



Town of North Attleborough, Massachusetts
PLANNING BOARD

On Thursday, July 20 at 6:30 PM, the North Attleboro Planning Board will hold a public hearing on proposed bylaw changes to update the Town of North Attleboro Zoning By-Laws. The proposed bylaw changes are minor and for formatting, grammar, and updating references in the document and with Massachusetts General Laws. The proposed changes were recommended by General Code, a company that is working to create an online version of the bylaws. The public hearing will be held at the Department of Public Works Conference Room, 49 Whiting Street, North Attleboro, MA during a regular planning board meeting. For complete text of the proposed changes, please visit the Planning Board Office in Town Hall, the Town Clerk's office, or the Planning Board's website at www.nattleboro.com/planning-board.

NORTH ATTLEBOROUGH PLANNING BOARD
Marie Clarner, Chair
William Blais, Vice Chair

06/02, 06/09/2023

ZONING BYLAW AMENDMENTS

General Revisions:

The terms "certificate of use and occupancy," "occupancy permit," and "permits for occupancy" are amended to read "certificate of occupancy."

References to the Massachusetts General Laws are standardized to the following format: MGL c. ___, § ___.

Spelling, grammar, and typographical errors are corrected.

Numbers one through nine are consistently cited in text format; numbers 10 and above, fractions and decimals are cited in numeric format.

The capitalization of terms is made consistent; proper nouns and the word "Town," when referring to the Town of North Attleborough, are capitalized.

The word "by-law" is revised to "bylaw."

In Chapter 290, Zoning, references to "Board of Appeals" are amended to read "Zoning Board of Appeals"; the following titles are updated to "Town Council": "Board of Selectmen," "Board of Selectman," and "Selectmen"; the term "cluster residential development" is amended to read "open space residential development."

Original Section VI.O.6.2 of the Zoning Bylaw is repealed, which originally read "In addition to the findings required under § 290-48H of this bylaw, the Zoning Board of Appeals, in granting a special permit under this section, shall find the following:" (this section was a duplicate of § 290-32B).

Chapter 290, Zoning.

Use Schedule B is amended:

In entry 9 under Principal Use, Residential, to change "Cluster residential development" to "Open space residential development."

In entry 5b under Principal Use, Retail and Service, to change the license issuing authority from "Board of Selectmen" to "Licensing Board."

In entry 35 under Principal Use, Retail and Service, to change "marijuana transportation or distribution facility" to "marijuana transporter."

In the notation following the schedule, to change "Zoning Enforcement Agent" to "Building Inspector."

Section 290-4.

Subsection G is amended as indicated: "Business Districts are declared to be those in which the functions related to adjacent retail and commercial activity may be conveniently performed and in which space for smaller commercial enterprises is provided."

Subsection J is amended as indicated: "IC-30, Special Industrial and Commercial District (30,000 square foot area)."

Section 290-6.

Subsection B(1) is amended as indicated: "Floodplain district boundaries.[**]"

Subsection C(1) is amended to change the address for the NFIP State Coordinator as indicated: "251 Causeway Street, ~~Suite 600-700~~ 8th Floor."

Subsection D(1)(a)[3] is amended as indicated: "Inland Wetlands Restriction, DEP (currently ~~302~~ 310 CMR 13.00);"

Subsection D(1)(a)[4] is amended as indicated:

Minimum Requirements for the Subsurface Disposal of Sanitary Sewage Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-Site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage, DEP (currently 310 CMR 15.00, Title 5).

Section 290-7.

Subsection D(2)(g) is amended as indicated: "~~No~~ New underground storage and/or transmission of petroleum products, excluding liquefied petroleum gas."

Subsection D(2)(h) is amended as indicated:

Outdoor storage of animal manure not in accordance with specifications of the United States ~~National Resource~~ Natural Resources Conservation Service (NRCS), unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

The following sections are amended to change "parties of interest" to "parties in interest": §§ 290-7D(4)(c), 290-31L(2), 290-32C, and 290-49.

Section 290-8.

Subsection C is amended as indicated: "The provisions of this section shall apply to land identified as the Transit Oriented Development (TOD) designated as an overlay district on the Zoning Map dated ~~November 28~~ August 18, 2011."

Subsection F(11) is amended as indicated: "Stormwater management shall be designed incorporating low-impact development standards pursuant to the Wetlands Protection Act Regulation 310 CMR 10.04."

Subsection G(2) is amended:

In the lead-in paragraph as indicated: "~~That~~ The development specifically provides one or more of the following actions or benefits:"

In Subsection G(2)(f) to change "Department of Community Affairs, Division of Housing and Community Development" to "Department of Housing and Community Development."

Subsection G(3) is amended as indicated:

The development provides water, wastewater and stormwater systems that meet DEP standards, including low-impact development methods; ~~Title V 310 CMR 15.00, Title 5;~~ Conservation Commission; Department of Public Works; Board of Health and Planning Board drainage requirements.

Section 290-9, Subsections C(3) and J(4), is amended to change "Building Commissioner" to "Building Inspector."

Section 290-13.

Subsection H is amended as indicated: "~~No~~ An in-ground swimming pool or any appurtenant structure thereto shall be located neither within any required front yard nor within 15 feet from any side or rear lot line."

Subsection N is amended as indicated:

On a lot which is split between a commercial and/or industrial zoning district and a residential zoning district, the required percentage of open space shall be obtained on that portion of the lot which is within the same zoning district as the principal use of the lot, expressed as a percentage of the area contained within the same zoning district as the principal use of the lot.

Section 290-19B is amended as indicated:

Off-street loading. For every building hereafter erected for retail and service ~~commercial~~, wholesale transportation and industrial, and community facility use as specified in Use Schedule B and for every such use hereafter established in an existing building or area, the off-street loading and unloading requirements presented in Schedule D, Off-Street Loading Regulations, shall apply.

Section 290-23.

In Subsections A(2)(c) and D(1), "Health Board" is revised to "Board of Health."

In Subsections A(2)(c) and D(4), "State Board of Health" is revised to "State Department of Public Health."

Subsection F(1) is amended as indicated: "The mobile home park shall be subject to the rules and regulations of the Town of North Attleborough Fire Protection Authority within a jurisdiction."

Subsection F(2) is amended as indicated: Fire protection measures, as recommended by the ~~fire prevention authority~~ Fire Protection Authority within a jurisdiction, shall be taken by the mobile park operator.

Section 290-25.

Subsection D(2) is amended as indicated: "Nonilluminated political signs, including temporary political signs."

Subsection J(2) is amended as indicated: "Temporary signs shall not be internally illuminated[,] and shall be illuminated by indirect external light only."

Subsection J(5) is amended as indicated: "Temporary signs shall not be allowed on a lot in Principal Use, Residential, as defined in Schedule B of this bylaw, except where otherwise provided."

Subsection K(1) is amended as indicated: "Setbacks shall be at least 10 feet from any lot line."

Subsection K(2) is amended as indicated: "Portable signs shall not be internally ~~illumination~~ illuminated[,] and shall have no flashing lights or be otherwise animated."

Section 290-26D(3) is amended as indicated:

Parking requirements. Refer to § 290-19 of this Zoning Bylaw for off-street parking and loading requirements. Plans that employ LID techniques may reduce parking space dimensions to nine feet by 18 feet 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.)~~

Section 290-29J is amended as indicated: "A reader board sign is permitted[,] as an additional sign[,] on the pylon sign so permitted."

Section 290-30.

Subsection C(2)(c) is amended to change "Soil Conservation Service" and "SCS" to "Natural Resources Conservation Service" and "NRCS," respectively.

Subsection C(2)(f)[1] is amended to change "SCS" to "ARS."

Subsection C(3)(a) is amended as indicated:

Where appropriate, the Board may require soil surveys to establish the suitability of the land for proposed storm and sanitary drainage installations and building foundation stability. In preparing the statement, the applicant shall utilize the soil survey maps and manual prepared by the ~~Soil Conservation Commission~~ Natural Resources Conservation Service, U.S. Department of Agriculture.

Subsection C(4)(c) is amended as indicated: "Provide a description of location, size and type of active and passive recreational facilities and open space available to residents."

Section 290-31.

Subsection G(7) is amended as indicated: "Access to state highways shall be subject to review and approval by the Massachusetts Department of ~~Public Works~~ Transportation as required."

Subsection K(3) is amended as indicated: "Permanent erosion control and vegetative measures shall be in accordance with the erosion/sedimentation/vegetative practices recommended by the ~~Soil~~ Natural Resources Conservation Service."

Section 290-32G is added to read: "No special permit will be issued to any person convicted of violating the provisions of MGL c. 119, § 63, or MGL c. 272, § 28."

Section 290-33O.

The definition of "affordable to persons or families qualifying as moderate income" is amended as indicated:

Affordable to persons in the area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning more than 50% but less than 80% of the median income and in compliance with the standards for the Local Initiative Program 760 CMR ~~45-00~~ 56.00.

The definition of "housing laws" is amended as indicated:

The Fair Housing Act, 42 U.S.C. ~~§ 3607(b)~~ § 3601 et seq., as amended, the regulations promulgated hereunder, 24 CFR Subtitle B, Ch. 1, Section 100.300 et seq. and MGL c. 151B, § 4.

Section 290-34.

Subsection A is amended:

To change "105 CMR 725.00," "105 CMR 725.100," and "105 CMR 725" to "935 CMR 501.000" in the lead-in paragraph and definitions of "medical marijuana treatment center, cultivation and processing," "medical marijuana treatment center, retail," and "medical use."

In the definition of "marijuana establishment," as indicated:

A marijuana cultivator, craft marijuana cooperative, marijuana product manufacturer, marijuana retailer, marijuana testing ~~laboratory~~ facility, marijuana research facility, marijuana transporter, or any other type of licensed adult use marijuana- related business not otherwise defined in this bylaw § 290-34, except a medical marijuana treatment center.

To change the defined term "marijuana transportation or distribution facility" to "marijuana transporter."

Subsection B(1) is amended to change "105 CMR 725.00" to "935 CMR 501.000."

Subsection G(2) is amended as indicated: "Letter from the North Attleborough Police Department."

Subsection G(4) is amended as indicated: "No special permit shall be granted by the SPGA without the marijuana establishment first having been issued a provisional license from the Commission pursuant to 935 CMR 500.00."

Subsection J(1) is amended as indicated:

Any special permit granted hereunder shall lapse after one year, excluding such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause as determined by the Building ~~Commissioner~~ Inspector or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

Section 290-35H(8) is amended as indicated:

No certificate of occupancy shall be issued by the Building ~~Department~~ Inspector 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.

Section 290-47 is amended as indicated:

Any person, firm or corporation violating any of the provisions of this bylaw, for each violation, upon conviction thereof, shall pay a fine of not more than \$300. Each day, or portion of a day, that any violation is allowed to continue shall constitute a separate offense. Violation of this bylaw may also be subject to a noncriminal penalty as provided in Chapter 1, General Provisions, § 1-3.

Section 290-53.

The definition of "adult retirement community" is amended as indicated:

~~A development subject to the Age Restriction and the other standards set forth in § 290-33, as authorized by a special permit and the Special Permit Granting Authority. All of the land within an ARC shall be within one, or a combination of, the R-10, R-10S, R-15 or R-20 districts. See definition of "adult retirement community" (ARC) in § 290-33O.~~

The definition of "certificate of occupancy" is amended as indicated: "A ~~permit~~ certificate issued by the Building Inspector authorizing the occupancy and the use of land and/or structures and buildings."

The definition of "driveway" is amended as indicated: "An area, located on a lot, which is not more than ~~24~~ 25 feet in width built for access to a garage, or off-street parking or loading space."

The definition of "lot frontage" is amended as indicated:

A street claimed as frontage must be paved unless deemed acceptable by the Planning Board after receiving input from the Building ~~Commissioner~~ Inspector and Department of Public Works and other Town personnel as may be affected.

The definition of "refuse facility" is amended as indicated:

A sanitary landfill; a refuse transfer station; a refuse incinerator or resource recovery facility rated by the Massachusetts Department of Environmental Protection ~~Engineering~~ at more than 1/2 ton of refuse per hour; a dumping ground for refuse; or any other works that has a principal use of receiving, treating, processing, storing or disposing of refuse.

The definition of "sign, temporary" is amended as indicated:

A sign constructed of cloth, fabric or other lightweight temporary material with or without a structural frame intended for a limited period of display, ~~including decoration display~~ including decoration displays for holidays or public demonstrations.