

**NORTH ATTLEBOROUGH WARRANT  
FOR THE REPRESENTATIVE SPECIAL TOWN MEETING  
MONDAY, JUNE 7, 2010  
THE COMMONWEALTH OF MASSACHUSETTS**

On Monday, June 7, 2010, Town Clerk, Maxwell G. Gould opened the Special Town Meeting at 7:19PM.

He announced that as Town Clerk it was his responsibility to open the meeting and preside until a new Moderator was elected to replace Stephen Dalrymple who has resigned as Town Moderator.

He also announced that "With 80 RTM members present, we have a quorum."

Pledge of Allegiance to our Flag.

Moment of silence for our men and women serving overseas in the Armed Forces.

The Town Clerk swore in new members of the RTM.

The Town Clerk then read the following into the record:

*June 7, 2010*

*Pursuant to MGL Chapter 39, Section 14, and Town By-Laws, Appendix C, Section 8, the RTM members must elect someone to fill the vacancy currently existing in the office of Town Moderator. The term of office will expire at the next Town Election which is scheduled for April 5, 2011.*

*Candidates must be registered voters of the Town of North Attleboro.*

He then opened the floor for nominations of Town Moderator.

William Moffitt (P8) nominated Deborah Kohl of 3 Sully Lane, North Attleboro. The nomination was seconded.

With no other nominations offered, the RTM members voted to close the Nominations.

The RTM voted to elect Deborah Kohl as Town Moderator.

The Town Clerk swore in the new Moderator and turned the meeting over to her.

The Moderator called for a brief recess while she and the Town Clerk organized the documents and records necessary for the conduct of the Town Meeting.

Town Moderator, Deborah Kohl, called the meeting back to order and read the warrant.

**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 7th OF JUNE 2010 A.D.**

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

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

before the time of said meeting. Hereof, fail not, and make due return of this warrant with your doings thereon to the Town Clerk on or before the time of said meeting.

Given our hands and seal of the Town of North Attleborough on this April 29, 2010.

Michael S. Thompson, Chairman  
Mark Williamson, Vice-Chairman  
John C. Rhyno  
Christopher L. Sweet  
Joan Marchitto

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 ten places and one in each precinct to total nineteen (19) public places in said town twenty-one (21) days before the time of said meeting.

Chief Michael P. Gould, Sr.  
Constable  
Town of North Attleborough

1. Central Fire Station
2. Town Offices ( leave three in Town Clerk's office)
3. Nissan Village
4. Housing for the Elderly - Center
5. Housing for the Elderly - Elm Terrace
6. Boch Toyota South
7. Shaws Supermarket
8. Cumberland Farms - Kelley Boulevard
9. Allen Avenue Fire Station
10. Richards Memorial Library
11. Hockomock YMCA
12. Falls Post Office
13. A&J Restaurant – Kelley Boulevard
14. Housing for the Elderly - Circle Court
15. Sharon Credit Union
16. Bristol County Savings Bank
17. Cushman Union Church - 2 May Street
18. Bank of America - Center
19. Stop & Shop

**The RTM voted to adjourn the Special Town Meeting in order to open the Annual Town meeting.**

**At 7:46 PM on Monday, June 7, 2010 the Special Town Meeting resumed. The quorum of members still stands.**

Charles Beale (P9) made a motion as follows:

*That the RTM adopt the Bourne Amendment which states that any RTM Member wishing to increase the money amount of an article that has been recommended by the Finance Committee must specify the source of the additional monies.*

Motion seconded.

Motion carried.

Charles Beale (P9) made a motion as follows:

*That the RTM adopt the procedural rule that the count of a super-majority vote, when it is obvious to the Moderator, shall not be taken by the Moderator, unless requested by seven or more RTM members.*

Motion seconded.

Motion carried.

**ARTICLE 1 PRIOR YEAR UNPAID BILLS**

**HUMAN RESOURCES**

To see if the town will vote to appropriate a sum of money for unpaid bills relating to expenses incurred in prior fiscal years, and to determine whether said sum shall be paid from free cash, transfer from available funds or otherwise. (amount to be determined)

Or to do or act in any manner relative thereto.

Human Resources

**PURPOSE AND JUSTIFICATION**

To pay for medical related expenses incurred by police officers, with a work related injury, prior to July 1, 2009.

**FINANCE COMMITTEE VOTE: 8-0**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON:** At the time of voting there were no prior year unpaid bills.

**The RTM members defeated the Finance Committee's recommendation as read.**

**Chris Sweet (P8) made a motion as follows:**

*That the Town vote to appropriate the sum of \$2,348.54 for unpaid bills relating to expenses incurred in prior fiscal years from the Dept. 946 Self-Insurance Account.*

Motion seconded.

**The RTM unanimously approved the motion as read.**

**ARTICLE 2 TRANSFER OF MONEY FROM STABILIZATION TO SUPPLEMENT  
FY10 BUDGET**

**B.O.S.**

To see if the town will vote to transfer the sum of \_\_\_\_\_ from the Stabilization Fund to be used as another financing source for the General Fund for FY10.

Or to do or act in any manner relative thereto.

Board of Selectmen

**PURPOSE AND JUSTIFICATION**

This transfer may be necessary if revenue sources do not meet expectations.

**FINANCE COMMITTEE VOTE: 8-0**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON:** At the time of voting the transfer was not necessary.

**The RTM members approved the Finance Committee's recommendation as read.**

**ARTICLE 3 TRANSFER \$50,000.00 FROM THE STABILIZATION ACCOUNT INTO  
THE RESERVE FUND TO SUPPLEMENT FY10 BUDGET**

**B.O.S.**

To see if the town will vote to transfer the sum of \$50,000.00 to Fiscal Year 2010 ATM, Article 5, 132A Reserve Fund General Expenses. Said sum to be transferred from the Stabilization Fund.

Or to do or act in any manner relative thereto.  
Board of Selectmen

**PURPOSE AND JUSTIFICATION**

Due to the severe flooding at the Town Hall, the Selectmen requested a Reserve Fund Transfer from the Finance Committee. The sum of \$50,000.00 was transferred to the Self Insurance Fund to cover costs of the deductible.

**FINANCE COMMITTEE VOTE: 6-0**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON:** At the time of voting the transfer was not necessary.

After some discussion, Jonathan Maslen (P6) made a motion to move the question.  
Motion seconded.  
Motion carried.

**The RTM members approved the Finance Committee's recommendation as read.**

**ARTICLE 4 TRANSFER \$12423.49 TO SNOW & ICE**

**D.P.W.**

To see if the town will vote to amend Article 5 of the FY2010 Annual Town Meeting by transferring the sum of \$12,423.49 from available free cash to Line 423 Snow & Ice.

Or to do or act in any manner relative thereto.  
Board of Public Works

**PURPOSE AND JUSTIFICATION**

The snow and ice program carried a budget of \$200,000. The actual final costs for the FY 2010 snow plowing and removal was \$434,423.49, including purchase of salt to refill the shed and final payments to contractors and employees. \$222,000 was appropriated for transfer at March Town Meeting.

**FINANCE COMMITTEE VOTE: 8-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$12423.49 to supplement the FY2010 Snow & Ice General Expense Account. Said sum to be paid from free cash.**

**FINANCE COMMITTEE REASON:** At the time of voting the transfer was not necessary.

**The RTM members approved the Finance Committee's recommendation as read.**

**ARTICLE 5 APPROPRIATE \$18,000.00 FOR  
PERSONAL PROPERTY ASSESSMENTS**

**ASSESSORS**

To see if the town will vote to appropriate the sum of \$18,000 for an updating of all personal property assessments as of January 1, 2010, as mandated by Chapter 797 of the Acts of 1979 under a contract approved by the Massachusetts Department of Revenue, and to be appropriated from overlay surplus.

Or to do or act in any manner relative thereto.  
Board of Assessors

**FINANCE COMMITTEE VOTE: 8-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$18,000 for an updating of all personal property assessments as of January 1, 2010, as mandated by Chapter 797 of the Acts of 1979 under a contract approved by the Massachusetts Department of Revenue. Said sum to be appropriated from the overlay surplus.**

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

**The RTM members unanimously approved the Finance Committee's recommendation as read.**

**ARTICLE 6 APPROPRIATE FUNDS FOR REPAIRS, RENOVATIONS, FUTURE IMPROVEMENTS** **B.O.S.**

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 various repairs, renovations, future improvements, and purchases of equipment/furniture items for the Town Hall, Police Facility, Richards Memorial Library, Police Communications Building, WWI Park and other town owned facilities.

Or to do or act in any manner relative thereto.  
Board of Selectmen

**PURPOSE AND JUSTIFICATION**

The Town Hall, Richards Memorial Library, and the Police Facility were dramatically affected by the severe rain storm that created flooding in the town at the end of March. Additionally other town owned facilities will need to be repaired or renovated. The funding of this article will permit the damaged areas in the buildings to be repaired and renovated. Additionally, any items deemed unsalvageable will need to be replaced. This money can be bonded if necessary under Chapter 44, Section 7, (3a).

**FINANCE COMMITTEE VOTE: 7-0** **MAJORITY VOTE**  
**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate \$45,500.00 for various repairs, renovations, future improvements, and purchases of equipment/furniture items for the Town Hall, Police Facility, Richards Memorial Library, Police Communications Building, WWI Park and other town owned facilities. \$3076.51 to be paid from Free Cash and \$42,423.49 to be transferred from the Unemployment Account (Dept. 913).**

**FINANCE COMMITTEE REASON:** There were additional expenses realized after our original vote as this is an ongoing project.

After some discussion, John Donohue (P7) made a motion to move the question.  
Motion seconded.  
Motion carried.

**The RTM members approved the Finance Committee's recommendation as read.**

**ARTICLE 7 APPROPRIATE \$5000.00 FOR REPAIR OF 2008 EXPEDITION** **B.O.H.**

To see if the town will vote to appropriate the sum of \$5,000.00 for the repair of the 2008 Ford Expedition, which was transferred from the Police Department to the Board of Health to replace the Health Department's 1994 Ford pickup truck. The Town shall also determine if said sum shall be appropriated from free cash or other available funds.

Or to do or act in any manner relative thereto.  
Board of Health

**PURPOSE AND JUSTIFICATION**

The Board of Health budget does not allow for repairs to this much-needed vehicle. This is the only vehicle available to the health agents or public health nurse for their work in and around the Town.

**FINANCE COMMITTEE VOTE: 6-0** **MAJORITY VOTE**  
**FINANCE COMMITTEE RECOMMENDATION: That consideration of this article be indefinitely postponed.**

**FINANCE COMMITTEE REASON:** At the time of voting the committee was awaiting a revised quote for the repair of the truck.

**The RTM members unanimously approved the Finance Committee's recommendation as read.**

**ARTICLE 8 APPROPRIATE \$123,747.00 FOR PHASE VI WTF UPGRADE TREASURER**

To see if the town will vote to appropriate the sum of \$123,747 to fund the cost of Phase VI, WWTF Upgrade, which was originally authorized in the amount of \$1,500,000 Article #6 of the 5/21/07 Town Meeting and subsequently \$761,356 was rescinded at the March 29,2010 Special Town Meeting; and that to meet said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized pursuant to Massachusetts General Laws, Chapter 44, or any other authority, to borrow up to \$123,747 and to issue bonds or notes of the Town therefore. The new rescinded amount will now be \$637,609.

Or to do or act in any manner relative thereto.

Treasurer

**PURPOSE AND JUSTIFICATION**

The rescinded balance of \$761,356 is being reduced to \$637,609 due to unanticipated change orders that had taken place on the project prior to the Special Town Meeting of March 29, 2010. The effect of this vote changes the original rescinding amount of \$761,356 approved at the Special Town Meeting of 3/29/10 to \$637,609.

**FINANCE COMMITTEE VOTE: 8-0**

**2/3 ROLL CALL VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the sum of \$123,747 is hereby appropriated to fund the cost of Phase VI, WWTF Upgrade, which was originally authorized in the amount of \$1,500,000 , Article #6 of the 5/21/07 Town Meeting and subsequently \$761,356 was rescinded at the March 29, 2010 Special Town Meeting; and that to meet said appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized pursuant to Massachusetts General Laws, Chapter 44, or any other authority, to borrow up to \$123,747 and to issue bonds or notes of the Town therefore; and that the Board of Selectmen and the Treasurer are authorized to take any other action necessary or convenient to carry out this project and its financing.**

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

**The RTM members, by a Roll Call Vote, unanimously approved the Finance Committee's recommendation as read. Total members voting = 79.**

**ARTICLE 9 APPROPRIATE \$20,000.00 TO SUPPLEMENT WWII FY10 BUDGET PARK COMM.**

To see if the town will vote to increase Line Item 640 (WWII POOL) of Article 5 of the FY2010 Budget as voted at the Annual Town Meeting of June, 2009 by increasing Salaries (Line 640A) by \$8,000 to change the amount from \$32,064 to \$40,064 and to increase Line Item 640B (General Expenses) by \$12,000 to change the amount from \$13,217 to \$25,217. The change for the Total Budget for Park & Recreation is from \$45,281 to \$65,281. Said sums to be appropriated from free cash or available funds.

Or to do or act in any manner relative thereto.

Park Commissioners

**PURPOSE AND JUSTIFICATION**

The Department is requesting to use these funds for start up of the pool. Specifically staff will be brought in the last two weeks of June to prep the pool and materials that will be needed to have the pool run safely will be purchased.

**FINANCE COMMITTEE VOTE: 8-0**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON:** The Committee felt that it would be inappropriate to amend one departments operating budget during the fiscal year.

**The RTM members approved the Finance Committee's recommendation as read.**

**ARTICLE 10 ACCEPT PROCEEDS OF MTBE SETTLEMENT**

**D.P.W.**

To see if the town will vote to accept proceeds of the Town in the amount of \$58,946.70 as settlement of the Methyl Tertiary Butyl Ether (“MTBE”) Products Liability Litigation and to appropriate these funds to the Water Enterprise Fund for the purposes of water supply inspection, monitoring, remediation and new source development.

Or to do or act in any manner relative thereto.

Board of Public Works

**PURPOSE AND JUSTIFICATION**

The Board of Public Works, as authorized by the vote under Article 29 of the 2004 Annual Town Meeting, joined a class-action lawsuit with other public water suppliers in Massachusetts who experienced MTBE contamination of their water supplies. In 2008, a number of companies agreed to settle the lawsuit and have dispersed settlement funds to affected communities.

In the January and June 2009 Special Town Meetings, RTM voted to appropriate settlement proceeds as part of this litigation toward a long-term program of inspection, monitoring, remediation and new source development to improve and preserve the quality of North Attleborough’s public drinking water.

The Town continues to receive settlement payments as the legal cases with individual oil companies are finalized.

**FINANCE COMMITTEE VOTE: 8-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to accept proceeds of the Town in the amount of \$58,946.70 as settlement of the Methyl Tertiary Butyl Ether (“MTBE”) Products Liability Litigation and to appropriate these funds to the Water Enterprise Fund for the purposes of water supply inspection, monitoring, remediation and new source development.**

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

**The RTM members approved the Finance Committee’s recommendation as read.**

**ARTICLE 11 APPROVE PETITION TO AMEND CHAPTER 200 OF ACTS OF 2000 FOR MINI-FENWAY PARK PHASE II**

**PARK COMM.**

To see if the town will vote to approve the filing of a petition in the General Court to amend Chapter 200 of the Acts of 2000 in order to provide for the Mini Fenway Park Phase II as described in section 6 of the Management and Use Agreement dated January 7, 2010 between the Town of North Attleborough as represented by its Board of Selectmen and Kids Replica Ballpark, Inc. (KRB).

Or to do or act in any manner relative thereto.

Park Commissioners

**PURPOSE AND JUSTIFICATION**

Chapter 200 of the Acts of 2000 does not provide for the activities or the process to approve the activities described in Section 6 of the Management and Use Agreement between the Town and KRB.

Only an Act of the Legislature can provide for a change of use in the land that was designated by the Town for the proposed Mini Fenway Park. Only an Act of the Legislature can provide for the activities and the process to approve the activities described in Section 6 of the Management and Use Agreement between the Town and KRB. The Town cannot consider or approve the activities described in Section 6 until a legislative act provides the authorization to do so.

Therefore, to move forward on the opportunity for a Mini Fenway Park in North Attleborough, the Parks and Recreation Commission voted unanimously on April 13, 2010 to place an article on the June 7, 2010 Special Town Meeting Warrant that will authorize legislation to validate the activities and the approval process for the activities described in Section 6 of the Management and Use Agreement between the Town and KRB.

**FINANCE COMMITTEE VOTE: 8-0**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON:** Town Counsel has expressed some concerns that need to be addressed prior to its adoption.

After some discussion, Agnes Woodbury (P3) made a motion to move the question.

Motion seconded.

Motion carried.

**The RTM members approved the Finance Committee's recommendation as read.**

The Moderator read the following letter from the Planning Board into the record:

*May 26, 2010  
Town Moderator  
Town of North Attleborough  
43 South Washington Street  
North Attleborough, MA 02760*

*Re: Articles Pertaining to Proposed Amendments to the Zoning By-Laws for the June 7, 2010 Special Town Meeting*

*Dear Moderator:*

*Articles No. 12, 13 and 14 on the June 7, 2010 Special Town Meeting warrant are to see if the Town will vote to approve proposed amendments to the Zoning By-Laws.*

*At their meeting held on May 20, 2010 the Planning Board voted 5-0 to **withdraw articles 12 and 13.***

*The Planning Board voted to **amend article 14** by deleting the definitions for Assisted Living/Nursing Home Campus and Buildable Upland leaving the article to read as follows:*

- ***Article 14:** To see if the Town will vote to amend the North Attleborough Zoning By-Laws, Section IX, Definitions.*

***Parking Lot, Commercial.** A parcel of land or portion thereof used for the parking or storage of motor vehicles as a commercial enterprise for which any fee is charged independently of any other use of the premises and not in conjunction with motor vehicle sales.*

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

**ARTICLE 12 AMEND ZONING BY-LAWS BY ADDING ASSISTED LIVING/NURSING HOME CAMPUS PLANNING BOARD**

To see if the Town will vote to amend the North Attleborough Zoning By-Laws, Section VI, Supplemental Regulations, by adding the following:

**Q. Assisted Living/Nursing Home Campus**

**1. General**

Assisted Living/ Nursing Home Campus shall be allowed in the Town of North Attleborough by special permit in accordance with Chapter 40A, Section 9 of the Massachusetts General Laws, Section VI.Q of this bylaw, (except that for this purpose the Planning Board will be the Special Permit Granting Authority), and this section, in

R-20 and R-40 Districts in accordance with Use Schedule B. Principal Use, Residential, 13a. Assisted Living/Nursing Home Campus and Use Schedule B. Principal Use, Community Facilities, 13b. Assisted Living/Nursing Home Campus

## **2. 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.

## **3. Purpose**

The purpose of the Special Permit: Assisted Living/Nursing Home Campus is to promote a better overall site planning by including multiple buildings to house patrons on the same Campus for the use of the active adult, aging seniors and to provide active and passive recreation and related care services on the same lot or lots in contiguous ownership.

## **4. Dimensional Requirements**

The minimum lot size for an Assisted Living/Nursing Home Campus is 15 acres as one lot or lots in contiguous ownership and all other dimensional requirements as required by Section IV: Intensity Regulations: Intensity Schedule A. A variance may be granted by the Zoning Board of Appeals if the ZBA determines that a smaller lot size will allow the applicant to successfully comply with this bylaw and will not be detrimental to the spirit of this bylaw.

## **5. Permitted Primary Uses**

Primary use may include facility(s) providing living accommodations and communal Campus for persons over age 62 and that includes at least: a) 24-hour on-site responsible staff; b) a common dining area in which at least one main full meal is served each day; c) optional laundry, housekeeping and personal services available to residents; d) transportation services; and e) common indoor and outdoor passive or active recreational areas. Such a facility(s) may include: a) a medical or nursing component; and b) retail sales and services for the convenience of residents, accessible only from inside the facility.

The following restrictions apply:

- a) A multi-unit structure shall not contain more than 80 dwelling units.
- b) The architecture of all buildings shall blend in with the existing architecture of the surrounding neighborhood.
- c) No home occupations or professional uses shall be permitted.
- d) Motor vehicles shall be parked only in designated parking areas.
- e) Permanent accessory structures shall be subject to approval on the site development plan.

## **6. Provisions for more than one principal building on a lot.**

For an Assisted Living/Nursing Home Campus, more than one principal building may be located on a lot, provided that the proposed development scheme is approved by the SPGA. All other criteria required by this zoning bylaw shall be in effect. If more than one building is located on a lot, the distance between the buildings shall be at least twice the side yard setback as specified in Intensity Schedule A of this zoning bylaw for the district in which the facility is located.

## 7. Permitted Open Space Uses

Permitted open space uses may include the following:

- a. Agricultural and horticultural uses excluding buildings or structures associated with such uses.
- b. Preservation of areas subject to protection under Chapter 131, Section 40 of the General Laws, the Wetlands Protection Act.
- c. Buffer areas as put forth in this section and as defined elsewhere in this by-law.
- d. On-site water runoff and retention areas, erosion control measures, and other uses related to the Campus.

To ensure the continued provision of open space, the location of all designated open space shall be shown on the site plan and, as a condition of the special permit, the designated open space parcel(s) shall be subject to deed restriction(s) to preserve as such.

## 8. Permitted Density

Basic Maximum Number of Dwelling Units. The Basic Maximum Number of dwelling units allowed per site shall not exceed the following standards:

R-20                                      20 dwelling units per acre of buildable upland

R-40                                      30 dwelling units per acre of buildable upland

The following equation shall be used when calculating Maximum number of dwelling units on the designated site:

Lot Size – Buffer x 20 (R20 District) 30 (R40 District) = Maximum number of dwelling units

EXAMPLE: R20

50 acres – 12 acres x 20 dwelling units per acre = 760 Maximum number of dwelling units allowed

EXAMPLE: R40

50 acres -12 acres x 30 dwelling units per acre = 1140 Maximum number of dwelling units allowed

### Maximum Floor Area per occupant

(In accordance with Massachusetts Department of Public Health, 105 CMR 150.00 – 159.00:

### GENERAL STANDARDS OF CONSTRUCTION FOR LONG TERM CARE FACILITIES IN MASSACHUSETTS)

The floor area of patient bedrooms, excluding closet, vestibule and toilet room areas shall be not less than 125 square feet for single occupancy rooms and 90 square feet per bed for multiple occupancy rooms.

A minimum of forty percent (40%) of the parcel shown on the development plan shall be contiguous open space.

Any proposed contiguous open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively agricultural, horticultural, educational or recreational purposes, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

- a. The percentage of the required contiguous open space which is wetlands shall not normally exceed the percentage of the tract which is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in such open space upon a demonstration that such inclusion promotes the purposes set forth in the above paragraph. In no case shall the percentage of contiguous open space, which is wetlands, exceed fifty (50%) of the tract.
- b. The contiguous open space shall be used for conservation, recreation, park purposes, agriculture, horticulture, or for a combination of these uses, and shall be served by suitable access for such purposes.

## 9. Infrastructure

**Water/Sewer:** Assisted Living/Nursing Home Campus shall be served by both public water and sewer.

**Drainage:** Stormwater management shall be consistent with the requirements for subdivisions set forth in the Planning Board's Rules and Regulations Governing Subdivision of Land, as amended, and the Stormwater Regulations as set forth by the Wetlands Protection Act CMR;

**Buffers and Screening:** A buffer area of fifty (50) feet shall be provided at the perimeter of the property where it abuts any zoned districts, except for driveways or streets necessary for access and egress to and from the site. This buffer shall be appropriately vegetated with native plantings and no vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance. Buffer areas shall be continually maintained. The SPGA may waive the buffer requirement (i) where the land abutting the site is the subject of a permanent restriction for conservation or recreation so long as a buffer is established of at least fifty (50') feet in depth which may include such restricted land area within such buffer area calculation; or (ii) where the land abutting the site is held by the Town for conservation or recreation purposes; or (iii) the SPGA determines that a smaller buffer will suffice to accomplish the objectives set forth herein. The 50' buffer can be included within the open space calculation.

### **10. Application Process**

Applications shall be in the format as specified in the Planning Board's Rules and Regulations Governing Subdivision of Land and shall be submitted with the specified number of site development plans prepared by a registered professional engineer and land surveyor certified by the Commonwealth of Massachusetts.

The site plan shall indicate the location and extent of natural features as the SPGA may require, including soil conditions, topography, slopes, wetland, historic features, and land areas which are subject to legal restrictions or otherwise unsuitable or inappropriate for development. Areas to be retained as open land, location of the building(s), location of proposed dwelling units, roads, pathways, parking and service areas, and locations for water, sewer and other utilities shall be identified.

### **11. Special Regulations**

- a. Assisted Living/Nursing Home Campus plans shall be submitted to other Town boards with the appropriate jurisdictions, including wetlands and public health, for approvals as required by state and local laws and as stipulated in the application form.
- b. No portion of the land approved for an Assisted Living/Nursing Home Campus shall be further subdivided or rezoned, and no portion of an Assisted Living/Nursing Home Campus may be further subdivided or rezoned after the SPGA has approved the plan and recorded its decision with the Town Clerk.
- c. A special permit granted under this section shall lapse within a two-year period if construction has not commenced within this time period. The developer may seek an extension to this time period through the Planning Board prior to the special permit lapsing.
- d. There shall be .75 parking spaces per employee per peak shift. Each dwelling unit must have one parking space if applicable.
- e. One visitor parking space shall be provided for every five beds within the nursing home and one visitor parking space shall be designated for every five dwelling units.

### **12. Decision**

The SPGA may approve, approve with conditions, or deny an application for an Assisted Living/Nursing Home Campus after determining it meets or doesn't meet the criteria set forth in this bylaw and the zoning bylaw including the following:

- a. Social, economic, or community needs which are served by the proposal;
- b. Traffic flow and safety, including parking and loading;
- c. Adequacy of utilities and other public services;

- d. Neighborhood character;
- e. Impacts on the natural environment; and
- f. Potential fiscal impact, including impact on town services, tax base, and employment.

**13. Definitions**

The following terms shall have the following definitions for the purposes of this section:

- a. “Assisted Living/Nursing Home Campus” as a primary use provides living accommodations and communal Campus for persons over age 62 and that includes at least: a) 24-hour on-site responsible staff; b) a common dining area in which at least one main full meal is served each day; c) optional laundry, housekeeping and personal services available to residents; d) transportation services; and e) common indoor and outdoor passive or active recreational areas. Such a facility(s) may include: a) a medical or nursing component; and b) retail sales and services for the convenience of residents, accessible only from inside the facility.
- b. “Contiguous open space” shall mean open space suitable, in the opinion of the SPGA, for the purposes set forth in Section 8 of this Section VI.Q. herein. Such open space may be separated by the street(s) constructed within the Assisted Living/Nursing Home Campus. Contiguous open space shall not include required yards.
- c. “Special Permit Granting Authority (or “SPGA”)” shall, for the purposes of an Assisted Living/Nursing Home Campus Bylaw, mean the Planning Board, as provided in Section VIII-B. of this zoning bylaw.
- d. “Buildable Upland”– The contiguous area of a lot that excludes all soils identified as poorly and very poorly drained, all wetlands, floodplains, submerged areas, land set aside for open space or conservation purposes, slopes 15% or greater, dedicated easements or rights-of-way and any land designated a resource area under the Wetlands Protection Act, G.L. c. 131, s. 40 and 310 CMR 10.00.

Or to do or act in any manner relative thereto.

Planning Board

**PURPOSE AND JUSTIFICATION**

To encourage appropriate development of alternative housing for the aging active adult population, which provides an attractive and suitable residential environment that offers various support services for this segment of the population.

**FINANCE COMMITTEE VOTE: 8-0**

**MAJORITY VOTE**

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

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

**The RTM members approved the Finance Committee’s recommendation as read.**

**ARTICLE 13 AMEND ZONING BY-LAWS USE SCHEDULE B FOR ASSISTED LIVINGNURSING HOME CAMPUS**

**PLANNING BOARD**

To see if the Town will vote to amend the North Attleborough Zoning By-Laws, Section V, Use Regulations, Schedule B, Principal Use, by adding the following:

**Residential**

13a. Assisted Living/Nursing Home Campus

					Office and Business					
Residential District					Business District			Park District	Industrial District	
R-10	R-10S	R-15	R-20	R-40	C-7.5	C-30	C-60	OP-60	IC-30	I-60
---	---	---	S	S	---	---	---	---	---	---

**Community Facilities**

13b. Assisted Living/Nursing Home Campus

					Office and Business					
Residential District			Business District			Park District		Industrial District		
R-10	R-10S	R-15	R-20	R-40	C-7.5	C-30	C-60	OP-60	IC-30	I-60
---	---	---	S	S	---	---	---	---	---	---

Or to do or act in any manner relative thereto.

Planning Board

**PURPOSE AND JUSTIFICATION**

The purpose of this amendment is to indicate, per use Schedule B, the districts that Assisted Living/Nursing Home Campuses shall be permitted pursuant to the Assisted Living/Nursing Home Campus By-Law.

**FINANCE COMMITTEE VOTE: 8-0**

**MAJORITY VOTE**

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

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

**The RTM members approved the Finance Committee's recommendation as read.**

**ARTICLE 14 AMEND ZONING BY-LAWS DEFINITIONS**

**PLANNING BOARD**

To see if the Town will vote to amend the North Attleborough Zoning By-Laws, Section IX, Definitions, by adding the following:

**Assisted Living/Nursing Home Campus.** Shall mean a facility, as a primary use, which provides living accommodations and communal Campus for persons over age 62 as a primary use and that includes at least: a) 24-hour on-site responsible staff; b) a common dining area in which at least one main full meal is served each day; c) optional laundry, housekeeping and personal services available to residents; d) transportation services; and e) common indoor and outdoor passive or active recreational areas. Such a facility(s) may include: a) a medical or nursing component; and b) retail sales and services for the convenience of residents, accessible only from inside the facility.

**Buildable Upland.** The contiguous area of a lot that excludes all soils identified as poorly and very poorly drained, all wetlands, floodplains, submerged areas, land set aside for open space or conservation purposes, slopes 15% or greater, dedicated easements or rights-of way and any land designated a resource area under the Wetlands Protection Act, G.L. c. 131, s. 40 and 310 CMR 10.00.

**Parking Lot, Commercial.** A parcel of land or portion thereof used for the parking or storage of motor vehicles as a commercial enterprise for which any fee is charged independently of any other use of the premises and not in conjunction with motor vehicle sales.

Or to do or act in any manner relative thereto.

Planning Board

**PURPOSE AND JUSTIFICATION**

These definitions are proposed for better clarification and understanding when interpreting the Zoning By-Laws.

**FINANCE COMMITTEE VOTE: 8-0**

**2/3 MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the North Attleborough Zoning By-Laws, Section IX, Definitions, by adding the following:**

**Parking Lot, Commercial.** A parcel of land or portion thereof used for the parking or storage of motor vehicles as a commercial enterprise for which any fee is charged independently of any other use of the premises and not in conjunction with motor vehicle sales.

**FINANCE COMMITTEE REASON:** As stated in the purpose and justification. The other two definitions are not being recommended for adoption at the request of the petitioner.

**The RTM members approved the Finance Committee's recommendation as read. 2/3 Majority Vote being declared obvious by the Moderator.**

Motion made and seconded to adjourn the Semi-Annual Town Meeting Sine Die.  
Motion to adjourn carried at 9:21 PM