

TOWN OF SEEKONK



November 30,
2015

Fall Town Meeting

Town Moderator
Michelle Hines

Town Administrator
Shawn E. Cadime

Board of Selectmen
David S. Parker, Chairman
Nelson Almeida, Vice
Chairman
David J. Andrade, Clerk
Michael H. Brady
David F. Viera

Finance Committee
Robert Richardson, Chairman
David Francis
Myrna Gagnon Elderkin
David Saad
Karen Perkins
Justin Sullivan

Town of Seekonk

FALL TOWN MEETING

BRISTOL, SS.

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby requested to notify the inhabitants of the Town who are qualified to vote in Town affairs, to meet at Seekonk High School, 261 Arcade Avenue, Seekonk, Massachusetts on:

Monday, November 30, 2015 at 7:00 P. M.

To vote on the following Articles. A quorum of 80 registered voters were checked in at 7:00 PM so the Meeting was called to order by the Town Clerk who turned the meeting over to the Town Moderator.

A motion was made that the following non-residents be allowed to address the meeting:

Shawn Cadime, Town Administrator, Peter Fuller, Library Director, Theodora Gabriel, Town Assessor, Bruce Alexander, director of Finance, Bernadette Huck, Director of Human Services, Beth Hallal, Health Agent, Christine DeFontes, Treasurer/Collector, John Aubin III, Town Planner, Arlene Bosco, School Superintendent, Bridget Garrity, Parks and Recreation, Town Counsel, Kopelman & Paige.

Action on the motion: Motion passes with a unanimous vote.

ARTICLE 1

A motion was made to receive the reports of Town Officers, or Committees, and to place them on file with the Town Clerk.

Reports were presented by Anne Miller from the Library Study Facilities Committee and by David Bowden from the Senior Center Building Committee.

Action on the motion: Motion passes with a unanimous vote.

**Submitted by: Board of Selectmen
Board of Selectmen: Recommend Approval
Finance Committee: No Recommendation**

ARTICLE 2

A motion was made that the Town vote to amend the compensation of the Town Clerk for FY 2016 by transferring from free cash the additional sum of \$1,250.00 for such purpose, which is to be paid to the Town Clerk as a separate onetime payment in addition to the salary that was set for the Town Clerk at the June 15, 2015 Town Meeting.

Action on the motion: Motion passes with 79 approving and 1 abstention.

Submitted by: Board of Selectmen
Board of Selectmen: Recommend Approval
Finance Committee: Recommend Approval

ARTICLE 3

To see if the Town will vote, pursuant to G.L. c.43B, §10, to amend the Town Charter as set forth below, authorizing the Town Administrator to make recommendations for appointments of all, rather than some, Department Heads (excluding the Superintendent of Schools and Library Director), consistent with the approval of 55% of the voters at the April 6, 2015 Annual Town Election on a non-binding ballot question proposing the same, as follows:

Delete the text of Article 6, Section 6 in its entirety and insert in place thereof the following new text:

Section 6. Appointment Recommendations of the Administrator

(A) Recommendations to the Board of Selectmen

i. Appointment of the following board and commission members:

BOARD/COMMISSION	NUMBER OF MEMBERS
Zoning Board of Appeals	5 and 3 alternate members
Board of Health	5
Board of Registrars other than Town Clerk	3
Park and Recreation Committee	5
Human Services Council	7
Conservation Commission	7
Arts Council Commission	5
Historical Commission	7
Recycling Committee	Min. 3, max. 7
Capital Improvement Committee	4 members (3 additional appointed by Moderator)

ii. Appointment of the following Town officers:

Police Chief, Fire Chief, Superintendent of Public Works, Assistant Superintendent of Public Works, Building Inspector, Zoning Officer, Town Treasurer/Town Collector, Human Services Director, Communications Director, Veteran's Agent, Animal Control Officer, Park and Recreation Director, Emergency Management Director, Sealer of Weights & Measures, Plumbing Inspector, Gas Inspector, Electrical Inspector, Mechanical Inspector, Director of Finance and any other position of the level of department head under the jurisdiction of the Board of Selectmen.

- iii. Recommendations made by the Town Administrator under this Section 6(A) shall take effect on the fifteenth (15th) day following the day on which notice of the appointment is filed with the Board of Selectmen unless the Board of Selectmen shall, within said period, by a majority vote of the Board, vote to reject any such recommendation or has voted to sooner affirm the appointment.
- iv. Other committees appointed by the Board of Selectmen pursuant to Massachusetts General Laws, Town Bylaws or Town Meeting action.

(B) Recommendations to Other Boards

- i. Appointment of the following town officers, subject to an appropriation therefor:

Board	Town Officer
Board of Assessors	Principal Assessor*
Planning Board	Town Planner
Board of Health	Health Agent
Conservation Commission	Conservation Agent

*The Principal Assessor shall not simultaneously be employed by any company or business that provides assessing services while serving as an employee of the town.

- ii. Individuals appointed hereunder shall be selected on the basis of educational qualifications, training and experience and shall not simultaneously be a member of the board to which the recommendation is made. Candidates for the position will be initially screened by the Town Administrator in conjunction with at least one member of the board to which the recommendation is to be made, but in no case shall the initial screening include a quorum of the members of said board.
- iii. Recommendations made by the Town Administrator under this Section 6(B) shall take effect on the fifteenth (15th) day following the day on which notice of the appointment is filed with the identified board, unless such board shall, within said period, by a majority vote of that board, vote to reject any such recommendation or has voted to sooner affirm the appointment.
- iv. If the board to which the recommendation is made under Section 6(B) (i) above rejects two consecutive recommendations made by the Town Administrator, the Town Administrator may make a temporary appointment to the position not to exceed three months.

(C)

- i. Except as otherwise specifically provided in Section 6(B) (iv), the board or commission members and officers of the town appointed under this article shall serve for three (3) year terms, unless otherwise removed as provided in Article Eight, or removed in accordance with the provisions of the town's personnel by-law. In assessing whether an employee appointed pursuant to Section 6(B)(iii) above will be recommended for reappointment to an additional three (3) year term of appointment, the Town Administrator will

consider the employee's educational qualifications, training and experience or other evidence of competence and suitability to perform the duties of the employment along with the employee's performance in the position which shall include, but not be limited to, a review of any performance evaluations that have been generated in accordance with the Town's personnel policies, bylaws and any applicable collective bargaining agreement.

- ii. The incumbent permanent appointees holding the positions of Health Agent, Conservation Agent, Principal Assessor and Town Planner as of the date that the Charter amendments approved at the November 30, 2015 Town Meeting and 2016 Annual Election take effect shall not be subject to the three (3) year term of appointment set forth in Section 6(C)(i) above.

(D) The Town Administrator shall supervise and direct all appointed town officers with respect to day-to-day administrative and operational matters in a manner consistent with the Town's personnel policies, and any collective bargaining agreements or contracts that may be applicable; provided however that the Town Administrator shall not supervise or direct such officers with regard to their respective powers and duties as specified by state law, special law, town by-laws, or this charter, unless the elected or appointed boards with authority to provide such supervision and direction request the Town Administrator to do so and the Town Administrator and Board of Selectmen agree to the same. In the absence of the elected or appointed board granting such authority, the Town Administrator shall refer all issues relating to such powers and duties to the elected or appointed board.

And, consistent therewith, to delete the following provisions from Article 4, Section 2:

Assessors

The Board of Assessors elected under this Article shall appoint, subject to an appropriation made for this purpose, an individual qualified to provide professional assistance to the town's assessing functions and responsibilities. Such an appointed individual shall not simultaneously be employed by any company or business that provides assessing services while serving as an employee of the town.

Planning Board

The Planning Board elected under this article shall appoint, subject to an appropriation made for that purpose, a planner to be selected on the basis of educational qualifications, training and experience and who shall not simultaneously hold Planning Board membership.

or take any other action relative thereto.

**Submitted by: Board of Selectmen
Board of Selectmen: Recommend Approval**

Motion 3: A motion was made that the Town vote to approve Article 3 and amend the Charter in accordance with the provisions of G.L. c.43B, §10, all as presented in the warrant.

Action on the motion: Motion fails to get necessary 2/3 vote to pass.

Finance Committee: No Recommendation

ARTICLE 4

To see if the Town will vote to appropriate the sum of \$32,000 from the Ambulance Receipts Reserved account for the purchase of two (2) Mechanical CPR units for the Seekonk Fire Department Rescue Vehicles, or take any other action relative thereto.

Motion 4: *A motion was made that the Town appropriate from the Ambulance Receipts Reserved account the sum of \$32,000 for the purchase of two (2) mechanical CPR units for the Seekonk Fire Department rescue vehicles.*

Action on the motion: Motion passes with a unanimous vote.

Submitted by: Fire Chief
Board of Selectmen: Recommend Approval
Finance Committee: Recommend Approval

ARTICLE 5

To see if the Town will vote to raise and appropriate, transfer from Free Cash, or transfer from other available funds the sum of \$118,133.60 to fund the relocation of tenants at 546 Arcade Avenue, the future Seekonk Senior Center, as required by MGL Chapter 79A, Section 7 and United States Code Title 42, Chapter 61, or any other applicable law, or take any other action thereto.

Motion 5: *A motion was made that the Town vote to transfer from Free Cash the sum of \$118,133.60 to fund the relocation of tenants at 546 Arcade Avenue, the future Seekonk Senior Center, as required by MGL Chapter 79A, Section 7 and United States Code Title 42, Chapter 61 or any other applicable law.*

Action on the motion: Motion passes with 64 approving and 16 disapproving

Submitted by: Board of Selectmen
Board of Selectmen: Recommend Approval
Finance Committee: Recommendation at Town Meeting

ARTICLE 6

To see if the Town will vote to appropriate from the Community Preservation Fund the total sum of \$95,000, of which \$59,330 shall come from the Undesignated Fund Balance and \$35,670 shall come from Open Space Reserve, for the creation of land for recreational use, specifically, a passive recreational, non-motorized trail from Town Hall and along the Runnins River to Arcade Avenue, as an extension of the Seacanke Area Trails, including all incidental or related costs; said project to be completed in conjunction with the Seekonk Land Conservation Trust under the direction of the Seekonk Community Preservation Committee; and, further, to authorize the Board of Selectmen and Community Preservation Committee to execute any instruments and take any other action necessary to carry out the purpose of this article, or take any other action relative thereto.

Motion 6: *A motion was made that the Town appropriate from Community Preservation Fund the total sum of \$95,000, of which the sum of \$59,330 shall come from the Undesignated Fund Balance and \$35,670 shall come from Open Space Reserve, for the creation of land for recreational use, specifically, a passive recreational, non-motorized trail from Town Hall and along the Runnins River to Arcade Avenue, as an extension of the Seacanke Area Trails, including all incidental and necessary expenses; said project to be completed in conjunction with the Seekonk Land Conservation Trust under the direction of the Seekonk Community Preservation Committee; and, further, to authorize the Board of Selectmen and Community Preservation Committee to execute any instruments and take any other action necessary to carry out the purpose of this article.*

Action on the motion: Motion passes with 78 approving and 2 disapproving

Submitted by: Community Preservation Committee
Board of Selectmen: No Recommendation
Finance Committee: No Recommendation

ARTICLE 7

To see if the Town will vote to raise and appropriate, or transfer from Free Cash or transfer from other available funds the sum of \$500,000 to the Municipal Capital Stabilization Fund, or to take an action relative thereto.

Motion 7: *A motion was made that the Town transfer the sum of \$500,000 from Free Cash to the Municipal Capital Stabilization Fund.*

Action on the motion: Motion passes with a unanimous vote.

Submitted by: Finance Committee
Board of Selectmen: Recommend Approval

Finance Committee: Recommend Approval

ARTICLE 8

To see if the Town will vote to raise and appropriate, transfer from Free Cash or transfer from other available funds the sum of \$5,000 for the annual Memorial Day parade and related activities, and all incidental or related costs, or take any other action relative thereto.

Motion 8: *A motion was made that the Town transfer from Free Cash the sum of \$5,000 for the annual observation of the Memorial Day parade and related activities, and all costs incidental or related thereto.*

Action on the motion: Motion passes with a unanimous vote.

Submitted by: Board of Selectmen
Board of Selectmen: Recommend Approval
Finance Committee: Recommend Approval

ARTICLE 9

To see if the Town will vote to reclassify the title and duties of the Department of Human Services to the Department of Council on Aging or any action related thereto.

Motion 9: *Moved that the Town vote to approve Article 9 and reclassify the title and duties of the Department of Human Services to the Department of Council on Aging.*

Action on the motion: A motion was made to indefinitely postpone article 9. Motion to indefinitely postpone was passed with a unanimous vote.

Submitted by: Board of Selectmen
Board of Selectmen: Recommend Approval
Finance Committee: No Recommendation

ARTICLE 10

To see if the Town will vote to amend the Seekonk Zoning By-Laws, as set forth below and lettered, for convenience A through U, with text to be deleted indicated by ~~strikethrough~~ and text to be inserted indicated by underline, or take any other action relative thereto:

A. Table of contents. Add "Continuing Care Residency Campus Overlay District as Section 6.11" to the existing Table of Contents.

B. Section 1 General Provisions. Amend the title of **Section 1 Authority, Purpose, Definitions.** as follows:

Section 1 Authority, Purpose, Definitions and General Provisions.

C. Section 1.3 Definitions. Amend **Section 1.3 Definitions Accessory Use**, as follows:

ACCESSORY USE: A subordinate building ~~use~~ that is customarily incidental to the principal use

D. Section 1 Authority, Purpose, Definitions. Amend **Section 1** by inserting a new section, **Section 1.4, General Provisions**, as follows:

SECTION1.4 GENERAL PROVISIONS

1.4.1 Zoning Affects Every Structure and Use

No structure or land shall be hereafter used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located, except as otherwise provided.

1.4.2 Certified Plot Plan

1.4.2.1 Contents of Certified Plot Plan

1.4.2.1.1 THE CERTIFIED PLOT PLAN SHALL INDICATE THE LOCATION OF THE EXISTING FOUNDATION, AND/OR ACCESSORY BUILDINGS SUCH AS PORCH, GARAGE, ETC. THE LOCATION SHALL BE FIXED BY PERPENDICULAR DISTANCES FROM EXISTING STREET LINES AND PROPERTY LINES. IT SHALL ALSO INDICATE ZONING DESIGNATION, TOP OF FOUNDATION ELEVATION, CELLAR FLOOR ELEVATION, HIGHEST GROUNDWATER ELEVATION ENCOUNTERED AT THE FOUNDATION AREA, RELATING BENCH MARK, ASSESSORS PLAT AND LOT NUMBERS, STREET DESIGNATION (PUBLIC, PRIVATE, ACCEPTED, NON-ACCEPTED), ABUTTERS, EASEMENTS, NORTH ARROW, AND APPROPRIATE SCALE.

1.4.2.1.2 A STATEMENT BY A MASSACHUSETTS PROFESSIONAL LAND SURVEYOR SHALL APPEAR: "I CERTIFY THAT THE LOCATION OF THE

FOUNDATION IS AS SHOWN ON THIS PLAN AND THE LOT DOES (OR DOES NOT) LIE WITHIN A FLOOD HAZARD ZONE OF THE COUNTYWIDE MAP PANEL NUMBER:"[] "ON WHICH SAID LOT IS SHOWN, DATED:" [] 1 "ON THE FLOOD INSURANCE RATE MAP (FIRM) OF BRISTOL COUNTY". THIS CERTIFICATION SHALL BE BASED ON THE FLOOD INSURANCE RATE MAP (FIRM) OF BRISTOL COUNTY THE TOWN OF SEEKONK, COMMUNITY PANEL NO. 250063 0005 A OR 250063 0010 A COUNTYWIDE PANEL NUMBERS 25005C0114F, 25005C0118F, 25005C0202F, 25005C0203F, 25005C0204F, 25005C0206F, 25005C0208F, OR 25005C0212F DATED JULY 7, 2009; OR PANEL NUMBERS 25005C0214G, 25005C0216G OR 25005C0218G DATED JULY 16, 2014; OR PANEL NUMBERS 25005C0114G, 25005C0202G, 25005C0203G, OR 25005C0204G DATED JULY 16, 2015 OR SUCH SUBSEQUENT MAP PANELS OR AMENDMENTS THERETO AS MAY BE DULY AUTHORIZED AND ADOPTED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO SUPERSEDE ANY OF THE ABOVE COUNTYWIDE PANELS.

1.4.2.1.3 A CERTIFIED PLOT PLAN FOR ALL NEW DWELLINGS AND COMMERCIAL CONSTRUCTION MUST BE SUBMITTED TO AND APPROVED BY THE BUILDING OFFICIAL AND HEALTH AGENT BEFORE A BUILDING PERMIT IS ISSUED. A CERTIFIED PLOT PLAN WILL BE REQUIRED FOR ADDITIONS AND ALTERATIONS IF DEEMED NECESSARY BY THE BUILDING OFFICIAL.

1.4.3 Lot Design/Layout

Porkchop, rat-tail, or excessively distorted lots shall not be allowed if in the opinion of the Planning Board their shape is caused by the attempt to meet the lot size requirements of these By-Laws while evading the By-Laws' intent.

E. Section 2.2.2 Powers. Amend Section 2.2.2 Powers as follows:

The Special Permit Granting Authority ("SPGA"), as defined in Section 1.3 shall have the power, after public hearing notice has been given by publication and posting as provided in Section 2.3.1 2.4.1 and by mailing to all parties in interest, to issue, upon application, special permits for uses permitted thereby in certain districts.

F. Section 2.2.3 Procedures. Amend Section 2.2.3 Procedures, paragraph 2 as follows:

The SPGA shall act within ninety (90) days following the close of the public hearing for which notice has been given by publication or posting as provided in Section 2.3.1 2.4.1 and by mailing to all parties in interest. Failure by the SPGA to take final action upon an application for a special permit within said ninety (90) days following the date of the close of the public hearing shall be deemed to be a grant of the permit applied for. Special permits issued by the SPGA shall require four (4) concurring votes.

G. Section 2.3.1 Definitions, Powers. Amend Section 2.3.1 Definitions, Powers, as follows:

The Zoning Board of Appeals shall have the power, after public hearing, notice for which has been given by publication and posting as provided in Section ~~2.3.1~~ ~~2.4.1~~ and by mailing to all parties in interest, to grant, upon petition with respect to particular land or structures, a variance from the terms of the By-Law where the Zoning Board of Appeals specifically finds that owing to circumstances relating to the soil conditions, shape, size or topography of such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the By-Law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of these By-Laws. No variance may authorize a use or activity not otherwise permitted in the district in which the land or structure is located, provided, however, that such use variances that were properly granted prior to January first, nineteen hundred and seventy-six but that were limited in time, may be extended on the same terms and conditions that were in effect for any such variance upon said effective date.

H. Section 2.4 Public Hearing. Amend Section 2.4.2 Parties in Interest, as follows:

"Parties in interest" as used in these Zoning By-Laws shall mean the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, the Seekonk Planning Board ~~of the city of town~~, and the Planning Board

of every abutting city or town. If the applicant owns any parcel of land adjacent to the parcel for which the permit is sought, 'parties in interest' shall also include abutters within 300 feet of the boundary line of any such adjacent parcel. The Assessors maintaining any applicable tax list shall certify to the Zoning Board of Appeals or the Planning Board the names and addresses of parties in interest and such certification shall be conclusive for all purposes. The Zoning Board of Appeals or Planning Board may accept a waiver of notice from, or an affidavit of actual notice to any party in interest or, in his stead, any successor owner of record who may not have received a notice by mail, and may order special notice to any such person, giving not less than five nor more than ten additional days to reply.

I. Section 2.5 Repetitive Petitions. Amend Section 2.5 Repetitive Petitions paragraph 1, as follows:

Any appeal, application or petition which has been unfavorably and finally acted upon by the Special Permit Granting Authority or Permit Granting Authority shall not be acted favorably upon within two years after the date of final unfavorable action unless said Special Permit Granting Authority or Permit Granting Authority finds, by a vote of four of the five members, that there are specific and material changes in the conditions upon which the previous unfavorable action was based and shall describe such changes in the record of proceedings. No favorable action shall occur in such circumstances unless all but one ~~the~~ member of the Planning Board consents thereto after notice is given to parties in interest of the time and place of the proceedings when the question of such consent by the Planning Board will be considered.

J. Section 4.2 Use Table. Amend **Subsection 4.2.2 Institutional, Utility, and Recreational Uses**, as follows:

4.2.2 Institutional, Utility, and Recreational Uses

a. Child Care Facility (day care center or school age child care program as defined in M.G.L. Ch. 28A, s.9 <u>M.G.L. Ch. 15D §1A</u>)	Y	Y	Y	Y	Y	Y	Y	Y
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K. Section 6.2 Wetlands and Floodplain Protection District. Amend **Section 6.2.2.2 Wetlands and Floodplain Protection District**, as follows:

The floodplain portion of this District includes all special flood hazard areas within the Town of Seekonk designated as Zone A or AE on the Bristol County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Bristol County FIRM that are wholly or partially within the Town of Seekonk are panel numbers 25005C0114F, 25005C0118F, 25005C0202F, 25005C0203F, 25005C0204F, 25005C0206F, 25005C0208F, and 25005C0212F dated July 7, 2009; ~~and~~ panel numbers 25005C0214G, 25005C0216G and 25005C0218G dated July 16, 2014; and panel numbers 25005C0114G, 25005C0202G, 25005C0203G, and 25005C0204G dated July 16, 2015. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Bristol County Flood Insurance Study (FIS) report dated July 16, 2014 July 16, 2015. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.

L. Section 6 Adult Entertainment Overlay District. Amend **Section 6.5.3 Adult Entertainment Uses by Special Permit in the Adult Entertainment Overlay District**, as follows:

Notwithstanding any other provision in this By-Law to the contrary, adult entertainment uses shall be prohibited in all Zoning districts in the Town of Seekonk except in the Adult Entertainment Overlay District, which shall have the boundaries defined in Section 3 of this By-Law and shall overlay the underlying industrial district, and, furthermore may shall be permitted in the Adult Entertainment Overlay District only upon issuance of a special permit by the SPGA. Such a special permit shall not only be granted upon a showing, by the applicant, that the application is consistent with the purpose of these By-Laws as set forth in Section 1.2 and that unless each of the following standards has been met.

M. Section 6.5 Adult Entertainment Overlay District. Amend **Section 6.5.3.12**, as follows:

"No adult entertainment use shall be established prior to submission and approval of a site plan by the ~~Zoning Board of Appeals~~ Planning Board...."

N. Section 6.6 Multifamily Development Overlay District. Amend **Section 6.6.8.4 Accessory Buildings**, as follows:

PERMITTED ACCESSORY BUILDINGS MAY INCLUDE PROPERTY MANAGEMENT OFFICE, COMMON RECREATIONAL FACILITIES (INCLUDING FITNESS CENTER, SWIMMING POOL, MEETING ROOMS, ETC.), PHYSICAL PLANT AND MAINTENANCE FACILITIES, WASTEWATER TREATMENT FACILITY, WATER TREATMENT FACILITIES, WATER STORAGE TANK OR TANKS AND THE LIKE, AS WELL AS, COMMUNITY PARKING AND STORAGE STRUCTURES ERECTED FOR THE USE OF THE RESIDENTS OF THE MULTIFAMILY DEVELOPMENT IN WHICH SUCH STRUCTURES ARE LOCATED. FREESTANDING GARAGES OR SHEDS INTENDED FOR USE BY INDIVIDUAL TENANTS OR RESIDENTS OF A MULTIFAMILY DEVELOPMENT ARE PROHIBITED.

O. Section 6.6 Multifamily Development Overlay District. Amend **Section 6.6.8.6**, as follows:

"Roadways: ...and shall be maintained by an association of unit owners or by the applicant or the applicant's successor(s) in interest."

P. Section 6.7 Telecommunications Facility Overlay District. Amend **Section 6.7.8.1**, as follows:

ADDITIONAL ANTENNAS AND EQUIPMENT MAY BE ADDED, BY-RIGHT, TO A TELECOMMUNICATION FACILITY THAT HAS RECEIVED A SPECIAL PERMIT UNDER THIS SECTION, UNLESS SPECIFICALLY PROHIBITED IN THE SPECIAL PERMIT DECISION. THIRTY (30) DAYS PRIOR TO SUCH ADDITION, THE TELECOMMUNICATION FACILITY OWNER SHALL, IN WRITING, NOTIFY THE ZONING ENFORCEMENT OFFICER REGARDING THE NAME AND ADDRESS OF THE ENTITY ADDING THE ANTENNAS OR EQUIPMENT. ANY MODIFICATION TO AN APPROVED TELECOMMUNICATIONS FACILITY FOR ADDITIONAL ANTENNAS OR EQUIPMENT WHICH DOES NOT NECESSITATE AN ON-SITE CHANGE TO ANY OF THE DESIGN STANDARDS CONTAINED IN THIS SECTION OR SECTION 8 MAY BE PERMITTED AS OF RIGHT. ANY MODIFICATION TO AN APPROVED TELECOMMUNICATIONS FACILITY FOR ADDITIONAL ANTENNAS OR EQUIPMENT WHICH WOULD NECESSITATE AN ON-SITE CHANGE TO ANY OF THE DESIGN STANDARDS CONTAINING IN THIS SECTION OR SECTION 8 SHALL BE SUBJECT TO SITE PLAN REVIEW BY THE PLANNING BOARD.

Q. Section 6.10 Medical Marijuana Overlay District (MMOD). Amend **Section 6.10.1 Establishment**, as follows:

Within the MMOD, all requirements of the underlying district(s) remain in effect, except where these regulations this section provides an alternative to such requirements . . .

R. Section 6. Overlay and Special Districts. Insert a new section, **Section 6.11 CONTINUING CARE RESIDENCY CAMPUS OVERLAY DISTRICT (CCRCOD)**, as follows:

6.11 CONTINUING CARE RESIDENCY CAMPUS OVERLAY DISTRICT (CCRCOD)

6.11.1 PURPOSE

The purpose of this Section, Continuing Care Residency Campus Overlay District (CCRCOD), is to:

1. provide for the development of the various residential opportunities including continuing care as set forth herein in a manner that conserves environmental features, woodlands, wet areas, open space, areas of scenic beauty, views and vistas; and
2. develop such residential opportunities in a manner harmonious with the surrounding land uses while protecting natural resources and open space; and
3. protect the value of real property; and
4. promote sensitive siting of buildings and better overall site planning; and
5. allow landowners a reasonable return on their investment; and
6. facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner.

6.11.2 DEFINITIONS

Adult day care facility: A social day care or adult day health facility as those terms are defined by the Commonwealth's Department of Elder Affairs.

Assisted Living Facility (ALF) - A facility as defined in 651 CMR 12.02, which offers supportive services to individuals who are unable to live independently in the community by supervising and/or assisting with basic activities of daily life, such as, but not limited to, dressing, bathing, toileting, and nutrition.

Congregate Care or Independent Living Facility - A facility reserved for occupancy by persons who are able to care for themselves, but with some common facilities as described herein in a multifamily dwelling.

Dwelling: A structure containing no more than 100 dwelling units or other residential facilities. Each dwelling shall be constructed on one level, or constructed with an elevator; not to exceed two bedrooms.

Dwelling Unit - A residence containing a living area, bathroom or bathrooms, and one or two bedrooms, which may contain a kitchen area or combination kitchen/living area.

Nursing Home: Any facility defined in and licensed under G.L. c. 111, s. 71.

Continuing Care Residency Campus (CCRC) - A combination of any of the uses permitted in Section 6.11.5, below, meeting all of the standards set forth in this by-law on a single property or set of contiguous properties in common control, or subject to an agreement to operate as a common entity or in concert.

Upland Area - Land not wetlands.

Wetlands - Land subject to the provisions of G.L. c. 131, ss. 40 and 40A and Seekonk Wetland By-Law.

6.11.3 OVERLAY DISTRICT

The CCRCOD is an overlay district superimposed on all underlying zoning districts pertinent to the locus. All uses permitted by right or by special permit in the pertinent underlying zoning district shall be similarly permitted in the CCRCOD subject to the provisions of this Section. Where the CCRCOD authorizes uses not otherwise allowed in the underlying district, the provisions of the CCRCOD shall control. The boundaries of the CCRCOD are set forth in Section 3.2.7. The boundaries of the CCRCOD are shown on the Zoning Map on file with the Town Clerk.

6.11.4 MINIMUM AREA

The parcel or set of contiguous parcels containing the CCRCOD shall not be less than thirty-five (35) acres, all of which shall be located exclusively in the Town of Seekonk.

6.11.5 PERMITTED USES

The first phase of a project in a Continuing Care Residency Campus must include an Assisted Living Facility and may include any of the other permitted uses. Within the CCRCOD, a Continuing Care Residency Campus may be constructed as of right, upon site plan approval by the Planning Board, as set forth below. A Continuing Care Residency Campus may include in combination three or more of the following permitted uses, whether located in the same structure or not:

1. Assisted Living Facility;
2. Congregate Care or Independent Living Facility;
3. Nursing Home;
4. Independent Care Dwellings;
5. Golf course open to the general public, and to the residents of the CCRC and other private members, with accessory facilities normally associated therewith including a pub or tavern with a license pursuant to G. L. c. 138, subject to approval of the licensing board; and
6. Structures and uses accessory to the Continuing Care Residency Campus may also be provided in the same or in a freestanding building, or in outdoor areas set aside to enhance the same uses, including, but not limited to, the following: beauty and barber salons; recreational, physical fitness and therapy services; nondenominational chapel; library; bank automated teller machine; management offices; office buildings, specialty shops, such as: flower, donut, coffee, juice bar, liquor, postage or shipping, pet, candle, t-shirt, clothing, tailor, golf, photo, pharmacy, ice cream, antique, candy, arcade, art studio, pottery, jewelry, medical supplies, general store, convenience store, video, music, book, bakery, gift; day care, adult day care or adult day health facility; hospice residence; food service; laundry, dry cleaners, tanning salon, and restaurants, including pizza, deli, diner, sandwich, breakfast and covered parking areas. Except for swimming pools, tennis courts, and other outdoor recreational uses, including a health club, such accessory uses shall be in designated outdoor areas or within a structure, and shall

comply with the signage requirements of the Zoning By-law or any other use that is allowed by the underlying Mixed Use Zone. Any use other than that stated in paragraph 6 or in the underlying zone will require a special permit from the Zoning Board of Appeals.

6.11.6 PROCEDURES

An Applicant for site plan approval of a Continuing Care Residency Campus shall file with the Planning Board ten (10) copies of a Development Plan conforming to the requirements for a

site plan review under the Zoning By-laws of the Town of Seekonk. Such plan shall also indicate:

6.11.6.1 existing and proposed topography;

6.11.6.2 wetlands; where wetland delineation is in doubt or dispute, the Planning Board shall require the applicant to submit to the Conservation Commission a request for determination of applicability pursuant to G.L. c. 131, §40 and 310 CMR 10.05(3), the Wetlands Protection Act;

6.11.6.3 Unless the development is to be sewered, the results of deep soil test pits and percolation tests. The Planning Board shall refer data on proposed wastewater disposal to the Board of Health for their review and recommendation;

6.11.6.4 Specifications demonstrating that access roads and drainage facilities shall meet the functional requirements of the Planning Board's rules and regulations;

6.11.6.5 Notwithstanding the provisions of Section 2.8.3, the applicant shall not be subject to Site Plan Review otherwise required therein.

6.11.6.6 The applicant may be required to submit any additional information necessary to make the determinations and assessments cited herein.

6.11.7 DWELLING UNITS

The following standards shall govern dwellings and dwelling units:

6.11.7.1 Density; Congregate Care/Independent Living and Multifamily Structures. The maximum number of dwelling units allowed in any Congregate Care/Independent Living and Multifamily Structures in a CCRC shall not exceed 300 units.

6.11.7.2 Density; Assisted Living Facility or Nursing Home. The maximum number of beds allowed in any Assisted Living Facility or Nursing Home in a CCRC shall not exceed 160 beds.

6.11.7.3 Density; The combined total density of dwelling units and beds shall not exceed the amount of dwelling units allowed in any Congregate Care/Independent Living and Multifamily Structures in Section 6.11.7.1 together with

the maximum number of beds allowed in any Assisted Living Facility or Nursing Home in Section 6.11.7.2 for a maximum density of three hundred dwelling units and 160 beds.

6.11.7.4 Structures. No individual structure within a Continuing Care Residency Campus shall contain more than one hundred (100) dwelling units or 160 beds, as the case may be, unless a special permit for more dwelling units or beds is granted by the Planning Board. The

Assisted Living Facility must be the first structure constructed, as defined as the first building permit drawn for the Continuing Care Residency Campus. However, the sewer connection must be completed, prior to obtaining any building permits.

6.11.7.5 Height. No structure shall exceed four stories or 55 feet in height, unless a special permit for greater height is granted by the Planning Board

6.11.7.6 Parking. The number of parking spaces to be provided for independent living dwelling units shall be at a ratio of parking space per two independent living dwelling units. The Planning Board may require additional visitor parking spaces if deemed necessary. The number of parking spaces to be provided for any assisted living facility or nursing home shall be equal to the number of employees on the largest shift, plus one space per every 5 beds. The number of parking spaces to be provided for any offices, commercial establishments or other uses listed in Section 6.11.5 shall be at least one space per 500 square feet but not more than one space per 250 square feet of gross floor area.

6.11.7.7 Setbacks. Each structure shall be a minimum of 30 feet from adjacent properties.

6.11.7.8 Multiple Structures on a Lot or Parcel. Except as provided in Section 6.11.7.2, the Continuing Care Residency Campus may be a single lot or parcel, or in the alternative, a structure or multiple structures may be placed on separate lots or parcels. The requirements of the underlying districts shall not apply with regard to such lots or parcels.

6.11.8 OPEN SPACE REQUIREMENTS

6.11.8.1 Minimum Area. A minimum of 40% of the parcel shown on the Development Plan shall be contiguous open space, excluding required yards and buffer areas, including wetland areas and planted/landscape area. Such open space may be separated by roadways or driveways either proposed or constructed within the Continuing Care Residency Campus.

6.11.8.2 Use. The required open space shall be used for conservation, historic preservation and education, outdoor education, recreation, golf course, park purposes, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes.

6.11.8.3 Cover. The required open space shall remain unbuilt upon, provided that ten percent (10%) of such open space, other than any golf course, may be paved

or built upon for structures accessory to the dedicated use or uses of such open space, pedestrian walks, and bike paths, and agriculture.

6.11.8.4 Utilities. Underground utilities to serve the Continuing Care Residency Campus may be located within the required open space. All utilities within a continuing care residency

campus shall be located underground; excluding a waste water treatment facility and any other such improvements that cannot be constructed underground.

6.11.9 STANDARDS

The following standards shall apply for the design of a Continuing Care Residency Campus:

6.11.9.1 Buffer Areas. All dwellings and structures shall be located a minimum of 30 feet from adjacent properties, and 50 feet from adjacent wetlands, subject to approval from the Conservation Commission pursuant to 310 CMR 10.00 and the Seekonk Wetlands Protection By-Law. Buffer areas shall be retained in their natural vegetative state to the maximum extent feasible, except where adjacent to agricultural or recreational used property. Parking areas will have a 10 foot minimum landscaped buffer from adjacent properties.

6.11.9.2 Utilities. A Continuing Care Residency Campus shall be served by a public water supply, electricity, natural gas, a combined heat and power system and shall be served by a sewage disposal system or a wastewater treatment facility (WWTF) within two miles of the CCRC provided that the WWTF has adequate excess capacity available. The WWTF must obtain all necessary permits from the Massachusetts Department of Environmental Protection (MADEP) for the conveyances and treatment of wastewater from the CCRC. The CCRC may install a sanitary sewer force main within the CCRC, public highways or roads, public sidewalks and public or private easements to convey sanitary sewage and treated effluent between the CCRC and WWTF provided that the installation and repair of all disturbances to roadway improvements are made in accordance with the Seekonk Department of Public Works and Mass Highway Standards and Specifications for Roadways and Bridges. The sanitary sewer force main will be constructed and installed within roadway crossings as perpendicular as possible, and off of the traveled way and in the shoulder or sidewalk area wherever feasible.

6.11.9.3 Irrigation. Water for irrigation purposes will be provided on-site and not by the public water supply.

6.11.9.4 Accessory Buildings. Permitted accessory buildings may include property management office, structures to serve allowed accessory uses, common recreational facilities (including fitness center, swimming pool, meeting rooms, etc.), physical plant and maintenance facilities, wastewater treatment facility, water treatment facilities, water storage tank or tanks and the like.

6.11.9.5 Stormwater Management. Stormwater management shall be consistent with the requirements for subdivisions set forth in the Rules and Regulations

of the Planning Board, Section 8.3 of the Zoning By-Law and any other applicable federal or state standards and the Seekonk Wetlands Protection By-Laws.

6.11.9.6 Roadways. The principal roadway(s) serving the Continuing Care Residency Campus shall be adequate for the intended use and vehicular traffic and shall be maintained by the Applicant.

6.11.9.7 Maximum Coverage. Not more than 55% of the Continuing Care Residency Campus shall be covered by an impervious surface.

6.11.9.8 Lighting. Lighting shall comply with Section 8.5 of the Zoning By-law.

6.11.10 DECISION

The Planning Board shall render its decision regarding the site plan within sixty (60) days of the date of the application, as may be extended by agreement in writing. Such decision shall be filed with the office of the Town Clerk. Site plan approval for a Continuing Care Residency Campus shall be granted upon determination by the Planning Board that new building construction or other site alteration satisfies all of the following objectives.

6.11.10.1 Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;

6.11.10.2 Maximize pedestrian and vehicular safety both on the site and egressing from it;

6.11.10.3 Minimize obstruction of scenic views from publicly accessible locations;

6.11.10.4 Minimize visual intrusion by controlling the visibility of parking, storage, HVAC or other outdoor service areas viewed from public ways or premises residentially used or zoned;

6.11.10.5 Minimize glare from headlights and lighting intrusion and light overspill into the night sky;

6.11.10.6 Provide adequate access to each structure for fire and other emergency service equipment;

6.11.10.7 Provide adequate stormwater management consistent with the functional design standards in the Planning Board's Subdivision Rules and Regulations;

6.11.10.8 Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places;

6.11.10.9 Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances.

6.11.11 APPEAL

Any decision of the Planning Board pursuant to this Section shall be appealed in accordance with G.L. c. 40A, s. 17 to a court of competent jurisdiction.

6.11.12 RELATION TO OTHER REQUIREMENTS; SEVERABILITY

The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning By-Law. In the event any provision of this Section 6.11 is deemed unconstitutional or invalid, it is the intention that such decision shall not affect the validity of this Section 6.11 as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

S. Section 7 General Provisions. Delete the text and title of **Section 7 General Provisions**, in its entirety, and as a ministerial, editorial matter only, label **Section 7 "RESERVED"**

T. Section 6 Overlay and Special Districts. Amend **6.7 Telecommunications Facilities Overlay District**, by inserting, in **Section 6.7.6.5**, a new second paragraph, as follows:

Section 6.7.6.5 Telecommunication facilities shall be designed to allow for up to three separate telecommunication carriers, as defined in the Telecommunications Act of 1996, and the original telecommunication facility owner shall allow co-location by these said additional carriers

In addition to the above, at the time of application for any communications tower, a minimum of 10' of antennae location space shall be made available on the tower for town police, fire, rescue or public works communications needs related to public safety, health, and welfare, at no cost to the town. The communications tower owner and wireless service carriers shall assist the town, when deemed necessary, in the enhancement of existing public safety communication systems by providing for the acquisition and installation of related equipment. Any such space allotted for public safety use shall remain available to the Town for the life of the facility regardless of any change in ownership of the telecommunications facility.

U. Section 6 Overlay and Special Districts. Amend **6.7 Telecommunications Facilities Overlay District**, by inserting, in **Section 6.7.6.6**, a new second sentence, as follows:

TOWERS SHALL NOT INCLUDE FACILITIES FOR MICROWAVE TRANSMISSION AND SHALL COMPLY WITH ALL LAWFUL AND APPLICABLE FCC REGULATIONS CONCERNING RADIO FREQUENCY EMISSIONS. THIS PROHIBITION SHALL NOT APPLY TO ANY FACILITIES FOR MICROWAVE TRANSMISSION ERECTED BY OR ON

BEHALF OF THE TOWN OF SEEKONK.

Motion 10: *A motion was made that the Town vote to approve Article 10 and amend the Seekonk Zoning By-Laws, all as presented in the warrant.*

Action on the motion: Motion passes with a unanimous vote.

Submitted by: Planning Board
Board of Selectmen: No Recommendation
Finance Committee: No Recommendation

ARTICLE 11

To see if the Town will vote to transfer from Free Cash, a sum of \$9,400 for the purpose of funding the cost items for the first fiscal year of a contract between the Town of Seekonk and the United Steel Workers, Clerical Unit, for the period beginning July 1, 2014 through June 30, 2015, or take any action relative thereto.

Motion 11: *Moved that the Town vote to transfer from Free Cash, \$9,400 for the purpose of funding the cost items for the first fiscal year of a contract between the Town of Seekonk and the United Steel Workers, Clerical Unit, for the period beginning July 1, 2014 through June 30, 2015.*

Action on the motion: Motion passes with 79 approving and 1 abstention

Submitted by: Board of Selectmen
Board of Selectmen: Recommend Approval
Finance Committee: Recommend Approval

ARTICLE 12

To see if the Town will vote to raise and appropriate, transfer from Free Cash, or transfer from other available funds a sum of \$50,000 to engage a voice and data communications consultant to design systems to integrate all town and schools buildings, or take any other action relative thereto.

Motion 12: A motion was made that the Town vote to appropriate from Free Cash, the sum of \$50,000 for a voice and data communications consultant to design systems to integrate all Town and school buildings.

Action on the motion: Motion passes with 79 approving and 1 disapproving.

Submitted by: Board of Selectmen
Board of Selectmen: Recommend Approval
Finance Committee: Recommend at Town Meeting

A motion was made to dissolve the meeting at 9:15 PM

Action on the motion: Motion passes with a unanimous vote.

And you are hereby directed to serve this Warrant by posting attested copies as required by law and vote of the Town.

Hereof fail not and make return of the Warrant with your doings thereon to the Town Clerk at or before the time of said Meeting.

GIVEN UNDER OUR HANDS ON THIS 12th DAY OF November, 2015.

Approved as to Form

Town Counsel

Seekonk Board of Selectmen

Nelson Almeida

Nelson Almeida, Member

David Andrade

David Andrade, Member

Michael Brady

Michael Brady, Member

David Parker

David Parker, Member

David Viera

David Viera, Member

A True Copy Attest:

David Dyer
Constable

Date: 11/13/15