

**ATTLEBORO MUNICIPAL COUNCIL
DOCKET
MARCH 16, 2021**

PUBLIC SAFETY

Peter Blais, Chairperson

TRAFFIC AND TRANSPORTATION

Cathleen DeSimone, Chairperson

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.

CAPITAL IMPROVEMENTS AND CITY DEVELOPMENT

Richard Conti,
Chairperson

The Mayor respectfully submits a communication from Director of Planning and Development Gary Ayrassian and hereby requests 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, 2021. (PH April 6, 2021)

PERSONNEL, VETERANS AND HUMAN SERVICES

Ty Waterman, Chairperson

The Mayor respectfully submits 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, the Mayor hereby requests Your Honorable Body to approve expending such funds and any future grant amendments.

The Mayor respectfully submits 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 Substance Abuse Prevention	3 Year	February 2024

The Mayor respectfully submits 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.

The Mayor respectfully submits 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, the Mayor hereby requests Your Honorable Body approve expending such funds and any future grant amendments. Additionally, and also request the approval of these funds by March 16, 2021 in order to spend the funds prior to the deadline.

PUBLIC WORKS

Kate Jackson, Chairperson

The Mayor respectfully submits 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, the Mayor hereby requests 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.

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, the Mayor respectfully requests 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).

BUDGET AND ADMINISTRATION

Jay DiLisio, Chairperson

The Mayor respectfully submits 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, the Mayor hereby requests Your Honorable Body appropriate \$168,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 11411000-595010 (Assessors – Revaluation).

The Mayor respectfully submits 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, the Mayor hereby requests 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.

ZONING AND LAND USE

Todd Kobus, Chairperson

The Mayor respectfully submits a communication from Director of Budget and Administration Jeremy Stull regarding the Rathbun Willard Drive partial discontinuance plan. Therefore, the Mayor hereby requests 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 April 6, 2021)

The Mayor hereby requests 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 April 6, 2021)

The Mayor hereby requests 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 April 6, 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.

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.

LICENSES

Laura Dolan, Chairperson

CITY PROPERTY AND CLAIMS

Sara-Lynn Reynolds, Chairperson

The Mayor respectfully submits a communication from Legal Secretary Alison Wood regarding copiers that the Mayor’s Office would like to declare as surplus. Therefore, the Mayor hereby requests 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.

ORDINANCES, ELECTIONS & LEGISLATIVE MATTERS

Diana Holmes, Chairperson

The Mayor respectfully submits 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, the Mayor hereby requests 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.