

City of Fall River Massachusetts RECEIVED
Office of the City Clerk

2020 APR -9 A 11: 59

CITY CLERK _____
FALL RIVER, MA

MEETINGS SCHEDULED
ATRIUM, ONE GOVERNMENT CENTER

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

**MEETINGS WILL BE AVAILABLE FOR VIEWING AT [HTTP://FRGTV.FREDTV.US/](http://FRGTV.FREDTV.US/)
AND CHANNEL 18**

TUESDAY, APRIL 14, 2020
AGENDA

6:30 P.M. COMMITTEE ON FINANCE

1. Citizen Input
Due to the COVID-19 Essential Services Advisory, Government Center is closed to the public. Citizen input must be submitted by email to city_clerks@fallriverma.org by April 14, 2020 at 5:00 p.m. to be read at the meeting.
2. Update from Mayor Paul E. Coogan regarding COVID-19
3. *Discussion with Executive Director of CDA re: Five Year Annual Action Plan (see #5 below)
4. *Discussion of Fiscal Year 2020 – Quarter 3 Budget Report
5. Transfer and appropriation (see #6 below)

7:00 P.M. REGULAR MEETING OF THE CITY COUNCIL (OR IMMEDIATELY FOLLOWING THE COMMITTEE ON FINANCE MEETING IF THAT MEETING RUNS PAST 7:00 P.M.)

PRIORITY MATTERS

1. *Mayor requesting confirmation of the following appointments/reappointments:
 - a. Susana Ribeiro to the Council on Aging
 - b. William Walker to the Council on Aging
 - c. James Gibney to the Board of Library Trustees
 - d. Richard Mancini to the Historical Commission
 - e. Connie Soule to the Historical Commission
 - f. Lorraine Sherry to the Council on Aging
 - g. Caroline Burton to the Council on Aging
 - h. Brenda L. Costa to the Council on Aging
 - i. Alan J. Rumsey, Esq. as Cable Television Agent
 - j. William G. Kenney to City Planner position
2. *Mayor and proposed Fiscal Year 2021 budgets for Water and Sewer Divisions
3. *Mayor and proposed Fiscal Year 2021 budget for Emergency Management Division
4. *Mayor and proposed ordinances for Fiscal Year 2021 water and sewer rates
5. *Mayor and resolution for CDA Year One Annual Action Plan (see #3 above)
6. *Mayor and appropriation of \$28,386.70 from the EMS Stabilization Fund to the Port Security Fund (see #5 above)
7. *Mayor and proposed ordinance amendments to the floodplain district boundaries and base flood elevation data ordinances
8. *Community Preservation Committee and amended grant agreement for the Ben and Nate building located at 162-166 Pleasant Street

ADA Coordinator: Gary P. Howayeck, Esq. 508-324-2650

One Government Center • Fall River, MA 02722
TEL 508-324-2220 • FAX 508-324-2211 • EMAIL city_clerks@fallriverma.org

PRIORITY COMMUNICATIONS

9. Board of Election Commissioners - official results of March 3, 2020 Presidential Primary

COMMITTEE REPORTS – None

ORDINANCES

10. Proposed Ordinance – Chapter 86 Zoning update

RESOLUTIONS

11. *Committee on Finance convene to discuss personal protection equipment for first responders
12. *City Council request Comcast adjust rates to reduce the financial impact of COVID-19
13. *City Council and Administration discuss methods to lessen financial burden of citizens and businesses during times of statewide emergencies
14. *Committee on Ordinances and Legislation meet to develop a strategy to allow continuous operation of the City Council through telecommunications or other forms of technology during times of emergency

CITATIONS – None

ORDERS – HEARINGS – None

ORDERS – MISCELLANEOUS

15. Police Chief's report on licenses:
2020 Taxicab Drivers:
Anthony Correia

Second Hand License Renewals:

TVI, Inc. d/b/a Savers Thrift Store - 109 Mariano Bishop Boulevard
St. Vincent de Paul - 1799 Pleasant Street

Game Stop, Inc. d/b/a Game Stop 6735 - 153 Mariano Bishop Boulevard
Michael W. West d/b/a A1 Antiques & Used Furniture - 1091 Plymouth Avenue
Pawtucket Pawnbrokers Too, Inc. d/b/a New England Pawn, Inc. - 407 So. Main Street
Patenaude Jewelers, Inc. - 1473 South Main Street
Beverly Post d/b/a Anything - 1791 South Main Street

Pawnbroker Renewal:

Pawtucket Pawnbrokers Too, Inc. d/b/a New England Pawn, Inc. - 407 So. Main Street

Pool/Billiards:

W & L Enterprises d/b/a Rack-Em-Up Billiards - 129 Griffin Street
Robert and John Albin d/b/a Straight Shooters - 288 Plymouth Avenue

16. Auto Repair Shop License Renewals:

William Sanchez/ABG Holdings d/b/a Lambert Auto Body & Auto Sales - 103
Chavenson Street
Sameh Saleb/Keyrlos, Inc. d/b/a South End Sunoco - 2322 South Main Street
Jennifer Lessard d/b/a Bayside Automotive, Inc. - 1904 Bay Street
Jared Babcock d/b/a Babcock Tuning, Inc. - 67 Kay Street

17. Auto Body Shop License Renewals:

William Sanchez, ABG Holdings d/b/a Lambert Auto Body and Auto Sales - 103
Chavenson Street
Karen L. Isabel d/b/a Karen's Collision Specialist - 70 Jepson Street

ADA Coordinator: Gary P. Howayeck, Esq. 508-324-2650

COMMUNICATIONS – INVITATIONS – PETITIONS

- 18. *Claim
- 19. Planning Board Minutes – February 24, 2020
- 20. Zoning Board of Appeals Minutes – November 21, 2019
- 21. Zoning Board of Appeals Minutes – December 19, 2019

City Council Meeting Minutes:

- 22. *City Council Committee on Finance – February 25, 2020
- 23. *Regular City Council Meeting – February 11, 2020

- 24. *Emergency street opening - 240 Dover Street

- 25. Drainlayer license - Farland Corporation, Inc.

BULLETINS – NEWSLETTERS – NOTICES

- 26. Notice of Casualty and Loss at 314 East Main Street


City Clerk

ITEMS FILED AFTER THE AGENDA DEADLINE:

ADA Coordinator: Gary P. Howayeck, Esq. 508-324-2650



City of Fall River
Massachusetts
Office of the Mayor

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2020 APR -1 P 1:11

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

April 1, 2020

Honorable Members of the City Council
One Government Center
Fall River, MA 02722

RE: Council on Aging

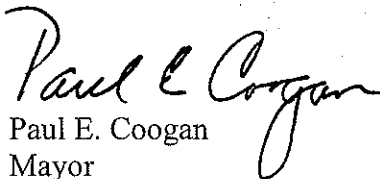
Mr. President and Members of the Honorable Council:

I hereby request the confirmation of the City Council for the following reappointment:

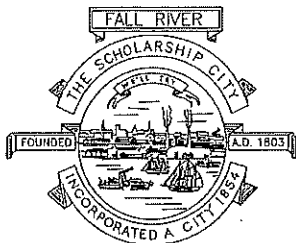
Susana Ribeiro
669 Valentine Street
Fall River, MA 02720

As a member of the Council on Aging, with a term commencing 04/30/2020 and expiring 04/30/2022.

Thank you for your favorable consideration in this regard.


Paul E. Coogan
Mayor

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City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

RECEIVED

2020 MAR 23 P 12:48

CITY CLERK
FALL RIVER, MA

March 23, 2020

Honorable Members of the City Council
One Government Center
Fall River, MA 02722

RE: Council on Aging

Mr. President and Members of the Honorable Council:

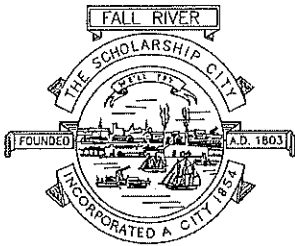
I hereby request the confirmation of the City Council for the following reappointment:

William Walker
2100 S. Main Street
Fall River, MA 02724

As a member of the Council on Aging, with a term commencing 04/30/2020 and expiring 04/30/2023.

Thank you for your favorable consideration in this regard.

Paul E. Coogan
Mayor



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

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2020 MAR 23 P 12:48

CITY CLERK _____
FALL RIVER, MA

March 23, 2020

Honorable Members of the City Council
One Government Center
Fall River, MA 02722

RE: Library Trustees

Mr. President and Members of the Honorable Council:

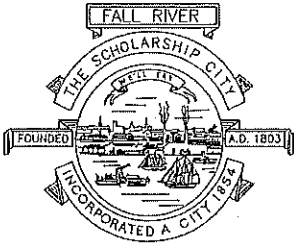
I hereby request the confirmation of the City Council for the following reappointment:

James Gibney
34 Merritt Street
Fall River, MA 02720

as a member of the Library Trustees, with a term commencing 03/28/2020 and expiring 03/28/2023.

Thank you for your favorable consideration in this regard.

Paul E. Coogan
Mayor



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

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2020 MAR 23 P 12:48

CITY CLERK _____
FALL RIVER, MA

March 23, 2020

Honorable Members of the City Council
One Government Center
Fall River, MA 02722

RE: Historical Commission

Mr. President and Members of the Honorable Council:

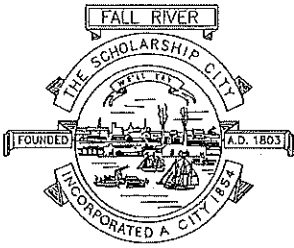
I hereby request the confirmation of the City Council for the following reappointment:

Richard Mancini
243 French Street
Fall River, MA 02720

As a member of the Historical Commission with a term commencing 03/23/2020 and expiring 03/23/2023.

Thank you for your favorable consideration in this regard.

Paul E. Coogan
Mayor



PAUL E. COOGAN
Mayor

City of Fall River
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2020 MAR 23 P 12:48

CITY CLERK
FALL RIVER, MA

March 23, 2020

Honorable Members of the City Council
One Government Center
Fall River, MA 02722

RE: **Historical Commission**

Mr. President and Members of the Honorable Council:

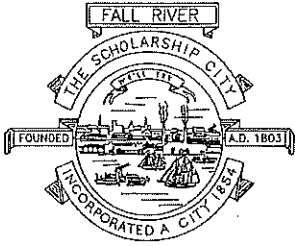
I hereby request the confirmation of the City Council for the following reappointment:

Connie Soule
577 Rock Street
Fall River, MA 02720

As a member of the Historical Commission with a term commencing 03/23/2020 and expiring 03/23/2022.

Thank you for your favorable consideration in this regard.

Paul E. Coogan
Mayor



PAUL E. COOGAN
Mayor

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CITY CLERK
FALL RIVER, MA

March 23, 2020

Honorable Members of the City Council
One Government Center
Fall River, MA 02722

RE: Council on Aging

Mr. President and Members of the Honorable Council:

I hereby request the confirmation of the City Council for the following reappointment:

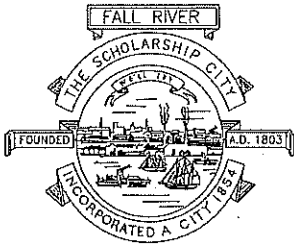
Lorraine Sherry
111 Borden Street. Apt. 305
Fall River, MA 02721

As a member of the Council on Aging, with a term commencing 04/30/2020 and expiring 04/30/2022.

Thank you for your favorable consideration in this regard.

Paul E. Coogan
Mayor

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**City of Fall River
Massachusetts
Office of the Mayor**

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2020 MAR 23 P 12:48

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

March 23, 2020

Honorable Members of the City Council
One Government Center
Fall River, MA 02722

RE: Council on Aging

Mr. President and Members of the Honorable Council:

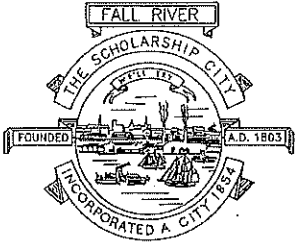
I hereby request the confirmation of the City Council for the following reappointment:

Carolyn Burton
487 Florence Street
Fall River, MA 02720

As a member of the Council on Aging, with a term commencing 04/30/2020 and expiring 04/30/2022.

Thank you for your favorable consideration in this regard.

Paul E. Coogan
Mayor



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Office of the Mayor

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CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

March 23, 2020

Honorable Members of the City Council
One Government Center
Fall River, MA 02722

RE: Cable Television Agent Board

Mr. President and Members of the Honorable Council:

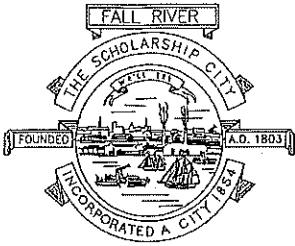
I hereby request the confirmation of the City Council for the following appointment:

Alan J. Rumsey
492 Rock Street
Fall River, MA 02720

As a member of the Cable Television Agent Board commencing on 03/23/2020.

Thank you for your favorable consideration in this regard.

Paul E. Coogan
Mayor



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

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2020 APR -1 P 1:11

CITY CLERK _____
FALL RIVER, MA

March 23, 2020

Honorable Members of the City Council
One Government Center
Fall River, MA 02722

RE: Council on Aging

Mr. President and Members of the Honorable Council:

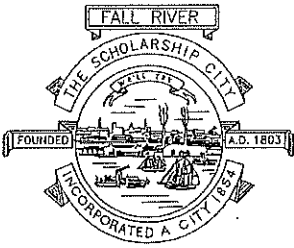
I hereby request the confirmation of the City Council for the following appointment:

Brenda L. Costa
2100 S. Main Street – Apt 1105
Fall River, MA 02724

As a member of the Council on Aging, with a term commencing 04/30/2020 and expiring 04/30/2021.

Thank you for your favorable consideration in this regard.

Paul E. Coogan
Mayor



City of Fall River
Massachusetts
Office of the Mayor

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2020 APR -8 P 4: 24

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

April 6, 2020

Members of the Honorable Council
City of Fall River
One Government Center
Fall River, MA 02722

Dear Members of the Honorable Council:

I hereby respectfully request confirmation of the following appointment:

Name: William G. Kenney

Address: 571 Florence Street, Fall River, MA 02720

To: City Planner

Salary: \$85,000.00

Effective date: April 6, 2020

Sincerely,

Paul E. Coogan
Mayor

Auditors
Human Resources
City Clerk



City of Fall River
Massachusetts
Office of the Mayor

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2020 MAR 26 P 1:08

PAUL E. COOGAN
Mayor

CITY CLERK _____
FALL RIVER, MA

March 24, 2020

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

RE: FY21 Budget Submission
Water and Sewer Divisions

Dear Honorable Councilors:

Please find enclosed the proposed FY21 budgets for the Water and Sewer Divisions. This submittal meets the requirements of Ordinance Section 2-183 that requires that Enterprise Fund proposed budgets be submitted to the City Council by April 1.

Sincerely,

Paul E. Coogan
Mayor

3/27/20
emailed & emailed to the

2

The City of FALL RIVER - COMMUNITY UTILITIES FY 2021 Proposed Budget SEWER DIVISION: 2/6/2020	FY2019 Actuals	FY2020 Budget	FY2021 Proposed Budget
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64400000 SEWER FUND REVENUE			FY19 Actuals	FY20 Budget	FY21 Proposed
64400000	414200	TAX LIENS REDEEMED	\$194,017.27	\$209,000	\$200,000
64400000	414500	TAX LIENS FORECLOSED	\$0.00	\$0	
64400000	417150	SEPTAGE INTEREST REVENUE	\$770.60	\$600	\$600
64400000	417300	INTEREST & PENALTY TAX LIEN	\$47,671.22	\$70,000	\$70,000
64400000	417420	INT & PENALTY SEWER	\$115,819.98	\$120,000	\$120,000
64400000	417600	INT & PEN ON UTILITY LIENS	\$24,180.80	\$9,000	\$20,000
64400000	417760	SEWER DEMANDS	\$52,625.30	\$55,000	\$55,000
64400000	417765	SEWER FINAL DEMAND	\$10.00	\$30	\$30
64400000	421000	SEWER USAGE CHARGES	\$13,769,694.76	\$14,415,458	\$14,651,809
64400000	421500	STORMWATER FEE/CHARGE	\$6,085,608.66	\$5,923,059	\$6,376,342
64400000	422100	SEPTAGE REVENUE	\$242,553.04	\$250,000	\$250,000
64400000	428080	UTILITY LIENS REDEEMED	\$26,038.68	\$0	
64400000	428013	UTILITY LIENS REDEEMED 13	\$49.19		
64400000	428014	UTILITY LIENS REDEEMED 14	\$250.86		
64400000	428015	UTLITY LIENS REDEEMED 15	\$1,536.00		
64400000	428016	UTILITY LIENS REDEEMED 2016	\$1,342.11	\$0	
64400000	428017	UTILITY LIENS REDEEMED 2017	\$1,687.16	\$0	
64400000	428018	UTILITY LIENS REDEEMED 2018	\$59,131.62	\$0	
64400000	428019	UTILITY LIENS REDEEMED 2019	\$1,159,742	\$0	
64400000	428020	UTILITY LIENS REDEEMED 2020	\$0	\$1,202,694	\$1,200,000
64400000	439900	OTHER REVENUE	\$640,372.41	\$371,000	\$600,000
64400000	442900	PERMIT FEE-SEWER	\$51,453.00	\$89,000	\$89,000
64400000	499300	OFS FREE CASH SURPLUS REVENUE	\$0.00	\$1,225,000	\$643,220
64400000	499900	OTHER FINANCING SOURCES	\$0.00	\$0	\$0
TOTAL SEWER FUND REVENUE			\$22,474,554.77	\$23,939,841	\$24,276,001

6000 SEWER FUND EXPENSES			FY19 Actuals	FY20 Budget	FY21 Proposed
64400005 SEWER TREATMENT PLANT OTHER					
64400005	596100	TRANSFERS TO GENERAL FUND	\$1,427,014	\$1,487,406	\$1,485,000
64400005	596500	TRANSFERS TO STABILIZATION	\$100,000	\$0	\$0
64400005	596600	TRANSFERS TO TRUST & AGENCY	\$10,000	\$0	\$0
64400005	596800	TRANSFER GF - HEALTH	\$92,398	\$93,214	\$95,000
64400005	596900	TRANSFER GF PENSIONS	\$124,076	\$89,380	\$90,000
TOTAL SEWER TREATMENT PLANT OTHER			\$1,753,488	\$1,670,000	\$1,670,000

64407191 SEWER PLANT & PROG SALARIES			FY19 Actuals	FY20 Budget	FY21 Proposed
64407191	511000	SALARIES & WAGES - PERMANENT	\$400,187.17	\$407,426	\$381,645
64407191	511115	LONGEVITY	\$4,900.00	\$5,000	\$3,200
64407191	511300	SUMMER HOURS	\$0.00	\$0	\$0
64407191	513000	OVERTIME	\$0.00	\$500	\$0
64407191	514500	HOLIDAY PAY	\$0.00	\$0	\$1,413
64407191	516900	RETIREMENT BUYOUTS	\$28,423.33	\$45,000	\$0
64407191	517900	MEDICARE MATCH	\$5,912.03	\$6,900	\$7,200
64407191	519300	UNIFORM ALLOWANCE	\$1,800.00	\$1,800	\$1,200
64407191	519400	OTHER STIPENDS	\$3,500.00	\$6,500	\$4,000
64407191	519700	AUTOMOBILE ALLOWANCE	\$0.00	\$0	\$0
64407191	519900	OTHER PERSONNEL COSTS	\$56,000.00	\$90,500	\$128,274
TOTAL SEWER PLANT & PROG SALARIES			\$500,722.53	\$563,626	\$526,932

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64407192 SEWER TREATMENT PLANT EXPENSES			FY19 Actuals	FY20 Budget	FY21 Proposed
64407192	525000	OFF EQUIP/FURN MAINTENANCE	\$3,502.30	\$1,000	\$1,000
64407192	530100	MEDICAL AND DENTAL	\$0.00	\$130	\$130
64407192	530600	ADVERTISING	\$9,210.92	\$2,000	\$2,000
64407192	531000	ENGINEERING/ARCHITECTURE SERVI	\$36,972.18	\$40,000	\$40,000
64407192	531200	OTHER PROFESSIONAL	\$150.00	\$0	\$0
64407192	534100	TELEPHONE	\$10,785.01	\$19,000	\$19,000
64407192	538400	COMPUTER SERVICES	\$96.74	\$500	\$500
64407192	551100	EDUCATIONAL SUPPLIES	\$2,539.00	\$3,000	\$3,000
64407192	553800	METER PARTS/P.W. & UTILITIES S	\$75,126.76	\$80,000	\$80,000
64407192	558600	OTHER SUPPLIES	\$410.48	\$400	\$400
64407192	570100	WATER/SEWER CSO CHARGE	\$109,472.23	\$92,000	\$104,000
64407192	571000	IN STATE TRAVEL	\$485.73	\$500	\$500
64407192	573100	DUES & MEMBERSHIPS	\$579.00	\$500	\$500
64407192	573200	SUBSCRIPTIONS	\$395.00	\$0	\$0
64407192	578100	CLAIMS & DAMAGES	\$761.75	\$500	\$500
TOTAL SEWER TREATMENT PLANT EXPENSES			\$250,487.10	\$239,530	\$251,530

64407202 SEWER TREATMENT PLANT EXPENSES			FY19 Actuals	FY20 Budget	FY21 Proposed
64407202	521100	ELECTRICITY	\$556,186.79	\$1,750,000	\$1,600,000
64407202	521101	ELECTRIC NMC UXBRIDGE SOLAR	\$858,291.12	\$0	\$0
64407202	521500	NATURAL GAS FOR HEAT	\$82,945.27	\$78,445	\$70,000
64407202	528100	OTHER RENTALS & LEASES	\$4,457.96	\$29,400	\$14,400
64407202	531200	OTHER PROFESSIONAL SERVICES	\$6,273,118.38	\$6,517,036	\$6,885,782
64407202	534300	POSTAGE	\$44,457.79	\$28,000	\$28,000
64407202	538500	OTHER PURCHASED SERVICES	\$2,412,498.48	\$2,400,000	\$2,463,000
64407202	554200	CHEMICALS	\$410,782.75	\$472,902	\$496,542
64407202	573400	CONFERENCES	\$40.00	\$1,000	\$1,000
64407202	574400	MOTOR VEHICLE INSURANCE	\$20,961.00	\$24,000	\$26,000
TOTAL SEWER TREATMENT PLANT EXPENSES			\$10,663,739.54	\$11,300,783	\$11,584,724

64407204 SEWER TREATMENT PLANT CAPITAL			FY19 Actuals	FY20 Budget	FY21 Proposed
64407204	584900	OTHER IMPROVEMENTS	\$90,831.12	\$80,000	\$80,000
TOTAL SEWER TREATMENT PLANT CAPITAL			\$90,831.12	\$80,000	\$80,000

64409905 STORM WATER DEBT SERVICE			FY19 Actuals	FY20 Budget	FY21 Proposed
64409905	591000	MAT PRIN ON LONG TERM DEBT	\$5,606,399.92	\$6,570,138	\$6,516,733
64409905	591500	INTEREST ON LONG TERM DEBT	\$2,686,954.22	\$2,798,526	\$2,831,134
64409905	592500	INTEREST ON NOTES	\$80,000.00	\$454,000	\$452,000
64409905	594000	DEBT ADMINISTRATIVE COSTS	\$161,785.85	\$178,274	\$188,640
64409905	594100	DEBT ORIGINATION FEES	\$22,961.62	\$84,964	\$174,308
64409905	599996	OFU-TFR-CAP PR	\$62,875.00	\$0	
TOTAL STORM WATER DEBT SERVICE			\$8,620,976.61	\$10,085,902	\$10,162,815

	FY19 Actuals	FY20 Budget	FY21 Proposed
TOTAL REVENUES	\$22,474,554.77	\$23,939,841	\$24,276,001
TOTAL EXPENSES	\$21,880,244.86	\$23,939,841	\$24,276,001

delta	\$594,309.91	\$0	\$0
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rates	FY19 Actuals	FY20 Budget	FY21 Proposed
sewer per ccf	\$5.38	\$5.48	\$5.55
stormwater per ERU/quarter	\$44.00	\$44.00	\$46

Annual Impact on Average Family at 109 GPD.			
FY20 cost for sewer/stormwater at 109 GPD			\$466.44
FY21 cost for sewer/stormwater at 109 GPD			\$478.15
delta: increase from fy20 to fy21 per family at 109 GPD			\$11.71

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FY 2021 PROPOSED COMMUNITY UTILITIES BUDGET			FY19	FY20	FY21
WATER DIVISION			Actual	Budget	Proposed Budget
REVENUE					
64500000	414200	TAX LIENS REDEEMED	-95,081.14	\$119,702.00	\$100,000.00
64500000	417300	INTEREST & PENALTY TAX LIEN	-19,789.06	\$40,000.00	\$40,000.00
64500000	417310	INT & PEN ON UTILITY WATER	-58,952.83	\$65,000.00	\$65,000.00
64500000	4176000	INT & PEN ON UTILITY LIENS	-6,875.61	\$5,600.00	\$6,000.00
64500000	417761	WATER DEMANDS	-51,441.41	\$47,000.00	\$50,000.00
64500000	417765	WATER FINAL DEMAND	-10.00	\$20.00	\$20.00
64500000	418000	WATER OVER/SHORT	0.00	\$0.00	
64500000	421000	WATER USAGE CHARGES	-9,390,148.20	\$10,217,664	\$10,751,324
64500000	422000	OTHER WATER CHARGES	-186,436.25	\$218,000.00	\$215,000.00
64500000	427000	BASE METER FEE	-1,230,300.23	\$1,257,146.00	\$1,258,771.00
64500000	427100	LUMBER REVENUE	-815.00	\$900.00	\$900.00
64500000	427200	TOWER RENTAL	-179,148.53	\$180,000.00	\$185,000.00
64500000	427300	BULK SALES	-66,110.91	\$47,000.00	\$70,000.00
64500000	427400	APPLICATIONS AND TESTING	-2,718.00	\$6,500.00	\$6,500.00
64500000	428000	UTILITY LIENS REDEEMED	-2,703.21	\$0.00	\$0.00
64500000	428014	UTILITY LIENS REDEEMED 2014	-175.50	\$0.00	\$0.00
64500000	428015	UTILITY LIENS REDEEMED 2015	-793.57	\$0.00	\$0.00
64500000	428016	UTILITY LIENS REDEEMED 2016	-850.10	\$0.00	\$0.00
64500000	428017	UTILITY LIENS REDEEMED 2017	-868.44	\$0.00	\$0.00
64500000	428018	UTILITY LIENS REDEEMED 2018	-30,976.91	\$0.00	\$0.00
64500000	428019	UTILITY LIENS REDEEMED 2019	-559,517.34	\$612,909.00	\$0.00
		UTILITY LIENS REDEEMED 2020			\$631,800.00
64500000	439900	OTHER REVENUE	-47,549.09	\$110,533.00	\$80,000.00
64500000	488000	INSURANCE RECOVERY	-6,327.47		\$0.00
64500000	499900	OTHER FINANCING SOU (retained earnings)	0	\$440,000.00	\$54,949.00
TOTAL WATER REVENUE			-\$11,937,589	\$13,367,974	\$13,515,264

Water Rate Per CCF	\$3.14	\$3.24	\$3.40
Base Meter fee for 5/8" per quarter	\$14	\$14	\$14
Base Meter fee for 3/4" per quarter	\$14	\$14	\$14
Base Meter fee for 1" per quarter	\$16	\$16	\$16
Base Meter fee for 1.5" per quarter	\$30	\$30	\$30
Base Meter fee for 2" per quarter	\$50	\$50	\$50
Base Meter fee for 3" per quarter	\$150	\$150	\$150
Base Meter fee for 4" per quarter	\$200	\$200	\$200
Base Meter fee for 6" per quarter	\$300	\$300	\$300
Base Meter fee for 8" per quarter	\$400	\$400	\$400
Base Meter fee for 10" per quarter	\$500	\$500	\$500

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64507241 WATER ADMINISTRATION SALARIES			FY19	FY20	FY21
			Actual	Budget	Proposed
					Budget
64507241	511000	SALARIES & WAGES - PERMANENT	334,209.28	\$441,105	\$446,086
64507241	511115	LONGEVITY	8,834.79	\$8,700	\$9,200
64507241	511300	SUMMER HOURS	5,481.75	\$5,770	\$5,757
64507241	513000	OVERTIME	29.26	\$500	\$500
64507241	514500	HOLIDAY PAY	0.00	\$0	\$1,706
64507241	516900	RETIREMENT BUYOUTS	\$0.00	\$13,000	\$8,575
64507241	517100	WORKMEN'S COMPENSATION	\$0.00	\$0	
64507241	517900	MEDICARE MATCH	3,375.11	\$4,300	\$4,300
64507241	519300	UNIFORM ALLOWANCE	2,400.00	\$1,800	\$1,800
64507241	519400	OTHER STIPENDS	1,000.00	\$1,000	\$1,000
64507241	519700	AUTOMOBILE ALLOWANCE	3,640.00	\$3,120	\$3,120
64507241	519900	OTHER PERSONNEL COSTS	\$0.00	\$2,201	
TOTAL WATER ADMINISTRATION SALARIES			\$358,970	\$481,496	\$482,044

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64507242 WATER ADMINISTRATION EXPENSES			FY19	FY20	FY21
			Actual	Budget	Proposed Budget
64507242	525000	OFF EQUIP/FURN MAINTENACE	243.36	\$500.00	\$500.00
64507242	525600	R & M METERS	0.00	\$10,000.00	\$10,000.00
64507242	528100	OTHER RENTALS & LEASES	1,694.85	\$25,660.00	\$10,660.00
64507242	530100	MEDICAL AND DENTAL	0.00	\$200.00	\$200.00
64507242	530600	ADVERTISING	4,519.65	\$7,000.00	\$7,000.00
64507242	531200	OTHER PROFESSIONAL SERVICES	75.00	\$2,500.00	\$16,000.00
64507242	534100	TELEPHONE	11,872.73	\$16,000.00	\$18,000.00
64507242	534300	POSTAGE	0.00	\$28,000.00	\$30,000.00
64507242	534400	OTHER COMMUNICATIONS	0.00	\$100.00	\$100.00
64507242	538400	COMPUTER SERVICES	587.00	\$1,000.00	\$1,000.00
64507242	538500	OTHER PURCHASED SERVICES	0.00	\$2,500.00	\$1,000.00
64507242	542500	OTHER OFFICE SUPPLIES	221.78	\$195.00	\$200.00
64507242	547300	OTHER GROUNDS KEEPING SUPPLIES	0.00	\$100.00	\$100.00
64507242	551100	EDUCATION SUPPLIES	0.00	\$1,000.00	\$1,000.00
64507242	553800	METER PARTS	0.00	\$10,000.00	\$10,000.00
64507242	565801	PYR Expenditures	0.00		
64507242	570100	WATER/SEWER CSO CHARGE	18,326.40	\$20,000.00	\$20,000.00
TOTAL WATER ADMINISTRATION EXPENSES			\$37,540.77	\$124,755.00	\$125,760.00

64507244 WATER ADMINISTRATION CAPITAL			FY19	FY20	FY21
			Actual	Budget	Proposed Budget
64507244	584900	OTHER IMPROVEMENTS	107,759.00	\$245,000.00	\$150,000.00

64507245 WATER ADMINISTRATIVE AND INDIRECT COSTS			FY19	FY20	FY21
			Actual	Budget	Proposed Budget
64507245	596100	TRANSFERS TO GENERAL FUND	\$1,230,838	\$1,288,158	\$1,300,000
64507245	596500	TRANSFERS TO STABILIZATION	\$100,000	\$0	
64507245	596600	TRANSFERS TO TRUST & AGENCY	\$10,000	\$0	
64507245	596800	TRANSFER GF - HEALTH	\$800,171	\$725,238	\$725,238
64507245	596900	TRANSFER GF PENSIONS	\$688,156	\$731,603	\$731,603
TOTAL WATER ADMINISTRATIVE AND INDIRECT COSTS			\$2,829,165	\$2,744,999	\$2,756,841

64507251 WATER MAINT & DISTRIB SALARIES			FY19	FY20	FY21
			Actual	Budget	Proposed Budget
64507251	511000	SALARIES & WAGES - PERMANENT	811,051.21	\$897,533	\$981,385
64507251	511115	LONGEVITY	4,286.30	\$3,500	\$4,300
64507251	513000	OVERTIME	81,944.39	\$85,000	\$85,000
64507251	514300	SHIFT PREMIUM	0.00	\$0	
64507251	514500	HOLIDAY PAY	0.00	\$4,644	\$3,752
64507251	514600	SERVICE OUT OF RANK	3,877.13	\$0	
64507251	516900	RETIREMENT BUYOUTS	17,077.56	\$0	
64507251	517100	WORKMEN'S COMPENSATION	87,722.09	\$60,276	\$60,046
64507251	517300	UNEMPLOYMENT PAYMENTS	0	\$0	

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64507251	517900	MEDICARE MATCH	13,122.96	\$14,000	\$14,000
64507251	519300	UNIFORM ALLOWANCE	11,400.00	\$12,000	\$12,600
64507251	519400	OTHER STIPENDS	35,269.87	\$41,400	\$41,900
64507251	519700	AUTOMOBILE ALLOWANCE	0.00	\$0	\$0
64507251	519900	OTHER PERSONNEL COSTS	0	\$0	
TOTAL WATER MAINT & DISTRIB SALARIES			\$1,065,751.51	\$1,118,353	\$1,202,983

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64507252 WATER MAINT & DISTRIB EXPENSES			FY19	FY20	FY21
			Actual	Budget	Proposed Budget
64507252	521100	ELECTRICITY	10,296.38	\$10,000.00	\$10,000.00
64507252	521500	HEATING FUEL	20,515.31	\$20,000.00	\$20,000.00
64507252	524100	BUILDINGS & GROUNDS MAINTENANC	3,790.22	\$4,000.00	\$4,000.00
64507252	524600	R & M VEHICLES	32,733.61	\$30,000.00	\$25,000.00
64507252	525000	R & M OFFICE EQUIPMENT	3,401.85	\$3,500.00	\$4,000.00
64507252	525800	OTHER REPAIRS & MAINTENANCE	563.00	\$2,000.00	\$2,000.00
64507252	525900	WATER PIPE REPLACE, REPAIR, RE	0.00	\$10,000.00	\$10,000.00
64507252	527400	CONSTRUCTION EQUIPMENT RENTAL	2,534.12	\$2,500.00	\$2,500.00
64507252	527800	COMMUNICATION LINES & EQUIP RE	0.00	\$100.00	\$100.00
64507252	529400	OTHER PROPERTY RELATED SERVICE	148.90	\$1,500.00	\$1,500.00
64507252	530100	WORKERS COMP. MEDICAL BILLS	70,657.50	\$40,000.00	\$30,000.00
64507252	538500	OTHER PURCHASED SERVICES	16,460.95	\$20,000.00	\$20,000.00
64507252	541100	GASOLINE	52,811.60	\$50,000.00	\$50,000.00
64507252	542100	PAPER	600.54	\$950.00	\$1,000.00
64507252	542800	R & M CONSTRUCTION EQUIPMENT	13,609.51	\$20,000.00	\$15,000.00
64507252	543900	BUILDING & MAINTENANCE SUPPLIE	1,654.04	\$2,000.00	\$2,000.00
64507252	545100	CLEANING SUPPLIES	2,000.00	\$2,000.00	\$2,000.00
64507252	546100	TOOLS	13,962.56	\$8,000.00	\$8,000.00
64507252	548100	MOTOR OIL AND LUBRICANTS	3,418.18	\$2,500.00	\$2,500.00
64507252	548500	PARTS AND ACCESSORIES	34,058.88	\$30,000.00	\$30,000.00
64507252	550100	MEDICAL SUPPLIES	171.86	\$200.00	\$200.00
64507252	551100	EDUCATIONAL SUPPLIES	7,495.00	\$5,000.00	\$5,000.00
64507252	553100	CONCRETE/CEMENT	37,831.25	\$55,000.00	\$55,000.00
64507252	553200	CORPS/STOPS/TUBING	4,505.99	\$10,000.00	\$10,000.00
64507252	553400	LUMBER	97.20	\$500.00	\$500.00
64507252	553600	SAND AND GRAVEL	0.00	\$1,500.00	\$1,500.00
64507252	553900	PIPE AND FITTINGS	36,544.30	\$35,000.00	\$30,000.00
64507252	554000	HYDRANTS/HYDRANT PARTS	23,945.69	\$35,000.00	\$35,000.00
64507252	554100	STOP BOXES	5,394.27	\$10,000.00	\$10,000.00
64507252	554400	ELECTRICAL SUPPLIES	0.00	\$500.00	\$500.00
64507252	558600	OTHER SUPPLIES	4,263.96	\$5,500.00	\$5,500.00
64507252	574400	MOTOR VEHICLE INSURANCE	26,793.00	\$29,000.00	\$32,000.00
64507252	578100	CLAIMS & DAMAGES		\$0.00	\$500.00
TOTAL WATER MAINT & DISTRIB EXPENSES			\$430,259.67	\$446,250.00	\$425,300.00

64507261 WATER TREATMENT PLANT SALARIES			FY19	FY20	FY21
			Actual	Budget	Proposed Budget
64507261	511000	SALARIES & WAGES - PERMANENT	686,524.05	\$848,033	\$870,841
64507261	511115	LONGEVITY	4,615.34	\$3,600.00	\$4,900
64507261	511300	SUMMER HOURS	2,596.55	\$2,709.00	\$2,685
64507261	513000	OVERTIME	130,406.89	\$99,000.00	\$99,000.00
64507261	514500	HOLIDAY PAY	64.76	\$0.00	\$2,254
64507261	514300	SHIFT PREMIUM	7,924.50	\$8,736.00	\$8,736
64507261	516900	RETIREMENT BUYOUTS	4,143.64	\$0.00	\$0
64507261	517100	WORKMEN COMPENSATION	18,545.13	\$18,495.00	\$0

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64507261	517300	UNEMPLOYMENT COMPENSATION	2,481.30	\$0.00	\$0
64507261	517900	MEDICARE MATCH	11,062.10	\$12,400.00	\$12,400
64507261	519300	UNIFORM ALLOWANCE	9,000.00	\$10,800.00	\$10,800
64507261	519400	OTHER STIPENDS	0.00	\$15,000.00	\$16,600
64507261	519700	AUTOMOBILE ALLOWANCE	1,950.00	\$1,560.00	\$3,120
64507261	519900	OTHER PERSONNEL COSTS	2,600.00	\$0.00	\$0
TOTAL WATER TREATMENT PLANT SALARIES			\$881,914.26	\$1,020,333	\$1,031,336

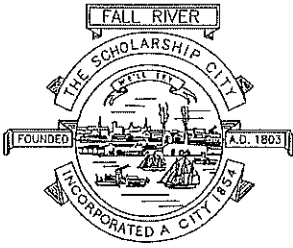
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64507262 WATER TREATMENT PLANT EXPENSES			FY19	FY20	FY21
			Actual	Budget	Proposed Budget
64507262	521100	ELECTRICITY	354,557.58	\$737,342.00	\$700,000.00
64507262	521101	ELECTRICITY NMC UX	278,668.89		
64507262	521500	HEATING FUEL	42,560.02	\$35,000.00	\$35,000.00
64507262	524100	BUILDING & GROUNDS MAINT	17,132.41	\$20,000.00	\$20,000.00
64507262	524200	RESERVATION HQ O&M	21,402.20	\$25,000.00	\$35,000.00
64507262	524400	WATER PUMPING STATION MNT	8,427.92	\$5,000.00	\$17,200.00
64507262	524800	R & M CONSTRUCTION EQUIPMENT	43.95	\$100.00	\$100.00
64507262	525000	OFF EQUIP/FURN MAINTENANCE	0.00	\$100.00	\$100.00
64507262	525100	COMPUTER EQUIPMENT MAINTENANCE	6,885.83	\$13,000.00	\$13,000.00
64507262	527400	CONSTRUCTION EQUIPMENT RENTAL	0.00	\$100.00	\$100.00
64507262	529400	OTHER PROPERTY RELATED SERVICE	0.00	\$100.00	\$100.00
64507262	530100	WORKERS COMP. MEDICAL BILLS	0.00	\$500.00	\$500.00
64507262	531200	OTHER PROFESSIONAL SERVICES	22,047.93	\$30,000.00	\$25,000.00
64507262	531300	LAB TESTING SERVICES	20,070.00	\$26,000.00	\$26,000.00
64507262	538500	OTHER PURCHASED SERVICES	349.20	\$1,000.00	\$2,500.00
64507262	545100	CLEANING SUPPLIES	0.00	\$500.00	\$500.00
64507262	546100	TOOLS	82.39	\$500.00	\$500.00
64507262	551100	EDUCATIONAL SUPPLIES	3,845.00	\$5,000.00	\$5,000.00
64507262	553100	CONCRETE/CEMENT	0.00	\$100.00	\$100.00
64507262	553400	LUMBER	0.00	\$100.00	\$100.00
64507262	554200	CHEMICALS	424,351.91	\$500,000.00	\$526,000.00
64507262	558600	OTHER SUPPLIES	79.99	\$100.00	\$100.00
64507262	560000	INTERGOVERNMENTAL	40,646.36	\$65,000.00	\$72,000.00
TOTAL WATER TREATMENT PLANT EXPENSES			\$1,241,151.58	\$1,464,542.00	\$1,478,900.00

64509905 WATER DEBT SERVICE			FY19	FY20	FY21
			Actual	Budget	Proposed Budget
64509905	591000	MAT PRIN ON LONG TERM DEBT	3,478,554.13	\$4,147,015	\$4,250,745
64509905	591500	INTEREST ON LONG TERM DEBT	1,273,003.30	\$1,294,642	\$1,338,639
64509905	592500	INTEREST ON NOTES	78,275.12	\$188,000	\$166,000
64509905	594000	DEBT ADMINISTRATIVE COSTS	48,469.69	\$58,120	\$59,817
64509905	594100	DEBT ORIGATION COSTS	19,702.66	\$34,469	\$46,899
TOTAL WATER DEBT SERVICE			\$4,898,004.90	\$5,722,246	\$5,862,100

	FY19	FY20	FY21
	Actual	Budget	Proposed Budget
GRAND TOTAL -EXPENSES	\$11,850,516.92	\$13,367,974	\$13,515,264
GRAND TOTAL -REVENUE	-\$11,937,588.80	\$13,367,974	\$13,515,264
DELTA	-\$87,071.88	\$0	\$0
RETAINED EARNINGS BUDGETED	\$488,626.00	\$440,000.00	\$54,949.00

Annual Impact on Average Family at 109 GPD.		
FY20 cost for water/base fee at 109 GPD		\$227.72
FY21 cost for water/base fee at 109 GPD		\$236.20
delta: increase from fy20 to fy21 per family at 109 GPD		\$8.48



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City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2020 MAR 30 A 11:16

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

March 27, 2020

Honorable City Council
One Government Center
Fall River, MA 02722

Re: FY21 Budget Submission
Emergency Management Division

Council President Ponte:

Please find enclosed the documents for the above referenced submittal. Currently the City's finance team is working with the Departments and Divisions to complete the City's Municipal Budget. This submittal meets the requirements of M.G.L. Chapter 44, Section 53F ½ for submittal of Enterprise fund budgets 120 days prior to the beginning of the fiscal year. This budget may be amended as the City's budget is completed and the indirect costs are updated. An appropriation order will be submitted to Council for a vote later in the fiscal year.

Best,

Paul E. Coogan, Mayor

*City of Fall River, Massachusetts
Fiscal Year Ending June 30, 2021 Municipal Budget*

	FY 2020 Projection	FY 2020 thru 03/31/20	FY 2021 Projection	Percent +/-	Support/ Calculations
<i>Emergency Medical Revenue:</i>					
User Fees	\$ 7,432,000	\$ -	\$ 7,699,000		
Prima Care Reimbursement	\$ 101,000	\$ -	\$ 101,000		
PCG Reimbursement	\$ 1,400,000	\$ -	\$ 1,400,000		
Shared Revenue with General Fund	\$ (700,000)	\$ -	\$ (700,000)		
Transfer from Free cash & stabilization	\$ -	\$ -	\$ -		
Total Revenue	\$ 8,233,000	\$ -	\$ 8,500,000	3.24%	<i>Estimate based on rates and historical collections</i>

	FY 2020 Projection	FY 2020 thru 03/31/20	FY 2021 Projection	Percent +/-	Support/ Calculations
<i>Emergency Medical Services Salaries:</i>					
SALARIES & WAGES-PERMANENT	\$ 3,331,889	\$ -	\$ 3,377,801		See Personnel Detail
EMS SHARED SQUAD	\$ 289,063	\$ -	\$ 302,694		(5) BASE, HOLIDAY, STIPENDS, STEP
EMS SHARED SAFER	\$ 72,266	\$ -	\$ -		
LONGEVITY	\$ 18,400	\$ -	\$ 19,100		Compensation for per diem employees to defer overtime cost
PER DIEM SALARIES	\$ 100,000	\$ -	\$ 100,000		Due to reclassification/overtime rate will increase
SALARIES - OVERTIME	\$ 225,000	\$ -	\$ 225,000		Boat races & other events
SALARIES - SNOW / EVENTS	\$ 25,000	\$ -	\$ 25,000		Compensation for educational requirements
EDUCATIONAL	\$ 18,200	\$ -	\$ 18,200		Night differential
SHIFT PREMIUM - SALARIES	\$ 49,484	\$ -	\$ 49,564		Compensation for holidays per CBA
HOLIDAY PAY - SALARIES	\$ 258,646	\$ -	\$ 261,722		Compensation for back fill of officers
SERVICE OUT OF RANK - SALARIES	\$ 7,500	\$ -	\$ 7,500		Compensation for employees separating employment
RETIREMENT BUYOUTS	\$ 25,000	\$ -	\$ 25,000		Salaries for employees injured on duty
WORKER'S COMPENSATION - SALARIES	\$ 60,000	\$ -	\$ 60,000		
UNEMPLOYMENT PAYMENTS - SALARI	\$ -	\$ -	\$ -		1.45% salaries, overtime, per diem salaries, snow/events
MEDICARE MATCH	\$ 54,000	\$ -	\$ 57,850		Duplicate of duty officer stipend
OTHER PERSONAL SERVICES	\$ -	\$ -	\$ -		875.00 per full time employee/increase due to CBA
UNIFORM ALLOWANCE - SALARIES	\$ 45,500	\$ -	\$ 45,500		Duty officer stipend
DUTY OFFICER STIPEND	\$ 9,180	\$ -	\$ -		city percentage of SAFER
Total Salaries	\$ 4,589,128	\$ -	\$ 4,574,931	-0.31%	



*City of Fall River, Massachusetts
Fiscal Year Ending June 30, 2021 Municipal Budget*

	FY 2020 Projection	FY 2020 thru 03/31/20	FY 2021 Projection	Percent +/-	Support/ Calculations
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Emergency Medical Services Expenditures:

ELECTRICITY	\$ 6,500	\$ -	\$ 6,500		Electricity for department buildings, charging of ambulances, and various equipment 1,500/qrt
HEAT	\$ 6,000	\$ -	\$ 6,000		Heat provided for ambulance quarters/bays %per cu ft 3 yr average 5,633.44
REPAIRS/MAINTENANCE	\$ 1,200	\$ -	\$ 1,200		Repair of printer, scanner, copier, stamp machine lease 174.17
RADIO REPAIRS & MAINTENANCE	\$ 3,000	\$ -	\$ 8,000		For radio batteries and replacement, and accessories (increase cost for accessories)
RENTALS AND LEASES	\$ 271,000	\$ -	\$ 271,000		Rescue 4 \$84,087.61 replacement R-3, R-5 \$98,000.00
WORKERS COMP MEDICAL	\$ 15,000	\$ -	\$ 15,000		Workers compensation treatment bills for employees injured on duty cardiac monitor/lucas preventative \$12,976.85, insurance research \$14,500, electronic billing \$4750 (cost increase with increases of 75 over submissions, IMC dispatch program \$2,125, aldatec scheduling program \$7,057, old billing \$7,800
DATA PROCESSING	\$ 47,000	\$ -	\$ 49,300		\$550 per month verizon/apparatus cellphones and mifi only, comcast internet service 25% = \$26.25 per month, radio license fee 25%= \$49.88 per year, mobile access to CAD and patient care reporting \$40.00 per month (6) =2,880.00
TELEPHONE/COMMUNICATIONS	\$ 6,500	\$ -	\$ 10,400		Cost of postage for medical bills, attorney correspondence, employee correspondence, certified mail, rental of postal machine 3 yr average \$1,776.66 varies postal increases
POSTAGE/COMMUNICATIONS	\$ 2,000	\$ -	\$ 3,500		Medical director compensation 1855.00 per month
MEDICAL DIRECTOR COMPENSATION	\$ 22,500	\$ -	\$ 22,500		Gasoline/diesel fuel used in the medical rescues, department vehicles 3 year average \$ 62,189.12
GASOLINE/ENERGY SUPPLIES	\$ 75,000	\$ -	\$ 75,000		Paper clips, certificate paper, staplers, printer paper, cabinets, folders, expandable folders for record keeping, staplers, computer mouse, note pads 3 year avg 1745.91
OFFICE SUPPLIES	\$ 1,800	\$ -	\$ 1,800		HCFA billing forms 46.00 per box of 500 x 4 boxes plus shipping 195.00
OTHER OFFICE SUPPLIES	\$ 195	\$ -	\$ 195		Printer paper, envelopes various sizes required for billing purposes, business cards, letterhead
PRINTING SUPPLIES	\$ 500	\$ -	\$ 500		Repair of primer vents (NFPA mandated), keys, 25% of \$44.00 per month pest control \$132.00, EMS Gear per contract (3) \$2658.00 per new employee CBA
OTHER R&M SUPPLIES	\$ 8,600	\$ -	\$ 8,600		

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*City of Fall River, Massachusetts
Fiscal Year Ending June 30, 2021 Municipal Budget*

	FY 2020 Projection	FY 2020 thru 03/31/20	FY 2021 Projection	Percent +/-	Support/ Calculations
CLEANING SUPPLIES	\$ 1,500	\$ -	\$ 1,500		Custodial supplies for maintenance of crews quarters
MOTOR OIL AND LUBRICANTS	\$ 30,000	\$ -	\$ 30,000		Cost of routine maintenance of medical rescues ford products required to validate warranty, tires for general wear to meet manufacturer specifications, flats, antifreeze for winterizing of medical rescues (cost increase due to manufacturer parts required to not void extended warranty) 3 year average \$5,019.00
PARTS AND ACCESSORIES - VEHICLES	\$ 50,000	\$ -	\$ 60,000		For medical rescue parts and accessories for the purpose of medical rescues 3 yr average \$ 53,463.97
MEDICAL SUPPLIES	\$ 175,628	\$ -	\$ 192,655		Medical supplies for providing patient care as per IFB, medications, cost of stocking new medical rescues, oxygen for patient treatment 3 yr average \$130,163.62
EDUCATIONAL SUPPLIES	\$ 625	\$ -	\$ 625		Protocol books, narcotics logs, station journals, stretcher repair logs as mandated by DPH, AHA Heart Association Updates 126.00 each (3) all levels
BOOKS	\$ 600	\$ -	\$ 600		American Medical Association 361.20 updated coding books, 325.00 Polk Directory 325.00 address, name research for billing purposes
DATA PROCESSING SUPPLIES	\$ 970	\$ -	\$ 970		Printer scanner copier ink 126.99 (3) \$381.00, 146.99 (4) \$588.00 total: 969.00
STRETCHER REPAIR/MAINTENANCE	\$ 5,880	\$ -	\$ 5,880		For the repair of stretchers, wheel casters, frames, mattresses, batteries, vehicle mounts 3 yr average \$7,271.73
OTHER INTERGOVERNMENTAL	\$ 7,100	\$ -	\$ 7,950		ambulance licenses 600 per year & 200 per vehicle (10) \$2,600, ambulance drug licenses \$300 (5) \$1500.00, certification reimbursement per CBA \$150 (20) \$3000, 850.00 CMED
EMS DOCUMENTATION PROGRAM	\$ 12,000	\$ -	\$ 36,000		EMS report writing program, billing software 24,543.50/11059.88
WATER/SEWER CSO CHARGE	\$ 3,600	\$ -	\$ 3,600		Water and CSO charge 3 yr average \$2,566.28
INSTATE TRAVEL/MILEAGE	\$ 300	\$ -	\$ 300		Parking, and mileage for travel, currently mobile integrated health care meeting parking \$39.00

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City of Fall River, Massachusetts
Fiscal Year Ending June 30, 2021 Municipal Budget

	FY 2020 Projection	FY 2020 thru 03/31/20	FY 2021 Projection	Percent +/-	Support/ Calculations
SUBSCRIPTIONS	\$ 100	\$ -	\$ 100	100	JEMS magazine (5) subscriptions 20.00 per year
MOTOR VEHICLE INSURANCE	\$ 125,000	\$ -	\$ 135,000		Motor vehicle insurance and malpractice umbrella insurance total \$129,683
CLAIMS & DAMAGES	\$ 2,000	\$ -	\$ 2,000		For claims involving medical rescues, and deductibles
STAFF DEVELOPMENT	\$ 10,000	\$ -	\$ 11,000		First responder training certification and AHA CPR training as mandated by law \$875.00, honor guard academy, EMS1 education \$6,500
TRAINING EXPENSE	\$ 12,000	\$ -	\$ 12,000		Purchase of AHA CPR cards/plus training expenses/deferred by CPR Training revenue
STERILIS SYRINGE DISPOSAL	\$ 11,500	\$ -	\$ 11,500		yearly fee (2) \$5,000, \$1,500 parts (potential repairs)
Total Expenditures	\$ 915,598	\$ -	\$ 991,175	8.25%	
OTHER EQUIPMENT	\$ 174,105	\$ -	\$ 15,502		
Total Capital	\$ 174,105	\$ -	\$ 15,502	-91.10%	
TRANSFERS TO GENERAL FUND	\$ 1,236,332	\$ -	\$ 1,266,188		
TRANSFER GF - HEALTH	\$ 704,691	\$ -	\$ 706,279		
TRANSFER GF PENSIONS	\$ 356,010	\$ -	\$ 717,526		
TRANSFER GF-SHARED PAYROLL	\$ 257,135	\$ -	\$ 228,399		Health, Pension (Squad)
Total Transfers	\$ 2,554,169	\$ -	\$ 2,918,392	14.26%	
Total Expenditures	\$ 3,643,872	\$ -	\$ 3,925,069		
Total Emergency Medical Services	\$ 8,233,000	\$ -	\$ 8,500,000	3.24%	

*City of Fall River, Massachusetts
Fiscal Year Ending June 30, 2021 Municipal Budget*

Last Name	First Name	Job Class Description	FTE	Annual Salary	1.0%	Step Increase	Shift	Education Stipend	On-Call/		Longevity	Clothing	Holiday	Total
									Professional Devel	Stipend				
OLIVEIRA	TIMOTHY	DIRECTOR EMS	1	\$ 108,000	\$ 1,080	\$ -	-	\$ 350	\$ 2,640	\$ 1,500	\$ 875	\$ 8,777	\$ 123,222	
FAUNCE	BETH ANN	EMS	1	\$ 93,646	\$ 936	\$ -	1,044	\$ 350	\$ 1,320	\$ 2,500	\$ 875	\$ 7,611	\$ 108,282	
MASSAROC	NEECOLE	SR CLK TYP	1	\$ 43,645	\$ 655	\$ -	-	-	-	\$ 600	\$ -	\$ 255	\$ 45,155	
DEMARCO	KELLY	SR CLK TYP	1	\$ 43,645	\$ 655	\$ -	-	-	-	\$ 600	\$ -	\$ 255	\$ 45,155	
CARVALHO	LISA	HEAD CLK	1	\$ 46,816	\$ 702	\$ -	-	-	-	\$ 800	\$ -	\$ 273	\$ 48,591	
ARRUDA	MICHAEL	LIEUTENANT	1	\$ 70,810	\$ 708	\$ -	964	\$ 350	\$ -	\$ 350	\$ 875	\$ 5,754	\$ 79,811	
OLDHAM	CHARLES	LIEUTENANT	1	\$ 70,810	\$ 708	\$ -	964	\$ 350	\$ -	\$ 750	\$ 875	\$ 5,754	\$ 80,211	
FARIAS	JENNIFER	CAPTAIN	1	\$ 81,431	\$ 814	\$ -	964	\$ 350	\$ -	\$ 900	\$ 875	\$ 6,617	\$ 91,951	
LONARDO	WILLIAM	LIEUTENANT	1	\$ 70,810	\$ 708	\$ -	1,044	\$ 350	\$ 1,320	\$ 900	\$ 875	\$ 5,754	\$ 81,761	
SILVA	NICHOLAS	LIEUTENANT	1	\$ 70,810	\$ 708	\$ -	964	\$ 350	\$ -	\$ 750	\$ 875	\$ 5,754	\$ 80,211	
CAMARA	ROBERT	TRAINING CAPTAIN	1	\$ 81,430	\$ 814	\$ -	1,044	\$ 350	\$ 1,320	\$ 1,500	\$ 875	\$ 6,617	\$ 93,950	
MORIN	JOHN	CAPTAIN	1	\$ 81,430	\$ 814	\$ -	1,044	\$ 350	\$ 1,320	\$ 1,500	\$ 875	\$ 6,617	\$ 93,950	
RODRIGUES	JENNIFER	CAPTAIN	1	\$ 81,430	\$ 814	\$ -	1,044	\$ 350	\$ 1,320	\$ 900	\$ 875	\$ 6,617	\$ 93,350	
HIGGINS	SHAUN	LIEUTENANT	1	\$ 70,810	\$ 708	\$ -	964	\$ 350	\$ -	\$ 900	\$ 875	\$ 5,754	\$ 80,361	
ADAMS	MATTHEW	EMT/PARA	1	\$ 58,619	\$ 586	\$ -	964	\$ 350	\$ -	\$ 350	\$ 875	\$ 4,764	\$ 66,507	
BELANGER	ALEXIS	EMT/PARA	1	\$ 54,760	\$ 548	\$ -	964	\$ 350	\$ -	\$ -	\$ 875	\$ 4,450	\$ 61,947	
POLSON	ALLISON	EMT/PARA	1	\$ 54,760	\$ 548	\$ -	964	\$ 350	\$ -	\$ -	\$ 875	\$ 4,450	\$ 61,947	
BROWN	AMANDA	EMT/PARA	1	\$ 58,619	\$ 586	\$ -	964	\$ 350	\$ -	\$ 750	\$ 875	\$ 4,764	\$ 66,908	
CARLSON	BRITTANY	EMT/PARA	1	\$ 58,619	\$ 586	\$ -	964	\$ 350	\$ -	\$ -	\$ 875	\$ 4,764	\$ 66,158	
COUTU	MICHAEL	EMT/PARA	1	\$ 58,619	\$ 586	\$ -	964	\$ 350	\$ -	\$ 900	\$ 875	\$ 4,764	\$ 67,058	
FERGUSON	BETHANIE	EMT/PARA	1	\$ 58,619	\$ 586	\$ -	964	\$ 350	\$ -	\$ 350	\$ 875	\$ 4,764	\$ 66,508	
PRATT	BRIAN	EMT/PARA	1	\$ 54,760	\$ 548	\$ -	964	\$ 350	\$ -	\$ -	\$ 875	\$ 4,450	\$ 61,947	
PORAWSKI	ROBERT	EMT/PARA	1	\$ 54,760	\$ 548	\$ -	964	\$ 350	\$ -	\$ -	\$ 875	\$ 4,450	\$ 61,947	
GUILMETTE	JAMES	EMT/PARA	1	\$ 58,619	\$ 586	\$ -	964	\$ 350	\$ -	\$ 350	\$ 875	\$ 4,764	\$ 66,507	
TAVANO	MATTHEW	EMT/PARA	1	\$ 55,987	\$ 560	\$ -	964	\$ 350	\$ -	\$ -	\$ 875	\$ 4,550	\$ 63,286	
TABARES	STEVEN	EMT/PARA	1	\$ 55,987	\$ 560	\$ -	964	\$ 350	\$ -	\$ -	\$ 875	\$ 4,550	\$ 63,286	

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*City of Fall River, Massachusetts
Fiscal Year Ending June 30, 2021 Municipal Budget*

DEARAUO LUCAS	EMT/PARA	1	\$	58,619	\$	586	\$	964	\$	350	\$	-	\$	875	\$	4,764	\$	66,157
PERKINS DEREK	EMT/PARA	1	\$	57,287	\$	573	\$	964	\$	350	\$	-	\$	875	\$	4,656	\$	64,705
ANDERSON MADISON	EMT/PARA	1	\$	57,287	\$	573	\$	964	\$	350	\$	-	\$	875	\$	4,656	\$	64,705
LEDUC MICHAEL	EMT/PARA	1	\$	58,619	\$	586	\$	964	\$	350	\$	350	\$	875	\$	4,764	\$	66,508
LEVESQUE PAUL	EMT/PARA	1	\$	58,619	\$	586	\$	964	\$	350	\$	-	\$	875	\$	4,764	\$	66,158
LIGHTHALL MARK	EMT/PARA	1	\$	58,619	\$	586	\$	964	\$	350	\$	900	\$	875	\$	4,764	\$	67,058
REIS NICHOLAS	EMT/PARA	1	\$	54,760	\$	548	\$	964	\$	350	\$	-	\$	875	\$	4,450	\$	61,947
BLACKBUR MARK	EMT/PARA	1	\$	54,760	\$	548	\$	964	\$	350	\$	-	\$	875	\$	4,450	\$	61,947
LITTLEFIEL HEATHER	EMT/PARA	1	\$	58,619	\$	586	\$	964	\$	350	\$	350	\$	875	\$	4,764	\$	66,508
CUNNINGHL CHARLES	EMT/PARA	1	\$	54,760	\$	548	\$	964	\$	350	\$	-	\$	875	\$	4,450	\$	61,947
MILES SHARIE	EMT/PARA	1	\$	57,287	\$	573	\$	964	\$	350	\$	-	\$	875	\$	4,450	\$	64,813
FIGUEREDC ALFRED	EMT/PARA	1	\$	54,760	\$	548	\$	964	\$	350	\$	-	\$	875	\$	4,450	\$	61,947
NUNES TODD	EMT/PARA	1	\$	54,760	\$	548	\$	964	\$	350	\$	-	\$	875	\$	4,450	\$	61,947
CARPENTE KYLE	EMT/PARA	1	\$	55,987	\$	560	\$	964	\$	350	\$	-	\$	875	\$	4,550	\$	63,286
SUTHERLAN JOSHUA	EMT/PARA	1	\$	58,619	\$	586	\$	964	\$	350	\$	350	\$	875	\$	4,764	\$	66,508
CLARK JACOB	EMT/PARA	1	\$	54,760	\$	548	\$	964	\$	350	\$	-	\$	875	\$	4,450	\$	61,947
FITZGERAL MEGHAN	EMT/PARA	1	\$	57,287	\$	573	\$	964	\$	350	\$	-	\$	875	\$	4,656	\$	64,705
WINTERSO MATTHEW	EMT/PARA	1	\$	58,619	\$	586	\$	964	\$	350	\$	-	\$	875	\$	4,656	\$	64,705
CAPOZZI CYNTHIA	EMT/PARA	1	\$	57,287	\$	573	\$	964	\$	350	\$	-	\$	875	\$	4,450	\$	61,947
CASSIDY KIMBERLY	EMT/PARA	1	\$	54,760	\$	548	\$	964	\$	350	\$	-	\$	875	\$	4,450	\$	61,947
MCGILL SCOTT	EMT/PARA	1	\$	54,760	\$	548	\$	964	\$	350	\$	-	\$	875	\$	4,450	\$	61,947
WIERSMA BRIANNA	EMT/PARA	1	\$	57,287	\$	573	\$	964	\$	350	\$	-	\$	875	\$	4,656	\$	64,705
DEARAUO EMMANUEL	EMT/PARA	1	\$	57,287	\$	573	\$	964	\$	350	\$	-	\$	875	\$	4,656	\$	64,705
MORRISSEAN NICOLE	EMT/PARA	1	\$	57,287	\$	573	\$	964	\$	350	\$	-	\$	875	\$	4,656	\$	64,705
COMPTON DARREN	EMT/PARA	1	\$	54,760	\$	548	\$	964	\$	350	\$	-	\$	875	\$	4,450	\$	61,947
ROYER BENJAMIN	EMT/PARA	1	\$	55,987	\$	560	\$	964	\$	350	\$	-	\$	875	\$	4,550	\$	63,286
KIRKMAN CHRISTOPHE	EMT/PARA	1	\$	58,619	\$	586	\$	964	\$	350	\$	-	\$	875	\$	4,764	\$	66,157
LAMBERT THOMAS	EMT/PARA	1	\$	58,619	\$	586	\$	964	\$	350	\$	-	\$	875	\$	4,764	\$	66,158
VACANCY	EMT/PARA	1	\$	54,760	\$	548	\$	964	\$	350	\$	-	\$	875	\$	4,450	\$	61,947

55	\$	3,343,691	\$	34,110	\$	-	\$	49,564	\$	18,200	\$	9,240	\$	19,100	\$	45,500	\$	261,722	\$	3,781,126
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City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2020 MAR 26 P 1:12

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

March 24, 2020

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

RE: FY21 Rate Submission
Water and Sewer Divisions

Dear Honorable Councilors:

Please find enclosed the proposed ordinance modifications for the FY21 rates for the Water and Sewer Divisions. This submittal meets the requirements of Ordinance Section 2-184 that requires that proposed fee increases be submitted to the City Council by May 1.

The proposed rate increases are \$0.07 for sewer usage and \$0.16 for water usage. The water use rate is proposed to increase from \$3.24/ccf to \$3.40/ccf. The sewer use rate is proposed to increase from \$5.48/ccf to \$5.55/ccf. One ccf equals 748 gallons. There is a proposed rate increase to the stormwater fee of \$2.00. The stormwater fee is proposed to increase from \$44.00/ERU to \$46.00/ERU there is no proposed base meter fee increase.

The combined impact of the rate increases to the average family using 109 gallons per day (53 ccf/year) is \$20.19/year or \$1.68 per month.

Sincerely,

Paul E. Coogan
Mayor

3/27/20

mailed & available to...

BE IT ORDAINED, by the City Council of the City of Fall River, as follows:

That Section 74-134 of Appendix A-Fee Schedule of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which Section relates to User Charges for Wastewater collection, be amended, as follows:

Sub-Section 1.

By striking out in sub-section (1) of said section, "\$5.48", and inserting in place thereof, "\$5.55", and by striking out "July 1, 2019", and inserting in place thereof, "July 1, 2020".

Sub-Section 2.

By striking out in paragraph (a) of sub-section (2) of said section, "\$5.48", and inserting in place thereof, "\$5.55", and by striking out "July 1, 2019", and inserting in place thereof, "July 1, 2020".

Sub-Section 2.

By striking out in paragraph (b) of sub-section (2) of said section, "\$2.58", and inserting in place thereof, "\$2.63", and by striking out "July 1, 2019", and inserting in place thereof, "July 1, 2020".

Sub-Section 4.

By striking out in sub-section (4) of said section, all dollar values and inserting in place thereof, the following:

- \$ 183.00
- \$ 354.00
- \$ 532.00
- \$ 709.00
- \$ 887.00
- \$ 1,059.00
- \$ 1,236.00
- \$ 1,409.00
- \$ 1,585.00
- \$ 1,763.00

and, by striking out in said sub-section (4) "July 1, 2019", and inserting in place thereof, "July 1, 2020".

That Section 74-140 of Appendix A-Fee Schedule of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which Section relates to Stormwater fee, be amended, as follows:

By striking out in said section, "\$176", and inserting in place thereof, "\$184", and by striking out "\$44", and inserting in place thereof, "\$46" and by striking out "July 1, 2018", and inserting in place thereof, "July 1, 2020".

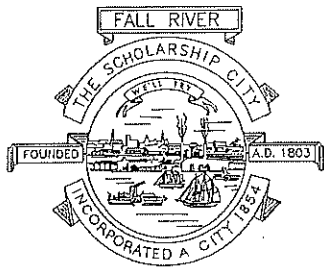
BE IT ORDAINED, by the City Council of the City of Fall River, as follows:

Section 1.

That Chapter 74 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to utilities, be amended as follows:

By striking out Sec. 74-353 in Appendix A-Fee Schedule, which section relates to utilities, in its entirety, and inserting in place thereof, the following:

For water billed on or after July 1, 2020, per 100 cu. ft. \$3.40



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Community Development Agency

RECEIVED

2020 APR -7 P 12: 36

CITY CLERK _____
FALL RIVER, MA

buyfallriverNOW

MICHAEL P. DION
Executive Director / CFO

April 1, 2020

Council President Cliff Ponte & City Councilors
One Government Center
Fall River, MA 02722

Dear President Ponte & City Councilors:

I am pleased to forward to you the proposed resolution authorizing submission of the City of Fall River Five Year Consolidated Plan and Year One Annual Action Plan with the U.S. Department of Housing and Urban Development (HUD) for continued funding of the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and HOME Investment Partnerships (HOME) Programs. The Action Plan details activities to be undertaken during the July 1, 2020 - June 30, 2021 program year.

The resolution, Five Year Consolidated Plan and Year One Annual Action Plan are being submitted to you in order to provide review time prior to City Council consideration of the resolution at the April 14th Council meeting. The Plans were submitted for your review under separate cover on March 20th.

The proposed program of activities, which was advertised on February 28th for public comment, was developed on the basis of testimony and proposals received at public hearings held January 8th and March 11th.

The timetable provides for submission of the Five Year Consolidated Plan and Year One Annual Action Plan no later than **May 6, 2020**.

Should you or any other Councilor have any questions or comments prior to April 14th, I urge you to immediately contact Michael P. Dion, Executive Director/Chief Financial Officer of the Fall River Community Development Agency. Mr. Dion will be present at the City Council meeting to respond to any questions.

Sincerely,

Paul E. Coogan
Mayor

Enclosure

City of Fall River, In City Council

Mayor Paul E. Coogan

RESOLUTION OF LOCAL GOVERNING BODY AUTHORIZING SUBMISSION OF THE CITY OF FALL RIVER FIVE YEAR CONSOLIDATED PLAN AND YEAR ONE ANNUAL ACTION PLAN WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the City of Fall River Five Year Consolidated Plan integrates and has simplified the planning, application and reporting requirements for the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and HOME Investment Partnerships (HOME) Programs; and

WHEREAS, the overall goal of the Five Year Consolidated Plan programs and activities is the development of viable urban communities by providing decent housing and a suitable environment and expanding economic opportunities, principally for low and moderate-income persons; and

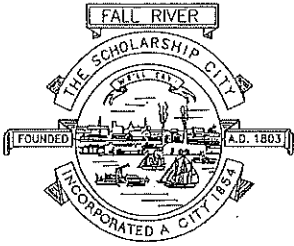
WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has notified the City of Fall River that entitlements are \$2,929,990.00 under CDBG, \$251,149.00 under ESG and \$1,012,716.00 under HOME; and

WHEREAS, the Five Year Consolidated Plan and Year One Annual Action Plan provides the necessary assurances and/or certificates of compliance with applicable Federal regulations and requirements of the CDBG, ESG and HOME Programs; and

WHEREAS, Mayor Paul E. Coogan must be authorized to submit the Five Year Consolidated Plan and Year One Annual Action Plan to the Secretary of the U.S. Department of Housing and Urban Development and to accept and/or execute the Grant Agreements.

NOW, THEREFORE, BE IT RESOLVED BY THE FALL RIVER CITY COUNCIL that:

Mayor Paul E. Coogan is authorized to submit the Five Year Consolidated Plan and Year One Annual Action Plan and applications for CDBG, ESG and HOME entitlement funds and to accept and/or execute the contract(s) with the United States of America and to do all things necessary to carry out the Programs, including the execution of contracts and the submission of such reports, certificates, and other materials as the U.S. Department of Housing and Urban Development shall require.



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City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

RECEIVED

2020 APR -8 P 3:21

CITY CLERK _____
FALL RIVER, MA

April 8, 2020

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Dear Honorable Council Members:

The U.S. Department of Homeland Security awarded the City a Port Security Grant in the amount of \$629,317. The funding for this grant included \$471,988 of federal funding and \$157,329 of a local share. Of the local share, \$93,942 will be funded from the Fire Departments fiscal year 2020 operating budget, \$25,000 from the Haz Mat revolving fund, \$10,000 from the Training Tower Maintenance Special Revenue fund and the remaining \$28,387 from the EMS Stabilization Fund.

In accordance with the provisions of Chapter 44, Section 32 of the Massachusetts General Laws, I recommend the following appropriations to your Honorable Body.

1. \$28,386.70 That the sum of \$28,386.70 be, and the same is, hereby appropriated to the PORT SECURITY FUND from the EMS STABILIZATION FUND.

If you have any questions or concerns regarding this, please feel free to contact me.

Best Regards,

Paul E. Coogan
Mayor

City of Fall River, *In City Council*

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April 14, 2020

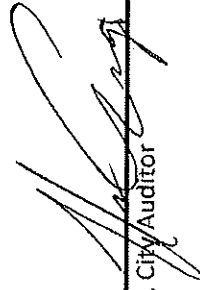
ORDERED:

That the sum of \$28,386.70 be, and the same is, hereby appropriated from the EMS STABILIZATION FUND to PORT SECURITY FUND to contribute to a cost match of the FY18 Port Security Grant Program.

FY20 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
EMS Stabilization Fund	\$ 2,216,591.01	(28,386.70) \$	2,188,204.31
Port Security Fund (Federal Grant)	\$ 469,988.00	28,386.70 \$	498,374.70

I certify that there are sufficient funds available for these transfers.



Jennifer Argo, City Auditor
April 8, 2020

6

6



**City of Fall River
Massachusetts**
Fire Department Headquarters
Office of the Fire Chief

PAUL E. COOGAN
Mayor

JOHN D. LYNCH
Fire Chief

April 8, 2020

Mayor Paul E. Coogan
City of Fall River
One Government Center
Fall River, MA 02722

Dear Mayor:

Pending approval by the City Council, the Department is respectfully requesting that the following transfers be made in order that we may appropriately meet our financial obligations to pay the City's portion for the purchase of our new Fire Boat.

Transfer \$68,942.30 from Vehicles/trucks,#12200004-585200 to Boat #54290015-586100


Transfer \$25,000 from Haz Mat #44520015-540000 to Boat #54290015-586100

Transfer \$25,000 from Firefighting Supplies #12200002-558100 to Boat #54290015-586100

Transfer \$ 10,000 from Training Tower Maint. #43440015-570000 to Boat #54290015-586100

Transfer \$28,386.70 from EMS Stabilization # to Boat #54290015-586100

Respectfully,


John D. Lynch
Fire Chief

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The U.S. Department of Homeland Security (DHS)
Notice of Funding Opportunity (NOFO)
Fiscal Year (FY) 2018 Port Security Grant Program (PSGP)

NOTE: If you are going to apply for this funding opportunity and have not obtained a Data Universal Numbering System (DUNS) number and/or are not currently registered in the System for Award Management (SAM), please take immediate action to obtain a DUNS Number, if applicable, and then to register immediately in SAM. It may take 4 weeks or more after you submit your SAM registration before your registration is active in SAM, then an additional 24 hours for Grants.gov to recognize your information. Information on obtaining a DUNS number and registering in SAM is available from Grants.gov at: <http://www.grants.gov/web/grants/register.html>. Detailed information regarding DUNS and SAM is also provided in Section D of this NOFO, subsection, Content and Form of Application Submission.

A. Program Description

Issued By

U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Grant Programs Directorate (GPD)

Catalog of Federal Domestic Assistance (CFDA) Number

97.056

CFDA Title

Port Security Grant Program

Notice of Funding Opportunity Title

Port Security Grant Program

NOFO Number

DHS-18-GPD-056-00-01

Authorizing Authority for Program

Section 102 of the *Maritime Transportation Security Act of 2002* (Pub. L. No. 107-295, as amended) (46 U.S.C. § 70107)

Appropriation Authority for Program

Department of Homeland Security Appropriations Act, 2018, (Pub. L. No. 115-141)

Program Type

New

Program Overview, Objectives and Priorities

Overview

The FY 2018 Port Security Grant Program (PSGP) is set against the backdrop of a year in which the United States faced numerous and unprecedented homeland security challenges.

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- [SF-424 Information](#)
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- [Attachments](#)
- [Certification Regarding Lobbying](#)
- [SF-LLL](#)
- [SF-424B](#)
- [Action History](#)

Application Information

Application Number
[EMW-2018-PU-APP-00147](#)

Funding Opportunity Name
Fiscal Year (FY) 2018 Port Security Grant Program (PSGR)

Funding Opportunity Number
DHS-18-GPD-056-00-01

Application Status
Accepted

Applicant Information

Legal Name
[Fall River, City of](#)

Type
City or township governments

Division Name
Fall River Fire Department

Department Name
Fall River Fire Department

Employer Identification Number (EIN)
046001387

Other Organizations that share this EIN
DUNS Number
173862954

DUNS+4
0000

Applicant Congressional District
Congressional District 04, MA

Physical Address
140 Commerce Drive
Fall River, Massachusetts 02720
UNITED STATES

Mailing Address
140 Commerce Drive
Fall River, Massachusetts 02720
UNITED STATES

SF-424 Information

Project Information

Project Title
FALL RIVER FIRE DEPARTMENT/NARRAGANSETT BAY PORT SECURITY VESSEL

6

Program/Project Congressional Districts
MA-04

Proposed Start Date
09/01/2018

Proposed End Date
08/31/2021

Areas Affected by Project (Cities, Counties, States, etc.)

The Fall River Fire Department's areas of response include Narragansett Bay, Sakonnet River, Port of Providence, Mount Hope Bay, Taunton River, and Port of New Bedford

Estimated Funding

Funding Source	Estimated Funding (\$)
Federal Funding	\$471,988.00
Applicant Funding	\$157,329.00
State Funding	\$0.00
Local Funding	\$0.00
Other Funding	\$0.00
Program Income Funding	\$0.00
Total Funding	\$629,317.00

Is application subject to review by state under the Executive Order 12372 process?

Program is subject to E.O. 12372 but has not been selected by the State for review.

Is applicant delinquent on any federal debt?

No

Contacts

Contact Name	Email	Primary Phone Number	Contact Types
Lynch, John	firechief@frfd.org	5086734616X103	Authorized Official Signatory Authority
St. Martin, Roger	deputyfpb@frfd.org	508-324-2697	Primary Contact
Yazwinski, Marci	grantwriter@fallriverma.org	5083242600	Secondary Contact

SF-424A

Budget Information for Non-Construction Programs

OMB Number

4040-0006

Expiration Date

06/30/2014

Burden Statement

Grant Program

Port Security Grant Program

CFDA Number

Budget Object Class	Amount
Personnel	\$15,000.00
Fringe Benefits	\$0.00
Travel	\$0.00
Equipment	\$612,317.00
Supplies	\$2,000.00
Contractual	\$0.00
Construction	\$0.00
Other	\$0.00
Total Direct Charges	\$629,317.00
Indirect Charges	\$0.00

Budget Category Total \$629,317.00

Non-Federal Resources	Amount
Applicant	\$157,329.00
State	\$0.00
Other	\$0.00
Total Non-Federal Resources	\$157,329.00

Total Non-Federal Resources \$157,329.00

Income Amount

Program Income \$0.00

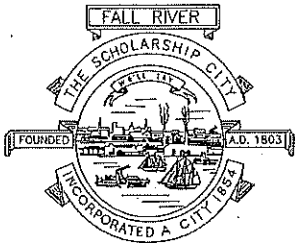
Total Budget Amount

Federal \$471,988.00

Non-Federal \$157,329.00

Total Project Cost \$629,317.00

Direct Charges Explanation



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

7
RECEIVED

2020 APR -8 P 12:36

CITY CLERK _____
FALL RIVER, MA

April 8, 2020

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Dear Honorable Council Members:

The Federal Emergency Management Agency is requiring the City to change their floodplain district boundaries and base flood elevation data.

Section 10-246 is updated for both the panel dates and suffixes.

Section 10-248 adds subsection "e" and "f".

For your convenience we have attached the original ordinance, correspondence regarding the updated dates for the panels and the Flood Insurance Study as well as the correspondence from FEMA dated January 8, 2020 and April 3, 2020.

If you have any questions or concerns regarding this, please feel free to contact my office.

Best Regards,

Paul E. Coogan
Mayor

BE IT ORDAINED, by the City Council of the City of Fall River, Massachusetts, as follows:

That Chapter 10 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to Buildings and Building Regulations, be amended, by striking out Sections 10-246, 10-247, and 10-248, in their entirety, and inserting in place thereof, the following:

Sec. 10-246. Floodplain district boundaries and base flood elevation data.

The purposes of the Floodplain District are to:

- 1) Ensure public safety through reducing the threats to life and personal injury;
- 2) Eliminate new hazards to emergency response officials;
- 3) Prevent the occurrence of public emergencies resulting from water quality, contaminations, and pollution due to flooding;
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- 5) Eliminate costs associated with response and cleanup of flooding conditions;
- 6) Reduce damage to public and private property resulting from flooding waters.

The floodplain district is herein established as an overlay district. The district includes all special flood hazard areas within the City designated as Zone A, AE, AO or VE on the 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 county FIRM that are wholly or partially within the City are panel numbers 25005C0264F, 25005C0269F, 25005C0342F, 25005C0344F, 25005C0351F, 25005C0353F, and 25005C0432F, dated July 7, 2009; and panel numbers 25005C0244G, 25005C0263G, 25005C0329G, 25005C0331G, 25005C0332G, 25005C0333G, 25005C0334G, 25005C0337G, and 25005C0341G, dated July 16, 2014, and 25005C0268G, 25005C0352G, 25005C0354G, 25005C0356G, 25005C0357G, 25005C0358G, 25005C0359G, 25005C0361G dated July, 8, 2020. The exact boundaries of the district may be defined by the one-hundred-year base flood elevations shown on the FIRM and further defined by the county Flood Insurance Study (FIS) report dated July 8, 2020. The FIRM and FIS report are incorporated herein by reference and are on file with the City Clerk.

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USE REGULATIONS

The floodplain district bylaw is part of a federal requirement for communities that choose to participate in the NFIP. However, the state already administers regulations that take care of many floodplain management concerns. Referencing existing regulations is important to ensure that projects have been reviewed under the appropriate state regulations and that variances to the conditions of the bylaw do not erroneously allow variances to state requirements.

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Sections of the Massachusetts state Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00); **(e communities only)**
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

Sec. 10-247. Base flood elevation data and floodway data

- (a) In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge
- (b) Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within the unnumbered A zones.

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Sec. 10-248. Other use regulations

- (a) All new construction within zone VE must be located landward of the reach of mean high tide.
- (b) In a riverine situation, the director of code enforcement shall notify the following agencies of any alteration or relocation of a watercourse:
 - (1) Adjacent communities including the towns:
 - a. Tiverton, Rhode Island,
 - b. Somerset, Massachusetts
 - c. Westport, Massachusetts;
 - d. Dartmouth, Massachusetts; and
 - e. Freetown, Massachusetts;
 - (2) NFIP State Coordinator, Massachusetts Department of conservation and Recreation, 251 Causeway Street, Suite 600-700, Boston, MA 02114-2104; and
 - (3) NFIP Program Specialist, Federal Emergency Management Agency, Region I, 99 High Street, 6th Floor, Boston MA 02110
- (c) Man-made alteration of sand dunes within Zone VE which would increase potential flood damage are prohibited.
- (d) Within Zone AP on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- (e) Within Zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures. **(c, d, e communities, if AH or AO appear)**
- (f) All subdivision proposals must be designed to assure that:
 - (1) Such proposals minimize flood damage;
 - (2) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - (3) Adequate drainage is provided to reduce exposure to flood hazards. **(b, c, d, e communities)**

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City of Fall River, MA
Monday, December 16, 2019

Chapter 10. Buildings and Building Regulations

ARTICLE VI. Removal of Soil or Filling of Land

DIVISION 3. Floodplain District

§ 10-246. Floodplain district boundaries.

The floodplain district is herein established as an overlay district. The district includes all special flood hazard areas within the City designated as Zone A, AE, AO or VE on the 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 county FIRM that are wholly or partially within the City are panel numbers 25005C0264F, 25005C0268F, 25005C0269F, 25005C0329F, 25005C0342F, 25005C0344F, 25005C0351F, 25005C0352F, 25005C0353F, 25005C0354F, 25005C0356F, 25005C0357F, 25005C0358F, 25005C0359F, 25005C0361F, and 25005C0432F, dated July 7, 2009; and panel numbers 25005C0244G, 25005C0263G, 25005C0329G, 25005C0331G, 25005C0332G, 25005C0333G, 25005C0334G, 25005C0337G, and 25005C0341G, dated July 16, 2014. The exact boundaries of the district may be defined by the one-hundred-year base flood elevations shown on the FIRM and further defined by the county Flood Insurance Study (FIS) report dated July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the City Clerk.

§ 10-247. Base flood elevation data and floodway data.

- A. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- B. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within the unnumbered A Zones.

§ 10-248. Other use regulations.

- A. All new construction within Zone VE must be located landward of the reach of mean high tide.
- B. In a riverine situation, the director of code enforcement shall notify the following agencies of any alteration or relocation of a watercourse:
 - (1) Adjacent communities, including the towns:
 - (a) Tiverton, Rhode Island;
 - (b) Somerset, Massachusetts;

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- (c) Westport, Massachusetts;
 - (d) Dartmouth, Massachusetts; and
 - (e) Freetown, Massachusetts;
- (2) NFIP State Coordinator, Massachusetts Department of Conservation and Recreation, 251 Causeway Street, Suite 600-700, Boston, MA 02114-2104; and
- (3) NFIP Program Specialist, Federal Emergency Management Agency, Region 1, 99 High Street, 6th Floor, Boston, MA 02110.
- C. Man-made alteration of sand dunes within Zone VE which would increase potential flood damage are prohibited.
- D. Within Zone AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

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Hi Glenn,

The ordinance is mostly compliant and just needs to be updated with the new (anticipated) dates for the panels and the Flood Insurance Study, and a couple other things.

This is all assuming the LFD is issued on December 19, 2019 which is the current expectation.

Section 10-246.

Update panel dates and suffixes.

Comment: the following panel numbers/dates/suffixes will apply:

25005C	0244	G	July 16, 2014
25005C	0263	G	July 16, 2014
25005C	0264	F	July 7, 2009
25005C	0268	G	June 19, 2020
25005C	0269	F	July 7, 2009
25005C	0329	G	July 16, 2014
25005C	0331	G	July 16, 2014
25005C	0332	G	July 16, 2014
25005C	0333	G	July 16, 2014
25005C	0334	G	July 16, 2014
25005C	0337	G	July 16, 2014
25005C	0341	G	July 16, 2014
25005C	0342	F	July 7, 2009
25005C	0344	F	July 7, 2009
25005C	0351	F	July 7, 2009
25005C	0352	G	June 19, 2020
25005C	0353	F	July 7, 2009
25005C	0354	G	June 19, 2020
25005C	0356	G	June 19, 2020
25005C	0357	G	June 19, 2020
25005C	0358	G	June 19, 2020
25005C	0359	G	June 19, 2020
25005C	0361	G	June 19, 2020
25005C	0432	F	July 7, 2009

The FIS date will be June 19, 2020.

From the Model Bylaw, Add the following:

Article I, Purpose.

Article, IV, A Reference to Existing Regulations.

Article IV, B, 1 and 5.

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When you have a draft please send it to me for review.

If you have questions let me know.

If anything changes with the LFD, I will let you know as soon as I know.

Thanks.

Eric Carlson
DCR – Flood Hazard Management Program
617-626-1362



FEMA

April 3, 2020

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Paul E. Coogan
Mayor, City of Fall River
One Government Center, Room 619
Fall River, Massachusetts 02722

Dear Mayor Coogan:

I commend you for the efforts that have been put forth in implementing the floodplain management measures for the City of Fall River, Massachusetts, to participate in the National Flood Insurance Program (NFIP). As you implement these measures, I want to emphasize the following:

- a Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) have been completed for your community;
- the FIS and FIRM will become effective on July 8, 2020; and
- by the FIS and FIRM effective date, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office is required to approve the legally enforceable floodplain management measures your community adopts in accordance with Title 44 Code of Federal Regulations Section 60.3(e).

As noted in FEMA's letter dated January 8, 2020, no significant changes have been made to the flood hazard data on the Preliminary and/or revised Preliminary copies of the FIRM for Bristol County. Therefore, the City of Fall River should use the Preliminary and/or revised Preliminary copies of the FIRM as the basis for adopting the required floodplain management measures. Final printed copies of the FIRM for the City of Fall River will be sent to you within the next few months.

If you encounter difficulties in enacting the measures, I recommend you contact the Massachusetts Department of Conservation and Recreation. You may contact Joy Duperault, CFM, the State NFIP Coordinator, by telephone at (617) 626-1406, in writing at 251 Causeway Street, Suite 800, Boston, Massachusetts 02114-2104, or by electronic mail at joy.duperault@state.ma.us.

The FEMA Regional staff in Boston, Massachusetts, is also available to provide technical assistance and guidance in the development of floodplain management measures. The adoption of compliant floodplain management measures will provide protection for the City of Fall River and will ensure its participation in the NFIP. The Regional Office may be contacted by telephone at (617) 832-4712 or in writing. Please send your written inquiries to the Director, Mitigation Division, FEMA Region I, at 99 High Street, Sixth Floor, Boston, Massachusetts 02110.

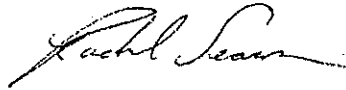
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The Honorable Paul E. Coogan
April 3, 2020
Page 2

You may have already contacted the State NFIP Coordinator and/or the FEMA Regional Office, and may be in the final adoption process or recently adopted the appropriate measures. However, in the event your community has not adopted the appropriate measures, this letter is FEMA's official notification that you only have until July 8, 2020, to adopt and/or submit a floodplain management ordinance that meets or exceeds the minimum NFIP requirements, and request approval from the FEMA Regional Office by the effective date. Your community's adopted measures will be reviewed upon receipt and the FEMA Regional Office will notify you when the measures are approved.

I appreciate your cooperation to ensure that your community's floodplain management measures are approved by the FEMA Regional Office by July 8, 2020. Your compliance with these mandatory program requirements will enable your community to avoid suspension from the NFIP.

Sincerely,



Rachel Sears, Director
Floodplain Management Division
Mitigation Directorate | FEMA

cc: Paul F. Ford, Regional Administrator, FEMA Region I
Joy Duperault, CFM, State NFIP Coordinator, Massachusetts Department of Conservation and Recreation
Glenn Hathaway, Director of Inspectional Services and Inspector of Buildings,
City of Fall River



Federal Emergency Management Agency

Washington, D.C. 20472

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
115-I

January 8, 2020

The Honorable Cliff A. Ponte, Jr.
Acting Mayor, City of Fall River
City Hall
Room 619
1 Government Center
Fall River, Massachusetts 02722

Community: City of Fall River,
Bristol County,
Massachusetts
Community No.: 250055
Map Panels Affected: See FIRM Index

Dear Mayor Ponte:

On August 28, 2018, you were notified of proposed modified flood hazard determinations affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for Bristol County, Massachusetts (All Jurisdictions). The statutory 90-day appeal period that was initiated on September 11, 2018, when the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of proposed flood hazard determinations for your community in *The Standard-Times*, has elapsed. The flood hazard determinations for your community may include the addition of and/or modifications to Base Flood Elevations, base flood depths, Special Flood Hazard Areas (SFHAs), zone designations, and regulatory floodways. SFHAs are the areas subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

FEMA did not receive any appeals of the proposed flood hazard determinations. Any comments and concerns about the FIRM and FIS report submitted to FEMA have been addressed and resolved. Therefore, the determination (copy enclosed) of the Agency as to the flood hazard information for your community is considered final. FEMA will publish a notice of final flood hazard determinations in the *Federal Register* as soon as possible. The FIRM for your community will become effective as of July 8, 2020, and will revise the FIRM and FIS report that were in effect prior to that date. For insurance rating purposes, the community number and new suffix code for the panels being revised are indicated on the maps and must be used for all new policies and renewals. Final printed copies of the report and maps will be mailed to you before the effective date.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Because of the modifications to the FIRM and FIS report for your community made by this map revision, certain additional requirements must be met under Section 1361 of the 1968 Act, as amended, within 6 months from the date of this letter. Prior to July 8, 2020, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(e) of the NFIP regulations. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all the standards specified in Paragraph 60.3(e) of the NFIP regulations must be enacted in a legally enforceable document. This includes the adoption of the effective FIRM and FIS report to which the regulations apply and the modifications made by this map revision. Some of the standards should already have been enacted by your community. Any additional requirements can be met by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(e);
2. Adopting all the standards of Paragraph 60.3(e) into one new, comprehensive set of regulations;
or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(e).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the 1973 Act as amended.

A Consultation Coordination Officer (CCO) has been designated to assist your community with any difficulties you may be encountering in enacting the floodplain management regulations. The CCO will be the primary liaison between your community and FEMA. For information about your CCO, please contact:

Kerry Bogdan
Risk Analysis Branch Chief
FEMA Region I
99 High Street, 6th Floor
Boston, Massachusetts 02110
(617) 956-7576

To assist your community in maintaining the FIRM, we reviewed our records to determine if any previous Letters of Map Change (i.e., Letters of Map Amendment, Letters of Map Revision) will be superseded when the revised FIRM panels become effective. According to our records, no Letters of Map Change were issued previously for the affected FIRM panels.

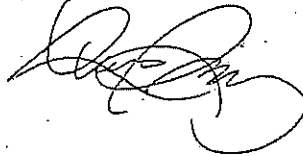
The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA-MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If you have any questions regarding the necessary floodplain management measures for your community or the NFIP in general, we urge you to call the Director, Mitigation Division of FEMA in Boston, Massachusetts, at (617) 956-7576 for assistance. If you have any questions concerning mapping issues in general, please call our FMIX at the number shown above. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the NFIP*, *Use of Flood Insurance Study (FIS) Data as Available Data*, *Frequently Asked Questions Regarding the Effect that Revised Flood Hazards have on Existing Structures*, and *National Flood Insurance Program Elevation*

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Certificate and Instructions, can be found on our website at <https://www.fema.gov/letter-final-determination>. Paper copies of these documents may also be obtained by calling our FMIX.

Sincerely,



Luis Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

Enclosure:

Final Flood Hazard Determinations

cc: Community Map Repository

J. R. Frey, City Engineer, City of Fall River

John A. Perry, Jr., Director of Community Maintenance, City of Fall River

John Brandt, Chairperson, Conservation Commission, City of Fall River

William B. Roth, City Planner, City of Fall River

Glenn Hathaway, Director of Inspectional Services and Inspector of Buildings, City of Fall River.

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Billing Code 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2020-0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The date of July 8, 2020 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at <https://msc.fema.gov> by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (e-mail) patrick.sacbibit@fema.dhs.gov; or visit the FEMA Map Information eXchange (FMIX) online at https://www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at <https://msc.fema.gov>.

The flood hazard determinations are made final in the watersheds and/or

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communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Michael M. Grimm,

Assistant Administrator for Risk Management,

Department of Homeland Security,

Federal Emergency Management Agency.

Bristol County, Massachusetts (All Jurisdictions)	
Docket No.: FEMA-B-1842	
Community	Community map repository address
City of Fall River	City Hall, 1 Government Center, Fall River, MA 02722.
City of New Bedford	City Hall, 133 William Street, New Bedford, MA 02740.
Town of Acushnet	Parting Ways Building, 130 Main Street, 2nd Floor, Acushnet, MA 02743.
Town of Dartmouth	Town Hall, 400 Slocum Road, Dartmouth, MA 02747.
Town of Fairhaven	Town Hall, 40 Center Street, Fairhaven, MA 02719.
Town of Freetown	Freetown Town Hall, 3 North Main Street, Assonet, MA 02702.
Town of Westport	Town Hall, 816 Main Road, Westport, MA 02790.

Plymouth County, Massachusetts (All Jurisdictions)
Docket No.: FEMA-B-1842

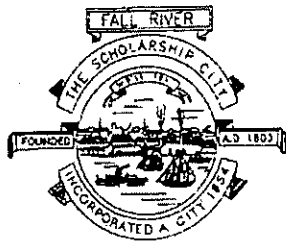
Community	Community map repository address
Town of Abington	Town Hall, 500 Gliniewicz Way, Abington, MA 02351.
Town of Carver	Town Hall, 108 Main Street, Carver, MA 02330.
Town of Duxbury	Town Hall, 878 Tremont Street, Duxbury, MA 02332.
Town of Halifax	Town Hall, 499 Plymouth Street, Halifax, MA 02338.
Town of Hanover	Town Hall, 550 Hanover Street, Hanover, MA 02339.
Town of Hanson	Town Hall, 542 Liberty Street, Hanson, MA 02341.
Town of Hingham	Town Hall, 210 Central Street, Hingham, MA 02043.
Town of Kingston	Town House, 26 Evergreen Street, Kingston, MA 02364.
Town of Marion	Town House, 2 Spring Street, Marion, MA 02738.
Town of Marshfield	Town Hall, 870 Moraine Street, Marshfield, MA 02050.
Town of Mattapoisett	Town Hall, 16 Main Street, Mattapoisett, MA 02739.
Town of Middleborough	Town Hall, 10 Nickerson Avenue, Middleborough, MA 02346.
Town of Norwell	Town Hall, 345 Main Street, Room 112, Norwell, MA 02061.
Town of Pembroke	Town Hall, 100 Center Street, Pembroke, MA 02359.

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Town of Plymouth	Town Hall, 26 Court Street, Plymouth, MA 02360.
Town of Plympton	Town Hall, 5 Palmer Road, Plympton, MA 02367.
Town of Rochester	Town Hall, 1 Constitution Way, Rochester, MA 02770.
Town of Rockland	Town Hall, 242 Union Street, Rockland, MA 02370.
Town of Scituate	Town Hall, 600 Chief Justice Cushing Highway, Scituate, MA 02066.
Town of Wareham	Memorial Town Hall, 54 Marion Road, Wareham, MA 02571.

8

City of Fall River Massachusetts
Community Preservation Committee



JAMES SOUZA
Chairman

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2020 APR -8 P 3: 33

JOHN BRANDT
Vice-Chairman

CITY CLERK _____
FALL RIVER, MA

April 8, 2020

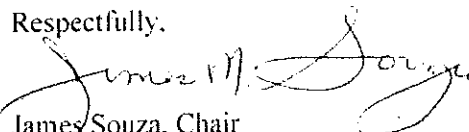
City of Fall River
Alison Bouchard, City Clerk
City of Fall River
One Government Center
Fall River, MA 02722

Dear City Clerk:

The Community Preservation Committee is requesting that the Ben & Nate Building amended Grant Agreement be added to the next City Council meeting agenda scheduled for Tuesday, April 14, 2020.

The Community Preservation Committee is requesting that your office send this to the City Council President, Cliff Ponte, for approval so it can get on the City Council agenda for their April 14, 2020 meeting.

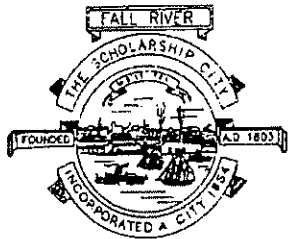
Respectfully,


James Souza, Chair
Community Preservation Committee

Cc: Cliff Ponte
City Council President

8

City of Fall River Massachusetts
Community Preservation Committee



JAMES SOUZA
Chairman

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2020 APR -8 P 3:33

CITY CLERK _____
FALL RIVER, MA

JOHN BRANDT
Vice-Chairman

April 8, 2020

Mr. Paul Coogan
Mayor
City of Fall River
One Government Center
Fall River, MA 02722

RE: Proposed Amendment City of Fall River Community Preservation Housing Grant Agreement between the Fall River Community Preservation Committee (CPC), the of Fall River and Anthony F. Cordeiro, Downtown Development Corporation, LLC.

Dear Mayor, Coogan:

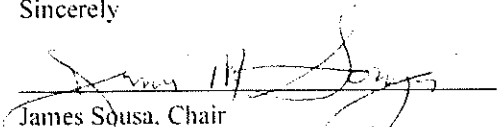
With regard to the above referenced subject matter, please accept this letter as a letter of support for the Amended City of Fall River Community Preservation Housing Grant Agreement between the Fall River Community Preservation Committee (CPC), and Anthony F. Cordeiro as it pertains to the Ben & Nate property located at 162- 166 Pleasant Street, Fall River, MA.

The CPC will take an official vote on the Amendment at our April 13, 2020 meeting and while the proposed Amendment which will be appearing before the City Council at the April 14, 2020 meeting. I wanted to register our support for the amendment as part of the City Council filing and indicate that support for the proposed Amendment is based upon the need to clarify the number and type of workforce, housing, community housing and market rate housing that will characterize the Ben and Nate Building.

Please note that the proposed amendment does not increase the amount overall award and the proposed changes to the City of Fall River Community Preservation Housing Grant Agreement are consistent with the original grant CPC grant application. The amendment simply enables the project to be consistent with all other sources of project funding and close within the next 30 days.

Thank you for your time and attention in this matter. If you have any questions, please do not hesitate to call either one of us.

Sincerely


James Sousa, Chair
Community Preservation Committee

Cc: Cliff Ponte, President
Fall River City Council

Alison Bouchard, City Clerk
City of Fall River

Kenneth Fiola, Jr. Esq., Exec VP
Bristol County EDC

Anthony Cordeiro
Downtown Development Corporation, LLC.



City of Fall River
Massachusetts
Community Preservation Committee

RECEIVED

2020 APR -8 P 3:33

CITY CLERK _____
FALL RIVER, MA

8

PAUL COOGAN
Mayor

JAMES SOUZA
Chairman

**JOLIN
BRANDT**
Vice-Chairman

**CITY OF FALL RIVER
COMMUNITY PRESERVATION COMMITTEE
COMMUNITY HOUSING GRANT AGREEMENT**

This amended award agreement is made between the City of Fall River, through its Community Preservation Committee, located at 1 Government Center, Fall River, MA 02722, (City) acting by and through the Fall River Historical Commission and the Grantee, Anthony F. Cordeiro, Downtown Development Corporation, LLC, located at 171 Pleasant Street, Fall River, MA 02721.

Project Description

Project will consist of a full redevelopment of the entire Ben & Nate building (formerly known as the Gourse Building), located at 162-166 Pleasant Street, Fall River, MA. The building is listed on Fall River's Register of Historic Structures and will be rehabilitated to create twenty (20) residential units on floors two, three and four with commercial uses remaining on the first floor. The building's exterior will be updated with brickwork, glass storefronts and windows in accordance with federal and state historic standards.

WITNESSETH THAT:

WHEREAS, the Grantee owns the real property with buildings thereon known as the Ben and Nate Building and numbered 162-166 Pleasant Street, Fall River, MA 02722 (Property); and

WHEREAS, The Grantee applied for and received approval from the Community Preservation Committee ("CPC") and the City Council, upon the recommendation of the CPC, for a grant in the amount of \$250,000, subject to the celiain conditions set forth herein; and

WHEREAS, Grantee will rehabilitate the Property with twenty (20) units of workforce, community housing and market rate housing; and

8

WHEREAS, the resulting Project will include an Affordable Housing Restriction that will provide that ten (10) units at the Project to be leased, rented or otherwise made available exclusively to persons or families, whose annual income, at the time of initial occupancy of the unit is less than or equal to 80% of the area annual median income; two (2) units at the Project to be leased, rented or otherwise made available exclusively to persons or families, whose annual income, at the time of initial occupancy of the unit is less and or equal to 100% of the area annual median income and eight (8) units at the Project to be leased, rented or otherwise made available exclusively to persons or families, whose annual income, is equal to or greater than 100% of area median income; and

NOW THEREFORE, the Parties do mutually agree to the following general provisions:

1. **Subject Matter:** This agreement sets forth the terms and conditions whereby the Grantee shall receive funding from the City in an amount not exceeding Two Hundred and Fifty Thousand Dollars (\$250,000). One Hundred and Fifty Thousand Dollars (\$150,000.00) from Reserve Fund and One Hundred Thousand Dollars (\$100,000.00) from Community Housing.
2. **Term:** The term of this amended award is two years which begins on the date of execution of this agreement. All of the work described in this agreement must be completed by the completion date October 1, 2021. If the project is not completed by this date, Grantee may request an extension from the Fall River Community Preservation Committee.
3. **Conditions for Release of Funds:** Grantee agrees to meet the following conditions:
 - a. Grantee shall reasonably assist the City in publicizing the Project
 - b. Prior to starting any work, Grantee must submit a complete project budget that accounts for the expenditure of funds awarded under this award agreement and all other sources of funding, if necessary to complete the project
4. **Procedure for Requesting of Funds:** Grantee may submit requests for reimbursement of approved costs as set forth in Grantee's proposal to the Community Preservation Committee.
 - a. Requests for payment should be addressed to:
Community Preservation Committee
1 Government Center, yd Floor, Room 321
Fall River, MA 02722
 - b. Grantee agrees to execute a Declaration of Affordable Housing Covenants in recordable form, in accordance with M.G.L. c. 184 § 32, said declaration will provide a thirty (30) year restriction, the terms of which will preserve the Property's affordable housing rental units for qualifying households and will conform with the requirements of the Project and any other requirements imposed in connection with funding received under the Community Preservation Program.

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A copy of the Declaration of Affordable Housing Restrictions to be recorded at the Fall River Registry of Deeds

5. **Conditions for final Release of Funds:** Prior to the release of the final (10%) of CPA grant funds, Grantee shall submit to the CPC:
 - a. Upon submission for reimbursement under this section, the work specified in a request shall be inspected by the CPC assigned committee member. Once inspected and approval of Grantee's request for payment is granted, the City shall make periodic progress payments to Grantee in the amount of the invoice attributable to the completed portion of the work.

6. **Recapture of Funds:** If Grantee fails to comply with the requirements of this Agreement or the recommendation of the Community Preservation Committee, the funds shall revert back to the City's fund, and the Grantee shall be liable to repay the entire amount of the funding to the City. The City may take such steps as necessary, including legal action, to recapture such funds.

7. **Insurance:** Grantee shall keep the Property insured at all times and in such amounts as deemed reasonable and prudent in accordance with standard construction practices.

8. **Initial Reporting Requirement:** Before a lease is signed and prior to initial occupancy of each affordable unit, Grantee shall submit a report to CPC, identifying the household composition, characteristics and income of the prospective tenant households.

9. **Fair Housing Marketing:** Grantee shall adopt and implement affirmative marketing procedures for the Property consistent with the City of Fall River's obligation under the Community Development Block Grant Program to affirmatively further fair housing, and meet any other marketing or other requirements for listing of these units on the Subsidized Housing Inventory by the Massachusetts Department of Housing and Community Development.

10. **Record Keeping:** Grantee agrees to keep such records as are kept in the normal course of business and as may be required by the City. Upon reasonable notice, Grantee shall provide the City with full and free access to such records with respect to utilization of the proceeds of this Agreement.

11. **Community Preservation Act Awareness:** Grantee agrees to allow a sign to be posted on the property during the period of this agreement until thirty (30) days after its completion. Grantee shall also identify that the project was funded through the city of Fall River Community Preservation Act in its written materials about the project, including all press releases and brochures.

12. **Monitoring:** The City shall annually evaluate the performance of the Grantee and may

8

make a determination as to whether the Grantee has conformed with this Agreement and has a continuing capacity to carry out the funded activities in the manner require pursuant to this Agreement. With reasonable notice and during normal business hours and as often as the City may deem necessary, Grantee shall make available all such records and documents as requested by said Parties for audit and/or monitoring. The city may examine and make copies of such records and may audit all contracts, procurement records, invoices, materials, payrolls, personnel records, conditions of employment, and all documents relating to all matter covered by this Agreement.

13. **Termination:** In the event Grantee fails to fulfill all obligations under the terms of this Agreement, the City shall have the right, in its sole discretion, to terminate this agreement upon written notice to Grantee. Upon such termination, the City shall be free to pursue any rights or remedies available at law or in equity, including without limitation, recapture of funds.
14. **Successors and Assigns:** All terms of this Agreement shall be binding on the Grantee's successors and assigns. This agreement may not be assigned without the written approval of the City of Fall River. Grantee shall promptly provide notice to the City of any change in either use or ownership of the Property.
15. **Conflict of interest:** No member, officer, or employee of the City or its designees or agents, no member of the governing body of the City of Fall River or the Commonwealth of Massachusetts, and no other public official of such locality or localities who exercise any functions or responsibilities with respect to the subject funding programs during their tenure or for one year thereafter, shall have any interest or benefit, direct or indirect, in any contract or subcontract, or in the proceed thereof, in connection with this Agreement, including work performed. Grantee shall not pay any bonus, commission, or fee for the purpose of obtaining the City's approval of or concurrence to complete the work financed in whole or in part by this Agreement.
16. **Annual CPC Meeting:** Attendance of the CPC Annual Meeting is strongly encouraged and the recipient shall make every attempt to attend.
17. **Indemnification:** Grantee shall indemnify, hold harmless, and defend the City and its departments, officers, employees, and agents from and against all actions, causes of actions, claims, demands, damages, costs, loss of services, expenses, and compensation, including attorneys' fees and interest arising out of or resulting directly from the services rendered pursuant to this Agreement, provided that any such action, cause of action, claim, demand, damage costs, loss of service, expense, compensation (1) in any way grows out of bodily injury, sickness, disease or death, or to injury to or destruction of tangible property which (2) is caused in whole or in part by any act or omission of Grantee, anyone directly or indirectly employed by Grantee or anyone for whose acts Grantee may be liable, regardless of whether or not it is cause in part by a party

8

indemnified hereunder.

Executed on _____ 2020

By the City of Fall River, Community Preservation Committee acting by and through the Fall River Historical Commission.

Grantor _____
Community Preservation Committee Chair Date

Grantee _____
Anthony F. Cordeiro Date
Downtown Development Companies, LLC

Mayor _____
Paul E. Coogan Date

Corporation Council _____
Alan Rumsey Date

9



CITY OF FALL RIVER, MASSACHUSETTS

BOARD OF ELECTION COMMISSIONERS

ONE GOVERNMENT CENTER

TEL. 508-324-2630

RECEIVED

2020 MAR -6 P 2:16

COMMISSIONERS

KELLY A. SOUZA-YOUNG, CHAIRPERSON

DAVID J. DENNIS, ESQ.

DARYL GONYON

MANUEL LEITE, CLERK

CITY CLERK _____
FALL RIVER, MA

March 6, 2020

Alison M. Bouchard, City Clerk
One Government Center
Fall River MA 02722

Dear Alison M. Bouchard,

The Board of Election Commissioners certify that the names on the attached list are the Official Results of the Presidential Primary held on March 3 , 2020. No recount papers were filed.

Sincerely,

Kelly A. Souza-Young, Chairperson
Board of Election Commissioners

The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Elections Division

9

Return of Votes - DEMOCRAT PRESIDENTIAL PRIMARY March 03, 2020

FALL RIVER

Total Number of Persons Who Voted in the
DEMOCRAT PRESIDENTIAL PRIMARY 8868

***** ATTENTION CLERK : SIGN AND RETURN AT ONCE *****

I certify that all ballots cast for candidates
in the DEMOCRAT PRESIDENTIAL PRIMARY held on March 03, 2020
have been counted and recorded in accordance with the law,
and that the following return of votes is correct

Clerk: Kelly A. Souza-UR

The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Elections Division

9

Return of Votes - GREEN-RAINBOW PRESIDENTIAL PRIMARY March 03, 2020

FALL RIVER

Total Number of Persons Who Voted in the
GREEN-RAINBOW PRESIDENTIAL PRIMARY 14

***** ATTENTION CLERK : SIGN AND RETURN AT ONCE *****

I certify that all ballots cast for candidates
in the GREEN-RAINBOW PRESIDENTIAL PRIMARY held on March 03, 2020
have been counted and recorded in accordance with the law,
and that the following return of votes is correct

Clerk: Kelly A. Souza Jr

The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Elections Division

9

Return of Votes - LIBERTARIAN PRESIDENTIAL PRIMARY March 03, 2020

FALL RIVER

Total Number of Persons Who Voted in the
LIBERTARIAN PRESIDENTIAL PRIMARY 57

***** ATTENTION CLERK : SIGN AND RETURN AT ONCE *****

I certify that all ballots cast for candidates
in the LIBERTARIAN PRESIDENTIAL PRIMARY held on March 03, 2020
have been counted and recorded in accordance with the law,
and that the following return of votes is correct

Clerk: Kelly A. Souza

9

The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Elections Division

Return of Votes - REPUBLICAN PRESIDENTIAL PRIMARY March 03, 2020

FALL RIVER

Total Number of Persons Who Voted in the
REPUBLICAN PRESIDENTIAL PRIMARY 1997

***** ATTENTION CLERK : SIGN AND RETURN AT ONCE *****

I certify that all ballots cast for candidates
in the REPUBLICAN PRESIDENTIAL PRIMARY held on March 03, 2020
have been counted and recorded in accordance with the law,
and that the following return of votes is correct

Clerk: Kelly A. Boyle

9

***** METHOD OF RECORDING VOTES *****

Record the number of votes for each listed candidate and for each write-in or sticker candidate. The space between the last candidate's name and the designation 'All Others' is to be used to record the names, addresses (if known) and votes of any write-ins. Also, record the number of votes for No Preference and Blanks. The total vote for each office is the sum of votes for listed candidates, write-ins and blanks. The total vote should be equal to the number of people who voted in the LIBERTARIAN PRESIDENTIAL PRIMARY Do not send results of ward or town committee candidates to this office.

***** IMPORTANT : DO NOT SEPARATE SHEETS *****

9

***** METHOD OF RECORDING VOTES *****

Record the number of votes for each listed candidate and for each write-in or sticker candidate. The space between the last candidate's name and the designation 'All Others' is to be used to record the names, addresses (if known) and votes of any write-ins. Also, record the number of votes for No Preference and Blanks. The total vote for each office is the sum of votes for listed candidates, write-ins and blanks. The total vote should be equal to the number of people who voted in the GREEN-RAINBOW PRESIDENTIAL PRIMARY Do not send results of ward or town committee candidates to this office.

***** IMPORTANT : DO NOT SEPARATE SHEETS *****

9

***** METHOD OF RECORDING VOTES *****

Record the number of votes for each listed candidate and for each write-in or sticker candidate. The space between the last candidate's name and the designation 'All Others' is to be used to record the names, addresses (if known) and votes of any write-ins. Also, record the number of votes for No Preference and Blanks. The total vote for each office is the sum of votes for listed candidates, write-ins and blanks. The total vote should be equal to the number of people who voted in the DEMOCRAT PRESIDENTIAL PRIMARY. Do not send results of ward or town committee candidates to this office.

***** IMPORTANT : DO NOT SEPARATE SHEETS *****

***** METHOD OF RECORDING VOTES *****

Record the number of votes for each listed candidate and for each write-in or sticker candidate. The space between the last candidate's name and the designation 'All Others' is to be used to record the names, addresses (if known) and votes of any write-ins. Also, record the number of votes for No Preference and Blanks. The total vote for each office is the sum of votes for listed candidates, write-ins and blanks. The total vote should be equal to the number of people who voted in the REPUBLICAN PRESIDENTIAL PRIMARY Do not send results of ward or town committee candidates to this office.

***** IMPORTANT : DO NOT SEPARATE SHEETS *****

9

Party: **DEMOCRAT**

Page 1 of 8

Office Name: **PRESIDENTIAL PREFERENCE**
 District Name: 0001 **STATEWIDE**
 Town Name: 095 **FALL RIVER**

	Candidates	Votes
1	DEVAL PATRICK	112
2	AMY KLOBUCHAR	46
3	ELIZABETH WARREN	915
4	MICHAEL BENNET	29
5	MICHAEL R. BLOOMBERG	1290
6	TULSI GABBARD	49
7	CORY BOOKER	9
8	JULIÁN CASTRO	8
9	TOM STEYER	44
10	BERNIE SANDERS	2640
11	JOSEPH R. BIDEN	3392
12	JOHN K. DELANEY	14
13	ANDREW YANG	9
14	PETE BUTTIGIEG	119
15	MARIANNE WILLIAMSON	4
16	NO PREFERENCE	82
	All Others	42
	Blanks	64
	Total Votes Cast	8868

Office Name: **STATE COMMITTEE MAN**
 District Name: 0021 **FIRST BRISTOL & PLYMOUTH DISTRICT**
 Town Name: 095 **FALL RIVER**

	Candidates	Votes
1	KEVIN J. COSTA	5631
2	JAMES J. PIMENTAL	1291

9

Party: DEMOCRAT

Office Name: STATE COMMITTEE MAN
District Name: 0021 FIRST BRISTOL & PLYMOUTH DISTRICT
Town Name: 095 FALL RIVER

Candidates	Votes
* MICHAEL ROBERT WEBER	0
All Others	12
Blanks	1934
Total Votes Cast	8868

Office Name: STATE COMMITTEE WOMAN
District Name: 0021 FIRST BRISTOL & PLYMOUTH DISTRICT
Town Name: 095 FALL RIVER

Candidates	Votes
1 DEBRA A. FASTINO	5429
* CAROLE HYLAND	0
* MEAGHEN HOOPS	0
All Others	10
Blanks	3429
Total Votes Cast	8868

Party: GREEN-RAINBOW

9

Office Name: PRESIDENTIAL PREFERENCE
District Name: 0001 STATEWIDE
Town Name: 095 FALL RIVER

Candidates	Votes
1 DARIO HUNTER	2
2 SKCM CURRY	0
3 KENT MESPLAY	0
4 HOWARD HAWKINS	1
5 NO PREFERENCE	5
* DAVID ROLDE	0
All Others	0
Blanks	6
Total Votes Cast	14

Office Name: STATE COMMITTEE MAN
District Name: 0021 FIRST BRISTOL & PLYMOUTH DISTRICT
Town Name: 095 FALL RIVER

Candidates	Votes
No Nomination	0
All Others	1
Blanks	13
Total Votes Cast	14

9

Party: GREEN-RAINBOW

Page 4 of 8

Office Name: STATE COMMITTEE WOMAN
District Name: 0021 FIRST BRISTOL & PLYMOUTH DISTRICT
Town Name: 095 FALL RIVER

Candidates	Votes
No Nomination	0
All Others	0
Blanks	14
Total Votes Cast	14

9

Party: LIBERTARIAN

Office Name: PRESIDENTIAL PREFERENCE
District Name: 0001 STATEWIDE
Town Name: 095 FALL RIVER

Candidates	Votes
1 ARVIN VOHRA	1
2 VERMIN LOVE SUPREME	7
3 JACOB GEORGE HORNBERGER	6
4 SAMUEL JOSEPH ROBB	0
5 DAN TAXATION IS THEFT BEHRM	2
6 KIMBERLY MARGARET RUFF	1
7 KENNETH REED ARMSTRONG	3
8 ADAM KOKESH	1
9 JO JORGENSEN	1
10 MAX ABRAMSON	1
11 NO PREFERENCE	4
All Others	8
Blanks	22
Total Votes Cast	57

Office Name: STATE COMMITTEE MAN
District Name: 0021 FIRST BRISTOL & PLYMOUTH DISTRICT
Town Name: 095 FALL RIVER

Candidates	Votes
No Nomination	0
All Others	8
Blanks	49
Total Votes Cast	57

9

Party: **LIBERTARIAN**

Page 6 of 8

Office Name: **STATE COMMITTEE WOMAN**
District Name: 0021 **FIRST BRISTOL & PLYMOUTH DISTRICT**
Town Name: 095 **FALL RIVER**

Candidates	Votes
No Nomination	0
All Others	2
Blanks	55
Total Votes Cast	57

9

Party: **REPUBLICAN**

Office Name: **PRESIDENTIAL PREFERENCE**
District Name: 0001 **STATEWIDE**
Town Name: 095 **FALL RIVER**

	Candidates	Votes
1	WILLIAM F. WELD	60
2	JOE WALSH	26
3	DONALD J. TRUMP	1849
4	ROQUE "ROCKY" DE LA FUENTE	2
5	NO PREFERENCE	23
	All Others	14
	Blanks	23
	Total Votes Cast	1997

Office Name: **STATE COMMITTEE MAN**
District Name: 0021 **FIRST BRISTOL & PLYMOUTH DISTRICT**
Town Name: 095 **FALL RIVER**

	Candidates	Votes
1	PATRICK THOMAS STANTON	640
2	DAVID L. STEINHOF	1134
*	PAUL J. WAPLE	0
	All Others	3
	Blanks	220
	Total Votes Cast	1997

Office Name: **STATE COMMITTEE WOMAN**
District Name: 0021 **FIRST BRISTOL & PLYMOUTH DISTRICT**
Town Name: 095 **FALL RIVER**

	Candidates	Votes
1	NANCY C. STANTON-CROSS	876

Party: **REPUBLICAN**

9

Office Name: **STATE COMMITTEE WOMAN**
District Name: 0021 **FIRST BRISTOL & PLYMOUTH DISTRICT**
Town Name: 095 **FALL RIVER**

	<u>Candidates</u>	<u>Votes</u>
2	MELISSA M. TERRA	832
	All Others	4
	Blanks	285
	Total Votes Cast	1997

City of Fall River, In City Council

BE IT ORDAINED, by the City Council of the City of Fall River, as follows:

That Chapter 86 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Zoning, be deleted in its entirety, and replaced thereof with the following:

Chapter 86

Zoning

[**HISTORY:** Adopted by the City Council of the City of Fall River 7-9-2013 by Ord. No. 2013-18 (Ch. 86 of the 1999 Revised Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Buildings and building regulations — See Ch. 10.

Businesses — See Ch. 14.

Environment — See Ch. 26.

Health — See Ch. 34.

Historical preservation — See Ch. 38.

Housing — See Ch. 42.

Streets, sidewalks and other public places — See Ch. 66.

Utilities — See Ch. 74.

Waterways — See Ch. 82.

ARTICLEARTICLE I

Purpose and Authority

§ 86-1 Title.

This chapter, ordained in accordance with the provisions of Chapter 40A of Massachusetts General Laws, shall be known as the "Fall River Zoning Ordinance," or "chapter," herein.

§ 86-2 Purpose.

The purpose of this chapter is to promote the health, safety, convenience and general welfare of the City; to encourage the most appropriate use of land throughout the City; to prevent overcrowding of the land; to conserve the value of the land and buildings; to lessen congestion in the streets; to avoid undue concentration of population; to provide adequate light and air; to facilitate adequate provisions for transportation, water, sewage, schools, parks and other public requirements; and to preserve and increase the amenities of the City, all as set forth in Massachusetts General Laws Chapter 40A, as amended.

§ 86-3 (Reserved)

§ 86-4 Repeal or modification of chapter; effect on existing permits.

- A. Procedure. This chapter and the Zoning Map that is a part of this chapter shall not be repealed or modified except in conformity with MGL c. 40A, § 5.
- B. Effect on existing permits. Construction or operations under a building or special permit shall conform to any subsequent amendment of this chapter unless the use or construction so authorized is commenced within six months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

§ 86-5 Effect on existing ordinances; conflicting regulations.

Nothing contained in this chapter shall be construed as repealing or modifying any existing ordinance or regulation of the City, but this chapter shall be in addition thereto; provided that whenever this chapter imposes greater restrictions upon the construction, alteration, enlargement, reconstruction, raising up, moving or use of buildings, structures or premises than other ordinances or provisions of law, such greater restrictions shall prevail.

§ 86-6 Severability.

The invalidity of any section or provision of this chapter or of any boundary line or district or part thereof, as laid down upon the Zoning Map, shall not affect the validity of any other section or provision of this chapter, or of any other boundary line or district or part thereof, as laid down upon the Zoning Map.

§ 86-7 Authority, applicability and interpretation.

- A. This chapter has been enacted pursuant to authority granted by MGL c. 40A, The Zoning Act, and the Home Rule Amendment, Article 89 of the Massachusetts Constitution.
- B. The provisions of this chapter shall apply to all buildings, structures or land within the boundaries of the City.
- C. In interpreting and applying the provisions of this chapter, the requirements contained herein are declared to be the minimum requirements for the purposes set forth, and also, as further set forth by MGL c. 40A, as amended.

**ARTICLE ARTICLE II
Definitions**

§ 86-8 Word usage and interpretation.

For the purpose of this chapter, certain words and terms are hereby defined. The definitions set forth in the State Building Code are also applicable, where appropriate, with respect to words and terms not defined herein. Words used in the present tense include the future; the singular number includes the plural and the plural and singular; the word "lot" includes "plot"; the word "building" includes "structure"; the word "occupied" includes the words "designed, arranged or intended to be occupied." Where the verb "use" is employed, it shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted, rented or leased to be used"; the word "shall" is mandatory and is not directory. However, all definitions must be in conformity with MGL c. 40A, as amended.

§ 86-9 Terms defined.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY BUILDING

A building devoted exclusively to a use subordinate to the principal use and, customarily, incidental to the principal use of the lot.

ACRE

An acre shall be 43,560 square feet.

AGRICULTURE or FARMING

Includes all farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock, including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

ANTENNA

Any exterior apparatus designed for telephonic, radio, television, personal communications services (PCS), pager network or any electromagnetic waves of any bandwidth. An antenna can either be attached to a tower or attached to a building.

ARTIST

A person regularly engaged in and who derives at least 20% of his/her annual income from art or creative work either written, composed, created or executed for a "one of a kind, limited" production, exclusive of any piece or performance created or executed for industry-oriented distribution or related production.

ARTIST LOFT

Artist loft space used, or designed to be used, by artists primarily for art use may also be used by artists as a residence. Such residency shall be limited to one family per residential unit. Each unit shall have a minimum of 800 square feet (s.f.) of floor area for one occupant and a minimum of 1,200 square feet of floor area for two or more family members.

ART USE

The production of art or creative work either written, composed or executed for a "one of a kind, limited" production, exclusive of any piece or performance created or executed for industry-oriented distribution or related production. Such use may include fine and applied arts, including painting or other like picture, traditional and fine artisanry, sculpture, writing, creating film, creating animation, music and theater, including lessons, choreography and the performing arts, but shall not include adult entertainment, or adult use.

AUTOMOBILE REFUELING STATION

A structure, building or premises or any portion thereof where gasoline, oil, alternative fuels or other similar products are stored and sold by an attendant and/or on a self-service basis to the public, without repair service or garage, but may also include retail sales.

AUTOMOTIVE REPAIR GARAGE

A repair facility not including auto body or paint shops, provided all servicing and repairs are carried out inside the building.

AUTOMOTIVE SERVICE STATION

A full-service gasoline station or service station for minor repairs, with or without self-service gasoline pumps, where no major repairs are made, provided that all lubrication and minor repairs are carried out inside the building.

BANNER

A temporary or permanent sign made of fabric or fabric-like material which may be free-hanging or attached at all corners.

BOARDINGHOUSE or LODGING HOUSE

A dwelling or that part of a dwelling where sleeping accommodations are let, with or without kitchen facilities, to four or more persons not within the second degree of kindred to the person conducting it, and shall include rooming houses, boardinghouses and tourist homes, but shall not include hotels, motels, inns, sorority, fraternity and cooperative residences, convalescent homes, nursing homes, rest homes, dormitories of charitable or philanthropic institutions or convalescent or nursing homes licensed under MGL c. 111, § 71 or rest homes so licensed, or group residences licensed or regulated by agencies of the commonwealth.

BODY ART ESTABLISHMENT

Any building or structure where the practices of body piercing and/or tattooing, whether or not for profit, are performed. For the purpose of this chapter, body art establishments shall not be classified as an establishment that provides services to the general public.

BUILD

Includes the words "erect," "construct," "alter," "enlarge," "modify," "excavate," "fill," and any others of like significance.

BUILDING

Includes the word "structure" unless the context unequivocally indicates otherwise. "Building" shall also mean any three-dimensional enclosure by any building materials of any space for use or occupancy, temporary or permanent, and shall include foundations in the ground, also all parts of any kind of structure above ground except fences and field or garden walls or embankment retaining walls.

BUILDING COMMISSIONER/INSPECTOR OF BUILDINGS

The Building Commissioner/Inspector of Buildings shall be that individual as defined under the Massachusetts State Building Code, as amended from time to time.

BUILDING HEIGHT

The vertical distance to the highest point of the roof as measured from the mean ground level at all elevations of a building.

BUILDING-INTEGRATED WIND ENERGY FACILITY

A wind energy facility shall be considered to be building-integrated if it is designed to be permanently mounted on a building or other inhabitable structure. This definition applies to wind turbines of any capacity that are designed to be operated in direct contact with a building. This definition also covers, for the purposes of this zoning provision, other wind energy facilities primarily used for land-based applications which may be permanently mounted and operated on a building.

BUILDING PERMIT

A required approval of a project by a licensed Inspector of Buildings/Building Commissioner which is consistent with the local, state and federal building codes. In addition, the permit must meet the criteria set forth under the local zoning ordinances.

COMMUNICATION TOWER

A tower, antennas, cables, radio, electronic and associated equipment used by FCC-licensed carriers for the purposes of transmitting and receiving voice and data via radio waves.

CORNICE

The exterior trim of a structure at the meeting of a roof and a wall.

DECK

A horizontal platform supported by any combination of posts, beams, foundations, and/or joists with or without handrails, steps or terraces and not covered by a permanent roof.

DOOR, FRONT

An entry that serves as the principal entrance for residents or visitors to one or more offices, dwelling units or retail establishments on a lot, and includes obvious design elements that identify it as a primary entrance.

DORMITORY

A building used as group living quarters for a student body or religious order as an accessory use for a university, college, boarding school, convent, or similar institutional use.

DRIVE-THROUGH

An establishment where goods or services are rendered directly to the occupants of motor vehicles.

DRIVEWAY

A vehicular passageway providing access between a street or way and a parking space, parking area, garage, or loading area, or between two such areas on a lot or lots.

DWELLING

A building designed for or occupied as a residence.

DWELLING, DETACHED

A building designed for or occupied as a residence separated from any other building, except accessory buildings, by side yards.

DWELLING UNIT

A room or rooms connected together, constituting a separate, independent housekeeping establishment and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

FACADE

The exterior face of a building, which is treated in an architectural fashion.

FAMILY

One or more persons occupying a single dwelling unit, provided that, unless all members are related by blood, marriage or adoption, no such family shall contain more than five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family.

FLOOR AREA, GROSS

- A. The sum, in square feet, of the gross horizontal areas of all the floors of a building, as measured from the exterior faces of the exterior walls or center lines of walls separating two buildings, including:
 - (1) Roofed porches and balconies, whether enclosed and unroofed porches and balconies above the second floor.
 - (2) Elevator shafts and stairwells on each floor.
 - (3) Accessible attic space with clear headroom of at least five feet, whether finished or unfinished, except as hereafter excluded: accessible attic spaces that are only accessible via pull-down stair or ceiling hatch.
 - (4) Interior balconies, mezzanines and penthouses.
 - (5) Basement and cellar areas, except as hereafter excluded.
- B. The following areas are excluded from the gross floor area:
 - (1) Areas used for parking garages, accessory parking or off-street loading purposes.
 - (2) Basement and cellar areas devoted exclusively to uses accessory to the operation of a commercial or industrial building.
 - (3) Open or lattice-enclosed exterior fire escapes, and unroofed porches and balconies no higher than the second floor.
 - (4) Attic space and other areas for elevator machinery in any building or mechanical equipment accessory to the operation of a commercial or industrial building.
 - (5) Attic space that is not accessible and attic space with less than five feet of clear headroom.

FLOOR AREA RATIO

The gross floor area of a building divided by the area of the lot. Areas devoted to parking, to building mechanical systems and certain other areas are not counted when calculating gross floor area.

FRONTAGE

An unbroken distance along the street right-of-way at the front of the lot, as measured from one side lot line to the other, and shall provide rights of access and safe, year-round, practical vehicular access for fire, police and emergency vehicles to existing or proposed structures or buildings. In the case of a lot that fronts on a curve or angle in the street, the unbroken distance shall be measured from one side lot line to the other along the line that marks the minimum required front yard setback of the building on the lot.

FUEL STORAGE FACILITY

A structure, building or premises or any portion thereof where gasoline, oil, alternative fuels or other similar products are stored but not sold at retail (other than for on-site use).

FUNERAL AND/OR UNDERTAKING ESTABLISHMENT

All or part of a building used for funeral services. Such building may contain space and facilities for:

- A. Embalming and the performance of other services necessary for the preparation of the dead for burial;
- B. The storage of caskets, funeral urns, and other related funeral supplies;
- C. The storage of funeral vehicles;
- D. Facilities for cremation; and
- E. The living quarters of an individual whose bona fide occupation is in the funeral establishment.

GARAGE

A building, separate or attached to a dwelling, in which one or more motor vehicles but no greater than three, one of which is owned by the owner or a tenant of the premises, are kept solely for the private or professional use of their owners, and in which no space is rented or used for any commercial vehicle, with the exception of pickup trucks of less than one-ton capacity. Note: References to other types of garages, such as public or residential/nonresidential parking garages, parking spaces or parking areas, as defined herein, are treated separately from garages under this code.

HEIGHT

With respect to wind turbines, the height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.

HOME OCCUPATION

An occupation, business, trade, service or profession, which is incidental to and conducted in a dwelling unit, by permanent residents thereof. No more than one home occupation can be conducted on any premises.

HOSPITAL

An institution, however named, licensed by the Massachusetts Department of Public Health, whether conducted for charity or profit, which is advertised, announced or maintained for the express purpose of diagnosis, medical or surgical treatment which is rendered within said institution.

HOTEL or MOTEL

A building or buildings intended and designed for transient, overnight or extended occupancy, divided into separate units within the same building, with or without a public dining facility. If such hotel or motel has independent cooking facilities, such unit shall not be occupied by any guest for more than four continuous months, nor may the guest reoccupy any unit within 30 days of a continuous four-month stay, nor may the guest stay more than six months in any calendar year.

KENNEL

One pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes and including any shop where dogs are on sale, and also including every pack or collection of more than four (4) dogs, three months old or over owned or kept by a person on a single premises irrespective of the purpose for which they are maintained.

LANDING

An intermediate platform on a flight of stairs.

LARGE WIND FACILITY

Equipment, machinery and structures utilized in connection with the conversion of wind (kinetic energy) into electrical power with a rated output of electrical power production equipment of greater than 100kW/0.1MW.

LIBRARY

A building, modular unit, or other structure used as a free public library in a city or town.

LOADING SPACE

That portion of a vehicle accommodation area used to load and/or unload goods to/from motor vehicles.

LOT

A parcel of land held in ownership that may be occupied by a building, including such open spaces as may be required by this chapter, which is at least of sufficient size to meet the minimum requirements of the district in which it is located. Such lot shall have frontage on any improved public way constructed (or adequately bonded to be constructed) to the City's specifications, or on an improved private way constructed to the City's specifications. (See also "unbuildable lot.") The word "lot" includes the words "plot" and "parcel."

LOT AREA

The horizontal area of the lot, exclusive of any area in a public or private way and, for lots newly created after April 1, 2013, exclusive of any land below the high water line of any water body contained therein. At least 50% of lot area for all lots required for zoning compliance shall be land other than wetland for all lots newly created after April 1, 2013.

LOT DEVELOPMENT COVERAGE

The area of a lot, including the footprints of all structures, pools, parking areas, driveways, outside storage and assembly areas. The maximum lot coverage shall be determined as a percentage of the size of the lot.

LOT LINE, FRONT

A line dividing a lot from a street.

LOT LINE, REAR

Except for triangular lots, corner lots, and other such lots, the lot line opposite the front lot line.

MANUFACTURING

A use engaged in the basic processing and manufacturing of materials, or the manufacture from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, including, but not limited to, the following types of industries: food and kindred products, apparel, textiles and related products, electronic and electrical products, furniture and fixtures, printing and publishing, paper and allied products, plastic and allied products, primary and fabricated metal products, machinery, transportation and related equipment products, instruments and related products, including the storage of raw materials and containers used in or incidental to any of the foregoing, provided that any open lot storage shall not exceed 12 feet in height and that the area so used shall be enclosed by a tight wall or fence of at least the same height of the material so stored. Manufacturing shall not include recycling, as defined herein.

MEDICAL OR DENTAL CENTER OR CLINIC

A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

MUNICIPAL FACILITY

Government office, service, or facility, including but not limited to police and fire stations, libraries, and administrative offices, owned or operated by the City of Fall River, the Fall River School Department, or any of their departments.

MUNICIPAL USE

Use of land or structures by the City of Fall River and others for maintenance operations, public utilities, public works and similar governmental functions.

MUSEUM

A public building, place, or institution devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, historical, or artistic value.

NONCONFORMING STRUCTURE

Any structure which does not conform to the dimensional requirements in this chapter or to the parking and loading requirements of this chapter for the district in which it is located; provided that such structure was in existence and lawful at the time the applicable provisions of this or prior zoning ordinances became effective.

NONCONFORMING USE

A use of a building, structure or lot that does not conform to the use regulations of this chapter for the district in which it is located; provided that such use was in existence and lawful at the time the applicable provisions of this or prior zoning ordinances became effective.

ON-SITE WIND FACILITY

A wind project which is located at a commercial, industrial, agricultural, institutional or public facility that will generate electricity on-site.

OPEN SPACE, LANDSCAPED

The parts of a lot designed and developed for pleasant appearance in trees, shrubs, ground cover and grass, including other landscaped elements, such as natural features of the site, walks and terraces. Such space shall not include rooftops or areas of the lot used for parking, access drives or other hard-surfaced areas except walks and terraces as noted above, designed and intended for nonvehicular use. Such hard-surfaced walks and terraces shall not exceed 25% of the total required landscaped open space.

OPEN SPACE, USABLE

The parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation, including swimming pools, tennis courts or similar facilities, for gardens or for household service activities such as clothes drying, which space is at least 75% open to the sky, free of automotive traffic and parking and readily accessible to all those for whom it is required. Open space shall be deemed usable only if at least 75% of the area has a grade of less than 8%.

PARKING GARAGE OR PARKING AREA

- A. **PARKING GARAGE OR PARKING AREA, NONRESIDENTIAL** A building, structure, lot or part of a lot designed or used for the shelter or storage of commercial or noncommercial motor vehicles used by the occupants or users of a lot or lots devoted to use or uses not permitted in a residence district, in which space is available either to long-term, transient or casual parkers.
- B. **PARKING GARAGE OR PARKING AREA, RESIDENTIAL** A building, structure, part of a building or structure, lot or part of a lot designed or used for the shelter or storage of noncommercial motor vehicles used by the occupants or users of a lot or lots devoted to a use or uses permitted in a residential district and in which no space is rented for casual or transient parkers.
- C. For all parking areas, the following definitions shall apply:
 - (1) **ACCESS DRIVE** The portion of a private parking area or commercial parking lot or structure used to provide access from the street to the parking spaces, but which does not abut a parking space on any side.
 - (2) **ANGLE PARKING** Parking spaces placed at an angle less than 90° from a drive lane.
 - (3) **DRIVE LANE** The portion of a private parking area or commercial parking lot or structure which abuts a parking space on one or more sides, which is not used for vehicular parking, and which provides access from the parking space to a street with or without the use of an access drive.
 - (4) **PERPENDICULAR PARKING** Parking spaces placed at an angle of 90° from a drive lane.

PARKING SPACE

A parking space shall be a rectangle at least nine feet by 18 feet, exclusive of any required drive or aisle.

PARKING SPACE, OFF-STREET

An area of land adequate for parking an automobile with room for opening doors on both sides together with maneuvering room and proper access to a public or private way. Required off-street parking for three or more automobiles shall have individual spaces and shall be so designed, maintained and regulated that no maneuvering incidental to parking shall be on any public or private street or walk and so that any automobile may be parked or unparked without moving another.

PERMANENT SIGN

A sign intended to be used for a period greater than 30 days.

PIGEON LOFT

A structure(s) for the keeping or housing of pigeons. There shall be at least one square foot of floor space in any loft for each mature pigeon kept therein.

PORCH

A horizontal platform supported by any combination of posts, beams, foundations, and/or joists, with or without handrails, steps or terraces covered by a permanent roof, but not enclosed with walls, windows or screens any higher than four feet from the platform.

PROFESSIONAL OFFICE

Architecture, engineering, law, medicine, insurance, real estate, dentistry or other activity in which specialized services to clients are performed by persons possessing a degree from a recognized institution of higher learning demonstrating successful completion of a prolonged course of specialized intellectual instruction and study, and possessing evidence of professional capability such as membership in a professional society requiring standards of qualification for admission or licensing by the commonwealth. A professional office shall not include professionals working in a nail, hair care, cosmetology or tattoo establishment.

PROJECTION

An architectural feature, often containing window and/or door assemblies, including bay windows, stairways, open landings, bulkheads, door porticos, eaves, and balconies that protrude beyond the primary wall plane of a building.

RATED NAMEPLATE CAPACITY

The maximum rated output of electric power production equipment. The manufacturer typically specifies this output with a "nameplate" on the equipment.

RECYCLING CENTER

A parcel of land, with buildings, within which materials are stored, separated and processed for shipment and eventual reuse in new products. All storage, separation and processing for shipment shall be contained within enclosed buildings. No use that has outdoor storage, separation or processing for shipment shall be considered a recycling center. Recycling centers shall not include facilities where recyclables are processed and/or treated so as to be placed in a condition in which they may be used

again in new products or establishments that store, process or treat hazardous wastes. This definition of "recycling center" shall not apply to a municipal facility for the collection of recyclable materials.

RESTAURANT

A building, or portion thereof, including but not limited to a lunch room, cafeteria, or ice cream parlor, which is designed, intended and used for the indoor sales and consumption of food prepared on the premises, and the incidental sale of food to "take out," except that food may be consumed outdoors in landscaped terraces, designed for dining purposes, which are adjuncts to the main indoor restaurant facility. Alcoholic and nonalcoholic beverages may be served, subject to local licensing. Drive-up or drive-through windows may be allowed subject to site plan review.

RESTAURANT, TAKE-OUT

Any establishment which has as its principal business the preparation of food, frozen dessert, or beverages for sale to be consumed away from the premises of the establishment. This does not apply to restaurants that occasionally sell such items for consumption away from the premises, and does not apply to drugstores or grocery stores. Restaurants of a size greater than 1,500 square feet cannot be considered take-out restaurants. If drive-through windows are an allowed use in the district in which the restaurant is located, take-out restaurants may have drive-through windows by special permit.

RETAIL

A facility selling goods, more specifically listed in the Table of Uses.

SANITARY LANDFILL

A refuse transfer station, a refuse incinerator, a refuse compost plant, a plant, a residual waste storage or treatment plant, or any other works for treating or disposing of garbage, refuse, offal and rubbish.

SENIOR CONGREGATE HOUSING

A form of elderly oriented housing in which each individual or two-person family is provided with separate quarters which contain living and sleeping space and which may contain kitchen and bath facilities. Each such living space shall be considered the equivalent of one dwelling unit. Such housing shall also contain common dining, kitchen and social facilities. Limited supportive services may also be provided.

SERVICE BUSINESS

An enterprise that is established and maintained for the purpose of providing services (rather than or in addition to products) to private and/or commercial customers.

SIDEWALK

A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

SIGN

A structure which consists of a device, light, letter, word, model, banner, pennant, trade flag, logo, insignia, or representation which advertises, directs, or announces a use conducted, goods, products, services, or facilities available which influence persons, or conveys information, including electric signs, but excluding window displays or merchandise and signs which are incidental to the displayed

merchandise. Refer to § 86-450 et seq. for additional sign provisions.

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SMALL WIND ENERGY SYSTEM

All equipment, machinery and structures utilized in connection with the conversion of wind (kinetic energy) into electrical power. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and access roads, and one or more wind turbines, which have a total rated nameplate capacity of not more than 100kW/0.1MW.

SPECIAL PERMIT

A permit issued by the special permit granting authority for uses and/or structures which are in harmony with the general purpose and intent of the relevant zoning ordinance. Special permits may authorize (with conditions) those uses and/or structures, including those uses and/or structures, activities and other matters set forth in MGL c. 40A, § 9, as from time to time amended, so long as the underlying thresholds are met.

SPECIAL PERMIT GRANTING AUTHORITY

Unless specifically designated otherwise herein, the Zoning Board of Appeals of the City of Fall River.

STATE BUILDING CODE (SBC)

The latest edition of the Massachusetts State Building Code.

STORY

That part of a building or structure between any floor and the floor or roof above. A cellar, basement or parking area will count as a story only if 1) more than half of the clear height is above the average elevation of the finished lot grade, or 2) more than five feet of the front elevation is above the grade at the front of the structure. Steeples and projections used or intended to be used exclusively for utility service or access to the roof shall not be deemed a story. Attic areas used for storage or structural support where no portion of the attic can be converted to a living area under the Massachusetts Building Code shall not be considered a story.

STORY, HALF

A partial story under a roof which has the line of intersection of the roof and the wall face not more than three feet above the floor level, and in which space the floor area with headroom of five feet or more occupies no more than 80% of the area of the story directly beneath. Where such floor area occupies more than 80% it shall be considered a story. Dormers are included in determining the story status. Attic areas used for storage or structural support, where no portion of the attic can be converted to a living area under the Massachusetts Building Code, shall not be considered a story.

STREET

An accepted City way, or a way established by or maintained under county, state, or federal authority, or a way built to the specifications of a subdivision plan approved in accordance with the Subdivision Control Law, or a way determined by the Planning Board to have sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

STREET LINE

The right-of-way line of a street.

STRUCTURE

Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, billboards, signs and poster panels.

SUBSTANTIAL EVIDENCE

Such evidence as a reasonable mind might accept as adequate to support a conclusion.

TATTOOING

Any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of cosmetic tattooing.

TEMPORARY TRAILER

A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy but not as a residence; with the manufacturer's permanent identification "Temporary Trailer" thereon; and when factory-equipped for the road, being of any length, provided its gross weight does not exceed 4,500 pounds (~ 2042 kg), or being of any weight, provided its overall length does not exceed 28 feet (~ 8.534 m).

TERRACE

A paved surface on grade intended for private or shared use between residences; not included are porches, decks or balconies.

TOWNHOUSE

A dwelling unit in a row of at least three such units, in which each unit has its own front and rear exposure to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common vertical fire-resistant walls.

TRAILER

A highway vehicle designed, constructed and equipped for use as a dwelling and which is capable of being hauled or towed, or is self-propelled, including any such vehicle so converted as would make it immobile.

TRANSIENT

A person or stay that is brief or temporary as a guest.

UNBUILDABLE LOT

A parcel of land that does not conform to the definition of a "lot"; land which is insufficient to meet the minimum requirements of the zoning district in which it is located. (See also "lot.")

USE

The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

UTILITY-SCALE WIND FACILITY

A commercial wind facility, where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets.

VARIANCE

A relaxation of the terms of this chapter where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship.

VETERINARY CLINIC

An establishment to provide medical care to animals of all types housed in a facility separate and apart from all other uses on that site. There shall be no outdoor facilities to house or exercise animals.

WETLAND

That area of land which may not be excavated or filled as of right and is subject to state regulations governing lakes, ponds, rivers, streams, freshwater swamps and other wetland features as identified by the Massachusetts Wetland Protection Act, as determined by the Conservation Commission or the Massachusetts Department of Environmental Protection.

WHOLESALE

The sale of goods in large quantity for the purpose of resale and completely enclosed in a building. Such uses shall not include the sale or transfer of flammable liquids, gas, explosives or other potentially hazardous materials.

WIDTH

The dimension of a lot measured parallel to the street on which the lot faces and at the required setback line of the structure.

WIND ENERGY FACILITY

All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.

WIND MONITORING OR METEOROLOGICAL TOWER

A temporary tower equipped with devices to measure wind speeds and direction, used to determine how much wind power a site can be expected to generate.

WIND TURBINE

A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

YARD

A required open space unoccupied and unobstructed by any structure or portion of a structure, covered or uncovered, with the exception of any entrance stairs, ramps or stoops, fences, walls, poles, posts and other customary yard accessories, ornaments and furniture. The required yard shall also exclude building eaves, jets, bay windows or similar projections up to two feet in width.

YARD SETBACK, FRONT

A yard extending along any lot line, which is also the right-of-way line of a public or private way. Depth of a required front yard shall be the minimum distance required by the district regulations for the full distance of the front lot line. For corner lots, the front yard shall be the side of the lot with the required frontage. The other right-of-way line of a public or private way shall be considered the side yard.

YARD SETBACK, REAR

A yard of at least the minimum width required by the district regulations with its inner edge parallel with the rear lot line.

YARD SETBACK, SIDE

A yard of at least the minimum width required by the district regulations with its inner edge parallel with the side lot line.

§ 86-10 through § 86-30. (Reserved)

**ARTICLE ARTICLE III
Districts and District Use Regulations**

**DIVISION 1
Generally**

§ 86-31 Fee for application for change in district boundaries.

Each application for a proposed change to the existing zoning district boundaries shall require a fee as provided in Chapter A110, Fee Schedule, of the City Code, to be paid to both the Planning Board and the City Clerk to cover the cost of advertising the petition.

§ 86-32 Districts established; Zoning Map.

A. For the purpose of this chapter, the City is hereby divided into the following districts:

Single-Family Residence District	S
Single-Family Residence District	R-8
Single-Family Residence District	R-30
Single-Family Residence District	R-80
Two-Family Residence District	R-4
General Residence District	G
Multiple-Family Residence District	M
Apartment District	A-2
Central Business District	CBD
Mixed Use Business District	MBD
Neighborhood Shopping District	B-N
Local Business District	B-L
Waterfront and Transit-Oriented Development District	WTOD
Medical District	MD
Commercial Mill District	CMD
Industrial Park District	IP
Open Space/Recreational District	OS

Water Resource District	WR
Housing Development Overlay District	HD
Arts Overlay District	AOD
Research and Development Overlay District	RDOD
Watershed and Water Supply Protection District	WWD

B. The boundaries of each of these districts are hereby established as shown on the map entitled "Zoning Map of the City of Fall River," filed in the office of the City Clerk, which map, together with all the boundary lines and designations thereon, is hereby made a part of this chapter.

§ 86-33 **Determination of district boundaries.**

A. The location of the boundary lines shown upon the Zoning Map which is a part of this chapter shall be determined as follows:

- (1) Where the boundary lines are shown upon the map within the street lines of public or private streets or ways, the center lines of such streets or ways shall be the boundary lines.
- (2) Boundary lines located outside of street lines and shown approximately parallel thereto shall be regarded as parallel to such street lines, and figures placed upon the map between such boundary lines and the street lines shall be the distances in feet of such boundary lines from the street lines, such distances being measured at right angles to the street lines unless otherwise indicated.
- (3) Where the boundary lines are shown approximately on the location of property or lot lines, and the exact location of such boundary lines is not indicated by means of figures, distances or otherwise, then the property lines or lot lines shall be the boundary lines.
- (4) Where districts border upon any body of water, any boundary line between two adjoining districts which is indicated on the map as ending at the shoreline shall be regarded as extending out into the body of water in the same direction as indicated on the land to such distance as to include in the district on each side of the extension of the boundary line the area in which any building or structure has been or may be constructed or premises may be occupied.
- (5) In any cases which are not covered by the provisions of this section, the location of boundary lines shall be determined by the distances in feet, if given, from other lines upon the map, or, if distances are not given, then by the scale of the map.
- (6) Wherever any uncertainty exists as to the exact location of a boundary line, the location of such line shall be determined by the Building Inspector.
- (7) Where a district boundary line divides a lot which was in single ownership on the effective date of the ordinance from which this subsection is derived, the entire lot shall be deemed to be in that district in which the greater part of the lot lies; except that in a case where a lot is so divided contains land at least equal to the minimum required for a permitted use in each district, the Building Inspector may permit the lot to be divided to provide for such separate uses.

B. Any highway, public way, private way or public land hereafter laid out and accepted, approved or acquired in accordance with law shall be added to the Zoning Map, and any highway, public way, private way or public land discontinued in accordance with law shall be removed from the Zoning Map

without any further action of the City Council.

§ 86-34 Applicability of district regulations.

The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, unless specifically exempted under the terms of this chapter. In particular:

- A. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, except in conformity with all of the applicable regulations in this chapter.
- B. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.
- C. No yard or lot existing on the effective date of the ordinance from which this chapter is derived shall be reduced in dimension or area below the minimum requirements set forth in this chapter. Yards or lots created after such effective date shall meet at least the minimum requirements established by this chapter.
- D. No land within the City may be used for the collection, treatment, storage, burial, incineration or disposal of radioactive waste, including but not limited to waste classified as low-level radioactive waste.
- E. Illumination of buildings, yards and signs shall not constitute a hazard to motor vehicle operators, and the light sources of such illumination shall be shielded from adjacent residential districts and streets. Flashing, moving or intermittent illumination shall not be permitted.

§ 86-35 Table of Dimensional Regulations.

The Table of Dimensional Regulations included as an attachment to this chapter is incorporated in and made part of this chapter. In the event of discrepancies between the narrative text in the sections of this chapter and the table, the text of the sections shall control.

§ 86-36 Table of Uses.

The Table of Uses included as an attachment to this chapter is incorporated in and made part of this chapter. In the event of discrepancies between the narrative text in the sections of this chapter and the table, the text of the sections shall control.

§ 86-37 through § 86-140. (Reserved)

**DIVISION 2
Residential Districts**

- A. **Uses. See the Table of Uses included as an attachment to this chapter (§ 86-36).**
- B. **Dimensional regulations. See the Table of Dimensional Regulations included as an attachment to this chapter (§ 86-35).**

§ 86-141 Single-Family Residence District (S).
(Reserved)

§ 86-142 Single-Family Residence District (R-8).
(Reserved)

§ 86-143 **Two-Family Residence District (R-4).**
(Reserved)

§ 86-144 **Single-Family Residence District (R-80).**
(Reserved)

§ 86-145 **Single-Family Residence District (R-30).**
(Reserved)

§ 86-146 **General Residence District (G).**
(Reserved)

§ 86-147 **Multiple-Family Residence District (M).**
(Reserved)

§ 86-148 **Apartment District (A-2).**

- A. Every dwelling unit for this district shall contain at least three rooms, exclusive of halls, and a bathroom. Such three-room dwelling unit shall contain at least 600 square feet of floor space and an additional 120 square feet of floor space for each additional room.
- B. Dimensions. See the Table of Dimensional Regulations included as an attachment to this chapter (§ 86-35).
- C. In this Apartment District, the minimum lot area shall be 10,000 square feet for the first dwelling unit and 2,000 square feet for each additional dwelling unit. [Amended 6-28-2016 by Ord. No. 2016-22]
- D. Parking. See § 86-441 and Article VI generally.

§ 86-149 through § 86-170. (Reserved)

DIVISION 3
Business Districts

A. **Uses.** See the Table of Uses included as an attachment to this chapter (§ 86-36).

B. Dimensional regulations. See the Table of Dimensional Regulations included as an attachment to this chapter (§ 86-35).

§ 86-171 **Central Business District (CBD).**
(Reserved)

§ 86-172 **Mixed Use Business District (MBD).**
(Reserved)

§ 86-173 **Neighborhood Shopping District (B-N).**
(Reserved)

§ 86-174 **Local Business District (B-L).**
(Reserved)

§ 86-175 **Waterfront and Transit-Oriented Development District (WTOD).**

- A. Uses. See the Table of Uses included as an attachment to this chapter (§ 86-36).
- B. Dimensional regulations. See the Table of Dimensional Regulations included as an attachment to this chapter (§ 86-35).

- (1) Maximum building height: shall not exceed six stories or 80 feet, whichever is greater. This restriction shall not apply to chimneys, ventilators, tanks, bulkheads and other accessory features required above roofs or to towers, spires, domes and ornamental features of churches and other nonresidential buildings. The maximum building height may be increased to 12 stories or 150 feet upon granting of a special permit by the Zoning Board of Appeals.
- (2) Minimum parking requirements:
 - (a) Dwelling units: 1.5 spaces per unit if less than 50 units; 1.25 spaces per unit if 50 or more units.
 - (b) Restaurant and retail establishments: no dedicated parking spaces required.
 - (c) Hotel or lodging room: one space for each hotel room or lodging room.
 - (d) Office use: one space per each 200 s.f. of gross floor area; after 10,000 s.f. of gross floor area, one space for every 1,000 s.f. of gross floor area.
 - (e) Industrial uses: one space per each 500 s.f. of gross floor area.
 - (f) Water-dependent uses: 0.6 space per each boat slip or mooring.
 - (g) Mixed-use developments that share parking spaces, containing more than 200 spaces, may reduce the required number of spaces by 30%.
- C. Signs. See Article VI, Division 2, § 86-450 et seq.
- D. Interaction with state statutes and regulations. Nothing in § 86-175 shall be deemed to be inconsistent with or supersede any federal or state statute, rule or regulation regarding waterfront property, including but not limited to the Deepwater Port Act of 1974, Massachusetts General Laws Chapter 91 regulating waterways, or the state wetlands protection statute.

§ 86-176 Medical District (MD).

A. District established. There is hereby established a Medical District within the City. Said district is bound and described as follows:

Beginning at a point at the center line intersection of Seventh Street and Pleasant Street; thence running northerly by the center line of Seventh Street to the center line intersection of Seventh Street and Bedford Street; thence running easterly by the center line of Bedford Street to the center line intersection of Bedford Street and 12th Street; thence running southerly by the center line of 12th Street to the center line intersection of 12th Street and Pleasant Street; thence running easterly by the center line of Pleasant Street to the center line intersection of Pleasant Street and Front Street; thence running southerly by the center line of Front Street to a point on the eastern property line of Map M-11, Lot 10; thence southerly along the eastern property line of Map M-11, Lot 10 approximately 189 +/- feet; thence easterly along the southerly property line of Map M-11, Lot 10 approximately 68 +/- feet; thence crossing I-195 to a point on the easterly property line of Map I-19, Lot 9; thence southerly along easterly property line of Map I-19, Lot 9 approximately 398 +/- feet; thence southerly along the westerly line of Map I-19, Lot 7 approximately 100 +/- feet; thence westerly along the southerly property line of Map I-19, Lot 9 approximately 301 +/- feet; thence southerly along the westerly property line of Map I-19, Lot 16 to the center line of Rodman Street; thence westerly

along the center line of Rodman Street to the center line intersection of Rodman Street and Plymouth Avenue; thence southerly along the center line of Plymouth Avenue to the center line intersection of Plymouth Avenue and Morgan Street; thence westerly along the center line of Morgan Street to the center line intersection of Morgan Street and Hartwell Street; thence northerly along the center line of Hartwell Street to the center line intersection of Hartwell Street and the eastbound ramp 6 of I-195; thence along the eastbound exit ramp 6, crossing I-195 to the center line of westbound ramp 6 of I-195; thence along the center line of westbound exit ramp 6 to the center line of Pleasant Street; thence along the center line of Pleasant Street to the point of beginning.

- B. Uses. See the Table of Uses included as an attachment to this chapter (§ 86-36).
- C. Dimensional regulations. See the Table of Dimensional Regulations included as an attachment to this chapter (§ 86-35).
- D. Signs. See Article VI, Division 2, § 86-450 et seq.

§ 86-177 (Reserved)
 § 86-178 King Philip Mills Overlay District (KPMOD).
 [Added 11-14-2017 by Ord. No. 2017-26]

- A. Purpose. The purpose of the KPMOD is to provide adequate minimum standards and procedures for the construction of new and rehabilitation of existing structures so as to promote economic and cultural development in the King Philip Mill area.
- B. Location. The KPMOD is hereby established as an overlay district comprised of the area between the south side of Dwelly Street, the east side of Kilburn Street, the north side of Charles Street extended to Cook Pond and the western and northwestern shoreline of Cook Pond, specifically excluding areas located within said boundaries which have been designated as residentially zoned on the effective date of this section. The KPMOD is hereby designated and more specifically shown on the City of Fall River Zoning Map, as may be subsequently amended, on file in the office of the City Clerk.
- C. Definitions. Within this § 86-178, the following terms shall have the following meanings:

APPLICANT

The person or persons, including a corporation or other legal entity, who applies for issuance of a special permit hereunder. The applicant must own, or be the beneficial owner of, all the land included in the proposed site, or have authority from the owner(s) to act for him/her/it/them or hold an option or contract duly executed by the owner(s) and the applicant giving the latter the right to acquire the land to be included in the site.

DWELLING UNIT

A residence, including studio units. Each residence shall contain a living area, bathroom and, except in studio units, one or more bedrooms, and may contain a kitchen area or combination kitchen/living area.

PROPOSED PROJECT

The project proposed by the applicant for which a special permit is being sought.

PROPOSED PROJECT SITE

The parcel of land, with buildings thereon, on which the proposed project is located.

REGULATIONS

The rules and regulations of the Planning Board.

UPPER LEVEL FLOORS

Any floor of a building that is located above the street level floor. In the event that two floors of the same building are level to a street or streets, neither of the two floors shall be considered upper level floors. Notwithstanding the previous sentence, in the event the Planning Board determines that the majority or an equal amount of street access is provided through the lower of the two floors level to a street or streets, the higher of the two floors level to a street or streets may be deemed an upper level floor.

D. Front yard.

- (1) No story or part of any building, except projecting eaves or uncovered steps, shall be erected nearer to the street line of any street on which it fronts than the average alignment of the corresponding stories or parts of existing buildings within 200 feet on each side of the lot and within the same block and district. Where there is a building on one or both of the adjoining lots, the front yard for a building shall have a depth equal to the average of the front yard depths of the two adjoining lots. A lot without a building shall be counted as having a front yard of the depth required by this chapter. If there are no existing buildings on the same side of the street, the average setback alignment of corresponding stories within 200 feet on each side of and directly opposite the lot shall govern.
- (2) Notwithstanding the previous Subsection D(1), no building constructed within the KPMOD shall have a front yard that exceeds 10 feet.
- (3) Where the alignment of a building is not controlled by Subsection D(1), between every building and the line of the street upon which it fronts there shall be a front yard of a clear depth of not more than 10 feet.

E. Special permit. Pursuant to the requirements of this § 86-178, the following may be permitted upon the issuance of a special permit by the Zoning Board of Appeals:

- (1) Residential dwelling units on all floors of preexisting structures;
- (2) Commercial uses on the ground floor of preexisting structures;
- (3) Reductions in setbacks, density, green space and parking requirements to allow for the development of residential dwelling units on all floors of preexisting structures;
- (4) Reductions in parking requirements for commercial use of preexisting or new structures.

F. Special permit application.

- (1) An application for a special permit shall be submitted to the Zoning Board of Appeals on forms furnished thereby. Applicants are encouraged to rehabilitate existing structures and to permit reuses which are compatible with the character of the neighborhood and which take into consideration the

interests of abutters, neighbors and the public, especially where the site abuts a residential area or the building(s) merits preservation.

(2) In addition, the applicants shall submit:

(a) The following plans:

- [1] A copy of the site plan approved by the Planning Board, if required pursuant to Chapter 10, Buildings and Building Regulations, § 10-1 et seq., of the City Code. Notwithstanding the previous sentence, the applicant may choose to seek site plan approval from the Planning Board at the same time the Zoning Board of Appeals is considering his application for a special permit, hereunder, in which case he shall submit a statement indicating that he has filed an application for site plan approval with the Planning Board. Upon receipt of said statement, signed under the penalties of perjury, on a form prescribed by the Zoning Board of Appeals, the Zoning Board of Appeals shall deem this requirement fulfilled and shall include a condition in any approval that said approval is contingent upon the approval of said site plan by the Planning Board.
- [2] A plan illustrating location and layout of buildings, including layouts of any dwelling units. Additional drawings may be subsequently required by the Planning Board.

(b) The following narrative reports or data:

- [1] A proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable, and the estimated cost of construction and date of completion;
- [2] Information pertaining to any organization which the applicant proposes to form where the development is to be a condominium development, including forms and plans to be used to organize and manage the same, for approval as to form by Corporation Counsel;
- [3] Copies of all proposed covenants, easements, and other restrictions which the applicant proposes to grant to the City, the Conservation Commission, utility companies, any condominium organization and the owners thereof, including plans of land to which they are intended to apply, for approval as to form by Corporation Counsel;
- [4] Any and all other information that the Zoning Board may reasonably require in a form acceptable to it to assist in determining whether the applicant's proposed development plan meets the objectives of this section;
- [5] Compliance with any relevant housing development incentive program for any housing development zone within which the property lies.

G. Action by the Zoning Board of Appeals. The Board may grant a special permit where it makes the following findings:

- (1) The proposed project complies with the requirements of this section;

- (2) The proposed project does not cause substantial detriment to the neighborhood after considering the following potential consequences:
 - (a) Noise, during the construction and operational phases;
 - (b) Pedestrian and vehicular traffic;
 - (c) Environmental harm;
 - (d) Visual impact caused by the character and scale of the proposed structure(s);
 - (e) Where relief to parking requirement has been sought, applicant has demonstrated that reasonable efforts have been made to comply with parking requirements;
 - (f) For conversions of existing structures, the Zoning Board of Appeals must find that the proposed project protects the City's heritage by minimizing removal or disruption of historic, traditional or significant uses, structures or architectural elements, whether these exist on the site or on adjacent properties. If the building is a municipally owned building, the proposed uses and structures are consistent with any conditions imposed by the Planning Board on the sale, lease, or transfer of the site.

§ 86-179 through § 86-200. (Reserved)

DIVISION 4
Industrial Districts

- A. **Uses.** See the Table of Uses included as an attachment to this chapter (§ 86-36).
- B. Dimensional regulations. See the Table of Dimensional Regulations included as an attachment to this chapter (§ 86-35).

§ 86-201 **Commercial Mill District (CMD).**

- A. Mill buildings in existence prior to 1950 may be altered, reconstructed and used for:
 - (1) Offices of any kind, including medical offices;
 - (2) Retail stores or outlets;
 - (3) Banks or other financial institutions;
 - (4) Restaurants or other eating places;
 - (5) Uses customarily accessory to such uses; and
 - (6) Art uses, visual and performing art space, culinary art, retail sales of art, including gift and specialty shops. Adult use as defined in § 86-390 is prohibited.
- B. Formerly known as the "Industrial District (IND)."

§ 86-202 **Industrial Park District (IP).**

The following shall apply in the Industrial Park (IP) District:

- A. All operations shall be conducted and all materials used in such operations or held in storage shall be

contained within enclosed buildings or enclosed by a solid wall, fence or planting of such nature and height as to conceal such operation or materials from view from any public way or area or neighboring premises.

- B. Waste materials produced by such operations shall be disposed of, stored in buildings or enclosed as specified in Subsection A of this section.
- C. Dust, smoke, fumes, gas, glare, noxious odors, noise and vibrations shall be limited so as not to be injurious to the public health or to the use of neighboring property as provided by the laws of the commonwealth.
- D. Not less than 20% and not more than 70% of the lot shall be covered by improvements, meaning buildings, parking areas, driveways and access roads, and outside storage or assembly areas.
- E. Buildings housing manufacturing operations shall be set back at least 50 feet from any street line and at least 40 feet from any side or rear lot line. Offices, parking areas and outdoor storage or work areas shall be at least 25 feet from any street line and 20 feet from any side or rear lot line. The setback areas shall be left in a natural unimpaired state or landscaped.
- F. Parking. See Article VI, Division 1, §§ 86-441 to 86-445.
- G. Signs. See Article VI, Division 2, § 86-450 et seq.
- H. In a specific case, the Zoning Board of Appeals shall, after a public hearing, grant a permit for the following uses, unless, in the opinion of the Board, such use would be detrimental to the Industrial Park District and not in the best interest of the City:
 - (1) To locate an office building or vehicle parking closer than 25 feet to any street line.
 - (2) To locate a display sign in a location or of a type different from those allowed under Subsection E of this section.
 - (3) To use the land for public accommodations such as a hotel, motel or inn, or for a restaurant.
 - (4) To allow a distribution facility, including trucking terminals, wholesale distribution facilities, wholesale food processing and warehousing.
 - (5) To reduce the required number of parking spaces.
- I. Sanitary landfill operations existing on the effective date of the ordinance from which this subsection is derived may be enlarged, increased and extended to occupy a greater area of land than that occupied on such date, to the limit of the property owned or held on such date for the landfill operations. Once such property limits have been reached, or if such sanitary landfill operation shall cease for any reason for a period of more than two years, any subsequent use of such land shall conform to the regulations specified by this chapter for this district.

§ 86-203 through § 86-220. (Reserved)

DIVISION 5
Open Space Districts

- A. Uses. See the Table of Uses included as an attachment to this chapter (§ 86-36).
- B. Dimensional regulations. See the Table of Dimensional Regulations included as an attachment to this chapter (§ 86-35).

§ 86-221 Open Space/Recreational District (OS).
(Reserved)

§ 86-222 Water Resource District (WR).

- A. Uses. In a Water Resource District, no structure or land shall be used and no structure shall be constructed, altered, enlarged or reconstructed except for one or more of the following uses:
 - (1) Water control devices, dams or temporary structures to control water flow.
 - (2) Structures and facilities used to maintain the existing and potential water supply.
 - (3) Outdoor passive recreation, nature study, footbridges, plank walks, footpaths and bicycle paths.
 - (4) Forestry and nonresidential buildings or structures used only in conjunction with harvesting or storage of forest products.
 - (5) Such accessory uses as are customary in connection with any of the uses enumerated in this subsection and which are incidental thereto.
- B. Dimensional regulations. See the Table of Dimensional Regulations included as an attachment to this chapter (§ 86-35).

§ 86-223 through § 86-250. (Reserved)

ARTICLE ARTICLE IV
Supplemental District Regulations

DIVISION 1
Generally

§ 86-251 through § 86-252. (Reserved)

§ 86-253 Group residences.

- A. Generally: No land or structure within the City, in any district whatsoever, shall be used for a group residence, so-called, in which five or more persons unrelated by blood, marriage or adoption are housed and live together as a family, except those who are members of a religious organization, order, diocese or religious community.
- B. Special permit. In a specific case, the Zoning Board of Appeals, acting as the special Board of Appeals, may, after a public hearing, grant a special permit for the use of a structure and land for a group residence, provided there is no other group residence within 350 feet of the proposed site, and that such use will not be detrimental to the public good and will not adversely affect the value or amenity of neighboring property.

§ 86-254 through § 86-320. (Reserved)

**DIVISION 2
Area Regulations**

§ 86-321 **Reduction of lot area.**

A. No lot shall be reduced in area or in its dimensions so that:

- (1) The new distances between buildings and street lines, lot lines or other buildings on the same lot shall be less than the distances required under the provisions of this chapter;
- (2) The lot area per family shall be less than the area required;
- (3) The percentage of lot area occupied at the level of any story shall be greater than the percentage permitted to be occupied; or
- (4) The dimensions or area of any court, yard or other open space shall be less than the dimensions or area required.

B. Subsection A(1) through (4) shall not apply to previously existing dimensions.

**DIVISION 3
Agricultural, Horticultural and Floricultural Uses**

§ 86-322 **Districts where permitted; site area.**

In any zoning district, land of five acres or more may be used and existing structures thereon may be expanded or reconstructed for the primary purpose of agriculture, horticulture or floriculture. For such purposes, land divided by a public way or private way or waterway shall be construed as one parcel.

§ 86-323 through § 86-340. (Reserved)

**DIVISION 4
Watershed and Water Supply Protection District Regulations**

§ 86-341 **District established; boundaries.**

There is hereby established a Watershed and Water Supply Protection District within the City. The Watershed and Water Supply Protection District shall be considered as overlaying and shall overlay all other zoning districts within its boundaries. The district to be shown on the Zoning Map of the City of Fall River is bounded and described as follows: beginning at the intersection of Route 195 and the Fall River/Westport Line; thence running westerly by Route 195 to the easterly side of Route 24; thence northerly by the easterly side of Route 24 to the center line of Meridian Street; thence easterly and northerly by the center line of Meridian Street to a point 200 feet south of the center line of Watkins Street; thence easterly 600 feet to a point; thence northerly in a line parallel to Meridian Street 6,300 +/- feet; thence easterly 1,100 +/- feet; thence northerly 1,100 +/- feet in a line parallel to Meridian Street, to the center line of Wilson Road; thence westerly 100 feet by the center line of Wilson Road to the center line of Riggenbach Road; thence northerly by the center line of Riggenbach Road 5,500 +/- feet to the southerly line of the Research and Development Overlay District; thence easterly by the southerly line of said district 1,900 +/- to the easterly line of said district; thence northerly by the easterly line of said district 4,200 +/- to the Fall River/Freetown Boundary Line; thence easterly, southerly, southwesterly, westerly and southerly by the corporate boundary to the intersection of the corporate boundary, Route 195 and the point of beginning.

§ 86-342 Purpose.

The purposes of establishment of the Watershed and Water Supply Protection District are to:

- A. Promote the health, safety and general welfare of the community.
- B. Protect, preserve and maintain the existing and potential water supply within the City, with special regard to the watershed areas feeding into or affecting the Watuppa and Copicut reservoirs.
- C. Protect and preserve present and potential sources of water supply for the public health and safety.
- D. Protect and conserve the natural resources of the City.
- E. Prevent blight and pollution of the environment and particularly those areas within the Watershed and Water Supply Protection District.

§ 86-343 Review of plans and analyses.

- A. All plans, analyses and other documentary evidence required under this division must be submitted with any application for a building permit. In the event of appeal to the Planning Board or Zoning Board of Appeals, all plans and analyses must be filed with the appeal with the Planning Department.
- B. Copies of all such plans, analyses and documentary evidence shall be sent to the Planning Department, Board of Health and Conservation Commission. The Board of Health and the Conservation Commission shall have the opportunity to submit comments on the plans within 30 days to the Building Inspector. Failure to make such comment shall be treated as a decision that no comment is necessary.

§ 86-344 Enforcement.

No building permit shall be issued for development in the Watershed and Water Supply Protection District unless and until all of the standards and requirements in this division have been satisfied. The Building Inspector, the Health Department, the Conservation Commission and the Watuppa Water Board shall all have standing to enforce this division and to bring action for relief in appropriate courts if necessary.

§ 86-345 Special permits.

- A. The special permit granting authority referred to in this section shall be the Zoning Board of Appeals.
- B. No special permit shall be granted unless, in addition to all other conditions precedent to the granting of a special permit, the special permit granting authority specifically finds, based on adequate evidence submitted to it at a public hearing, that the proposed use:
 - (1) Is in harmony with and consistent with the intent and purpose of this division and will promote and effectuate the purposes of the Watershed and Water Supply Protection District.
 - (2) Is appropriate to the natural topography, soil, and geological and other characteristics of the site to be developed, including its relation to contiguous sites.
 - (3) Will not, during construction or thereafter, have an adverse environmental impact on any aquifer or recharge area within the City.
 - (4) Will not adversely affect any existing, developed or planned water supply.

(5) Is consistent with existing and probable future development of contiguous and surrounding areas. 10

§ 86-346 Permitted uses.

- A. The Watershed and Water Supply Protection District shall be considered as overlaying and shall overlay all other zoning districts within its boundaries. Any uses permitted in the district or portion thereof so overlaid shall be permitted, subject to all provisions applicable to the district as set forth in this division.
- B. Development within 200 feet of the edge of a water body or its tributaries of the City's water supply shall be prohibited.
- C. In addition, no such use shall be permitted and no building permit shall be issued unless the standards in this division are met.

§ 86-347 Surface water runoff.

- A. There shall be no net increase in the rate of surface water runoff from any development in the Watershed and Water Supply Protection District, including road, parking area, highway and utility development, and the United States Department of Agriculture Natural Resources Conservation Service's most current revised Technical Release 55 (TR-55) is the preferred method for calculating runoff volume based on a twenty-five-year storm.
- B. For all new residential subdivisions and developments, the owner will be required to submit plans and associated computations to the Planning Department detailing a wet detention pond with the appropriate vegetation to ensure nutrient removal. The wet pond must be designed to capture the first flush of a storm event. The storm event elevation of the incoming piping shall be set above the first flush volume. The detention pond must be sized adequately to contain a twenty-five-year storm. Storm events in excess of the twenty-five-year storm shall be diverted away from the pond into the appropriate receiving water. Maintenance of the wet pond to ensure its proper function shall be the duty and responsibility of the owner of the wet pond or his successors or assigns.

§ 86-348 Sewage disposal.

- A. Except for those situations involving repairs, no person shall install a new individual on-site sewage disposal system in the Watershed and Water Supply Protection District which will produce more than 330 gallons per day per acre of wastewater discharge. For the purpose of this section only, the definition of an acre shall be 40,000 square feet.
- B. Acreage determinations for compliance with the hydraulic loadings shall be exclusive of wetlands as designated pursuant to the standards of the commonwealth, DEP 310 CMR 10.
- C. Any proposed subdivision within 3,000 feet of a municipal sewer line shall connect all building lots within the subdivision to the City's sewers.

§ 86-349 Control of nutrient loading.

- A. Purpose. It is the intent of the City, through the implementation and enforcement of the regulations in this division, to protect its water supply from contamination from nutrients, the failure of which would endanger public health. These nutrients include, and are not limited to, nitrate-nitrogen, phosphate-phosphorus, chlorides, metals and hydrocarbons found as constituents in stormwater runoff and/or as components of leachate associated with septic systems and/or package treatment plants proposed to be located within the Watershed and Water Supply Protection District.

B. Single-family dwellings. Each undeveloped lot, whether part of a subdivision or an existing lot of record, which is located within the Watershed and Water Supply Protection District shall provide a natural undisturbed fifty-foot buffer between any proposed construction and the City's water supply and its tributaries. A maximum clearing for driveway usage within the buffer shall not exceed 12 feet in width. Lawn areas shall not exceed 8,000 square feet for an 80,000 square foot lot or 10% of any other size lot. The total land disturbance shall not exceed 0.5 acre for an R-80 lot or 25% of any existing or proposed lot within the Watershed and Water Supply Protection District. The applicant shall submit to the Building Inspector a plan showing the requirements of this subsection, septic, well, driveway and house locations, with copies to the Conservation Commission and the Board of Health.

§ 86-350 Soil erosion and sediment control.

- A. A soil erosion and sediment control plan shall be submitted with each development application for the Watershed and Water Supply Protection District where the disturbed area of the proposed development is cumulatively greater than one-half acre.
- B. The soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from stormwater runoff on the proposed development site.
- C. The soil erosion and sediment control plan shall provide a schedule of activities, including the sequence of grading and construction, the sequence for installation and/or application of soil erosion and sediment controls, and the sequence of final stabilization of the project site.
- D. The soil erosion and sediment control plan shall include a site plan map with two-foot contour intervals, at an appropriate scale, clearly showing the following:
 - (1) Existing and proposed topography, soil types, water bodies and watercourses, and wetlands;
 - (2) Existing structures on the site (if any);
 - (3) Proposed areas of alterations, roads, utilities, areas of cuts and fill, and property lines;
 - (4) The location and design details of all proposed soil erosion and sediment controls and stormwater management facilities; and
 - (5) The sequence of construction, installation/application of controls, and final stabilization of the site.
- E. Construction of a single-family dwelling that is not part of subdivision of land shall be exempt from the requirements of the soil erosion and sediment control plan.

§ 86-351 Prohibited uses.

In the Watershed and Water Supply Protection District, the following uses shall be prohibited:

- A. Cluster development.
- B. Disposal of solid wastes.
- C. Storage and/or transmission of petroleum or other refined petroleum products except within buildings

which it will heat. No underground tanks will be permitted in any location.

- D. The disposal of liquid or leachable wastes, except for single-family residential subsurface waste disposal systems.
- E. The use of septic system cleaners which contain toxic organic chemicals.
- F. Industrial uses which discharge process wastewater on-site, including any commercial and service uses discharging wastewater containing contaminants other than normal organic waste.
- G. Storage of road salt or deicing chemicals.
- H. Use of chemicals for deicing unless deemed necessary for public safety.
- I. Dumping of snow brought in from outside the Watershed and Water Supply Protection District.
- J. The mining of land except as incidental to a permitted use.
- K. The transport, storage or disposal of hazardous wastes, as defined by the hazardous waste regulations promulgated by the Division of Hazardous Waste under the provisions of MGL c. 21C.
- L. The transport, storage or extended use of hazardous materials, as defined by the hazardous waste regulations promulgated by the Division of Hazardous Waste under the provisions of MGL c. 21C, except as incidental to a permitted use.
- M. Automotive service stations, junkyards and salvage yards.

§ 86-352 through § 86-372. (Reserved)

DIVISION 5
Arts Overlay District (AOD)

§ 86-373 Purpose.

The purposes of establishment of the Arts Overlay District (AOD) are:

- A. To promote the expansion of art and culture within the community.
- B. To enhance the environment and improve site opportunities for fine arts uses within the AOD.
- C. To enhance vitality in the central business district - downtown - waterfront areas by fostering a mix of uses through establishing and increasing downtown housing opportunities and fostering arts-related development and activities. This district is intended to create a core of arts, cultural, and residential activities; encourage greater pedestrian activity as part of entertainment and residential uses, mixed with traditional retail and business activities; encourage economic revitalization; nurture artistic contributions to the City and region; and reduce crime in streets by remaining active for longer hours with shops and restaurants serving increased numbers of area residents and patrons.

§ 86-374 Underlying districts.

The AOD shall be considered as overlaying and shall overlay all other zoning districts within its boundaries. Any uses permitted in the district or portion thereof so overlaid shall be permitted, subject to all provisions

applicable to the district as set forth in this division.

§ 86-375 Uses.

See the Table of Uses included as an attachment to this chapter (§ 86-36). Adult use, as defined as in Article IV, Division 7, Adult Entertainment, §§ 86-390 through 86-399, is prohibited in the Arts Overlay District.

§ 86-376 Development and redevelopment standards.

- A. All standards and regulations in the underlying zoning district are valid in the AOD, except as modified in this division.
- B. Residential use is prohibited on first-floor frontage on that portion of North Main Street south of Pine Street and on that portion of South Main Street north of Morgan Street.
- C. In a specific case, the Zoning Board of Appeals shall, after a public hearing, grant a special permit to waive minimum lot areas and height, lot coverage percentage and yard requirements for multifamily development as cited in this code, unless, in the opinion of the Zoning Board of Appeals, such waiver would be detrimental to the area and not in the best interest of the City.
- D. Townhouse development in those areas of the AOD have no minimum lot size.
- E. Off-street parking may be provided through one or a combination of the following means:
 - (1) On-site, but not located between the street and the front of the building.
 - (2) Off-site, by contract in public or private off-street parking facilities.
 - (3) Parking may be covered or uncovered.

§ 86-377 through § 86-384. (Reserved)

DIVISION 6

Research and Development Overlay District Regulations

§ 86-385 District established and boundaries.

There are hereby established Research and Development Overlay Districts within the City. Said districts are bounded and described as follows:

Beginning at a point at the intersection of the center line of Interstate 195 and the Fall River/Westport boundary line; thence southerly along said boundary line to the northerly line of the South Watuppa Pond; thence westerly by the center line of Brayton Avenue Extension, northerly line of the South Watuppa Pond to the center line of Brayton Avenue Extension; thence westerly to the center line of Route 24; thence northerly by the center line of Route 24 to the center line of Interstate 195; thence easterly by the center line of Interstate 195 to the Fall River/Westport boundary line and the point of beginning.

Beginning at a point at the intersection of the easterly line of Route 24 and the Fall River/Freetown boundary line; thence easterly by said boundary line for a distance of 3,125 +/- feet; thence southeasterly along the southeasterly property line of Assessor map W-19, Lot 185 approximately 1,051.77 feet; thence southerly along the easterly property line of Assessor map W-19, Lot 185 approximately 2,893 feet to a point on the northerly property line of Assessor map W-19, Lot 4; thence easterly along the northerly property line of Assessor map W-19, Lot 4 approximately 100 feet; thence turning 90° +/- southerly to a point on the southerly property line of Assessor map W-19, Lot 4 approximately 635 feet; thence westerly along the

southerly property line of Assessor map W-19, Lot 4 approximately 1,925 +/- feet to a point on the center line of Riggenbach Road; thence southerly along the center line of Riggenbach Road to a point at the center line intersection of Riggenbach Road and Wilson road approximately 5,500 +/- feet; thence westerly by the center line of Wilson Road approximately 520 +/- feet to the westerly boundary line of Assessor map Z-3, Lot 11; thence northerly along the westerly boundary line of Assessor map Z-3, Lots 11 and 62 approximately 705 +/- feet; thence westerly along the northerly property line of Assessor map Z-4, Lots 20, 21 and 22 approximately 776 +/- feet; thence southerly along the westerly boundary line of Assessor map Z-4, Lot 20 approximately 56 +/- feet; thence westerly along the northerly property line of Assessor map Z-4, Lots 19 and 58 approximately 1,786 +/- feet; thence southwesterly along the westerly boundary line of Assessor map Z-4, Lot 58 approximately 403 +/- feet; thence westerly by a northerly boundary line of Assessor map Z-4, Lot 58 to the easterly line of Route 24; thence northerly by the easterly line of Route 24 to the southerly property line of Assessor map Z-5, Lot 17; thence easterly along the southerly property line of Assessor map Z-5, Lot 17 approximately 413 +/- feet; thence northerly by the easterly property line of Assessor map Z-5, Lot 15 approximately 413 +/- feet; thence northerly by the easterly line of Route 24 approximately 135 +/- feet; thence easterly by the property line of Assessor map Z-5, Lot 16 approximately 452 +/- feet; thence northerly by the easterly line of Assessor map Z-5, Lot 16 approximately 313 +/- feet; thence westerly by the northerly property line of Assessor map Z-5, Lot 16 approximately 110 +/- feet; thence northerly by the easterly line of Route 24 to the Fall River/Freetown line and the point of beginning. This description circumscribes Assessor map Z-3, Lot 35 (landfill), hereby excluding said Assessor lot from the Research and Development Overlay District (RDOD).

§ 86-386 Purpose.

The purposes of the establishment of Research and Development Overlay Districts are to:

- A. Allow for greater flexibility and creativity in the development of industrial and commercial sites; and
- B. Encourage compatible development within the entire overlay district.

§ 86-387 Permitted uses.

See the Table of Uses included as an attachment to this chapter (§ 86-36). Research and Development Overlay Districts shall be considered as overlaying and shall overlay all other zoning districts within their boundaries. Any uses permitted in these districts, or portions thereof so overlaid, shall be permitted, subject to all provisions applicable to the district as hereinafter set forth.

§ 86-388 District regulations.

In addition to the requirements of the overlay district, the following regulations shall apply:

- A. There will be a minimum open space requirement of 20%, not including parking lots and drives located in order to maintain adequate light and air circulation, and to preserve open space.
- B. Retail uses shall be permitted but shall be limited to an area of 5,000 square feet, unless otherwise permitted by the Zoning Board of Appeals.
- C. In the overlay district the following regulations shall apply:
 - (1) Minimum lot frontage: 100 feet.
 - (2) Minimum lot area: 10,000 square feet.

D. Adequate provision shall be made for the off-street parking provision of all vehicles, including those of employers, employees, and visitors.

§ 86-389 Special permits.

In a specific case, the Board of Appeals shall, after a public hearing, grant a permit for the following uses unless, in the opinion of the Board, such use would be detrimental to the Research and Development Overlay District and would not be in the best interest of the City:

- A. To locate a display sign in a location or of a type different from those allowed in the underlying district.
- B. To waive the dimensional requirements of the overlay district or the underlying district.

**DIVISION 7
Adult Entertainment**

§ 86-390 Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ADULT BOOKSTORE

An establishment having as a substantial or significant portion of its stock-in-trade books, magazines and other matter 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 CLUB

An establishment having as a substantial or significant portion of its activities or entertainment persons performing in a manner distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31.

ADULT ENTERTAINMENT ESTABLISHMENT

An establishment offering activities or goods or providing services where employees, entertainers or patrons engage in sexual conduct or sexual excitement as defined in MGL c. 272, § 31.

ADULT MOTION-PICTURE THEATER

An establishment used for presenting material distinguished by an emphasis on 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 or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in MGL c. 272, § 31.

ADULT USE

An establishment, a building or portion thereof, or a use of land having a substantial or significant portion of its business activity, stock-in-trade, or other matter or materials for sale, rental, distribution or exhibition which are distinguished or characterized by their emphasis on depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31, including but not limited to the following: adult bookstore; adult club; adult entertainment establishment; adult motion-

picture theater; adult paraphernalia store; adult video store.

ADULT VIDEO STORE

An establishment having as a substantial or significant portion of its stock-in-trade videos, movies or other film materials 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.

MEDICAL FACILITY

A medical establishment providing medical or surgical care, counseling or treatment for persons in need.

STRUCTURE

Shall mean only a building and shall not include access roads, parking lots, signs, fences, detached walls, or any other portion of a lot on which the structure is located.

SUBSTANTIAL OR SIGNIFICANT PORTION

Any of the following:

- A. Twenty percent or more of the business inventory or stock of merchandise for sale, rental, distribution or exhibition during any period of time;
- B. Twenty percent or more of the annual number of gross sales, rentals or other business transactions;
- C. Twenty percent or more of the annual gross business revenue; or
- D. Twenty percent or more of the hours during which the establishment is open.

YOUTH FACILITY

Any facility or outdoor area where a substantial portion of its use or programs are devoted to or offered for activities or recreation for minors, regardless of whether the facility is public or private. Such facilities include, but are not limited to, playgrounds, swimming pools, libraries or day-care facilities.

§ 86-391 Purpose and intent.

It is the purpose and intent of this division to address and mitigate the secondary effects of the adult uses and sexually oriented businesses referenced in this division, since such secondary effects have been found as a result of numerous studies, and after other public input, to include increased crime, adverse impacts on public health, adverse impacts on the business climate of the City, adverse impacts on the property values of residential and commercial properties, and adverse impacts on the quality of life in the City, all of which secondary impacts are adverse to the health, safety and general welfare of the City and its inhabitants. The provisions of this division have neither the purpose nor the intent of imposing a limitation or restriction on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of this division to restrict or deny access by adults to adult uses and to sexually oriented matter or materials protected by the Constitution of the United States of America and of the commonwealth, or to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the purpose or intent of this division to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials or rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit

such matter or materials.

§ 86-392 Severability.

If any provision of this division shall be determined invalid by a court of competent jurisdiction or otherwise, the remaining provisions of this division not manifestly inseparable from the invalid provision shall remain in full force and effect.

§ 86-393 Nonconforming uses.

Any change, expansion, alteration or extension of an adult use or structure lawfully in existence prior to the adoption of this division shall not be allowed without meeting all requirements of this division.

§ 86-394 Special permit required.

In those districts which permit adult use, a special permit shall be required for any such adult use, to be granted by the Zoning Board of Appeals pursuant to MGL c. 40A, § 9A.

§ 86-395 Issuance of special permit; conditions.

A. Application. The application for a special permit for an adult use must include the following:

- (1) The name and address of the legal owner of the proposed adult use establishment;
- (2) The name and address of all persons having a lawful, equity or security interest in the adult use establishment;
- (3) A sworn statement stating that neither the applicant nor any person having a lawful, equity or security interest in the adult use establishment has been convicted of violating the provisions of MGL c. 119, § 63, or MGL c. 272, § 28;
- (4) The name and address of the manager of the adult use establishment;
- (5) Proposed provisions for security within and without the adult use establishment;
- (6) The number of employees; and
- (7) The present and proposed physical layout of the interior of the adult use establishment.

B. Ineligibility for permit. No special permit for an adult use shall be issued to any person convicted of violating MGL c. 119, § 63, or MGL c. 272, § 28.

C. Public hearing. The Zoning Board of Appeals shall hold a public hearing within 65 days after the filing of an application with the Board of Appeals. The Zoning Board of Appeals shall act on an application within 90 days following the public hearing. Failure by the Board to take final action upon an application for a special permit within said 90 days shall be deemed to be a grant of the permit applied for. Issuance of a special permit shall require a vote of at least four of the five members of the Board.

D. Expiration. Any adult use special permit issued under this division shall lapse within one year if substantial use thereof has not sooner commenced, except for good cause, or, in the case of a permit for construction, if construction has not begun by such date except for good cause; excepting only any time required to pursue or await the determination of an appeal from the grant thereof.

E. Notification of change in owner or manager. Any adult use special permit issued under this division

shall require that the owner of such adult use shall supply on a continuing basis to the Building Inspector any change in the name or address of the record owner or any change in the name of the current manager, and that failure to comply with this provision shall result in the immediate revocation of such special permit. If anyone so identified is or is found to be convicted of violating MGL c. 119, § 63, or MGL c. 272, § 28, such special permit shall immediately be null and void.

F. Agreement to terms and conditions. No adult use special permit issued under this division shall become valid or in full force and effect until and unless the owner of the property containing such adult use shall supply to the Building Inspector a notarized statement agreeing to all terms and conditions of the adult use special permit.

§ 86-396 (Reserved)

§ 86-397 Site development standards.

A. Each application for a special permit shall be accompanied by a site plan for the location of the proposed adult use, accurately depicting the structures and other improvements existing on the lot or to be constructed on the lot, demonstrating that the site shall comply with all setbacks, buffer zones and other dimensional requirements of this division.

B. Dimensional requirements. Any building or structure containing an adult use shall meet the setback requirements and other dimensional controls of the appropriate district as specified in this chapter. For any property proposed to contain an adult use, the applicant for a special permit for such use shall demonstrate that the entire property shall comply with the requirements and controls in this division following the establishment of such use on such property.

C. Parking and loading spaces shall be set back a minimum of 50 feet from any street or property line and 750 feet from any structure used in whole or in part for residential purposes. Drives providing vehicular access from a public or private way to parking and loading areas shall be set back a minimum of 50 feet from any property line. Adequate space for the parking of vehicles shall be permanently reserved at the following rates:

- (1) One per each three seats of total seating capacity for restaurants, clubs and places of assembly.
- (2) One per 200 square feet of gross floor area for retail establishments and office space.
- (3) A minimum of one off-street loading facility properly screened from neighboring properties and streets.
- (4) A minimum of eight parking spaces for any adult use.

D. Landscaping. A perimeter strip no less than four feet in width adjacent to any public or private way shall be permanently maintained and cultivated in grass, shrubs, flowers, trees or other green ground cover, except for the openings provided for pedestrian sidewalks connecting to the public sidewalks and for the openings provided for vehicular entrance and exit.

E. Signs. All signs for an adult use must meet the requirements of § 86-420. In addition, no advertisement, display or other promotional matter that contains sexually explicit graphics or sexually explicit text shall be visible to the public from any public way, including but not limited to sidewalks, pedestrian walkways, highways or railways. Further, illumination of buildings or signs shall be shielded to prevent

glare. Flashing, moving or intermittent illumination shall not be permitted.

§ 86-398 View into booths where films or videos are shown.

If the adult use allows for the showing of films or videos within the premises, the booths in which the films or videos are viewed shall not be closed off by curtains, doors or screens. All booths must be able to be clearly seen from the center of the establishment.

§ 86-399 Development and performance standards.

Adult businesses shall comply with all the following development and performance standards:

- A. Advertisements. Advertisements, displays or other promotional materials for an adult business depicting or describing matter which is distinguished or characterized by its emphasis depicting or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31, shall not be shown or exhibited so as to be visible from other areas open to the general public.
- B. View into interior. All building openings, entries and windows for an adult entertainment business shall be located, covered or screened in such a manner as to prevent a view into the interior of an adult business from any area open to the general public.
- C. Posting of notice prohibiting minors. All entrances to an adult entertainment business shall be clearly and legibly posted with a notice indicating that minors are prohibited from entering the premises.
- D. Sound equipment. No loudspeakers or sound equipment shall be used by an adult entertainment business for the amplification of sound to a level discernible by the public beyond the walls of the building in which the adult entertainment business is conducted.
- E. Hours. An adult entertainment business shall not remain open for business, or permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service or solicit a service, between the hours of 1:00 a.m. and 10:00 a.m. of any particular day. These hours of operation may be further restricted in the conditions approving a special use permit for an adult entertainment business.

§ 86-400 through § 86-401. (Reserved)

**DIVISION 8
Mobile Homes or Trailers**

§ 86-402 Residential use prohibited; construction trailers.

- A. No land within the City, in any district whatsoever, shall be used for a mobile home, automotive type or other, or a trailer (including a temporary trailer), whether mobile or immobile, designed or used for living purposes, except as provided in this division.
- B. The Building Inspector may permit upon written application the location of a construction trailer or trailers on a lot or parcel of land, which construction trailer may be used for a period not exceeding six months as the offices and headquarters for the contractor or contractors engaged in construction on such lot or parcel of land. Such construction trailer shall be used for construction administration purposes only. A permit issued by the Building Inspector may be renewed for an additional six-month period or until the project is completed.

DIVISION 9
Body Art Establishments

§ 86-403 Special permits; findings; location.

- A. The Zoning Board of Appeals may grant a special permit for a body art establishment with such conditions as it deems appropriate for the protection of public health, safety and welfare and consistent with the Board of Health's piercing and tattooing regulations.
- B. Findings. The Zoning Board of Appeals must find that the location, setback, parking, hours of operation and design of such use will not be detrimental to the neighborhood by reason of traffic, congestion, noise or appearance.
- C. Location. The Zoning Board of Appeals may grant a special permit for a body art establishment in the following district only: Commercial Mill District (CMD).

DIVISION 10
Wind Energy Facilities

§ 86-404 Purpose and applicability.

- A. The purpose of this division is to provide for the construction and operation of wind energy facilities and to provide standards for the placement, design, construction, monitoring, modification and removal of wind energy facilities that address public safety, minimize impacts on scenic, natural and historic resources of the City and provide adequate financial assurance for decommissioning said wind energy facilities. The provisions set forth in this division shall take precedence over all other divisions when considering applications related to the construction, operation, repair and/or decommissioning of wind energy facilities.
- B. Applicability. This division applies to wind energy facilities proposed to be constructed after the effective date of this section. This division applies to all utility-scale, on-site wind facilities and small wind energy systems. This division also includes building-integrated wind systems and physical modifications to existing wind facilities that materially alter the type, configuration or size of such facilities or other equipment. This division does not apply to off-shore wind systems.

§ 86-405 General requirements.

The following requirements are common to all wind energy facilities and must be followed in addition to the technology-specific applicable requirements throughout this division:

- A. Exemptions. Wind turbines constructed, reconstructed or renovated for the primary purpose of commercial agriculture shall be considered a structure pursuant to MGL c. 40A, § 3 and, therefore, shall be exempt from this chapter.
- B. A permit shall be granted unless the permit granting authority finds in writing that there is substantial evidence that:
 - (1) The specific site is not an appropriate location for such use;
 - (2) There is expected to be any serious hazard to pedestrians or vehicles from the use;
 - (3) A nuisance is expected to be created by the use; and

- (4) Adequate and appropriate facilities will not be provided for the proper operation and maintenance of the use.

Technology	Permit Required
Small wind (and/or meteorological towers)	Building permit from Inspector of Buildings
Large wind (including utility-scale and/or on-site wind facilities)	Special permit from ZBA (and building permit from Inspector of Buildings)
Building-integrated	Special permit from ZBA (and building permit from Inspector of Buildings)

- C. Compliance with laws, ordinances and regulations. The construction and operation of all such proposed wind energy facilities shall be consistent with all applicable local, state and federal requirements, including, but not limited to, all applicable safety, construction, environmental, electrical, communications and aviation requirements.
- D. Proof of liability insurance. The applicant shall be required to provide evidence of liability insurance in an amount and for a duration sufficient to cover loss or damage to persons and property occasioned by the failure of the facility.
- E. Site control. At the time of its application for a special permit or a building permit, the applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the proposed facility. Documentation shall also include proof of control over setback areas and access roads, if required. "Control" shall mean the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.
- F. Utility notification. No wind energy facility shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- G. Temporary meteorological towers (met towers). Met towers shall be permitted under the same standards as a small wind energy system, except that the requirements apply to a temporary structure. A permit for a temporary met tower shall be valid for a maximum of three years, after which an extension may be granted by the Inspector of Buildings. Small anemometers installed directly on buildings shall not require a building permit or a special permit.

§ 86-406 Site development, monitoring and maintenance standards.

- A. Appearance, color and finish. Federal Aviation Administration (FAA) consideration on color and appearance will be considered first. In the event that the proposed location is not in an area regulated by the FAA, the wind generator and tower shall remain painted or finished the nonreflective color or finish that was originally applied by the manufacturer, unless otherwise approved by the Zoning Board of Appeals.
- B. Lighting. Wind turbines shall be lit only if required by the Federal Aviation Administration. Lighting of other parts of the small wind energy system, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.

- C. Signage and advertising. Signs and advertising shall be restricted to reasonable identification of the manufacturer or operator of the small wind energy facility, including a twenty-four-hour emergency contact phone number and any applicable danger warnings. Such signs and advertising shall defer to the requirements of the City sign regulations and other requirements set forth by the Zoning Board of Appeals and/or the Inspector of Buildings.
- D. Utility connections. Reasonable efforts shall be made to locate utility connections from the wind energy facility underground, depending upon appropriate soil conditions, shape and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above-ground if required by the utility provider.
- E. Appurtenant structures. All appurtenant structures to such wind energy facilities shall be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers and substations, shall be contained within the turbine tower whenever technically and economically feasible. Whenever reasonable, structures should be shaded from view by vegetation and/or located in underground vaults and joined or clustered to avoid adverse visual impacts.
- F. Emergency services. The applicant shall provide a copy of the project summary, electrical schematic and site plan to the local emergency services entities, as designated by the permit granting authority. Upon request, the applicant shall cooperate with local emergency entities in developing an emergency response plan. All means of disconnecting the wind energy facility shall be clearly marked. The applicant or facility owner shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
- G. Unauthorized access. Wind turbines or other structures part of a wind energy facility shall be designed to prevent unauthorized access. For instance, the tower shall be designed and installed so as not to provide step bolts or other climbing means readily accessible to the public for a minimum height of eight feet above the ground. Electrical equipment shall be locked whenever possible.
- H. Shadow/Flicker. Wind energy facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses.
- I. Sound. The wind energy facility and associated equipment shall conform with the provisions of the Department of Environmental Protection's Division of Air Quality Noise Regulations (310 CMR 7.10), unless the Department of Environmental Protection (DEP) and the permit granting authority agree that those provisions shall not be applicable. A source of sound will be considered to be in violation of these regulations if the source increases the broadband sound level by more than 10 dB(A) above ambient or produces a "pure tone" condition, which is when an octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by three decibels or more. These criteria are measured both at the property line and at the property line and at the nearest inhabited structure. "Ambient" is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours. The ambient may also be established by other means with consent from DEP. An analysis prepared by a qualified engineer shall be presented to demonstrate compliance with these noise standards, if required by the permit granting authority. The permit granting

authority, in consultation with DEP, shall determine whether such violations shall be measured at the property line or at the nearest inhabited residence.

- J. Land clearing, soil erosion and habitat impacts. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind facility and such activities shall be subject to all applicable local, state and federal regulations.
- K. Facility conditions. The applicant shall maintain the wind energy facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs and integrity of security measures. Site access shall be maintained to a level acceptable to the local emergency entities. The project owner shall be responsible for the cost of maintaining the wind energy facility and any access road(s), unless accepted as a public way, and the cost of repairing any damage occurring as a result of operation and construction.
- L. Modifications. All material modifications to a wind energy facility made after issuance of the permit(s) shall require approval by the permit granting authority as provided in this division.

§ 86-407 Abandonment or decommissioning.

A. Removal requirements. Any wind energy facility which has reached the end of its useful life or has been abandoned shall be removed. When the wind energy facility is scheduled to be decommissioned, the applicant shall notify the City by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the wind energy facility no more than 150 days after the date of discontinued operations. At the time of removal, the wind energy facility site shall be restored to the state it was in before the facility was constructed or any other legally authorized use. More specifically, decommissioning shall consist of:

- (1) Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.
- (2) Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.
- (3) Stabilization or revegetation of the site as necessary to minimize erosion. The permit granting authority may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

B. Abandonment. Absent notice of a proposed date of decommissioning, the facility shall be considered abandoned when the facility fails to operate for more than one year without the written consent of the permit granting authority. The permit granting authority shall determine in its decision what proportion of the facility is inoperable for the facility to be considered abandoned. If the applicant fails to remove the wind energy facility in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the City shall have the authority to enter the property and physically remove the facility.

C. Expiration. A permit issued pursuant to this division shall expire if:

- (1) The wind energy facility is not installed and functioning within 24 months from the date of issuance of the permit; or

(2) The wind energy facility is abandoned or otherwise out of service for a period of 12 months.

D. Violations. It is unlawful for any person to construct, install, or operate a wind energy system that is not in compliance with this division or with any condition contained in a permit issued pursuant to this chapter. Wind energy systems installed prior to the adoption of this chapter are exempt.

§ 86-408 **Small wind energy facilities.**

A. Building Inspector issued permit. No small wind energy system shall be erected, constructed, installed or modified as provided in this section without first obtaining a building permit from the Inspector of Buildings. All such wind energy systems shall be constructed and operated in a manner that, where economically feasible, minimizes adverse visual, safety and environmental impacts. The construction of a small wind facility shall be permitted in the following zoning districts: Industrial Park Districts (IP); Open Space/Recreational Districts (OS); and Water Resource Districts (WR), subject to the issuance of a permit and provided that the use complies with all requirements set forth in this division.

B. Height. Small wind turbines shall be no higher than 250 feet above the current grade of the land, as measured at the uppermost point of the rotor's sweep area. A small wind turbine may exceed 250 feet if: the applicant demonstrates by substantial evidence that such height reflects industry standards for a similarly sited wind facility; such excess height is necessary to prevent financial hardship to the applicant; and the facility satisfies all other criteria for the granting of a building permit under the provisions of this division.

C. Setbacks. Small wind turbines shall be set back a distance equal to the total height of the wind turbine from the nearest existing residential or commercial structure and 30 feet from the nearest property line and private or public way.

D. Setback waiver. The permit granting authority may reduce the minimum setback distance as appropriate, based on site-specific considerations, or written consent of the affected abutter(s), if the project satisfies all other criteria for the granting of a permit under the provisions of this division.

E. Application process and requirements. A building permit shall be required for the installation of a small wind energy system.

F. Documents. The application for a building permit shall be accompanied by deliverables including the following:

(1) A plot plan showing:

(a) Property lines and physical dimensions of the subject property within two times the total height of the wind turbine from the proposed tower location.

(b) Location, dimensions, and types of existing major structures on the property and abutting properties.

(c) Location of the proposed wind system tower, foundations, guy anchors and associated equipment.

(d) The right-of-way of any public road that is contiguous with the property.

(e) Any overhead utility lines.

- (f) Location and approximate height of tree cover.
 - (2) Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).
 - (3) One- or three-line electrical diagram detailing wind turbine, associated components, and electrical interconnection methods, with all NEC-compliant disconnect and overcurrent devices.
 - (4) Foundations for all towers must have blueprints or drawings signed by a professional engineer registered in the Commonwealth of Massachusetts.
 - (5) Name, address, phone number and signature of the applicant and the property owners, as well as all co-applicants or additional property owners, if any.
 - (6) Certification by a professional engineer registered in the Commonwealth of Massachusetts certifying that the structure can withstand winds of up to 125 miles per hour.
 - (7) The name, contact information and signature of any agents representing the applicant.
 - (8) A plan for maintenance of the small wind energy facility.
 - (9) Tower blueprints or drawings signed by a professional engineer registered in the Commonwealth of Massachusetts.
- G. Fees. The application for a building permit for a wind energy system must be accompanied by the fee required for a building permit.

§ 86-409 Large wind energy facilities (utility and on-site projects).

Special permits shall be granted by the special permit granting authority for large wind energy facilities that meet the criteria outlined in this division. The construction of a large wind energy facility shall be permitted in the following zoning districts: Industrial Park Districts (IP); Open Space/Recreational Districts (OS); and Water Resource Districts (WR), subject to the issuance of a permit and provided that the use complies with all requirements set forth in this division.

- A. Special permit granting authority. No wind energy facility over 100 kilowatts of rated nameplate capacity shall be erected, constructed, installed or modified as provided in this section without first obtaining a special permit from the special permit granting authority. The construction of a wind energy facility shall be permitted subject to the issuance of a special permit and provided that the use complies with all requirements set forth in this division. All such wind energy facilities shall, where economically feasible, be constructed and operated in a manner that minimizes adverse visual, safety and environmental impacts.
- B. Financial surety. The special permit granting authority may require the applicant for utility-scale wind facilities to provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the City must remove the facility, of an amount and form determined to be reasonable by the special permit granting authority, but in no event to exceed more than 125% of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally or state-owned facilities. The applicant shall

submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for cost-of-living adjustment.

- C. Height. Large wind energy facilities shall be no higher than 450 feet above the current grade of the land, provided that wind facilities may exceed 450 feet if the applicant demonstrates by substantial evidence that such height reflects industry standards or manufacturer recommendations for a similarly sited wind facility; the applicant can demonstrate significant financial gain due to the additional height; and the facility satisfies all other criteria for the granting of a building permit under the provisions of this division.
- D. Setbacks. Large wind turbines shall be set back a distance equal to 1.2 times the overall blade tip height of the wind turbine from the nearest existing residential or commercial structure and 50 feet from the nearest property line and private or public way.
- E. Setback waiver. The special permit granting authority may reduce the minimum setback distance as appropriate, based on site-specific considerations, or written consent of the affected abutter(s), if the project satisfies all other criteria for the granting of a special permit under the provisions of this division.
- F. Required supporting documentation. The applicant shall provide the special permit granting authority with a description of the proposed project which shall include:
 - (1) General. All plans and maps shall be prepared, signed and stamped by a professional engineer registered in the Commonwealth of Massachusetts. Included in the application shall be: name, address, phone number and signature of the applicant and property owners, as well as all co-applicants and additional property owners, if any.
 - (2) Technical documentation. The applicant shall, at a minimum, submit the following technical documentation regarding the proposed wind energy facility to the special permit granting authority:
 - (a) Wind energy facility technical specifications, including manufacturer and model, rotor diameter, tower height/type, foundation type/dimensions.
 - (b) Tower foundation blueprints or drawings signed by a professional engineer registered in the Commonwealth of Massachusetts.
 - (c) Tower blueprints or drawings signed by a professional engineer registered in the Commonwealth of Massachusetts.
 - (d) Electrical schematic.
 - (3) Location map for utility-scale projects. The applicant shall submit, to the special permit granting authority, a copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000 showing the proposed facility site, including turbine sites, and the area within at least two miles of the facility. Zoning district designation for the subject parcel should be included; however, a copy of the current Zoning Map identifying the subject parcel is suitable.

- (4) Site plan. A plan with a scale of one inch equals 200 feet of the proposed wind facility site, with contour intervals of no more than 10 feet, showing the following:
 - (a) Property lines for the site parcel and adjacent parcels within 300 feet.
 - (b) Outline of all existing buildings, include purpose (i.e., residence, garage, etc.), on the site parcel and all adjacent parcels within 500 feet. The plan shall include distances from the wind facility to each building shown.
 - (c) Location of all roads, public and private, on the site parcel and adjacent parcels within the setback distance of 1.2 times the blade tip height, and proposed roads or driveways, either temporary or permanent.
 - (d) Existing areas of tree cover, including average height of trees, on the site parcel and adjacent parcels within the setback distance of 1.2 times the blade tip height.
 - (e) Proposed location and design of wind facility, including all turbines, ground equipment, appurtenant structures, transmission infrastructure, access, fencing, and exterior lighting.
 - (f) Location of viewpoints, as referenced in this division.
- (5) Visualizations for utility-scale projects. The special permit granting authority may select up to four sight lines, including from the nearest building with a view of the wind facility, for pre- and post-construction view representation. Sites for the view representations shall be selected from populated areas or public ways within a two-mile radius of the proposed wind energy facility. View representations shall have the following characteristics:
 - (a) View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the wind facility (i.e., superimpositions of the wind facility onto photographs of existing views).
 - (b) All view representations will include existing or proposed buildings or tree coverage.
 - (c) Include description of the technical procedures followed in producing the visualization (distances, angles, lens, etc.).
- (6) Visualizations for on-site projects. The special permit granting authority may select up to three sight lines, including from the nearest building with a view of the wind facility, for pre- and post-construction view representation. Sites for the view representations shall be selected from populated areas or public ways within a two-mile radius of the proposed wind energy facility. View representations shall have the following characteristics:
 - (a) View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the wind facility (i.e., superimpositions of the wind facility onto photographs of existing views).
 - (b) All view representations will include existing or proposed buildings or tree coverage.

- (c) Include description of the technical procedures followed in producing the visualization (distances, angles, lens, etc.).
- (7) Operation and maintenance plan. The applicant shall submit a plan for maintenance of access roads and stormwater management controls, as well as general procedures for operational maintenance of the wind facility.
- (8) Compliance documents. The applicant will provide with the application:
 - (a) Description of financial surety that satisfies the provisions of this section.
 - (b) Proof of liability insurance that satisfies the provisions of this section.
 - (c) Certification of height approval from the FAA.
 - (d) Statement that satisfies the provisions of this division, listing existing and maximum projected sound levels from the wind energy facility.
- (9) Landscape plan for utility-scale projects only. A plan indicating all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting other than FAA lights, screening vegetation or structures. Lighting shall be designed to minimize glare on abutting properties and, except as required by the FAA, be directed downward with full cut-off fixtures to reduce light pollution.
- (10) Independent consultants for utility-scale projects only. Upon submission of an application for a special permit, the special permit granting authority will be authorized to hire outside consultants, pursuant to MGL c. 44, § 53G. There shall be an administrative appeal from the selection of the outside consultant to the City Council. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The required time limits for action upon an application by a municipal permit granting board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the City Council within one month following the filing of the appeal, the selection made by the municipal permit granting authority shall stand. Such an administrative appeal shall not preclude further judicial review.

§ 86-410 Building-integrated wind energy facilities.

Special permits shall be granted by the special permit granting authority for building-integrated wind energy facilities that meet the criteria outlined in this division. The construction of a building-integrated wind energy facility shall be permitted in the following zoning districts: Industrial Park Districts (IP); Open Space/Recreational Districts (OS); and Water Resource Districts (WR), subject to the issuance of a permit and provided that the use complies with all requirements set forth in this division.

- A. Special permit granting authority. No building-integrated wind energy facility shall be erected, constructed, installed or modified as provided in this section without first obtaining a special permit from the special permit granting authority. The construction of a building-integrated wind energy facility shall be permitted subject to the issuance of a special permit and provided that the use complies with all requirements set forth in this division. All such wind energy facilities shall, where economically

feasible, be constructed and operated in a manner that minimizes adverse visual, safety and environmental impacts.

- B. Required supporting documentation for building-integrated wind energy facilities. The special permit application submitted to the special permit granting authority shall, at a minimum, include:
 - (1) Analysis and design documents, completed by a structural engineer registered in the Commonwealth of Massachusetts, demonstrating that the proposed building is structurally sufficient to support the permanent installation of the proposed building-integrated wind energy facility. At a minimum, the analysis must address vibration, wind load and ice load.
 - (2) Elevation drawings of building with building-integrated wind energy facility installed, viewed from north, south, east and west.
 - (3) Building schematic detailing point(s) of connection and associated supports for the building-integrated wind energy facility.
 - (4) Schematic of attachment method for connecting the building-integrated wind energy facility to the building.
 - (5) Specification sheets for wind turbine and all related components (inverters, controllers, disconnects, etc.).
 - (6) One- or three-line electrical diagram detailing wind turbine, associated components, and electrical interconnection methods, with all NEC-compliant disconnect and overcurrent devices.

DIVISION 11
Housing Development Overlay District (HD)

§ 86-411 District established.

There are hereby established Housing Development Overlay Districts within the City.

§ 86-412 Purpose.

The purpose of the establishment of the Housing Development Overlay Districts is to develop market-rate housing in accordance with MGL Chapter 40V and the regulations set forth at 760 CMR 66.00.

§ 86-413 Permitted uses.

Housing Development Overlay Districts shall be considered as overlaying and shall overly all other zoning districts within its boundaries. Any uses permitted in the district, or portions thereof so overlaid, shall be permitted, subject to all provisions applicable to the district. Buildings within the district may be altered, enlarged or reconstructed for the use of market-rate residential units and uses customarily accessory to market-rate residential units. For the purposes of this division and in accordance with MGL Chapter 40V, a "market-rate residential unit" is defined as a residential unit priced for households above 110% of the area's household median income.

ARTICLE V Nonconforming Uses, Lots and Structures

§ 86-421 Applicability.

This chapter shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by MGL c. 40A, § 5 at which this zoning ordinance, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

§ 86-422 Determination.

The owner or occupant of any use that does not conform to the regulations of the district in which it is located may apply to the Planning Board for a determination that the use is a legal preexisting nonconforming use. Unless such determination is made by the Zoning Board of Appeals or the Building Inspector, no such use shall be changed to another nonconforming use.

§ 86-423 Nonconforming lots of record.

- A. Any increase in area, lot coverage, frontage, width, yard or depth requirements shall not apply to a lot for single-family and two-family residential use which at the time of the lot's recording, or endorsement, whichever occurred sooner, was not held in common ownership with any adjoining land, conformed to then-existing zoning requirements, and had at least 5,000 square feet of area and 50 feet of frontage. For the purpose of this section, lots shall not be considered to be held in common ownership with adjoining land if each single lot of record adjoins another solely along the rear lot line of each lot, so long as each such lot has frontage on an improved public way constructed (or adequately bonded to be constructed) to the City's specifications, or on an improved private way constructed to the City's specifications. For the purpose of this section, lots shall not be considered to be held in common ownership with adjoining land if each lot has at least 5,000 square feet of area and 50 feet of frontage and was not held in common ownership as of January 1, 1980.
- B. The Zoning Board of Appeals may grant a special permit for the division of any single lot of record containing two or more residential dwelling buildings existing continuously since 1954, provided they be divided into separate lots, each of which contains a separate residential dwelling building and the Zoning Board finds that the division is made in a way to maximize the use of the proposed lots, specifically access, parking and yard area.

§ 86-424 Nonconforming uses of land.

The Board of Appeals may grant a special permit to change or extend a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Zoning Board of Appeals:

- A. Change or substantial extension of the use.
- B. Change from one nonconforming use to another, equally appropriate or more appropriate nonconforming use.

§ 86-425 Nonconforming structures, other than single- and two-family structures.

A. The Zoning Board of Appeals may grant a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Zoning Board of Appeals:

- (1) Reconstruction, extension or structural changes.
 - (2) Alterations to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.
- B. The reconstruction, extension or structural change of a nonconforming structure (except nonconforming single- and two-family residential structures) in such a manner as to increase an existing nonconformity, or create a new nonconformity shall require a variance; provided, however, that the extension of an exterior wall at or along the same nonconforming distance within a required yard shall require the issuance of a special permit from the Board of Appeals.

§ 86-426 Nonconforming single- and two-family structures.

Nonconforming single- and two-family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Inspector that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure, and the issuance of a building permit, where applicable.

- A. Any of the following circumstances shall not be deemed to increase the nonconforming nature of said structure:
- (1) Alteration to a structure which complies with all current setback, yard, building and lot coverage, and building height requirements but is located on a lot with insufficient area, where the alteration will also comply with all of said current requirements.
 - (2) Alteration to a structure which complies with all current setback, yard, building and lot coverage, and building height requirements but is located on a lot with insufficient frontage, where the alteration will also comply with all of said current requirements.
 - (3) Alteration to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, building and lot coverage and building height requirements. The provisions of this Subsection A(3) shall apply regardless of whether the lot complies with current area and frontage requirements.
- B. In the event that the Building Inspector determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may, by a finding (which shall not require a supermajority required by MGL c. 40A, § 6), allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

§ 86-427 **Uses permitted by special permit.**

Any use that is permitted by special permit under the terms of this chapter (other than a change through Zoning Board of Appeals action from a nonconforming use to another nonconforming use) shall not be deemed a nonconforming use but shall without further action be considered a conforming use.

§ 86-428 **Abandonment or nonuse.**

- A. A nonconforming use or structure that has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this chapter.
- B. Notwithstanding the above, a nonconforming structure that has been abandoned, or not used for a period of two years, may reestablish its protected status upon the grant of a special permit by the Board of Appeals.

§ 86-429 **Reversion to nonconformity.**

No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

§ 86-430 **Division of lot creating nonconformity prohibited.**

A property owner may not create a valid building lot by dividing it from another parcel rendered nonconforming by such a division.

§ 86-431 through § 86-440. (Reserved)

**ARTICLE ARTICLE VI
General Regulations**

**DIVISION 1
Parking and Loading**

§ 86-441 **Table of Parking and Loading Requirements.**

Every building erected, enlarged, converted, or relocated and each use or change of use of land shall be provided with off-street parking spaces and off-street loading spaces in accordance with the Table of Parking and Loading Requirements. The following table is incorporated in and made part of this chapter. In the event of discrepancies between the narrative text in the sections of this chapter and the table, the text of the sections shall control:

Table of Parking and Loading Requirements

Use	Parking Requirements	Loading Requirements
One-family dwelling	2 spaces per dwelling unit	1 loading space for each multifamily dwelling containing more than 10 dwelling units
Two-family dwelling		
Multifamily (3 + dwelling units per structure)		
Hotel, motel, bed-and-breakfast, rooming or boarding- or lodging house, tourist home, dormitories, or other non-family residence accommodations, excluding group homes	1 space per each employee per shift who does not reside on the premises; 1 space per guest room; dwelling parking requirements, if applicable	1 loading space for each building containing more than 20 guest rooms
Offices: general, professional,	1 space per each employee per	1 loading space for each building

Table of Parking and Loading Requirements

Use	Parking Requirements	Loading Requirements
business, banks, medical clinics and laboratories, radio and television stations; offices of nonprofit educational, cultural, or charitable organizations	shift; a minimum of 6 spaces for customers	
Fast-food drive-in, carry-out restaurants	1 space per each employee per shift; minimum of 10 spaces for customers	1 loading space for each building
Businesses engaged in retail sale of goods and services, not elsewhere enumerated herein	1 space per each employee per shift; minimum of 3 spaces for customers	
Business engaged in retail sales, rental, repair, servicing, storage and distribution of motor vehicles, trailers, campers, boats, furniture or building materials	1 space per each employee per shift; minimum of 3 spaces for customers	1 loading space for each building
Restaurants	1 space per each four seats of total seating capacity	1 loading space for each building
Hospital, convalescent homes, nursing homes, rest homes or homes for the aged	1 space per 4 beds	1 loading space for each building
Places of assembly, including theaters, veterans, fraternal, social and recreational clubs and organizations not operated for a profit; taxi, bus and railroad passenger terminals; auditoriums; theaters, bowling alleys and dance halls; sports facilities; places of worship; funeral homes	1 space per 5 seats for which the building is designed	1 loading space for each building
Business engaged in the manufacturing, processing, assembly, fabrication of products, including research and testing laboratories and facilities	1 space per each 500 square feet of gross floor area; 1 space for each vehicle used in conducting the business	2 loading spaces for each building
Business engaged in the warehousing and distribution of goods and materials, including building and construction contractors, equipment and supplies on premises, motor freight terminals, facilities for storing and servicing of motor vehicles used in conducting a business or public transportation, industrial machinery and equipment, grain, petroleum products and junkyards	1 space per 1,500 square feet of gross floor area up to 15,000 square feet; thereafter, 1 additional space for each 5,000 square feet of floor area beyond 15,000 square feet; 1 space for each vehicle used in conducting the business	
Schools, adult day-care centers, day-care centers, excluding family day-care homes	1 space per each employee per shift	1 loading space for each building

Table of Parking and Loading Requirements

Use	Parking Requirements	Loading Requirements
Group homes	1 space per each employee per shift	1 loading space for each building containing more than 20 guest rooms
Family (in-home) day care	1 space for each nonresident employee; also see residential parking requirements	

§ 86-442 Existing spaces.

- A. Parking or loading spaces being maintained in any district in connection with any existing use on the effective date of this chapter, or any spaces subsequently provided in accordance with this chapter, shall not be decreased or in any way removed from service to the use originally intended to be served so long as said use remains, unless a number of parking or loading spaces is constructed elsewhere on the property, provided that this regulation shall not require the maintenance of more parking or loading spaces than is required according to the tables.
- B. In the event of the enlargement of a structure existing on the effective date of the ordinance from which this section is derived, or the construction or relocation of additional structures on a lot, after such effective date, the regulations of this section shall apply only to the enlargement, construction or relocation thereof, except that any off-street parking and off-street loading facilities established to serve any building and any uses prior to such effective date shall not be reduced below the required number.

§ 86-443 Change of use.

The change in use of an existing structure built prior to the effective date of this chapter shall be permitted without meeting the required number of parking spaces; provided the Building Inspector makes a determination that the number of existing parking spaces, if any, is not being reduced, the use is permitted as a preexisting nonconforming use in the district, and additional parking cannot be provided in a reasonable manner.

§ 86-444 Location and layout of parking and loading spaces.

- A. Off-street parking and loading for buildings other than single- or two-family residences, may be provided in structures or in the open air, and shall be subject to the following regulations pertaining to their layout and location:
 - (1) Parking spaces shall be located on the same lot as the building or use which they are intended to serve, except that they may be provided on an adjoining lot in the same ownership.
 - (2) Parking space for three or fewer vehicles may be provided in the form of a driveway on a lot; the improved surface may be extended to one foot of the side line.
 - (3) Where a drive or aisle, other than a street, is required to maneuver a vehicle into or out of a parking space, such drive or aisle shall be at least 22 feet wide for parking spaces situated at right angles, or nearly right angles, to the aisle. For parking spaces situated at an angle of 30° to 60° to the aisle, the required width of the aisle shall be at least 16 feet.
 - (4) Parking and loading spaces other than those required for single two-family dwellings shall be so arranged as not to permit backing of vehicles onto any street.

- (5) No off-street loading areas or berths shall be laid out in such a manner as will result in loading or unloading being carried on within a street right-of-way or other public property. Each area or berth shall be of sufficient size as to accommodate the largest expected truck or tractor trailer common to the building use.
- B. All parking and loading areas containing over five spaces which are not inside a structure shall also be subject to the following unless such requirement is waived by the City Building Inspector based on a determination that the proposed conditions satisfy the intent of these standards:
 - (1) The surfaced area shall be set back at least 10 feet from front lot lines and from all lot lines of abutting property used for residential purposes; however, for side and rear lot lines the setback need only be five feet if the setback includes a solid wall or fence, five feet to six feet in height complemented by suitable plantings. In no case shall the paved area be set back from the front lot line a distance less than the minimum front yard setback for the district, nor from a side or rear lot line a distance less than the minimum buffer width required by the Table of Parking and Loading Requirements (§ 86-441).
 - (2) Parking areas providing more than 25 spaces shall include a landscaped area that is at least 8% of the total paved portion of the parking area. Minimum required landscaped setbacks and buffers at the perimeter of the parking area shall not be counted toward the landscaping requirement of this subsection. Individual strips of landscaping shall be at least four feet in width.

§ 86-445 Special permits.

Any parking or loading requirement set forth herein may be reduced or modified upon the issuance of a special permit by the Zoning Board of Appeals, if the Board finds that the reduction or modification is not inconsistent with public health and safety, or that the reduction or modification promotes a public benefit. Such cases might include:

- A. Use of a common parking lot for separate uses having peak demands occurring at different times.
- B. Age or other characteristics of occupants of the facility requiring parking which reduces auto usage.
- C. Peculiarities of the use which make usual measures of demand invalid.
- D. Availability of on-street parking or parking at nearby municipal facilities.
- E. Use of off-site parking.

§ 86-446 through § 86-449. (Reserved)

DIVISION 2
Signs

§ 86-450 Applicability.

No signs or advertising devices of any kind or nature shall be erected on any premises or affixed to the outside of any structure except as specifically permitted in this division.

§ 86-451 Permitted sign types.

The following types of signs are permitted:

- A. Address sign. One sign displaying the street number and name of the occupant or establishment of the

premises and service provided.

- (1) Such sign may not exceed two square feet in area if it is attached to the building.
- (2) Such sign may be on a rod or pole not more than four feet high, and at least three feet in from the street line, and may not exceed four inches by six inches in size.
- (3) Any address signs must be stationary, nonilluminated and not contain any motorized moving parts.

B. Awning sign. A sign painted on or attached to a moveable metallic frame, of the hinged roll or folding type, which may have a noncombustible covering.

- (1) Such sign must be painted, embroidered, or stitched on or attached flat against the surface of, but not extending beyond or attached to the underside.
- (2) Letters shall not exceed 10 inches in height.
- (3) A minimum clearance above sidewalk level of seven feet must be allowed for pedestrian clearance.

C. Community directory sign. An accessory bulletin or announcement board describing the location of an event of a community service organization, institution, or public facility.

- (1) Such sign shall not exceed 20 square feet in total area.
- (2) One such sign for each property is allowed, unless the street frontage of said institution exceeds 100 feet, then one sign for each 100 feet is allowed but in no event more than three such signs. Such sign shall be at least three feet in from street line.

D. Contractor sign. An off-premises sign identifying the contractor's name, address and other pertinent information.

- (1) Such sign may not exceed 20 square feet.
- (2) Such sign may be maintained on the building or structure only for the interim of construction and not exceeding 15 days following completion of said construction.
- (3) Failure to remove said sign within time period stated shall be cause for its removal by the Building Inspector at the expense of the owner.

E. Electronic sign. An outside sign, display, or device that changes its message or copy at intervals by programmable electronic, digital, or mechanical processes or by remote control. Electronic signs shall be allowed in Neighborhood Shopping Districts (B-N), Local Business Districts (B-L), Mixed Use Business Districts (MBD), Commercial Mill Districts (CMD), Central Business Districts (CBD), and Waterfront and Transit-Oriented Development Districts (WTOD), provided such signage meets the following use and dimensional regulations:

- (1) Use regulations.

- (a) The sign shall be programmed so that the message or image on the sign changes no more often than every four seconds.
- (b) The sign shall not display any illumination that changes in intensity during the static display period.
- (c) The electronic sign shall have installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the sign based on ambient light conditions.
- (d) Maximum brightness levels for electronic or digital display boards shall not exceed 5,000 nits when measured from the billboard's face at its maximum brightness, during daylight hours, and 500 nits when measured from the board face at its maximum brightness between sunrise and sunset.
- (e) No such sign shall:
 - [1] Emit or utilize in any manner any sound capable of being detected on a main traveled way by a person with normal hearing.
 - [2] Cause beams, lasers or rays of light to be directed at any portion of the traveled way, which beams or rays are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle or which otherwise interferes with the operation of a motor vehicle.
 - [3] Obscure or interfere with the effectiveness of an official traffic sign, device or signal, or cause an undue distraction to the traveling public.
 - [4] Contain more than one face visible from the same direction on the traveled way.
 - [5] Be located so as to obscure or otherwise interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic.
 - [6] Depict any material or message, which is distinguished or characterized as adult use as defined in §§ 86-390 through 86-399.
 - [7] Contain flashing, or moving lights; moving video, or consist of a static image projected upon a stationary object.
- (2) Dimensional regulations. The maximum area per lot of electronic signage shall not constitute more than the following:
 - (a) In the Commercial Mill District (CMD), Neighborhood Shopping District (B-N) and Mixed Use Business District (MBD): 40 square feet.
 - (b) In the Local Business District (B-L), Waterfront and Transit-Oriented Development District (WTOD) and the Central Business District (CBD): 24 square feet.
- (3) In a specific case, the Zoning Board of Appeals may, after a public hearing, grant a special permit for an electronic sign in an Industrial Park District (IP), Medical District (MD), Apartment District (A-2) or a Multiple-Family Residence District (M), provided that the maximum surface area shall not constitute more than 24 square feet, the electronic sign is replacing an existing sign and the Board finds that the

location, setback and design of such use will not be detrimental to the area by reason of lighting, appearance or impact on neighboring uses.

- F. "For sale" or "for rent" signs. An on-premises sign advertising the property being sold or rented.
 - (1) Such signs shall not exceed six square feet.
 - (2) A maximum of two such signs may be maintained on the property being sold or rented.

- G. Freestanding sign. A permanent on-premises sign. Freestanding signs shall be allowed in Neighborhood Shopping Districts (B-N), Local Business Districts (B-L), Mixed Use Business Districts (MBD), Commercial Mill Districts (CMD), Central Business Districts (CBD), Waterfront and Transit Oriented Development Districts (WTOD), Medical Districts (MD) and Industrial Park Districts (IP) provided such signage meets the following regulations:
 - (1) The outermost projection of a freestanding sign shall be set back from the street line a minimum of three feet. No part of such sign may be located within five feet of a side or rear lot line.
 - (2) Each business establishment on a public way shall be entitled to maintain one double-faced panel on a freestanding sign not to exceed 100 square feet per face. These panels may be part of a multi-faced sign or an individual sign. The height of said sign shall not exceed 30 feet.
 - (3) Where there are four or more businesses on any one lot, there may be one freestanding sign on said lot. On the one freestanding sign, each business occupying the premises shall be allowed a double-faced panel on said sign, provided that the overall size of the sign does not exceed 100 square feet per face.
 - (4) Where a lot has greater than 300 feet of linear frontage along the same public way, two freestanding signs shall be permitted. The height of each said sign shall not exceed 30 feet. Said signs shall be at least 200 feet apart.
 - (5) Where a business or group of businesses, on one lot, has frontage on two or more public ways, one freestanding sign is permitted on each public way.

- H. Marquee signs. A sign painted on, attached to, or consisting of an interchangeable copy reader, on a permanent overhanging shelter which projects from the face of a building. Marquee signs shall be allowed in Neighborhood Shopping Districts (B-N), Local Business Districts (B-L), Mixed Use Business Districts (MBD), Commercial Mill Districts (CMD), Central Business Districts (CBD) and Waterfront and Transit -Oriented Development Districts (WTOD), provided such signage meets the following regulations:
 - (1) Such sign may be painted on or attached flat against the surface of, but not extending beyond or attached to the underside.
 - (2) Letters or symbols shall not exceed 16 inches in height.
 - (3) A minimum clearance above sidewalk level of 10 feet must be allowed for pedestrian clearance.

- I. Off-site sign. An off-site sign controlled by the Outdoor Advertising Board, which is used for the

display of printed or painted advertising matter.

- (1) No off-site sign shall be erected or maintained unless:
 - (a) The Board of Appeals grants a special permit therefor;
 - (b) The height, setback and illumination requirements set forth herein are met; and
 - (c) A special permit therefor has been granted by the outdoor advertising authority in accordance with MGL c. 93, §§ 29 through 33, as from time to time amended, and such permit is valid and outstanding.

(2) The Board of Appeals may, after a public hearing, grant a special permit for an off-site sign, provided that the Board finds that such sign will not be harmful to the public good and will not adversely affect the value or amenity of neighboring property, and also provided that the following requirements are met:

(a) No off-site sign shall be erected in any residence district, Local Business District (B-L) or Industrial Park District (IP).

(b) All off-site signs permitted by this subsection shall be subject to the requirements of MGL c. 93, §§ 29 through 33, inclusive, and to the following specific requirements:

[1] No more than one off-site sign structure shall be permitted to be erected on a lot having 50 feet or less of street frontage, and no more than one additional structure shall be permitted for an additional 50 feet of lot frontage or major fraction thereof.

[2] No such structure shall contain over signs per facing, nor shall any off-site sign be permitted to be erected within 50 feet of any adjoining residence district if it would directly face such district and be visible therefrom.

[3] No off-site sign structure shall be permitted to be erected closer than 10 feet to the line of any public way or closer to such line than the existing building setback line, whichever is the lesser setback.

[4] No freestanding off-site sign shall be erected to exceed an overall height of 35 feet above the pavement level of the road from which it is designed to be seen; no wall sign shall extend more than three feet above the roof or parapet line; and no roof sign shall be erected to extend higher than 35 feet above the roof at point of mounting.

[5] All off-site electronic signs permitted by this section shall be subject to the use and dimensional regulations of § 86-451E, with the exception of Subsection E (1)(c). Commercial messages are permitted for off-site signs.

J. Painted signs. A permanent mural or message painted directly onto a building surface or the surface of a wall or retaining wall not part of any building.

K. Public service sign. A sign located for the purpose of providing directions towards or indication of a use not readily visible from a public street (e.g., rest rooms, telephone, etc.).

- (1) Such signs that are necessary for public safety and convenience shall not exceed four square feet.
 - (2) Such signs may bear no advertising.
 - (3) Such signs are not included in computing total sign area allowed.
- L. Roof sign. A sign erected, constructed, or maintained above the roof of a building. Roof signs are prohibited except by special permit by the Zoning Board of Appeals.
- M. Temporary sign. A sign intended to be used for a period of not more than 30 days.
- (1) Permits must be obtained for the erection of temporary signs within the limitations set forth in this article.
 - (2) A private entity that has obtained the necessary permits for a temporary banner sign that overhangs a public way must be covered by an insurance policy naming the City of Fall River as coinsured and for such amounts as shall be established by the City.
- N. Wall sign. A sign that is attached parallel on the exterior surface of a building or structure. Wall signs shall be allowed in Neighborhood Shopping Districts (B-N), Local Business Districts (B-L), Mixed Use Business Districts (MBD), Commercial Mill Districts (CMD), Central Business Districts (CBD), Waterfront and Transit-Oriented Development Districts (WTOD), Medical Districts (MD) and Industrial Park Districts (IP), provided such signage meets the following regulations:
- (1) A wall sign shall not project more than 15 inches from the building surface.
 - (2) Such signs shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which they are attached.
 - (3) Sign size. Signs or advertising devices attached to the building shall not exceed two square feet for each linear foot of the building face parallel or substantially parallel to a street lot line. Where a lot fronts on more than one street, the sign area facing each street frontage shall be calculated separately.
- O. Window sign. A permanent nonilluminated sign painted on the inside glass of a window.

§ 86-452 Special requirements.

- A. Corner buildings. If a building fronts two or more streets, the sign area for each street frontage shall be computed separately.
- B. Setback requirements. Unless otherwise specified in this chapter, signs are exempt from setback requirements.
- C. Sublevel storefront. If the first floor of a building is substantially above street grade and the basement is only partially below street grade, separate occupants of each level may each have 1/2 the square feet of signage allowed as if it were a single ground-floor use.
- D. Supports and brackets for a sign shall not extend needlessly above the cornice line of the building to which the sign is attached.

- E. Trademarks that are registered for a specific commodity may occupy no more than 10% of the sign area; except if said commodity is the major business conducted on the premises, then there shall be no such restriction.

§ 86-453 Prohibited signs.

No person may erect the following signs:

- A. A sign that rotates or has a motorized moving part that is visible from a public street.
- B. Any sign which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety in the opinion of the Building Inspector by obstructing the vision of drivers, or detracting from the visibility of any traffic sign or control device on public streets and roads.
- C. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exitway or which obstructs a window, door or other opening for providing light or air or interferes with proper function of the building.
- D. Any sign or sign structure which is structurally unsafe; or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment; or is not kept in good repair; or is capable of causing electrical shocks to persons likely to come in contact with it.
- E. Signs that make use of words such as STOP, LOOK, DANGER, etc., or any phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.

§ 86-454 Special permits.

The Zoning Board of Appeals may grant a special permit to construct a sign other than those permitted, provided the Board finds that the sign would not be detrimental to abutting properties and is needed to adequately identify the business.

§ 86-455 Maintenance.

Each sign shall be maintained in a secure and safe condition. If the Building Commissioner/Inspector of Buildings is of the opinion that a sign is not secure, safe or in a good state of repair, the Building Commissioner/Inspector of Buildings shall give written notice of this fact to the person responsible for the maintenance of the sign. If the defect in the sign is not corrected within the time permitted, the Building Commissioner/Inspector of Buildings may revoke the permit to maintain the sign and may remove the sign and keep possession of same until the owner pays the cost of removal.

§ 86-456 Energy shortage.

In the event of an energy shortage, the City is authorized in its discretion to order all signs in City consuming electricity, gas, oil or other energy to cease consumption in whole or in part during such hours as for such period designated.

§ 86-457 Nonconforming signs.

Any sign or other advertising devices hereto legally erected may continue to be maintained; provided, however, that no such sign or other advertising device shall be permitted if it is enlarged and provided, further, that any such sign or other advertising device which has deteriorated to such an extent that the cost of restoration would exceed 35% of the replacement cost of the sign or other advertising device at the time of the restoration shall not be repaired or rebuilt or altered. Any exemption provided in this section shall terminate with respect to any sign or other advertising device that shall not have been repaired or properly

maintained within 30 days after notice to that effect has been given by the Building Inspector.

§ 86-458 through § 86-460. (Reserved)

**DIVISION 3
Noxious Use**

§ 86-461 Prohibited uses.

No trade, industry, operation, activity, heat source or other use that is noxious, offensive or hazardous by reason of vibration or noise or the emission of odors, dust, gas, fumes, smoke, cinders, flashing or excessively bright light or refuse matter shall be permitted.

**DIVISION 4
Special Permits**

§ 86-462 Authority.

Pursuant to the mandate and under the authority of MGL c. 40A, §§ 9, 9A and 14(2), the Board of Appeals shall have the power to hear and decide all applications for special permits unless otherwise provided herein.

§ 86-463 Application.

Each application for a special permit shall be filed by the petitioner in accordance with the rules and regulations of the Zoning Board of Appeals.

§ 86-464 through § 86-465. (Reserved)

**DIVISION 5
Other Uses**

§ 86-466 Private garages and sheds.

Any private unattached garage or shed in any district shall be placed at least 20 feet from the street line, six feet from any building and four feet from the side and rear line of the lot. The maximum height of an unattached garage or shed shall not exceed 18 feet. The maximum size of an unattached garage foundation shall not exceed 750 square feet or 12% of the lot area, whichever is less. The maximum size of a shed shall not exceed 200 square feet. Any private attached garage in any district shall be placed at least 20 feet from the street line and four feet from the side and rear line of the lot or meet the minimum setbacks for the district in which it is located, whichever is greater. The Zoning Board of Appeals may grant a special permit for the construction of a garage or shed in excess of the maximum size, provided the Board finds that the scale of the proposed structure is consistent with neighboring structures and that the proposed structure will not impact the use and enjoyment of the abutting properties.

§ 86-467 Home occupations as of right.

Businesses or professions incidental to and customarily associated with the residential use of a premises may be permitted as an accessory use by the owner of that dwelling; provided, however, that all of the following conditions shall be satisfied:

- A. The occupation or profession shall be carried on wholly within the building.
- B. Not more than 20% of the floor area of the residence shall be used in the home occupation.
- C. The home occupation shall not serve clients, customers, pupils, salespersons, or the like on premises.
- D. There shall be no interior or exterior signs, exterior display, exterior storage of materials, and no other interior or exterior indication of the home occupation, or other variation from the residential character of

the premises.

- E. No use or storage of hazardous materials in quantities greater than associated with normal household use shall be permitted.
- F. Traffic generated shall not exceed volumes normally expected in a residential neighborhood.
- G. Only one home occupation shall be conducted on the premises.
- H. There shall be a maximum of two employees and they must reside within the building.

§ 86-468 Pigeon lofts.

- A. Any pigeon loft shall be placed at least 10 feet from any property line or structure. Existing lofts may continue to be used in accordance with § 86-425 of this chapter.
- B. The Zoning Board of Appeals may grant a special permit for a new pigeon loft, provided the following conditions are met:
 - (1) The Board finds that the pigeon loft can be constructed and used without adversely affecting the neighborhood.
 - (2) All pigeons shall be banded and registered with one of the national pigeon associations or registries.
 - (3) All pigeon lofts shall comply with the State Sanitary Code.

§ 86-469 through § 86-470. (Reserved)

ARTICLE ARTICLE VII
Administration and Procedures

DIVISION 1
Administration

§ 86-471 Administration of chapter; compliance required.

This chapter shall be administered by the Building Commissioner/Inspector of Buildings or his delegates, who may delegate the responsibilities set forth hereunder to members of the Inspectional Services Department. Buildings, structures or signs may not be erected, substantially altered, moved, or changed in use and land may not be substantially altered or changed in principal use unless in compliance with then-applicable zoning, and after all necessary permits have been received under federal, state, or local law.

§ 86-472 Plans.

Pursuant to the State Building Code, the Building Commissioner/Inspector of Buildings may require such plans and specifications as may be necessary to determine compliance with all pertinent laws of the commonwealth. For the purpose of constructing accessory buildings and structures to residential uses and the addition of unroofed decks to residential uses, mortgage survey plans are sufficient for determining compliance with zoning requirements, provided that the mortgage survey plan shows the proposed construction and setbacks.

§ 86-473 Enforcement.

- A. The Building Commissioner/Inspector of Buildings shall institute and take any and all such action as may be necessary to enforce full compliance with any and all of the provisions of this chapter and of permits and variances issued thereunder. The Building Commissioner/Inspector of Buildings may, from time to time, delegate this duty to various members of the Inspectional Services Department.
- B. The Building Commissioner/Inspector of Buildings shall execute the provisions of this chapter, except when otherwise provided, and in so doing he shall have the same powers as are provided for the execution of the building ordinances of the City. He shall issue no permit for the construction, alteration, enlargement, reconstruction, raising up, moving or use of any building, structure or premises, or part thereof, which would be in violation of the provisions of this chapter or of MGL c. 40A.

§ 86-474 (Reserved)

§ 86-475 Right of entry.

The Building Commissioner/Inspector of Buildings shall, where such permit so authorizes and after proper identification, have the right to enter any premises for the purpose of inspecting any building or structure, at a reasonable hour and at such times as may be reasonably necessary to enforce this chapter.

§ 86-476 Noncriminal disposition.

Notwithstanding the foregoing, any alleged violation of any of the provisions of this chapter may, in the sole discretion of the Building Commissioner/Inspector of Buildings, be made the subject matter of proceedings initiated by the Building Commissioner pursuant to the noncriminal disposition provisions of MGL c. 40, § 21D. If the Building Commissioner so elects to initiate such provision, all the terms and provisions thereof shall govern said action.

§ 86-477 through § 86-480. (Reserved)

**DIVISION 2
Board of Appeals**

§ 86-481 Establishment and membership.

There is hereby established a Board of Appeals of five members and two associate members appointed by the Mayor in accordance with the City Charter.

§ 86-482 Powers.

The Zoning Board of Appeals shall have and exercise all the powers granted to it by Chapters 40A, 40B, and 41 of the General Laws and by this chapter. The Board's powers are as follows:

- A. To hear and decide applications for special permits. Unless otherwise specified herein, the Zoning Board of Appeals shall serve as the special permit granting authority, to act in all matters in accordance with this chapter, or as otherwise specified.
- B. To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of MGL c. 40A, §§ 8 and 15.
- C. To hear and decide appeals or petitions for variances from the terms of this chapter, with respect to particular land, uses, or structures, as set forth in MGL c. 40A, § 10.

§ 86-483 through § 86-484. (Reserved)

§ 86-485 Regulations.

The Board of Appeals may adopt rules and regulations for the administration of its powers.

§ 86-486 Fees.

The Board of Appeals may adopt reasonable administrative fees and technical review fees for petitions for variances, administrative appeals, and applications for comprehensive permits.

§ 86-487 Planning Board.

In accordance with MGL c. 40A, § 16, no application or petition which has been unfavorably and finally acted upon by the special permit granting or permit granting authority (Zoning Board of Appeals) shall 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 members of a board of five members, specific and material changes in the conditions upon which the previous unfavorable action was based, and describes such changes in the record of its proceedings, and unless all but one of the members of the Planning Board consents thereto and after notice is given to parties in interest of the time and place of the proceedings when the question of such consent will be considered.

§ 86-488 through § 86-490. (Reserved)

Attachments:

Attachment 1 - Table of Dimensional Regulations

Attachment 2 - Table of Uses

ZONING

86 Attachment 1

City of Fall River

Table of Dimensional Regulations
[Amended 6-28-2016 by Ord. No. 2016-221]

Zone	Minimum Lot Area (square feet)	Minimum Frontage and Width (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Building Height (feet)	Maximum Lot Coverage
Single-Family	12,000	100	25	15	25	35	25%
Single-Family	8,000	80	20	15	20	35	25%
Single-Family	30,000	150	50	25	25	35	
Single-Family	80,000	300	75	50	75	35	
Two-Family	6,000/unit 2,000/second unit	75	15	10	20	35	30%
General Residence (maximum 3 units)	5,000/unit 1,500/additional unit	50	12	10	15	45	25%
Apartment (6 or less units/20 or greater units)	10,000/unit 2,000/additional unit	100	30	20	30	70	30%
Multiple-Family Residence (maximum 6 units)	5,000/unit 1,500/additional unit	50	12	10	15	45	25%
Local Business (maximum 3 units)	5,000/unit 1,500/additional unit	50	12	10	15	45	
Central Business	5,000	50	12	10	10	45 or 70	
Mixed Use Business	8000	50	12	10	10	70	

1 Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions).

FALL RIVER CODE

Zone	Minimum Lot Area (square feet)	Minimum Frontage and Width (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Building Height (feet)	Maximum Lot Coverage
Neighborhood Shopping	B-N 10,000	100	35	35	25	45	
Waterfront and Transit-Oriented Development ¹	WTOD 2,500	50	10	10	10	80 (or 6 stories, whichever is greater)	80%
Medical	MD 2,500	50	10	10	10	80 (or 6 stories, whichever is greater)	
Commercial Mill	CMD 10,000	100	10	10	10	80 (or 6 stories, whichever is greater)	
Industrial Park	IP 10,000	100	50	40	40	80 (or 6 stories, whichever is greater)	70%
Open Space/Recreation	OS 300	300	75	50	75	35	
Water Resource	WR 300		75	50	75	35 (or 2.5 stories, whichever is greater)	

Notes:
1 See also § 86-175.

DISTRICT TYPE:	Single Family				Multi Family			Business							Ind.		Overlay (1) (2)			Other		
	S	R-8	R-30	R-80	G	M	R-4	A-2	CBD	MBD	B-N	B-L	WTOD (5)	M/D	CMD	IP	AOD (3)	RDOD	WWD	HD (4)	OS	WR
e. Library or museum open to the public or connected with a permitted educational use and not conducted as a gainful business.									Y	Y	Y	Y	Y				Y					
f. Legalized gaming facilities												Y										
g. Commercial recreational facility, outdoor (including stadiums, athletic facilities and convention complexes).												Y				SP		SP				
h. Commercial recreational facility, indoor (including stadiums, athletic facilities and convention complexes).												Y				SP		SP				
i. Outdoor passive recreation, forestry and nonresidential buildings or structures used in conjunction with harvesting or storage of forest products.																					Y	Y
j. Hospital, nursing home, convalescent or rest home, medical or dental center or clinic, including laboratories incidental thereto.					Y								Y									
k. Municipal Uses and Municipal Facilities.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
RETAIL, RESTAURANT AND CONSUMER SERVICE USES																						
a. Retail operation with 5,000 square feet or less of gross floor area per establishment.					SP	SP		SP	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
b. Retail operation with greater than 5,000 square feet of gross floor area per establishment.									Y	Y	Y	Y	Y		Y							
c. Service Business									Y	Y	Y	Y	Y	Y	Y							
d. Restaurant									Y	Y	Y	Y	Y	Y	Y	SP						
e. Bar, saloon, or other establishment where alcoholic beverages are sold and consumed, but which is not licensed to prepare or serve food.									SP	SP	SP	SP	SP		SP	Y						
f. Veterinary establishment, pet shops or similar establishments.									Y	Y	Y	Y	SP									
g. Kennel (containing more than four (4) canines 3 months of age or older).											Y											
h. Funeral or Undertaking Establishment.	SP	SP	SP	SP	SP	SP	SP	SP	Y	Y	Y	Y	Y	Y	Y							
i. Hotel or Motel								Y	Y	Y	Y	Y	Y	Y	Y			Y			Y	

DISTRICT TYPE:	Single Family				Multi Family				Business					Ind.			Overlay (1) (2)			Other		
	S	R-8	R-30	R-80	G	M	R-4	A-2	CBD	MBD	B-N	B-L	WTOD (5)	MD	CMMD	IP	AOD (3)	RDOD	WWD (4)	HD (4)	OS	WR
DISTRICTS:																						
j. Body Art Establishments (as defined by Board of Health Regulations)																						
k. Bank or other monetary institution and ATMs									Y	Y	Y	Y	Y	Y	Y	SP						
l. Theater, auditorium, museum or other establishment offering recreation to the general public									Y	Y	Y	Y	Y	Y	Y	Y	Y					
AUTOMOTIVE AND RELATED USES																						
a. Automotive Sales, indoor and outdoor								Y	Y	Y	Y											
b. Automotive repair station/garage									Y	Y												
c. Gasoline filling station										Y	SP											
d. Autobody or paint shops											Y											
e. Car Wash								Y	Y	Y	Y											
f. Parking lots, private and public garages, and parking structures other than those provided as an accessory use to the principal use being conducted on the lot								Y	Y	Y	Y	Y	Y	Y	Y	SP						
g. Lot for stowing towed vehicles																						
UTILITIES, TELECOMMUNICATIONS, AND PUBLIC SERVICE USES																						
a. Radio or television studio.								Y	Y	Y	Y	Y	Y	Y	Y	Y						
b. Radio or television transmission stations (including towers related to said use).	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
c. Intermodal transportation facilities, including but not limited to bus and/or railroad (multi-modal) passenger terminals												Y										
OFFICE USES																						
a. Business or professional office								Y	Y	Y	Y	Y	Y	Y	Y	Y						
b. Telephone answering service/call center.								Y	Y	Y	Y	Y	Y	Y	Y	Y						
INDUSTRIAL USES																						
a. Distribution center, parcel delivery center, delivery warehouse											Y				Y							
b. Self-storage facility.															Y							
c. Research and development, excluding research or use of radioactive, biohazardous or explosive materials.													Y	Y	Y	Y						
d. Industrial research and development.															Y	Y						

DISTRICT TYPE:	Single Family			Multi Family			Business				Ind.			Overlay (1) (2)			Other						
	S	R-8	R-30	R-80	G	M	R-4	A-2	CBD	MBD	B-N	B-L	WTOD (5)	MD	CMD	IP	AOD (3)	RDOD	WWD (4)	HD	OS	WR	
DISTRICTS:																							
e. Processing, fabrication, manufacturing, assembly, packaging																		Y					
f. Warehousing, wholesaling																		Y					
g. Biotechnology																		Y					
h. Trucking, including terminal facilities.																		Y					
i. Indoor recycling facility																							
j. Gravel pit, concrete or asphalt plant																							
k. Information and information processing, data collection and data storage record keeping.									Y	Y	Y	Y	Y	Y	Y	Y		Y					
l. Water dependent uses: fish and seafood receiving, handling, storage and shipping; boat building and repair; marinas; shipping; passenger and cargo terminals, receiving and berthing												Y											
m. Wind energy industry research and development												Y											
n. Wind energy industry processing, fabrication, manufacturing, assembly, packaging												Y											
o. Wind energy industry support services												Y											
ART USES																							
a. Artist Loft or Art Use, Culinary Arts, Retail sales of art, including gift and specialty shops, Art Schools and studios of dance and photography, Performing Arts ticket offices or booking agencies, Community educational Arts and related activities. (3)										Y		Y					Y						
b. Cabinet and carpentry shops, studios for artists and crafts people												Y					Y						
c. Visual and Performing Art Spaces, including, but not limited to, exhibition and concert halls, galleries and stage and screen theaters. (3)									Y	Y	Y	Y			Y		Y						

NOTES

- (1) Not more than one principal building per lot.
- (2) These districts shall be considered as overlaying and shall overlay all other zoning districts within their boundaries. Any uses permitted in the district or portion thereof so overlaid shall be permitted subject to applicable provisions.

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- (3) Adult Use as defined as in Article IV, Division 7, Adult Entertainment, Section 86-390 of this ordinance is prohibited in the Arts Overlay District (AOD).
- (4) Refer to Article IV, Division 11, Housing Development Overlay District, Section 86-413 of this ordinance.
- (5) In the Waterfront and Transit Oriented Development District (WTOD), industrial uses in existence prior to September 6, 2011 may continue and mill buildings in existence prior to September 6, 2011 may be altered, enlarged and/or continue to be used for industrial purposes provided they meet the requirements of the Commercial Mill District (CMD).

City of Fall River, In City Council

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(Councilor Christopher Peckham)

WHEREAS, the current COVID-19 pandemic has placed a burden on our first responders, and

WHEREAS, Federal and State officials have indicated a shortage of personal protective equipment (PPE), and

WHEREAS, Fall River and its first responders need to have adequate PPE, and

WHEREAS, we have roughly one month left of PPE for our officers, now therefore

BE IT RESOLVED, that the Committee on Finance convene with the Police Chief, Fire Chief, Emergency Medical Services Director, union representatives and any other public safety personnel to update the City Council and its residents to ensure and resolve (if necessary) to remedy any shortage of personal protective equipment and for our first responders to have excess PPE in stock, and

BE IT FURTHER RESOLVED, that if it is determined that there is a need for equipment that the Administration submit a transfer to fund this possible shortage.

City of Fall River, *In City Council*

(Councilor Michelle M. Dionne)

WHEREAS, the corona virus also known as COVID-19 has had an unprecedented effect on people financially and emotionally worldwide, and

WHEREAS, Fall River is an urban city and will be impacted financially as a result of the COVID-19 crisis, and

WHEREAS, our residents, business owners, and senior citizens find themselves struggling to meet their financial responsibilities, and

WHEREAS, Fall River has community partners who have the ability to help ease the burden, of our residents, through these difficult times, now therefore

BE IT RESOLVED, that the City Council send a letter to Comcast requesting that they reduce their rates for our community to help reduce the impact of COVID-19, and

BE IT FURTHER RESOLVED, that the City Council request that Comcast take immediate measures to reduce these costs for our elderly and those on fixed incomes.

City of Fall River, *In City Council*

(Councilor Trott Lee)

WHEREAS, many citizens and businesses of Fall River are subject to endure possible significant financial hardships, at no fault of their own, due to statewide safety measures taken to combat infectious viruses and diseases, now therefore

BE IT RESOLVED, that the Fall River City Council convene with the Administration to discuss methods to alleviate citizens and businesses during times of statewide crisis.

14
City of Fall River, *In City Council*

(Councilor Trott Lee)

WHEREAS, the Fall River City Council is an elected body set in place to carry out legislative duties, and its functioning and scheduling has been disrupted by a national and statewide emergency, now therefore

BE IT RESOLVED, that the Fall River City Council Committee on Ordinances and Legislation convene to develop a strategy to continue carrying out its duties using telecommunications and/or other forms of technology for this and future times of emergency.



City of Fall River
Notice of Claim

RECEIVED

2020 MAR -6 A 11: 57

CITY CLERK: 20-13
FALL RIVER, MA

1. Claimant's name: John Diogo
2. Claimant's complete address: 208 SWELL ST
3. Telephone number: Home: SAME Work: 5086783709
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
PROP DAMAGE
5. Date and time of accident: 3-3-2020 Amount of damages claimed: \$ 620.00
6. Exact location of the incident: (include as much detail as possible):
208 SWELL ST
7. Circumstances of the incident: (attach additional pages if necessary):
REPORTED TO CITY WATER LEAK TRU MY WALLS. THEY TOLD ME IT WAS ON MY SIDE MY RESPONSIBALITY CALLED CONST. CO. THEY DUG UP SIDEWALK IT WAS ON MIDSTREET. HAD TO PAY COM \$620-
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: Yes No

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

Date: 3-6-2020 Claimant's signature: John Diogo

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

Return this from to : City Clerk, 2nd Fl., One Government Center, Fall River, MA 02722

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens:

For official use only:	
Copies forwarded to: <input checked="" type="checkbox"/> City Clerk <input checked="" type="checkbox"/> Law <input checked="" type="checkbox"/> City Council <input type="checkbox"/> City Administrator <input checked="" type="checkbox"/> <u>Water Dept</u>	Date: <u>3/6/2020</u>

COMMITTEE ON FINANCE

MEETING: Tuesday, February 25, 2020 at 6:00 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne, Bradford L. Kilby,
Pam Laliberte-Lebeau, Trott Lee, Christopher M. Peckham,
Leo O. Pelletier and Linda M. Pereira

ABSENT: None

IN ATTENDANCE: Mary Sahady, Temporary City Administrator/Director of Financial Services
John Perry, Director of Community Maintenance
Chief John D. Lynch, Fall River Fire Department
Chief Albert F. Dupere, Fall River Police Department

The chair called the meeting to order at 6:00 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

In accordance with a resolution adopted, as amended May 8, 2012, allowing persons to address the Council for a period of three minutes prior to the beginning or at the conclusion of business in the Committee on Finance, the following persons spoke on the subjects listed:

Citizens' Input Time – Before Discussion of Financial Matters:
None

2. Five Year Capital Improvement Plan

The Temporary City Administrator/Director of Financial Services provided a brief overview of the Five Year Capital Improvement Plan. Councilor Linda M. Pereira stated that there are a few traffic signals that have been knocked down and have not been replaced. She then asked the Chief of Police who pays to have these signals repaired or replaced. The Chief of Police stated that if it is known who caused the damage, then the individual's automobile insurance is billed for the damage and if the individual has no insurance, then the individual is billed for the damages. Councilor Michelle M. Dionne asked if a solid waste transfer station is still viable. The Director of Community Maintenance stated that if the City can control its own costs for solid waste disposal and recycling, the City would be better off. He then stated that the next question is the location and continued to state that is Lewiston Street the proper location or would it be better located in the north end of the City where there is more available space to locate a transfer station. He then stated that any transfer station must be located at least 500 feet away from the nearest dwelling. Councilor Michelle M. Dionne then stated that when there was a ballot question for the transfer station, it was estimated to cost between \$13 and \$15 million dollars and now it is up to \$20 million dollars. Councilor Linda M. Pereira asked when the application for site assignment was

filed. The Director of Community Maintenance stated approximately two years ago. Councilor Leo O. Pelletier stated that many years ago he wanted to repair and upgrade the incinerator to keep it operational, but there was no appetite to spend the needed \$50 million dollars. He then stated that the City is looking to spend approximately \$20 million dollars for a transfer station and then we still need to pay for the disposal of the solid waste and recycling. Councilor Leo O. Pelletier then asked the Chief of Police how many motorcycles are in motorcycle unit. The Chief of Police stated eight motorcycles. He then stated that all eight motorcycles were purchased at the same time, so we really should begin replacing them two at a time.

Councilor Bradford L. Kilby then asked the Director of Community Maintenance what is being stored at Lewiston Street. The Director of Community Maintenance stated mowers, brush cutters, cement mixers and various other maintenance machines. Councilor Bradford L. Kilby then asked the Temporary City Administrator/Director of Financial Services if she would provide a list of the completion dates of some of the ongoing projects. Mary Sahady stated that she will prepare the list and forward it to the Councilors. Councilor Shawn E. Cadime asked the Temporary City Administrator/Director of Financial Services where the City stands with bonding. Mary Sahady stated that we have tried to keep bonding under \$10 million dollars per year, not including the new B.M.C. Durfee High School project. She then stated that many of the school repairs will now be made by the School Department. Councilor Pam Laliberte-Lebeau asked if the \$150,000.00 for various parks to remove playground equipment, does that include the new playground equipment? Mary Sahady stated that it does include the new equipment. Councilor Pam Laliberte-Lebeau then asked the Fire Chief if the \$100,000.00 per year for the Central Fire Station includes any interior work. The Fire Chief stated that these funds are only to repair and seal the exterior of the building. He then stated that the brick exterior needs to be repointed, flashing needs to be replaced and new doors and windows are also needed. Councilor Pam Laliberte-Lebeau then stated that no interior repairs are included in these funds. The Fire Chief stated that is correct. Councilor Pam Laliberte-Lebeau then asked what needs to be repaired on the interior of the building. The Fire Chief stated mostly everything, as nothing has been upgraded or repaired in many years.

Councilor Michelle M. Dionne asked the Police Chief if there are any grants available for motorcycles. The Police Chief stated that grants for vehicles are very rare, but we are always searching for any grants that the City of Fall River may qualify for. Councilor Linda M. Pereira asked the Police Chief when the microwave towers will be complete. The Police Chief stated that the project began in 2018 and is almost complete. Councilor Linda M. Pereira then asked the Fire Chief if the kitchen renovations were paid for with funds from the Fire Department and if granite countertops were installed. Chief John D. Lynch stated that the renovations were paid for by the Facilities Maintenance Department and granite countertops were not installed. He then stated that the countertops are durable, but they are not granite. Councilor Christopher M. Peckham asked the Fire Chief if the Klaxon Fire Alarm Signal will last another two years, as noted in the Five Year Capital Plan to be replaced in two years. Chief John D. Lynch stated that it was repaired and he feels that it should last another year or two and he also stated that they felt the portable radios were more important and the radios are always used and the Klaxon Fire Alarm System is a redundant system, so they are comfortable waiting on the replacement of the Klaxon Fire Alarm System. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was unanimously voted to refer the matter to the full council for action.

3. Five Year Financial Forecast

The Temporary City Administrator/Director of Financial Services stated that they are in the early stages of preparing the Fiscal Year 2021 Budget. We have received from all departments their requests and some departments have included enhancements or wish list items. She then stated that some of these wish list items will be removed from this upcoming budget prior to the final document being presented to the City Council for approval. She then stated that it is very difficult to prepare a financial forecast 180 days prior to the fiscal year and she then stated that this is a little late, but she stated that she wanted to wait for the new Mayor to be sworn in. Councilor Michelle M. Dionne asked if any of the \$4.7 million dollar gap is due to the new B.M.C. Durfee High School. The Temporary City Administrator/Director of Financial Services stated that approximately \$3.2 million dollars is due to the interest in borrowing \$60 million dollars long term and \$30 million dollars short term. Councilor Michelle M. Dionne then asked if the debt exclusion will begin early, due to this interest. Mary Sahady stated that the debt exclusion will not begin until 2022. Council President Cliff Ponte stated that he thought the debt exclusion would not begin until 2023.

Councilor Trott Lee asked what the anticipated tax increase will be for the upcoming fiscal year. Mary Sahady stated 2.5%. Councilor Trott Lee then asked when can we anticipate not needing to raise taxes the 2.5%. Mary Sahady stated when departments do not have needs and she then stated that she cannot see that in the foreseeable future. She then stated that health insurance is increasing significantly over fiscal year 2020. Councilor Leo O. Pelletier asked how many years has the City increase property taxes by 2.5%. Mary Sahady stated that she is unsure of how many years, but it has been a long time. Councilor Leo O. Pelletier then stated that his property taxes used to be approximately \$1,200.00 per year and now they are \$3,600.00 per year. Councilor Shawn E. Cadime stated that the only way to raise revenue is to raise taxes and fees. He also stated that the 2.5% tax increase raises approximately \$2.5 million dollars and the retirement account is increasing approximately \$2 million dollars per year, so there is not much excess funds left over. He then stated that he was opposed to cancelling the Pay-As-You-Throw Program as it raised over \$2.3 million dollars and there was not 100% compliance. He also stated that when the debt exclusion for B.M.C. Durfee High School is added to the tax bills, we will really have complaints.

The Temporary City Administrator/Director of Financial Services stated that Attorney Matthew J. Thomas is working very diligently to decrease our tax title properties. Councilor Bradford L. Kilby stated that when property taxes are not raised for a few years it compounds and makes it difficult to make up. Councilor Linda M. Pereira stated that with the property taxes increasing 2.5% and property values increasing, it makes the increase for the resident even higher than the 2.5%. She also stated that comp time should be limited, as this also effects the budget. Councilor Shawn E. Cadime stated that there are many non-profits in the city that are not paying any taxes. He then stated that we need to establish more PILOTs in the city to assist with costs. Councilor Linda M. Pereira asked how much Blue Cross and Blue Shield is anticipating for an increase. Mary Sahady stated that these increases are not finalized, but the anticipated rate increase is 8% for the employer and 5.7% for the employees. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted to refer the matter to the full council to be accepted and placed on file.

4. Resolution – Police Details at Northeast Alternatives

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was unanimously voted to table the matter.

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adjourn at 8:09 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

Cullen A. Taylor
Clerk of Committees

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, February 11, 2020 at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne, Bradford L. Kilby,
Pam Laliberte-Lebeau, Trott Lee, Christopher M. Peckham, Leo O. Pelletier
and Linda M. Pereira

ABSENT: None

IN ATTENDANCE: Mary Sahady – Temporary City Administrator/Director of Financial Services
Timothy Oliveira – EMS Director
Attorney Michael Kehoe – 128 Union Street, Suite 500, New Bedford, MA

President Cliff Ponte called the meeting to order at 7:33 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. Mayor and Five Year Capital Improvement Plan
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Trott Lee, it was unanimously voted to refer the matter to the Committee on Finance.
2. Mayor and Five Year Financial Forecast of City Revenues and Expenditures within the General Operating Budget
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to refer the matter to the Committee on Finance.
3. Mayor and order of premium in the amount of \$131,145 to pay costs of improvements to Abbot Court Playground, Kennedy Park and Maplewood Park
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Trott Lee, it was unanimously voted to adopt the order.
4. Mayor and proposed ordinance modification for EMT – Basic position
Councilor Christopher M. Peckham stated he had many questions concerning this position. He stated currently there are 93 firefighters that are also EMT Basics. He would like to know if hiring for new positions would be more cost effective than using the firefighters that already hold the EMT Basic position. He further stated that in the last few months the EMS Division has started providing private transport services using Rescue 9 and Rescue 10, and questioned if the two new positions

are to be used for the transport service, and what costs are associated with mileage, fuel, and repairs on the rescue vehicles being used. He further stated that he is wanting to be cautious to not over spend on a new program that has not yet been proven to be successful.

Councilor Leo O. Pelletier stated that transport service charges are paid through the patient's insurance companies, and the EMS Division could potentially bring in a substantial amount of revenue. Councilor Shawn E. Cadime stated he was unaware that private transport service were being provided by the EMS Division, and that the City is not in the business of making money in providing this type of service. On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Linda M. Pereira, it was unanimously voted to waive the rules to allow the EMS Director to answer questions.

The EMS Director stated they have a first right of return to any patient that they transport to St. Anne's Hospital. He said they are not on the rotation or picking up at personal homes. He stated if they brought in a patient, and now the patient needs to be transported to another medical facility or back home, if Rescue 9 is available, they are given the opportunity to make that transport. He further stated that he was running Rescue 10, however with having the need to pay overtime, it was not conducive to his budget, and therefore Rescue 10 is not being utilized.

Council President Cliff Ponte asked the EMS Director if there was a directive to perform this service or was has the practice always been in place. The EMS Director stated it was discussed and approved by the prior Administration. Councilor Pam Laliberte-Lebeau asked approximately how many return transports the EMS Division does. The EMS Director stated that they transport to St. Anne's approximately 300 times per month and do approximately 32% of the returns for those patients. He stated that this service started on October 15, 2019, and from that point to December 31, 2019, they have billed out for approximately \$108,000 and has collected \$34,000 thus far. Councilor Pam Laliberte-Lebeau then asked how often the EMS Division turns down return transport. The EMS Director said approximately 25% of the requests.

Councilor Christopher M. Peckham asked if there was a paramedic on detail at Prima Care, and how long they have been at that location. The EMS Director responded that they do have a paramedic at Prima Care, and it has been for about 2 years. Councilor Christopher M. Peckham asked who pays the paramedics salary. The EMS Director stated that they have an agreement that Prima Care pays a percentage of the salary. Councilor Christopher M. Peckham stated that he does not agree with wanting to implement two new positions when the EMS Division is having paramedics stationed at Prima Care. The EMS Director stated that there is a national shortage of paramedics. The EMT Basic positions proposal will help fill the vacant paramedic positions, and as part of their employment agreement, they would need to obtain their paramedic license within 14 months of being employed. The EMT Basic is a recruiting tool, in hopes of getting the positions filled with expectations of obtaining their paramedic license, and they potentially stay serving the EMS Division.

Councilor Shawn E. Cadime stated he is astonished that this program is in effect given the number of emergency calls the EMS Division handles. He stated that the City is trying to be more efficient in the services it provides its residents and feels that return transport service is not going to be cost effective.

Councilor Linda M. Pereira asked why the EMS Division has not received the payments for what has been billed for the return transport. The EMS Director stated that the billing is done in house. Medicaid and Medicare take about 90 days to receive payment, however private insurance companies like Blue Cross or Tufts take approximately 300 days before a payment is issued. He

further stated that they will conservatively collect about 67% of what is billed due to co-pays, mandates and exemptions. Councilor Linda M. Pereira then asked where the paramedic at Prima Care is stationed. The EMS Director stated that they are stationed in the walk-in center of the Prima Care building, they are fully equipped and said it is like an EMS sub-station. He further stated that if there is an emergency in the building, the paramedic responds, calls for an ambulance, and provides immediate care for the patient. Councilor Linda M. Pereira asked what portion of the paramedic's salary is paid by Prima Care. The EMS Director stated Prima Care pays 40% of the salary. Councilor Linda M. Pereira stated that she feels it is unnecessary to have a paramedic stationed at a medical facility that should be more than well-equipped and staffed to handle a medical emergency. She stated that she does not agree with subsidizing this type of service, and that medical facilities like Prima Care should hire their own paramedics, paying 100% of their salary. Councilor Linda M. Pereira asked if this agreement to station a paramedic at Prima Care come before the City Council. The EMS Director said no. Council President Cliff Ponte stated that there was nothing presented to the City Council, and further stated that in October of 2019 he was Acting Mayor and at no point was there any type of communication sent to the City Council regarding return transport services. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Shawn E. Cadime, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.

5. Mayor and order regarding the employment agreement of the Director of Human Resources
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Leo O. Pelletier, it was voted to adopt the order, with Councilor Shawn E. Cadime opposed.

6. Mayor requesting confirmation of the following appointments:

a. Daniel D. Dupere to the Board of Appeals

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted to confirm the appointment.

b. Nancy L. Hinote to the Board of Assessors

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was unanimously voted to confirm the appointment.

c. Attorney Paul J. Machado to the Community Preservation Committee

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted to confirm the appointment.

d. Linda Pereira to the Tax Increment Financing Board

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Bradford L. Kilby, it was unanimously voted to confirm the appointment.

e. Dan Robillard to the Commission on Disability

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Linda M. Pereira, it was unanimously voted to confirm the appointment.

7. Mayor requesting confirmation of the following re-appointments:

a. John A. Brandt to the Community Preservation Committee

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted to confirm the re-appointment.

b. Carolyn Morrissette to the Board of Appeals

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to confirm the re-appointment.

c. Kristin Cantara Oliveira to the Historical Commission

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Linda M. Pereira, it was unanimously voted to confirm the re-appointment.

d. Kristin Cantara Oliveira to the Community Preservation Committee

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was unanimously voted to confirm the re-appointment.

e. Dennis Polselli to the Commission on Disability

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Bradford L. Kilby, it was unanimously voted to confirm the re-appointment.

PRIORITY COMMUNICATIONS

8. Traffic Commission recommending amendments to traffic ordinances

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.

COMMITTEE REPORTS – None

ORDINANCES

9. Second reading and enrollment:

Proposed Ordinance – Traffic, Miscellaneous

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to pass the ordinance through second reading and enrollment. On a further motion made by Councilor Linda M. Pereira and seconded by Councilor Shawn E. Cadime, it was unanimously voted that the proposed ordinance be passed to be ordained. Approved, February 13, 2020, Mayor Paul E. Coogan

RESOLUTIONS

10. Committee on Human Services, Housing, Youth and Elder Affairs convene with the School Department Chief Financial Officer, Fall River Nursing Department Director and the Fall River Board of Health Physician to discuss stocking epinephrine to facilitate emergency treatment in Fall River schools

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adopt the resolution.

11. Committee on Public Safety meet with property owner of 28 Quequechan Street, involved parties, and city departments to discuss various concerns at this location

Councilor Trott Lee stated that he has obtained police reports for 28 Quequechan Street to share with the Council. Council President Cliff Ponte stated that he would suggest Minimum Housing inspect the location for any violations. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adopt the resolution.

CITATIONS

12. Brian Jordan – 50th birthday and continued service to Fall River School Department

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was unanimously voted to adopt the citation.

ORDERS – HEARINGS – None

ORDERS – MISCELLANEOUS

- 13. Police Chief’s report on licenses:
2020 Taxicab Drivers:

Lynn Mary Cabral Raymond Cabral Timothy Fonseca Joseph F. Paiva

On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adopt the order.

- 14. Auto Repair Shop License Renewals:
Albert Piva d/b/a Piva's Auto Repair and Body Shop located at 151 Cove Street
Ziad.EIKhoury, Jbiel, LLC d/b/a Rochefort Auto Repair located at 127 Eastern Avenue
Empire Hyundai, Inc., located at 428 Pleasant Street
Antonio F. Pinto, Pinto's Auto Repair and Sales, Inc., located at 2447 South Main Street
Ruben Oliveira d/b/a Auto Doc located at 65 Tower Street
Edward A. Cellemme d/b/a Cellemme and Son Auto Service located at 193 Oak Grove Avenue

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the order.
Approved, February 13, 2020, Mayor Paul E. Coogan

- 15. Auto Body Shop License Renewal:
Albert Piva d/b/a Piva's Auto Repair and Body Shop located at 151 Cove Street
Paulo Medeiros d/b/a Paul's Auto Body and Sales located at 325 Oman Street
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the order.
Approved, February 13, 2020, Mayor Paul E. Coogan

COMMUNICATIONS – INVITATIONS – PETITIONS

- 16. Claims
On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to refer the claims to Corporation Counsel.

- 17. Open Meeting Law Complaint from Patrick Higgins re: January 14, 2020 City Council Meeting
Councilor Linda M. Pereira stated that contact information should be provided for appointments. She asked if the legal opinion was from the former Assistant Corporation Counsel Christy M. Diorio, and the City Clerk confirmed that it was. Councilor Shawn E. Cadime asked for what purpose is it necessary to redact the addresses of appointed officials seeing that elected officials need to provide their address. Council President Cliff Ponte said that he believes the Administration is following the former Assistant Corporation Counsel's opinion. Councilor Shawn E. Cadime requested that the current Corporation Counsel provide an updated legal opinion. The City Clerk informed the City Council that Corporation Counsel is already working on a new opinion. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Shawn E. Cadime, it was unanimously voted to no longer redact address information on appointment letters sent to the City Council for confirmation. On a further motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Michelle M. Dionne, it was unanimously voted to refer the matter to Corporation Counsel.

18. Open Meeting Law Complaint from Collin Dias re: January 10, 2020 alleged violation by City Council Committee on Health and Environmental Affairs
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted to refer the matter to Corporation Counsel.

19. Zoning Board of Appeals Minutes – October 17, 2019 Meeting
On a motion made by Christopher M. Peckham and seconded by Councilor Linda M. Pereira, it was unanimously voted that the minutes be accepted and placed on file.

City Council Meeting Minutes:

20. Regular Meeting of the City Council and Organization of Government – January 6, 2020
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to approve the minutes.

BULLETINS – NEWSLETTERS – NOTICES

21. Notice of filing, public hearing, and procedural conference from the Department of Public Utilities for Liberty Utilities petition to be heard on March 4, 2020
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the notice be accepted and placed on file.

ITEMS FILED AFTER THE AGENDA DEADLINE:
CITY COUNCIL MEETING DATE: FEBRUARY 11, 2020

COMMITTEE REPORTS

Committee on Regulations recommending:

8a. Order – 64 Stevens Street, LLC, 31 Nelson Way, Mansfield, MA to store 48,000 gallons underground at 64 Stevens Street

Councilor Shawn E. Cadime asked if any restrictions were placed on the storage license. Councilor Bradford L. Kilby, Chair of the Committee on Regulations, stated that based upon the recommendations of the Fire Chief, the Committee recommended approval of the storage tanks for the proposed Cumberland Farms. He stated that the City Council grants the licenses for underground storage and other concerns regarding the proposed business are not within their purview. Councilor Shawn E. Cadime stated the storage license is the only leverage the City Council has in order to attempt to regulate and address neighbors' concerns. He further stated that he is not in opposition of a Cumberland Farms opening at that location, but feels the project is a bit excessive with a proposed car wash and would recommend approving the storage license with the stipulation that there be no car wash. Councilor Bradford L. Kilby reiterated that it is not within the Council's purview to impose such restrictions.

Councilor Leo O. Pelletier asked if this matter still needed to go before the Planning Board. Council President Cliff Ponte reminded the Council that at the previous meeting it was stated that 64 Stevens Street, LLC has gone through all necessary approvals. Councilor Linda M. Pereira clarified that she had spoken to the City Planner and stated that 64 Stevens Street, LLC went before Site Plan Review and did not need to go before the Planning Board. On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Linda M. Pereira, it was unanimously voted to waive the rules to allow Attorney Michael Kehoe, representative for 64 Stevens Street, LLC to answer questions.

Councilor Shawn E. Cadime stated that he feels that the Council is within its purview to place a restriction on a storage license. He stated that a car wash and 24 hour operation is unnecessary and by placing those restrictions, the City has the ability to work out the hours with Cumberland Farms.

Councilor Leo O. Pelletier stated that the Cumberland Farms on Stafford Road does not operate 24 hours, and that a car wash will cause a traffic issue. He then stated that he would suggest restricting the hours of operation for the business be from 7:00 a.m. to 10:00 p.m. with no car wash.

Councilor Pam Laliberte-Lebeau asked Attorney Michael Kehoe if hours of operation were discussed during the site plan review process. Attorney Michael Kehoe said hours of operation were never presented to them for discussion. He stated that his client has complied with all the regulations presented to them by the City of Fall River and site plan review. He further stated that the site plan review was a four month process that included traffic studies. They also went before the Conservation Commission to address a small portion of the parking area that fell in the buffer zone. Cumberland Farms worked with engineers and designed a plan that was presented to the Conservation Commission and it was determined that there would be no negative impact to the area. He further stated that his client was given a list of stipulations from the City Planner after the site plan review was completed stating they were approved with a list on conditions and hours of operation was not one of them. Attorney Kehoe then stated that the new standard model for a Cumberland Farms includes a car wash. He stated that if the City requests that they do not have a car wash, Cumberland Farms will not move forward with the project. Attorney Kehoe then stated that there is a Cumberland Farms project taking place in the City of New Bedford, and during discussions with them, they negotiated the hours of operation for the two bay car wash, be from 5:00 a.m. to 10:00 p.m. Attorney Kehoe then offered the same agreement with the City of Fall River. He further stated that Cumberland Farms takes safety very seriously. The car wash will not be operational if a manager is not on duty, and that they want to work with the City and the neighbors to make things reasonable and appropriate for all. On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Linda M. Pereira, it was voted 5 yeas, 4 nays to adopt the order with the conditions that the hours of operation be 5:00 a.m. to 10:00 p.m. for the car wash. On a further motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was voted 5 yeas, 4 nays to adopt the order as amended.

Committee on Finance:

8b. Loan order – \$2,100,000 for the purchase of snow removal equipment
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau, it was voted, 9 yeas, to adopt the loan order.

8c. Loan order – \$2,219,000 for street repair
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau, it was voted, 9 yeas, to adopt the loan order.

RESOLUTIONS

11a. Administration offer and pay for "Firefighter Cancer Screening Trial" through CancerDogs Inc.

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adopt the resolution.

11b. City Council and Mayor send joint letter to State Delegation requesting swift action on state legislation regarding the purchase of credible service for military service.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adopt the resolution.

Councilor Shawn E. Cadime stated that he would like Corporation Counsel to attend the City Council meetings. He said there were a few instances in this evening's meeting that consultation and guidance from Corporation Counsel was warranted and feels it best to have their presence at meetings going forward. Council President Cliff Ponte requested that the City Clerk invite Corporation Counsel to all future meetings of the City Council.

A recess was taken at 9:16 p.m. to have the ordinance signed and the City Council reconvened at 9:19 p.m.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adjourn at 9:19 p.m.

List of documents and other exhibits used during the meeting:

- Agenda packet (attached)
- DVD of meeting

A true copy. Attest:



City Clerk

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City of Fall River Massachusetts

Department of Community Maintenance

CEMETERIES • MUNICIPAL BUILDINGS • ENGINEERING • SANITATION •
PARKS • STREETS & HIGHWAYS • TRAFFIC & PARKING • VEHICLES

Engineering Division

RECEIVED

2020 APR -2 A 11:43

CITY CLERK
FALL RIVER, MA

PAUL E. COOGAN
Mayor

JOHN A. PERRY JR.
Director

JR FREY, P.E.
City Engineer

To: Fall River City Council
From: J R Frey, P.E., City Engineer
Date: March 26, 2020
Subject: Street Opening Request for Pavement Less Than Five Years Old

The Engineering Division has received a request for a road opening to install water and sewer utilities at 240 Dover Street (Map I-23, Lot 31), in Snell Street. Snell Street was paved in 2017. The improvements are two years old.

The Engineering Division approves the request on an emergency basis due to circumstances beyond the applicant's control, as City Council meetings are suspended pending a resolution of the current public health crisis. The scope of street restoration shall be reviewed by Engineering and submitted to City Council for approval for subsequent to the work being completed. The trench paving shall be 2" lifts to the existing depth of pavement or 4" thickness, whichever is greater. The Engineering Division may require street restoration prior to issuance of an occupancy permit.