

**In Municipal Council
REGULAR MEETING**

**March 2, 2021
Tuesday - 7:01 P.M.**

Meeting conducted remotely through Zoom due to Covid-19

A roll call vote was taken to record members present.

MEMBERS PRESENT: President Cooper and Vice-President Jackson, Councilors: Peter Blais, Richard Conti, Cathleen DeSimone, Jay DiLisio, Laura Dolan, Diana Holmes, Todd Kobus, Sara Lynn Reynolds and Ty Waterman.

The President brought forward the Charter Objection that was placed by Councilor Kobus at the February 16, 2021 meeting:

I move to reconsider vote #7 of February 2, 2021 for the reappointment of Kourtney Wunschel as Superintendent of Water for a 3-year term, expiring February 2024.

(February 2, 2021 vote was 6 yeas – 4 nays - Blais absent)

Councilor DeSimone called a Point of Order stating the prevailing side is allowed to call a Reconsideration or a Charter Objection. President Cooper called a recess to get Solicitor's opinion information.

Voted 11 – 0 to call a recess at 7:10 p.m.

President Cooper brought the meeting back to order at 7:34 p.m.

Vote to reconsider failed with a vote of 1 yeas – 10 nays (Blais abstained – Kobus voted yeas)

Roll Call vote 11 yeas – 0 nays to approve the minutes of February 16, 2021.

City Clerk Steve Withers read the first public hearing notice:

PUBLIC HEARING regarding an application from National Grid for a new pole and anchor to service a new residential customer at 35 Lathrop Drive.

Speaking in favor was National Grid Senior Designer, Michael Parent of Hopedale. No one came forward to speak against. No one came forward to speak neither for nor against. The public hearing was closed.

Clerk Withers read the second public hearing notice:

PUBLIC HEARING regarding a plan and ordinance amendment (2-19.9) allowing the City of Attleboro to adopt District Improvement Financing (DIF) within the City's Transit-Oriented Development District (TOD).

Speaking in favor was Economic Development Director, Catherine Feerick.

Speaking in favor was Victorian Storrs of Camoin310, a consultant for Mass Development.

Present to speak in favor was Jessica Tagliafierro of Camoin310.

Present to answer questions was Assessor Julie Hobson.

No one spoke against. No one spoke neither for nor against.

The public hearing was closed.

Clerk Withers read the Mayor's communication:

March 2, 2021

Dear Municipal Councilors:

1. I respectfully submit a letter requesting the transfer of FY2021 Local Cultural Council funds from the Massachusetts Cultural Council to the Attleboro Cultural Council in the amount of \$28,800.00. Please note that there is no matching requirement. In accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, I hereby request Your Honorable Body to approve expending such funds and any future grant amendments. (Copies in your packets)

1/3/2/21 – REFERRED TO PERSONNEL COMMITTEE

2. I respectfully submit a communication from Director of Recreation Dennis Walsh regarding the need for funds to transform the street hockey court at Nickerson Playground into a dual-purpose court to also accommodate Pickle Ball. If funding is approved, the funds will be matched funds from the Recreation Revolving Fund to secure the full project funding. Therefore, I hereby request Your Honorable Body transfer \$7,500.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 16301000-524002 (Recreation – Maintenance of Recreation Areas). Upon approval, the available balance in Reserve Fund for Transfer, to include any pending requests, will be \$69,326.81. (Copies in your packets)

2/3/2/21 – REFERRED TO PUBLIC WORKS COMMITTEE

3. The City of Attleboro has been notified of its FY2022 apportionment for the "Chapter 90" local transportation aid in the amount of \$1,205,803. Therefore, I respectfully request Your Honorable Body to appropriate \$1,205,803, and any other future grant amendments, into Fund 3108 (Chapter 90 Projects) for the purpose of funding Chapter 90 eligible projects as approved by the Massachusetts Department of Transportation (MassDOT). (Copies in your packets)

3/3/21 – REFERRED TO PUBLIC WORKS COMMITTEE

4. I respectfully submit a communication from Director of Budget and Administration Jeremy Stull regarding the Rathbun Willard Drive partial discontinuance plan. Therefore, I hereby request Your Honorable Body to schedule a public hearing pursuant to §16-2.2 of the REVISED ORDINANCES OF THE CITY OF ATTLEBORO, as amended, to partially discontinue Rathbun Willard Drive as a public way (length of approximately 530 feet) and approve said discontinuance, as shown on the street discontinuance plan entitled “STREET DISCONTINUANCE & EASEMENT PLAN OF LAND”, dated January 15, 2021, prepared by Daniel F. Fleming - PLS of Samiotes Consultants, Inc. (PH 4-6-21)

4/3/21 – REFERRED TO ZONING LAND USE COMMITTEE

5. I respectfully submit a communication from Chief Assessor Julie Hobson regarding the need for funds for the work necessary to complete the Fiscal Year 2022 Revaluation of Real and Personal Property. Fiscal Year 2022 is the city’s five-year certification review of all Real and Personal Property Values conducted by the Bureau of Local Assessment.

Therefore, I hereby request Your Honorable Body appropriate \$168,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 11411000-595010 (Assessors – Revaluation). (Copies in your packets)

5/3/21 – REFERRED TO BUDGET AND APPROPRIATIONS COMMITTEE

6. I respectfully submit for confirmation by Your Honorable Body the following reappointments for the positions and for the terms as indicated:

<u>Name</u>	<u>Appointment</u>	<u>Term</u>	<u>Expires</u>
Lisa Nelson	Board of Assessors	3 Year	February 2024
Barbara Clark	Council on Human Rights	3 Year	February 2024
Greg Withers	Council on Substance Abuse Prevention	3 Year	February 2024

6/3/21 – REFERRED TO PERSONNEL COMMITTEE

7. I hereby request Your Honorable Body to schedule a public hearing pursuant to §16-2.2 of the REVISED ORDINANCES OF THE CITY OF ATTLEBORO, as amended, to layout Grace Lane as a public way (length of 615.82 feet, from STA 0+00 to STA 6+15.82) and accept said way and any related drainage, water or sewer facilities or easements, all as shown on a plan and profile entitled “STREET ACCEPTANCE PLAN OF GRACE LANE IN ATTLEBORO MASSACHUSETTS”, dated February 8, 2017, prepared by Christopher D. Yarworth, PLS, which plan and profile have been deemed satisfactory to the Superintendent of Public Works. Enclosed please find the necessary documents.(PH 4-6-21)

7/3/21 – REFERRED TO ZONING AND LAND USE COMMITTEE

8. I hereby request Your Honorable Body to schedule a public hearing pursuant to §16-2.2 of the REVISED ORDINANCES OF THE CITY OF ATTLEBORO, as amended, to layout a portion of Simpson Avenue as a public way (length of 165.71 feet, from STA 0+00 to STA 1+65.71) and accept said way and any related drainage, water or sewer facilities or easements, all as shown on a plan and profile entitled “STREET ACCEPTANCE PLAN FOR LAND IN ATTLEBORO MASSACHUSETTS”, dated September 19, 2019 and revised through December 28, 2020, prepared by Daniel R. Campbell, PE, and James W. Nieva, PLS, which plan and profile have been deemed satisfactory to the Superintendent of Public Works. Enclosed please find the necessary documents. (PH 4-6-21)

8/3/21 – REFERRED TO ZONING AND LAND USE COMMITTEE

9. I respectfully submit a communication from Director of Planning and Development Gary Ayrassian and hereby request Your Honorable Body to hold a public hearing on April 6, 2021 relative to the Administration’s:

- Program Year 2021 CDBG Entitlement Budget, for the period of July 1, 2021 through June 30, 2022
- Program Year 2021 Annual Action Plan
- Amendment to Program Year 2019 to include CARES Act Funds.
- Authorization to submit said Program Year 2021 CDBG Entitlement and Program

Year 2021 Annual Action plan and the submission of the Amended Program Year 2019 Annual Action Plan to the U.S. Department of Housing and Urban Development on or before May 15, 2020. (PH 4-6-21)

9/3/21 – REFERRED TO CAPITAL IMPROVEMENTS COMMITTEE

10. I respectfully submit a communication from Superintendent of Park & Forestry Derek Corsi regarding the need for funds to repair the existing fire alarm systems in each of the zoo’s buildings. These repairs are needed for the safety of the animals and patrons of the zoo. Therefore, I hereby request Your Honorable Body transfer \$15,751.76 to Account 16601000-585075 (Capron Park Zoo – Sprinkler/Fire Alarm Systems) from the following:

\$12,100.00 from Account 11241000-578380 (City Wide – Reserve Fund for Capital)
\$3,651.76 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer)

Upon approval, the available balance in Reserve Fund for Transfer, to include any pending requests, will be \$65,675.05.

10/3/21 – REFERRED TO BUDGET AND APPROPRIATIONS COMMITTEE

11. I respectfully submit a communication from Director of Planning and Development Gary Ayrassian regarding proposed amendments to Chapter 18 Local Wetlands Protection Ordinance of the Revised Ordinances of the City of Attleboro. Environmental Planner Nicholas Wyllie has presented the proposed amendments to the Conservation Commission and they are in support. In addition, City Solicitor Cynthia Amara has reviewed the proposed amendments. Therefore, I hereby request Your Honorable Body vote on the following amendments:

1. Amend §18-1.8, Permits and Conditions of the Local Wetlands Protection Ordinance by deleting “Lands within twenty-five (25’) feet of resource areas.....” and “a 25-foot wide continuous and undisturbed Wetlands Protection Zone.....” and inserting in place thereof “land within seventy-five (75’) feet of resource areas” and “a seventy (75’) foot wide continuous and undisturbed Wetlands Protection Zone”, as follows:

If the Conservation Commission, after a public hearing, determines that the activities which are subject to the permit application or the land and water uses which will result therefrom are likely to have a significant individual or cumulative effect upon the resource area values protected by this ordinance, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions that it deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions. The Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of protected resource areas throughout the community and the watershed, resulting from past activities, permitted and exempt, and foreseeable future activities. The Commission is empowered to deny a permit for failure to meet the requirements of this ordinance; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this ordinance; and where no conditions are adequate to protect those values. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing. Lands within seventy-five (75’) feet of resource areas protected by this ordinance are presumed important to the protection of these resources because activities undertaken in close proximity to resource areas have a high likelihood of adverse impact upon the wetland or other resource, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission therefore shall require that the applicant maintain on any permit application, and delineate on any plans as are deemed necessary by the Conservation Commission, a seventy (75’) foot wide continuous and undisturbed Wetlands Protection Zone measured from and parallel to the resource area boundary. The Commission may (but shall not be required to):

2. Amend §18–1.8, Permits and Conditions of the Local Wetlands Protection Ordinance by inserting the following after §18–1.8(c), Permits and Conditions, as follows:

d. Allow applicants to alter the Wetlands Protection Zone to conduct activities that are considered minor in nature if the Conservation Commission determines that the proposed work, including proposed mitigation, will have no significant adverse impact on the resource areas protected under this Ordinance. Minor activities include:

1. additions onto existing one–family dwellings provided that the addition is within a previously disturbed area such as existing lawn, driveway, or deck;
2. repairing or replacing an existing septic system;
3. installing, repairing, or replacing unpaved pedestrian walkways;
4. installing, repairing, or replacing fencing and stonewalls;
5. converting lawn to uses accessory to residential structures such as decks, sheds, patios, above–ground swimming pools, replacement of basement bulkheads, and the installation of a handicap ramp for compliance with ADA accessibility requirements, provided erosion and sedimentation controls are implemented during construction; under this section, converting such uses accessory to residential structures to lawn is allowable;
6. vegetation cutting for road safety maintenance (limited to the following):
 - a. removing diseased and damaged trees and branches that pose an immediate and substantial threat to driver safety by falling onto the roadway;
 - b. removing shrubbery and branches to maintain clear and visible guardrails; such work shall extend no further than six (6') feet from the rear of the guardrail;
 - c. removing shrubbery and branches to maintain clear sight distance at existing intersections; the extent of such work shall be at the discretion of the Conservation Commission or the Agent;
 - d. removing shrubbery, branches, and other vegetation required to maintain the clear visibility of road signs and traffic signals.

3. Amend the second paragraph under §18–1.8, Permits and Conditions of the Local Wetlands Protection Ordinance by deleting the sentence “Any permit may be renewed once for an additional one–year period, provided that a request for a renewal is received in writing by the Commission prior to expiration.” and inserting in place thereof “Any permit may be extended once for up to three (3) additional years, subject to the discretion and approval of the Conservation Commission, provided that a request for an extension is received in writing by the Commission prior to expiration.”, as follows:

Any permit may be extended once for up to three (3) additional years, subject to the discretion and approval of the Conservation Commission, provided that a request for an extension is received in writing by the Commission at least thirty (30) days prior to the permit’s expiration.

4. Amend §18–1.8, Permits and Conditions of the Local Wetlands Protection Ordinance by inserting §18–1.8.1, Exemptions, as follows:

The following activities within the Wetlands Protection Zone (WPZ) shall be exempt from the provisions herein:

- a. mowing existing lawns and maintaining existing landscaped areas provided that no yard waste and cut grass clippings are disposed of in the WPZ or resource areas;
- b. planting native species of trees, shrubs, or groundcover. This exemption however does not include the installation of turf lawns within previously undisturbed and vegetated areas.
- c. converting impervious surfaces to vegetated surfaces, provided however that no exotic or invasive species are planted and erosion and sedimentation controls are implemented during work;
- d. maintenance of existing buildings and structures provided that the footprint of such buildings and structures remain the same (i.e., painting, siding, replacing fenestration, replacing HVAC, repointing brick; maintenance of patios and pools)
- e. activities that are temporary in nature, having no significant adverse impacts, and are necessary for engineering, planning, and design purposes (i.e., installation of monitoring wells, exploratory borings, sediment sampling, surveying, and percolation tests for septic systems provided that resource areas are not traversed to access such work areas);
- f. installing, repairing, replacing, or removing signs, traffic signals, sign and signal posts and associated supports, braces, anchors, and foundations along existing paved roadways and their shoulders, provided that work is conducted as far away from resource areas as practicable but no closer than ten (10') feet at any time; this section only applies to work done on behalf of a local, state or federal government entity;
- g. pavement repair, resurfacing, and reclamation of existing roadways within the right-of-way layout provided that the roadway and shoulders are not widened and all surfaces are permanently stabilized within fourteen (14) days of completion of work;
- h. repairing, resurfacing, or replacing an existing driveway provided that all work remains within the existing limits of the driveway and all surfaces are permanently stabilized within fourteen (14) days of completion of work;

11/3/21 – REFERRED TO ORDINANCES COMMITTEE

12. I respectfully submit for confirmation by Your Honorable Body the appointment of Cynthia Lorincz, 85 Old Farm Lane, to fill an expired term on the Board of Library Trustees. Term to expire February 2024. (Copies in your packets)

12/3/21 – REFERRED TO PERSONNEL COMMITTEE

13. I respectfully submit a communication from Legal Secretary Alison Wood regarding copiers that the Mayor's Office would like to declare as surplus. Therefore, I hereby request Your Honorable Body to declare the following as surplus and available for disposition: (Copies in your packets)

Toshiba Estudio 555SE: Located outside the Veteran's office and 855,263 copies have been made on it. It does work but it is in poor condition, parts can no longer be ordered for it and Axion cannot service it anymore. Two of the paper drawers are broken. Error message will tell you there is no paper in it when there is. The other drawer can't be used at all. Also, it will give you an error message that the toner is empty when it is not.

Ricoh MP3351SP: Located in the Municipal Council meeting room. It is 11 years old and 607,503 copies have been made on it. It does work but it is in poor condition, parts can no longer be ordered for it and Axion can't service it anymore. The stapler does not work.

13/3/2/21 – REFERRED TO CITY PROPERTY AND CLAIMS COMMITTEE

Sincerely,
Paul Heroux, Mayor

Clerk Withers read the second Mayor's communication:

March 2, 2021 #2
Dear Municipal Council:

1. I respectfully submit a communication from Director of Council on Aging Melissa Tucker regarding the receipt of a grant for the SHINE Program through the Executive Office of Elder Affairs in the amount of approximately \$70,580. The Council on Aging plans to spend the funds according to the scope of services given by Executive Office of Elder Affairs. The funds must be spent by June 30, 2021. In accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, I hereby request Your Honorable Body approve expending such funds and any future grant amendments. Additionally, I request the approval of these funds by March 16, 2021 in order to spend the funds prior to the deadline. (Copies in your packets)

1/3/2/21 #2 – REFERRED TO PERSONNEL COMMITTEE

Sincerely,
Paul Heroux, Mayor

Clerk Withers then read the Clerk's communication:

**ATTLEBORO CITY CLERK COMMUNICATIONS
MARCH 2, 2021**

Form H Application for Street Discontinuance from the City of Attleboro regarding land at 100 Rathbun Willard Drive including Assessor's Plat 114, Lots 14, 19, 30 and 37.

REFERRED TO THE ZONING AND LAND USE COMMITTEE

Certificate of Vote from the Planning Board with a unanimous to adopt the proposed amendments relative to the 17-13.0 Water Resources Protection District of the Zoning Ordinances.

REFERRED TO THE ZONING AND LAND USE COMMITTEE

Erin Read of County Street emailed to discuss the RRFB on County and inquiries regarding the Master Plan and if Attleboro participates in the MassDot Complete Streets program.

REFERRED TO THE TRANSPORTATION AND TRAFFIC COMMITTEE

COMMITTEE REPORTS:

Public Safety and Emergency Management Chair Blais had no business and requested a meeting at the next appropriate time.

Traffic and Transportation Chair DeSimone had no business and requested a meeting at the next appropriate time.

Capital Improvement and City Development Chair Conti brought forward the following votes:

Voted on Roll Call 11 yeas – 0 nays to transfer \$28,395.25 from Account 6100-538053 (Water Enterprise Fund – Trench Repair) to Account 6100-599000 (Water Enterprise Fund – Other Financing Sources) to move funds for the permanent paving of Franklin Street.

Voted on Roll Call 11 yeas – 0 nays to transfer \$28,395.25 from Account 6100-599000 (Water Enterprise Fund – Other Financing Sources) to Fund 3335 Franklin St Water Main for permanent paving of Franklin Street from the December 2019 water main replacement work.

Voted on Roll Call 11 yeas – 0 nays to appropriate \$31,286.00 from Account 6100-359000 (Water Enterprise – Retained Earnings) to Account 6100-587044 (Water Enterprise Fund – Replacement Truck) for the purchase of a new Ford Ranger 4x4 super cab with a 6' bed and tool box.

Voted on Roll Call 11 yeas – 0 nays to appropriate \$118,700.00 from Account 6100-359000 (Water Enterprise Retained Earnings) to Fund 3313 SCADA to fund the upgrade of security for the city water supply.

Voted on Roll Call 11 yeas – 0 nays to strike the following:

FROM THE DOCKET OF FEBRUARY 2, 2021:

A communication from Edward Bayly of Attleboro with questions on the tax breaks for potential new downtown business.

Personnel, Veterans’ and Human Services Chair Waterman brought forward the following votes:

Voted on Roll Call 11 yeas – 0 nays to approve the confirmation by Your Honorable Body the following reappointments for the positions and for the terms as indicated:

Name	Appointment	Term	Expires
Ian Daley	Constable	1 Year	February 2022
Jason Gittle	Planning Board	5 Year	February 2026

Voted on Roll Call 11 yeas – 0 nays to approve the confirmation of Jessica Reagan Salzman, 940 West Street, Attleboro, to fill an unexpired term on the Council on Human Rights. Term to expire February 2023.

Voted on Roll Call 11 yeas – 0 nays to approve the confirmation by Your Honorable Body the appointment of Jennifer Keating Roca, 2 Benefit Street, to fill an expired term on the Cultural Council. Term to expire February 2024.

Voted on Roll Call 11 yeas – 0 nays to approve the confirmation by Your Honorable Body the appointment of Joshua Jorge, 1161B Oak Hill Avenue, to fill an expired term as a Constable. Term to expire February 2022.

Voted on Roll Call 11 yeas – 0 nays to approve the appointment of Lee Ann Beaulieu, 708 Newport Avenue, to fill an expired term on the Disability Commission. Term to expire February 2024.

Voted on Roll Call 11 yeas – 0 nays (Cooper absent) to approve the appointment of Steven Bensson, 1 Westwood Park Circle, to fill an expired term on the Council on Aging. Term to expire February 2025.

Public Works Chair Jackson brought forward the following votes

Voted on Roll Call 11 yeas – 0 nays to transfer \$1,500.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 14201000-553020 (Public Works – Supplies Safety Signs) for a solar LED “Intersection Ahead” sign for Augsburg Drive.

Voted on Roll Call 11 yeas – 0 nays to transfer \$24,925.95 from Account 6000-578300 (Wastewater Enterprise Fund – Reserve Fund for Transfer) to Account 6000-521020

(Wastewater Enterprise Fund – Lights & Power) to replenish funds used for an emergency repair.

Voted on Roll Call 11 yeas – 0 nays to transfer \$3,500.00 from Account 6000-578300 (Wastewater Enterprise Fund – Reserve Fund for Transfer) to Account 6000-524240 (Wastewater Enterprise Fund – Maintenance of Equipment) to replace coolant in the emergency generator.

Voted on Roll Call 9 yeas – 0 nays to appropriate \$73,220.00 from Account 6100-359000 (Water Enterprise Fund – Retained Earnings) to Account 6100-584078 (Water Enterprise Fund – High Lift Pump) to purchase a replacement high lift pump at the West Street Plant.

Budget Chair DiLisio brought the following vote forward:

Voted on Roll Call 11 yeas – 0 nays to transfer authorize the School Department to pay a bill from GovConnection in the amount of \$93.06 that was not received in time to be processed in the normal FY20 business cycle.

Zoning and Land Use Chair Kobus brought the following votes forward:

21. Voted on Roll Call 8 yeas – 3 nays (Conti, Waterman, Cooper nays) to approve the rezoning petition received from Atlantic Golf Centers regarding 754 Newport Avenue also known as Assessor’s Plat #69 and Lot #26B to change the Zoning of the 39.21 acres to General Business and General Residence A.

22. Voted on Roll Call 11 yeas – 0 nays to approve the proposed amendments to section 17-13, Water Resources Protection District, of the Attleboro Zoning Ordinances.

Proposed Amendment to §17–13.0 Water Resources Protection District of the Zoning Ordinance

1. Amend §17–13.1 General by deleting the subsection title and in place thereof inserting §17–13.1 Purpose followed by the existing first sentence and inserting §17–13.2 Establishment and Applicability by the balance of the paragraph, as follows.

§17–13.1 Purpose

The purpose of this section is to protect public health, safety and welfare by regulating the uses of land and buildings and any characteristics of such uses which may pollute or otherwise damage water resources, including the sources of current and future water supply for the City of Attleboro and the surrounding area.

§17–13.2 Establishment and Applicability

The Water Resources Protection District (WRPD) is superimposed over any other district established by this ordinance. All uses, dimensional requirements and other provisions of this ordinance applicable to such underlying districts shall remain in force and effect, except that where the WRPD imposes greater or additional restrictions and requirements, such restrictions and requirements shall prevail. The WRPDs shall include those areas of the City which are delineated on a map entitled “Water Resource Protection Districts, City of Attleboro, Massachusetts, December 1981” and on file in the office of the City Clerk. Said map is hereby adopted by reference and declared to be part of this ordinance.

2. Insert §17–13.3 Administration as follows:

§17–13.3 Administration

The Planning Board shall administer this section of the Zoning Ordinance.

3. Insert §17–13.4 Exemptions as follows:

§17–13.4 Exemptions

For the purpose of this section, the following uses and activities are exempt from the provisions contained herein:

1. construction, renovation, or modification of one–family dwellings and associated accessory structures customary to such use;
2. construction, renovation, or modification of two–family dwellings on a single lot and associated accessory structures customary to such use;
3. any building or installation to be utilized as part of the municipal water system;
4. emergency projects necessary for the protection of the public health or safety, provided that the work is to be performed or has been ordered to be performed by any agency of the Commonwealth or by the Mayor;
5. drainage repair, replacement, and expansion of existing stormwater management structures and pipe. All drainage repair, replacement, and expansion shall follow City of Attleboro stormwater management best management practices as applicable;
6. normal management of land in agricultural use as defined by the Wetlands Protection Act (MGL Ch. 131, §40) regulation 310 CMR 10.04 and MGL Ch. 40A §3;
7. emergency repairs to existing utilities;

4. Renumber existing §17–13.2 Permitted Uses to §17–13.5 Permitted Uses and amend “A” by inserting “Except as specified in §17–13.4 Exemptions,”, as follows.

§17–13.5 Permitted Uses

A. Except as specified in §17–13.4 Exemptions, no principal uses shall be permitted by–right in the water resource protection districts.

5. Renumber existing §17–13.3 Prohibited Uses to §17–13.6 Prohibited Uses.

6. Delete §17–13.4 Special Permits in its entirety and insert in place thereof §17–13.7 Special Permits.

§17–13.7 Special Permits

Except as specified in §17–13.4 Exemptions, §17–13.5 Permitted Uses, and §17–13.6 Prohibited Uses, no principal use pursuant to §17–3.4 Table of Use Regulations shall be established or constructed within the Orr’s Pond Water Resources Protection District or in the Bungay River Water Resources Protection District unless a special permit is granted by the Special Permit Granting Authority except as otherwise provided herein.

A. Except as otherwise specified in §17–13.4 Exemptions, §17–13.2 Permitted Uses, and §17–13.3 Prohibited Uses, those principal and accessory uses permitted in the underlying district in accordance with §17–3.4 Table of Use Regulations and §17–3.5 Table of Accessory Use Regulations may be allowed in the water resource protection districts by special permit from the Special Permit Granting Authority. Such permit shall consider any report and recommendations from the Health Department and Water Department and may be conditional upon safeguards and requirements to protect the water supply and the public health and welfare.

B. All applications for said special permits shall comply with the provisions of §17–9.0 Special Permits.

C. All applications for said special permits shall include, but need not be limited to the following:

1. A site plan shall be stamped by Massachusetts registered PLS stamp or PE stamp and containing sufficient information for the Special Permit Granting Authority to evaluate the special permit applications, including: a locus map, north arrow, property address, Assessor’s plat and lot number, suitable scale, all proposed site improvements, existing and proposed topographic contours at a suitable interval, the lot’s boundaries and the location of the WRPD boundary line, locations of any surface water, wetlands, and 100–year floodplain, impervious areas, drainage and layout and design of disposal facilities, and any additional information requested by the Special Permit Granting Authority that is deemed reasonable.

2. Proposed method for the disposal of sewage and other waste materials.

3. Design and leakage monitoring system for petroleum storage facilities larger than one hundred (100) gallons or any other chemical storage.

D. The Special Permit Granting Authority may impose standards and conditions to control causes of pollution to ground and surface waters, to ensure adequate disposal of sewage and other waste materials, and to allow monitoring of the storage facilities for possible pollutant.

7. Insert §17–13.8 Performance Standards as follows:

§17–13.8 Performance Standards

The following performance standards shall apply to all activities within the water resource protection districts. Where a special permit is required, the Special Permit Granting Authority may impose additional standards and conditions to control potential adverse impacts to water quality.

- A. Construction Activities – Erosion and sediment control measures shall be taken to ensure that exposed earth, disturbed land, and debris are not displaced by stormwater runoff or other conditions and are properly managed within a construction site.
- B. Safeguards – Provision shall be made to adequately protect against toxic or hazardous materials discharge or loss through corrosion, accidental damage, or spillage.
- C. Pesticides, Fertilizer and Manure – Storage of pesticides, as defined in MGL Ch. 132B, of commercial fertilizers and soil conditioners, as defined in MGL Ch. 128, §64, and animal manure shall only be permitted within a structure with an impermeable cover and liner designed to prevent the generation of contaminated runoff or leachate.
- D. Disposal – No disposal of hazardous wastes within water resource protection districts shall occur. All provisions of MGL Ch. 21C (the Massachusetts Hazardous Waste Management Act) shall be adequately satisfied.
- E. Fill – Fill material used in the water resource protection districts shall contain no solid waste, toxic or hazardous materials, or hazardous waste.
- F. Stormwater Management – Stormwater runoff from impervious surfaces shall be managed in accordance with the City’s Stormwater Management Ordinance and regulations or the Rules and Regulations Governing the Subdivision of Land, as amended, as applicable.
- G. Emergency Response Plan (ERP) – For industrial and commercial uses, an ERP to prevent contamination of soil or water in the event of accidental spills or the release of toxic or hazardous materials shall be submitted to the City, if deemed necessary, for approval prior to granting of a permit. Recommendations from the Fire Department on the ERP shall be sought.
- H. Monitoring – Periodic monitoring may be required when the site location and land use indicate a significant risk of contamination to the water resource protection districts, as determined by the Special Permit Granting Authority based upon recommendations from the Fire Department, Board of Health, and Conservation Commission.

8. Insert §17–13.9 Lot Area and Yard Setback Requirements as follows:

§17–13.9 Lot Area and Yard Setback Requirements

The portion of any lot within the water resource protection districts may be used to satisfy the minimum lot area requirement and minimum yard setback requirements for the underlying zoning district in which the remainder of the lot is situated.
Effective upon passage.

License Chair Dolan brought the following vote forward:

Voted on Roll Call 11 yeas – 0 nays to approve the Class II License application from Matthew Borgellas dba N.E. Autos, Inc. at 71 County Street with 6 customer spaces and 40 display spaces.

City Property and Claims Chair Reynolds brought forth the following votes:

Voted on Roll Call 11 yeas – 0 nays to approve the transfer \$5,422.00 from Account 11621000-511550 (Elections – Salaries) to Account 11621000-542020 (Elections – Supplies Election Equipment) to purchase six 4-station voting booths.

Voted on Roll Call 11 yeas – 0 nays to accept the anonymous donations to the Veterans' Services office of a \$50.88 gift card to The Breakfast Place and a \$28.08 gift certificate to Bliss Brothers Dairy.

Voted on Roll Call 11 yeas – 0 nays to accept the donations of \$3,000.00 in gift cards to various venues from Home Instead Senior Care and of \$150.00 in Stop and Shop gift cards from the Holiday Spirit Committee all to the Council on Aging.

Ordinances Chair Holmes had no business and request a meeting at the next appropriate time.

At 9:07 p.m. the Council voted to enter the **Committee of the Whole**

No one came forward to speak.

Council voted to arise at 9:08 p.m.

There was no old business.

The following new business was read by Councilor DiLisio:

Voted on Roll Call 11 yeas – 0 nays to refer to the **Public Safety Committee** and to the **Administration** for study and recommendation:

A recommendation that the Police and Fire disconnect from the city network and have their individual networks to prevent Public Safety Emergencies. (DiLisio, Kobus, Blais)

The Council voted to adjourn at 9:15 p.m.

A TRUE COPY

ATTEST: _____
City Clerk/Clerk of the Council

MINUTES APPROVED BY COUNCIL: _____
(DATE)

City Clerk/Clerk of the Council