

**In Municipal Council  
Regular**

**SEPTEMBER 1, 2015  
7 P.M.**

MEMBERS PRESENT: President Frank B. Cook, Vice-President Peter Blais. Councilors: Ronald Churchill, Richard Conti, Mark Cooper, Jeremy Denlea, Shannon Heagney, Brian Kirby, Heather Porreca, Walter Thibodeau and Jonathan Weydt.

MEMBERS ABSENT: None

President Cook led the Council and the audience in the Salute to the Flag.

President Cook reminded Councilors and the audience to turn off all cell phone devices as it interferes with the cable broadcast.

A motion was made, duly seconded and unanimously voted to approve the minutes of August 18, 2015.

A motion was made, duly seconded and unanimously voted to approve the minutes of August 20, 2015.

President Cook explained that Councilor Denlea had requested approval to read the proposed Transit Oriented Development Zoning District ordinance into the record and that the rules would need to be suspended for this purpose. President Cook entertained a motion to suspend the rules.

Voted on Roll Call—11 yeas—0 nays to Suspend the Rules.

Continued from the meeting of July 21, 2015: **PUBLIC HEARING** relative to the application for a 2015 New Class 2 Auto License from Best Buy Automotive and Tires, Inc., 931 Washington Street, Attleboro, MA for 4 Customer Parking Spaces and 10 Display Spaces.

Speaking in favor was Mark Engel, Esq. of Engel & Shultz, LLP, 265 Franklin Street #1801, Boston, MA 02110 and Stephanie Kooshan of 925 Washington Street. .

Attorney Engel informed the Council members that he represented the business known as Best Buy Automotive and Tires, Inc., 931 Washington Street, Attleboro, MA.

Mr. Churchill informed Attorney Engel that he had a made a visit with the current Police Chief to the 931 Washington Street location and that he witnessed members of the public looking at cars and workers servicing vehicles. He also informed Attorney Engel that he spoke directly to someone on the day of the visit who identified himself as the brother of the business owner. He asked Attorney Engel if Best Buy Automotive and Tires, Inc. was selling cars without a license.

Attorney Engel responded that it wasn't his client and that anything that occurred was without his client's knowledge. He stated there was a previous business there prior to his client's application for a Class 2 License. He further stated that there are no employees and it is not in

the business of selling cars at this time. He testified about related legal action due to divorce proceedings. He stated he would get the information Mr. Churchill requested and asked Mr. Churchill if he had the name of the person who he spoke to that day.

Mr. Churchill responded that he did not have a name, but that he planned on visiting the 931 Washington Street location again soon to find the person that he spoke to and to get a name because what he witnessed that day gave him the impression that Best Buy Automotive and Tires, Inc. was selling cars when they should not be. Mr. Churchill stated that doing so is irresponsible and would not be helping the application for a license. Mr Churchill stated again that he had asked the person he spoke with to supply him with certain information and to date he has not received said information or had any contact with the individual.

Attorney Engel stated he would do what he could to provide that information to him.

Mr. Churchill asked if there is a relationship between the application and previous business owner/owners.

Attorney Engel answered no and began to question Mr. Churchill's line of questioning.

Mr. Thibodeau raised a Point of Order relative to Attorney Engel's accusations.

Attorney Engel apologized.

Mr. Blais noted that the previous owner was Best Buy and that it appears there is a slight change in the title. He asked about the relationship to the previous owner.

Attorney Engel stated there was no relationship.

Mr. Blais asked about the qualifications of the applicant.

Speaking in favor was Stefanie Kooshan, the applicant.

Ms. Kooshan answered that while her experience is limited, that she had worked a little with T&C Automotive.

Mr. Blais asked Ms. Kooshan what she intended to do with this business.

Ms. Kooshan responded that she intended to do auto repairs and sales to customers who walk in.

Mr. Blais asked if she intended to sell cars overseas.

Ms. Kooshan replied no, she intended to sell only to customers.

Mr. Blair asked Ms. Kooshan what type of employees she intended to have working at the business and how many.

Ms. Kooshan answered that she intended to hire 2 or 3 employees to do sales and repairs and that she would be doing the sales.

Mr. Cooper asked Ms. Kooshan if she intended to be at the business while it was operating.

Ms. Kooshan answered that she intended to be at the business as much as she could. She noted that this is an investment and that she held another job.

Mr. Churchill noted the operations he saw on his visit, based on a complaint that had been received, and that an employee told him the work he was performing was for the new owner. He reiterated that he was still waiting for promised information.

Attorney Engel stated he would get this information to Mr. Churchill.

Mr. Conti asked Ms. Kooshan if she was currently residing at 925 Washington Street.

Ms. Kooshan answered yes.

Mr. Conti asked for evidence that she is a proper person.

Ms. Kooshan replied that this is where her family is, that she is a hairstylist who is successful and that she rents a chair at a salon and that she already considers herself a business owner and wants to have another successful business.

Mr. Conti asked her why she considers herself a successful business person.

Ms. Kooshan responded that she makes good business decisions and wanted to try another business.

Mr. Conti explained that the Council has to make a determination as to whether or not she is a proper person to own and operate the type of business that she is seeking a license for and asked for evidence of her being a proper person.

Ms. Kooshan responded that she didn't believe that it was going to be such a big deal to be a first time dealer of automobiles.

Ms. Porreca asked why she was interested in this type of business.

Ms. Kooshan went on to explain that her father and step-father were auto mechanics and that she hopes to be able to buy cars on line and then repair and sell them.

Ms. Porreca asked if she had any relationship with the previous owner.

Ms. Kooshan replied yes, that they had worked together as hairstylists.

Mr. Cooper briefly reviewed the history of the application and questioned the applicants response to a question in which it was stated that this would not be the principal business.

Ms. Kooshan stated that she planned to make this her primary business.

Mr. Cooper noted that 925 Washington Street is the owner's address while 931 Washington Street is the business address.

Mr. Kirby asked what is currently occurring at the location.

Ms. Kooshan replied that nothing is occurring.

Mr. Kirby noted that he had seen activity at the location.

Mr. Conti asked Ms. Kooshan if her principle business is going to be buying and selling used vehicles.

Ms. Kooshan answered that eventually she would like to get away from hairstyling so that she can run the auto business full-time.

Mr. Conti asked Ms. Shockroo to check the status of the business's certifications.

Mr. Churchill asked Ms. Kooshan why she thought she could be successful in operating this type of business on a street that is already inundated with used car dealers.

Ms. Kooshan answered that the business is the first used car dealership when motorists cross over on the Rhode Island/Massachusetts state line and that there is a traffic light directly next to the business. She believes that this gives the business an advantage because motorists that are stopped at the traffic light will see the business and because it is on the state line there.

Mr. Churchill asked if she was planning on selling cars overseas.

Ms. Kooshan replied no.

Ms. Heagney further explained to Ms. Kooshan that the Council has a job to do and that they take that job very seriously and that making a decision about whether or not she is the proper person to operate the business is part of that job. Ms. Heagney also went on to explain that having a proper license to operate such a business is important because other similar businesses have had to apply for and be granted a license to operate, and that it wouldn't be fair to those other businesses if others were allowed to operate without a license or the proper permits. She also asked about the applicant's father as an entrepreneur and referenced the special permit aspect as part of the procedure.

Ms. Kooshan restated her operating plan.

Mr. Cooper stated to Ms. Kooshan that she should follow up with the building inspector and the Planning Office to insure that she has all of the permits necessary to operate the business. He noted that to protect constituents it is necessary to get a handle on what is happening at the location.

President Cook asked Ms. Shockroo to read into the record the Other Communication item relative to the application.

No one appeared to speak in opposition.

No one appeared to speak neither for nor against.

President Cook asked Mr. Churchill if the public hearing should be continued.

Mr. Churchill answered no.

President Cook closed the public hearing.

**The following communications were received from the Mayor and read by the Clerk of the Council, Elizabeth Shockroo:**

September 1, 2015

Dear Municipal Councilors:

1. I respectfully submit a communication from Superintendent of Park & Forestry Aurelio Almeida regarding the need for funds to replace the fiber at the playgrounds in Capron Park and Balfour River walk. The fiber in the playgrounds must be replaced as soon as possible. Therefore, I hereby request Your Honorable Body to transfer \$7,837.50 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 16501000-558090(Park & Forestry – Supplies Other). Upon approval, the available balance in Reserve Fund for Transfer will be \$367,445.48. (Copies in your packets)

1/9/1/15 – REFERRED TO COMMITTEE—BUDGET & APPROPRIATIONS

2. I respectfully submit a communication from Library Director Joan Pilkington-Smyth regarding the need for funds for tuition and books. Library employee Carrie Sylvia has completed two (2) summer courses and is eligible for reimbursement according to contract agreement, Article XXI, Section 1. Therefore, I hereby request Your Honorable Body to transfer \$1,000.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 16101000-532010 (Public Library – Tuition & Books). Upon approval, the available balance in Reserve Fund for Transfer will be \$366,445.68. (Copies in your packets)

2/9/1/15 – REFERRED TO COMMITTEE—PERSONNEL & HUMAN SERVICES

3. I respectfully submit a communication from City Solicitor Robert Mangiaratti regarding land swaps at the Intermodal Transportation Center between the City of Attleboro and the Attleboro Redevelopment Authority (ARA) and the MBTA. Enclosed is the detailed information needed for this swap. To accomplish this land swap, three majority votes are needed:

·A quitclaim deed from the MBTA to the City conveying a small sliver of land on the westerly side of South Main Street.

·An easement deed from the MBTA to the City conveying drainage easements

·An easement deed from the ARA to the City conveying a drainage easement

3/9/1/15 – REFERRED TO COMMITTEE—CAPITAL IMPROVEMENTS & CITY DEVELOPMENT

4. I respectfully submit a communication from Zoo Director Jean Benchimol regarding paying a previous year's bill in the amount of \$185.64 for Home Depot. A vote authorizing payment is needed to satisfy this debt. There is no transfer of funds needed to pay these bills, as there is sufficient funding in Fund 2607. (Copies in your packets)

4/9/1/15 – REFERRED TO COMMITTEE—BUDGET & APPROPRIATIONS

5. As you are aware, the Council on Aging has the replacement of its 2-ton HVAC unit within the City's 2016-2020 Capital Improvement Program as a priority 1. It is no longer financially prudent to continue to make repairs to this aging unit and the City has been advised by our maintenance contractor that it needs to be replaced. Therefore, I hereby request Your Honorable Body to transfer \$9,800.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 15411000-524011 (Council on Aging – Building Maintenance) for the replacement of this HVAC Unit. Upon approval, the available balance will be \$356,645.48. (Copies in your packet)

5/9/1/15 – REFERRED TO COMMITTEE—CAPITAL IMPROVEMENTS & CITY DEVELOPMENT

6. I respectfully submit for confirmation by Your Honorable Body the appointment of David Neary, 22 Bridget Way, to fill an expired term on the Solid Waste Advisory Committee. Term to expire February 2018. (Copies in your packets)

6/9/1/15 – REFERRED TO COMMITTEE—PERSONNEL & HUMAN SERVICES

7. I respectfully request Your Honorable Body to hold a public hearing in October for the purpose of setting the tax classification so that the necessary votes can be taken to determine the percentage of the local tax levy to be borne by each class of property for fiscal year 2016.

7/9/1/15 – REFERRED TO COMMITTEE—BUDGET & APPROPRIATIONS

A motion was made, duly seconded and unanimously voted to hold a **PUBLIC HEARING on Tuesday, October 6, 2015** for the purpose of setting the tax classification so that the necessary votes can be taken to determine the percentage of the local tax levy to be borne by each class of property for fiscal year 2016.

--Approved by the Mayor on September 3, 2015

8. As you are aware, the First Mayor's House and the Park & Forestry Buildings are listed in the FY2016-2020 Capital Improvement Program for the City. A bid was prepared by Purchasing Assistant Carol Brown and these projects were put out to bid together to maximize the best opportunity for savings. The lowest responsible bidder was, Eagle Eyes Contractor, and bid a total amount of \$38,000.00. The next two bid results were for \$57,477.00 & \$78,750.00. Therefore, in order to get these two projects started as soon as possible, I hereby request Your Honorable Body transfer \$38,000.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11241000-599300 (City Wide – Transfer to Capital Project Fund).

And furthermore, I hereby request Your Honorable Body transfer \$38,000.00 from Account 11241000-599300 (City Wide – Transfer to Capital Project Fund) as follows:

\$19,000.00 to Fund 3529 First Mayor's House  
\$19,000.00 to Fund 3528 Park & Forestry Admin Building

Upon approval, the available balance in Reserve Fund for Transfer will be \$318,645.48.  
(Copies in your packets)

8/9/1/15 – REFERRED TO COMMITTEE—CAPITAL IMPROVEMENTS & CITY DEVELOPMENT

9. As you may be aware, the steam pipes at 95 Pine Street are in need of repair. There are approximately 12 areas of basement steam pipe that need to be replaced and repaired. Also, a steam trap needs to be replaced and a leaking copper water line needs to be repaired. All labor, disposal of old material and required pipe, fittings, and valves etc. are included in this price. This work is not ordinary maintenance that the occupant, CDA, Inc, would be obligated to perform under its license agreement. I request that this matter be voted as soon as possible to ensure that these repairs can be made prior to the beginning of the heating season. I am also requesting a 10% project contingency for any unforeseen issues in the amount of \$820.00. Therefore, I hereby request Your Honorable Body to transfer \$9,020.00 from Account 11241000-5783000 (City Wide – Reserve Fund for Transfer) to Account 11241000-524011 (City Wide – Maintenance of Buildings). Upon approval, the available balance in Reserve Fund for Transfer will be \$309,625.48

9/9/1/15 – REFERRED TO COMMITTEE—BUDGET & APPROPRIATIONS

Sincerely,

Kevin J. Dumas, Mayor

**The following communications were received and read by the Clerk of the Council, Elizabeth Shockroo:**

Communication from President Frank B. Cook to Councilors relative to the hiring of the new Administrative Assistant of the Council, Kenneth Owens.

REFERRED TO THE PERSONNEL & HUMAN SERVICES COMMITTEE

Communication from Bristol Probate and Family Court, 40 Broadway Street, Taunton, MA stating that the motion of the plaintiff, Mona S. Moukaiber, for a preliminary injunction is DENIED and the Temporary Order dated July 29, 2015 is hereby VACATED relative to Best Buy Automotive, 931 Washington Street, Attleboro, MA

REFERRED TO THE LICENSE COMMITTEE

**VOTED: TO GO INTO COMMITTEE OF THE WHOLE 7:43 P.M.** to hear anyone who wishes to speak on any matter pertaining to City business.

No one appeared at the Committee of the Whole.

**VOTED: TO ARISE at 7:43**

President Cook called for committee meetings for all of the committees next week at the appropriate time.

**Committee Reports:**

Mr. Denlea held an **Ordinance, Elections and Legislative Matters Committee.**

He stated that a joint public hearing would be held on Tuesday, September 15<sup>th</sup> relative to the T.O.D. Ordinance. He read the following ordinance in its entirety into the record:

**TRANSIT ORIENTED DEVELOPMENT ZONING DISTRICT**

- 1. Amend §17-2.1.2 ESTABLISHMENT OF BUSINESS ZONING DISTRICTS by inserting “Transit Oriented Development (“TOD”)”, as follows.**

These business zoning districts are established to accommodate commercial and business and related complementary uses within the objectives set forth in the ZONING ORDINANCE. Business zoning districts, herein referred to as “B” zoning districts, shall be designated as follows: Central Business (“CB”), Transit Oriented Development (“TOD”), General Business (“GB”), and Planned Highway Business (“PHB”).

2. **Amend §17-2.1.2 ESTABLISHMENT OF BUSINESS ZONING DISTRICTS by inserting new subsection (B) as follows, and re-alphabetize existing subsection (B) and subsection (C) accordingly.**

**B.** The “TOD” zoning district is established to accommodate a compact and very highly intensive mix of residential, retail, office, civic/entertainment, and institutional uses, and to promote the creation and retention of uses in areas with high potential for enhanced mass transit and pedestrian activity with less reliance on the automobile.

3. **Amend §17-3.4 TABLE OF USE REGULATIONS by inserting the “TOD” zoning classification under the “Business” heading in all principal land use categories, as follows.**

PRINCIPAL USES – RESIDENTIAL	<u>BUSINESS</u>
	CB TOD GB PHB

PRINCIPAL USES – COMMUNITY FACILITIES	<u>BUSINESS</u>
	CB TOD GB PHB

PRINCIPAL USES – AGRICULTURE	<u>BUSINESS</u>
	CB TOD GB PHB

PRINCIPAL USES – RETAIL, SERVICES, COMMERCIAL	<u>BUSINESS</u>
	CB TOD GB PHB

PRINCIPAL USES – WHOLESALE, TRANSPORTATION, AND INDUSTRIAL	<u>BUSINESS</u>
	CB TOD GB PHB

4. **Amend §17-3.5 TABLE OF ACCESSORY USE REGULATIONS by inserting “TOD” under the “Business” zoning heading, as follows.**

ACCESSORY USES	<u>BUSINESS</u>
	CB TOD GB PHB

5. **Amend §17-3.4 TABLE OF USE REGULATIONS by inserting “P”, “N”, “S” to the corresponding principal land use in the “TOD” zoning classification under the “Business” heading, as follows.**

PRINCIPAL USES – RESIDENTIAL	<u>BUSINESS</u>	
	TOD	
1.	One-Family	Detached
Dwellings.....	N	
2.	Two-Family	
Dwellings.....	N	

3. Dwellings.....	Multi-Family N
4. House.....	Lodging House or Guest N
5. Family Dwellings.....	Conversion of Existing Dwellings to Two- N
6. Family Dwellings.....	Conversion of Existing Dwellings to Multi- N
7. uses whereby all dwelling units are above the first floor level and the business use is permitted by-right or is allowed by special permit.....	Mixed Residential/Business P
8. Dwellings whereby dwelling units on the first floor level are regulated by special permit and dwelling units above the first floor level are permitted by-right.....	Downtown Residential Cluster S
9. Development.....	Residential Cluster N
10. Primarily for the Elderly and Handicapped.....	Residential Cluster Dwellings S
11. Standard Design.....	Open Space Residential Development - N
12. Affordable Housing.....	Open Space Residential Development - N
13. Green Design.....	Open Space Residential Development - N
14. Park.....	Mobile Home N

PRINCIPAL USES – COMMUNITY FACILITIES

BUSINESS  
TOD

1. Purpose.....	Church and other Religious P
2. Educational Purpose that are Religious, Sectarian, Denominational, or public in nature or those of a Non-Profit Educational Corporation....	P
3. included in use #2 above).....	Private School, College or University (not P
4a. Home.....	Family Day Care P
4b. Center.....	Group Day Care P
5. Profit).....	Membership Club (Non- S
6. Country, Fishing, Tennis or Golf Club.....	N
7. Trails.....	Wildlife Sanctuary and Nature S
8. Facilities.....	Municipal Building and Recreational P
9. Indoor.....	Sportsplex/Sports Complex, N

10.	Cemetery.....			
.....	N			
11a.	Office for no more than one Medical Doctor			
or Dentist.....	N			
11b.	Professional Medical/Dental Office or			
Building.....	S			
12a.	Hospital,		Nursing	
Home.....	N			
12b.	Health		Care	
Facility.....	N			
12c.	Hospital		Related	
Services.....	N			
13.	Veterinary			
Hospital.....	S			
14.	Municipal	Off-Street	Parking	
Lot.....	P			
15.	Historical			
Society.....	N			
16.	Public or Private Utility and Facilities for			
Essential Service.....	P			
17.	Sanitary			
Landfill.....	N			
18.	Street,	Bridge,	Tunnel,	Railroad
Lines.....	P			
19.	Private Utility Overhead High Voltage Transmission Line,			
Substation or Similar Facility or Building.....		S		
20.	Indoor storage in a municipal building of items use in connection			
With the educational, recreational, athletic and municipal programs,				
such as equipment, books records, and supplies. The supplies and				
equipment shall not include any toxic, hazardous material, whether				
liquid, solid or gaseous, vehicles, trucks or any other type of				
gasoline-powered machine.....				P

PRINCIPAL USES – AGRICULTURE \_\_\_\_\_ BUSINESS  
TOD

1.	Agriculture, Horticulture, Floriculture and/or			
Greenhouse on parcels of				
a.	less than five acres.....	N		
b.	more than five acres.....	N		
2.	Year-Round Stand for Wholesale and Retail Sale of			
Agriculture or Farm Products.....		N		
3.			Commercial	
Kennel.....	N			
4.			Commercial Stable or Livestock	
Farm in which all animals are				
completely enclosed in pens or other structure.....		N		

PRINCIPAL USES – RETAIL, SERVICE, COMMERCIAL \_\_\_\_\_ BUSINESS  
TOD

1.			Retail	Establishment	Selling
Principally Convenience Goods					

propriety goods..... P  
 2.  
 General Merchandise..... P  
 3.  
 where consumption is primarily  
 intended to be within the building..... P  
 4.  
 Establishments..... S  
 5.  
 principal use..... N  
 6a.  
 Automobiles, Trucks, Boats,  
 Implements..... N  
 6b.  
 Vehicles..... N  
 7a.  
 ..... P  
 7b.  
 ..... N  
 8.  
 serving local needs such as barber  
 repair, and self-service laundry..... P  
 9.  
 Establishment..... N  
 10.  
 including but not limited to Banking,  
 Engineering..... P2  
 11.  
 Profit..... S  
 12a.  
 Rental Establishments..... N  
 12b.  
 Facility for major repairs provided  
 inside the building..... N  
 13.  
 Establishment..... N  
 14.  
 Repair Services..... S  
 15.  
 Storage..... N  
 16.  
 provided that not more than 20% of  
 to showroom and/or retail space..... S  
 17.  
 Gymnasium..... S

including but not limited to food, drugs and

Retail Establishment Selling  
 Eating and Drinking Places  
 Drive-In Eating and Drinking  
 Sales by Vending Machines as a  
 Establishments Selling  
 Motorcycles, Trailers and Farm  
 Sale of Second Hand Motor  
 Hotels.....  
 Motels.....  
 Repair and Service Businesses  
 shops, beauty shops, shoe  
 Funeral  
 Professional Business Office,  
 Insurance, Real Estate, Legal or  
 Membership Club Operated for  
 Automobile Service Station and  
 Automobile Body Shop and/or  
 that all work is carried out  
 Car Washing  
 Miscellaneous Business and  
 Self-Storage and Mini-  
 Craft Shop and Building Trade  
 the gross floor space is devoted  
 Physical Fitness/Workout

18. Establishment.....	S	Physical Training Service
19. high solid fence) and Yards.....	N	Junkyards (enclosed by a 6' foot Automobile Salvage

<sup>2</sup> Such use in the “TOD” zoning district may also include commercial uses such as personal service needs, coffee shop, and convenience store provided that not more than 20% of the gross floor space of the building is devoted to such commercial use(s).

20. Parks.....	N	Amusement
21. Arcade.....	N	Amusement
22. Auditorium.....	S	Indoor Theater or
23. Exchange.....	N	Telephone
24. Tower/Facility.....	S	Wireless Telecommunications
25. Tower.....	N	Communication and Television
26. Garage.....	P	Commercial Parking Lot or Public
27. Market.....	N	Flea
28. Bookstore.....	N	Adult
29. Theatre.....	N	Adult Motion Picture
30. Store.....	N	Adult Paraphernalia
31. Store.....	N	Adult Video
32. Cabaret.....	N	Adult

PRINCIPAL USES – WHOLESALE, TRANSPORTATION AND INDUSTRIAL

BUSINESS  
TOD

1. Materials.....	N	Processing and Treating of Raw
2. Suppliers.....	N	Construction Industry Including
3. Heavy Manufacturing, Assembling and/or Processing of Manufactured Products.....	N	
4. Light Manufacturing, Assembling and/or Processing of Manufactured Products.....	N	
5. Cleaning Plant.....	N	Bakery, Laundry, Dairy Processing, Dry
6. Plant.....	N	Newspaper and/or Printing

7. Warehousing.....	Motor N	Freight	Terminal	and
9. Open Storage of Raw Materials, Finished Goods, or Construction Equipment and Structures for storing such equipment, provided such shall be screened from outside view by an enclosed fence and gate at least six (6') feet in height, or a solid wall of evergreens to be of vertical habit and to be maintained, and a solid gate at least six (6') feet in height and not more than twenty (20') feet in width.....		N		
10. Storage of Fluid Other than water as a principal use (for example oil, gas, chemicals).....		N		
11. Development Activities.....	Establishments N	Devoted to	Research and	
12. Site.....	Helicopter N			Landing
13a. Power Plant (generating energy by any means/process other than by gasification).....	N			
13b. Facility.....	Refuse N			Incineration
14a. Facility.....	Hazardous N			Waste
14b. Facility.....	Low-Level N	Radioactive		Waste
14c. Facility.....	Gasification N			

**6. Amend §17-3.4 TABLE OF USE REGULATIONS – RETAIL, SERVICE, COMMERCIAL by inserting new land use #5 and #6, and renumber accordingly.**

<u>PRINCIPAL USES – RETAIL, SERVICE, COMMERCIAL INDUSTRIAL</u>	<u>RESIDENTIAL</u>						<u>BUSINESS</u>	
	SR	GR	CB	TOD	GB	PHB	I	IBP
5. Craft Brewery.....	N	N	P	P	P	P	N	N
6. Brewpub.....	N	N	P	P	P	P	N	N

**7. Delete §17-3.4(8) TABLE OF USE REGULATIONS – WHOLESALE, TRANSPORTATION AND INDUSTRIAL and insert in place thereof the following.**

<u>PRINCIPAL USES – WHOLESALE, TRANSPORTATION AND INDUSTRIAL</u>	<u>RESIDENTIAL</u>						<u>BUSINESS</u>	
	SR	GR	CB	TOD	GB	PHB	I	IBP
8a. Bus, Taxi, Rail Station.....	N	N	P	P	P	P	P	N
8b. Bus, Taxi, Rail Terminal and/or Maintenance Facility.....	N	N	N	N	P	P	P	N

8. **Amend §17-3.4(10) TABLE OF USE REGULATIONS – RETAIL, SERVICE, COMMERCIAL by changing footnote #2 next to the “P” under the “IBP” zoning classification under the “Industrial” heading to footnote #3.**

9. **Amend §17-3.5 TABLE OF ACCESSORY USE REGULATIONS by inserting “P”, “N”, “S” to the corresponding accessory land use in the “TOD” zoning classification under the “Business” heading, as follows.**

ACCESSORY USES	<u>BUSINESS</u> TOD
1. Removal of Sand, Gravel, or other Raw Materials (see §17-10.2).....	S
2. Raising and Keeping of Livestock, Horses and Poultry not for commercial use.....	N
3. Temporary stand for retail sale of agricultural or farm products raised on the same premises (not to be used for a period of more than 3 months in any one year).....	N
4. Accessory Residential Building such as private garage, playhouse, green house, tool shed, private swimming pool, skating rink, tennis court, carport or similar accessory structure (subject to provisions of §17-4.0).....	S
5. Accessory to Permitted Use.....	Heliport      Landing      Site SMC
6. Community Garage or Off-Street Parking Area for three (3) or more non-commercial motor vehicles.....	P
7. Storage or Garaging of one or more commercial vehicles.....	N
8. Home Occupation.....	N
9. Driveway	
a. serving residential use.....	P
b. serving commercial or industrial use.....	P
10. Accessory Storage of Trailer, Boat, Utility Trailer, or Boat Trailer provided such shall either be stored within a principal or accessory building or behind the building line within the side or rear yards and shall not be used for dwelling or sleeping purposes.....	N
11. Accessory Office activity related to a permitted principal use under §17-3.4 WHOLESALE, TRANSPORTATION AND INDUSTRIAL.....	P
12. Accessory Indoor Repair and Storage Facilities in any retail sales or consumer establishment provided such shall not occupy more than twenty-five (25%) percent of the gross floor area and shall not be located within fifteen (15') feet of any entrance	

used by the public.....	P			
13. Accessory outside storage in a covered structure clearly necessary to the operation and conduct of a permitted principal wholesale, transportation, industrial and/or business use, provided it shall be screened from outside view pursuant to the requirements of §17-4.4.4(A) Description of Screens.....	S			
14. Use.....	Light		Manufacturing	
	N			
16a. News–Stand, Barber Shop, Dining Room or Cafeteria, and similar accessory services primarily for occupants or users thereof within an office or industrial building, a hotel or hospital containing more than fifty (50) sleeping rooms, or transportation terminal facility.....	P			
16b. Retail establishment selling principally commercial good including but not limited to food, drugs, and convenience items including vending machines, ATMs, and stamp dispensing machines. In the “IBP” district, such goods are intended to service the needs employees and businesses within the district and are not primarily intended to draw traffic from areas outside the “IBP” district.....	P			
17. Wall, Fence or Similar Enclosure provided for front yard restrictions.....	P			
18. Up to three (3) lodging units in an existing dwelling, provided the exterior of the structure is not altered.....	N			
19. Accessory Storage of a fluid other than water or ordinary household or building heating fuel, or any substance covered by the licensing requirements of §9–27.....	S			
20. Signs.....	Accessory			
	P			
21a. Off–Street Parking and Loading Spaces in a zoning district same as the principal use.....	P			
21b. Off–Street Parking and Loading Spaces in a zoning district different from the principal use.....	P			
22. Towers.....	Radio	and/or	Television	
	S			
23. Drive–Up Window for the sale of goods or the transacting of business.....	S			
24. provisions of §17–14).....	Yard Sales	(subject to the		
	N			
25. Kennel.....	Private			
	N			
26. Kennel.....	Commercial			
	N			
27. Systems.....	Small	Wind	Energy	
	S			

**10. Amend §17–3.5(15) TABLE OF ACCESSORY USE REGULATIONS by inserting “or a residential development in the TOD zoning district”, as follows.**

ACCESSORY USES <u>INDUSTRIAL</u>	RESIDENTIAL		BUSINESS					
	SR	GR	CB	TOD	GB	PHB	I	IBP
15. Retail or Consumer Service used in a multi–family								

dwelling over 20,000 square feet in gross floor area or a residential development in the TOD zoning district, provided all activities are located on the first floor level and do not exceed twenty (20%) percent of the total gross floor area of the street level. All materials goods and activities in connection with said uses shall be confined completely within the building.....N N S P N N N N

**11. Amend §17-3.5(25) TABLE OF ACCESSORY USE REGULATIONS and §17-3.5(26) TABLE OF ACCESSORY USE REGULATIONS by changing footnote #3 next to the word “kennel” to footnote #4.**

**12. Delete §17-4.1 APPLICABILITY OF DIMENSIONAL AND DENSITY REGULATIONS in its entirety and insert in place thereof the following.**

Except for the “TOD” district, the regulations for each district pertaining to minimum lot area, width and depth, minimum front, side and rear yards, maximum height of buildings and structures, maximum number of stories, maximum building area and maximum floor area ratio shall be as specified in this section and set forth in §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS and subject to the further provisions of this ordinance. The regulations for the “TOD” district pertaining to lot area, width and depth, front, side and rear yards, height of buildings and structures, number of stories, building area and floor area ratio shall be as specified in §17-10.16 TRANSIT ORIENTED DEVELOPMENT and subject to the further provisions of this ordinance.

**13. Amend §17-5.1 OFF-STREET PARKING REQUIREMENTS by inserting “and TOD”, as follows.**

Off-street parking spaces shall be at least ten (10') feet in width, twenty (20') feet in length, and shall have an area of not less than three hundred (300) square feet which includes access and maneuvering space, whether inside or outside a structure, except in a “PHB” and “TOD” district where such spaces shall be at least nine (9') feet in width, nineteen (19') feet in length, and shall have an area of not less than two hundred and eighty-three (283) square feet including access and maneuvering space. In any zoning district, if any structure is constructed, enlarged or extended, or any use of land established or any existing use changed, after the effective date of this ordinance, parking pertinent to the intended use shall be provided in accordance with the §17-5.10 TABLE OF OFF-STREET PARKING REGULATIONS and other requirements contained herein.

**14. Amend §17-5.10 TABLE OF OFF-STREET PARKING REGULATIONS by inserting “TOD”, as follows.**

Residential development in the TOD zoning district	one (1) off-street parking stall per unit plus one (1) additional off-street parking stall for every four residential units
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Non-Residential development in a TOD zone except for restaurants	three (3) off-street parking stalls per 1,000 square feet (where application of this formula results in the fractional stall, the number of stalls required shall be the next highest whole number); two (2) spaces for any use occupying more than 500 square
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feet and less than 1,000 square feet; and one (1) space for any use occupying 500 square feet or less

**15. Amend §17–10 SPECIAL REGULATIONS by inserting §17–10.16 TRANSIT ORIENTED DEVELOPMENT, as follows.**

**§17–10.16.1 PURPOSE AND INTENT**

The purpose of the Transit Oriented Development (TOD) zoning district is to create and promote a blend of compact and very highly intensive residential, retail, office, civic entertainment, and institutional uses, and to create and promote the retention of uses in areas with high potential for enhanced mass transit and pedestrian activity with less reliance on the automobile. Pedestrian circulation and transit access are especially important and have an increased emphasis in the TOD zoning district. The development standards are designed to require compact urban growth, opportunities for increased choice of transportation modes, and a safe and pleasant pedestrian environment by encouraging an attractive streetscape, a functional mix of complementary uses, and the provision of facilities that support transit use, bicycling, and walking.

**§17–10.16.2 REQUIRED SITE PLAN**

The contents of a site plan for any proposed development in the “TOD” zoning district, whether by-right or by special permit, shall comply with the provisions pursuant to §17–15.0(J) SITE PLAN REVIEW – MINOR AND MAJOR SITE PLAN REVIEW SUBMISSION MATERIALS.

**§17–10.16.3 DIMENSIONAL AND INTENSITY REQUIREMENTS**

1. The minimum lot area is 20,000 square feet.
2. The minimum building height is two (2) stories.
3. The maximum building height is seven (7) stories. Further provided that no building shall exceed by more than two stories or thirty (30') feet, whichever is less, the height of any abutting building. If a proposed building is to be constructed between two existing buildings of varying height, the shorter of the two existing buildings shall serve as the reference.
4. The minimum lot frontage is fifty (50') feet. Where deemed appropriate, the frontage may be reduced to less than fifty (50') feet or waived completely by special permit provided that pedestrian and vehicular access to a development lot is provided by easement or other method and furthermore, it is demonstrated that such a reduction furthers the purposes, the spirit and intent of the “TOD” zoning district
5. The minimum lot width is fifty (50') feet. The minimum lot width cannot be reduced to less than the lot frontage.
6. The minimum front yard setback in the “TOD” zoning district is zero (0') feet. In instances when the minimum lot frontage requirement is waived by special permit pursuant to §17–10.16.4 DIMENSIONAL REQUIREMENTS, any building on the landlocked lot must maintain a minimum twenty (20') foot setback from the adjoining property line(s) that is nearest to the principal building on the adjoining property.
7. The minimum side yard setback in the “TOD” zoning district is zero (0') feet. Where deemed appropriate, alleys between buildings may be encouraged for the provision of beneficial public connections, open spaces, and walkway connections.
8. The minimum rear yard setback in the “TOD” zoning district is zero (0') feet.
9. Minimum building coverage is sixty (60%) percent.
10. Maximum building coverage is eighty-five (85%) percent.
11. The maximum floor-to-area ratio (FAR) is 3.
12. The number of dwelling units is a function of the proportion of the FAR devoted to residential use.

13. The gross square footage of business use of a mixed-use residential/commercial building is not more than eight (8%) percent of the FAR.

#### **§17-10.16.4 OFF-STREET PARKING REGULATIONS**

The contents of §17-10.16.5 OFF-STREET PARKING REGULATIONS establishes off-street parking lot standards within the “TOD” zoning district, which satisfy the general purposes established in §17-10.16.1 PURPOSE AND INTENT. These standards are intended to establish a guideline, they may be flexibly administered due to peculiarities of any given proposal, as there are a variety of types of land uses and the relationships between them. Therefore, the permit granting authority may permit variations from the regulations herein by modifying standards if it finds that such departure is more likely to satisfy the intent set forth herein.

1. Shared off-street parking is encouraged particularly on lots serving more than one principal use (see §17-5.5 COMBINED FACILITIES).
2. Parking lots shall be located to the rear of buildings.
3. A minimum of fifteen (15%) percent of all parking lots shall be landscaped.
4. Parking lots with more than thirty (30) off-street parking stalls shall be interrupted by properly designed raised landscaped islands of at least five (5') feet in width and twenty (20') feet in length. Each landscaped island shall contain at least two (2) shade trees. Landscaped islands may be used in the calculation to satisfy the provisions of §17-10.16.5(3) OFF-STREET PARKING REGULATIONS.
5. Parking lots shall be screened along all sidewalks by a landscaped buffer of not less than four (4') feet in width.
6. Parking lots shall provide adequate security lighting and landscape lighting.
7. Parking lots shall provide well-designed and marked pedestrian walkway connections to the sidewalk system.
8. Parking structures shall provide well-designed and marked connections to surface parking lots, walkways/sidewalks, and streets.
9. Parking structures shall be designed, to the extent practicable, to be compatible with adjacent buildings and architecture.
10. Parking structures and parking lots shall display well-placed and proper signage that shows the location and best means of access to the commuter rail station.
11. Parking structures shall be designed so that vehicles are not visible/discernable from outside view through the use of architectural treatments.

#### **§17-10.16.5 DESIGN STANDARDS AND GUIDELINES**

In addition to the site plan review criteria contained in §17-15.0(K) SITE PLAN REVIEW CRITERIA, the following shall apply to the “TOD” zoning district.

1. The minimum width of unobstructed sidewalks shall be five (5') feet and they shall consist of concrete and held in place by granite curbing. The typical curbing reveal shall be six (6") inches but this may be reduced at the discretion of the Superintendent of Public Works based on existing curbing conditions in the field. Sidewalks shall comply with all applicable ADA requirements.
2. The minimum width of a one-way driveway shall be twelve (12') feet. The minimum width of a two-way driveway shall be eighteen (18') feet and they shall consist of concrete and held in place by granite curbing. The minimum width of either a one-way driveway or a two-way driveway may be increased at the discretion of the Fire Chief.
3. All buildings, landscaped areas, walkway, and parking areas shall be properly illuminated with aesthetic and security considerations. Lighting fixtures and poles shall complement, or to the extent practicable, conform to the style, height, color, and features of public streetscape lighting in the “TOD” zoning district.
4. All utilities shall be placed underground.

5. The main entrance of any building shall face a street. For purposes of this ordinance, a driveway does not constitute a street.
6. The main entrance of any building shall not be set back more than five (5') feet from the front property unless a public seating area or plaza is provided in front of the building.
7. Except for façades facing a parking lot, façade modulation through window patterns, varying materials/colors/textures, awnings, varying rooflines, and/or other architectural treatments are encouraged. Monolithic blank walls are strongly discouraged.
8. The ground floor of a front commercial façade shall contain no less than thirty (30%) percent glass.
9. Architectural style and materials shall be compatible with surrounding buildings and must provide a visually interesting environment.
10. All buildings shall articulate the line between the ground floor with the upper level floor(s) with a cornice, canopy, or other architectural visual device.
11. The height of any sign, whether freestanding or affixed to a building, may extend no higher than the height of the ground story.
12. Signage may be either parallel or perpendicular to a building. If a sign is perpendicular, the bottom of the sign must have no less than seven (7') feet of clearance as measure from the ground elevation and may project no further than three (3') feet from the building's façade.
13. The total area of a sign shall not exceed twenty-five (25%) percent of a building's ground floor front façade wall area.
14. Signage may be double-sided.
15. Signage may be illuminated. The permit granting authority reserves the right to regulate the illumination of a sign whether internally or externally illuminated, the hours of illumination, the relative brightness of the illumination, and other characteristics such as gyration, flashing, message boards, so forth.
16. Signage's use of color, shape, and material shall be complementary.

**16. Amend §17-11 DEFINITIONS by inserting the following definitions alphabetically.**

**Brewpub:** An establishment wherein the primary use is a restaurant which specializes in producing craft beers in limited quantities for on-site retail sale to restaurant patrons. Other ancillary uses may include beer tastings and tours as well as retail sales of related goods all of which are subject to all applicable statutes of the Commonwealth.

**Bus, Taxi, Rail Station:** station where transport vehicles load or unload passengers or goods.

**Bus, Taxi, Rail Terminal and/or Maintenance Facility:** facility where transport vehicles are stored, garaged, and/or repaired.

**Craft Brewery:** A brewery, such as a microbrewery or a nanobrewery, producing not more than 15,000 barrels of beer on an annual basis, which is much smaller than large-scale corporate breweries, independently owned, and generally characterized by its emphasis on quality, flavor and brewing technique.

**Lot, Landlocked:** Any lot that does not have lot frontage.

**17. Amend §17-11 DEFINITIONS by deleting the definition of “craft shop” and inserting in place thereof the following.**

**Craft Shop:** Shop of a craftsman where articles or goods are produced, assembled, processed or manufactured on a custom or individual basis involving the use of hand tools or small mechanical equipment. Typical craft shop operations include production of custom furniture, custom cabinets and counter tops, stonewalls and patios, custom jewelry, glass blowing, ceramic studios, sculptors, photographers, microbreweries, nanobreweries, and other similar products where all storage is indoors.

**Old Business: None**

**New Business:**

1. On motion of Mr. Thibodeau, Mr. Conti, and Ms. Porreca, voted unanimously to refer the following matter to the appropriate committee for study and recommendation: To amend Section 10-5.11, Prohibited for Time Limited Parking by adding the following new section (f):

- f. No person shall park a vehicle between the hours of 6:00 A.M. though 8:00 A.M. and between the hours of 2:00 P.M. through 3:00 P.M. on any day except Saturday, Sunday and Legal Holidays, during the regular Bishop Feehan School Year, on the following streets or parts thereof; That prohibited for time limited no parking signs be posted on Harvard Street inbound (Easterly) from North Avenue on the South side of Harvard to the end of the street where it meets the Gate on Bishop Feehan Property.

REFERRED TO THE TRANSPORTATION & TRAFFIC COMMITTEE

2. On motion of Mr. Thibodeau, voted unanimously to refer the above matter to the **Traffic Study Commission** and to hold a **PUBLIC HEARING on Tuesday, September 15, 2015.**

**VOTED: TO ADJOURN at 8:20 P.M.**

**A TRUE COPY**

**ATTEST:** \_\_\_\_\_  
**City Clerk/Clerk of the Council**

**MINUTES APPROVED BY COUNCIL:** \_\_\_\_\_  
**(DATE)**