

**PROCEEDINGS  
SPECIAL TOWN MEETING  
JANUARY 9, 2012**

On Monday, January 9, 2012, Town Clerk, Maxwell G. Gould, opened the Special Town Meeting at 7:09 PM by announcing, "With 92 RTM members present, we have a quorum."

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

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

**Town Moderator, Deborah Kohl, read the warrant and return:**

**NORTH ATTLEBOROUGH WARRANT  
FOR THE REPRESENTATIVE SPECIAL TOWN MEETING  
MONDAY, JANUARY 9, 2012**

**THE COMMONWEALTH OF MASSACHUSETTS**

**Bristol, ss.**

**To either Constables 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 9TH OF JANUARY 2012 A.D.**

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

And you are hereby directed to serve this warrant by posting up attested copies thereof in at least ten public places in said Town and also in one place in each of the voting precincts within the Town at least twenty-one days before the time of said 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 December 1, 2011

**NORTH ATTLEBOROUGH BOARD OF SELECTMEN**

John C. Rhyno, Chairman  
Christopher L. Sweet, Vice-Chairman  
Paul J. Belham, Sr.  
Joan Marchitto  
Michael S. Thompson





**ARTICLE 6 ACCEPTANCE OF \$10,000.00 GIFT & ESTABLISH LIBRARY TRUSTEES  
“CATHERINE SHUMAN LIBRARY FUND”**

To see if the Town will vote to accept under Town By-law (Article III, Sect. 5.e) a gift of \$10,000.00 and subsequent sums to establish a trust fund with the bequest known as the “Catherine Shuman Library Fund”. The income of said fund up to eighty percent shall be used by the Trustees of the Richards Memorial Library for the purchase of library materials for use of the patrons of the Richards Memorial Library. At least twenty percent of the income from said fund will be reinvested into the fund’s principal.

**PURPOSE AND JUSTIFICATION:** Catherine Shuman was an engaged and active citizen of North Attleborough. She had served as a member of the School Committee, Representative Town Meeting, and a trustee of the Richards Memorial Library. Catherine Shuman was serving in both the RTM and Board of Trustees when she died in 2010. Her brother William Shuman, and his wife, Loraine, want to honor her memory by establishing this fund to help support the library. Further donations may be made into the fund’s principal in the future.

**FINANCE COMMITTEE VOTE: 9-0 MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to accept under Town By-law (Article III, Sect. 5.e) a gift of \$10,000.00 and subsequent sums to establish a trust fund with the bequest known as the “Catherine Shuman Library Fund”. The income of said fund up to eighty percent shall be used by the Trustees of the Richards Memorial Library for the purchase of library materials for use of the patrons of the Richards Memorial Library. At least twenty percent of the income from said fund will be reinvested into the fund’s principal.**

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

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

**ARTICLE 7 ACCEPT & APPROPRIATE INSURANCE PROCEEDS B.O.S.  
FROM FLOOD AT POLICE STATION**

To see if the Town will vote to accept the insurance proceeds from Claim # TNT-0094673 in the amount of \$\_\_\_\_\_ and to appropriate said amount to be expended for the repairs and renovations related to the flood damage at the North Attleborough Police Department which occurred on November 1, 2011.

**PURPOSE AND JUSTIFICATION:** The NAPD facility sustained major damage to several areas of the building due to a broken heat exchange pipe. The insurance proceeds are in excess of \$20,000.00 which pursuant to MGL Chapter 44 §53 requires town meeting appropriation.

**FINANCE COMMITTEE VOTE: 9-0 MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to accept the insurance proceeds from Claim # TNT-0094673 in the amount of \$41,786.48 and to appropriate said amount to be expended for the repairs and renovations related to the flood damage at the North Attleborough Police Department which occurred on November 1, 2011.**

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

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

**ARTICLE 8 APPROPRIATE FUNDS FOR SECURITY & ALARM B.O.S.  
SYSTEM AT THE LESTAGE HOUSE**

To see if the Town will vote to appropriate the amount of \$3,200.00 for a fire alarm and security system at the LeStage Farm House. Said amount to be funded by transfer of Free Cash.

**PURPOSE AND JUSTIFICATION:** The LeStage property is located on High Street and was purchased by the Town for its historical significance. The land associated with the property has many potential uses and a portion of it will be home to new fields under the direction of the Park and Recreation Department. Presently, there is no protection to the farm house for fire or vandalism. It is important to maintain the integrity of the property and continue to support the Town's decision to preserve this building.

**FINANCE COMMITTEE VOTE: 9-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the amount of \$3,200.00 for a fire alarm and security system at the LeStage Farm House. Said sum to be paid from Free Cash.**

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

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

**ARTICLE 9 SUPPLEMENT BRISTOL COUNTY SCHOOL BUDGET**

**B.O.S.**

To see if the Town will vote to increase the budget for Bristol County Agricultural School, Department 300B by appropriating the amount of \$8,085.00. The original appropriation of \$16,170.00 will increase to \$24,255.00. Said amount to be transferred from available free cash.

**PURPOSE AND JUSTIFICATION:** At the Annual Town Meeting, the RTM votes to appropriate a budget based upon enrollment projections for the upcoming school year. The number of students who have chosen to attend the Bristol County Agricultural School has increased over the expected projections and additional funds are required to support the increase in the town's assessment.

**FINANCE COMMITTEE VOTE: 9-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to supplement the Bristol County Agricultural School Budget, Department 300B by appropriating the amount of \$8,085.00. Increasing the original appropriation of \$16,170.00 to \$24,255.00. Said sum to be paid from Free Cash.**

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

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

**ARTICLE 10 AMEND TOWN BY-LAWS – DELETE ARTICLE 1, SECTION 3  
PARAGRAPH E OF THE TOWN BY-LAWS & REPLACE W/  
NEW VERBIAGE**

**B.O.S.**

To see if the Town will vote to delete the last paragraph of Article I, Section 3. Paragraph e. of the Town By-laws and replace it with the following:

The omnibus Capital Improvement Program shall also include the amount requested, description, department requesting, enabling authority (if bonded) and source of funding.

The Town Administrator, as part of his Capital Improvement Program Report, will include information relative to the total amount to be paid on the bonds, including estimated interest costs, the expected term of the bonds, and the repayment schedule.

**PURPOSE AND JUSTIFICATION:** To reflect past practices.

**FINANCE COMMITTEE VOTE: 9-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to delete the last paragraph of Article I, Section 3. Paragraph e. of the Town By-laws and replace it with the following:**

**The omnibus Capital Improvement Program shall also include the amount requested, description, department requesting, enabling authority (if bonded) and source of funding.**

**The Town Administrator, as part of his Capital Improvement Program Report, will include information relative to the total amount to be paid on the bonds, including estimated interest costs, the expected term of the bonds, and the repayment schedule.**

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

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

**ARTICLE 11 AMEND TOWN BY-LAWS – AMEND ARTICLE III, SECTION 2 B.O.S.  
PARAGRAPH C, - DATE CHANGE**

To see if the Town will vote to amend Article III, Section 2., Paragraph c. of the Town By-laws by removing “on or before February 15<sup>th</sup>” and replacing it with “on or before the first Monday in April”.

**PURPOSE AND JUSTIFICATION:** To adjust dates to coincide with other provisions of the by-law.

**FINANCE COMMITTEE VOTE: 9-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend Article III, Section 2., Paragraph c. of the Town By-laws by removing “on or before February 15<sup>th</sup>” and replacing it with “on or before the first Monday in April”.**

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

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

*The Town Moderator, Deborah Kohl, read a letter from the Planning Board regarding their recommendations for Articles 12, 13, 14, 15, & 16.*

January 4, 2012

Deborah Kohl  
Town Moderator  
43 South Washington Street  
North Attleboro, MA 02760

RE: Articles Pertaining to Proposed Amendments to the Zoning By-Laws and Zoning By-Laws Map for the January 9, 2012, Special Town Meeting.

Dear Ms. Kohl:

At their meeting held on Tuesday, January 3, 2012, the Planning Board voted on said articles as follows:  
Articles 13 and 15 are to see if the Town will vote to amend the Zoning By-Laws.

- **Article 13:** The Board voted unanimously (4-0) to recommend that this article be approved as submitted.
- **Article 15:** The Board voted unanimously (4-0) to recommend that this article be approved as submitted.

**Articles 12, 14, and 16 are to see if the Town will vote to amend the Zoning By-Laws Map.**

- **Article 12:** The Board voted unanimously (4-0) to recommend that this article be indefinitely postponed.
- **Article 14:** The Board voted unanimously (4-0) to recommend that this article be approved as submitted.
- **Article 16:** The Board voted unanimously (4-0) to recommend that this article be indefinitely postponed, subject to the submission of a modified article to include the property located at 817 East Washington Street, in an effort to prevent spot zoning.

Please note that at their meeting scheduled for Monday, January 9, 2012, the Planning Board shall vote on the remaining articles 17, 18, 19, and 20. Accordingly, the Board's recommendations on said articles will be announced at the January 9, 2012 Special Town Meeting.

On Behalf of the Planning Board,  
Mary E. Burgess  
Town Planner

**ARTICLE 12 AMEND ZONING MAP TO CHANGE LOT 29, PLAT 8 PETITION  
FROM R-10 TO C-7.5 DISTRICT**

To see if the Town will vote to amend the Zoning By-Law Map of the Town of North Attleborough, Massachusetts dated August 18, 2011 as amended by changing the zoning district of the land described as North Attleborough Assessor's Plat 8 Lot 29 located at 416 North Washington Street in said North Attleborough, from R10 to C7.5. A portion of Assessor's Map 8 depicting Lot 29 and its location is attached hereto as Exhibit "A":

**PURPOSE AND JUSTIFICATION:** This area is a mixed business/residential use area. Lot 29 is a 2360+-sf. lot and lacks the minimum lot requirement for the R10 district and therefore it exists as a non conforming residential lot. Upon rezoning of Lot 29, it would be combined with the adjacent lot 28 which is a conforming C7.5 zoned lot. This location abuts other commercial uses and changing the zoning would not be detrimental to the existing uses in the neighborhood.

**FINANCE COMMITTEE VOTE: 9-0 MAJORITY VOTE**  
**FINANCE COMMITTEE RECOMMENDATION: That consideration of this article be indefinitely postponed.**

**FINANCE COMMITTEE REASON:** At the time of voting the Planning Board had not yet held their public hearing on this matter.

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

*Note: Motion to reconsider Article 12, made after Article 22 was considered, failed. See end of warrant for vote.*

**ARTICLE 13 AMEND ZONING BY-LAWS – TRANSIT ORIENTED DEVELOPMENT PLANNING BOARD**

To see if the Town will vote to amend the Zoning By-Laws of the Town of North Attleborough by adding the following Subsection E., Transit Oriented Development, to Section II - Districts. :

**E. Transit Oriented Development (TOD)**

## **1. Authority**

The Transit Oriented Development (TOD) is herein established as an overlay zoning district. The permitted uses in the underlying zoning district are allowed with additional uses and / or density that may be allowed by special permit in the overlay district. The Planning Board is hereby designated as the Special Permit Granting Authority (SPGA) for an applicant seeking a Transit Oriented Development. The SPGA shall follow the procedural requirements for special permits as set forth in Section 9 of M.G.L. Chapter 40A. After notice of public hearing and after due consideration of the reports and recommendations of other town boards, commissions and/or departments, the SPGA may grant a higher density than allowed by right. The SPGA shall also impose, in addition to any applicable conditions specified in this section, such conditions as the SPGA finds reasonably appropriate to improve the site design and address concerns including but not limited to: water and air quality, other environmental resources, traffic, safety and/or other concerns related to the purpose of this section. Such conditions shall be imposed in writing and the applicant may be required to post a bond or other surety for compliance with said conditions in an amount satisfactory to the SPGA. Said bond will be calculated by the Planning Board's inspection services engineer at the developer's expense.

## **2. Purpose**

To allow for the redevelopment within the overlay district into a mixed-use pedestrian/transit center with safeguards and conditions to prevent detrimental effects and/or impact upon neighboring properties or the town as a whole. The intent of the TOD overlay district is to promote a lively, prosperous transit center that serves as an attractive place to live, work, shop and recreate with less reliance on the automobile.

## **3. District Delineations**

The provisions of this section shall apply to land identified as the Transit Oriented Development (TOD) designated as an overlay district on the zoning map dated November 28, 2011. The TOD overlay district is superimposed on the underlying districts. The regulations for use, dimension, and all other provisions of the zoning by-law governing the underlying zoning district(s) shall remain in full force, except for those applications undergoing development pursuant to this TOD section. Within the boundaries of the TOD, a developer may elect either to develop in accordance with the special permit requirements of this TOD section or to develop in accordance with the requirements of the underlying zoning district(s).

## **4. Uses By Special Permit**

In addition to the uses allowed in Section V, Use Regulations of these By-Laws for the underlying C 7.5 and IC 30 districts the following uses are allowed by special permit in the Transit Oriented Development Overlay District:

### Residential

- Multi-family dwellings more than 6 dwelling units per building, when a part of a larger mixed use development.
- Town Houses, when a part of a larger mixed use development.
- Mixed residential/business uses where all dwelling units are above the first floor at a density greater than 6 dwelling units per building.

### Retail and Services

- Other Personal Services

### Accessory Uses

- Private day nursery or kindergarten, accessory professional medical or dental offices, retail or consumer services, newsstand, barber shop, dining room or cafeteria, and similar accessory uses or services primarily for the occupants or users within the mixed use development building.

In cases where there is a use that is allowed by special permit in the underlying district, the applicant will identify those uses as part of the TOD application and submit a single special permit application to the Planning Board. The Board shall consolidate the review into one review procedure.

### Prohibited Uses

- In the TOD overlay district the following uses are prohibited when applying for a TOD special permit: Auto/vehicle sales, gas sales, heavy equipment sales, salvage yards, heavy industrial uses, vehicle storage yard, storage facility, and low-density housing.

**5. Density and Dimensional Requirements**

1. For a mixed use building within the Transit Oriented Development district the following Density and Dimensional Requirements shall apply:

Minimum Lot Area (sq.ft.)	15,000
Maximum Impervious Surface (percent)	70
Minimum Frontage (ft.)	100
Minimum Front Setback (ft.)	6
Maximum Front Setback (ft.)	12
Minimum Side Setback (ft.)	10
Minimum Rear Setback	20
Maximum Height (ft.)	70
Maximum number of stories	6

2. The SPGA may through the special permit review process, increase the residential density in a mixed use building to a maximum of thirty-five (35) units per acre.

**6. Special Design Requirements**

The following special design requirements shall apply to special permit uses within the TOD overlay district.

a. A development shall be designed around a bus transfer facility with supporting parking. In lieu of a bus transfer facility an applicant may provide one or more of the following: a public green, riverfront park, or parking for municipal use.

b. The roadways and intersections shall provide proper access for full size GATRA busses at the time of design.

c. A minimum five (5) foot wide sidewalk shall be provided along site frontage and between the bus transfer facility and the rest of the TOD overlay district.

d. All cross walks shall be constructed to provide both a change in color and/ or texture from the regular roadway surface. Such changes shall be ADA compliant.

e. Lighting for streets shall be limited to 15 feet in height and have shields directing light downward with a total cutoff of all light at less than ninety (90) degrees from vertical. Light poles should complement the existing black ornamental poles along South Washington Street.

f. Street trees shall be planted by the developer along the right-of-way. Street trees shall be planted at intervals of no more than 50 feet. Tree species that are of native origin and that require minimal maintenance shall be selected. Trees should also be pruned to provide proper headway for cars and pedestrians.

g. Pedestrian amenities such as benches, public art, planters, trash receptacles, etc. are encouraged and shall be located along sidewalks, and in landscaped areas, open spaces and plazas.

h. All new utilities shall be placed underground.

i. Parking standards for commercial uses may be reduced by 40% when applicant provides the SPGA with information (in the form of a lease agreement, deed restriction or other legal agreement) on the ability to share parking within the development or adjacent properties. The parking information shall include information on peak parking times by use and cohesive uses in accordance with “Parking Spaces/ Community Places, finding balance through smart growth solutions” as provided by EPA. Off street parking within 300 feet of the property may be counted towards the commercial parking requirement. The size of parking spaces may be reduced to nine (9) feet by eighteen (18) feet in order to reduce the impervious surface of the TOD.

- j. Parking should be placed to the side or rear of the building. Residential units shall have a minimum of one (1) dedicated parking space per unit. Residential parking should be clearly marked or separated from the commercial or public parking. Bicycle racks shall be provided.
- k. Storm water management shall be designed incorporating Low Impact Development standards pursuant to the Wetlands Protection Act Regulation 310 CMR 10.4.
- l. Architectural details of all buildings including the texture of wall and roof materials should reflect the downtown area.
- m. Buildings shall be oriented parallel or perpendicular to the street and /or village green or common. Entrances should face either the transit station, street and /or village green or common.
- n. The commercial uses on the first floor of the buildings may be placed close to the street or facing the transit station.
- o. Long horizontal facades, greater than fifty (50) feet, should be avoided by the incorporating of recesses and projections. Said recesses and projections shall be a minimum of ten (10) feet in width and two (2) feet in depth.
- p. The mass, proportion and scale of the building, roof pitch and the proportions and the relationship between doors and windows should be harmonious with the surrounding buildings.
- q. Complex roofs are encouraged with secondary roofs smaller and lower than the main roofline. All buildings shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, or other visual device.
- r. A solid waste management plan for the entire development shall be prepared and submitted. The goal of this plan shall be to maximize recycling and centralize collection and containment of all waste within the development. This waste area shall be properly screened and located to minimize disturbances to residents and abutters.
- s. No sign shall extend higher than the height of the ground story. No sign shall exceed 25 percent of the ground floor wall area. Signs should be complimentary in their use of color, shape and material. Signs may be double-sided.

**7. SPGA Review Criteria:**

TOD special permits may be granted by the SPGA upon its' written determination that the benefits of the proposed development outweigh the detrimental impacts on the neighborhood and the town. The SPGA shall review and make all determinations on the application. In order to approve the special permit, the SPGA shall also make a positive finding on each of the following criteria:

- a. The development complies with the town's currently approved plans or reports such as but not limited to: Master Plan, and the Open Space & Recreation Plan.
- b. That the development specifically provides one or more of the following actions or benefits:
  - (i) The applicant provides a bus transfer facility with supporting parking;
  - (ii) The applicant provides a green, river walk or public common;
  - (iii) The applicant enhances public transit though a contribution to the regional transit authority;
  - (iv) The applicant enhances the green, river walk or public common through the addition of a bandstand, water feature/fountain, or playground equipment;
  - (v) The applicant enhances the pedestrian/bike infrastructure of North Attleborough with off-site contributions which link into the development.

(vi) The applicant provides a minimum of ten percent (10%) of the total number of units as affordable. An affordable dwelling unit is a dwelling available at a cost of no more than 30% of gross household income of households at or below 80% of the Bristol County median income as reported by the U.S. Department of Housing and Urban Development, including units listed under G.L. c 40B sec. 20-23 and the Commonwealth's Local Initiative Program. It is intended that the affordable housing units that result from this Bylaw be considered as Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Department of Community Affairs, Division of Housing and Community Development and that said units count toward the Town's requirements under G.L. c. 40B, sec. 20-23. A deed restriction on the future resale or maximum leasing or renting charged shall be required by the SPGA.

c. The development provides water, wastewater and stormwater systems that meet DEP standards including low-impact development methods, Title V, Conservation Commission, Department of Public Works, Board of Health and Planning Board drainage requirements.

d. The development provides a well-designed and constructed green, river walk or public common, a minimum of ¼ acre in size. Said public space shall contain benches, walkways, lighting, landscaping and a community gathering/function area as deemed necessary by the SPGA.

e. The development transitions smoothly into the existing residential and commercial areas by way of design, landscaping, and the stepping down of density and use;

f. A detailed traffic impact analysis shall be submitted to the Planning Board for any application for a new development whose principal use or an existing development whose change in use or anticipated trip generation in excess of 100 vehicle trips during the peak hour of the adjacent roadway. These additional 100 trips per hour can result in a change in the Level of Service (LOS) or appreciable increase in the volume to capacity (V/C) ratio on an approach. The applicant shall follow the requirements as outlined in Section VI, Supplementary Regulations, N. Planned Business Development, 7. Traffic Impact Mitigation, providing information on bus access requirements, projected traffic generation from the development onto local roads and intersections and that it is within the capacity of the road network and does not create any safety concerns or is mitigated with improvements provided by the applicant/developer.

g. The design and layout of streets promotes a network of multiple routes for vehicles, bikes, and pedestrians and the parking and loading of the development is acceptable to the SPGA.

**8. Governance:** Special permit applications and decisions shall be governed by the filing and public hearing requirements set forth in M.G.L. c. 40A, s.9 and the North Attleborough Planning Board Rules and Regulations of the Planning Board as the Special permit granting authority. The S.P.G.A. shall have the ability to adopt rules and regulations governing the granting of special permits following the procedures set forth in M.G.L.c.40A.

## **9. Severability**

The invalidity of any section or provision of this By-law shall not affect the validity of any other provision thereof.

**PURPOSE AND JUSTIFICATION:** The intent of this By-Law is to promote the economic development of the downtown vicinity by generating additional commercial and housing opportunities and creating a pedestrian friendly environment that encourages the use of public transportation.

**FINANCE COMMITTEE VOTE: 9-0**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON:** At the time of voting the Planning Board had not yet held their public hearing on this matter.

**Kevin Nugent (P7) made a motion to move the question.**

Motion seconded.

**By a 2/3 vote, obvious to the Moderator, the RTM members approved the motion.**

**The RTM members defeated the recommendation of the Finance Committee.**

**Richard McCarthy (P8) made a motion for affirmative action as follows:**

*That the Town vote to amend the Zoning By-Laws of the Town of North Attleboro by adding the following Subsection E., Transit Oriented Development, to Section II - Districts.*

### **E. Transit Oriented Development (TOD)**

#### **1. Authority**

*The Transit Oriented Development (TOD) is herein established as an overlay zoning district. The permitted uses in the underlying zoning district are allowed with additional uses and / or density that may be allowed by special permit in the overlay district. The Planning Board is hereby designated as the Special Permit Granting Authority (SPGA) for an applicant seeking a Transit Oriented Development. The SPGA shall follow the procedural requirements for special permits as set forth in Section 9 of M.G.L. Chapter 40A. After notice of public hearing and after due consideration of the reports and recommendations of other town boards, commissions and/or departments, the SPGA may grant a higher density than allowed by right. The SPGA shall also impose, in addition to any applicable conditions specified in this section, such conditions as the SPGA finds reasonably appropriate to improve the site design and address concerns including but not limited to: water and air quality, other environmental resources, traffic, safety and/or other concerns related to the purpose of this section. Such conditions shall be imposed in writing and the applicant may be required to post a bond or other surety for compliance with said conditions in an amount satisfactory to the SPGA. Said bond will be calculated by the Planning Board's inspection services engineer at the developer's expense.*

#### **2. Purpose**

*To allow for the redevelopment within the overlay district into a mixed-use pedestrian/transit center with safeguards and conditions to prevent detrimental effects and/or impact upon neighboring properties or the town as a whole. The intent of the TOD overlay district is to promote a lively, prosperous transit center that serves as an attractive place to live, work, shop and recreate with less reliance on the automobile.*

#### **3. District Delineations**

*The provisions of this section shall apply to land identified as the Transit Oriented Development (TOD) designated as an overlay district on the zoning map dated November 28, 2011. The TOD overlay district is superimposed on the underlying districts. The regulations for use, dimension, and all other provisions of the zoning by-law governing the underlying zoning district(s) shall remain in full force, except for those applications undergoing development pursuant to this TOD section. Within the boundaries of the TOD, a developer may elect either to develop in accordance with the special permit requirements of this TOD section or to develop in accordance with the requirements of the underlying zoning district(s).*

#### **4. Uses By Special Permit**

*In addition to the uses allowed in Section V, Use Regulations of these By-Laws for the underlying C 7.5 and IC 30 districts the following uses are allowed by special permit in the Transit Oriented Development Overlay District:*

##### Residential

- *Multi-family dwellings more than 6 dwelling units per building, when a part of a larger mixed use development.*
- *Town Houses, when a part of a larger mixed use development.*
- *Mixed residential/business uses where all dwelling units are above the first floor at a density greater than 6 dwelling units per building.*

Retail and Services

- *Other Personal Services*

Accessory Uses

- *Private day nursery or kindergarten, accessory professional medical or dental offices, retail or consumer services, newsstand, barber shop, dining room or cafeteria, and similar accessory uses or services primarily for the occupants or users within the mixed use development building.*

*In cases where there is a use that is allowed by special permit in the underlying district, the applicant will identify those uses as part of the TOD application and submit a single special permit application to the Planning Board. The Board shall consolidate the review into one review procedure.*

Prohibited Uses

- *In the TOD overlay district the following uses are prohibited when applying for a TOD special permit: Auto/vehicle sales, gas sales, heavy equipment sales, salvage yards, heavy industrial uses, vehicle storage yard, storage facility, and low-density housing.*

**5. Density and Dimensional Requirements**

*1. For a mixed use building within the Transit Oriented Development district the following Density and Dimensional Requirements shall apply:*

<i>Minimum Lot Area (sq.ft.)</i>	<i>15,000</i>
<i>Maximum Impervious Surface (percent)</i>	<i>70</i>
<i>Minimum Frontage (ft.)</i>	<i>100</i>
<i>Minimum Front Setback (ft.)</i>	<i>6</i>
<i>Maximum Front Setback (ft.)</i>	<i>12</i>
<i>Minimum Side Setback (ft.)</i>	<i>10</i>
<i>Minimum Rear Setback</i>	<i>20</i>
<i>Maximum Height (ft.)</i>	<i>70</i>
<i>Maximum number of stories</i>	<i>6</i>

*2. The SPGA may through the special permit review process, increase the residential density in a mixed use building to a maximum of thirty-five (35) units per acre.*

**6. Special Design Requirements**

*The following special design requirements shall apply to special permit uses within the TOD overlay district.*

*a. A development shall be designed around a bus transfer facility with supporting parking. In lieu of a bus transfer facility an applicant may provide one or more of the following: a public green, riverfront park, or parking for municipal use.*

*b. The roadways and intersections shall provide proper access for full size GATRA busses at the time of design.*

*c. A minimum five (5) foot wide sidewalk shall be provided along site frontage and between the bus transfer facility and the rest of the TOD overlay district.*

*d. All cross walks shall be constructed to provide both a change in color and/ or texture from the regular roadway surface. Such changes shall be ADA compliant.*

*e. Lighting for streets shall be limited to 15 feet in height and have shields directing light downward with a total cutoff of all light at less than ninety (90) degrees from vertical. Light poles should complement the existing black ornamental poles along South Washington Street.*

*f. Street trees shall be planted by the developer along the right-of-way. Street trees shall be planted at intervals of no more than 50 feet. Tree species that are of native origin and that require minimal maintenance shall be selected. Trees should also be pruned to provide proper headway for cars and pedestrians.*

*g. Pedestrian amenities such as benches, public art, planters, trash receptacles, etc. are encouraged and shall be located along sidewalks, and in landscaped areas, open spaces and plazas.*

*h. All new utilities shall be placed underground.*

*i. Parking standards for commercial uses may be reduced by 40% when applicant provides the SPGA with information (in the form of a lease agreement, deed restriction or other legal agreement) on the ability to share parking within the development or adjacent properties. The parking information shall include information on peak parking times by use and cohesive uses in accordance with "Parking Spaces/ Community Places, finding balance through smart growth solutions" as provided by EPA. Off street parking within 300 feet of the property may be counted towards the commercial parking requirement. The size of parking spaces may be reduced to nine (9) feet by eighteen (18) feet in order to reduce the impervious surface of the TOD.*

*j. Parking should be placed to the side or rear of the building. Residential units shall have a minimum of one (1) dedicated parking space per unit. Residential parking should be clearly marked or separated from the commercial or public parking. Bicycle racks shall be provided.*

*k. Storm water management shall be designed incorporating Low Impact Development standards pursuant to the Wetlands Protection Act Regulation 310 CMR 10.4.*

*l. Architectural details of all buildings including the texture of wall and roof materials should reflect the downtown area.*

*m. Buildings shall be oriented parallel or perpendicular to the street and /or village green or common. Entrances should face either the transit station, street and /or village green or common.*

*n. The commercial uses on the first floor of the buildings may be placed close to the street or facing the transit station.*

*o. Long horizontal facades, greater than fifty (50) feet, should be avoided by the incorporating of recesses and projections. Said recesses and projections shall be a minimum of ten (10) feet in width and two (2) feet in depth.*

*p. The mass, proportion and scale of the building, roof pitch and the proportions and the relationship between doors and windows should be harmonious with the surrounding buildings.*

*q. Complex roofs are encouraged with secondary roofs smaller and lower than the main roofline. All buildings shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, or other visual device.*

*r. A solid waste management plan for the entire development shall be prepared and submitted. The goal of this plan shall be to maximize recycling and centralize collection and containment of all waste within the development. This waste area shall be properly screened and located to minimize disturbances to residents and abutters.*

*s. No sign shall extend higher than the height of the ground story. No sign shall exceed 25 percent of the ground floor wall area. Signs should be complimentary in their use of color, shape and material. Signs may be double-sided.*

#### **7. SPGA Review Criteria:**

*TOD special permits may be granted by the SPGA upon its' written determination that the benefits of the proposed development outweigh the detrimental impacts on the neighborhood and the town. The SPGA shall review and make all determinations on the application. In order to approve the special permit, the SPGA shall also make a positive finding on each of the following criteria:*

*a. The development complies with the town's currently approved plans or reports such as but not limited to: Master Plan, and the Open Space & Recreation Plan.*

*b. That the development specifically provides one or more of the following actions or benefits:*

*(i) The applicant provides a bus transfer facility with supporting parking;*

*(ii) The applicant provides a green, river walk or public common;*

*(iii) The applicant enhances public transit through a contribution to the regional transit authority;*

*(iv) The applicant enhances the green, river walk or public common through the addition of a bandstand, water feature/fountain, or playground equipment;*

*(v) The applicant enhances the pedestrian/bike infrastructure of North Attleborough with off-site contributions which link into the development.*

*(vi) The applicant provides a minimum of ten percent (10%) of the total number of units as affordable. An affordable dwelling unit is a dwelling available at a cost of no more than 30% of gross household income of households at or below 80% of the Bristol County median income as reported by the U.S. Department of Housing and Urban Development, including units listed under G.L. c 40B sec. 20-23 and the Commonwealth's Local Initiative Program. It is intended that the affordable housing units that result from this Bylaw be considered as Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Department of Community Affairs, Division of Housing and Community Development and that said units count toward the Town's requirements under G.L. c. 40B, sec. 20-23. A deed restriction on the future resale or maximum leasing or renting charged shall be required by the SPGA.*

*c. The development provides water, wastewater and stormwater systems that meet DEP standards including low-impact development methods, Title V, Conservation Commission, Department of Public Works, Board of Health and Planning Board drainage requirements.*

*d. The development provides a well-designed and constructed green, river walk or public common, a minimum of ¼ acre in size. Said public space shall contain benches, walkways, lighting, landscaping and a community gathering/function area as deemed necessary by the SPGA.*

*e. The development transitions smoothly into the existing residential and commercial areas by way of design, landscaping, and the stepping down of density and use;*

*f. A detailed traffic impact analysis shall be submitted to the Planning Board for any application for a new development whose principal use or an existing development whose change in use or anticipated trip generation in excess of 100 vehicle trips during the peak hour of the adjacent roadway. These additional 100 trips per hour can result in a change in the Level of Service (LOS) or appreciable increase in the volume to capacity (V/C) ratio on an approach. The applicant shall follow the requirements as outlined in Section VI, Supplementary Regulations, N. Planned Business Development, 7. Traffic Impact Mitigation, providing information on bus access requirements, projected traffic generation from the development onto local roads and intersections and that it is within the capacity of the road network and does not create any safety concerns or is mitigated with improvements provided by the applicant/developer.*

*g. The design and layout of streets promotes a network of multiple routes for vehicles, bikes, and pedestrians and the parking and loading of the development is acceptable to the SPGA.*

**8. Governance:** *Special permit applications and decisions shall be governed by the filing and public hearing requirements set forth in M.G.L. c. 40A, s.9 and the North Attleborough Planning Board Rules and Regulations of the Planning Board as the Special permit granting authority. The S.P.G.A. shall have the ability to adopt rules and regulations governing the granting of special permits following the procedures set forth in M.G.L.c.40A.*

## **9. Severability**

*The invalidity of any section or provision of this By-law shall not affect the validity of any other provision thereof.*

Motion Seconded.

**By a unanimous vote, the RTM members approved the motion.**

**ARTICLE 14 AMEND ZONING MAP TO INCLUDE TRANSIT ORIENTED PLANNING BOARD  
DEVLEOPMENT DISTRICT**

To see if the Town will vote to add the Transit Oriented Development District, an overlay zoning district, to the Zoning By-Laws Map of the Town of North Attleborough, MA, in accordance with the attached map and the map at scale 1" = 1,000 on file in the Town Clerk's office and any and all descriptive materials filed therewith.

**PURPOSE AND JUSTIFICATION:** Taken in conjunction with the proposed article to create the Transit Oriented Development By-Law.

**FINANCE COMMITTEE VOTE: 9-0**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON:** At the time of voting the Planning Board had not yet held their public hearing on this matter.

**With less than a majority in favor, the RTM members defeated the Finance Committee's recommendation.**

***Richard McCarthy (P8) made a motion for affirmative action as follows:***

*That the Town vote to add the Transit Oriented Development District, an overlay zoning district, to the Zoning By-Laws Map of the Town of North Attleborough, MA, in accordance with the attached map and the map at scale 1" = 1,000 on file in the Town Clerk's office and any and all descriptive materials filed therewith.*

Motion Seconded.

**By a unanimous vote the RTM members approved the motion.**

**ARTICLE 15 AMEND ZONING BY-LAW DEFINITIONS PLANNING BOARD**

To see if the Town will vote to amend the Zoning By-Law of the Town of North Attleborough by adding the following definitions, to Section IX. DEFINITIONS, B. Selected Words and Terms:

**Transit Oriented Development.** An overlay district that allows vertical mixed use (including retail, office and attached multifamily residential) adjacent to a regional bus transfer facility and designed specifically for pedestrian, transit and bike users.

**Mixed Use Building.** A building which contains dwellings located above the ground floor of an institutional, civic, office, commercial or retail use.

**Mixed Use Development.** A compact urban development which integrates a variety of land uses including residential, office, commercial, service and employment, and can result in measurable reductions in traffic impacts.

**PURPOSE AND JUSTIFICATION:** These definitions directly refer to the proposed new Section II.E., Transit Oriented Development.

**FINANCE COMMITTEE VOTE: 9-0**

**MAJORITY VOTE**

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

FINANCE COMMITTEE REASON: At the time of voting the Planning Board had not yet held their public hearing on this matter.

**With less than a majority in favor, the RTM members defeated the Finance Committee's recommendation.**

***Richard McCarthy (P8) made a motion for affirmative action as follows:***

*That the Town vote to amend the Zoning By-Law of the Town of North Attleborough by adding the following definitions, to Section IX. DEFINITIONS, B. Selected Words and Terms:*

***Transit Oriented Development.*** *An overlay district that allows vertical mixed use (including retail, office and attached multifamily residential) adjacent to a regional bus transfer facility and designed specifically for pedestrian, transit and bike users.*

***Mixed Use Building.*** *A building which contains dwellings located above the ground floor of an institutional, civic, office, commercial or retail use.*

***Mixed Use Development.*** *A compact urban development which integrates a variety of land uses including residential, office, commercial, service and employment, and can result in measurable reductions in traffic impacts.*

Motion Seconded.

**By a unanimous vote the RTM members approved the motion.**

***James McKenna (P3) recused himself from Article 16 discussion and vote.***

**ARTICLE 16 AMEND ZONING MAP TO CHANGE LOT 64, PLAT 6 PETITION  
FROM R-10 TO C-30 DISTRICT**

To see if the Town will vote to amend the Zoning By-Laws map of the Town of North Attleborough, Massachusetts dated August 18, 2011 as amended by changing the zoning district of the land described as North Attleborough Assessor's Map 6, Plat 64 (Plat 6, Lot 64) located at 809 East Washington Street in said North Attleborough, from R10 to C30. A portion of Assessor's Map depicting Plat 6 Lot 64 and its location is attached hereto as Exhibit "A".

**PURPOSE AND JUSTIFICATION:** The purpose of rezoning 809 East Washington Street, North Attleborough is to ensure my tenants' livelihood. This property has been used as commercial property since it was built in the 1920's.

**FINANCE COMMITTEE VOTE: 9-0**

**MAJORITY VOTE**

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

FINANCE COMMITTEE REASON: At the time of voting the Planning Board had not yet held their public hearing on this matter.

**Tom Corrigan (P9) made a motion to move the question.**

Motion seconded.

**Motion carried.**

**The RTM members defeated the recommendation of the Finance Committee.**

**Don Bates (P8) made a motion for affirmative action as follows:**

*That the Town vote to amend the Zoning By-Laws map of the Town of North Attleborough, Massachusetts dated August 18, 2011 as amended by changing the zoning district of the land described as North Attleborough Assessor's Map 6, Plat 64 (Plat 6, Lot 64) located at 809 East Washington Street in said North Attleborough, from R10 to C30. A portion of Assessor's Map depicting Plat 6 Lot 64 and its location is attached hereto as Exhibit "A".*

Motion seconded.

**By a 2/3 vote, obvious to the Moderator, the RTM members approved the motion.**

**John Ruppert (P2) made a motion to move Articles 17, 18, 19 and 20 out of order and to consider them at the end of the Warrant.**

Motion Seconded

**By a unanimous vote the RTM members approved the motion.**

**Moderator Deborah Kohl read a letter from the Planning Board regarding Articles 17, 18, 19, and 20 into the record.**

January 25, 2012

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

Re: Articles 17, 18, 19 and 20 of the January 9, 2012 Special Town Meeting, for Proposed Amendments to the Zoning By-Laws.

Dear Ms. Kohl:

At their meeting held on Wednesday, January 25, 2012 the Planning Board voted on said articles as follows:

**Articles 17, 18, 19 and 20 are to see if the Town will vote to amend the Zoning By-Laws.**

- **Article 17:** The Board voted (4-0) to recommend that this article be indefinitely postponed.
- **Article 18:** The Board voted (2-2) to recommend that this article be indefinitely postponed.
- **Article 19:** The Board voted (4-0) to recommend that this article be indefinitely postponed.
- **Article 20:** The Board voted (4-0) to recommend that this article be indefinitely postponed.

Please note that the above recommendations on said articles were provided at the continuation of the January 9, 2012 Special Town Meeting held on January 25, 2012.

On Behalf of the Planning Board,

Mary E. Burgess  
Town Planner

MEB/lf  
cc: Town Clerk  
Finance Committee  
RTM Coordinating Committee

*(Article 17 considered after Article 22)*

**ARTICLE 17 AMEND ZONING BY-LAWS DEFINITIONS**

**PETITION**

To see if the Town will vote to amend Section IX “Definitions” of the Town of North Attleborough Zoning By-Laws as follows:

Add the following word “Amusement, Indoor Commercial” and definition to Section IX of the Bylaw: “Amusement, Indoor Commercial”. Theater, bowling alley, or other commercial entertainment carried on in an enclosed building.

**PURPOSE AND JUSTIFICATION:** To create a separate definition for indoor commercial amusement uses, so that it is separate and distinct from indoor commercial recreational uses.

**FINANCE COMMITTEE VOTE: 9-0**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON:** At the time of voting the Planning Board had not yet held their public hearing on this matter.

**David Manoogian (P8) announced that he will not vote on Articles 17, 18, 19, & 20.**

**James McKenna (P3) made a motion to move the question.**

Motion seconded.

**Motion carried.**

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

*(Article 18 considered after Article 22)*

**ARTICLE 18 AMEND ZONING BY-LAW DEFINITIONS**

**PETITION**

To see if the Town will vote to amend Section IX “Definitions” of the Town of North Attleborough Zoning By-Laws as follows:

Replace the existing definition of “Recreation, Indoor Commercial” with the following definition:

An indoor facility, with or without seating, for spectators, and providing accommodations for a variety of individual, organized, or franchised sports, including but not limited to ice hockey, basketball, wrestling, soccer, tennis, volleyball, racquetball, or handball. Such facility may also provide other regular organized or franchised events, health and fitness club activities, swimming pool, snack bar, restaurant, retail sales of related sports, health or fitness items and other support facilities.

**PURPOSE AND JUSTIFICATION:** To more clearly define the type of indoor commercial recreational uses that could be allowed by special permit from the Zoning Board of Appeals within the OP-60 Office and Business Park District and I-60 Industrial District. The new definition is based on a definition of recreational commercial indoor use that is currently being used by another municipality in Massachusetts.

**FINANCE COMMITTEE VOTE: 9-0**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON:** At the time of voting the Planning Board had not yet held their public hearing on this matter.

**Charles Beale (P9) made a motion to continue the meeting until 11:00pm.**

Motion seconded

**The RTM members approved the motion – 88 members voting. Yes = 57 / No = 31**

**Kevin Nugent (P7) made a motion to move the question.**

Motion seconded

**Motion carried.**

**The RTM members defeated the recommendation of the Finance Committee**

**Ronald Lagasse (P6) made a motion for Affirmative Action as follows:**

*That the Town vote to replace the existing definition for “Recreation, Indoor Commercial” so that it reads as follows:*

*“Theater, bowling alley, or other commercial, recreation or entertainment carried on in an enclosed building including an indoor facility, with or without seating for spectators, and providing accommodations for a variety of individual, organized, or club/franchised sports (but not including professional adult sports teams on a permanent basis) including but not limited to ice hockey, basketball, wrestling, soccer, lacrosse, tennis, volleyball, racquetball or handball. Such sports facility may also provide within the building other athletic, health and fitness activities (not to exceed 40,000 square feet) snack bar, café, or non-franchise restaurant (not to exceed 5,000 square feet), sports-related retail facilities (not to exceed 5,000 square feet) or other related supporting activities (not to exceed 13,000 square feet).”*

Motion seconded

**By a 2/3 vote, obvious to the Moderator, the RTM members approved the motion.**

*(Article 19 considered after Article 22)*

**ARTICLE 19 AMEND ZONING BY-LAWS USE SCHEDULE B  
PRINCIPAL USE # 18**

**PETITION**

To see if the Town will vote to amend Use Schedule B of the Town of North Attleborough Zoning By-Laws as follows:

Amend Principal Use #18 “Amusement and recreation service, indoor” within the Retail and Service Use Category to be allowed by “S” (special permit from the Zoning Board of Appeals) within the OP-60 Office and Business Park District and I-60 Industrial District.

**PURPOSE AND JUSTIFICATION:** To increase more business opportunities within the OP-60 Office and Business Park District, and I-60 Industrial District, especially along transition areas where those districts abut or are in close proximity to other types of zoning districts, including but not limited to residential districts, where an indoor recreational use might be a more appropriate use. The use would require a special permit from the Zoning Board, who would review any proposal to determine if such use was appropriate based on the facts of each case and abutters would have an opportunity to be heard at the public hearing to express their opinions with respect to any particular proposal.

**FINANCE COMMITTEE VOTE: 9-0**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON:** At the time of voting the Planning Board had not yet held their public hearing on this matter.

**The RTM members defeated the recommendation of the Finance committee.**

**Ronald Lagasse (P6) made a motion for Affirmative Action as follows:**

*That the Town vote to amend Principal Use #18 “Amusement and recreation service, indoor” within the Retail and Service Use Category to be allowed by “S” (special permit from the Zoning Board of Appeals) within the I-60 Industrial District.*

Motion seconded

**John Donohue (P7) made a motion to move the question.**

Motion seconded

**By a 2/3 vote, obvious to the Moderator, the RTM approved the motion.**

**By a 2/3 vote, obvious to the Moderator, the RTM approved the motion for affirmative action.**

*(Article 20 considered after Article 22)*

**ARTICLE 20 AMEND ZONING BY-LAW USE SCHEDULE B  
PRINCIPAL USE # 16**

**PETITION**

To see if the Town will vote to amend Use Schedule B of the Town of North Attleborough Zoning By-Laws as follows:

Amend Principal Use #16 “Other amusement and recreation service, outdoor” within the Retail and Service Use Category to be allowed by “S” (special permit from the Zoning Board of Appeals) within the OP-60 Office and Business Park District and I-60 Industrial District.

**PURPOSE AND JUSTIFICATION:** To increase more business opportunities within the OP-60 and I-60 zoning districts, especially along transition areas where those districts abut or are in close proximity to other types of zoning districts, including but not limited to residential districts. These outdoor recreational projects would typically be in conjunction with an indoor recreational project, but that would be reviewed on a case by case basis by the Zoning Board of Appeals. The Zoning Board would review and evaluate any application under this amendment and abutters would have an opportunity to be heard at the public hearing with respect to any particular proposal.

**FINANCE COMMITTEE VOTE: 9-0**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON:** At the time of voting the Planning Board had not yet held their public hearing on this matter.

**Charles Beale (P9) made a motion to move the question.**

Motion seconded

**By a 2/3 vote, obvious to the Moderator, the RTM approved the motion.**

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

**ARTICLE 21 TO PLACE A QUESTION ON BALLOT PERTAINING TO  
WHETHER THE POSITION OF TREASUER-COLLECTOR  
SHOULD BECOME AN APPOINTED POSITION**

**B.O.S.**

To see if the Town will vote, in accordance with M.G.L., Chapter 41, Section 1B (attached), to change the elected office of Treasurer-Collector to an appointed position, and to place the following question on the 2012 annual Town election ballot:

Shall the Town vote to have its elected Treasurer-Collector become an appointed Treasurer-Collector of the Town?

Yes \_\_\_\_\_ No \_\_\_\_\_

**PURPOSE AND JUSTIFICATION:** In accordance with M.G.L. Chapter 41, Section 18, certain elected positions in a Town can be changed from elected to appointed by majority vote of Town Meeting and of the voters at an annual town election. If Town Meeting votes to change the position to appointed, the question required by statute would be placed on the 2012 annual town election ballot. If passed by the voters in 2012, the Selectmen would appoint the next Treasurer-Collector in accordance with the statute.

**FINANCE COMMITTEE VOTE: 9-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote, in accordance with M.G.L., Chapter 41, Section 1B (attached), to change the elected office of Treasurer-Collector to an appointed position, and to place the following question on the 2012 annual Town election ballot:**

**Shall the Town vote to have its elected Treasurer-Collector become an appointed Treasurer-Collector of the Town?**

Yes \_\_\_\_\_ No \_\_\_\_\_

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

**John Donohue (P7) made a motion to move the question.**

Motion seconded.

**Motion carried.**

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

*Ronald LaGasse (P6) made a motion to adjourn the Meeting to 7:00 PM on Wednesday, January 25, 2012, at the Middle School Cafetorium.*

Motion seconded.

**By a majority vote the RTM members approved the motion.**

*On Wednesday, January 25, 2012, Town Clerk, Maxwell G. Gould, re-convened the Special Town Meeting at 7:01 PM by announcing “With 75 RTM members present, we have a quorum.”*

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

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

**ARTICLE 22 CHARTER PROPOSAL**

**B.O.S.**

To see if the Town will vote to petition the General Court for the enactment of a special law providing for a mayor and town council form of government for the Town of North Attleborough, substantially in the form as is provided in the draft of a proposed charter which is attached hereto and incorporated herein, the General Court may make changes in the text of said charter proposal, provided the same are consistent with the general thrust of the charter attached thereto and are approved by the Ad Hoc Special Act Education Committee. The Special Act becomes effective only upon acceptance by a majority of the voters at the next regular municipal election.

**FINANCE COMMITTEE VOTE: 6-3**

**MAJORITY VOTE**

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

FINANCE COMMITTEE REASON: The majority of the Committee felt that there were too many errors contained within the document that should have been corrected prior to any submittal.

**After much discussion, Paul Follete (P5) made a motion to move the question.**

Motion seconded

**By a 2/3 vote, obvious to the Moderator, the RTM members approved the motion.**

**Paul Couturier (P3) made a motion for a roll call vote.**

Motion seconded

**The RTM members approved the motion.**

**By a roll call vote the RTM members approved the Finance Committee recommendation.**

**90 members voting: 74 YES / 16 NO**

**Bart Steele( P7) made a motion to reconsider Article 12.**

Motion seconded.

**Charles Beale (P9) made a motion to move the question.**

Motion seconded

**By a 2/3 vote, obvious to the Moderator, the RTM members approved the motion.**

**The RTM members defeated the motion to reconsider Article 12.**

**88 members voting: 2/3 Requirement 59. 58 YES / 30 NO**

**Articles 17, 18, 19, & 20 were considered at this time.**

*(Refer to the articles for actions taken)*

**A motion to Adjourn Sine Die was approved by a majority vote of the RTM members at 10:37 PM**