohl,

At the Planning Board Meeting held on February 21, 2019, by a vote of 3-0, the Planning Board unanimously voted to support Articles 6,7,8 and 9 of the March 18, 2019 Special Town Meeting Warrant.

Respectfully,
Nancy Runkle, Town Planner

ARTICLE 6 – MODIFY ZONING BY-LAW SECTION VI.Q.07

PLANNING BOARD

To see if the town will vote to modify zoning bylaw Section VI.Q.07 as follows (proposed changes—additions and deletions—are underlined):

07. Marijuana Special Permit Application

A. For each application for a Marijuana Special Permit, the following shall be submitted to the Town Clerk Board of Selectmen with the application. The Board of Selectmen will have the application date stamped after the application is deemed complete:

- 1) eight copies of said application (~~Form M~~);
- 2) eight 11" x 17" copies of a site plan, if required;
- 3) eight copies of proposed hours of operation;
- 4) eight copies of a description of the purpose of the Marijuana Establishment or Medical Marijuana Treatment Center;
- 5) one copy of Material Safety Data Sheets (MSDS) and Product Safety Data Sheets (PSDS) or Safety Data Sheets as they are known now for all products used or produced on site per OSHA regulations;
- 6) eight copies of a list of products as required in item 5;
- 7) eight copies of a list of 24/7 contacts with contact information;
- 8) eight copies of demonstration of buffer requirements, including maps and an inventory of tenants and owners within the buffer;
- 9) eight copies of building elevations showing proposed exterior signage to scale, with dimensions and material of signage; and
- 10) ~~three~~ **two** checks—~~one made payable to the Town of North Attleborough as the Application Fee~~, one made payable to the U. S. Postal Service for abutter notifications (amount to be determined individually), and one for the publication fee (vendor and amount to be determined individually).

11) A signed "Agreement Extending Deadline for Planning Board Action" form (since this is all new, the Planning Office isn't certain if the time constraints of a Special Permit can be met)

B. Security Plan Letter from the North Attleborough Police Department

The applicant shall submit a security plan to the North Attleborough Police Department to demonstrate that there is limited undue burden on the town public safety officials as a result of the proposed Marijuana Establishment or Medical Marijuana Treatment Center. The security plan shall include all security measures for the site and transportation of marijuana and marijuana products to and from off-site premises to ensure the safety of employees and the public and to protect the premises from theft or other criminal activity. A letter from the North Attleborough Police to the Planning Board acknowledging receipt and its comments pertaining to such a security plan shall be submitted as part of the application.

C. If a Site Plan Review is required per Section VI.H.2., then it is recommended that the Site Plan Review application and the Marijuana ~~Special Permit~~ **Use License and Permit** Application ~~Form M~~ are filed at the same time.

D. The applicant shall submit proof that the application to the Cannabis Control Commission has been deemed complete pursuant to 935 CMR 500.102. Copies of the complete application, redacted as necessary, shall be provided as part of the application to the SPGA, and no Special Permit application shall be deemed complete until this information is provided. No Special Permit shall be granted by the SPGA without the Marijuana Establishment first having been issued a Provisional License from the Commission pursuant to 935 CMR 500.

E. The Planning Board may require additional information and may adopt reasonable rules and regulations und under this section, which shall supplement and specify further requirements for application submission and content and administration of Special Permits granted under this section. When reviewing a Special Permit, the Planning Board may also waive any submission requirement, or design guideline it determines to be unnecessary or not applicable to the review of the project provided that the Planning Board determines that the project will not have a significant impact on the site, its relationship with abutting properties, traffic impacts to public ways, public infrastructure or services, environmental or historic resources. Waiver request shall be made by the Applicant in writing with stated reasons for requesting the waiver(s). Any waivers acted on by the Planning Board shall be in writing as part of its written decision. Or to take any action relative thereto.

PURPOSE AND JUSTIFICATION

This article is being submitted because the change will codify the application procedure recently agreed upon by the Board of Selectmen and Board of Health.

FINANCE COMMITTEE VOTE: 7-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to modify zoning bylaw Section VI.Q.07 as follows:

07. Marijuana Special Permit Application

A. For each application for a Marijuana Special Permit, the following shall be submitted to the Board of Selectmen with the application. The Board of Selectmen will have the application date stamped after the application is deemed complete:

- 1) eight copies of said application;**
- 2) eight 11" x 17" copies of a site plan, if required;**
- 3) eight copies of proposed hours of operation;**
- 4) eight copies of a description of the purpose of the Marijuana Establishment or Medical Marijuana Treatment Center;**
- 5) one copy of Material Safety Data Sheets (MSDS) and Product Safety Data Sheets (PSDS) or Safety Data Sheets as they are known now for all products used or produced on site per OSHA regulations;**
- 6) eight copies of a list of products as required in item 5;**
- 7) eight copies of a list of 24/7 contacts with contact information;**
- 8) eight copies of demonstration of buffer requirements, including maps and an inventory of tenants and owners within the buffer;**
- 9) eight copies of building elevations showing proposed exterior signage to scale, with dimensions and material of signage; and**
- 10) three checks—one made payable to the Town of North Attleborough as the Application Fee, one made payable to the U. S. Postal Service for abutter notifications (amount to be determined individually), and one for the publication fee (vendor and amount to be determined individually).**
- 11) A signed "Agreement Extending Deadline for Planning Board Action" form (since this is all new, the Planning Office isn't certain if the time constraints of a Special Permit can be met)**

B. Letter from the North Attleborough Police Department

The applicant shall submit a security plan to the North Attleborough Police Department to demonstrate that there is limited undue burden on the town public safety officials as a result of the proposed Marijuana Establishment or Medical Marijuana Treatment Center. The security plan shall include all security measures for the site and transportation of marijuana and marijuana products to and from off-site premises to ensure the safety of employees and the public and to protect the premises from theft or other criminal activity. A letter from the North Attleborough Police to the Planning Board acknowledging receipt and its comments pertaining to such a security plan shall be submitted as part of the application.

C. If a Site Plan Review is required per Section VI.H.2., then it is recommended that the Site Plan Review application and the Marijuana Use License and Permit Application are filed at the same time.

D. The applicant shall submit proof that the application to the Cannabis Control Commission has been deemed complete pursuant to 935 CMR 500.102. Copies of the complete application, redacted as necessary, shall be provided as part of the application to the SPGA, and no Special Permit application shall be deemed complete until this information is provided. No Special Permit shall be granted by the SPGA without the Marijuana Establishment first having been issued a Provisional License from the Commission pursuant to 935 CMR 500.

E. The Planning Board may require additional information and may adopt reasonable rules and regulations under this section, which shall supplement and specify further requirements for application submission and content and administration of Special Permits granted under this section. When reviewing a Special Permit, the Planning Board may also waive any submission requirement, or design guideline it determines to be unnecessary or not applicable to the review of the project provided that the Planning Board determines that the project will not have a significant impact on the site, its relationship with abutting properties, traffic impacts to public ways, public infrastructure or services, environmental or historic resources. Waiver request shall be made by the Applicant in

writing with stated reasons for requesting the waiver(s). Any waivers acted on by the Planning Board shall be in writing as part of its written decision.

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.

ARTICLE 7 – DELETE ZONING BY-LAW SECTION VI.S. PLANNING BOARD

To see if the town will vote to delete zoning bylaw Section VI.S. TEMPORARY MORATORIUM ON THE SALE AND DISTRIBUTION OF RECREATIONAL MARIJUANA in its entirety.

PURPOSE AND JUSTIFICATION

This article is being submitted because the moratorium has expired and North Attleborough now has a marijuana zoning bylaw.

FINANCE COMMITTEE VOTE: 7-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to delete zoning bylaw Section VI.S.

TEMPORARY MORATORIUM ON THE SALE AND DISTRIBUTION OF RECREATIONAL MARIJUANA in its entirety.

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

ARTICLE 8 –REPLACE SYMBOL “S” WITH SYMBOL “S-pb” IN USE CHART PLANNING BOARD

To see if the town will vote to replace the symbol “S” with the symbol “S-pb” in the Use Chart in zoning bylaw Section V Schedule B for special permits granted by the Planning Board:

Residential Use, Line **9, Cluster residential development (see Section VI I) under R-15, R-20, and R-40

Residential Use, Line **12, Adult Retirement Community under R-10, R-10S, R-15, and R-20

Retail and Service, Line 21, Planned Business Development under C-7.5, C-30, C-60, OP-60, IC-30, and I-60

Retail and Service, Line 30, Marijuana Cultivator under C-30, OP-60, IC-30, and I-60

Retail and Service, Line 32, Marijuana Product Manufacturer under C-30, OP-60, IC-30, and I-60

Retail and Service, Line 34, Marijuana Retailer under C-30, C-60, OP-60, IC-30, and I-60

Retail and Service, Line 35, Marijuana Transportaion or Distribution Facility under C-30, OP-60, IC-30, and I-60

Retail and Service, Line 36, Medical Marijuana Treatment Center – Retail under C-7.5, C-30, C-60, OP-60, IC-30, and I-60

Retail and Service, Line 37, Medical Marijuana Treatment Center – Cultivation

under C-30, OP-60, IC-30, and I-60

Or to take any other action relative thereto.

PURPOSE AND JUSTIFICATION

This article is being submitted because the change will visually and readily differentiate which special permits are granted by the Zoning Board of Appeals and which are granted by the Planning Board.

FINANCE COMMITTEE VOTE: 7-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to replace the symbol “S” with the symbol “S-pb” in the Use Chart in zoning bylaw Section V Schedule B for special permits granted by the Planning Board:

**Residential Use, Line **9, Cluster residential development (see Section VI I)
under R-15, R-20, and R-40**

**Residential Use, Line **12, Adult Retirement Community
under R-10, R-10S, R-15, and R-20**

**Retail and Service, Line 21, Planned Business Development
under C-7.5, C-30, C-60, OP-60, IC-30, and I-60**

**Retail and Service, Line 30, Marijuana Cultivator
under C-30, OP-60, IC-30, and I-60**

**Retail and Service, Line 32, Marijuana Product Manufacturer
under C-30, OP-60, IC-30, and I-60**

**Retail and Service, Line 34, Marijuana Retailer
under C-30, C-60, OP-60, IC-30, and I-60**

**Retail and Service, Line 35, Marijuana Transportation or Distribution Facility
under C-30, OP-60, IC-30, and I-60**

**Retail and Service, Line 36, Medical Marijuana Treatment Center – Retail
under C-7.5, C-30, C-60, OP-60, IC-30, and I-60**

**Retail and Service, Line 37, Medical Marijuana Treatment Center – Cultivation
under C-30, OP-60, IC-30, and I-60**

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

ARTICLE 9 – ADD A LINE TO ZONING BY LAWS SECTION V.

PLANNING BOARD

To see if the town will vote to add a line to zoning bylaws Section V. USE REGULATIONS, B. Permitted Uses, in the table labeled “Symbols employed in schedule B shall have the following meanings:” after the line, “S – a special use or exception authorized by the Zoning Board of Appeals, as provided in Section VIII-B.”

The additional line shall read:

“S-pb – a special permit granted by the Planning Board”

PURPOSE AND JUSTIFICATION

This article is being submitted because the following article will differentiate between special permits granted by the Zoning Board of Appeals (ZBA) and the Planning Board on the Use Chart.

FINANCE COMMITTEE VOTE: 7-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to add a line to zoning bylaws Section V. USE REGULATIONS, B. Permitted Uses, in the table labeled “Symbols employed in schedule B shall have the following meanings:” after the line, “S – a special use or exception authorized by the Zoning Board of Appeals, as provided in Section VIII-B.”

The additional line shall read:

“S-pb – a special permit granted by the Planning Board”

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 7:19 PM on March 18, 2019