

**PROCEEDINGS
ANNUAL TOWN MEETING**

JUNE 3, 2013

On Monday, June 3, 2013, Moderator Deborah Kohl called the meeting to order at 7:30 PM.

Town Clerk, Maxwell G. Gould, reported "There were 98 RTM members signed in for the just adjourned Special Town Meeting and that quorum continues to be available."

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

**NORTH ATTLEBOROUGH WARRANT
FOR THE REPRESENTATIVE ANNUAL TOWN MEETING
MONDAY, JUNE 3, 2013**

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 3rd OF JUNE 2013 A.D.

At 7:30 P.M., then and there to act upon the following articles to wit:

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

Given our hands and seal of the Town North Attleborough on this March 14, 2013

NORTH ATTLEBORO BOARD OF SELECTMEN

Michael S. Thompson, Chairman
Paul J. Belham, Sr., Vice-Chairman
Joan Marchitto
John C. Rhyno
Mark Williamson

Town Moderator, Deborah Kohl, then read the Return:

BRISTOL, ss.

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

Chief John J. Reilly,
Constable Town of North 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 an article must specify where the additional monies will come from.

Motion Seconded.

Motion Carried.

Robert Nerz (P7) made a motion as follows:

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

Motion Seconded.

Motion Carried.

ARTICLE 2 ACCEPTANCE OF TOWN REPORT

BOARD OF SELECTMEN

To see if the Town will vote to accept the reports of the Town Officers and Committees.

PURPOSE AND JUSTIFICATION: As per Article V, Section 6a of the Town By-laws. Each Department, Board and Committee of the town shall annually present a full report of its acts for the previous year. RTM members vote to accept the report at the Annual Town Meeting.

FINANCE COMMITTEE VOTE: 5-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to accept the reports of the Town Officers and Committees.

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

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

ARTICLE 3 ANNUAL COMPENSATION OF TOWN OFFICERS

BOARD OF SELECTMEN

To see if the Town will vote to determine the annual compensation for the elected Town Officers:

<u>Town Clerk</u>	\$19,605.00 Annual	<u>Municipal Light Board</u>	
<u>Treasurer/Collector</u>	\$80,354.00 Annual	Chairman	\$1,200.00
<u>Town Moderator</u>	\$ 1,200.00	Members (2)	\$1,000.00
<u>Board of Assessors</u>		<u>Planning Board</u>	
Chairman:	\$ 3,200.00	Chairman	\$ 750.00
Members (2)	\$ 2,900.00	Members (4)	\$ 500.00
<u>Board of Public Works</u>		<u>Board of Health</u>	
Chairman	\$ 1,200.00	Chairman	\$ 500.00
Members (2)	\$ 1,000.00	Members (2)	\$ 375.00
<u>Board of Selectmen</u>		<u>School Committee</u>	
Chairman	\$ 1,200.00	Chairman	\$ 1,200.00
Members (4)	\$ 1,000.00	Members (6)	\$ 1,000.00

FINANCE COMMITTEE VOTE: 3-2

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to approve the annual compensation for the elected Town Officers.

<u>Town Clerk:</u>	\$20,124.00	Annual	<u>Board of Selectmen</u>		<u>Board of Health</u>	
<u>Treas./Coll:</u>	\$80,354.00	Annual	Chairman:	\$1,200.00	Chairman	\$ 500.00
			Other (4)	\$1,000.00	Other (2)	\$ 375.00
<u>Board of Assessors</u>			<u>Municipal Light Board</u>		<u>School Committee</u>	
Chairman:	\$ 3,200.00		Chairman	\$1,066.00	Chairman	\$1,200.00
Other (2)	\$ 2,900.00		Other (2)	\$1,066.00	Other (6)	\$1,000.00
<u>Board of Public Works</u>			<u>Planning Board</u>			
Chairman:	\$ 1,200.00		Chairman	\$ 750.00		
Other (2)	\$ 1,000.00		Other (4)	\$ 500.00		

Town Moderator \$ 1,200.00 – To be paid at a rate of \$100.00 per town meeting session with an annual cap of \$1200.00

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 DETERMINE ANNUAL COMPENSATION FOR APPOINTED BOARD OF SELECTMEN
BOARDS / COMMITTEES / COMMISSIONS**

To see if the Town will vote to determine the annual compensation for the following appointed boards, commissions or committees:

Election Commissioners (4)

Chairman	\$ 2,000.00
Members (3)	\$ 1,500.00

PURPOSE AND JUSTIFICATION: The compensation for these appointed boards, commissions or committees must be approved by Town Meeting annually.

FINANCE COMMITTEE VOTE: 3-2

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to approve the compensation for the following appointed boards, commissions or committees:

Election Commissioners:

Chairman:	\$2,000.00
Others (3):	\$1,500.00

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

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

ARTICLE 5 FISCAL YEAR 2014 ANNUAL BUDGET BOARD OF SELECTMEN

To see if the Town will vote to appropriate and raise by borrowing or otherwise, such sums of money as may be required to defray Town charges for the fiscal year ending June 30, 2014 and expressly for the following purposes to wit.

FINANCE COMMITTEE VOTE: 5-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate and raise by borrowing or otherwise, such sums of money as may be required to defray Town charges for the fiscal year ending June 30, 2014 and expressly for the following purposes to wit (see attached recommended budget). If the voters of the Town, at the June 25, 2013 Special Election vote to adopt a \$3,190,000 override, then the adopted budget will be the one entitled “Override Budget”. If the voters of the Town, at the June 25, 2013 Special Election do not vote to adopt a \$3,190,000 override, then the adopted budget will be the one entitled “Admin. Recom.”.

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

EDITOR’S NOTE: The OVERRIDE was NOT adopted at the 6/25/13 Special Election and therefore the Budget adopted was the “Admin Recom. Without Override”.

John Donohue (P7) made a motion to divide “Article 5 into 6 parts:”

#1-Stablization; #2-Better Stablization; #3-General Government; #4-Landfill; #5-Sewer; #6-Water

Motion Seconded.

Motion Carried.

John Donohue (P7) made a motion to approve the recommendation of the Finance Committee for the appropriation from the Stabilization Fund for Item 710 DEBT SERVICE.

Motion Seconded.

By a 2/3 majority vote, declared obvious by the Moderator, the RTM members approved the motion.

John Donohue (P7) made a motion to approve the recommendation of the Finance Committee for the appropriation from the Betterment Stabilization Fund for Item 710 DEBT SERVICE.

Motion Seconded.

By a 2/3 majority vote, declared obvious by the Moderator, the RTM members approved the motion.

John Donohue (P7) made a motion to approve the recommendation of the Finance Committee for General Government.

Motion Seconded.

By a majority vote the RTM members approved the motion

John Donohue (P7) made a motion to approve the recommendation of the Finance Committee for the Landfill Enterprise Appropriation.

Motion Seconded.

By a majority vote the RTM members approved the motion

John Donohue (P7) made a motion to approve the recommendation of the Finance Committee for the Sewer Enterprise Appropriation.

Motion Seconded.

By a majority vote the RTM members approved the motion

John Donohue (P7) made a motion to approve the recommendation of the Finance Committee for the Water Enterprise Appropriation.

Motion Seconded.

By a majority vote the RTM members approved the motion

The Moderator read into the record the report of the N.A. Electric Department of appropriations from the receipts of the plant for FY13.

Marie Clarner (P1) made a motion to transfer the sum of \$7,000.00 from line 914A – Health Insurance to line 171A Conservation Commission for the purpose of staffing Whiting's Pond Beach.

Motion Seconded.

Motion Failed – Total Voting: 96; Yes – 45, No - 51

ARTICLE 6 CAPITAL IMPROVEMENT PLAN

BOARD OF SELECTMEN

To see if the Town will vote to appropriate a sum of money to be raised by taxation, by transfer from available funds, by borrowing or otherwise, for the various capital projects of the Town, including but not limited to constructing, reconstructing, adding to, equipping and furnishing public buildings and other public facilities, purchasing equipment, constructing or reconstructing roads and other public ways, constructing improvements to the Town's water and sewerage systems, purchasing equipment, and undertaking other capital projects, including costs incidental and related to such projects, or to take any other action relative to the foregoing matters.

John Donohue (P7) made a motion to divide Article 6 into its 4 parts and to consider and act upon each part separately.

Motion Seconded.

Motion Carried.

PART 1: MUNICIPAL CIP PURCHASES AND ON-GOING MAINTENANCE EFFORTS FUNDED BY TAXES OR OTHER AVAILABLE FUNDS

That the sum of \$89,000 or any other sum, hereby is appropriated for various capital projects and equipment as shown below, to be expended under the direction of the Town Board/Official indicated, or Municipal Building Committee if applicable, said sum to be raised by General Tax or other available funds; and provided further that any funds appropriated hereunder shall remain within the capital budget under the jurisdiction of the Town Board/Official indicated, or the Municipal Building Committee if applicable, until expended or released, unless transferred by Town Meeting.

<u>ITEM</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>	<u>REQUESTED BY</u>
1.	\$40,000	Protective Clothing and Gear	Fire Department
2.	\$8,000	Playground/Walkway Cover – All	Park Department
3.	\$1,000	Protective Safety Window	Treasurer Collector
4.	\$40,000	Revaluation for fiscal 2017	Board of Assessors

FINANCE COMMITTEE VOTE: 5-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the sum of \$89,000 is hereby appropriated for the various capital projects and equipment as shown below, to be expended under the direction of the Town Board/Official indicated, or Municipal Building Committee if applicable, said sum to be raised by General Tax or other available funds; and provided further that any funds appropriated hereunder shall remain within the capital budget under the jurisdiction of the Town Board/Official indicated, or the Municipal Building Committee if applicable, until expended or released, unless transferred by Town Meeting.

<u>ITEM</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>	<u>REQUESTED BY</u>
1.	\$40,000	Protective Clothing and Gear	Fire Department
2.	\$8,000	Playground/Walkway Cover – All	Park Department
3.	\$1,000	Protective Safety Window	Treasurer Collector
4.	\$40,000	Revaluation for fiscal 2017	Board of Assessors

FINANCE COMMITTEE REASON: The Committee feels that these items are necessary.

By a majority vote the RTM members approved the Finance Committee’s Recommendation for Part 1.

PART 2: MUNICIPAL CIP PURCHASES AND ON-GOING MAINTENANCE EFFORTS FUNDED BY RETAINED EARNINGS/ENTERPRISE FUNDS

That the various capital projects and equipment purchases shown below and totaling \$865,000 or any other sum, shall be undertaken and financed by retained earnings, enterprise funds or other funds as shown below, such funds to be expended under the direction of the Town Board/Official indicated, or the Municipal Building Committee if applicable, until expended or released, unless transferred by Town Meeting.

<u>ITEM</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>	<u>REQUESTED BY</u>	<u>ANTICIPATED SOURCE OF FUNDS</u>
5.	\$26,000	SCADA Systems Upgrade	DPW – Water	Water Enterprise Retained Earnings
6.	\$560,000	Plainville #2 Well Restoration	DPW – Water	Water Enterprise Retained Earnings
7.	\$210,000	Water Main Improvements	DPW – Water	Water Enterprise Retained

8.	\$45,000	Truck 26 Replacement	DPW – Water	Earnings Water Enterprise Retained Earnings
9.	\$24,000	Vehicle Replacement	Solid Waste	Solid Waste Enterprise Retained Earnings

FINANCE COMMITTEE VOTE: 5-0

MAJORITY ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the various capital projects and equipment purchases shown below and totaling \$865,000.00, shall be undertaken and financed by retained earnings, enterprise funds or other funds as shown below, such funds to be expended under the direction of the Town Board/Official indicated, or the Municipal Building Committee if applicable, until expended or released, unless transferred by Town Meeting.

<u>ITEM</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>	<u>REQUESTED BY</u>	<u>ANTICIPATED SOURCE OF FUNDS</u>
5.	\$26,000	SCADA Systems Upgrade	DPW – Water	Water Enterprise Retained Earnings
6.	\$560,000	Plainville #2 Well Restoration	DPW – Water	Water Enterprise Retained Earnings
7.	\$210,000	Water Main Improvements	DPW – Water	Water Enterprise Retained Earnings
8.	\$45,000	Truck 26 Replacement	DPW – Water	Water Enterprise Retained Earnings
9.	\$24,000	Vehicle Replacement	Solid Waste	Solid Waste Enterprise Retained Earnings

FINANCE COMMITTEE REASON: The Committee feels that these items are necessary.

By a unanimous vote the RTM members approved the Finance Committee’s recommendation for Part 2.

PART 3: MUNICIPAL CIP PURCHASES AND ON-GOING MAINTENANCE EFFORTS FUNDED BY BORROWING OR OTHER AVAILABLE FUNDS

That the sum of \$5,780,422 or any other sum, be and hereby is appropriated for various capital projects and equipment purchases, including design, engineering, construction and installation, and for costs incidental and related thereto, as listed below.

<u>ITEM</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>	<u>REQUESTED BY</u>	<u>ANTICIPATED PROJECT STATUTORY CITATION, CHAPTER 44, SECTION () OR ANY OTHER ENABLING AUTHORITY</u>
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That said sum for any project listed in Part 3 be raised by General Tax, by transfer from available funds, by borrowing or otherwise; and that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow the sum of \$5,780,422 (total of projects listed in Part 3 of this article) or any other sum, under and pursuant to the statutes cited above or any other enabling authority, and to issue bonds or notes of the Town therefore; and that the requested sum of \$5,780,422 be expended for project costs by the Town Board/Official listed, or the Municipal Building Committee if applicable, and the sum of - 0 - be expended for issuance costs under the direction of the Town Treasurer; and that betterment assessments therefore shall be levied under the provisions of Town By-Laws where applicable.

10.	\$45,000	Smith Street Office Heater Replacement	DPW – Highway	44,7 (9)
11.	\$7,500	Mason Field Boiler Replacement	Park & Rec.	44,7 (9)
12.	\$120,000	Haz. Material – Comm. Hallways	School Department	44, 7 (31)
13.	\$75,000	Community School Ceilings Repair/Replacement	School Department	44,7 (3A)
14.	\$50,000	Town Hall Generator	Board of Selectmen	44,7 (9)
15.	\$5,000	Fire Detector Replacement Town Hall Main & Upper Floors	Board of Selectmen	44,7 (9)
16.	\$9,500	Town Hall Data Center Air Conditioner Replacement	IT Department	44,7 (9)
17.	\$4,500	Main Zoo Building Boiler Replacement	Park & Rec.	44,7 (9)
18.	\$184,793	Police Cruiser Replacement	Police Department	44, 7 (9)
19.	\$41,406	Police – Prisoner Transport Van	Police Department	44,7 (9)
20.	\$230,500	St. Mark’s Pond Dam Rehabilitation	Conservation Comm.	44,7 (5)
21.	\$500,000	Roads, Bridges & Sidewalks Repair, Replacement and Maint.	DPW - Highway	44,7 (5)(6)
22.	\$25,000	Street Sign Making Equipment	DPW – Highway	44,7 (9)
23.	\$33,800	Technology Hardware Upgrades	IT Department	44,7 (28)
24.	\$50,000	Pavement Repair	Park & Rec.	44,7 (21)
25.	\$438,312	District Technology Plan	School Department	44, 7 (28)
26.	\$100,000	District Pavement Repair	School Department	44,7 (21)
27.	\$35,000	Dishwasher Replacement Community	School Department	44, 7 (9)
28.	\$65000	Bus-42 Passenger – Diesel - AC with Wheelchair Capacity	School Department	44, 7 (9)
29.	\$80,000	Town Hall Automatic Temp. Control Phase 2	Board of Selectmen	44,7 (9)
30.	\$220,000	Replace Sander #1 & #3 With 10-wheel dump sander And plow	DPW – Highway	44,7 (9)
31.	\$41,398	Replace windows, siding And doors – Kelley Blvd.	Fire Department	44,7 (3A)

32.	\$60,000	LeStage Field Development	Park & Rec Department	44, 7 (25)
33.	11,500	Mower	Park & Rec Department	44, 7 (9)
34.	\$55,000	Carpeting Middle Level and Upper Level Town Hall	Town Hall Department	44, 7 (3a)
35.	\$30,000	Playground Equipment	Park & Rec.	44,7 (9)
36.	\$30,741	Windows – Central Station	Fire Department	44,7 (3A)
37.	\$13,414	Windows & Repairs – Allen Ave	Fire Department	44,7 (3A)
38.	\$50,000	Holmes School Interior Restoration	Historical Commission	44,7 (3A)
39.	\$20,000	Architectural Plans/Specs For restoration of Holmes Memorial Hall	Historical Commission	44,7 (21)
40.	\$45,000	Replace Car 1	DPW – Admin.	44,7 (9)
41.	\$11,000	Street Blower	Park & Rec.	44,7 (9)
42.	\$13,000	Roof replacement – Main Zoo Building	Park & Rec.	44,7 (3A)
43.	\$5,000	Portable Generator	Park & Rec.	44,7 (9)
44.	\$21,200	Portable Bleachers	Park & Rec.	44,7 (9)
45.	\$50,000	Replace Roosevelt Ave. School Modular Roof Top HVAC Units	School Dept.	44,7 (3A)
46.	\$50,000	Repair Amvet School Gym Floor	School Dept.	44,7 (3A)
47.	\$1,000,000	Inflow & Infiltration Removal	DPW – Sewer	44,7 (1)
48.	\$300,000	Comm. School Gym Window Replacement	School Dept.	44,7 (3A)
49.	\$350,000	Energy Management Systems For High School and Middle School Replacement	School Dept.	44,7 (3A)
50.	\$45,000	District Generators	School Dept.	44,7 (9)
51.	\$110,000	Middle School Water Heater	School Dept.	44,7 (3A)
52.	\$25,000	Town Wide Archaeological Reconnaissance Survey	Historical Com.	44,7 (21)
53.	\$29,500	4WD vehicle – replace 2007	Board of Health	44,7 (9)
54.	\$225,000	Mid size Pumper to replace Engine #6	Fire Dept.	44,7 (9)
55.	\$15,000	Rear building renovation And repair	Fire Dept.	44,7 (3A)

56.	\$48,000	Town Hall Phone System Replacement	IT Dept.	44,7 (9)
57.	\$7,500	Chair Lift	Park & Rec.	44,7 (9)
58.	\$14,500	Fence Refurbish (Mason)	Park & Rec.	44, 7(25)
59.	\$448,358	High School Media Center Renovation	School Dept.	44,7 (3A)
60.	\$50,000	Falls School Lighting Upgrade	School Dept.	44,7 (3B)
61.	\$85,000	District Security Upgrades	School Dept.	44,7 (3A)
62.	\$200,000	High School and Middle School Camera System	School Dept.	44,7 (9)

FINANCE COMMITTEE VOTE: 5-0

2/3 ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$3,827,564 for the various capital projects and equipment purchases, design engineering, construction and installation and for the costs incidental and related thereto, as listed below:

10.	\$45,000	Smith Street Office Heater Replacement	DPW – Highway	44,7 (9)
11.	\$7,500	Mason Field Boiler Replacement	Park & Rec.	44,7 (9)
12.	\$120,000	Haz. Material – Comm. Hallways	School Department	44, 7 (31)
13.	\$75,000	Community School Ceilings Repair/Replacement	School Department	44,7 (3A)
14.	\$50,000	Town Hall Generator	Board of Selectmen	44,7 (9)
15.	\$5,000	Fire Detector Replacement Town Hall Main & Upper Floors	Board of Selectmen	44,7 (9)
16.	\$9,500	Town Hall Data Center Air Conditioner Replacement	IT Department	44,7 (9)
17.	\$4,500	Main Zoo Building Boiler Replacement	Park & Rec.	44,7 (9)
18.	\$184,793	Police Cruiser Replacement	Police Department	44, 7 (9)
19.	\$41,406	Police – Prisoner Transport Van	Police Department	44,7 (9)
20.	\$230,500	St. Mark’s Pond Dam Rehabilitation	Conservation Comm.	44,7 (5)
21.	\$500,000	Roads, Bridges & Sidewalks Repair, Replacement and Maint.	DPW - Highway	44,7 (5)(6)
22.	\$25,000	Street Sign Making Equipment	DPW – Highway	44,7 (9)

23.	\$33,800	Technology Hardware Upgrades	IT Department	44,7 (28)
24.	\$50,000	Pavement Repair	Park & Rec.	44,7 (21)
25.	\$438,312	District Technology Plan	School Department	44, 7 (28)
26.	\$100,000	District Pavement Repair	School Department	44,7 (21)
27.	\$35,000	Dishwasher Replacement Community	School Department	44, 7 (9)
28.	\$65000	Bus-42 Passenger – Diesel - AC with Wheelchair Capacity	School Department	44, 7 (9)
29.	\$80,000	Town Hall Automatic Temp. Control Phase 2	Board of Selectmen	44,7 (9)
30.	\$220,000	Replace Sander #1 & #3 With 10-wheel dump sander And plow	DPW – Highway	44,7 (9)
31.	\$41,398	Replace windows, siding And doors – Kelley Blvd.	Fire Department	44,7 (3A)
32.	\$60,000	LeStage Field Development	Park & Rec Department	44, 7 (25)
33.	\$11,500	Mower	Park & Rec Department	44, 7 (9)
34.	\$55,000	Carpeting Middle Level and Upper Level Town Hall	Town Hall Department	44, 7 (3a)
35.	\$30,000	Playground Equipment	Park & Rec.	44,7 (9)
36.	\$30,741	Windows – Central Station	Fire Department	44,7 (3A)
37.	\$13,414	Windows & Repairs – Allen Ave	Fire Department	44,7 (3A)
38.	\$50,000	Holmes School Interior Restoration	Historical Commission	44,7 (3A)
39.	\$20,000	Architectural Plans/Specs For restoration of Holmes Memorial Hall	Historical Commission	44,7 (21)
40.	\$45,000	Replace Car 1	DPW – Admin.	44,7 (9)
41.	\$11,000	Street Blower	Park & Rec.	44,7 (9)
42.	\$13,000	Roof replacement – Main Zoo Building	Park & Rec.	44,7 (3A)
43.	\$5,000	Portable Generator	Park & Rec.	44,7 (9)
44.	\$21,200	Portable Bleachers	Park & Rec.	44,7 (9)
45.	\$50,000	Replace Roosevelt Ave. School Modular Roof Top HVAC Units	School Dept.	44,7 (3A)

46.	\$50,000	Repair Amvet School Gym Floor	School Dept.	44,7 (3A)
47.	\$1,000,000	Inflow & Infiltration Removal	DPW – Sewer	44,7 (1)

and that to meet this appropriation, (i) the sum of \$275,377.34, representing the balance of proceeds from the sale of bonds for completed projects, be re-appropriated in accordance with Chapter 44, Section 20 of the General Laws as follows:

	<u>Unexpended Amount</u>
Art. 6, June 2010 ATM, Town Wide Fire Alarm Box Replacement - CIP #19	11,118.00
Art. 6, June 2010 ATM, Replace Trucks (5 & 6)and Sanders(6 & 8) - CIP #24	16,959.17
Art. 6, June 2009 ATM, Water Conservation Municipal Building Retrofit - CIP #30	10,335.00
Art. 6, May 2003 ATM, Integrated financial Management Services - CIP #25	15,587.83
	<hr/>
	\$54,000.00

To offset expenditures for the Following CIP Requests:

	<u>Requested Appropriation</u>
Mason Field Boiler Replacement #11	7,500.00
Fire Detector Replacement for Town Hall # 15	5,000.00
Town Hall Data Center Air Conditioner Replacement #16	9,500.00
Main Zoo Building Boiler Replacement # 17	4,500.00
Mower # 33	11,500.00
Street Blower #41	11,000.00
Portable Generator #43	5,000.00
	<hr/>
	\$54,000.00

	<u>Unexpended Amount</u>
Art. 6, June 2009 ATM, Replace High School Dishwasher - CIP #28	3,491.88
Art. 6, June 2009 ATM, Martin School Roof Replacement - CIP #35	11,211.00
Art. 10, May 2008 ATM, Gym Floor & Bleacher Replacement, etc. - CIP #31	14,191.89
Art. 6, October 2006 STM, Masonry-Community School - CIP #30	13,634.15
	<hr/>
	\$42,528.92

To offset expenditures for Amvet Gym Floor - CIP # 46 (Reduce borrowing to \$7,471.08 on this project)

	<u>Unexpended Amount</u>
Art. 6, June 2010 ATM, Replace Trucks (5 & 6)and Sanders(6 & 8) - CIP #24	35.15
Art. 6, May 2007 ATM, New Underground Diesel Tank System - CIP #48	283.83
Art. 12, May 2006 ATM, Replace Fire Doors	383.57
Art. 9, October 2002 STM, Falls Pond Dam Reconstruction	20,397.00
Art. 13, October 2002 STM, Maple Street Sewer	15,080.15
Art. 6, April 1999 ATM, DPW Engineering - CIP Part 3. #7	1,428.67
Art. 14, April 1998 ATM, Sewer Mains - Eddy Street - CIP Part 3 #7	51,935.95

Art. 17, April 1998 ATM, Sewer Mains - EPA order # 96-24	26,904.41
Art. 36, October 1996 STM, WWTF Plan (Engineering Services)	3,222.00
Art. 46, October 1995 STM, Bayberry Street Sewer Mains	59,177.69
	\$178,848.42

To offset expenditures for St. Marks Pond Dam Rehab. - CIP #20 (Reduce borrowing to \$ 51,651.58 on this project)

Net amount to be Authorized for Borrowing \$ 3,552,186.66

And (ii) the Treasurer, with the approval of the Board of Selectmen is hereby authorized to borrow the sum of \$3,552,186.66 under and pursuant to the statutes cited above, or any other enabling authority, and issue bonds or notes of the town therefore; and that the requested sum of \$3,827,564.00 be expended by the Town Board/Official listed, unless expended by the Municipal building committee, for projects costs.

FINANCE COMMITTEE REASON: The Committee feels that these items are necessary.

By a unanimous vote the RTM members approved the Finance Committee’s Recommendation for Part 3.

PART 4: STATE AND/OR FEDERAL GRANTS

To authorize any of the above named boards, commissions, committees or departments to apply for, accept and expend any state or federal grants that are or may become available for these purposes, under the provisions of Town By-Laws where applicable.

FINANCE COMMITTEE VOTE: 5-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to authorize any of the above named boards, commissions, committees or departments to apply for, accept and expend any state or federal grants that are or may become available for these purposes, under the provisions of Town By-Laws where applicable.

FINANCE COMMITTEE REASON: Town meeting must authorize grant applications annually.

By a majority vote the RTM members approved the Finance Committee’s Recommendation for Part 4.

ARTICLE 7 CREATE 53RD WEEK RESERVE ACCOUNT

BOARD OF SELECTMEN

To see if the Town will vote to appropriate the sum of \$89,092.00 to be accrued for fiscal year 2013 and 2014 to pay the Salary and Wages calculated for the next 53rd pay week and to determine how said sum shall be raised whether by taxation transfer from available funds or otherwise.

PURPOSE AND JUSTIFICATION: The Town Accountant has proposed a “53rd Week Salary Reserve Account” be established to accrue funds needed to meet the obligations of the Town for salary and wage calculations in excess of the normal 52 week pay periods budgeted annually.

FINANCE COMMITTEE VOTE: 5-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$89,092.00 to be accrued for fiscal year 2013 and 2014 to pay the Salary and Wages calculated for the next 53rd pay week. Said sum shall be raised through taxation.

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 FIREFIGHTER’S CONTRACT

HUMAN RESOURCES

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.

PURPOSE AND JUSTIFICATION: To fund contract effective July 1, 2011

FINANCE COMMITTEE VOTE: 5-0

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 9 "PTS" INCREASES

HUMAN RESOURCES

To see if the Town will vote to appropriate a sum of money to supplement the budgets of various departments for the salary increases for personnel under the Personnel By-laws, "PTS" Classification, to amend the "PTS" wage and salary scale by the percentage increase approved by the Town Meeting, and to determine how said appropriation shall be raised, whether by taxation, transfer from available funds or otherwise.

PURPOSE AND JUSTIFICATION: To provide funds to allow an increase for the Part-time and Seasonal Employees, effective July 1, 2013.

FINANCE COMMITTEE VOTE: 5-0

MAJORITY VOTE

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

FINANCE COMMITTEE REASON: At the time of voting there were no increases budgeted.

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

ARTICLE 10 CHAPTER 90 AUTHORIZATION

BOARD OF PUBLIC WORKS

To see if the Town will vote to authorize the Board of Public Works to accept and enter into a contract for the expenditure of any allocated or to be allocated funds by the Commonwealth and/or County for the construction, reconstruction and improvements of Town roads. Said sum of money to be expended under the direction of the Board of Public Works.

PURPOSE AND JUSTIFICATION: This article is a requirement of the Commonwealth of Massachusetts for the Town of North Attleborough to accept state funding, including Chapter 90 Program Funding for maintenance of accepted roadways.

FINANCE COMMITTEE VOTE: 5-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to authorize the Board of Public Works to accept and enter into a contract for the expenditure of any allocated or to be allocated funds by the Commonwealth and/or County for the construction, reconstruction and improvements of Town roads. Said sum of money to be expended under the direction of the Board of Public Works.

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 RE-AUTHORIZATION OF 53E ½ REVOLVING ACCOUNTS

TOWN ACCOUNTANT

To see if the Town will vote to reauthorize Revolving Funds for certain Town Departments under M.G.L. Chapter 44, § 53E1/2 for the Fiscal Year beginning July 1, 2013

<u>Revolving Account</u>	<u>Spending Authority</u>	<u>Revenue Source</u>	<u>Allowed Expenses</u>	<u>Expenditure Limits</u>
E-Rate Fund	School Committee	E-Rate Funds	To be help schools improve and expand telecommunications and technology, including training for staff and students.	\$40,000
Fire Alarm Fund	Fire Department	Fire Alarm Fees	To be used to purchase, support and maintain all communication supplies and	\$50,000

WWII Memorial Pool Fees Fund	Park Commissioners	Swimming pool program fees	services related to the fire alarm service/operation To be used to support the operating expenses and programs of the WWII Memorial Pool	\$50,000
Gas Inspections Fund	Inspections	75% of Gas Inspection Fees	To be used to pay the inspectors performing these Gas Inspections	\$50,000
Plumbing Inspections Fund	Inspections	75% of Plumbing Inspection Fees	To be used to pay the inspectors performing these Plumbing Inspections	\$60,000
Electrical Inspections Fund	Inspections	75% of Electrical Inspection Fees	To be used to pay the inspectors performing these Electrical Inspections	\$120,000
Clinic Receipts Fund	Board of Health	Clinic related receipts from the provisions of Public health services to citizens	To be used for payment of costs directly related to the performance of said clinic	\$10,000

PURPOSE AND JUSTIFICATION: Revolving Funds authorized under this chapter and section of the law need to be re-authorized each year.

FINANCE COMMITTEE VOTE: 5-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to reauthorize the Revolving Funds for Town Departments shown below under M.G.L. Chapter 44, § 53E1/2 for the Fiscal Year beginning July 1, 2013.

<u>Revolving Account</u>	<u>Spending Authority</u>	<u>Revenue Source</u>	<u>Allowed Expenses</u>	<u>Expenditure Limits</u>
E-Rate Fund	School Committee	E-Rate Funds	To be used to help the schools and expand telecommunications and technology, including training for staff and students.	\$40,000
Fire Alarm Fund	Fire Department	Fire Alarm Fees	To be used to purchase, support and maintain all communication supplies and services related to the fire alarm service/operation	\$50,000
WWII Memorial Pool Fees Fund	Park Commissioners	Swimming Pool Program Fees	To be used to support the operating expenses & Programs of the WWII Memorial Pool	\$50,000
Gas Inspections Fund	Inspections	75% of Gas Inspection Fees	To be used to pay the inspectors performing these Gas Inspections	\$50,000
Plumbing Inspections Fund	Inspections	75% of Plumbing Inspection Fees	To be used to pay the inspectors performing these Plumbing Inspections	\$60,000

Electrical Inspections Fund	Inspections	75% of Electrical Inspection Fees	To be used to pay the inspectors performing these Electrical Inspections	\$120,000
Clinic Receipts Fund	Board of Health	Clinic related receipts from the provisions of Public health services to citizens	To be used for payment of costs directly related to the performance of said clinic	\$10,000

Total expenditures for all approved 53E ½ Accounts shall not exceed \$380,000.00.

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

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

ARTICLE 12 ADDITIONAL 100% EXEMPTION

BOARD OF ASSESSORS

To see if the Town will vote to accept Massachusetts General Laws Section 4 of Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988 which allows an additional real estate tax exemption of one hundred percent (100%) of said exemption under Clauses 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 41C of Section 5 of Chapter 59 of the Massachusetts General Laws.

PURPOSE AND JUSTIFICATION: Passage of this article will return qualified property owners a tax exemption that compensates for the effects of inflation, since the exemptions were initially established.

FINANCE COMMITTEE VOTE: 4-0-1

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to accept Massachusetts General Laws Section 4 of Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988 which allows an additional real estate tax exemption of one hundred percent (100%) of said exemption under Clauses 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 41C of Section 5 of Chapter 59 of the Massachusetts General Laws.

FINANCE COMMITTEE REASON:

Paul Follett (P5) & Charles Beale (P9) abstained from voting on Article 12.

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 Article 13 & 14.

May 17, 2013

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

Re: Articles Pertaining to Proposed Amendments to the North Attleborough Zoning By-Laws and Zoning By Laws Map, Scheduled for the June 3, 2013 Annual Town Meeting and June 3, 2013 Special Town Meeting.

Dear Ms. Kohl:

At their meeting held on Thursday, May 16, 2013, the Planning Board voted as follows on Articles No. 13 and 14 of the June 3, 2013 Annual Town Meeting Warrant to see if the Town will vote to approve proposed amendments to the North Attleborough Zoning By-Laws:

Article No. 13: *The Board voted unanimously (3-0) to recommend that this article be approved. Note: Three scrivener’s error has been detected within said Article No. 13. Accordingly, the Planning Board respectfully requests that said Article No. 13 be approved with the following corrections:*

- Under Section H. Site Plan Reviews, 2. Applicability, after Subsection E. (remove the number 3- Before the words “There are hereby established three (3) levels of site plan review”).

Article No. 14: The Board voted unanimously (3-0) to recommend that this article be approved. Note: Two scrivener’s errors have been detected within said Article No. 14. Accordingly, the Planning Board respectfully requests that said Article No. 14 be approved with the following corrections:

- 3.4.1. Any land within the (remove the words “~~Residential Homestead~~” and replace with the words “Environmentally Friendly Open Space Design Development”)
- 6. Contents of a Special Permit Application for (remove the words “~~a Residential Homestead.~~” and replace with the words “an Environmentally Friendly Open Space Design Development.”)

June 3, 2013 ATM and June 3, 2013 STM Articles.

May 17, 2013

Page 2

- Under Section H. Site Plan Reviews, 4. Design Standards, B. Traffic Impact Assessment, Subsection (2) (a), replace the word ~~more~~ with the word “more” before the words “vehicle trips per day”.
- Under Section H. Site Plan Reviews, 4. Design Standards, B. Traffic Impact Assessment, Subsection (3)(b), delete the word ~~Major~~ after the words “items required for” and before the words “Site Plans and Major Site Plan Special Permits”.

At their meeting held on Thursday, May 16, 2013. the Planning Board voted as follows on Article No. 8 of the June 3, 2013 Special Town Meeting Warrant to see if the Town will vote to approve proposed amendments to the North Attleborough Zoning By-Laws Map:

- **Article 8:** The Board voted unanimously (3-0) to recommend that this article be approved as submitted.

Thank you for your consideration.

Respectfully Submitted,
 Mary E. Burgess
 Town Planner
 Cc: Finance Committee

Bart Steele (P7) made a motion waive read the Finance recommendations for Articles 13 & 14 out loud.

Motion Seconded.
Motion Carried.

Town Planner, Mary Burgess, reported that all scriveners’ errors identified by the Planning Board’s letter have been corrected in the Finance Committee’s printed Recommendation.

ARTICLE 13 SITE PLAN REVIEW BY-LAW

PLANNING BOARD

To see if the Town will vote to amend the North Attleborough Zoning By-Laws, by removing Section VI.H. in its entirety and replacing it with the following:

H. Site Plan Reviews

1. Purpose

In order to ensure proper provisions for stormwater management, safe vehicular and pedestrian access, fire safety, compliance with the requirements of the zoning bylaw for adequate parking and loading areas, signs, open space, buffers,

screening, landscaping, waste and snow removal; to insure adequate consideration of potential impacts on abutting land owners; and to provide for the review of plans for structures and/or developments which by virtue of their size, location, and/or use may have a significant impact on the environment, traffic patterns or utilities of the town, the submission of a Site Plan to the Planning Board for review and approval shall be required.

2. Applicability

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

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

There are hereby established three (3) levels of site plan review.

Level 1: Minor Site Plan Review

An application for Minor Site Plan Review shall be accepted for review by the Planning Board in the following instances provided that the proposed use is allowed by right:

- (a). The proposed building or addition has a gross floor area of not more than two thousand five hundred (2,500) square feet and would result in the creation of not more than five (5) new parking spaces; or
- (b). A proposed increase in current parking lot capacity of not more than ten percent (10%) and the proposed area of land disturbance on the property is not more than 5,000 sf.

Level 2: Site Plan Review

Any proposed development that exceeds the thresholds established for Minor Site Plan Review or does not exceed the thresholds requiring Major Site Plan Special Permit Review shall be considered a Site Plan for the purpose of this Section.

Level 3: Major Site Plan Special Permit Review

All proposed developments that exceed one or more of the following review thresholds shall require the Planning Board to issue a Special Permit for the approval of the Site Plan whether or not the proposed use is allowed by right. However, Planned Business Development reviewed under Section VI N. of the Bylaw shall not require Site Plan Special Permit review.

- (a) The number of new parking spaces proposed is greater than 50 spaces
- (b) The gross floor area of the proposed building is greater than 10,000 sf
- (c) The projected new traffic volume is greater than either 100 peak-hour vehicle trips or 1,000 vehicle trips per day according to the current edition of the Institute of Traffic Engineers (ITE) Trip Generation Manual and inclusive of pass-by and diverted linked trips.
- (d) Any project requiring the preparation of a Development Impact Statement in accordance with Section VI. M. of the Zoning Bylaw.

3. Submission and Plan Requirements

a. Any person desiring review of a site plan under this Section shall submit three (3) full size plans (minimum of 24" x 36") copies and seven (7) 11"x17" reduced copies of the plan at a scale not to exceed 1"=40' along with a detailed Project Narrative describing the existing and proposed conditions, three (3) copies of a Stormwater Management Report and Traffic Impact Analysis, if applicable, and two copies of the Form O application directly to the Planning Board after receiving a dated receipt for the filing of the plans with the Town Clerk within the same day.

b. The Planning Board may request the assistance of outside consultants during their review of a Site Plan or a Major Site Plan Special Permit consistent with the peer review procedures and guidelines under the provisions of M.G.L. c.44, 53G. At the time of the filing of an application for site plan review, the Planning Board shall determine if an outside consultant(s) is to be retained and if required will establish the review fee to be submitted by the Applicant to the Town for this purpose.

c. As part of the submission of a Minor Site Plan for review the Applicant shall prepare a project summary that accurately describes the nature, scale, and the general physical and operational relationship of the proposed project to the surrounding area, along with additional information the Applicant may deem pertinent. A conceptual design or layout shall accompany the project description. The plans need not be prepared by a Registered Professional but shall be drawn to an appropriate scale and include any applicable items in Section H.3. Level 1 As part of the project description the Applicant may request waivers from the submission of any of the required items that they believe are not applicable to the proposed activity. However, the Planning Board reserves the right after review of a Minor Site Plan to determine, based on conditions specific to the site, that the plan be processed as a Site Plan for the purposes of providing additional information including the preparation of the plan by an appropriately Registered Professional.

d. Site Plans and Major Site Plan Special Permit plans submitted to the Planning Board shall be prepared by a Professional Civil Engineer, Professional Land Surveyor and Landscape Architect as applicable registered in the Commonwealth of Massachusetts and provide at a minimum the following information in the plan set:

- (1) Name of the Applicant and the lot owner.
- (2) Assessor's plat and lot number.
- (3) Book and page number of the current deed as recorded in Bristol County North Registry of Deeds.
- (4) Zoning District, overlay zones and proposed use of the site.
- (5) An Existing Conditions Plan.
- (6) Dimensions of the lot and proposed building setbacks from each lot line.
- (7) Scale of plan.
- (8) Locus plan of the area showing the specific site at a scale of 1"=2,000'.
- (9) Location of existing and proposed structures including dimensions, total area, number of stories, and ground elevation at building corners.
- (10) Dimensions of parking spaces, loading areas, driveway openings, driveways, service areas and other open uses.
- (11) Delineation of a vegetation clearing/limit of work line.
- (12) A landscape design for the site including dimensions and details of sidewalks, fences, walls and planting areas.
- (13) All facilities for water, sewage disposal, refuse, snow removal and other waste disposal areas.
- (14) A stormwater management design including but not limited to: catch basins, drain manholes, pipes, paved waterways, drywells, rip rap, retention and detention storage areas.
- (15) All existing and proposed topographic contours at two (2) foot intervals.
- (16) All wetlands, flood plains, waterways and rock outcroppings.
- (17) Location, dimensions, and purpose of any easements.
- (18) All curbs, granite bounds, and pertinent roadway data including but not limited to the following: length, bearing, radii, tangent distances, and central angles to determine the exact location, direction, and length of every street and way line, lot line, and boundary line; and to establish these lines on the ground.
- (19) Location of all signs and pavement markings.
- (20) Zoning Table showing compliance with the requirements of Intensity Schedule A.
- (21) Proposed location(s) of accessory buildings or exterior storage.
- (22) Names and location of all existing abutters indicating limits of contiguous boundaries and including the owners of land separated from the site by a street.
- (23) A photometric lighting plan illustrating a 20' splash over which ends at the property line.
- (24) Details suitable for construction of the various elements of the site plan.

Waivers of the applicable requirements may be requested for all three levels of this By-Law.

All waiver requests must be on the coversheet of the plans and in the accompanying narrative as required in H.3.a.

4. Design Standards

A. Stormwater Management and Erosion Control

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

- (1) Permit unimpeded flow of all natural water-courses.

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

B. Traffic Impact Assessment

(1) The preparation of a Traffic Impact Assessment is not required for the review of a Minor Site Plan. However, the Applicant shall demonstrate that adequate lines of sight are provided to and from driveways and access points serving the property based on the posted or prevailing speed of traffic on the intersecting roadway, whichever is greater, in accordance with the sight distance standards of the American Association of State Highway and Transportation Officials (AASHTO) for roadways and intersections.

(2) A Traffic Impact Assessment shall be required for Major Site Plans and for Major Site Plan Special Permit Plans provided that one or more of the following thresholds is exceeded:

(a) The project will generate 100 or more peak-hour vehicle trips or 1,000 or more vehicle trips per day based on the latest edition of the Institute of Transportation Engineer's (ITE's) Trip Generation Manual and inclusive of pass-by and diverted linked trips.

(b) The project will result in the creation of 100 or more new parking spaces.

(3) When a Traffic Impact Assessment is required, it shall be prepared by or under the direction of a Professional Engineer duly Registered in the Commonwealth of Massachusetts with demonstrated experience in the areas of Traffic Engineering and/or Transportation Planning. The Traffic Impact Assessment shall bear the stamp or seal of the Professional Engineer in responsible charge for the preparation of said document. The scope of any required Traffic Impact Assessment shall be based on the level of site plan review as follows:

(a) Site Plans and Major Site Plan Special Permits where the exceeded threshold is not traffic related shall include sufficient analyses to demonstrate the following:

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

(b) Major Site Plan Special Permits where the exceeded threshold is traffic related shall include a Traffic Impact Assessment prepared in accordance with the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs (EEA)/MassDOT Guidelines for Environmental Impact Report/Environmental Impact Statement Traffic Impact Assessments (TIAs) and the standards of the Traffic Engineering and Transportation Planning professions for the preparation of such reports. The Traffic Impact Assessment shall also include the items required for Major Site Plans and Major Site Plan Special Permits where the exceeded threshold is not traffic related (3 (a)).

C. Parking Requirements

Refer to Section VI. A. of this Zoning Bylaw for Off-street Parking and Loading requirements.

Plans that employ LID techniques may reduce parking space dimensions to 9' x 18' and the number of parking spaces reduced as determined by the Planning Board as part of Site Plan Review. (Must amend Parking standards in Zoning Bylaw and put waiver option under parking regulations)

D. Lighting

A photometric lighting plan showing the location, height, direction, and intensity of existing and proposed external light fixtures shall be submitted with all applications for Site Plan Review.

The plan shall show the intensity of illumination at ground level, expressed in foot-candles and the means employed to prevent glare, the trespass of light onto adjoining properties or streets and diminish the illumination of the night sky.

E. Landscaping

A landscape design shall be provided for all site plans submitted for review. The plans may be prepared by a landscape designer or landscape contractor. However, for Level 2 and 3 (Special Permits) the design shall be prepared by a Registered Landscape Architect. Landscaping of site plans shall be provided as a minimum in accordance with Section VI. N. 9. whether or not the proposed project is a Planned Business Development. Additional landscaping is encouraged to enhance development of the site commensurate with the intensity of the proposed use.

5. Review Criteria

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

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

6. Plan Review and Approval Process

a. The Planning Board shall act on submitted site plan applications within 45 days after the plan is filed with the Town Clerk; unless a special permit is required from the Planning Board, or when a Board of Appeals determination is required.

b. The Planning Board shall within 45 days after the plan is filed with the Town Clerk review and recommend approval, approval with conditions or denial of a site plan which requires Zoning Board of Appeals determination.

c. When a project requires Site Plan Review and a Special Permit from the Planning Board as the Special Permit Granting Authority, both reviews shall be conducted simultaneously in order to expedite the review process. The Planning Board shall take final action relative to both the review of the Site Plan and the Special Permit application within the time frame established for action on a Special Permit as provided for in Chapter 40 A, the Zoning Act.

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

e. Failure of the Planning Board to act on the site plan within the established time frame shall be deemed approval. However, the Applicant may request an extension of the time period for the purpose of revising a site plan or to provide additional information. For Level 3 Special Permits the hearing shall be opened within 65 days of the submission of the application to the Town Clerk and the decision shall be filed within 90 days of the closing of the public hearing.

f. Action on the review, approval or denial of a site plan for projects allowed as of right may be appealed to the Court of compliant jurisdiction. Site plan actions as part of a Special Permit may be appealed as provided for in Chapter 40 A, the Zoning Act within 20 days of the decision being submitted to the Town Clerk.

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

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

i. A site plan that has been approved shall obtain a building permit within one (1) year thereof, or the site plan approval shall be rendered null and void. An applicant receiving approval for a site plan for which a Special Permit has also been issued shall obtain a building permit within two (2) years of said site plan approval, or the site plan approval shall be rendered null and void.

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

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

PURPOSE AND JUSTIFICATION: To replace the existing Site Plan Review By-Law with a new version that encompasses all aspects of the site including Stormwater and Traffic reviews. This will also help the Town maintain a structured drainage system as set forth by the Department of Environmental Protection Stormwater Regulations and to promote vehicular and pedestrian traffic on and off the proposed site.

FINANCE COMMITTEE VOTE: 7-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the North Attleborough Zoning By-Laws, by removing Section VI.H. in its entirety and replacing it with the following:

H. Site Plan Reviews

1. Purpose

In order to ensure proper provisions for stormwater management, safe vehicular and pedestrian access, fire safety, compliance with the requirements of the zoning bylaw for adequate parking and loading areas, signs, open space, buffers, screening, landscaping, waste and snow removal; to insure adequate consideration of potential impacts on abutting land owners; and to provide for the review of plans for structures and/or developments which by virtue of their size, location, and/or use may have a significant impact on the environment, traffic patterns or utilities of the town, the submission of a Site Plan to the Planning Board for review and approval shall be required.

2. Applicability

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

A. New construction of a non-residential use; or

B. The construction, reconstruction, expansion or substantial alteration or improvement of an existing non-residential use or non-conforming use that results in a change or substantially Different use as listed in Schedule B of this By-law; or

- C. Any residential use exceeding two dwelling units, with the exception of residential dwellings on lots within an approved subdivision plan; or
- D. The construction or creation of any new parking lot or the expansion or redesign of an existing parking lot; or
- E. Creation of any outdoor storage areas for vehicles, machinery, stock in trade or supplies; or the expansion of an existing area unless determined by the Planning Board to be of minimal size or impact.

There are hereby established three (3) levels of site plan review.

Level 1: Minor Site Plan Review

An application for Minor Site Plan Review shall be accepted for review by the Planning Board in the following instances provided that the proposed use is allowed by right:

- (a). The proposed building or addition has a gross floor area of not more than two thousand five hundred (2,500) square feet and would result in the creation of not more than five (5) new parking spaces; or
- (b). A proposed increase in current parking lot capacity of not more than ten percent (10%) and the proposed area of land disturbance on the property is not more than 5,000 sf.

Level 2: Site Plan Review

Any proposed development that exceeds the thresholds established for Minor Site Plan Review or does not exceed the thresholds requiring Major Site Plan Special Permit Review shall be considered a Site Plan for the purpose of this Section.

Level 3: Major Site Plan Special Permit Review

All proposed developments that exceed one or more of the following review thresholds shall require the Planning Board to issue a Special Permit for the approval of the Site Plan whether or not the proposed use is allowed by right. However, Planned Business Development reviewed under Section VI N. of the Bylaw shall not require Site Plan Special Permit review.

- (a) The number of new parking spaces proposed is greater than 50 spaces
- (b) The gross floor area of the proposed building is greater than 10,000 sf
- (c) The projected new traffic volume is greater than either 100 peak-hour vehicle trips or 1,000 vehicle trips per day according to the current edition of the Institute of Traffic Engineers (ITE) Trip Generation Manual and inclusive of pass-by and diverted linked trips.
- (d) Any project requiring the preparation of a Development Impact Statement in accordance with Section VI. M. of the Zoning Bylaw.

3. Submission and Plan Requirements

a. Any person desiring review of a site plan under this Section shall submit three (3) full size plans (minimum of 24" x 36") copies and seven (7) 11"x17" reduced copies of the plan at a scale not to exceed 1"=40' along with a detailed Project Narrative describing the existing and proposed conditions, three (3) copies of a Stormwater Management Report and Traffic Impact Analysis, if applicable, and two copies of the Form O application directly to the Planning Board after receiving a dated receipt for the filing of the plans with the Town Clerk within the same day.

b. The Planning Board may request the assistance of outside consultants during their review of a Site Plan or a Major Site Plan Special Permit consistent with the peer review procedures and guidelines under the provisions of M.G.L. c.44, 53G. At the time of the filing of an application for site plan review, the Planning Board shall determine if an outside consultant(s) is to be retained and if required will establish the review fee to be submitted by the Applicant to the Town for this purpose.

c. As part of the submission of a Minor Site Plan for review the Applicant shall prepare a project summary that accurately describes the nature, scale, and the general physical and operational relationship of the proposed project to the surrounding area, along with additional information the Applicant may deem pertinent. A conceptual design or layout shall accompany the project description. The plans need not be prepared by a Registered Professional but shall be drawn to an appropriate scale and include any applicable items in Section H.3. Level 1 As part of the project description the Applicant may request waivers from the submission of any of the required items that they believe are not applicable to the proposed activity. However, the Planning Board reserves the right after review of a Minor Site

Plan to determine, based on conditions specific to the site, that the plan be processed as a Site Plan for the purposes of providing additional information including the preparation of the plan by an appropriately Registered Professional.

d. Site Plans and Major Site Plan Special Permit plans submitted to the Planning Board shall be prepared by a Professional Civil Engineer, Professional Land Surveyor and Landscape Architect as applicable registered in the Commonwealth of Massachusetts and provide at a minimum the following information in the plan set:

- (1) Name of the Applicant and the lot owner.
- (2) Assessor's plat and lot number.
- (3) Book and page number of the current deed as recorded in Bristol County North Registry of Deeds.
- (4) Zoning District, overlay zones and proposed use of the site.
- (5) An Existing Conditions Plan.
- (6) Dimensions of the lot and proposed building setbacks from each lot line.
- (7) Scale of plan.
- (8) Locus plan of the area showing the specific site at a scale of 1"=2,000'.
- (9) Location of existing and proposed structures including dimensions, total area, number of stories, and ground elevation at building corners.
- (10) Dimensions of parking spaces, loading areas, driveway openings, driveways, service areas and other open uses.
- (11) Delineation of a vegetation clearing/limit of work line.
- (12) A landscape design for the site including dimensions and details of sidewalks, fences, walls and planting areas.
- (13) All facilities for water, sewage disposal, refuse, snow removal and other waste disposal areas.
- (14) A stormwater management design including but not limited to: catch basins, drain manholes, pipes, paved waterways, drywells, rip rap, retention and detention storage areas.
- (15) All existing and proposed topographic contours at two (2) foot intervals.
- (16) All wetlands, flood plains, waterways and rock outcroppings.
- (17) Location, dimensions, and purpose of any easements.
- (18) All curbs, granite bounds, and pertinent roadway data including but not limited to the following: length, bearing, radii, tangent distances, and central angles to determine the exact location, direction, and length of every street and way line, lot line, and boundary line; and to establish these lines on the ground.
- (19) Location of all signs and pavement markings.
- (20) Zoning Table showing compliance with the requirements of Intensity Schedule A.
- (21) Proposed location(s) of accessory buildings or exterior storage.
- (22) Names and location of all existing abutters indicating limits of contiguous boundaries and including the owners of land separated from the site by a street.
- (23) A photometric lighting plan illustrating a 20' splash over which ends at the property line.
- (24) Details suitable for construction of the various elements of the site plan.

Waivers of the applicable requirements may be requested for all three levels of this By-Law.

All waiver requests must be on the coversheet of the plans and in the accompanying narrative as required in H.3.a.

4. Design Standards

A. Stormwater Management and Erosion Control

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

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

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

B. Traffic Impact Assessment

(1) The preparation of a Traffic Impact Assessment is not required for the review of a Minor Site Plan. However, the Applicant shall demonstrate that adequate lines of sight are provided to and from driveways and access points serving the property based on the posted or prevailing speed of traffic on the intersecting roadway, whichever is greater, in accordance with the sight distance standards of the American Association of State Highway and Transportation Officials (AASHTO) for roadways and intersections.

(2) A Traffic Impact Assessment shall be required for Major Site Plans and for Major Site Plan Special Permit Plans provided that one or more of the following thresholds is exceeded:

(a) The project will generate 100 or more peak-hour vehicle trips or 1,000 or more vehicle trips per day based on the latest edition of the Institute of Transportation Engineer's (ITE's) Trip Generation Manual and inclusive of pass-by and diverted linked trips.

(b) The project will result in the creation of 100 or more new parking spaces.

(3) When a Traffic Impact Assessment is required, it shall be prepared by or under the direction of a Professional Engineer duly Registered in the Commonwealth of Massachusetts with demonstrated experience in the areas of Traffic Engineering and/or Transportation Planning. The Traffic Impact Assessment shall bear the stamp or seal of the Professional Engineer in responsible charge for the preparation of said document..The scope of any required Traffic Impact Assessment shall be based on the level of site plan review as follows:

(a) Site Plans and Major Site Plan Special Permits where the exceeded threshold is not traffic related shall include sufficient analyses to demonstrate the following:

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

(b) Major Site Plan Special Permits where the exceeded threshold is traffic related shall include a Traffic Impact Assessment prepared in accordance with the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs (EEA)/MassDOT Guidelines for Environmental Impact Report/Environmental Impact Statement Traffic Impact Assessments (TIAs) and the standards of the Traffic Engineering and Transportation Planning professions for the preparation of such reports. The Traffic Impact Assessment shall also include the items required for Site Plans and Major Site Plan Special Permits where the exceeded threshold is not traffic related (3 (a)).

C. Parking Requirements

Refer to Section VI. A. of this Zoning Bylaw for Off-street Parking and Loading requirements.

Plans that employ LID techniques may reduce parking space dimensions to 9' x 18' and the number of parking spaces reduced as determined by the Planning Board as part of Site Plan Review. (Must amend Parking standards in Zoning Bylaw and put waiver option under parking regulations)

D. Lighting

A photometric lighting plan showing the location, height, direction, and intensity of existing and proposed external light fixtures shall be submitted with all applications for Site Plan Review.

The plan shall show the intensity of illumination at ground level, expressed in foot-candles and the means employed to prevent glare, the trespass of light onto adjoining properties or streets and diminish the illumination of the night sky.

E. Landscaping

A landscape design shall be provided for all site plans submitted for review. The plans may be prepared by a landscape designer or landscape contractor. However, for Level 2 and 3 (Special Permits) the design shall be prepared by a Registered Landscape Architect. Landscaping of site plans shall be provided as a minimum in accordance with Section VI. N. 9. whether or not the proposed project is a Planned Business Development. Additional landscaping is encouraged to enhance development of the site commensurate with the intensity of the proposed use.

5. Review Criteria

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

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

6. Plan Review and Approval Process

a. The Planning Board shall act on submitted site plan applications within 45 days after the plan is filed with the Town Clerk; unless a special permit is required from the Planning Board, or when a Board of Appeals determination is required.

b. The Planning Board shall within 45 days after the plan is filed with the Town Clerk review and recommend approval, approval with conditions or denial of a site plan which requires Zoning Board of Appeals determination.

c. When a project requires Site Plan Review and a Special Permit from the Planning Board as the Special Permit Granting Authority, both reviews shall be conducted simultaneously in order to expedite the review process. The Planning Board shall take final action relative to both the review of the Site Plan and the Special Permit application within the time frame established for action on a Special Permit as provided for in Chapter 40 A, the Zoning Act.

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

e. Failure of the Planning Board to act on the site plan within the established time frame shall be deemed approval. However, the Applicant may request an extension of the time period for the purpose of revising a site plan or to provide additional information. For Level 3 Special Permits the hearing shall be opened within 65 days of the submission of the application to the Town Clerk and the decision shall be filed within 90 days of the closing of the public hearing.

f. Action on the review, approval or denial of a site plan for projects allowed as of right may be appealed to the Court of compliant jurisdiction. Site plan actions as part of a Special Permit may be appealed as provided for in Chapter 40 A, the Zoning Act within 20 days of the decision being submitted to the Town Clerk.

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

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

i. A site plan that has been approved shall obtain a building permit within one (1) year thereof, or the site plan approval shall be rendered null and void. An applicant receiving approval for a site plan for which a Special Permit has also been issued shall obtain a building permit within two (2) years of said site plan approval, or the site plan approval shall be rendered null and void.

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

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

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

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

**ARTICLE 14 ENVIRONMENTALLY FRIENDLY OPEN SPACE DESIGN
DEVELOPMENT**

PLANNING BOARD

To see if the Town will vote to amend the Zoning By-Laws Section VI: Supplement Regulations to add the following:

R – ENVIRONMENTALLY FRIENDLY OPEN SPACE DESIGN (EFOSD)

1. Purpose
2. Standards
3. Requirements
 - 3.1 Minimum Dimensions
 - 3.2 Access
 - 3.3 Design Standards
 - 3.4 Open Space
4. Limitations
5. Application Process
6. Application Contents
7. Special Permit Decision
8. Special Permit Amendment

9. Waivers

10. Master Site Plan

Proposed By-Law VI.R – Environmentally Friendly Open Space Design (EFOSD)

Special Permit Granting Authority (SPGA)

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

1. Purpose.

- 1.1. To govern the use of land within the R-20 and R-40 Residential Districts into not more than five (5) demise parcels,
- 1.2. To allow low density residential development as an alternative to conventional subdivision,
- 1.3. To promote land conservation and preserve the rural character of the Town,
- 1.4. To eliminate Town costs and maintenance responsibility for roadways, lighting and future repairs.

2. Standards. An EFOSD shall only be authorized under a Special Permit granted by the Special Permit Granting Authority, and approval pursuant to MGL Ch 41, Sec 81K-81GG shall be required.

- 2.1. A group of not more than five (5) and not less than two (2) demise parcels for development of single family homes sharing common frontage and a private access drive/common drive may be allowed by SPGA in the R-20 and R-40 Residential Districts. The total number of demise parcels shall not be more than the number of lots allowed in a conventional subdivision of the land, but in no case greater than five (5) demise parcels off of a single private access drive.
- 2.2. An Environmentally Friendly Open Space Design may be permitted on a single tract of land under single ownership, or on several contiguous lots under multiple ownerships which must be combined into one single ownership at the time of submission of a building permit application, having a minimum frontage of forty (40) feet on an existing public way and a minimum lot area of six (6) acres.
- 2.3. The SPGA reserves the right to waive/reduce the following standards in exchange for the required reduction in density within the EFOSD: underground utilities; pavement widths; turn around and driveway centerline radii and construction; berms; and drainage.
- 2.4. The Planning Board shall consider recommendations from the Board of Health, Conservation Commission, Department of Public Works, Electric Department, Police Chief, Fire Chief, the Highway Superintendent, and Peer Review Engineer in their decision making process.
- 2.5. Each EFOSD shall include two (2) fire hydrants, including but not limited to a dry hydrant, fire cistern, or a fire hydrant, where the development is serviced by municipal water, pursuant to the Water Department requirements. Where no municipal water service is available, a “dry hydrant” or similar system should be investigated. A fire hydrant and supporting appurtenances, including but not limited to the water main, shall be owned and maintained by the Town within a utility easement.
- 2.6. Municipal gravity sewer service (if connection within 900’ of the common driveway entrance is available) shall be provided in accordance with sewer department requirements.
- 2.7. Electric service shall be provided below ground in accordance with NAED requirements.
- 2.8. Natural gas service (if available) shall be installed in accordance with utility provider requirements.

- 2.9. All utilities, including hydrant and supporting appurtenances, water main, and any sewer, electric, or gas line appurtenances, shall be owned and maintained by the Town, or service providers within a utility easement a minimum thirty (30) feet in width. Greater width may be required based on utility separation requirements or the needs of the utility provider.
3. Requirements.
- 3.1. Minimum Dimensions. No primary dwelling shall be closer than 60 feet from any other primary dwelling or public way and 50 feet from any exterior perimeter lot boundary line. Exclusive use area must be no more than 20,000 square feet per proposed demise parcel.
- 3.2. Access.
- 3.2.1. Definition. The private access drive/common drive is defined as that portion of the driveway that provides access to a maximum of five (5) individual parcels. The private access drive/common drive becomes a private access at the point at which it provides access to one (1) parcel. No future extension of the private access drive/common drive shall be permitted.
- 3.2.2. All private access drives/common drives shall be privately owned and all maintenance including snow removal, street lighting, repaving and similar activities, shall be the sole responsibility of the abutters to the private access drive/common drive. A deed restriction shall be placed in each deed out to ensure this condition and understanding.
- 3.3. Design Standards. Applicants must consider environmentally sensitive site design and low impact development techniques to manage stormwater. Incorporating a design that uses the land to filter and recharge the water back into the ground and also reduces the amount of paved areas is critical in creating sustainable development. Documentation used to create a trust or association of the owners of the dwelling units to own and maintain the private access drive/common drive is required. A restrictive covenant absolving the Town from present or future maintenance responsibilities for the private way, excluding any municipal water main(s), sewer, electric, or gas line(s) and supporting appurtenances which shall be owned and maintained by the Town or utility service provider within a utility easement, is required.
- 3.3.1. All private access drives/common drives shall be constructed in a manner ensuring reasonable and safe access for all vehicles including, but not limited to, emergency, fire and police vehicles. A safe means of a turnaround for emergency vehicles shall be provided at the end of the common drive.
- 3.3.2. Design. Common driveways shall be designed and built in accordance with the North Attleborough Department of Public Works construction standards to allow for the safe passage of all vehicles.
- 3.3.2.1. The common portion of the private access drive/common drive shall not exceed 900 feet in length.
- 3.3.2.2. The common drive shall be a minimum of twenty (20) feet wide, with a minimum three (3) foot maintained shoulders on each side.
- 3.3.2.3. Maximum driveway grade shall be ten (10) percent; minimum grade shall be one (1) percent. Grades at intersecting roadways shall not exceed three (3) percent for the first thirty (30) feet from the sideline of the intersecting edge of pavement.
- 3.3.2.4. The common drive shall be a paved surface. A minimum gravel base of twelve (12) inches shall be required. Gravel shall have no aggregate larger than six (6) inches. A three (3) inch dense graded

crushed stone layer shall be placed over the twelve (12) inch base, with two (2) inch bituminous concrete binder and one and one-half (1 ½) inch bituminous concrete wearing surface.

- 3.3.2.5. The driveway shall be paved from the edge of the existing Town road unless otherwise specified and approved by the SPGA.
 - 3.3.2.6. Culverts or water crossings must comply with Section 5.12.2, Drainage, in the North Attleborough Subdivision Rules and Regulations and any pertinent requirements of the Department of Public Works and Conservation Commission.
 - 3.3.2.7. Central mailboxes or cluster boxes approved by the Postmaster General must be provided for each common access drive and must include sufficient space for vehicular turnout for mail delivery and collection.
 - 3.3.2.8. Driveways to each residence shall have a lamp post installed at their intersection with the common access drive.
 - 3.3.2.9. Common Driveway design shall provide accommodation for safe pickup/drop-off of school students and busses as determined by the school department.
- 3.3.3. All common drives serving three (3) or more demise parcels shall install a permanent granite marker or equivalent, of minimal dimensions of five (5) feet in height from grade level, two (2) feet in width and seven (7) inches in depth, and shall be embedded at least 2.5 feet below grade level at the beginning of the common drive where it meets the public way. The granite marker or equivalent shall be engraved with a diagram of the driveways showing locations, driveway names and house numbers. The bottom edge of the diagram shall be at a minimum 30 inches above the finished grade. Should the common drive split, a permanent granite marker or equivalent complying to the above regulations, indicating which homes are located on either side of the split, must also be placed at the intersections.
- 3.3.4. The Common drive shall be inspected by the review engineer to ensure the use of the required materials and proper construction. Any cost for engineering inspections shall be borne by the applicant.
- 3.3.5. The common drive must be completed up to a point between the proposed house and the Town road, including drainage, paving and grading, and all identification markers must be installed prior to the issuance of a building permit.

3.4. Open Space.

- 3.4.1. Any land within the Residential Homestead not designated as a demise parcel, private access drive/common drive or driveway shall be designated as Active/Passive Open Space. Open Space land shall have a shape, dimension, character and location suitable for conservation, outdoor recreational facilities of a non-commercial use, agricultural, preservation of scenic or historic structures, parkland, and/or structures accessory to any of the above uses, including septic systems, storm water management measures, swimming pools, tennis courts, stables, greenhouses.
- 3.4.2. Provisions shall be made for recorded Open Space, retained in perpetuity, to be owned by:
 - 3.4.2.1. Owners of all the homes, in common, in the EFOSD;
 - 3.4.2.2. A trust or association of the owners of all the homes in the EFOSD;
 - 3.4.2.3. The North Attleborough Conservation Commission (if adjoining existing town owned conservation land) or,

3.4.2.4. Otherwise, as may be authorized by the Special Permit Granting Authority.

4. Limitation. No approved EFOSD issued by Special Permit under this Section may be further developed.
5. Application Process. An EFOSD Special Permit Application must be filed pursuant to Special Permit Application Process, Section VIII.I.8, except that the Planning Board shall be the SPGA for EFOSD Special Permits.
 - 5.1. A pre-application preliminary/concept plan review and hearing with the Planning Board is required for EFOSD Special Permit applications. Representatives from other municipal departments including Conservation, Public Works, Health, Electric, Fire and Police are requested to attend.
 - 5.2. Before acting on a Special Permit application, the Special Permit Granting Authority shall conduct a public hearing in accordance with the provisions of this By-Law.
6. Contents of a Special Permit Application for a Residential Homestead.
 - 6.1. The Applicant shall be required to submit a conventional preliminary subdivision-type plan depicting lot layout, total length of street layout to nearest existing throughway, including cul-de-sacs, and approximate delineation of any natural resources, if applicable.
 - 6.2. Documentation which shall be used to create and provide for ownership of Open Space.
 - 6.3. A copy of a restrictive covenant(s) which shall prohibit further development and absolve the Town from present or future maintenance responsibilities for the private way, excluding any municipal water main(s), sewer, electric, or gas line(s) and supporting appurtenances which shall be owned and maintained by the Town or utility service provider within a utility easement, is required.
7. Special Permit Decision.
 - 7.1. The burden of proof shall be upon the applicant in determining the allowable number of parcels. The SPGA reserves the right to challenge the status of any parcel.
 - 7.2. The SPGA may impose reasonable conditions, and/or safeguards that further the purpose of Section VI.Q.
 - 7.3. The SPGA may grant a Special Permit under Section VI.Q only if it finds that:
 - 7.3.1. The proposed EFOSD will be in harmony with this Section;
 - 7.3.2. That it will be of a benefit to the community;
 - 7.3.3. That it will utilize the site in a more environmentally suitable manner than a conventional subdivision plan for the site; and,
 - 7.3.4. That the number of parcels shown is not more than the number of lots allowed under a conventional subdivision plan.
 - 7.4. The Special Permit Decision shall include statements that:
 - 7.4.1. The land lies within an approved EFOSD;
 - 7.4.2. The development of the land is permitted only in accordance with the land uses indicated within;
 - 7.4.3. The Town will not accept or maintain the private access drive/common drive, drainage, or any other improvements within the EFOSD, excluding any municipal water main(s), sewer, electric, or gas line(s) and supporting appurtenances which shall be owned and maintained by the Town or service provider within a municipal utility easement; and,
 - 7.4.4. All deed restrictions with respect to ownership, use and maintenance, or permanent Open Space shall be referenced.

- 7.5. Recording of the Certificate of Approval, Conditions and Master Site Plan at the Bristol County Registry of Deeds that authorizes the construction of a way for an EFOSD shall be considered substantial use of the Special Permit granted under Section VI.R. The SPGA has the discretion to regulate the time to complete the common access drive (s) through the required covenant or by bonding.
- 7.6. Bonding requirements shall be pursuant to Section 4.9 Performance, in the North Attleborough Subdivision Rules and Regulations, or as determined by the SPGA.
- 7.7. The restrictive covenant regarding the private access drive/common drive shall be recorded at the Bristol County Registry of Deeds.
- 7.8. Copies of all recorded instruments must be filed with the Planning Board prior to the issuance of any building permit. No certificate of occupancy shall be issued by the Building Department until the SPGA has certified that the site has been constructed in accordance with the approved plan and that the required documentation is in place for the private way to be maintained as a private way.
- 7.9. Issuance of a Special Permit under this section does not preclude any additional required permitting from any Town Department/Board/Committee.
8. Amendments. An EFOSD Special Permit may be amended pursuant to Section VIII.I.8. The SPGA may also permit the relocation of parcel lines for the convenience of the several owners within the EFOSD, provided that the minimum parcel area is maintained and further that any changes in overall density or common driveway layout will require further review and a public hearing.
9. Waivers. Strict compliance with the requirements may be waived by the SPGA when so determined, in writing, to be in the best interest of the Town and the intent of this by-law.
10. Master Site Plan. Each application submitted under this by-law shall be accompanied by a plan. The site plan submitted to the SPGA shall be prepared by both a professional registered civil engineer and by a professional land surveyor. It shall show, among other things as may be required by the Board in the proper administration of this section:
 - name of applicant and lot owner
 - assessor's plat and lot number
 - book and page number as recorded in Bristol County Registry of Deeds
 - dimensions of the lot and building distances from each lot line
 - scale of plan and zoning district
 - locus plan of the area showing the specific site at a scale of 1"=2,000'
 - location of existing structures
 - dimensions of driveway openings, driveways and other open uses
 - delineation of a vegetative clearance line
 - all facilities for water, sewage, refuse, and other waste disposal, and for drainage plans including but not limited to: catch basins, pipes, waterways, drywells, rip rap, retention and detention storage areas
 - all existing and proposed topographic contours at one (1) foot intervals
 - all wetlands, flood plains, waterways and rock outcroppings
 - location and dimension of any easements

- all concrete, granite bounds, iron pins or drill hole in a large rock base stone which are required at the exterior lot corners
- pertinent driveway data including but not limited to the following: length, bearing, radii, tangent distances, and central angles to determine the exact location, direction, and length of every common driveway line, lot line, and parcel lines; and to establish these lines on the ground
- percentage calculations of open space required in the applicable underlying zone and as provided under this Bylaw
- names and location of all existing abutters indicating limits of contiguous boundaries and those owners of land separated from the site by a town street and/or state road

PURPOSE AND JUSTIFICATION: An alternative for landowners of tracts of land over six (6) acres who have growing families that wish to live and raise their children in North Attleborough but cannot afford the cost of conventional residential subdivision by giving them the opportunity to build up to five (5) homes in a rural setting (R-20 and R-40 Zoning Districts) while preserving Open Space and implementing Low Impact Development (LID) techniques. Encouraging this type of private development is an innovative step toward the future while mitigating expenses to the Town for maintenance and repair of public roadways.

FINANCE COMMITTEE VOTE: 7-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Zoning By-Laws Section VI: Supplement Regulations to add the following:

R – ENVIRONMENTALLY FRIENDLY OPEN SPACE DESIGN (EFOSD)

1. Purpose
2. Standards
3. Requirements
 - 3.1 Minimum Dimensions
 - 3.2 Access
 - 3.3 Design Standards
 - 3.4 Open Space
4. Limitations
5. Application Process
6. Application Contents
7. Special Permit Decision
8. Special Permit Amendment
9. Waivers
10. Master Site Plan

Proposed By-Law VI.R – Environmentally Friendly Open Space Design (EFOSD)

Special Permit Granting Authority (SPGA)

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

1. Purpose.

- 1.1. To govern the use of land within the R-20 and R-40 Residential Districts into not more than five (5) demise parcels,
- 1.2. To allow low density residential development as an alternative to conventional subdivision,
- 1.3. To promote land conservation and preserve the rural character of the Town,
- 1.4. To eliminate Town costs and maintenance responsibility for roadways, lighting and future repairs.

2. **Standards.** An EFOSD shall only be authorized under a Special Permit granted by the Special Permit Granting Authority, and approval pursuant to MGL Ch 41, Sec 81K-81GG shall be required.
 - 2.1. A group of not more than five (5) and not less than two (2) demise parcels for development of single family homes sharing common frontage and a private access drive/common drive may be allowed by SPGA in the R-20 and R-40 Residential Districts. The total number of demise parcels shall not be more than the number of lots allowed in a conventional subdivision of the land, but in no case greater than five (5) demise parcels off of a single private access drive.
 - 2.2. An Environmentally Friendly Open Space Design may be permitted on a single tract of land under single ownership, or on several contiguous lots under multiple ownerships which must be combined into one single ownership at the time of submission of a building permit application, having a minimum frontage of forty (40) feet on an existing public way and a minimum lot area of six (6) acres.
 - 2.3. The SPGA reserves the right to waive/reduce the following standards in exchange for the required reduction in density within the EFOSD: underground utilities; pavement widths; turn around and driveway centerline radii and construction; berms; and drainage.
 - 2.4. The Planning Board shall consider recommendations from the Board of Health, Conservation Commission, Department of Public Works, Electric Department, Police Chief, Fire Chief, the Highway Superintendent, and Peer Review Engineer in their decision making process.
 - 2.5. Each EFOSD shall include two (2) fire hydrants, including but not limited to a dry hydrant, fire cistern, or a fire hydrant, where the development is serviced by municipal water, pursuant to the Water Department requirements. Where no municipal water service is available, a “dry hydrant” or similar system should be investigated. A fire hydrant and supporting appurtenances, including but not limited to the water main, shall be owned and maintained by the Town within a utility easement.
 - 2.6. Municipal gravity sewer service (if connection within 900’ of the common driveway entrance is available) shall be provided in accordance with sewer department requirements.
 - 2.7. Electric service shall be provided below ground in accordance with NAED requirements.
 - 2.8. Natural gas service (if available) shall be installed in accordance with utility provider requirements.
 - 2.9. All utilities, including hydrant and supporting appurtenances, water main, and any sewer, electric, or gas line appurtenances, shall be owned and maintained by the Town, or service providers within a utility easement a minimum thirty (30) feet in width. Greater width may be required based on utility separation requirements or the needs of the utility provider.
3. **Requirements.**
 - 3.1. **Minimum Dimensions.** No primary dwelling shall be closer than 60 feet from any other primary dwelling or public way and 50 feet from any exterior perimeter lot boundary line. Exclusive use area must be no more than 20,000 square feet per proposed demise parcel.
 - 3.2. **Access.**
 - 3.2.1. **Definition.** The private access drive/common drive is defined as that portion of the driveway that provides access to a maximum of five (5) individual parcels. The private access drive/common drive becomes a private access at the point at which it provides access to one (1) parcel. No future extension of the private access drive/common drive shall be permitted.

3.2.2. All private access drives/common drives shall be privately owned and all maintenance including snow removal, street lighting, repaving and similar activities, shall be the sole responsibility of the abutters to the private access drive/common drive. A deed restriction shall be placed in each deed out to ensure this condition and understanding.

3.3. **Design Standards.** Applicants must consider environmentally sensitive site design and low impact development techniques to manage stormwater. Incorporating a design that uses the land to filter and recharge the water back into the ground and also reduces the amount of paved areas is critical in creating sustainable development. Documentation used to create a trust or association of the owners of the dwelling units to own and maintain the private access drive/common drive is required. A restrictive covenant absolving the Town from present or future maintenance responsibilities for the private way, excluding any municipal water main(s), sewer, electric, or gas line(s) and supporting appurtenances which shall be owned and maintained by the Town or utility service provider within a utility easement, is required.

3.3.1. All private access drives/common drives shall be constructed in a manner ensuring reasonable and safe access for all vehicles including, but not limited to, emergency, fire and police vehicles. A safe means of a turnaround for emergency vehicles shall be provided at the end of the common drive.

3.3.2. **Design.** Common driveways shall be designed and built in accordance with the North Attleborough Department of Public Works construction standards to allow for the safe passage of all vehicles.

3.3.2.1. The common portion of the private access drive/common drive shall not exceed 900 feet in length.

3.3.2.2. The common drive shall be a minimum of twenty (20) feet wide, with a minimum three (3) foot maintained shoulders on each side.

3.3.2.3. Maximum driveway grade shall be ten (10) percent; minimum grade shall be one (1) percent. Grades at intersecting roadways shall not exceed three (3) percent for the first thirty (30) feet from the sideline of the intersecting edge of pavement.

3.3.2.4. The common drive shall be a paved surface. A minimum gravel base of twelve (12) inches shall be required. Gravel shall have no aggregate larger than six (6) inches. A three (3) inch dense graded crushed stone layer shall be placed over the twelve (12) inch base, with two (2) inch bituminous concrete binder and one and one-half (1 ½) inch bituminous concrete wearing surface.

3.3.2.5. The driveway shall be paved from the edge of the existing Town road unless otherwise specified and approved by the SPGA.

3.3.2.6. Culverts or water crossings must comply with Section 5.12.2, Drainage, in the North Attleborough Subdivision Rules and Regulations and any pertinent requirements of the Department of Public Works and Conservation Commission.

3.3.2.7. Central mailboxes or cluster boxes approved by the Postmaster General must be provided for each common access drive and must include sufficient space for vehicular turnout for mail delivery and collection.

3.3.2.8. Driveways to each residence shall have a lamp post installed at their intersection with the common access drive.

- 3.3.2.9. Common Driveway design shall provide accommodation for safe pickup/drop-off of school students and busses as determined by the school department.
- 3.3.3. All common drives serving three (3) or more demise parcels shall install a permanent granite marker or equivalent, of minimal dimensions of five (5) feet in height from grade level, two (2) feet in width and seven (7) inches in depth, and shall be embedded at least 2.5 feet below grade level at the beginning of the common drive where it meets the public way. The granite marker or equivalent shall be engraved with a diagram of the driveways showing locations, driveway names and house numbers. The bottom edge of the diagram shall be at a minimum 30 inches above the finished grade. Should the common drive split, a permanent granite marker or equivalent complying to the above regulations, indicating which homes are located on either side of the split, must also be placed at the intersections.
- 3.3.4. The Common drive shall be inspected by the review engineer to ensure the use of the required materials and proper construction. Any cost for engineering inspections shall be borne by the applicant.
- 3.3.5. The common drive must be completed up to a point between the proposed house and the Town road, including drainage, paving and grading, and all identification markers must be installed prior to the issuance of a building permit.
- 3.4. **Open Space.**
- 3.4.1. Any land within the Environmentally Friendly Open Space Design Development not designated as a demise parcel, private access drive/common drive or driveway shall be designated as Active/Passive Open Space. Open Space land shall have a shape, dimension, character and location suitable for conservation, outdoor recreational facilities of a non-commercial use, agricultural, preservation of scenic or historic structures, parkland, and/or structures accessory to any of the above uses, including septic systems, storm water management measures, swimming pools, tennis courts, stables, greenhouses.
- 3.4.2. Provisions shall be made for recorded Open Space, retained in perpetuity, to be owned by:
- 3.4.2.1. Owners of all the homes, in common, in the EFOSD;
- 3.4.2.2. A trust or association of the owners of all the homes in the EFOSD;
- 3.4.2.3. The North Attleborough Conservation Commission (if adjoining existing town owned conservation land) or,
- 3.4.2.4. Otherwise, as may be authorized by the Special Permit Granting Authority.
4. **Limitation.** No approved EFOSD issued by Special Permit under this Section may be further developed.
5. **Application Process.** An EFOSD Special Permit Application must be filed pursuant to Special Permit Application Process, Section VIII.L.8, except that the Planning Board shall be the SPGA for EFOSD Special Permits.
- 5.1. A pre-application preliminary/concept plan review and hearing with the Planning Board is required for EFOSD Special Permit applications. Representatives from other municipal departments including Conservation, Public Works, Health, Electric, Fire and Police are requested to attend.
- 5.2. Before acting on a Special Permit application, the Special Permit Granting Authority shall conduct a public hearing in accordance with the provisions of this By-Law.
6. **Contents of a Special Permit Application for an Environmentally Friendly Open Space Design Development.**

- 6.1. The Applicant shall be required to submit a conventional preliminary subdivision-type plan depicting lot layout, total length of street layout to nearest existing throughway, including cul-de-sacs, and approximate delineation of any natural resources, if applicable.
 - 6.2. Documentation which shall be used to create and provide for ownership of Open Space.
 - 6.3. A copy of a restrictive covenant(s) which shall prohibit further development and absolve the Town from present or future maintenance responsibilities for the private way, excluding any municipal water main(s), sewer, electric, or gas line(s) and supporting appurtenances which shall be owned and maintained by the Town or utility service provider within a utility easement, is required.
7. **Special Permit Decision.**
- 7.1. The burden of proof shall be upon the applicant in determining the allowable number of parcels. The SPGA reserves the right to challenge the status of any parcel.
 - 7.2. The SPGA may impose reasonable conditions, and/or safeguards that further the purpose of Section VI.Q.
 - 7.3. The SPGA may grant a Special Permit under Section VI.Q only if it finds that:
 - 7.3.1. The proposed EFOSD will be in harmony with this Section;
 - 7.3.2. That it will be of a benefit to the community;
 - 7.3.3. That it will utilize the site in a more environmentally suitable manner than a conventional subdivision plan for the site; and,
 - 7.3.4. That the number of parcels shown is not more than the number of lots allowed under a conventional subdivision plan.
 - 7.4. The Special Permit Decision shall include statements that:
 - 7.4.1. The land lies within an approved EFOSD;
 - 7.4.2. The development of the land is permitted only in accordance with the land uses indicated within;
 - 7.4.3. The Town will not accept or maintain the private access drive/common drive, drainage, or any other improvements within the EFOSD, excluding any municipal water main(s), sewer, electric, or gas line(s) and supporting appurtenances which shall be owned and maintained by the Town or service provider within a municipal utility easement; and,
 - 7.4.4. All deed restrictions with respect to ownership, use and maintenance, or permanent Open Space shall be referenced.
 - 7.5. Recording of the Certificate of Approval, Conditions and Master Site Plan at the Bristol County Registry of Deeds that authorizes the construction of a way for an EFOSD shall be considered substantial use of the Special Permit granted under Section VI.R. The SPGA has the discretion to regulate the time to complete the common access drive (s) through the required covenant or by bonding.
 - 7.6. Bonding requirements shall be pursuant to Section 4.9 Performance, in the North Attleborough Subdivision Rules and Regulations, or as determined by the SPGA.
 - 7.7. The restrictive covenant regarding the private access drive/common drive shall be recorded at the Bristol County Registry of Deeds.
 - 7.8. Copies of all recorded instruments must be filed with the Planning Board prior to the issuance of any building permit. No certificate of occupancy shall be issued by the Building Department until the SPGA has

certified that the site has been constructed in accordance with the approved plan and that the required documentation is in place for the private way to be maintained as a private way.

7.9. Issuance of a Special Permit under this section does not preclude any additional required permitting from any Town Department/Board/Committee.

8. **Amendments.** An EFOSD Special Permit may be amended pursuant to Section VIII.L.8. The SPGA may also permit the relocation of parcel lines for the convenience of the several owners within the EFOSD, provided that the minimum parcel area is maintained and further that any changes in overall density or common driveway layout will require further review and a public hearing.

9. **Waivers.** Strict compliance with the requirements may be waived by the SPGA when so determined, in writing, to be in the best interest of the Town and the intent of this by-law.

10. **Master Site Plan.** Each application submitted under this by-law shall be accompanied by a plan. The site plan submitted to the SPGA shall be prepared by both a professional registered civil engineer and by a professional land surveyor. It shall show, among other things as may be required by the Board in the proper administration of this section:

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- location of existing structures
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- percentage calculations of open space required in the applicable underlying zone and as provided under this Bylaw
- names and location of all existing abutters indicating limits of contiguous boundaries and those owners of land separated from the site by a town street and/or state road

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

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

A motion to Adjourn Sine Die was approved by a majority vote of the RTM members at 9:32 PM