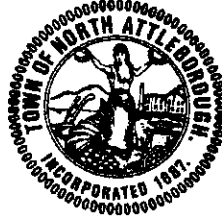


Michael Borg
Town Manager



TOWN OF NORTH ATTLEBOROUGH
43 South Washington Street
North Attleborough MA 02760
508-699-0100

INTEROFFICE MEMORANDUM

DATE: Tuesday, March 26, 2024
TO: Town Clerk
FROM: Michael Borg *WJ 26 MAR 24*
CC: Gil Hilario Town Planner
Sandra McCrory Administrative Coordinator
Antonio Morabito Assistant Town Manager
RE: **Measure 2024-064- That the Town Council amend the North Attleborough Zoning Bylaws, Chapter 290, Section 54, Schedule B, Principal use Agriculture #5 Commercial Stables, Kennels... and Selected words and terms; Animal Kennel, or Hospital.**

Town Council Meeting- President Justin Paré

Measure 2024-064- That the Town Council amend the North Attleborough Zoning Bylaws, Chapter 290, Section 54, Schedule B, Principal use Agriculture #5 Commercial Stables, Kennels... and Selected words and terms; Animal Kennel, or Hospital.

Purpose and Justification:

To clarify and expand the definitions of Kennels in the Zoning Board of Appeals By-law language. That the Town Council vote to amend the North Attleborough Zoning Bylaws, Schedule B, Principal Use, Agriculture.

See recommendations (in red print) for proposed amendments attached)

This measure will be referred to the Bylaw Subcommittee and the Planning Board. The Planning Board is required to have a Public Hearing. The Town Council is required to have a First Reading, and then a Public Hearing with a Second Reading and Vote on the amended Zoning Bylaws.

Therefore, it is respectfully requested that the Town Council amend the North Attleborough Zoning Bylaws, Chapter 290, Section 54, Schedule B, Principal Use Agriculture #5 Commercial Stables, Kennels... and Selected words and terms; Animal Kennel, or Hospital.

The Town Council met on February 26, 2024, and on behalf of the Town Council, a motion was made by Vice-President Simmons to refer Measure 2024-064; That the Town Council amend the North Attleborough Zoning Bylaws, Chapter 290, Section 54, Schedule B, Principal use Agriculture #5 Commercial Stables, Kennels... and Selected words and terms; Animal Kennel, or Hospital to the Bylaw Sub Committee and the Planning Board.

The motion was seconded by Councilor St. Pierre.

Motion carried. 8-0 UNANIMOUS

The Bylaw Sub Committee met on March 12, 2024, and on behalf of the Town Council, a motion was made by Councilor Donovan to refer Measure 2024-064; That the Town Council amend the North Attleborough Zoning Bylaws, Chapter 290, Section 54, Schedule B, Principal use Agriculture #5 Commercial Stables, Kennels... and Selected words and terms; Animal Kennel, or Hospital back to the Full Town Council with a favorable recommendation.

The motion was seconded.

Motion carried. 5-0 UNANIMOUS

The Planning Board met on March 21, 2024, and voted **5-0** in favor to recommend the proposed amendments on adding various new definitions of kennel types and commercial animal establishments.

Motion carried 5-0.

The Town Council met on March 25, 2024, and a Public Hearing was held on this Bylaw where there was a Second Reading, Discussion, and a vote. On behalf of the Town Council, a motion was made by Vice-President Simmons to approve Measure 2024-064; That the Town Council amend the North Attleborough Zoning Bylaws, Chapter 290, Section 54, Schedule B, Principal use Agriculture #5 Commercial Stables, Kennels... and Selected words and terms; Animal Kennel, or Hospital.

The motion was seconded by Councilor Slobogan.

Motion carried. 8-0 UNANIMOUS



Measure #: 2024-064

TOWN COUNCIL MEASURE SUBMITTAL

Date: 2/26/2024

Submitted By: Town Manager

Telephone #: 508-699-0100

MEASURE DESCRIPTION:

That the Town Council amend the North Attleborough Zoning Bylaws, Chapter 290, Section 54, Schedule B, Principal use Agriculture #5 Commercial Stables, Kennels... and Selected words and terms; Animal Kennel, or Hospital.

Signed: Michael Borg

Digitally signed by Michael Borg
DN: cn=Michael Borg, o=North Attleborough
Reason: I am the author of this document
Date: 2024.02.23 08:40:42-0500
File: PDF Editor Version 12.0.0

PURPOSE AND JUSTIFICATION:

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See recommendations (in red print) for proposed amendments attached)

This measure will be referred to the Bylaw Subcommittee and the Planning Board. The Planning Board is required to have a Public Hearing. The Town Council is required to have a First Reading, and then a Public Hearing with a Second Reading and Vote on the amended Zoning Bylaws.

Therefore, it is respectfully requested that the Town Council amend the North Attleborough Zoning Bylaws, Chapter 290, Section 54, Schedule B, Principal Use Agriculture #5 Commercial Stables, Kennels... and Selected words and terms; Animal Kennel, or Hospital.

SPECIAL REQUIREMENTS: This measure requires 2 readings and a public hearing

ATTACHMENTS: Proposed Amendment to Zoning By-Laws

REFER TO SUB-COMMITTEE: Bylaw Subcommittee and Planning Board

ZONING BYLAW DEFINITIONS AMENDMENT

§ 290-54 Selected words and terms.

The following definitions shall be applied in determining the meaning of words and terms in this bylaw:

ABANDONMENT

The cessation of a nonconforming use as indicated by the visible or otherwise apparent intention of an owner to discontinue a nonconforming use of a structure or lot; or the removal of the characteristic equipment or furnishings used in the performance of the nonconforming use without its replacement by similar equipment or furnishings; or the replacement of a nonconforming use or structure by a conforming use or structure.

ACCESSORY BUILDING

A subordinate building located on the same lot with the principal building or use, the use of which is customarily incidental to that of the main building or the use of the land.

ACCESSORY USE

A use customarily incidental to that of the principal building or use of the land, and located on the same lot as such principal building or use. Swimming pools shall be considered an accessory use and shall be treated as a structure in regard to setbacks and side yard requirements.

ADULT BOOKSTORE

An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, and other adult matter which is distinguished or characterized by its emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31. For the purposes hereof, the words "substantial or significant" shall mean more than 25% of the establishment's inventory of stock or more than 25% of the establishment's gross floor area.

ADULT CABARET

A nightclub, bar, restaurant, tavern, dance hall, or similar commercial establishment which regularly features:

- A. Persons who appear in a state of nudity; or
- B. Live performances which are characterized by an emphasis depicting anatomical areas specified as less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola, and human genitals in a state of sexual arousal, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31; or
- C. Films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of anatomical areas specified as above, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31.

ADULT MATTER

Any printed material, visual representation, live performance or sound recording, including, but not limited to, books, magazines, motion-picture films, pamphlets, phonographic records, pictures, photographs, videos, computer software, computer discs, laser discs, figures, statues, plays, or dances which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31.

ADULT MOTION-PICTURE THEATRE

An enclosed building used for presenting material distinguished by an emphasis on adult matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31.

ADULT PARAPHERNALIA STORE

An establishment having as a substantial or significant portion of its stock devices, objects, tools, toys, or other adult matter which is distinguished or characterized by its association with sexual activity, including sexual conduct or sexual excitement as defined in MGL c. 272, § 31. For the purposes hereof, the words "substantial or significant" shall mean more than 25% of the establishment's inventory of stock or more than 25% of the establishment's gross floor area.

ADULT RETIREMENT COMMUNITY (ARC)

A development subject to the age restriction and the other standards set forth in § 290-33, as authorized by 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.

ADULT VIDEO STORE

An establishment having a substantial or significant portion of its stock-in-trade videos, movies, or other film material, or other adult matter which is distinguished or characterized by its emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31. For the purposes hereof, the words "substantial or significant" shall mean more than 25% of the establishment's inventory of stock or more than 25% of the establishment's gross floor area.

ALTERATIONS

As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or as enlargement whether by extending on a side or by increasing in height, or the moving from one location or position to another.

ANIMAL FEEDLOT

A plot of land on which ten or more livestock per acre are kept for the purposes of feeding.

~~ANIMAL KENNEL OR HOSPITAL~~

~~A structure used for the harboring and/or care of more than three dogs that are more than six months old, whether commercially operated or not.~~ **REMOVE**

APARTMENTS

A building containing more than two dwelling units complete with kitchen facilities and bath.

AQUIFER

A geologic formation, group of formations or part of a formation which contains sufficient saturated permeable material to yield significant quantities of potable ground water to public or private wells.

AREA, BUILDING

The total of areas taken on a horizontal plane at the largest floor level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

AREA, NET SITE

The total area within the property lines, excluding external streets.

ASSISTED LIVING FACILITY

A residential development offering a special combination of housing, personalized supportive services as defined by MGL c. 19D and health care designed to respond to the individual needs of those who need help in activities of daily living.

BASEMENT

A portion of a building partially below grade which has less than 1/2 of its height, measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building. A basement shall not be considered a story unless its ceiling is four feet or more above the average finished grade.

BOARDINGHOUSE

A building containing four or more boarding units.

BOARDING UNIT

One or more rooms for the semipermanent use of one, two, or three individuals not living as a single housekeeping unit and not having cooking facilities. A boarding unit shall include rooms in boardinghouses, lodging houses, tourist homes or rooming houses. It shall not include convalescent, nursing or rest homes; dormitories or charitable, educational or philanthropic institutions; or apartments or hotels.

BUILDING

A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels. When separated by division walls from the ground up without openings, each portion of such building shall be deemed a separate building.

BUILDING COVERAGE

The building area expressed as a percent of the net site area.

BUILDING HEIGHT

The vertical distance measured from the average finished grade of the adjacent ground to the highest part on the roof surface, if a flat roof; to the deck lines of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof.

BUILDING, DETACHED

A building completely surrounded by open space on the same lot.

BUILDING, FRONT LINE OF

The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

BUILDING, PRINCIPAL

A building in which is conducted the principal use of the lot on which it is situated. In any residential district, a dwelling or apartment shall be deemed to be a main building on the lot on which the same is situated.

BULK STORAGE

Exposed outside storage of sand, lumber, coal, or other bulk materials, and storage of liquids in tanks, except underground, as an accessory use.

BUSINESS OFFICE

Facility for the transaction of business exclusive of the receipt, retail sale, or processing of merchandise.

BUSINESS PARK

An area planned, developed and managed as a unit for occupancy by more than one office and/or light industrial building with the option of shared common areas and/or parking.

CELLAR

A portion of a building, partly or entirely below grade, which has half or more than 1/2 of its height, measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building. A cellar is not deemed a story.

CEMETERY

Premises for the cremation and/or burial of the dead, including embalming facilities.

CERTIFICATE OF OCCUPANCY

A certificate issued by the Building Inspector authorizing the occupancy and the use of land and/or structures and buildings.

[Amended 8-29-2023 by Measure No. 2023-079]

CLUB

Premises or building of a nonprofit organization exclusively servicing members and their guests for recreational, athletic, or civic purposes, but not including any vending stands, merchandising, or commercial activities except as required generally for the membership and purposes of such club. Does not include golf clubs or sportsmen's club as elsewhere defined, or clubs or organizations whose chief activity is a service customarily carried on as a business.

COMMERCIAL ANIMAL ESTABLISHMENT

Any pet shop, grooming shop, riding school or stable, boarding or breeding kennels, or any establishment selling or harboring animals.

COMMERCIAL BOARDING OR TRAINING OR DOGGIE DAYCARE KENNEL

An establishment used for boarding, holding, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under MGL c. 129, § 39A, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards and cares for animals owned by others.

COMMERCIAL BREEDER KENNEL

An establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.

CONTRACTOR'S YARD

Premises used by a building contractor or subcontractor for storage of equipment and supplies, fabricating of subassemblies, and parking of wheeled equipment.

DISPOSAL

The deposit, injection, dumping, spilling, leaking, incineration or placing of any hazardous material into or on any land or water so that such hazardous material or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground water.

DISTRIBUTION

On-site storage of a material or product for shipment or transportation to another site or sites.

DRIVE-THROUGH ESTABLISHMENT

A commercial establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles, so as to provide sales and/or services directly to patrons inside their motor vehicles, or where patrons drive motor vehicles onto the premises to a window or mechanical device, through or by which the customers are serviced without exiting their vehicles.

DRIVE-THROUGH WINDOW

A service window within an establishment designated and intended to be used to provide for sales and/or service to patrons who remain in their vehicles.

DRIVEWAY

An area, located on a lot, which is not more than 25 feet in width built for access to a garage, or off-street parking or loading space.

[Amended 8-29-2023 by Measure No. 2023-079]

DWELLING

A privately or publicly owned permanent structure which is occupied in whole or part as a home, residence, or sleeping space of one or more persons. The terms "one-family," "two-family," or "multifamily" shall not include hotel, lodging house, hospital, membership club, mobile home, or dormitory.

DWELLING CONVERSION

Change in construction or occupancy of a dwelling to accommodate families in addition to the number by which it was previously occupied.

DWELLING, MULTIFAMILY

A structure occupied by three or more families living independently of each other.

DWELLING, SINGLE-FAMILY

A detached building occupied by a single family and having no party wall or walls in common with an adjacent structure.

DWELLING, TWO-FAMILY

A detached building designated for two families.

EARTH REMOVAL

Extraction of sand, gravel, topsoil, or other earth for sale or for use at a site removed from the place of extraction, exclusive of the grading of a lot preparatory to the construction of a building for which a building permit has been issued, or the grading of streets in accordance with an approved definitive plan.

ELDERLY

A person who is at least 60 years of age or, if under 60, must be receiving SSI benefits.

ERECT

To build, construct, reconstruct, or conduct any physical development of the premises required for a building. To excavate, fill, drain, and the like preparation for building shall also be considered to erect.

ESSENTIAL SERVICES

Services provided by public utility or governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply or disposal systems whether underground or overhead. Facilities necessary for the provision of essential services include poles, wires, drains sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith. Specifically excluded from this definition are buildings necessary for the furnishing of adequate service by such public utility or governmental agencies for the public health, safety, or general welfare.

FAMILY

An individual or two or more persons related by blood, marriage, or legal adoption living as a single housekeeping unit and including necessary domestic help such as nurses or servants and further including not more than three lodgers or roomers taken for hire. A group of individuals not related by blood, marriage, or legal adoption but living together as a single housekeeping unit may constitute a family. For purposes of controlling residential density, each such group of four individuals shall constitute a single family.

FARM, CROP

Premises used for garden produce raised for commercial sale.

FARM, STOCK

Premises used for raising of livestock, fur-bearing animals, or fowl. This classification shall be interpreted to include all farm products other than crops.

FARM, PIG

Premises used for the raising of pigs.

FLOODLINE

The limits of flooding from a particular body of water caused by a storm whose frequency of occurrence is one year in 100 years, as determined and certified by a registered professional engineer qualified in drainage.

FLOODWAY

The area subject to periodic flooding, the limits of which are determined by the floodline.

FLOOR AREA, MAXIMUM

The total floor area of a building or buildings upon the same lot, including all floors but excluding the cellar.

FUNERAL HOME

Facility for the conduct of funerals and related activities such as embalming.

GARAGE, PRIVATE

A private garage or storage area used as an accessory to a single residential dwelling for parking or storage by automobiles shall not exceed a capacity of three automobiles, unless authorized by the Zoning Board of Appeals.

GOLF COURSE

An unlighted area of at least 30 acres, with nine or more standard holes and customary accessory buildings.

GROUNDWATER

All the water beneath the surface of the ground.

GUESTHOUSE, COMMERCIAL

A dwelling of single-family character in which not more than four individual rooms are offered for rent, for the primary purpose of furnishing overnight lodging to tourists.

GUESTHOUSE, PRIVATE

A detached or semidetached building located upon the same lot with a one-family dwelling, containing no more than 250 square feet and not containing cooking facilities, the use of said building being limited to the entertainment of relatives and friends without fee or other costs.

HAZARDOUS MATERIALS

Any substance or combination of substances, including any liquid petroleum product, that because of quantity, concentration or physical, chemical or infectious characteristics poses a significant present or potential hazard to water supplies or to human health if disposed of into or on any land or water in the Town. Any substance deemed a "hazardous waste" in MGL c. 21C and MGL c. 21E and 310 CMR 30.00 shall also be deemed a hazardous material for purposes of this Zoning Bylaw.

HAZARDOUS WASTE

A waste, or combination of wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in serious illness or pose a substantial present or potential hazard to human health, safety or welfare or to the environment (excluding domestic sewage or industrial discharges under valid permits).

HAZARDOUS WASTE FACILITY

A site or works for the storage, treatment, disposal or other processes where hazardous wastes can be stored, treated or disposed of (excluding municipal or industrial wastewater treatment facilities).

HOME OCCUPATION

An occupation or a profession which:

- A. Is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; and
- B. Is carried on by a member of the family residing in the dwelling unit.

HOSPITAL

Facility for the care and treatment of patients, as licensed by the Massachusetts Department of Public Health.

HOTEL

Premises used as individual sleeping or dwelling units without kitchens, with primary access to each unit through enclosed corridors.

IMPERVIOUS SURFACES

Materials or structures on or above the ground that do not allow precipitation to infiltrate the underlying soil.

INDUSTRIAL BUILDING

An enclosed structure whose original purpose is for manufacturing or storage.

JUNK

Any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk. Unregistered inoperative automobiles stored outdoors for more than six months shall be considered junk.

JUNKYARD

The use of any area of any lot, whether inside or outside a building, for the storage, keeping, or abandonment of junk, or scrap or discarded materials, or the dismantling, demolition or abandonment of automobile(s) or other vehicle(s) or machinery or parts thereof.

LANDSCAPING

Unoccupied space open to the sky on the same lot with a building, free of all structures, pavement or other uses that preclude landscaping, maintained with grass or other plant material.

LEACHABLE WASTE

Waste materials, including solid wastes, sewage, sludge and agricultural wastes, that are capable of releasing water-borne contaminants to the surrounding environment.

LIGHT INDUSTRIAL BUILDING

A building used for light industry.

LIGHT INDUSTRY

The assembly of fabricated materials to create another normally more complex product.

LOT

A parcel of land either occupied or vacant, or to be occupied by a building or group of buildings and accessory building and used together with such yards and other open spaces as are required by the bylaw. A lot may be land so recorded in a deed or on a plat of record, or it may include parts of, or a combination of, such lots when adjacent to one another, provided such ground is used for one improvement. All lots shall front on and have ingress and egress by means of a street or right-of-way.

LOT FRONTAGE

That portion of a lot fronting upon and having access to a street. Lot frontage shall be measured continuously along the front lot line along one street between side lot lines or, in the case of corner lots, between one side lot line and the midpoint of the corner radius. Access to the buildable portion of a lot shall be from the street declared as frontage unless access from another boundary is deemed necessary by the Planning Board. A street claimed as frontage must be paved unless deemed acceptable by the Planning Board after receiving input from the Building Inspector and Department of Public Works and other Town personnel as may be affected. Unpaved or gravel roads must be approved by the Planning Board.

[Amended 8-29-2023 by Measure No. 2023-079]

LOT LINES

The lines bounding a lot as defined herein.

- A. **LOT LINE, FRONT**The property line dividing a lot from a street right-of-way.
- B. **LOT LINE, REAR**The lot line opposite from the front lot line.
- C. **LOT LINE, SIDE**Any lot line not a front or rear lot line.

LOT, CORNER

A lot which has an interior angle of less than 135° at the intersection of two street lines. A lot abutting a curved street shall be considered a corner lot if the tangents to the curve at the point of intersection of the side lot lines intersect at an interior angle of less than 135°.

LOT, DEPTH

The mean horizontal distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

LOT, WIDTH OF

The horizontal distance between the side lot lines as measured parallel to the front lot line.

MANUFACTURED STEEL STORAGE CONTAINER, PORTABLE

Any vehicle, trailer, or container, either with or without wheels, that has no motive power of its own but which can be drawn by, or placed on, or used in connection with a motor vehicle, excluding a solid waste container.

MANUFACTURING

The fabrication of raw materials, construction or assembly of a product.

MIXED USE

Two or more uses occupying the same structure or lot, each of which is independent of and unrelated to the other.

MIXED-USE BUILDING

A building which contains dwellings located above the ground floor of an institutional, civic, office, commercial or retail use.

MIXED-USE DEVELOPMENT

A compact urban development which integrates a variety of land uses, including residential, office, commercial, service and employment, and can result in measurable reductions in traffic impacts.

MOBILE STRUCTURE

A movable structure designed for year-round occupancy used for office or other nonresidential activity.

MOBILE HOME

A movable or portable dwelling built on a chassis, connected to utilities and designed without a permanent foundation for year-round living.

MOBILE HOME PARK

Privately owned land upon which two or more mobile homes are or are intended to be parked and occupied as dwellings.

MOTEL or MOTOR COURT

Premises used as individual sleeping or dwelling units without kitchens, with primary access from each unit directly outdoors. The building or group of buildings may be either detached or in connected units. The term "motel" includes buildings designated as tourist courts, motor lodges, cabins, and by similar appellations.

MOTOR VEHICLE, BOAT, AND FARM IMPLEMENT SALES OR RENTAL

Premises with first and/or second class license for new and/or used auto sales, or for auto rentals or similar establishments for boat or farm implement sales. Includes service and repair facilities.

MUNICIPAL USE

Premises used for any operation by the Town government.

NONCONFORMING STRUCTURE

A building, structure, or portion thereof, lawfully existing and used at the time this bylaw became effective, which was designed, erected, or structurally altered for a use that does not conform to the regulations of the district in which it is located; or a building, structure or portion thereof which does not conform to the regulations of area, lot coverage, height, yards, or other characteristics or location in the lot, in the district in which it is located.

NONCONFORMING USE

A use which lawfully occupied a building, or portions thereof, or land at the time this bylaw became effective and which does not conform to the use regulations of the district in which it is located.

NURSERY or GREENHOUSE

Premises gainfully used for the propagation of trees, shrubs, vines, flowers, or other plants for transplanting, stock for grafting, or for cut flowers, for rental or wholesale distribution.

NURSERY OR GREENHOUSE, PRIVATE

An accessory use whose products are not for sale at either retail or wholesale.

NURSING, CONVALESCENT, OR REST HOME

Premises for the care of three or more persons, as licensed by the Massachusetts Department of Public Health.

OFFICE PARK

An area planned, developed and managed as a unit for occupancy by more than one office building with the option of shared common areas and/or parking.

OPEN SPACE

The space on a lot unoccupied by buildings or structures, unobstructed to the sky by man-made objects other than walks, swimming pools, and terraced areas, not devoted to streets, driveways, off-street parking or loading spaces and expressed as a percentage of total lot area.

PARKING LOT, COMMERCIAL

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

PARKING, ACCESSORY

Parking on the same lot as the principal use, to service that use only.

PARKING, BUSINESS

Parking for the use of employees, customers, or visitors of any nonresidential activity, when not located on the same lot as the activity it serves, including the parking of up to three commercial vehicles.

PARKING, PRIVATE

Accessory parking, not including parking for more than one commercial vehicle, for vehicles of over two-ton load capacity or of more than one vehicle for fee.

PARKING, PUBLIC

Parking of noncommercial vehicles for fee, whether enclosed or not.

PERSONAL KENNEL

A pack or collection of more than four dogs, three months or older, owned or kept under single ownership, of private personal use; provided, however, that breeding of personally kept dogs may take place for the purpose of improving, exhibiting or showing the breed, use in legal sporting activity or other personal reasons; provided, further, that selling, trading, bartering, or the distribution of such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers, or pet shops; provided, further, that personal kennels shall not sell, trade, barter or distribute any dogs not bred from their personally owned dogs; provided, further, that dogs temporarily housed at a personal kennel in conjunction with an animal shelter or rescue registered with the Department of Agricultural Resources may be sold, traded, bartered or distributed if the transfer is not made for the purpose of profiting thereby.

PET SHOP

Any person, partnership, or corporation, whether operated separately or in connection with another business enterprise (except for a licensed kennel), that buys, sells, or boards any species of animal.

PRINCIPAL USE

The main or primary purpose for which a structure or lot is designed, arranged, or intended, or for which it may be used, occupied or maintained under this bylaw. Any other use within the main structure or the use of any other structure or land on the same lot and incidental or supplementary to the principal use and permitted under this bylaw shall be considered an accessory use.

PUBLIC HOUSING

Housing facilities constructed by the raising of public funds for use by special classes of citizens, such as homes for the aged or infirm.

PUBLIC UTILITY

Utility licensed by the Department of Public Works to supply gas, electricity, transportation, etc.

PUBLIC UTILITY SERVICE AREA

An area used for bulk storage, exposed shipment, or truck parking.

RECHARGE AREA

Any area of porous, permeable geologic deposits, especially, but not exclusively, deposits of stratified sand and gravel, through which water from any source drains into an aquifer, and includes any wetland or body of surface water surrounded by or adjacent to such area, together with the watershed of any wetland or body of surface water adjacent to such area.

RECREATION, INDOOR COMMERCIAL

Theater, bowling alley, or other commercial, recreation or entertainment carried on in an enclosed building, including an indoor facility, with or without seating for spectators, and providing accommodations for a variety of individual, organized or club/franchised sports (but not including professional adult sports teams on a permanent basis), including but not limited to ice hockey, basketball, wrestling, soccer, lacrosse, tennis, volleyball, racquetball or handball. Such sports facility may also provide within the building other athletic, health and fitness activities (not to exceed 40,000 square feet) snack bar, cafe, or nonfranchise restaurant (not to exceed 5,000 square feet) or other related supporting activities (not to exceed 13,000 square feet).

RECREATION, OUTDOOR COMMERCIAL

Drive-in theater, golf driving range, bathing beach, or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated elsewhere in this bylaw.

RECREATION, PRIVATE

Recreation facilities accessory to and on the same lot as a principal building.

RECYCLABLE BEVERAGE BOTTLES AND CANS

Any empty bottles and cans of any type of beverage that are sold by any permitted retail business, which are temporarily stored on the site of said business to be removed for recycling on a regularly scheduled basis.

REFUSE FACILITY

A sanitary landfill; a refuse transfer station; a refuse incinerator or resource recovery facility rated by the Massachusetts Department of Environmental Protection 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 term "refuse" as used herein includes all solid and or liquid waste materials, including but not limited to garbage, rubbish and sludge; but does not include wastes otherwise considered as hazardous wastes.

[Amended 8-29-2023 by Measure No. 2023-079]

RELIGIOUS USE

Premises used primarily for worship, or religious education.

RESEARCH PARK

An area planned, developed and managed as a unit for occupancy by more than one building devoted to research and development with the option of shared common areas and/or parking.

RESTAURANT WITH OUTDOOR SERVICE

Establishment serving food to persons outside of any building and within sight of a public way.

RESTAURANT, INDOOR

Establishment for the sale of prepared food for consumption on the premises, either indoors out of sight of public way, or for consumption in the home.

RETAIL BUSINESS

Premises used in the sale of goods or articles individually or in small quantities directly to the consumer. Such premises shall not contain storage or processing areas occupying more than 50% of the gross floor area.

ROADSIDE STAND

A structure of a semi-permanent or temporary type located in a district in which agricultural uses are allowed, from which raw produce, 75% of which is grown on the premises, is offered for sale on a regular basis.

SCHOOL

An educational institution which is religious, sectarian, denominational, public, or private.

SCHOOL, NURSERY

A facility designed to provide daytime care or instruction for two or more children from two years to five years of age, inclusive, and operated on a regular basis.

SELF-STORAGE OR STORAGE UNIT FACILITY

Any real property consisting of a structure or group of structures containing separate storage spaces designed to store personal property and used for individual renting or leasing.

[Added 11-21-2022 by Measure 2022-108]

SIGN

Any permanent or temporary structure or part thereof, attached thereto, or painted, or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as or which is in the nature of an announcement, direction or advertisement. The word "sign" includes the word "billboard" but does not include the flag, pennant or insignia of any nation, state or other political unit or of any political, educational, charitable, philanthropic, civil, professional, religious or like campaign, drive, movement or event.

SIGN, A-FRAME

A two-sided sign, hinged or attached at the top of the sign panels, identifying, advertising, or directing attention to a business(es), product(s), operation(s), or service(s) sold or offered in the building in front of which the sign is located.

SIGN, ANIMATED

(See also and note difference from changeable sign.) A sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means. Animated signs include the following types:

- A. **NATURALLY ENERGIZED** Signs whose motion is activated by wind or other atmospheric impingement. Wind-driven signs include flags, banners, pennants, streamers, spinners, metallic disks, or other similar devices designed to move in the wind.
- B. **MECHANICALLY ENERGIZED** Signs manifesting a repetitious preprogrammed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives.
- C. **ELECTRICALLY ENERGIZED** Illuminated signs whose motion or visual impression of motion is activated primarily by electrical means. Electrically energized animated signs are two types:
 - (1) **FLASHING SIGNS** Illuminated signs exhibiting a preprogrammed, repetitious, cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) is either the same as or less than the duration of the period of darkness (off phase), and in which the intensity of illumination varies from zero (off) to 100% (on) during the programmed cycle.
 - (2) **ILLUSIONARY MOVEMENT SIGNS** Illuminated signs exhibiting the illusion of movement by means of a preprogrammed, repetitious, sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns.

SIGN, AREA OF

The area of a freestanding sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed. The supporting framework, open or enclosed, may be part of the design, but for the purpose of this bylaw shall not be considered part of the sign area unless used for lettering, wording, or symbols. When the sign consists of individual letters or symbols attached to or painted on a surface, building wall or window, the area shall be considered to be that of the smallest rectangular or any regular shape which encompasses all of the letters and symbols.

SIGN, AWNING

A sign painted on, printed on, or attached flat against the surface of an awning.

SIGN, BLADE

(See "sign, projecting").

SIGN, BUSINESS

A sign used to direct attention to a service, product sold or other activity performed on the same premises upon which the sign is located.

SIGN, CHANGEABLE

A sign whose informational content can be changed or altered by manual or electric, electromechanical, or electronic means. Changeable signs include the following types:

- A. **MANUALLY ACTIVATED** Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.
- B. **ELECTRICALLY ACTIVATED** Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Includes the following two types:
 - (1) **FIXED-MESSAGE ELECTRONIC SIGN** Signs whose basic informational content has been preprogrammed to include only certain types of information projection, such as time, temperature, predictable traffic conditions, or other events subject to prior programming.
 - (2) **COMPUTER-CONTROLLED VARIABLE-MESSAGE ELECTRONIC SIGN** Signs whose informational content can be changes or altered by means of computer-driven electronic impulses.

SIGN, GENERAL ADVERTISING

Any sign advertising products or services other than products or services available on the lot on which the sign is located, or any sign which is not located within 200 feet of the building or other structure at which the products or services advertised thereon are available.

SIGN, GROUND

A sign erected on or affixed to the land, including any exterior sign not attached to a building. The term "ground sign" shall include standing signs.

SIGN, IDENTIFICATION

A sign used simply to identify the name, address, and title of an individual family or firm occupying the premises upon which the sign is located or to give information such as time or temperature.

SIGN, INCIDENTAL

A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

SIGN, PORTABLE

A sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

SIGN, PROJECTING (also SIGN, BLADE)

A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

SIGN, ROOF

A sign erected on or affixed to the roof of a building.

SIGN, TEMPORARY

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 displays for holidays or public demonstrations.

[Amended 8-29-2023 by Measure No. 2023-079]

SIGN, WALL

A sign affixed to the exterior wall of a building and extending not more than 15 inches therefrom.

SOLID WASTES

Useless, unwanted or discarded solid materials with insufficient liquid content to be free-flowing, including, for example, rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse.

SPORTSMAN'S CLUB

A club whose primary purpose is conservation, hunting, or fishing.

STABLE, PRIVATE

An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

STABLE, PUBLIC

A building in which horses are kept for remuneration, hire or sale.

STORMWATER DETENTION OR RETENTION BASIN

Any man-made basin or ponding area which is incorporated into the design of the development of a lot which temporarily or permanently detains or retains stormwater runoff from the lot.

STORY

The portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds 1/3 of the area of the floor immediately below, it shall be deemed to a story. An attic shall not be deemed to a story if unfinished and without human occupancy. A story under a gable, hipped, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story, shall be considered a half story.

STREET

A way which is classified as one of the following: (a) a public way or a way which the Town Clerk certifies is maintained and used as a public way; or (b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law; or (c) a way in existence when the Subdivision Control Law became effective in the Town, having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. The term "street" shall be synonymous with the words "road," "avenue," "highway," and "parkway," and similar designations.

STREET LINE

The right-of-way line of a street. The street line is established by the public authority laying out the right-of-way upon which the lot abuts.

STRUCTURE

Anything constructed or erected, the use of which requires location on the ground, or attachment to something located on the ground except a boundary wall or fence.

SUBDIVISION CONTROL LAW

Refers to MGL c. 41, § § 81K to 81GG, inclusive, entitled "Subdivision Control," including all subsequent amendments thereto.

SUBSTANTIALLY DIFFERENT USE

A use which by reason of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment or similar characteristics from the use to which it is being compared.

TEMPORARY STRUCTURE

An accessory tent or construction shanty to be used for less than one year.

TRANSIT ORIENTED DEVELOPMENT

An overlay district that allows vertical mixed use (including retail, office and attached multifamily residential) adjacent to a regional bus transfer facility and designed specifically for pedestrian, transit and bike users.

TRANSPORTATION TERMINAL

Premises for the parking and/or servicing of more than three commercial vehicles, or any number of vehicles of over two-ton load capacity.

TRAVEL TRAILER

A vehicular, portable structure built on a chassis, designed to be used for travel, recreational, and vacation uses.

TRAVEL TRAILER PARK

Privately owned land upon which two or more travel trailers are parked for recreational and vacation use.

USES

The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

VETERINARY CLINIC AND/OR HOSPITAL

A veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that "veterinary kennel" shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary care.

VISUAL MATERIAL

Any motion-picture film, picture, photograph, videotape, any book, magazine, or pamphlet that contains pictures, photographs or similar visual representations or reproductions. Undeveloped photographs, pictures, motion-picture films, videotapes and similar visual representations or reproductions may be visual materials, notwithstanding that processing, development or similar acts may be required to make the contents thereof apparent.

WATERSHED

Land lying adjacent to watercourses and surface water bodies which create the catchment or drainage areas of such watercourses and bodies.

WIRELESS COMMUNICATIONS FACILITY

A wireless communications monopole, tower, or other related structure, including antennas and accessory structures, if any, which facilitates the provision of wireless communications services.

WIRELESS COMMUNICATIONS SERVICES

The provision of the following types of services: cellular telephone service, personal communications service, and enhanced specialized mobile radio service.

YARD

A portion of a lot upon which the principal building is situated, unobstructed artificially from the ground to the sky and having at least two sides open to lot lines.

YARD, FRONT

A yard extending for the full width of the lot between the building line of the nearest principal building wall and the front lot line or, in the case of a corner lot, the street lot line.

YARD, REAR

A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the principal building wall and the rear lot line.

YARD, SIDE

Yard extending for the full length of a building between the nearest building wall and the side lot line.

ZONE I

The 400-foot protective radius surrounding a public water supply well as approved by the Massachusetts Department of Environmental Protection (DEP).

ZONE II

That area of an aquifer which contributes water to a well under the most severe recharge and pumping conditions that can be realistically anticipated (180 days of pumping at safe yield with no recharge from precipitation), as defined in 310 CMR 22.00.

ZONE III

That land area beyond Zone II from which surface water and groundwater drain into Zone II, as defined in 310 CMR 22.00.

SCHEDULE B

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

ITY FACILITIES (CONT'D)

[illegible]

AGRICULTURE

[illegible]

^c5 Commercial Animal Establishment stables, kennels in which all animals, fowl, or other forms of life are completely enclosed in pens or other structures.....

c5a Personal Kennels.....

c5b Veterinary Office/Hospital.....

6 Non commercial forestry and growing of all vegetables and flowers.....

Planning Board kennel bylaw amendments comments - March 21 meeting

Gil Hilario <ghilario@nattleboro.com>

Fri 3/22/2024 11:35 AM

To: Pat Mcnielly <pmcnielly@nattleboro.com>; Sandra McCrory <smccrory@nattleboro.com>; Kerrin Billinghoff <kbillinghoff@nattleboro.com>

Cc: Michael Borg <mborg@nattleboro.com>

Hi all,

The Planning Board met last night for the public hearing on the kennels. They had one comment for the zoning portion of it: to add a colon in the use table where it has commercial animal est. So:

Commercial Animal Establishments ■ stables, kennels in which all animals, fowl, or other forms of life are completely enclosed in pens or other structures.....

They had a few minor comments in the general bylaw section:

There appears to be two definitions for Animal.

Revise the first sentence for Public Nuisance (page 2)

Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners to enjoyment of life and property is a public nuisance.

Gil Hilario

Town Planner

Town of North Attleboro

43 South Washington St.

North Attleboro, MA 02760

Office: 508.699.0116