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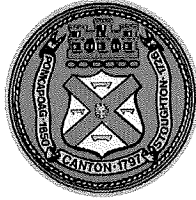
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**Town of Canton
Commonwealth of Massachusetts**



Norfolk, ss

To the Constables of the Town of Canton,

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Canton to meet at Morse Auditorium, on the grounds of the Canton High School, 900 Washington Street in said town on;

**MONDAY, THE THIRTIETH DAY
OF APRIL, 2012**

At half past seven o'clock (7:30 P.M.) in the evening for the annual town meeting at which time and place the following articles are to be acted upon:

ELECT A MODERATOR

Article 1 To elect a Moderator to preside at this Town Meeting, to serve until the commencement of Annual Town Meeting in 2013 or to take any other action related thereto.

Board of Selectmen

ADOPT RULES TO GOVERN TOWN MEETING

Article 2 To see if the town will vote to adopt certain procedures to govern the conduct of the 2012 Annual Town Meeting, or to take any other action related thereto.

Board of Selectmen

HEAR REPORTS OF COMMITTEES APPOINTED AT PRIOR TOWN MEETINGS

Article 3 To hear the reports of all committees, appointed at previous town meetings, which have not yet been discharged, or to take any other action related thereto.

Board of Selectmen

ACT ON "CONSENT AGENDA"

Article 4 To see if the town will vote to dispose of certain articles in this warrant by a single vote, in accordance with a so-called, consent agenda, or to take any other action related thereto.

Board of Selectmen

COLLECTIVE BARGAINING AGREEMENTS UNDER THE BOARD OF SELECTMEN

Article 5 To see if the town will vote, in accordance with the provisions of section seven of chapter one hundred fifty E (G. L. Ch.150E, §7) to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute, a sum of money for the purpose of funding any cost items contained in any collective bargaining agreements entered into by the Board of Selectmen, on behalf of the town, with any group of employees, or, groups of employees, serving under its jurisdiction, and to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute, such sums of money as may be necessary to fund contracts for personal services with any individual employee, or to take any other action related thereto.

Board of Selectmen

FUNDING OF COST ITEMS NOT IN DEPARTMENTAL BUDGETS

Article 6 To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute for the purpose of funding cost items, not included in departmental budgets appropriated for FY 13, for the twelve month period beginning July 1, 2012, to budget category Department 910 for the Board of Selectmen to expend without further appropriation to pay for collective bargaining agreements and/or individual employees or groups of employees

serving under its jurisdiction, as may be reached after the conclusion of this Town Meeting between the Town and bargaining units, and/or individual employees or groups of employees serving under its jurisdiction, such sums to be allocated to pay for the relevant departments payroll expenses from budget classification Department 910 as required by such agreements; and to take any other action related thereto.

Board of Selectmen

SET SALARIES OF ELECTED OFFICERS

Article 7 To see if the town will vote, in accordance with the provisions of section one hundred and eight of chapter forty-one (G. L. chapter 41, §108) to fix the salary and compensation of all elected officers of the town, or to take any other action related thereto.

Board of Selectmen

PAY BILLS OF PRIOR FISCAL YEAR

Article 8 To see if the town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum or sums of money to pay any unpaid bills of any prior fiscal year, or to take any other action related thereto.

Board of Selectmen

ADJUST FISCAL '12 ACCOUNTS

Article 9 To see if the town will vote to increase or decrease or otherwise adjust the appropriations heretofore made for the Fiscal Year 2012 beginning on July 1, 2011 and ending on June 30, 2012 and the revenues sources to meet those appropriations, as voted pursuant to Article 44 of the warrant for the 2011 Annual Town Meeting, and to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute to meet any such increases or adjustments, or to take any other action related thereto.

Board of Selectmen

TRANSFER UNEXPENDED PRIOR YEAR APPROPRIATIONS

Article 10 To see if the town will vote to transfer the unexpended balance of certain appropriations made under various articles in the warrants applicable to prior town meetings, to new purposes and uses, or to take any other action related thereto.

Board of Selectmen

AUTHORIZE CONTRACTS OF MORE THAN THREE YEARS DURATION

Article 11 To see if the town will vote, in accordance with the provisions of section twelve (b) of chapter thirty B, of the General Laws of the Commonwealth, to authorize the finance director (in his capacity as chief procurement officer) to solicit and award contracts for terms of more than three years, provided in each such instance the longer term is determined, prior to the solicitation, to be in the best interest of the town by a vote of the Board of Selectmen, or to take any other action related thereto.

Board of Selectmen

AUTHORIZE CERTAIN REVOLVING FUNDS

Article 12 To see what revolving funds pursuant to c. 44, section 53E ½ of the General Laws of the Commonwealth the town will authorize or reauthorize, for various boards, commissions or departments of the town, for the fiscal year beginning July 1, 2012 and ending June 30, 2013, or to take any other action related thereto.

Board of Selectmen

“OMNIBUS” CAPITAL OUTLAY PROGRAM

Article 13 To see if the town will vote to raise and appropriate, or to transfer from available funds, or to authorize the Town Treasurer with the approval of the Board of Selectmen, to borrow (and to issue bonds or notes therefore) any sum or sums of money, or by any combination of these methods of financing as may be necessary or desirable, make available funds for the purpose of purchasing, leasing, re-conditioning, improving or

replacing any motor vehicles or other items of equipment or machinery or other items of personal property for any town agency, or for the purpose of contracting for any service, or for the design, repair, acquisition, construction, replacement or relocation or improvement to any town building or other structure, public works facility (including highway needs and traffic safety items), any other town owned facility or real property, or for any other purposes for which borrowing may be authorized, to purchase, or to take by eminent domain, any land or easements necessary for any such purposes and, where applicable, to authorize the trade-in of any presently owned motor vehicles, equipment or machinery to reduce the purchase or acquisition cost of any item to be acquired, or to take any other action related thereto.

Board of Selectmen for Capital Planning Committee

AMENDMENT TO ZONING BY-LAWS BY ELIMINATING CCEOD RESIDENTIAL COMPONENT

Article 14 To see if the town will vote to amend the Zoning By-Laws by deleting Section 9.7 and replacing it with the following:

9.7 CANTON CENTER ECONOMIC OPPORTUNITY DISTRICT (CCEOD)

9.7.1 Subdistricts. The CCEOD is divided into two separate and distinct Subdistricts of Canton Center. The Subdistrict Revitalization Areas are shown on a map entitled "Canton Center Economic Opportunity District (Priority Revitalization Area "A" and Revitalization Area "B") prepared by the Canton Planning Department and dated December 20, 2004, which map is hereby incorporated by reference in this Section

9.8. The Subdistricts are as follows:

1. Priority Revitalization Area "A": That area of Canton Center that runs (1) along Washington Street from Neponset Street to Sherman Street, a distance of approximately 2000 linear feet and (2) that area zoned "Industrial" that runs along Pequit Street in the vicinity of Washington Street, to the Northern border of the District.

2. Priority Revitalization Area "B": That area of Canton Center that runs (1) along Washington Street from Sherman Street to Lewis Street, a distance of

approximately 1000 linear feet, but excluding (2) that area of land designated as Industrial that runs along Pequit Street in the vicinity of Washington Street to the Northern border of the District.

Certain activities in the Priority Revitalization Areas A and B are subject to Design Review as set forth in Section 10.6.

9.7.2 Priority Revitalization Area "A"; Purpose. Priority Revitalization Area "A" is established for the accomplishment of the following purposes:

1. To promote the economic health and stability of the Town by encouraging development and economic investment in the Canton Center that will generate employment and tax revenue.
2. To provide additional planning flexibility for projects located in Canton Center, including enhancing the coordination of the project with the environmental and natural features of the development site.
3. To encourage development, including but not limited to, offices and retail shops.
4. To permit and encourage the development of parks and open spaces, which would be available for use by the general public, as a condition for the grant of a special permit pursuant to this Section 9.7 authorizing an increase in the otherwise permissible density of population or intensity of a particular use in a proposed development pursuant to the requirements of this Section.
5. To permit the use of new development standards which will promote the desired changes in Canton Center.
6. To provide information on the potential impacts of a proposed development.
7. To enable the Special Permit Granting Authority (SPCA) to require adherence to "Site Development and Use Plans" in the granting of a special permit.

9.7.3 Priority Revitalization Area "A"; Definitions. For the special purposes of Area "A", the following words and phrases shall have the meaning hereinafter indicated:

Building Height: Building height shall be limited as set forth in this Section and measured as set forth in the State Building Code 780 CMR 101.0 et seq.

Buildable Lot Area: A buildable lot area shall be a single continuous tract of land located entirely within Priority Revitalization Area "A" which is contiguous with the frontage, and which excludes any land defined as a "Resource Area" under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and any required yard area.

Gross square feet of nonresidential floor area: The total nonresidential floor area contained within exterior walls but does not include basement space used for heating and utilities, storage or for automobile parking.

Open Space: Open Space is defined as an area of land containing no building or structure, or impervious material. In the event that natural materials (i.e. brick, pavers, etc.) are used in the construction of walkways, courtyards, patios, etc., allowing such surfaces to be pervious, the area of these surfaces can be credited toward the open space requirement. However, surfaces using such pervious materials for vehicular movement or parking may not be used when calculating the open space requirement.

9.7.4 Priority Revitalization Area "A"; Scope of Authority. Priority Revitalization Area "A" shall be an overlay district and shall not restrict the owner's rights relative to the underlying zoning districts. However, if the owner selects to use Priority Revitalization Area "A" for development purposes, the development shall conform to the requirements of this Section for Priority Revitalization Area "A".

9.7.5 Priority Revitalization Area "A"; Special Permit Granting Authority. The Board of Appeals is hereby designated as the Special Permit Granting Authority (SPGA) for all purposes in Priority Revitalization Area "A". All special permit applications shall conform to the standards and criteria of this Section and the Board of Appeals Rules and Regulations governing the administration of applications for special permits.

9.7.6 Priority Revitalization Area "A"; Applicability. In Priority Revitalization Area "A", no building shall be constructed or externally enlarged, and no use shall be expanded in ground area, or established in an existing building except in conformity with a special permit issued by the

Board of Appeals and a Site Development and Use Plan that bears the endorsement of approval by the Board of Appeals. Requirements and Procedures for approval of such Site Development and Use Plan shall be in accordance with Section 10.5 and this Section.

9.7.7 Priority Revitalization Area "A"; Special Permit Criteria. In addition to the specific criteria contained within Section 10.4, the SPGA shall issue a special permit for development within Priority Revitalization Area "A" only after consideration of the project's compliance with the following additional criteria:

1. Adequacy of the site in terms of the size of the proposed use(s);
2. Adequacy of the provision of open space, its accessibility to the general public, and/or its association with adjacent or proximate open space areas;
3. Suitability of the site for the proposed use(s);
4. Impact on traffic and pedestrian flow and safety;
5. Impact on the visual character of the neighborhood;
6. Adequacy of utilities, including sewage disposal, water supply and storm water drainage; and
7. Degree to which the proposed project complies with the goals of the Canton Center Revitalization Plan and the provisions of this Section.

9.7.8 Priority Revitalization Area "A"; Special Permit Uses. Within Priority Revitalization Area "A", the Board of Appeals may issue a special permit authorizing the following uses. No building or structure shall be designed, arranged or constructed and no building, structure or land shall be used, in whole or in part, for any purpose other than for one or more of the uses herein set forth as permissible by special permit.

1. Retail stores and offices including salesrooms and showrooms, consumer service establishments, business and professional offices, executive and administrative offices, banks and other institutions.

2. All uses allowed by right or by special permit in the underlying zoning district.
3. Restaurant and other on-premises eating and drinking establishments.

9.7.9 Priority Revitalization Area "A"; Standards.

1. Minimum Lot Size. The minimum lot size is 10,000 square feet of "buildable lot area." The lot must contain the "buildable lot area" in a single, contiguous site within the boundaries of Priority Revitalization Area "A". No portion of a way or street, as defined by the by-law may be included in computing the minimum required "buildable lot area".

2. Lot Coverage. No building shall be constructed so as to cover, together with any other building on the lot, more than fifty (50) percent of the "buildable lot area".

3. Minimum Lot Frontage and Access. Lots with over 60,000 sq. ft. of "buildable lot area" shall have a minimum frontage of one hundred twenty (120) feet and at least one means of ingress/egress. Each means of ingress/egress shall have a continuous frontage of not less than sixty feet.

4. Density. No building or structure shall be designed, arranged or constructed and no building, structure or land shall be used, in whole or in part, which exceeds the densities specified below for ~~and~~ nonresidential uses.

a. Three thousand (3,000) gross square feet of nonresidential floor area per 10,000 sq. ft. of "buildable lot area" or portion thereof.

5. Setbacks and Yard Regulations for Buildings. No building shall be constructed so as to be nearer to the line of any street than the "required setback distance" or nearer to the sidelines of its lot than the "required side yard width" or nearer to the rear line of its lot than the "required rear yard depth" specified below. The required setback distance shall be measured from the nearest exterior line of the street in question.

a. Required Setback Distance — 15 feet

b. Required Side Yard Width — N/A

c. Required Rear Yard Depth — 25 feet

6. Storage or Display. No storage or display of goods, products, materials or equipment, vending machines or similar commercial devices shall be located nearer to the line of any street than the permitted setback distance for a building on the lot.

7. Change of Lot. No lot on which a building is located shall be reduced or changed in size or shape so that the building or lot fails to comply with the "buildable lot area", frontage, building coverage, yard setback, or other dimensional provisions of this Section.

8. Height Regulations. No building shall be constructed to exceed forty (40) feet in height or a total of three (3) stories whichever is lower.

9. Buildings within the central business area that are permitted to have zero setback from the line of Washington Street are limited to two (2) stories and twenty-seven (27) feet in height, for a horizontal distance of 30' perpendicular to the line of Washington Street. Beyond 30' the provisions of section 9.7.9.8 Height Regulations shall apply.

9.7.10 Priority Revitalization Area "A"; Common Open Land. At a minimum, each site shall have thirty percent (30%) of its lot area designated as Open Space or Common Open Land for use by the general public. The contiguous open space shall be located between the side line of the frontage street and the front face of the proposed structure nearest to Washington Street. The open space shall have a shape, dimension, character and suitable to assure its use for park or open space purposes by the general public, and seventy-five percent (75%) of the land to be considered as Common Open Land shall be contiguous and no piece of land to be included as part of the calculation of Common Open Land shall consist of a piece less than 200 square feet in size.

9.7.11 Priority Revitalization Area "A"; Parking Requirements. In Priority Revitalization Area "A", there shall be provided and maintained improved off-street automobile parking in connection with the erection, establishment or increase in units or dimensions of buildings, structures and uses, in the following amounts:

1. For restaurants and other on premises eating and drinking establishments, not less than one (1) parking space for each six (6) seats, subject to the discretion of the Board of Appeals to require additional parking space. Where benches are used, not less than one (1) parking space for each six (6) feet of bench, subject to the discretion of the Board of Appeals to require additional parking space.

3. For retail stores and offices including salesrooms and showrooms, consumer service establishments, public administration buildings, business and professional offices, executive and administrative offices, banks and other financial institutions one parking space for each two hundred fifty (250) square feet of gross floor area. For the purpose of this section, "gross floor area" means the total floor area contained within exterior walls, but does not include basement space used for heating and utilities, storage or for automobile parking.

4. Uses not listed herein shall comply with the parking space requirements of the By-Law Section 5.1 Off-Street Parking.

9.7.12. Priority Revitalization Area "A"; Below Grade Structured Parking. Below grade automobile parking shall be permitted within the basements of buildings provided that such "structured basement" automobile parking is exclusively reserved for motor vehicles of employees of the development.

1. Below grade structured parking may be designed to allow two cars to park in "tandem". In such cases, each of the two "tandem" parking spaces shall be counted as providing a parking space for the purpose of meeting the off street parking requirement of this by-law. "Tandem" parking is defined as two parking spaces placed one behind another in single file.

9.7.13 Priority Revitalization Area "A"; Miscellaneous Parking Requirements.

1. In the case of mixed uses, the parking spaces required shall be the sum of the requirement for the various individual uses, computed separately in accordance with this section. Parking spaces for one use shall not be considered as providing the required parking spaces for any other use unless

it can be clearly demonstrated to the Board of Appeals that the need for parking occurs at different times.

2. A change in the use of the premises or in the configuration of the building or lot subject to a special permit and site development and use plan issued pursuant to this Section shall require the special permit holder to apply to the Board of Appeals for a modification of the number of off street parking spaces required pursuant to such special permit and plan if such change, alone or in combination with previous changes, would require an increase or decrease of more than 10% in the number of off street parking spaces required pursuant to this Section.

3. Off-street automobile parking spaces, to the extent required in this section, may be provided either on the same lot or premises with the parking generator or on any lot or premises associated therewith a substantial portion of which at least is within three hundred (300) feet of the generator.

4. Off-street parking facilities and connecting drives between such facilities and the street shall be designed to insure the safety and convenience of persons traveling within or through the parking area, and between the parking facility and the street. The provisions of Section 6.1 Design Standards shall be considered the minimum criteria for evaluating such design.

5. In addition to the requirement for automobile parking spaces there shall also be provided for each building or group of buildings sufficient off-street loading space to insure that all loading operations take place off the public way. Loading spaces and access drives leading to loading spaces shall be so designed that vehicles to be loaded or unloaded are not required to maneuver in the public way to enter or leave the designed loading area. The provisions of Section 6.2 Loading Areas shall be considered the minimum criteria for evaluating such design.

9.7.14 Priority Revitalization Area "A"; Signs and Advertising Devices. The provisions of Section 6.3 Signs is adopted for the regulation and restriction of billboards, signs and other advertising devices with the Canton Center Economic Opportunity District.

9.7.15 Priority Revitalization Area "A"; Certified Acoustical Barriers. No activity or use shall be allowed which causes exterior noise levels to exceed

a day-night average sound level of 65 decibels (65 L_{dn}) at the lot line; no dwelling unit shall be located where exterior noise levels exceed a day-night average sound level of 65 decibels (65 L_{dn}); and no dwelling unit shall be constructed which allows interior noise levels to exceed a day-night average sound level of 45 decibels (45 L_{dn}). The day-night average sound level (L_{dn}) is the 24-hour average sound level, in decibels; resulting from the accumulation of noise from all sources contributing to the external noise environment of the site with 10 decibels added to sound levels occurring from 10:00 a.m. to 7:00 p.m. The day-night average sound level (L_{dn}) shall be determined in accordance with The Code of Federal Regulations Title 24-Housing and Urban Development, Part 51 Environmental Criteria and Standards (24 CFR 51).

9.7.16 Priority Revitalization Area "B"; Purpose. The Revitalization Area "B" is established for the accomplishment of the following purposes:

1. To promote the economic health and stability of the Town by encouraging development and economic investment in the Canton Center that will generate employment and tax revenue.
2. To provide additional planning flexibility for projects and to enhance the coordination of the project with the environmental and natural features of the development site.
3. To encourage mixed-use development of business and professional offices.
4. To permit the use of new development standards which will retain the sites' present character.
5. To provide information on the potential impacts of a proposed development.
6. To enable the Special Permit Granting Authority (SPGA) to require adherence to "Site Development and Use Plans" in the granting of a special permit.

9.7.17 Priority Revitalization Area "B"; Definitions. For the special purposes of Revitalization Area "B", the following words and phrases shall have the meaning hereinafter indicated:

Applicant: The person or persons, including a corporation or other legal entity, who applies for issuance of a special permit for construction of a Revitalization Area "B" development, within Revitalization Area "B" 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 or hold 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.

Buffer: An area within the Revitalization `B" Development adjacent to the boundaries, streams and ponds, which may not be developed except as provided herein.

Business and Professional Office: The office of one skilled in an occupation that primarily services clients or patients rather than retail customers including, but not limited to the office of a doctor, lawyer, dentist, architect, engineer, landscape architect, real estate agent, insurance agent, or the studio of an artist, musician or teacher, or the workroom of a dressmaker or milliner or photographer.

Development Schedule: A schedule showing the order and timing of construction and the sequence of the improvements to be built or furnished in the Revitalization Area `B" site, separated into stages where applicable.

Height Regulations: Building height shall be limited as set forth in this Section and measured as set forth in the State Building Code 780 CMR 101.0 et seq.

Open Space: Open Space is defined as an area of land containing no building or structure, or impervious material. In the event that natural materials (i.e. brick, pavers, etc.) are used in the construction of walkways, courtyards, patios, etc., allowing such surfaces to be pervious, the area of these surfaces can be credited toward the open space requirement.

Regulations: The applicable rules and regulations of the Board of Appeals relative to special permits and site plans. The Board of Appeals, as the Special Permit Granting-Authority, reserves

the right to modify and/or waive any and all requirements described in this Section.

Upland: Land without a wet area and not subject to flooding.

Wetlands: All land subject to the provisions of Massachusetts G.L. c. 131, ss. 40 and 40A and/or the Town's Wetlands By-Law.

9.7.18 Priority Revitalization Area "B"; Scope of Authority. Revitalization Area "B" is an overlay zoning district. If the landowner selects to file a development plan in conformance with the requirements of Revitalization Area "B", the development shall conform to the objectives, standards and criteria specified by the Revitalization "B" overlay zoning by-law. If the landowner selects to file a development plan in conformance with the requirements of underlying zoning district, the development shall conform to the objectives, standards and criteria specified by the underlying zoning district.

9.7.19 Priority Revitalization Area "B"; Special Permit Granting Authority. The Board of Appeals is hereby designated as the Special Permit Granting Authority (SPGA) for all purposes in Revitalization Area "B". All special permit applications shall conform to the standards and criteria of this Section and the Board of Appeals Rules and Regulations ("Regulations") governing the administration of applications for special permits.

9.7.20 Priority Revitalization Area "B"; Applicability. In Revitalization Area "B", no building shall be constructed or externally enlarged, and no use shall be expanded in ground area, or established in an existing building except in conformity with a special permit issued by the Board of Appeals and a Site Development and Use Plan that bears the endorsement of approval by the Board of Appeals. Requirements and Procedures for approval of such Site Development and Use Plan shall be in accordance with Section 10.5 and this Section.

9.7.21 Priority Revitalization Area "B"; Special Permit Criteria. In addition to the specific criteria set forth in Section 10.4, the SPGA shall issue a special permit for development within the Revitalization Area "B" only after consideration of the project's compliance with the following additional criteria:

1. Adequacy of the site in terms of the size of the proposed use(s);
2. Suitability of the site for the proposed use(s);
3. Impact on traffic and pedestrian flow and safety;
4. Impact on the visual character of the neighborhood;
5. Adequacy of utilities, including sewage disposal, water supply and storm water drainage; and
6. Degree to which the proposed project complies with the goals of the Canton Center Revitalization Plan and the provisions of this Section.

9.7.22 Priority Revitalization Area "B"; Specially Permitted Uses. Within Revitalization Area "B", the Board of Appeals may issue a special permit for the following uses. No building or structure shall be designed, arranged or constructed and no building, structure or land shall be used, in whole or in part, for any purpose other than for one or more of the uses herein set forth as permissible by special permit.

1. Business and Professional offices.
2. All uses allowed by right in the underlying zoning district.

9.7.23 Priority Revitalization Area "B"; Standards.

1. Minimum Lot Size. The minimum lot size is 10,000 square feet of lot area. The lot must be a single, contiguous site within the boundaries of Revitalization Area "B." No portion of a way or street, as defined by the by-law may be included in computing the minimum required lot area.
2. Lot Coverage. No building shall be constructed so as to cover, together with any other building on the lot, more than thirty (30%) percent of the lot area.
3. Minimum Lot Frontage and Access. Lots shall have a minimum of seventy-five feet (75') of continuous frontage. Each means of ingress/egress shall have a continuous frontage of not less than seventy-five feet (75').

4. Density, Mix of Uses and Infrastructure Standards. Within a Revitalization Area "B" Development, no building or structure shall be designed, arranged or constructed and no building, structure or land shall be used, in whole or in part, which exceeds the densities, either individually or in combination, specified below.

a. No building shall be constructed so as to cover, together with any other building on the lot, more than thirty percent (30%) of the lot area.

b. Two thousand (2,000) gross square feet of non-residential floor area per 10,000 sq. ft. of lot area or portion thereof.

5. Infrastructure Standards. All utilities and services shall be placed underground. Private driveways servicing the site shall be sized to adequately serve the intended vehicular and pedestrian traffic. Private driveways shall strive to conform to the Rules and Regulations of the Canton Planning Board governing the subdivision of Land, the Canton Department of Public Works Regulations regarding water, sewer and storm drainage, and any other applicable regulation and/or standards of the town.

6. Setbacks and Yard Regulations for Buildings. No building shall be constructed so as to be nearer to the line of any street than the "front yard setback requirements" or nearer to the sidelines of its lot than the "side yard setback requirements" or nearer to the rear line of its lot than the "rear yard setback requirements" or on a lot that does not comply with the lot width requirements specified below.

7. Lot Width Requirements: Each lot shall have a lot width of not less than one hundred feet (100') at the front yard setback line and the rear yard setback line.

8. Front Yard Setback. Each lot shall have a front yard setback requirement of not less than thirty feet (30') and a side yard setback requirement of not less than ten feet (10') from the nearest point on any exterior wall of the building.

9. Rear Yard Setback. Each lot shall have a rear yard setback requirement of not less than thirty-five feet (35').

10. Height Regulations. No building shall be constructed to exceed the height of the underlying zoning or thirty-six feet (36'), whichever is lower. Maximum building height shall be measured as set forth in the State Building Code 780 CMR 101.0 et seq.

9.7.24 Priority Revitalization Area "B"; Open Space, Common Open Land and Buffers. At a minimum, each site shall have thirty percent (30%) of its lot area designated as Open Space. Open Space is defined as an area of land containing no building or structure or impervious material.

1. The proposed development is encouraged to have Common Open Space for use by the general public. The Common Open Space shall have a shape, dimension, character and location suitable to assure its use for park or open space purposes by the general public. Such Common Open Space may be provided as a condition for the grant of a special permit pursuant to this Section authorizing an increase in the otherwise permissible density of population or intensity of a particular use in a proposed development pursuant to the requirements of this Section.

2. Areas which shall be credited toward the Open Space requirement include

a. Side, rear and front yard setbacks.

b. Buffer areas.

c. The area of surfaces that use natural materials (i.e. brick, bluestone, etc.) in the construction of walkways, courtyards, patios, etc.

d. Common Open Space.

9.7.25 Priority Revitalization Area "B"; Parking Requirements. In Revitalization Area "B", there shall be provided and maintained improved off-street automobile parking in connection with the erection, establishment or increase in units or dimensions of buildings, structures and uses, in the following amounts:

1. Nonresidential uses shall comply with the parking space requirements of the Zoning By-Law Section 6.1 Off-Street Parking.

2. Below grade structured automobile parking shall be permitted within the basements of buildings provided that such "structured basement" automobile parking is exclusively reserved for motor vehicles of employees of the development.

3. The parking spaces required shall be the sum of the requirement for the various individual uses, computed separately in accordance with this Section. Parking spaces for one use shall not be considered as providing the required parking spaces for any other use.

4. A change in the use of the premises or in the configuration of the building or lot subject to a special permit and site development and use plan issued pursuant to this Section shall require the special permit holder to apply to the Board of Appeals for a modification of the number of off street parking spaces required pursuant to such special permit and plan if such change, alone or in combination with previous changes, would require an increase or decrease of more than 10% in the number of off-street parking spaces required pursuant to this Section.

5. Off-street automobile parking spaces, to the extent required in this Section, shall be provided on the same lot or premises with the parking generator.

6. Off-street parking facilities and connecting drives between such facilities and the street shall be designed to insure the safety and convenience of persons traveling within or through the parking area, and between the parking facility and the street. The provisions of Section 6.1 shall be considered the minimum criteria for evaluating such design.

7. In addition to the requirement for automobile parking spaces there shall also be provided for each building or group of buildings sufficient off-street loading space to insure that all loading operations take place off the public way. Loading spaces and access drives leading to loading spaces shall be so designed that vehicles to be loaded or unloaded are not required to maneuver in the public way to enter or leave the designated loading area. The provisions of Section 6.2, Loading Areas, shall be considered the minimum criteria for evaluating such design.

9.7.26 Priority Revitalization Area “B”; Signs and Advertising Devices. The provisions of Section 6.3 are adopted for the regulation and restriction of billboards, signs and other advertising devices within the Revitalization Area "B".

9.7.27 Priority Revitalization Area “B”; Certified Acoustical Barriers. No activity or use shall be allowed which causes exterior noise levels to exceed a day-night average sound level of 65 decibels at the lot line; no dwelling unit shall be located where exterior noise levels exceed a day-night average sound level of 65 decibels; and no dwelling unit shall be constructed which allows interior noise levels to exceed a day-night average sound level of 45 decibels. The day night average sound level (L_{dn}) is the 24-hour average sound level, in decibels, resulting from the accumulation of noise from all sources contributing to the external noise environment of the site with 10 decibels added to sound levels occurring from 10:00 a.m. to 7:00 p.m. The day-night average sound level shall be determined in accordance with The Code of Federal Regulations, Title 24 Housing and Urban Development, Part 51 Environmental Criteria and Standards (24 CFR 51).

9.8 Performance Standards

The provisions of section 6.7 entitled Performance Standards shall apply to applications for special permit and/or Site Plan Approval under both CCEOD Priority Revitalization Area “A” and CCEOD “B”.
Or take any other action in relation thereto.

Planning Board

AMEND ZONING BY-LAWS 8.6 FLEXIBLE DEVELOPMENT/REPLACE WITH OPEN SPACE RESIDENTIAL DEVELOPMENT

Article 15 To see if the town will vote to amend the Zoning By-Laws by striking section 8.6 Flexible Development and Replacing it with the following:

8.6 OPEN SPACE RESIDENTIAL DEVELOPMENT

8.6.1 Purpose and Intent.

The Primary Purposes for this bylaw are the following:

- (1) To allow for greater flexibility and creativity in the design of residential developments;
- (2) To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, and historical and archaeological resources;
- (3) To encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features;
- (4) To minimize the total amount of disturbance on the site;
- (5) To further the goals and policies of the Town of Canton Master Plan;
- (6) To facilitate the construction and maintenance of housing, streets, utilities, and public services in a more economical and efficient manner.

The Secondary Purposes for this bylaw are the following:

- (1) To preserve and enhance the community character;
- (2) To protect and enhance the value of real property;
- (3) To provide for a diversified housing stock;
- (4) To provide affordable housing to persons of low and moderate income.

8.6.2 Definitions See Section 11 Open Space Residential Development

8.6.3. Authority

The Planning Board shall act as the Special Permit Granting Authority for OSRD applications. The Planning Board shall adopt and from time to time amend rules relative to the issuance of such Special permits, and shall file a copy of said rules in the office of the Town Clerk. Such Rules shall prescribe a size, form, contents, style and number of copies of plans and

specifications and the procedure for a submission and approval of such Special Permits.

8.6.4. Applicability

A. Any Major Residential Development must be permitted by issuance of a Special Permit from the Planning Board for either Conventional Development or OSRD in accordance with this bylaw. Applicants for a Major Residential Development shall submit both a conventional plan and an OSRD plan in accordance with the applicable provisions of this Bylaw.

B. Developments of four (4) lots or less may also apply for an OSRD Special Permit subject to the following criteria:

(1) Contiguous Parcels. To be eligible for consideration as an OSRD, the tract shall consist of a parcel or set of contiguous parcels. The Planning Board may determine that two or more parcels separated by a road or other man-made feature are “contiguous” for the purpose of this section, if they will serve as a singular resource and effectively satisfy the Purpose and Intent of this bylaw as listed in Section 8.6.1.

(2) Land Division. To be eligible for consideration as an OSRD, the tract may be a subdivision or a division of land pursuant to G.L. c. 41, § 81P provided, however, an OSRD may also be permitted when the property is held in condominium, cooperative ownership or other form where the property is not subdivided.

8.6.5. Application Procedure and Requirements

Applicants shall submit applications for an OSRD Special Permit in accordance with the Rules and Regulations Governing Open Space Residential Design as adopted and amended by the Planning Board.

8.6.6. Design process.

At the time of the application for the Special Permit, in conformance with this Section 8.6 ., applicants are required to demonstrate to the Planning Board that the following Design Process was performed by a multidisciplinary team of which one member must be a certified Landscape Architect and considered in determining the layout of proposed streets, house lots, unit placement if treated as a condominium, including designation of all common areas and open space.

A. Identifying Conservation Areas. Identify preservation land by two steps. First, Primary Conservation Areas (such as wetlands, riverfront areas, and floodplains regulated by state or federal law) and Secondary Conservation Areas (including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archaeological sites and scenic views) shall be identified and delineated. Second, the Potentially Developable Area shall consist of land outside identified Primary and Secondary Conservation Areas.

B. Locating House Sites. Locate the approximate sites of individual houses within the Potentially Developable Area and include the delineation of private yards and shared amenities, so as to reflect an integrated community.

C. Aligning the Streets and Trails. Align streets in order to access the house lots or units. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.

D. Lot Lines. Draw in the lot lines using assumed lot lines if the ownership is in condominium, cooperative or other similar form of common ownership.

8.6.7. Design Standards.

The following Generic and Site Specific Design Standards shall apply to all Sketch Plans for OSRD's and shall govern the development and design process:

A. Generic Design Standards.

(1) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, surface water buffers, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.

(2) Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize

cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.

(3) Mixed-use development shall be related harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings.

(4) All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.

(5) The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

B. Site Specific Design Standards.

(1) Mix of Housing Types. The OSRD may consist of any combination of single-family and two-family structures. Multifamily structures of not more than four (4) units may also be permitted by the Planning Board if they serve the purpose and intent of the OSRD Bylaw, as stated in Section 1.

(2) Parking. Each dwelling unit for single or two-family homes shall be served by two
(2) off-street parking spaces. Parking spaces in front of garages may count in this computation. For dwelling units with fewer than two bedrooms AND in structures containing four or more units, the applicant shall provide one and a half (1.5) parking spaces per unit. Calculations for parking spaces in these developments shall be rounded up to the nearest integer where necessary. The Planning board may choose to modify these requirements during the review process in response to conditions specific to an individual proposal.

(3) Drainage. The Planning Board shall encourage the use of Soft Stormwater Management Techniques and other Low Impact Development techniques that reduce impervious surface and enable infiltration where appropriate.

(4) Screening and Landscaping. All structural surface stormwater management facilities shall be accompanied by a conceptual landscape plan.

(5) On-site Pedestrian and Bicycle Circulation. Walkways, trails and bicycle paths shall be provided to link residences with recreation facilities (including parkland and open space) and adjacent land uses where appropriate.

(6) Disturbed Areas. Every effort shall be made to minimize the area of disturbed areas on the tract. A disturbed area is any land not left in its natural vegetated state.

7. Open space requirements.

A. Open Space Requirement. A minimum of thirty percent (30%) of the site shall be open space. The percentage of this open space that can be wetland shall not exceed the percentage of wetland for the entire site under existing conditions as shown on the Sketch Plan.

B. Description of Restriction on Open Space. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a permanent Conservation or Agricultural Preservation Restriction in accordance with G.L. c. 184 § 31, approved by the Planning Board and Board of Selectmen/Town Counsel and enforceable by the Town, conforming to the standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services, or Department of Agricultural Resources. Such land shall be perpetually kept in an open state, shall be preserved exclusively for the purposes set forth herein, and shall be maintained in a manner which will ensure its suitability for its intended purposes. Any proposed open space that does not qualify for inclusion in a Conservation Restriction or Agricultural Preservation Restriction or that is rejected from inclusion in these programs by the Commonwealth of Massachusetts shall be subject to a Restrictive Covenant, which shall be approved by the Planning Board and Board of Selectmen/Town Counsel and enforceable by the Town.

(1) The open space shall be contiguous. Open Space will still be considered contiguous if it is separated by a roadway or an accessory amenity. The Planning Board may waive this requirement for all or part of the required open space where it is determined that allowing noncontiguous open space will promote the goals of this bylaw and/or protect identified primary and secondary conservation areas.

(2) The open space shall be used for wildlife habitat and conservation and the following additional purposes: historic preservation, outdoor education, passive recreation, aquifer protection, agriculture, horticulture, forestry, a combination of these uses, and shall be served by suitable access for such purposes. The Planning Board may permit a small portion of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (i.e., pedestrian walks and bike paths) so long as it supports the primary and secondary purposes of the OSRD and is consistent with state and local level environmental protections.

The open space shall have a shape, dimension, character and location suitable to assure its use for park, recreation, conservation, or agricultural purposes by at least all the residents of the Flexible Residential Development. Land considered by the Planning Board as marginal or unsuitable for building, such as, inaccessible wetland and open water, steep slopes, highly eroded or poorly drained areas, areas of very shallow bedrock, or of very high water table shall be included in the permanent open space; but no more than forty (40%) percent of the required open land shall consist of such marginal or unbuildable areas.

Common open land may be used for passive and active residential recreational purposes such as swimming pools, walking trails and tennis courts.

The Board may consult with the Conservation Commission and Building Commissioner to determine if land is marginal or unbuildable.

(3) Wastewater and stormwater management systems serving the OSRD may be located within the open space. Surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space required.

C. Ownership of the Open Space. The open space shall, at the Planning Board's election, be conveyed to:

(1) The Town or its Conservation Commission;

(2) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above;

(3) A corporation, homeowners association or trust owned jointly or in common by the owners of lots or units within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot and unit. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such homeowners association, trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

(4) A private owner for agricultural, horticultural or forestry.

D. Maintenance of Open Space. In any case where open space is not conveyed to the Town, the Town shall be granted an easement over such land sufficient to ensure its perpetual maintenance as conservation or recreation land. Such easement shall provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town may, after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. The Town may file a lien against the lot or lots to ensure payment of such maintenance.

8.6.7. Dimensional Requirements.

All dimensions shall comply with the provisions of the lot dimensional regulations of this subsection.

Requirement	Residence B	Residence A	Residence AA
Minimum Lot Area (sq. ft.)	10,000	20,000	30,000
Minimum Lot Frontage (ft.)	50	50	50
Minimum Lot Width	50	50	50

Min. Lot Width Thru Building	60	70	70
Front Setback (ft.)	30	30	30
Side Yard (ft.)	25	25	25
Common Open Land	20	20	20
Rear Yard Setback	25	25	25
Max Lot Building Coverage	11%	8%	8%

8.6.8. Building Height

Maximum Height of Buildings. In all districts, no building shall be constructed to exceed the "Maximum Height" specified as follows for the district in which said building is located:

The Maximum building height shall be 25 ft plus one foot for each additional 3 feet by which: (a) the setback exceeds the required setback distance, or (b) the narrower side width, or (c) rear yard depth, whichever of the three additional distances is the smallest; provided, however, the height shall not in any case exceed 35 feet.

Maximum building height shall be determined in accordance with the Massachusetts State Building Code.

1. When located on the ground, the maximum height of structure other than buildings, shall be the highest point on the structure and shall not exceed the maximum height for buildings in feet as set forth in Section 4.3.1. Structures may be located in a required front, rear or side yard provided the height of the structure is not greater than its horizontal distance from the lot line, except that a fence or wall not greater than seven (7) feet in height may be located on, or closer to a lot line than seven (7) feet.

8.6.9. Increases in Permissible Density.

The Planning Board may award a density bonus to increase the number of dwelling units beyond the Basic Maximum Number for an OSRD Plan. The density bonus for the OSRD shall not, in the aggregate, exceed thirty percent (30%) of the Basic Maximum Number. Computations shall be rounded

down to the next whole number. A density bonus may be awarded in the following circumstances:

A. For each additional ten percent (10%) of the site (over and above the required percentage) set aside as open space, a bonus of five percent (5%) of the Basic Maximum Number may be awarded. Calculations shall be rounded down to the nearest integer when determining this bonus.

B. For every one (1) dwelling units restricted in perpetuity to occupancy by Moderate-Income Households (up to a maximum of 10% of the basic maximum number), one (1) market rate dwelling units may be added to the Basic Maximum Number. Affordable housing units may be used toward density bonuses only if they can be counted toward the Town's affordable housing inventory as determined by the Massachusetts Department of Housing and Community Development. The applicant shall provide documentation demonstrating that the unit(s) shall count toward the community's affordable housing inventory to the satisfaction of the Planning Board.

C. For every historic structure preserved and subject to a historic preservation restriction, one (1) dwelling unit may be added to the Basic Maximum Number.

8.6.10. Decision of the Planning Board.

A. Criteria for Approval. The Planning Board will review all data and hold a public hearing in accordance with M.G.L.c.40A, section 9. Prior to the close of the public hearing, the Planning Board shall recommend the development plan (either the Yield Plan showing Conventional Development or the Sketch Plan showing OSRD), that it considers the most beneficial to the Town. Within seven days, the Applicant shall then elect which plan he wishes to pursue and communicate this choice in writing to the Board, prior to the close of public hearing. The Board may approve such Plan with or without conditions. The Board shall disapprove both plans only if it finds that either the Conventional Development (Yield Plan) or OSRD Development (Sketch Plan) is not a good faith design, or that the Plan that the Applicant elects to pursue does not conform to the requirements of the Bylaw. The Board may grant a Special Permit for an OSRD if it determines that the proposed OSRD has less detrimental impact on the tract than a conventional subdivision of the property and finds that the following eight (8) factors are present:

- (1) That the OSRD achieves greater flexibility and creativity in the design of residential or unit developments than a conventional plan;
- (2) That the OSRD promotes permanent preservation of open space, agricultural land, forestry land, other natural resources including water bodies and wetlands, and historical and archaeological resources;
- (3) That the OSRD promotes a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision;
- (4) That the OSRD reduces the total amount of disturbance on the site;
- (5) That the OSRD furthers the goals and policies of existing community planning documents including, but not limited to, the Town's Local Comprehensive Plan, Open Space and Recreation Plan, Planned Production Strategy for Affordable Housing and Executive Order 418 Community Development Plan;
- (6) That the OSRD facilitates the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
- (7) That the Concept Plan and its supporting narrative documentation complies with all applicable sections of this zoning bylaw.
- (8) That the proposed design does not create undo risk to public health, safety and welfare.

B. Relationship between Concept Plan and Definitive Subdivision Plan. Any Special permit for a Major Residential Development or any Special Permit for OSRD that is granted a Special Permit and shows a subdivision must be followed by the submittal of a Definitive Subdivision plan in accordance with the Subdivision Rules and Regulations of the Town. The OSRD Special Permit shall be reconsidered if there is substantial variation between the Definitive Subdivision Plan and the Concept Plan. If the Planning Board finds that a substantial variation exists, it shall hold a public hearing on the modifications to the Concept Plan. A substantial variation shall be any of the following:

- (1) An increase in the number of building lots and/or units;
- (2) A significant decrease in the open space acreage;
- (3) A significant change in the lot layout or unit placement;
- (4) A significant change in the general development pattern which adversely affects natural landscape features and open space preservation;
- (5) Significant changes to the stormwater management facilities; and/or
- (6) Significant changes in the wastewater management systems.

8.6.11. Severability.

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby.

And to amend Section 11 by striking “Flexible Development” and inserting the following in its place:

Basic Maximum Number – The number of units that would be allowed on a site using the standard Zoning Bylaw Provisions and/or Subdivision Rules and Regulations as determined by a Yield Plan.

Hard Stormwater Management Techniques – Structural stormwater management techniques including, but not limited to, catch basins, subsurface piping, stormwater inlets, and subsurface leaching facilities. These techniques generally require heavy infrastructure and often result in significant alteration of the site hydrology.

Low-Income Household – Households in the “Very Low Income” affordability range as published annually by the Department of Housing and Urban Development. Although this figure is generally considered to be 50% of the Area Median Income (AMI), this calculation may vary depending on the subsidy program applied to the unit.

Major Residential Development-Any new development that will create more than four (4) residential lots

Moderate Income Household –households in the “Low Income” affordability range as published annually by the Department of Housing and Urban Development (HUD). Although this figure is generally considered to be 80% of the Area Median Income (AMI), this calculation may vary depending on the subsidy program applied to the unit.

Soft Stormwater Management Techniques – Non-structural stormwater management techniques that use passive surface pre-treatment of stormwater in conjunction with decentralized recharge to achieve a low-impact design that attempts to mimic pre development hydrologic conditions to the greatest practicable extent.

Or take any other action in relation thereto.

Planning Board

AMEND ZONING BY-LAWS 8.5 - CARRIAGE HOUSE

Article 16 To see if the town will vote to amend the Zoning By-Laws by Striking the current Section 8.5 and replacing it with the following:

8.5 CARRIAGE HOUSE

In Any Residential District, the Board of Appeals may allow by special permit, the conversion of any accessory structure, such as a barn, carriage house or other such building that predates the adoption of Zoning Regulations by the Town of Canton in 1937, into a separate dwelling unit. All of the following conditions must be met for the Board of Appeals to issue a Special Permit:

1. No exterior enlargement in footprint or height of eaves or roof ridges may be permitted. Essentially the structure must contain the same cubic volume pre and post conversion.
2. Exterior change to fenestration or doors must be designed to imitate the original use of the structure, and to conceal the converted use.

3. A dwelling unit created under this section of the By Laws shall be limited to 2 (two) bedrooms.
4. No more than 1 (one) additional dwelling unit may be created per lot under this section of the bylaw irrespective of how many eligible accessory structures may exist on a lot.
5. The lot area of the affected lot shall meet the following minimum criteria:
 - a. Residential C and General Residence Zone – 15,000 sq. ft.
 - b. Residential B Zone – 20,000 sq. ft.
 - c. Residential A Zone – 30,000 sq. ft.
 - d. Residential AA Zone – 45,000 sq. ft.
6. Approval shall be obtained from the Board of Health, Sewer and Water Department and Conservation Commission and other Boards, as required.
7. There shall be provided at least two off-street parking spaces for the principal dwelling unit and at least one off-street parking space per bedroom for the carriage house. In order to maintain the appearance of a single-family neighborhood all parking spaces on the lot shall be subject further to the following conditions and requirements:
 - a. Each parking space and the driveway leading thereto shall be bituminous concrete paving or other approved surface.
 - b. No motor vehicles shall be regularly parked on the premises other than in such a parking space.
 - c. Where there are more than two outdoor parking spaces, there shall be provided suitable screening with evergreen or dense deciduous plantings, walls, fence or a combination thereof in the area between the parking spaces and the nearest side lot line and, if the parking space is in the front yard parallel to the street, in the area between the parking space and the front lot line. Screening shall be sufficient to minimize the visual

impact on abutters and to maintain the single-family appearance of the neighborhood.

Or take any other action in relation thereto.

Planning Board

AMEND ZONING BY-LAW 10.3.1 – ESTABLISHMENT OF PLANNING BOARD

Article 17 To see if the town will vote to strike out section 10.3.1 of the Zoning By-Law

~~10.3.1 Establishment. Need something from the charter or general by laws.~~

And replace it with the following language:

10.3.1 Establishment. The Planning Board is established under previously adopted sections 81A through 81GG of Chapter 41 of the Massachusetts General Laws as well as Article XII Section I of the General By Laws of the Town of Canton.

Or take any other action in relation thereto.

Planning Board

AMEND ZONING BY-LAW SECTION 11.0 BY STRIKING LAST WORDS

Article 18 To see if the town will vote to strike out the following words from Section 11.0 of the Zoning By-Law:

“OR WHAT IT WILL DO IN RELATION THERETO.”

Or take any other action in relation thereto.

Planning Board

AMEND ZONING BY-LAW BY REVISING CURRENT NUMBERING OF SECOND SECTION 6.3 “LANDSCAPING AND SCREENING”

Article 19 To see if the Town will vote to amend the Zoning By-laws by revising the current numbering of the second Section 6.3 entitled “Landscaping and Screening” and subsequent Sections and Sub-Sections so it shall read as follows:

6.4 LANDSCAPING AND SCREENING

6.4.1 Purpose. The purpose of this Section is to reduce soil erosion and storm water runoff; to improve the microclimate of parking lots; to provide visual buffers, and to enhance and preserve the visual character of the site and the community.

6.4.2 Applicability. Landscaping Areas for parking lots shall be provided in accordance with Section 6.1.11 and the Planning Board's current "Landscape Procedures and Standards". Applicants should strive to provide landscaped areas in excess of the standards specified in Section 6.1.11.

6.4.3 Maintenance of Landscape Area. To ensure the implementation and long-term maintenance of landscaping plans and requirements, the Town shall require one or more of the following:

1. Applicants watering schedule and maintenance schedule for the first year after project acceptance.
2. A 2-year guarantee on all new plant material. If any required tree or shrub dies within this period of item, it shall be replaced.
3. The applicant may be required to post surety in the form of either cash, bond of deposit, or covenant running with the land conditioned upon satisfactory implementation of the landscape work.

6.4.4 Landscape Procedures and Standards. The Planning Board shall adopt reasonable landscape procedures and standards for site landscaping. The procedures and standards shall be adopted by majority vote of the Planning Board after a duly constituted public hearing. The landscape procedures and standards will be in full force and effect upon adoption by the Planning Board.

6.4.5 Fencing. Fencing may be allowed in lieu or in conjunction with plantings. Design and height of such fencing, with accompanying landscaping, shall be subject to the approval of the Zoning Board of Appeals.

6.4.6 Retaining Walls. Retaining walls shall be constructed to a maximum height of six (6) feet. If site conditions require elevation changes of greater than six (6) feet, retaining walls shall be terraced and landscaped. Retaining walls facing residential districts shall be solid fieldstone or fieldstone veneer

or other similar material. Unless used within the Industrial Districts, vertical cast in place concrete or concrete blocks shall not be permitted.

6.4.6 Berms. The Zoning Board of Appeals may require a berm or berms in appropriate circumstances to promote the goals of this section..

6.4.7 Unsightly Uses and Areas. Exposed storage areas, refuse disposal facilities, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be screened from view from neighboring properties and streets using dense, hardy evergreen plantings, or earthen berms, or wall or tight fence complemented by evergreen plantings.

6.4.8 Maintenance. All landscaping features, structures and areas shall be properly maintained. Dead shrubs or trees shall be replaced within one growing season as a condition of approval.

6.4.8 Special Permit. By special permit, the Zoning Board of Appeals may authorize a reduction in the requirements of this section, where such reduction will not result in substantial detriment.

6.5 ENCLOSURE

6.5.1 Business and Limited Industrial District. In a Business District and in a Limited Industrial District, all uses permitted as of right or permissible on special permit, and all uses accessory thereto, shall be conducted within a completely enclosed building, except the following:

1. Uses permitted as of right or permissible on special permit in any General Residence District.
2. The dispensing of food, beverages or goods at a drive-in or stand, where authorized.
3. Accessory outdoor dining area where authorized.
4. The dispensing of fuel, lubricants or fluids at a garage or service station, where authorized.

5. Plants growing in the soil.
6. Automobile parking lots.
7. Exterior signs, as hereinafter permitted.
8. Exterior lights, as hereinafter regulated.
9. The open display or storage of goods, products, materials or equipment, where accessory to a permitted main use conducted in a completely enclosed building on the same premises, subject to the condition that the total ground area devoted to such open use does not exceed twenty-five (25) percent of the ground area covered by said building. In a Limited Industrial District only, such open display or storage shall, if visible at normal eye level from any point beyond the boundaries of the lot and less than five hundred (500) feet distant, be completely screened from such view by wall, fences, or landscaping.

6.5.2 Industrial District. In an Industrial District, all uses permitted as of right or permissible on special permit may be conducted within or without a completely enclosed building, but excluding outside storage required to have a special permit.

6.5.3 Junk in Nonresidential Districts. In all Non-Residential Districts, the open storage of "Junk" as herein defined (whether as a main use, where authorized, or as an accessory to a main use) shall, if visible at normal eye level from any point beyond the boundaries of the lot and less than five hundred (500) feet distant, be completely screened from such view by walls, fences or landscaping.

6.6 GREENBELTS IN LIMITED INDUSTRIAL DISTRICTS AND INDUSTRIAL DISTRICTS

6.6.1 General. In a Limited Industrial District and in an Industrial District where a lot used for a purpose not permitted in any Residential District abuts or extends into a Residential District, or abuts another lot which has frontage only in a Residential District or which extends from a Residential District into a Limited Industrial District or an Industrial District by less than fifty (50) feet, there shall be provided a "Greenbelt" along the particular portions of the lot which are next to such Residential District or such abutting lot.

Such "Greenbelt" shall consist of an area of not less than twenty-five (25) feet in width containing a dense planting of trees and shrubs to provide within such area a natural barrier between the lot and the adjacent premises having an effective height of not less than seven (7) feet; provided that if the Board of Appeals determines that such "Greenbelt" will create a traffic hazard it may grant an exception to the requirements of this paragraph to the extent it determines is necessary to alleviate such traffic hazard.

6.7 PERFORMANCE STANDARDS

6.7.1 General. The following standards shall apply to applications for special permits or for site plan approval for nonresidential use.

6.7.2 Lighting. The proposed development shall not produce lighting so as to unreasonably interfere with the use and enjoyment of property within the Town. Lighting practices and systems shall (i) reduce light pollution, light trespass and glare in order to preserve and enhance the natural, scenic, and aesthetic qualities of the Town; (ii) conserve energy and decrease lighting cost without decreasing night time safety, security, and productivity, and (iii) preserve the night sky as a natural resource to enhance nighttime enjoyment of property within the Town.

1. **Shielding.** All outdoor light fixtures shall be shielded so as to meet the goals of this Section.

2. **Light Trespass.** Direct light from the light source is to be confined within the property boundaries and shall not cause overspill on adjacent property or into the night sky. Light trespass shall be limited to 0.25 foot-candles at the property line. Light fixtures shall enclose and shield light sources such that no point sources of light are visible from off-site locations and no light shall project above horizontal.

3. **Light Intensity.** Outdoor lighting shall be designed to provide the minimum intensity needed at any particular time. Design illumination levels shall be comparable to the minimum requirements of the Illuminating Engineering Society of North America (IESNA) for each land use, except that higher illumination levels shall be provided at on-site intersections and site entrances and in other locations dictated by traffic safety concerns.

4. **Illuminated Surfaces.** Preferred surfacing for lighted areas shall be of materials such as blacktop which reflect a relatively small fraction of incident light. Parking area lighting shall be reduced or eliminated outside business hours. The Zoning Board of Appeals may require electrical controls for parking lots which support pre-timed shut off for specific unused areas to reduce the glare from lighting.

5. **Searchlights.** The operation of laser shows or searchlights for advertising purposes is prohibited; provided however, that same may be authorized for a period of not more than fourteen days by special permit issued by the Zoning Board of Appeals.

6. **Sodium Vapor or Metal Halide Lighting.** No outdoor light fixtures using sodium vapor or metal halide lamp or lamps shall be allowed unless specifically authorized.

7. **Outdoor Signs.** Outdoor light fixtures used to illuminate an outdoor sign shall be mounted on top of the sign structure and shall direct light downward or otherwise restricted to prevent up-light and light trespass.

8. **Flickering and Flashing Lights.** No flickering or flashing lights shall be permitted.

9. **Height of Fixtures.** Luminaires attached to a building for area lighting shall be mounted no higher than fifteen (15) feet above grade. Pole mounted exterior lighting fixture types shall be mounted no higher than 20 feet above grade.

10. **Hours of Operation.** Except as may be deemed appropriate for site safety or security, all external lighting, including lighting accessory to authorized signs, shall be extinguished or shall provide reduced illumination levels one half hour after the facility is closed for the business day. Such lighting may be pre-timed to resume one half hour prior to the arrival of the first employee on the premises.

6.7.3 Noise. The proposed development shall not unreasonably interfere with the reasonable use and enjoyment of property within the Town as a result of the generation of noise. Practices and systems shall (I) reduce noise pollution in order to preserve and enhance the natural and aesthetic qualities

of the Town; (ii) preserve property values; and (iii) preserve neighborhood character.

1. Hours of Operation. As a condition of any special permit, the Zoning Board of Appeals may incorporate the following conditions regarding hours of operation:

a. The loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, or other objects or materials for sale or storage or use and the collection of garbage or trash including dumpster change out in a manner that causes a condition of noise pollution at any time but most specifically between the hours of eight post meridian (8:00 P.M.) and seven ante meridian (7:00 A.M.) across a real property boundary in any district established under the Zoning By-law.

b. Operating or permitting the operation of tools or equipment used in construction, drilling or demolition work between the hours of eight post meridian (8:00 P.M.) and seven ante meridian (7:00 A.M.) on week days or at any time on Sundays or Holidays so that the sound creates a condition of noise pollution across a real property boundary.

c. The operation of heavy earth moving equipment shall comply with the Town's General By-laws.

d. All rooftop mechanical equipment shall be screened and accoustially buffered.

2. Ambient Noise Level. No person shall operate or cause to be operated any source of sound in a manner that creates a sound level which exceeds 10 dBA above ambient or exceeds 65 L_{dn} total for residential receptors or exceeds 75 L_{dn} total for nonresidential receptors when measured at the property boundary of the receiving land use.

6.7.4 Stormwater Management. The proposed development shall include adequate provisions or measures to prevent pollution of surface or groundwater, minimize erosion and sedimentation, prevent changes in groundwater levels, increased run-off, and potential for flooding, and minimize adverse impacts to neighboring properties by flooding from excessive run-off.

1. Consistency with the Massachusetts Stormwater Management Regulations. All development shall comply with the DEP's Stormwater Management Regulations to ensure that the peak rate of surface water run-off from the site shall not be increased nor degraded in quality after construction.
2. The on-site water stormwater management system shall comply with requirements of the Planning Board's "Rules and Regulations Governing the Subdivision of Land", with all regulations and standards of Canton Department of Public Works, and with standard engineering practice. In case of conflict among the aforesaid and the DEP Stormwater Management Regulations, the more restrictive shall govern.
3. Dry Wells. Dry wells shall be used only where other methods are unfeasible and shall require oil, grease, and sediment traps to facilitate removal of contaminants.
4. Conservation Commission. Where applicable, no special permit shall be issued unless a report shall have been received from the Conservation Commission or the Zoning Board agent that the storm drainage system is consistent with DEP Stormwater Management Regulations and that there is sufficient storm drainage capacity to meet the flow demands of the proposed development on-site, and where applicable, without causing surcharge in those storm drainage lines which serve the project and are consistent with the standards of the Town.
5. Temporary Measures. During the construction phase, temporary diversions, berms, grassed waterways, special culverts, shoulder dikes temporary stilling or detention/retention basins or such other mechanical measures as may be necessary may be required by the Board to intercept and divert surface water runoff. Runoff flow shall

not be routed through resource areas of protected vegetation or revegetated slopes and other areas. Temporary runoff from erosion and sedimentation controls shall be directed according to BMPs, such as vegetated swales. Retaining walls may be required where side slopes are steeper than a ratio of 3:1.

6. Erosion and Sedimentation Control. During the construction phase, erosion and sedimentation controls shall be provided and continuously adjusted and maintained throughout the course of construction to preclude damage to resource areas, adjacent properties, and public ways in accordance with the DEP Stormwater Regulations. Topsoil and loam storage areas shall also be subject to these standards.

6.7.5 Site Development Standards. To the extent practicable, the proposed development shall be located to preserve and enhance the natural features of the site, to avoid disturbances of environmentally sensitive areas, to minimize adverse impacts of development on adjoining properties, to minimize the alteration of the natural features of the site and to preserve and enhance scenic points, historic buildings and places and similar community assets which add value and attractiveness to the subdivision and the Town.

1. Land Disturbance. Site/building design shall preserve natural topography outside of the development footprint to reduce unnecessary land disturbance and to preserve natural drainage on the site.

2. Replication. Clearing of vegetation and alteration of topography shall be replicated with native vegetation planted in disturbed areas as needed to enhance or restore wildlife habitat, if any.

3. Clearing for Utility Trenching. Clearing for utility trenching shall be limited to the minimum area necessary to maneuver a backhoe or other construction equipment. Roots should be cut cleanly rather than pulled or ripped out during utility trenching. Tunneling for utilities installation should be utilized wherever feasible to protect root systems of trees.

4. Site Design.

a. Placement of buildings, structures, or parking facilities shall not detract from the site's scenic qualities and shall blend with the natural landscape.

b. Building sites shall be directed away from the crest of hills, and foundations shall be constructed to reflect the natural terrain.

c. Sites shall be designed in such a way as to avoid impacts to rare and endangered species and wildlife habitat on a site, and to maintain contiguous forested areas.

5. Archeological or Historical Resources. The applicant shall comply with the regulations of the Canton Historical Commission and/or the Massachusetts Historical Commission.

6. Preservation of Existing Vegetation. Priority shall be given to the preservation of existing stands of trees, trees at site perimeter, contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions), and specimen trees.

a. Understory vegetation beneath the dripline of preserved trees shall be retained in an undisturbed state.

b. During clearing and/or construction activities, all vegetation to be retained shall be surrounded by temporary protective fencing or other measures before any clearing or grading occurs, and maintained until all construction work is completed and the site is cleaned up. Barriers shall be large enough to encompass the essential root zone of all vegetation to be protected. All vegetation within the protective fencing shall be retained in an undisturbed state.

7. Limit of Clearing. Development envelopes for structures, driveways, wastewater disposal, lawn areas and utility work shall be designated to limit clearing and grading.

a. During clearing and/or construction activities, the limit of work line shall be marked by temporary protective fencing or other measures before any clearing or grading occurs, and

maintained until all construction work is completed and the site is cleaned up. Area beyond the limit of work shall be retained in an undisturbed state.

b. In order to minimize the clearing and grading on a site associated with construction activities such as parking of construction vehicles, offices/trailers, stockpiling of equipment/materials, such activities may be limited to areas already planned for permanent structures.

c. Topsoil shall not be stockpiled in areas of protected trees, wetlands, and/or their vegetated buffers.

8. Finished Grade. Finished grades should be limited to no greater than a 2:1 slope, while preserving, matching, or blending with the natural contours and undulations of the land to the greatest extent possible. Finished grade shall be no higher than the trunk flare(s) of trees to be retained. The design of grade changes at the base of existing large trees shall be subject to the approval of the Zoning Board of Appeals or its agent.

9. Phasing of Development. The Zoning Board of Appeals may limit the extent of a site exposed at any one time through phasing of construction operations. Effective sequencing shall occur within the boundaries of natural drainage areas.

10. Revegetation. Proper revegetation techniques shall be employed during construction using native plant species, proper seed bed preparation, fertilizer and mulching to protect germinating plants. Revegetation shall occur on cleared sites within 7 (seven) calendar days of final grading and shall occur during the planting season appropriate to the selected plant species.

11. Topsoil. A minimum of 6" of topsoil shall be placed on all disturbed surfaces which are proposed to be planted.

6.7.6 Pedestrian and Vehicular Access; Traffic Management The proposed development and/or redevelopment shall be designed with a forecast for the next five years from the time of application to (i) minimize hazards to public health and safety as a result of traffic; (ii) provide safe

access and circulation on the site for expected vehicles, pedestrians, and emergency vehicles; (iii) provide off-site traffic mitigation, where required, to offset the impact of the development; (iv) reduce the traffic impacts of the proposed development on the area and the Town by incorporating traffic management devices; and (v) minimize the impact on scenic roads, historic districts, natural resources, and community character. The Development shall not degrade safety for pedestrians, bicyclists, motor vehicle occupants, or property.

1. Access. To the extent feasible, access to nonresidential uses and structures shall be provided via one of the following (i) Access via a common driveway serving adjacent lots or premises; (ii) Access via an existing side street; (iii) Access via a cul-de-sac or loop road shared by adjacent lots or premises.

a. Access via roadways abutting residential districts shall be avoided where possible.

b. Access and egress to a development with frontage on more than one street shall be in a manner that causes the least impact to the surrounding neighborhoods as determined by the Board.

2. Driveways. Each development shall be served by an adequate driveway.

a. The Board may, in certain circumstances, allow additional driveways as a condition of approval where the access is shared or the project has frontage on two separate streets. The aforesaid notwithstanding, larger developments shall provide at least two means of access to the public roadway system of the Town, one of which may be restricted to emergency vehicle use.

b. All driveways shall be designed to afford adequate sight distance to pedestrians, bicyclists, and motorists exiting to public ways. Improvements may be required on the public way for vehicular turning movements in or out of the site and safe pedestrian access to adjoining sidewalks, paths, walking trails or bikeways.

c. Driveways shall comply with the pavement and base thicknesses required by the Planning Board's "Rules and Regulations Governing the Subdivision of Land" for "Residential Streets." Vertical faced precast concrete curb or vertical faced granite curb shall be provided along the edge of pavement.

3. Curb Cuts. Curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed 24 feet in width unless waived by the Board for industrial truck traffic. The location of driveway openings in relation to traffic and to adjacent streets shall provide for the convenience and safety of vehicular and pedestrian movement within the site. The number of curb cuts on state and local roads shall be minimized.

4. Interior Circulation. The proposed development shall assure safe interior circulation within its site by separating pedestrian, bike ways, and vehicular traffic.

5. Transportation Plan Approval. The proposed development shall be subject to Transportation Plan approval by the Board. The Transportation Plan shall consist of the following information:

a. A plan showing the proposed parking, loading, and traffic circulation within the site; access and egress points; and other features related to traffic generated by the proposed use.

b. A traffic study, prepared by a qualified traffic engineer, detailing the expected traffic impacts. For proposed development in excess of 25,000 gross square feet or generating more than 100 trips in any one hour, determined in accordance with the Institute of Transportation Engineers, Trip Generation, an ITE Informational Report, Eighth Edition, Volumes 1 through 3, © 2008 Institute of Transportation Engineers, the required traffic study shall substantially conform to the Institute of Transportation Engineers' "Traffic Access and Impact Studies for Site Development: A Recommended Practice," latest edition. The Board shall approve the geographic scope and content of the study. In addition, the applicant shall submit

a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the site.

c. Proposed mitigation measures, if any, such as left-turn lanes, roadway widening, signage, signalization of intersections.

d. For proposed development in excess of 25,000 gross square feet or generating more than 100 trips in any one hour, the applicant shall submit a Traffic Management Component (TMC) as part of the Transportation Plan. The TMC shall provide information on the number of expected person trips to and from the site, broken down by various travel modes (e.g., single occupancy vehicle, carpool, walk, bicycle, commuter rail, shuttle bus, etc.). The TMC shall also incorporate one or more of the following techniques to reduce the number of single occupancy vehicle trips by employees coming to and departing from the proposed use:

1. Establishment of or contribution to a Traffic Management Association (TMA) within the region, which shall provide shuffle services for employees and other services as may be appropriate;
2. Employee carpools or vanpools sponsored by the employer or the TMA;
3. Subsidized commuter rail passes, provided by the employer, and sold on the site or offered through payroll deduction;
4. Monetary incentives to employees who do not use a parking space;
5. On-site shower facilities and/or bicycle racks for employees who do not drive to work;
6. Other techniques as may be deemed appropriate by the Board or its traffic consultant.

7. Level of Service Maintenance or Improvement.

a. If the proposed project will result in an intersection level of service (LOS) below LOS D, or result in a roadway volume to capacity ratio (v/c ratio) greater than 1.0 determined in accordance with the 2010 "Highway Capacity Manual" of the Transportation Research Board of the National Academies, the applicant may be required to provide detailed plans (including reconstruction concepts), that when implemented would result in improvement or the least deterioration of existing conditions. The applicant may be required to obtain approval for such plans from agencies having jurisdiction.

b. If the proposed project will result in a reduction in level-of-service of one letter grade or an increase of 10 seconds of delay to a signalized or un-signalized intersection, the applicant may be required to provide detailed plans that when implemented would result in improvement or the least possible deterioration of existing conditions. The applicant may be required to obtain approval for such plans from agencies having jurisdiction.

c. If a project causes a change in intersection operations as set forth in paragraphs a or b above, the applicant may be required to construct the intersection improvements at their expense.

8. Dangerous Intersections. The Board may require mitigation for any net increase in traffic volumes of 10% or more at an intersection where crashes per million vehicles entering exceeds the MassDOT District 5 average crash rate for either signalized intersections or un-signalized intersections as applicable based upon analysis of vehicle crash data for the last three years for which data is available.

9. Sight Distance. Acceptable sight distance shall be provided and maintained at all access locations, egress locations, and all intersections affected by the Development. At a minimum, these site distances shall meet the stricter of the MassDOT or the American Association of State Highway Transportation Officials standards for safe-stopping sight distance (SSD) and for intersection sight distance (ISD).

10. Maximum Parking. The maximum parking allowed for a development shall be no more than the minimum number of spaces required under zoning.

11. Mitigation. The Board may require as a condition of any special permit or site plan approval off-site improvements to mitigate the impact of the proposed development. Such improvements include intersection widening and traffic signals or the components of the TMC. All road and intersection improvements proposed as part of development and redevelopment shall be consistent with local plans.

12. Pedestrian and Bicycle Safety. Pedestrian and bicycle circulation, and the amenities required thereof, on and off site, shall be in accordance with the following requirements:

a. All development and redevelopment shall provide for pedestrian and bicyclist connections on the property, and allow for possible future connections with adjoining properties, where deemed appropriate by the Board.

b. Pedestrian access shall connect to all building entrances with further connections to local pedestrian arteries.

c. All road and intersection widening and new traffic signals or modification of existing traffic signals required as part of a Development or Redevelopment shall include appropriate bicycle and pedestrian accommodation.

d. The Board may require proposed development and redevelopment to provide sufficient rights-of-way on their properties to accommodate expected needs for bicycle and pedestrian use.

e. Sidewalks, crosswalks, walkways, bikeracks or other pedestrian access shall be provided to allow access to adjacent properties and between individual businesses within a development.

f. If the property abuts a public bikeway/ right-of-way, a paved access route to the bikeway may be required.

13. Design Standards for Parking Areas. Parking areas shall comply with the pavement and base thicknesses required by the Planning Board's "Rules and Regulations Governing the Subdivision of Land" for "Residential Streets." Vertical faced precast concrete curb or vertical faced granite curb shall be provided along the edge of pavement.

14. Location of Parking Areas. Where feasible, the Zoning Board of Appeals may require parking areas to be located to the side or behind buildings so as to provide an appropriate setting for the building within the context of the site and neighborhood and allow parking areas to be shared with adjacent businesses. The Zoning Board of Appeals may require alternative studies of parking lot layouts. Except where physical constraints, site configuration, or safety considerations preclude strict compliance, all parking must be accessible by driveways to the parking lots of adjacent nonresidential uses and land zoned for nonresidential uses

15. Parking in Required Front Setback. The Zoning Board of Appeals may prohibit parking within the required front setback.

16. Traffic Calming Features. Traffic calming measures such as crosswalks, bike lanes, rumble strips and landscaped islands may be required.

6.7.7 Aesthetics. In determining the appropriateness of buildings, design elements of proposed buildings shall be evaluated in relation to existing buildings adjacent or surrounding buildings. New buildings shall respect the architectural character of adjacent buildings or, in the case of multi-tenant commercial areas, the overall architectural theme of the area. Compatibility rather than conformity is desired. The Zoning Board of Appeals shall not consider interior arrangements. Buildings shall be designed as "four sided buildings" where the back and sides of each building shall be given architectural care comparable to the front side particularly if available for view by the public. The Zoning Board of Appeals will review the following aspects of new buildings or proposed renovations:

1. Height and width proportions;

2. Bulk and general massing (footprint, shape, articulation or detail);
3. Major divisions or rhythms of the façade (height and width proportions, building lines, etc.). Buildings shall be designed so that there are no blank walls or box-like structures without visual interest and architectural merit;
4. Rhythm of openings (i.e. number of windows, spacing, window and doors relationships);
5. Roof treatments (slope, articulation, surface). Rooftop mechanical equipment shall be screened from view by roof forms or other appropriate screening devices;
6. Materials, colors and textures of signage.
7. Setbacks in relation to neighboring properties.
8. For developments with multiple buildings, the Board of Appeals may require that contiguous buildings have distinct but harmonious architectural elements.

6.7.8 Sanitary Sewer System. The proposed development shall be adequately served by public or private wastewater collection and treatment systems.

1. Connections to the municipal sanitary sewer system may be allowed only if allowed by current municipal and state regulations. The Board of Appeals may require elimination of infiltration and inflow (i & i) in existing sewers to offset additional sanitary sewer flow in accordance with current municipal and state policies for i & i offsets whichever is the more restrictive.
2. On-site sanitary sewer collection systems shall comply with requirements of the Planning Board's "Rules and Regulations Governing the Subdivision of Land", with all regulations and standards of the Water and Sewer Division of the Canton Department of Public Works, and with standard engineering practice.

3. Wastewater Treatment and Disposal. The Board may require a report from the Board of Health confirming that the proposed site development provides for wastewater treatment and or disposal in a manner that is consistent with regulations of the Commonwealth of Massachusetts

6.7.9 Water Distribution and Fire Protection System. The proposed development shall be serviced by municipal water system and shall provide adequate pressure and flow to meet demands for potable water and fire protection.

1. Connections to the municipal water distribution system may be allowed only if allowed by current municipal and state regulations.
2. The on-site water distribution system shall comply with requirements of the Planning Board's "Rules and Regulations Governing the Subdivision of Land", with all regulations and standards of the Water and Sewer Division of the Canton Department of Public Works, and with standard engineering practice.
3. Static pressure and fire flow shall comply with DEP Guidelines and Policies for Public Water Systems (2001). Static pressure shall be 60 pounds per square inch (psi) desirable, 35 psi minimum. Fire flow shall meet Insurance Services Office (ISO) fire flow guidelines while maintaining a residual pressure of 20 psi.
4. For sites accommodating buildings containing more than 25,000 sq.-ft., there shall be two points of connection to the municipal water distribution system. Three full diameter gate valves shall be provided at points of connection to the municipal water distribution system. Full diameter gate valves shall be provided at each on site branch and at intervals not to exceed 1,000 feet on center.

6.7.10 Private Utilities. The proposed development shall be serviced by electrical distribution, telephone, cable, and fire alarm systems and may be served by a natural gas distribution system. All electrical distribution, telephone, cable, and fire alarm systems shall be installed underground

1. The on-site electrical distribution, telephone, cable, and fire alarm systems shall comply with requirements of the Planning Board's

“Rules and Regulations Governing the Subdivision of Land”, with all regulations and standards of the utility provider, with all applicable codes of agencies having jurisdiction, and with standard engineering practice.

2. All cables shall be encased in conduits.

System components shall be shown on the site plan for coordination and shall be revised to reflect utility provider modifications prior to construction.

3. All transformers shall be shown on the site plan and shall be located in visually unobtrusive locations and shall be thoroughly screened by fencing and plantings

6.7.11 Site Security. There shall be a certification by the Fire and Police Chief that the petitioner has provided a written plan for site security, which plan has been approved by the Fire and Police Chief.

6.7.12 Fiscal Analysis. The proposed Development shall maintain a positive net fiscal position for the long term, giving consideration to revenue estimates and actual growth in municipal service costs induced by the proposed Development.

1. The applicant shall provide an analysis of fiscal costs from the development, including increases in marginal costs, assessment of the capacity of existing municipal facilities to serve the new development, and, by order of magnitude, share of capital costs if improvements are needed.

2. The applicant shall identify an order of magnitude estimate as to the extent to which this development would generate the additional need for schools and affordable housing.

6.7.13. Exemptions. The following are exempt from these special permit and site plan approval standards:

1. Emergency Response. Emergency responses performed by a private entity or a public agency and fire or burglar alarms.
2. Events. Parades, fairs or outdoor entertainment between the hours of 7:00 am and 11:00 p.m. only provided that a permit for such activity has been granted by the Board of Selectmen and that said permit is for not more than ten (10) days.
3. Religious Structures and Services. Religious services conducted by an organization which qualifies under the laws of the commonwealth as a tax-exempt religious group.

6.7.14 Waiver of Standards. The Zoning Board of Appeals may, in the course of granting a special permit or site plan approval for nonresidential development, waive any of these performance standards where such waiver is not inconsistent with public health and safety, and where such waiver does not derogate from the purposes of this section because the proposed development will adequately serve the goals and objectives set forth herein.

Or take any other action in relation thereto.

Planning Board

AMEND ZONING BY-LAW BY ADDING "PRIORITY REVITALIZATION AREA C" TO SECTION 9.8 (CANTON CENTER ECONOMIC OPPORTUNITY DISTRICT BYLAW)

Article 20 To see if the Town will vote to amend the Zoning Bylaws as follows, or to take any other action, relative thereto:

By deleting Sections 9.8 and 9.8.1 and replacing them with new Sections 9.8 and 9.8.1 and adding the new Sections 9.8 and 9.8.1 a new **Section 9.8.34.**

9.8 Canton Center Economic Opportunity District By-law (CCEOD)

9.8.1 Subdistricts. The CCEOD is divided into three separate and distinct subdistricts of Canton Center as follows:

Priority Revitalization Area "A": That area of Canton Center that runs (1) along Washington Street from Neponset Street to Sherman Street, a

distance of approximately 2000 linear feet and (2) that area zoned "Industrial" that runs along Pequit Street in the vicinity of Washington Street, to the Northern border of the district.

Priority Revitalization Area "B": That area of Canton Center that runs (1) along Washington Street from Sherman Street to Lewis Street, a distance of approximately 1000 linear feet, but excluding (2) that area of land designated as "Industrial" that runs along Pequit Street in the vicinity of Washington Street to the Northern border of the District.

Priority Revitalization Area "C": That area of Canton Center that runs along Revere Street from the boundary of the CCEOD Revitalization Area "A" to the intersection of the railroad bridge/tracks and Revere Street, a distance of approximately 2,500 linear feet.

Priority Revitalization Areas "A" and "B" are shown on a map entitled "Canton Center Economic Opportunity District (Priority Revitalization Area "A" and Priority Revitalization Area "B") prepared by the Canton Planning Department and dated December 20, 2004.

Priority Revitalization Area "C" is shown on a map entitled "Canton Center Economic Opportunity District (Priority Revitalization Area "C") prepared by the Canton Planning Departmental dated December 14, 2007.

The maps described immediately above are hereby incorporated by reference in this Section 9.8. Section 9.8 is hereby further amended by adding the following New Section:

9.8.34 Priority Revitalization Area "C"

The benefits described in this Section 9.8.34 shall apply only to those parcels located entirely within the boundary of the Priority Revitalization Area "C".

Priority Revitalization Area "C" is established for the accomplishment of the following purposes:

- A. To promote the economic health and stability of the Town by encouraging development and economic investment in Canton.
- B. To provide additional planning flexibility for projects located in and near Canton Center, including enhancing the coordination of the project with the environmental and natural features of the development site, including:

- Development of parks and open spaces on Common Open Land as a condition for the grant of a special permit pursuant to this Section 9.8.34 authorizing an increase in the otherwise permissible density of population or intensity of a particular use in a proposed development pursuant to the requirements of this Section 9.8.34, These parks and open spaces may be open to the general public as designated in the approved site plan.
- Protection, enhancement, and adaptive reuse of historical significant buildings as agreed to by the applicant in coordination with the Canton Historical Commission and the State Historical Commission.
- Protection and enhancement of the natural environment, including rivers, waterways, and wildlife corridors as required by the Canton Conservation Commission, DEP and NHP. The revitalization plan must be sensitively designed and constructed to avoid the disruption of wildlife.
- Provide public access and walking trails along waterways, connections to the MBTA train stations and to Canton Center.
- Protection of scenic vistas with advice and input from the Canton Trails Commission.

C. To encourage mixed-use development, including but not limited to, offices, retail shops, and multi-family housing. No more than forty percent (40%) of the non-residential uses can be office. Mixed use development includes:

Small-scale village-oriented development in accordance with prescribed review and approval procedures and according to design standards that are particular to the CCEOD Residential Area "C".

- Multi-family and/or Town houses, including but not limited to housing for individuals fifty-five (55) years of age or older pursuant to Massachusetts General Laws c. 151B,
- Low and/or moderate income housing available to families with incomes at or below eighty percent (80%) of the Area Median Income as defined by the United States Department of Housing and Urban Development.

- Senior Housing including Independent Living Facilities, Institutional Living Facilities (Assisted Living and Skilled Nursing Facilities), and ancillary facilities and amenities.
- Museums, farmers markets, and cultural establishments, small business incubator space, artist studios and galleries, open space and river access, community gathering space, indoor and outdoor performance space.
- Office, scientific or research laboratory and research and development uses.
- Small scale retail sales and service establishments and restaurants serving primarily the mixed-use development.

D. To permit the use of new development standards which will promote the desired changes in and near Canton Center, for example:

- To encourage a mix of commercial and residential uses that help to contain traffic within the revitalization area and by so doing limit impacts to residential portions of the community.
- To enable the Special Permit Granting Authority (SPGA) to require adherence to "Site Development and Use Plans" in the granting of a special permit.
- To create regulatory procedures for determining appropriate locations for uses defined herein.
- To provide for development in a manner that strives to create a harmony between residential and non-residential neighborhoods, protects existing abutting neighborhoods, and minimizes the development impact on nearby neighborhoods, while striving to conserve and enhance environmental features, woodlands, wet areas, the Canton River, open spaces and areas of scenic views, beauty, and vistas such as, for example, the Viaduct.

E. Master Plan and Report and Special Permit Findings

In addition to the requirements of Section 10.4 of the Zoning Bylaw for submission of a special permit application, the applicant will prepare Master Plan and Impact Plan and Report addressing the environmental issues, including without limitation water quality, pollution of groundwater, damage, or threat to wetlands, flood plains, and plants and animals and the municipal impacts associated with the Project.

The applicant will prepare a Site Plan in conformity with the SPGA rules governing special permits.

In addition to the specific criteria contained within this section, the SPGA shall issue a special permit for development within Priority Revitalization Area "C" only after consideration of the project's compliance with the following additional criteria:

1. That the proposed project will be in harmony with the general purpose of the Zoning Bylaw and the requirements of this Section 9.8.34, General Laws, Chapter 40A, and the long range Open Space Plan of the town; that it will not have a detrimental impact on the neighborhood, will be designed with due consideration for health and safety, preserving open space, minimizing environmental disruption, or allowing for more efficient provision of services and traffic circulation.
2. That the project itself does not have unmitigated adverse impact upon critical environmental areas such as:
 - 2.1. Land abutting rivers, brooks and/or ponds of significant public interest, which enhances or protects wetlands or flood plains, or which provide public access to the water body, or which enhance or provide scenic vistas or views, or which provide water-related recreation opportunities;
 - 2.2. Land which provides a significant wildlife habitat or which is a unique natural area; and
 - 2.3. Groundwater Protection District and/or land which provides recharge to Canton's current or future wells and highly favored aquifer areas;
3. That the "Common Open Land" and other open land protect critical environmental areas and provides a valuable outdoor recreation resource, such as:
 - 3.1 Common Open Land or open land which is to be developed for active or passive recreational uses;
 - 3.2 Land which preserves existing trail networks or land on which new trails will be developed for integration into existing and proposed trail networks;
 - 3.3 Land which enhances scenic views; or

3.4 Land providing desirable public access to existing or proposed recreational or conservation land.

4. That land is to be conveyed to, or restricted for the benefit of the public that:

4.1. Enhances or protects critical environmental areas, unique natural features, scenic vistas, or potential open space.

4.2. Provides a valuable addition to the open space resources of the Town.

4.3. Provides for a more efficient use of the land in harmony with its natural features.

4.4. Provides for creativity in the design of developments through a carefully controlled process

4.5. Provides a less sprawling form of development, a shorter network of streets and utilities and more economic development of land with less consumption of open space.

4.6. Permanently preserves natural topography and wooded areas within development areas and preserves useable open space close to homes.

4.7. Provides an efficient procedure to ensure appropriate high quality design and site planning to enhance the neighborhoods in which they occur and to the Town as a whole.

5. That the design or redesign of buildings shall acknowledge and respect the surrounding existing pattern of development, open space, and natural resources, such as, for example, the Canton River and the Viaduct, including without limitation:

5.1. Promoting the thoughtful design or redesign of buildings.

5.2. Enhancing the open space between existing and proposed buildings.

5.3. Promoting the visual and functional quality of Canton Center.

5.4. Promoting bicycles and pedestrian trails.

5.5. Providing pedestrian links to Canton Center and the existing MBTA train stations (Canton Junction and Canton Center).

6. That the Project protects or enhances the adaptive reuse of historically significant buildings as agreed to by the applicant in consultation with the Canton Historical Commission and/or the State Historical Commission.

9.8.34 Definitions

For the purposes of Section 9.8.34, the following words and phrases shall have the meaning hereinafter indicated:

Applicant: The person or persons, including without limitation a corporation or other legal entity, who applies for issuance of a special permit for construction of a CCEOD Revitalization Area "C" project, hereunder.

Buffer Area: An area within the CCEOD Revitalization Area "C" adjacent to the boundaries, streams, rivers, ponds, which may not be developed except in accordance with the Massachusetts Wetlands Protection Act and its implementing regulations (MGL Chapter 131, Sections 40 and 40A, and 310 CMR 10.00) and other requirements herein.

Building Height: Building height shall be measured as set forth in this section 9.8.34 and measured as set forth in the State Building Code 780 CMR 101.0 et seq. Height shall be subject to the provisions of Section 4.3 of the By-Law.

Buildable Lot Area: Buildable Lot Area excludes any land defined as a Resource Area below

Buildable Lot: A "Buildable Lot" shall be a single continuous tract of land including at least the minimum amount of Buildable Lot Area required herein and located entirely within the Development Parcel and CCEOD Priority Revitalization Area "C".

Common Open Land: Any area of land containing no building, structure, parking areas, driveways or roadways other than those structures and/or facilities which are used for recreational and/or public use.

Community Center: A building that provides a gathering place for all residents of the development and citizens of the town to meet. There should be a meeting space and rooms for different activities.

Development Parcel: One or more Lots within the CCEOD Priority Revitalization Area "C" which are designated as a Development Parcel on a Site Development and Use Plan. The Lots comprising a Development Parcel need not be in the same ownership. Where the Development Parcel consists of more than a single Lot, the Lots, in combination, shall be treated as the Development Parcel, may be contiguous or non-contiguous, and shall be considered one 'Development Parcel' for the purposes of this Section 9.8.34.

Development Schedule: A schedule showing the order and timing of construction and the sequence of the improvements to be built or finished in the CCEOD Priority Revitalization Area "C" site, separated into stages where applicable.

Gross Floor Area: Total floor area contained within exterior walls, excluding basement space and spaces used for heating and utilities, storage and/or automobile parking.

Lot: A "Lot" shall be a single continuous tract of land located entirely within the Development Parcel and CCEOD Priority Revitalization Area "C".

Low and/or Moderate Income Housing: Housing available to families with incomes at or below eighty percent (80%) of the Area Median Income as defined by the United States Department of Housing and Urban Development.

Mixed-Use Development: A development that contains both residential and non-residential development.

Professional Office: The office of one skilled in an occupation that primarily services clients or patients rather than customers including, but not limited to, the office of a lawyer, doctor, dentist, architect, engineer, landscape architect, real estate agent, insurance agent, or the studio of an artist, musician, teacher, or the workroom of a dressmaker, milliner, or photographer in which retail sales are incidental to office use.

Project: A residential, commercial or mixed-use development seeking a special permit under this Section 9.8.34 and identified on a Site Development and Use Plan.

Regulations: The applicable rules and regulations of the Board of Appeals relative to Special Permits. The Zoning Board of Appeals, as the Special Permit Granting Authority is authorized to modify and/or waive any of the requirements described in this section with the exception of

those relative to use and dimensions upon making a finding that such waiver shall better serve the purposes of this Section 9.8.34.

Research & Development: A company that conducts research and development.

Resource Area: All land subject to jurisdiction under 310 CMR 10.02(1)(a) and (b).

Revere Street Sub-Area: Assessors Map 26 Lot 111 of Priority Revitalization Area "C".

Small-Scale Retail: Retail stores with a gross floor area of 10,000 sqft or less.

Upland Acres: Land area without a "Resource Area".

All items not defined herein shall have the meanings ascribed to them elsewhere in the Zoning Bylaws.

9.8.36 Scope of Authority

The provisions of Section 9.8.34 shall not restrict the owner's rights relative to the underlying zoning districts. However, if the owner elects to apply for a special permit under Revitalization Area "C", the development shall conform to the requirements of any special permit issued pursuant to Section 9.8.34.

If the landowner elects to "use" a development plan in conformance with the requirements of the CCEOD Revitalization Area "C" on a portion of a single contiguous tract of land the entire contiguous tract of land shall conform to the objectives, standards, and criteria specified by this Section 9.8.34 and the landowner shall be prohibited from filing a development plan in conformance with the requirements of the underlying zoning district on any portion of such a contiguous tract of land.

9.8.37 Special Permit Granting Authority

The Zoning Board of Appeals is hereby designated as the Special Permit Granting Authority (SPGA) for all purposes under Sections 9.8.34, 9.8.35 and 9.8.36. All special permit applications shall conform to the standards and criteria of this Section 9.8.34 and the Zoning Board of Appeals Rules and Regulations governing the administration of applications for special permits.

Under Section 9.8.34, no building shall be constructed or externally enlarged, and no use shall be expanded in ground area, or established in an existing building except in conformity with a Site Development and Use

Plan that bears the endorsement of approval by the Board of Appeals. Requirements and Procedures for approval shall be in accordance with Sec. 6.6 ("Performance Standards").

Construction or operations under a building permit or a special permit shall conform to any subsequent amendment of the Zoning By-law, unless the use or construction is commenced within a period of not less than two (2) years after the issuance of the permit and such construction is continued through to completion as continuously and expeditiously as is reasonable.

The SPGA may require issuance of a bond as a guarantee for the open space and recreation improvements required by the approved "Site Development and Use Plan".

9.8.38 Objectives

In addition to the specific criteria contained within this section, the SPGA shall issue a special permit for development within Revitalization Area "C" only after consideration of the project's compliance with the following additional criteria:

- A. Adequacy of the site in terms of the size of the proposed use(s);
- B. Adequacy of the provision of open space, its accessibility to the general public, and/or its association with adjacent or proximate open space areas;
- C. Suitability of the site for the proposed use(s);
- D. Impact on traffic and pedestrian flow and safety;
- E. Impact on the visual character of the neighborhood; and
- F. Adequacy of utilities, including sewage disposal, water supply and storm water drainage.

9.8.39 Uses Permitted

Within Priority Revitalization Area "C", the SPGA may issue a special permit for the following uses:

- A. Residential Condominium Units**

1. At least twelve (12) percent of the total residential units must be Low and/or Moderate Income Housing. These units must be representative of the proportion of one, two & three bedroom units of the entire development. These units do not need to be equal in square footage to the non-restricted units.
2. Multi-family Houses and or Town Houses and ancillary facilities and amenities.
3. Senior Housing including Independent Living Facilities, Institutional Living Facilities (Assisted Living and skilled Nursing Facilities), and ancillary facilities and amenities.
4. To the extent at least twenty percent (20%) of the total residential units in a Development Project are restricted to individuals fifty-five (55) years of age or older pursuant to MGL Chapter 151B, the density for the uses in the development may be increased by up to 16% from that otherwise permitted in this By Law.

B. Non-Residential Uses shall include, but not necessarily be limited to the following:

1. Small-scale retail stores as defined in 9.8.35 Definitions.
2. Offices including salesrooms and showrooms, consumer service establishments, business and professional offices, executive and administrative offices, banks and other institutions.
3. Professional office as defined in 9.8.35 Definitions.
4. A restaurant with the conditions that any bar or cocktail lounge be located within the restaurant and shall be solely for the purpose of servicing luncheon or dinner customers; and not to compromise more than twenty-five percent (25%) of the floor area of the restaurant.
5. Bank or similar financial institution, including drive-through facilities.
6. Research & Development as defined in 9.8.35 Definitions
7. Accessory structured (whether at, below or above grade) surface parking.

C. The following uses are specifically excluded:

1. Fast food establishments as defined in Section 11.0 (“Definitions”) of the Canton Zoning By-laws
2. Drive-through for the sale of food. Any other drive-through, with the exception of banks and financial institutions noted above, shall require a separate special permit from the Zoning Board in addition to the special permit for the CCEOD Revitalization Area "C".

D. There shall be no deliveries or shipments between 10 pm and 7:00 a.m. Monday through Friday. There shall be no deliveries or shipments between 10 pm and 8:00 a.m. on weekends.

No building or structure shall be designed, arranged or constructed and no building, structure or land shall be used, in whole or in part, for any purpose other than for one or more of the uses herein set forth as permissible by special permit.

9.8.40 Standards and Criteria

A Minimum Development Size

1. Lot Requirements

1.1. The minimum Lot must contain at least 10,000 sq. ft. of Buildable Lot Area

1.2. No portion of a public way or public street, as defined by the by-law may be included in computing the minimum required Buildable Lot Area

2. Development Parcel Requirements

2.1. The minimum Development Parcel size is twenty-five (25) acres of Buildable Lot Area

2.2. No portion of a public way or public street, as defined by the by-law may be included in computing the minimum required Buildable Lot Area

B. Building Coverage

1. Buildable Lot Requirements

No building shall be constructed so as to cover, together with any other building on the Lot, more than thirty (30) percent of the Buildable Lot Area.

2. Development Parcel Requirements

No building shall be constructed so as to cover, together with any other building on the Development Parcel, more than thirty (30) percent of the Buildable Lot Area.

C. Minimum Frontage and Access

1. Buildable Lot Requirements

1.1. Each Lot shall have at least one means of ingress/egress.

1.2. The Zoning Board of Appeals may in its discretion require more than one means of ingress/egress where the Board of Appeals deems it necessary for the safety of the public and/or the residents of the property.

2. Development Parcel Requirements

2.1. Each Development Parcel shall have a minimum frontage on a street of two hundred and fifty (250) feet and at least two means of ingress/egress.

2.2. Each means of ingress/egress shall have a continuous frontage of not less than forty (40) feet

9.8.41 Density

No building or structure shall be designed, arranged or constructed and no building, structure or land shall be used, in whole or in part, which exceeds the densities specified below for residential and non-residential uses. Further, the intent of the allowable densities in this Section 9.8.41 is to provide flexibility for Projects. The specified densities are maximums for each individual type of use as if only that use is being proposed. Where a project includes a mix of uses, the maximum specified densities cannot be aggregated.

A. Residential Uses

Maximum permissible densities are as follows:

Multi-family housing and ancillary facilities and amenities:

One dwelling per 2,600 square feet of Buildable Lot Area or portion thereof, except in the Revere Street Sub-Area where the maximum permissible density shall be 1 dwelling unit per 3,500 square feet of Buildable Lot Area or portion thereof.

Multi-family housing and ancillary facilities and amenities, limited to housing for individuals fifty-five (55) years of age or older pursuant to Massachusetts General Laws c. 151B.

One dwelling per 2,600 square feet of Buildable Lot Area or portion thereof, except in the Revere Street Sub-Area where the maximum permissible density shall be 1 dwelling unit per 3,500 square feet of Buildable Lot Area or portion thereof.

Senior Housing including Independent Living Facilities, Institutional Living Facilities (Assisted Living and Skilled Nursing Facilities), and ancillary facilities and amenities,

One unit per 2,600 square feet of Buildable Lot Area or portion thereof, except in the Revere Street Sub-Area where the maximum permissible density shall be 1 dwelling unit per 3,500 square feet of Buildable Lot Area or portion thereof.

B. Non-Residential Uses

Maximum permissible density is as follows:

Two thousand (2,000) gross square feet-of non-residential floor area per 10,000 square feet, of Buildable Lot Area or portion thereof.

For the purpose of this section, "gross square feet of non-residential floor area" means the total non-residential floor area contained within exterior walls but does not include basement space used for heating and utilities or other mechanical uses for the building, storage or for automobile parking.

9.8.42 Setbacks and Yard Regulations for Buildings

No building shall be constructed so as to be nearer to the any lot line as specified below:

A. Development Parcel

1. Each Development Parcel shall have a front yard setback distance of not less than twenty-five (25) feet and a side yard setback of not less than fifteen (15) feet from the nearest point of any exterior wall of a building, except that if the side yard abuts a residential district or a building used primarily for residential purpose, a side yard setback of not less than twenty-five (25) feet from the nearest point of any exterior wall of the building is required..
2. Each development parcel shall have a rear yard setback of not less than twenty-five (25) feet.

B. Buildable Lot

1. Each Lot shall have a setback distance of not less than fifteen (15) feet from the nearest point of any exterior wall of the building to any non-permeable surface including but not limited to public ways or private ways, but excluding driveways, walkways, or parking areas. No part of any building shall be located less than fifteen (15) feet from any front, side or rear lot line.
 - a. The SPGA may reduce the setback distance where appropriate because of specific physical circumstances, such as irregular lot lines or other natural features that create open space or buffers.
 - b. No storage or display of goods, products, materials or equipment, vending machines or similar commercial devices shall be within the required front or side yard setback.
 - c. No lot on which a building is located shall be reduced or changed in size or shape so that the building or lot fails to comply with the Buildable Lot Area, frontage, building coverage, yard setback, or other dimensional provisions, of this Section.

9.8.43 Height Regulations

No building shall be constructed to exceed forty feet (40') in height or a total of three (3) stories, whichever is lower. However, if the underlying zone is Industrial the SPGA may allow additional height with a greater setback at its discretion but in no event shall Building Height exceed fifty feet (50') or four (4) stories.

Building height shall be measured as set forth in the State Building Code 780 CMR 5101 et seq.

9.8.44 Common Open Land, Town Park and Community Building

Town Park:

Each development shall have a minimum of thirty percent (30%) of its Buildable Lot Area designated as Common Open Land for use by the general public. Such area(s) shall have a shape, dimension, character and location suitable to assure its use for park or open space purposes by the general public. Twenty percent (20%) of the land shall be considered as a Town Park. The park will have walkways connecting it to both the development as well as the downtown. There will also be 'public parking' allocated for the park. The minimum size of the park will be 80,000 sqft

No land to be included as part of the calculation of Common Open Land, shall be a parcel less than 200 square feet in size.

Transition Area:

A "Transition Area" of fifteen (15) feet or a screen wall of adequate height shall be provided at the perimeter of the Development Parcel. The applicant shall file a landscape plan, prepared by a Massachusetts Registered Landscape Architect that demonstrates in the opinion of the Zoning Board of Appeals sufficient plantings to provide adequate screening. Buildable Lot Areas or portions thereof that are also designated as Transition Areas shall be included in the calculation of "Common Open Land".

The SPGA may reduce the width of the required "Transition Area" and modify other landscape requirements where the applicant demonstrates that suitable screening will be provided by other means such as fencing or topography, and that such reduction will not have material adverse impact on the surrounding neighborhood.

Community Center:

As part of a Site Development and Use Plan, there shall a Community Center for use by the occupants of the development and be open to the public. The size of the community center is directly linked to the number of bedrooms/units in the development. The community center shall be 25 square feet for every bedroom that is built, but not to exceed 15,000 sqft

9.8.45 Parking and Loading Requirements

In Priority Revitalization Area "C", there shall be provided and maintained improved off-street automobile parking in connection with the erection, establishment or increase in units or dimensions of buildings, structures and uses, in the following amounts:

- A. For dwelling units 1.5 parking spaces per each dwelling unit, except for Senior Housing units which require 1 parking space per unit.
- B. For restaurants and other on premises eating and drinking establishments, not less than one (1) parking space for each three (3) seats, plus one(1) parking space for every three (3) employees on the largest shift, subject to the discretion of the Zoning Board of Appeals to require additional parking space. Where benches are used, not less than one (1) parking space for each six (6) feet of bench, subject to the discretion of the Zoning Board of Appeals to require additional parking space.
- C. For retail stores and offices including salesrooms and showrooms, consumer service establishments, public administration buildings, business and professional offices, executive and administrative offices, banks and other financial institutions one parking space for each two hundred fifty (250) square feet of gross floor area. For the purpose of this section, "gross floor area" means the total floor area contained within exterior walls, but does not include basement space used for heating and utilities or other mechanical equipment, storage or for automobile parking.
- D. Uses not listed in this Section 9.8.45 Parking Requirements, Subsections (A), (B) and (C) shall comply with the parking space requirements of the Zoning By-law Section 4.0 Off-Street Parking.
- E. In the case of mixed use projects, the parking spaces required shall be the sum of the requirements for the various individual uses, computed separately in accordance with this section. Parking spaces for one use shall not be considered as providing the required parking spaces for any other use unless it can be

clearly demonstrated to the Zoning Board of Appeals that the need for parking occurs at different times.

- F. Whenever, after the date of adoption of this By-law, there is a change in the lawful use of the premises or in any unit of measurement specified in Section 9.8.34 CCEOD Revitalization Area "C", which change separately or when combined with previous changes, creates a need for an increase or decrease of more than ten percent (10%) of the number of off-street parking spaces as determined by the provisions of this section, more off-street parking spaces shall, and fewer spaces may, respectively be provided within six months of the basis of the adjusted needs.
- G. Off-street automobile parking spaces, to the extent required in this section, may be provided either on the same lot or premises with the parking generator or on any lot or premises under common ownership or control a substantial portion of which must be within three hundred (300) feet of the generator.
- H. Off-street parking facilities and connecting drives between such facilities and the street shall be designed to insure the safety and convenience of persons traveling within or through the parking area, and between the parking facility and the street. The provisions of Section 6.6 ("Performance Standards") Design Standards shall be considered the minimum criteria for evaluating such design.
- I. In addition to the requirements for automobile parking spaces there shall also be provided for each building or group of buildings sufficient off-street loading space to insure that all loading operations take place off of the public way. Loading spaces and access drives leading to loading spaces shall be so designed that vehicles to be loaded or unloaded are not required to maneuver in the public way to enter or leave the designated loading area. The provisions of Section 6.6 Loading Areas shall be considered the minimum criteria for evaluating such design.
- J. There shall be no deliveries or shipments to non-residential uses between 10:00 p.m. and 7:00 a.m. Monday through Sunday or between 10:00 p.m. and 8:00 a.m. Saturday and Sunday.

9.8.46 Signs and Advertising Devices

The provisions of Section 4.1 Signs and Advertising devices is hereby adopted for the regulation and restriction of billboards, signs and other advertising devices within the Canton Center Economic Opportunity District Revitalization Area "C".

9.8.47 Certified Acoustical Barriers

No activity or use shall be allowed which causes exterior noise levels to exceed a day-night average sound level of 65 decibels (65 L dn) at the lot line; no dwelling unit shall be located where exterior noise levels exceed a day-night average sound level of 65 decibels (65 L dn); and no dwelling unit shall be constructed which allows interior noise levels to exceed a day-night average sound level of 45 decibels (45 L dn). The day-night average sound level (L dn) is the 24-hour average sound level, in decibels; resulting from the accumulation of noise from all sources contributing to the external noise environment of the site with 10 decibels added to sound levels occurring from 10:00 AM to 7:00 PM. The day-night average sound level (L dn) shall be determined in accordance with The Code of Federal Regulations, Title 24-Housing and Urban Development, Part 51 Environmental Criteria and Standards (24 CFR 51).

9.8.48 Affordable Units

As a condition for the grant of a special permit pursuant to this Section 5.63 authorizing an increase in the otherwise permissible density in a proposed residential development pursuant to the requirements of this Section 5.63, at least twelve (12%) of the dwelling units shall be deed restricted in perpetuity for occupancy by families with incomes at or below eighty percent (80%) of the Area Median Income as defined by the United States Department of Housing and Urban Development.

Such affordable housing units shall be integrated into the overall development so as to prevent the physical segregation of such units and otherwise shall be indistinguishable from market rate units except in size and interior finishing and appliances

9.8.49 Preference

As a condition of approval, the SPGA shall require that to the maximum extent allowable under applicable law, Canton residents be given first preference in the purchase of affordable units. The fees for all services will be negotiated between the Authority and the Developer, within the CCEOD Development.

9.8.50 Canton Housing Authority

For those housing units specified as affordable, the SPGA shall require that, to the maximum extent allowable under applicable law, the owner of a CCEOD Development will work with the Canton Housing Authority so that otherwise qualified families on the Housing Authority's waiting list are given an opportunity to rent or buy a vacant unit.

Petition by for Paul Schneiders and thirteen others

AMEND ZONING MAP BY PLACING PARCELS ALONG REVERE STREET AND NEPONSET STREET

Article 21 To see if the Town will vote to amend the Town's zoning map, as most recently amended, by placing parcels of land located along Revere Street and Neponset Street within the Canton Center Economic Opportunity District (Revitalization Area C) established by vote under Article 21 of this Town Meeting warrant or take any other action in relation thereto.

Said parcels of land are described in the Board of Assessors' Maps as Map 26, Lots 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 87, 88, 89, 90, 91, 92, 93, 222 and 111; and as Map 14, Lots 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, and 132; and as Map 15, Lots 80, 8, 82, 83, 84, 85 and 86.

Said parcels are shown on a map, copies of which are attached hereto and have been placed on file and are available for public review at the office of the Planning Board, at the office of the Town Clerk, and at the office of the Board of Selectmen in Memorial Hall, at the research desk of the Canton Public Library and on the town web site.

Petition by for Paul Schneiders and 14 others

AMEND RETAIL USE BY-LAW

Article 22 To see if the town will vote to amend Section G ("Retail Uses") of the Table of Use Regulations of the Canton Zoning By-laws by adding the phrase "unless additional storage is allowed by special Permit" after the phrase "Showroom for building supplies (Including plumbing, heating and ventilation equipment), with storage limited to floor samples only" and also after the phrase "Wholesale office or showroom with storage limited to floor samples only" or take any other action in relation thereto.

Petition by for Paul Schneiders and 9 others

AMEND ZONING BY-LAW SEC. 9.0 SPECIAL DISTRICTS BY ADDING "SENIOR ASSISTED LIVING OVERLAY DISTRICT"(THOSE BOTH 55 YEARS OF AGE OR OLDER AND REQUIRING OR DESIRING ASSISTANCE WITH BASIC ACTIVITIES OF DAILY LIVING)

Article 23 To see if the Town will vote to amend Section 9.0: special Districts, of the Canton Zoning By-laws as most recently amended, by adding provisions which will define and regulate a new residential classification of housing especially designed to meet the needs and serve the interests of those persons who have both reached the age of fifty five or more and who require or desire assistance with basic activities of daily living or more structured personal support services as they become needed by inserting into Section 2.2 Overlay and Special Districts, a new "senior assisted living overlay district "in substantially the form contained in the document entitled "Senior Assisted Living Overlay District, Proposed Amendment to the Zoning By-Law" copies of which are on file in the office of the Board of Selectmen and the office of the Town Clerk at Memorial Hall, in the office of the Planning Board in the (former) Eliot School Building and at the Research Desk at the Canton Public Library, or to take any other action in relation thereto.

9.7 SENIOR ASSISTED LIVING OVERLAY DISTRICT (SALOD)

9.7.1 Purpose. It is expected that the number of Americans aged sixty five (65) and over will more than double over the next forty years. The United States Census Bureau projects that this age group will increase from approximately 40.2 million Americans in 2010 to a level of 88.5 million in 2050. This aging of the population will have a wide range of effects in the areas of medical care, housing patterns and community structure. The purpose of the Senior Assisted Living Overlay District (SALOD) is to:

1. Provide dwellings for occupancy by individuals not less than fifty five (55) years of age;
2. To increase housing options for those older residents who may require or desire assistance with basic activities of daily living or more structured personal and support services as they become needed while still allowing those residents to maintain their independence and remain a part of the community; and
3. To provide for residential development in a manner that conserves environmental features, woodlands, wet areas, open space, areas of scenic beauty, views and vistas.

9.7.2 Overlay District: Applicability. The SALOD is an overlay zoning district. The benefits of the Senior Assisted Living Overlay District Development (SALODD) shall accrue only to those parcels located entirely within the boundaries of the SALOD. If the landowner selects to file a development plan in conformance with the requirements of the SALOD, the development shall conform to the objectives, standards and criteria specified by the SALOD. If the landowner selects to file a development plan in conformance with the requirements of the underlying zoning district, the development shall conform to the objectives, standards and criteria specified by the underlying zoning by-law.

9.7.3 Location. The location of a SALOD shall include all land designated by Town Meeting as being within the SALOD, pursuant to G.L. c.40A, s.5.

9.7.4. Occupancy. The occupancy of a SALOD shall be by residents both 55 years of age or older, pursuant to G.L. c. 151 B, and requiring or desiring assistance with basic activities of daily living and more structured personal and support services as they become needed.

9.7.5 Definitions. See Section 11, "Senior Assisted Living Overlay District"

9.7.6 Use Restrictions or Requirements. A SALOD, consisting of the multifamily uses set forth below, individually or in combination, may be authorized by a special permit issued by the Planning Board pursuant to this section and in compliance with the standards set forth herein.

1. Townhouse Style Structures consisting of dwelling units occupied by persons both 55 years of age or older and requiring or desiring assistance with basic activities of daily living and more structured personal and support services as they become needed, with such structures to be designed having each dwelling unit placed side by side. Townhouse Style Structure shall contain no less than two (2) units.
2. Apartment style Structures which contain dwelling units occupied by persons both 55 years of age or older and requiring or desiring assistance with basic activities of daily living and more structured personal and support services as they become needed, with such structures designed to have dwelling units placed one above another (stacked). Apartment Style Structures shall contain no more than eight (8) units.
3. Structures and uses accessory to the Senior Assisted living use set forth above including: Community building serving the residents of the SALOD; underground utilities located on a lot not serving the dwelling, recreational and continuing care facilities; and roadways.

9.7.7 Application. An application for a special permit for construction of a SALOD shall be submitted to the Planning Board on forms furnished by the Planning Board, accompanied by the filing fee, the following information and data, and a development plan as described below.

1. All of the information required for the site plan approval, if applicable;
2. The name and address of the Applicant(s) and all legal and beneficial owners of the site. Copies of all instruments, options, contracts or encumbrances affecting ownership of the development site. An instrument executed by all persons owning property within the site consenting to the development of the subject property, as applied for.
3. A proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable, and the estimated date of completion.
4. A narrative Design Review report prepared by qualified professionals, detailing the impact of the development on the Town's capacity to furnish services including, but not limited to, roads, water and sanitation.
5. Information regarding the number and kind of dwelling units and other structures (including signs) proposed, their location, the number of bedrooms planned, the sales, rental or service prices anticipated and population projections pertaining thereto.
6. Areas to be set aside for building structures, parking areas and conservation and recreation easements.
7. Information pertaining to condominium organization (if any).
8. Copies of all proposed deed restrictions or other instruments to ensure occupancy by persons both 55 years of age or older and requiring or desiring assistance with basic activities of daily living and more structured personal and support services as they become needed.
9. Any and all other information that the Planning 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.

9.7.8 Qualifying Land Area. Qualifying land Areas shall be in one ownership with definitive boundaries, shall be located within a SALOD and shall contain at least ten (10) contiguous acres of land. No more than fifteen percent (15%) of a Qualifying Land Area shall be Wetlands.

9.7.9 Density. Not more than one dwelling unit shall be constructed for each 5,000 square feet of Qualifying Land Area or a portion thereof in a SALOD.

9.7.10 Open Space Requirement. At least thirty (30%) of the SALOD site shall be in open space. The open space shall have a shape suitable to assure its use for landscaping and /or open space purposes.

9.7.11 Buffer Area. The Planning Board may require Buffer Areas at specific locations along the perimeter of the SH/ALOD. Vegetation in this buffer shall be enhanced as necessary to provide a visual barrier. Buffer areas shall be included in calculating the Open Space requirement of this by-law.

9.7.12 Minimum Lot Frontages. SALODD sites shall have a minimum frontage of one hundred and twenty (120) feet and at least one means of ingress/egress provided by a primary public roadway.

9.7.13 Ingress and Egress. Each means of ingress/egress shall have a continuous frontage of sixty feet on a primary roadway. The Planning Board has the discretion to require more than one means of access/egress to the extent that the proposed primary public road exceeds 1000 feet in length, in accordance with the Canton Subdivision Rules and Regulations. The primary public roadway(s) serving the site shall be subject to the rules and regulations of the Canton Planning Board governing the Subdivision of Land, the Canton Department of Public Works regulations regarding water, sewer and storm drainage systems and any other applicable regulation and/or standards of the Town.

1. The secondary private roadway(s) serving the site shall be sized to adequately serve the intended vehicular and pedestrian traffic. The secondary private roadway(s) shall strive to conform to the Rules and Regulations of the Canton Planning Board governing the subdivision of Land, the Canton Department of Public Works regulations regarding water, sewer and storm drainage systems, and any other applicable regulation and/or standards of the Town.

2. The secondary private roadways shall be maintained by an association of unit owners or by the applicant. Paths for the use of residents shall be attractively designed with proper regard for convenience, separation of vehicular, bicycle and pedestrian traffic and access to the amenities and facilities on the site and to paths on adjacent sites.

9.7.14 Parking. There shall be a minimum of .33 parking spaces for each sleeping room for single or double occupancy and .50 parking spaces per employee of the SALODD. All required parking shall be shall be

exclusively reserved for motor vehicles of residents, employees of the Senior Assisted Living development and visitors.

9.7.15 Stormwater Management. The stormwater management system shall be designed in accordance with the Subdivision Regulations and DEP's Stormwater Management Guidelines and Regulations, as amended.

9.7.16 Utilities. All electric, gas, telephone, water distribution lines and other utilities shall be placed underground.

9.7.17 Dwellings. The development of one or more townhouse-style and/or multifamily style structure on a lot or lots shall be permitted in an application to construct a SALOD. Such dwellings may be situated on any common or individual lot consistent with the overall design objectives of the SALOD, provided however, that such dwellings shall be connected to the public sewer or shall comply with the provisions of the State Sanitary Code, 310CMR 15.00, any other applicable State regulations, and with the rules of the Board of Health.

9.7.18 Affordable Units. At least ten percent (10%) of the senior assisted living beds shall be leased at rents affordable to eligible persons ages 55 and older and who may require or desire assistance with basic activities of daily living or more structured personal and support services as they become needed and earning not more than eighty percent of the area median family income as defined by the Commonwealth's Department of Housing and Community Development. Such affordable dwelling beds shall be integrated into the overall development so as to prevent the physical segregation of such beds and otherwise be indistinguishable from market rate beds.

Preference. As a condition of approval, the Planning Board shall require that Canton residents be given first preference in the leasing of these affordable beds within the SALOD and shall be for at least one year from the issuance of the first certificate of occupancy for any residential building within the SALOD.

9.7.19 Building Height. No building or structure shall be constructed to exceed thirty-five (35') feet or three stories, whichever is lower.

9.7.20 Setbacks. No building shall be constructed so as to be nearer to the line of any street than the "required setback distance" or nearer to the sideline of its lot than the "required side yard width" or nearer to the rear line of its lot than the "required rear yard depth" specified below:

Required setback distance 30'

Required side yard depth 30'

Required rear yard depth 30'

9.7.21 Fees. The filing fee for a special pursuant to this Section shall be \$1,000. The Planning Board shall also charge the applicant to a technical

review fee, pursuant to G.L.c.44,s.53G. Such technical review fee shall be used to engage professional, technical and/or legal consultants to review an application for a special permit within the SALOD. The initial deposit of such fee shall be \$10,000.00

9.7.22 Decision. The Planning Board may grant a special permit for a SALODD where it makes the following findings:

1. The proposed development complies with the requirements of this section;
2. The proposed development 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)

or to take any other action in relation thereto.

Petition by for Anthony E. Berardi and 47 others

AMEND ZONING MAP, INCLUDE AREA IN SENIOR ASSISTED LIVING OVERLAY DISTRICT

Article 24 To see if the Town will vote to amend the zoning map, as most recently amended, by placing a portion of land consisting of not less than ten (10) contiguous acres of land fronting along Walpole Street owned by Knollwood Cemetery and with not less than one hundred and twenty (120) feet of frontage along Walpole Street in the Senior Assisted Living Overlay District (Sec. 9.7) amended by vote under Article 23 of this Town Meeting warrant or take any other action in relation thereto. Said portion of the land is described as not less than ten contiguous acres of land within a larger parcel of approximately 99.7 acres of land and described in the Board of Assessors' Maps as Map 4, Lot 4.

Said parcels are shown on a map, copies of which are attached hereto and have been placed on file and are available for public review at the office of the Planning Board, at the office of the Town Clerk, and at the office of the Board of Selectmen, at the research desk at the Canton Public Library and on the Town web site.

Petition by for Anthony E. Berardi and 47 others

***AMEND GRANT OF CONSERVATION EASEMENT FOR
MARESFIELD FARM***

Article 25 To see if the Town will vote to amend a “Grant of Conservation Easement and Declaration of Restrictive Covenants” dated March 31, 1978 and executed by and between Codex Corporation and the Town of Canton and recorded in Norfolk Deeds Book 5725, Page 382 as follows:

The percentage figure of twenty (20%) percent that appears in Section 2.2 of said covenant shall be amended to read twenty-five (25%) percent of the total land area of the Property, so that the revised Section 2.2 would read:

2.2 The total developed area of the Campus, including building(s), parking areas and paved roadways shall not exceed twenty-five (25%) of the total land area of the Property. For the purpose of this limitation, developed area shall mean the area included within a continuous boundary line drawn to encircle all buildings, parking areas and paved roadways on the Campus.

And further to see if the Town will vote to allow the plan attached to said covenant as Exhibit A to be modified to show the new perimeter of the campus as indicated on the attached concept plan.

Petition by for Paul Schneiders and fourteen others

***CREATION OF A SCHOOL SPECIAL EDUCATION STABILIZATION
FUND***

Article 26 To see if the town will vote to establish, pursuant to G.L. ch. 40, section 5B, a Canton Public Schools Special Education Stabilization fund, for the purpose of maintaining a source of funds to supplement the Canton Public Schools annual operating budget intended to provide supplemental funds for special education expenses by the Canton Public Schools, or to take any other action related thereto.

Board of Selectmen for the School Committee

APPROPRIATE FUNDS FOR WINDOW REPLACEMENT REPAIR PROJECT AT LT. PETER M. HANSEN ELEMENTARY SCHOOL

Article 27 To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Building Committee for a window replacement repair project at the Lt. Peter M. Hansen Elementary School, 25 Pecunit Street, Canton, MA 02021 which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”). The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of a certain percentage of eligible, approved project costs, as determined by the MSBA, or the total maximum grant amount determined by the MSBA

Board of Selectmen for the School Committee

APPROPRIATE FUNDS FOR WINDOW REPLACEMENT REPAIR PROJECT AT WILLIAM H. GALVIN MIDDLE SCHOOL

Article 28 To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Building Committee for a window replacement repair project at the William H. Galvin Middle School, 55 Pecunit Street, Canton, MA 02021 which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”). The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of a certain percentage of

eligible, approved project costs, as determined by the MSBA, or the total maximum grant amount determined by the MSBA

Board of Selectmen for the School Committee

FIRE DEPARTMENT STAFFING STUDY

Article 29 To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of money, not to exceed \$15,000 to be expended under the direction of the Fire Chief, Town Administrator and Human Resources Administrator for a staffing study to be conducted for the Fire Department

Or to take any other action related thereto.

Board of Selectmen for the Fire Chief

AMEND GENERAL BY-LAWS OF THE TOWN – ARTICLE XIV (POLICE REGULATIONS) BY ADDING SECTION 55 – HUNTING

Article 30 To see if the Town will vote to amend the General By-Laws of the Town, Article XIV by adding a new Section 55 – Hunting – as follows, or to take any other action related thereto:

License Required:

No person shall discharge a firearm of any kind or hunt by bow or air rifle within the limits of any park, playground or any Town-owned property, except by vote of the Canton Board of Selectman, or other Town governmental body with jurisdiction over such property. Nor shall any person discharge a firearm, or hunt by bow or air rifle on any private property, except with the written consent of the owner or legal occupant thereof.

Violation and penalties:

Any person violating any of the provisions of this article shall be fined \$200 for each offense, and any weapon used in the commission of said offense shall be confiscated by a law enforcement officer. This by-law shall not apply to the lawful defense of life or property or to any law enforcement officer acting in the discharge of his/her duties. The Canton Police Department, the Massachusetts Environmental Police or any other sworn

police officer who has jurisdiction in the Town of Canton may enforce this by-law.

Board of Selectmen for the Police Chief

***AMEND GENERAL BY-LAWS OF THE TOWN – ARTICLE XIV
(POLICE REGULATIONS) BY ADDING SECTION 56 –
SECONDHAND JEWELRY AND ELECTRONICS***

Article 31 To see if the Town will vote to amend the General By-Laws of the Town, Article XIV by adding Section 56 — Secondhand Jewelry and Electronics as follows:

License Required:

No person shall engage in the business for the sale of or barter of secondhand gold, silver, platinum, jewelry, gems, electronics or electronic games, without first having obtained a license from the Board of Selectmen.

License Fee:

The fee for such license shall be \$50 and shall be renewed annually and displayed in plain view on the premise.

Recording Sales:

At the time of the transaction the business owner must record the;

1. Name
2. Address
3. Date of birth
4. Drivers license or photo ID#
5. Time and date of sale
6. A complete and accurate description as well a photograph of the item

Report to police:

A report of all transactions of sale, purchase or barter shall be filed on forms provided by the licensing authority shall be forwarded either electronically, U.S. Mail or in person to the Canton Police Department on a weekly basis. Items taken in trade must be held for at least 21 days after such report is filed.

Violation and penalties:

Violation of any terms of this license shall be punished by a fine of not less than \$100 and may be enforced by any sworn Canton Police Department

officer. Each day on which the violation exists shall be deemed to be a separate offense.

Board of Selectmen for the Police Chief

SPECIAL TAX ASSESSMENT PLAN – HARBAR CORPORATION

Article 32 To request the Town to vote to: (a) propose as an Economic Opportunity Area, pursuant to MGL chapter 23A, Sections 3A through 3H, for a term of five years, the land at 10 Pequot Way, Canton, MA containing approximately 7.12 acres, more or less, shown on Canton Assessor’s Map #079, Lot #146 (the “10 Pequot Way Economic Opportunity Area”); and (b) designate the 10 Pequot Way Economic Opportunity Area as a Special Tax Assessment Zone (“STA Zone”); and (c) adopt, for the purpose of protecting and growing the tax base and job base of Canton, a Special Tax Assessment Plan entitled “Harbar Corporation Plan”, (the “STA Plan”) on file with the Office of the Board of Selectmen, Office of the Town Clerk, Office of the Town Engineer and at the Canton Public Library; or to take any other action in relation thereto.

To request the Town to vote to: (a) approve the form of the Special Tax Assessment Agreement between Harbar Corporation and the Town of Canton on file with the Board of Selectmen (the “STA Agreement”); (b) authorize the Board of Selectmen to execute the STA Agreement, and any documents relating thereto, and to take such other actions as are necessary or appropriate to implement those documents; and (c) authorize the Board of Selectmen to approve and certify proposed projects as provided in the STA Plan and to apply to the Economic Assistance Coordinating Council of the Commonwealth of Massachusetts under the Economic Development Incentive Program for approval and designation of the 10 Pequot Way Economic Opportunity Area, STA Zone, STA Plan, and the Harbar Corporation certified project, or to take any other action related thereto.

Board of Selectmen

LAND TRANSFER – 800 DEDHAM STREET (result of MassDOT Dedham Street corridor work.)

Article 33 To see if the Town will vote to authorize the Board of Selectmen to sell, convey, release or otherwise dispose of all or any portions of or interests in Town land containing approximately 49, 000 sq. ft. located at 880 Dedham Street and known as Town Assessor Map 21, Parcel 4, as shown on a plan prepared by SMC, prepared for FST, dated December 29,

2011 and on file with the Town Engineer, subject to G.L. c. 30B for the purposes of providing access for the properties known as 770 and 780 Dedham Street and for a stormwater detention pond and related improvements, or to take any other action related thereto

Board of Selectmen

ACCEPTANCE OF CHAPTER 41, SECTION 111M

Article 34 To see if the Town will vote to accept Chapter 41, Section 111M – Emergency medical technicians; leave without loss of pay while incapacitated which law provides as follows:

Section 111M. In any city or town which accepts this section, an employee of a city or town or fire or water district who is responsible for delivering emergency medical services under the provisions of chapter one hundred and eleven C, and who is incapacitated for duty because of injury sustained in the performance of his duty without fault of his own shall be granted leave without loss of pay for the period of such incapacity; provided, that no such leave shall be granted for any period after such emergency medical personnel has been retired or pensioned in accordance with law or for any period after a physician designated by the board or personnel authorized to appoint emergency medical personnel in such city, town or district determines that such incapacity no longer exists. All amounts payable under this section shall be paid at the time and in the same manner as, and for all purposes shall be deemed to be the regular compensation of such emergency medical personnel. This section shall also apply to any such employee who is subject to the provisions of chapter one hundred and fifty-two if he is injured while delivering emergency medical services and if he waives the provisions of said chapter.

Where the injury causing the incapacity of an emergency medical personnel for which he is granted a leave without loss of pay and is paid compensation in accordance with the provisions of this section, was caused under circumstances creating legal liability in some person to pay damages in respect thereof, either the person so injured or the city, town or fire or water district paying such compensation may proceed to enforce the liability of such person in any court of competent jurisdiction. The sum recovered shall be for the benefit of the city, town or fire or water district paying such compensation, unless the sum is greater than the compensation paid to that

person so injured. For the purposes of this section, "excess" shall mean the amount by which the total sum received in payment for the injury, exclusive of interests and costs, exceeds the amount paid under this section as compensation to the person so injured. The party bringing the action shall be entitled to any costs recovered by him. Any interest received in such action shall be apportioned between the city, town, or fire or water district and the person so injured in proportion to the amounts received by them respectively, inclusive of interest and costs. The expense of any attorney's fees shall be divided between the city, town, or fire or water district and the person so injured in proportion to the amounts received by them respectively.

Whoever intentionally or negligently injures an emergency medical personnel for which he is granted a leave without loss of pay and is paid compensation in accordance with the provisions of this section shall be liable in tort to the city, town or fire or water district paying such compensation for all costs incurred by such city, town, or fire or water district in replacing such injured emergency medical personnel which are in excess of the amount of compensation paid, or to take any other action related thereto.

Board of Selectmen for the Fire Chief

AMEND GENERAL BY-LAWS ARTICLE II, SECTION 2 – ANNUAL TOWN MEETING, TIME OF

Article 35 To see if the Town will vote to amend Article II, Section 2 of the Town's General By-Laws, Annual Town Meeting, Time of, by deleting "7:30" and replacing it with "7:00" or to take any other action related thereto.

Board of Selectmen

AMENDMENT OF HUMAN RESOURCES BY-LAW

Article 36 To see if the Town will vote to amend Section 3 of the Human Resources By-laws, as most recently amended under Article 33 of Annual Town Meeting 2009, by deleting Section 3.(a) and replacing it with the following, or to take any other action related thereto:

- (a) Appointment: A Human Resources Administrator shall be appointed by the Board of Selectmen, after consultation with the School Committee

Board of Selectmen

AMEND THE GENERAL BY-LAWS OF THE TOWN BY ADDING ARTICLE XXII – REGULATION AND MAINTENANCE OF VACANT AND FORECLOSING PROPERTIES

Article 37 To see if the Town will vote to amend the General By-Laws of the Town by adding Article XXII – as follows:

Section 1. Introduction

Many properties being foreclosed upon by institutions frequently remain abandoned or become dilapidated for months and years at a time during and after the foreclosure process. This often creates attractive public nuisances, unsecured properties open to weather, vandalism and illegal occupancy, unsafe conditions, and violations of multiple aspects of the State Building Code and State Sanitary Code.

Such properties encourage blight, reduce real estate values of surrounding properties and neighborhoods, and create significant maintenance and monitoring costs to the Town of Canton.

The institutions who perform foreclosures or who own properties after foreclosure often have little to no connection with the Town and are removed from the communities affected. Furthermore, they frequently fail to provide any identification or contact information to allow the Town to determine who the owners of properties are or to contact them regarding violations of applicable laws, codes, regulations and Town bylaws.

Section 2. Purpose

The purpose of this Bylaw is to protect and preserve the health, safety, security and general welfare of the public and occupants, abutters and neighborhoods by requiring all Owners of Distressed Property to register with the Town and to properly maintain Distressed Property, and, by doing so, expediting the (1) remediation of violations of any applicable laws, codes, regulations and bylaws, (2) rehabilitation and permanent legal occupancy of Distressed Property, and (3) protection of public health, safety and welfare.

Section 3. Definitions

When used in this Bylaw, unless a contrary intention clearly appears, the following terms shall have the following meanings:

“Abandoned Property” means any vacant Property and/or any Property not currently legally occupied.

“Board” means the Town of Canton Board of Selectmen.

“Bylaw” means the provisions of this Article XXII of the Town of Canton General By-laws.

“Commissioner” means the Town of Canton’s Building Commissioner.

“Contact Information” means a person’s: (a) name, (b) mailing address, which shall include a street number, street name, city/town and zip code and which may not be a P.O. Box, (c) telephone number where that person may be reached during regular business hours (8:30 A.M. - 5:00 P.M. E.S.T.) and (d) email address.

“Dilapidated Building” means any building or structure, or portion thereof, that: (a) shows sign of decay, deterioration or full or partial ruination through neglect or misuse, (b) is unsafe or not structurally sound, and/or (c) is otherwise unfit for healthy or safe habitation or access.

“Distressed Property” means:

- (a) any Property in Foreclosure;
- (b) any Abandoned Property or any Property showing Evidence of Abandonment;
- (c) any Dilapidated Building; and/or
- (d) any Property where the Owner, by his, her or its action or inaction, has created or failed to correct a material health and/or safety condition at a Property. A material health and/or safety condition may be found where the health, safety and welfare of persons, the neighborhood or general public is or may be at risk, including but not limited to instances where:
 - (1) a building is vacant for any length of time that is inconsistent with its use as a residential, commercial or industrial building and/or premises;

- (2) there exists a lack of maintenance and/or a deterioration of a building or grounds which actually or potentially poses a risk to the public health, safety, security and welfare and/or to the enjoyment of occupants, abutters and/or neighborhoods;
- (3) the structural vandalism of a building or grounds has gone unrepaired; and/or
- (4) a lack of maintenance, a use or a deterioration of a building and/or premises promotes a degradation of the surrounding neighborhood adversely affecting public health, safety, security and welfare or the enjoyment of occupants, abutters or neighborhoods.

“Evidence of Abandonment” means any Property that independently or in the context of the totality of circumstances would lead a reasonable person to believe that a Property is Abandoned Property or occupied by a person without a legal right of occupancy. Such conditions include but are not limited to: (1) overgrown grass (1 foot or higher) or noticeable amounts of dead vegetation; (2) accumulation of unclaimed newspapers, circulars, flyers or mail; (3) past-due utility notices or disconnected utilities; (4) accumulation of trash, garbage, junk or debris; (5) the absence of window coverings such as curtains, blinds or shutters; (6) the absence of furnishings or personal items consistent with habitation; (7) a swimming pool in such disrepair that a dangerous condition may exist; and/or (8) reports by neighbors, passersby, delivery agents or government employees that the Property is Abandoned Property.

“Foreclosure” means the process by which a Property serving as security for a loan or other debt is taken to satisfy such loan or debt, regardless of what stage the process is in (from the Initiation of the Foreclosure Process through the conclusion of any such process) and whether the process entails foreclosure by sale, by entry or by action.

“Initiation of Foreclosure Process” means taking any of the following actions: (a) taking possession of a Property pursuant to G.L. c. 244, § 1; (b) delivering a notice of intention to foreclose on a Property pursuant to G.L. c. 244, § 17B; or (c) commencing a foreclosure action on a Property in either the Land Court or Superior Court.

“Local” means within twenty (20) driving miles distance of the property in question.

“Mortgagee” means a mortgagee or creditor that holds rights, title or interests to a Property pursuant to a mortgage or security agreement, and shall include but not be limited to lenders in a mortgage agreement, service companies and their agents, employees, successors in interest and assignees.

“Owner” and “Owners” mean every person, entity, service company, property manager or real estate broker, who alone or severally with others:

- (a) has legal or equitable title to any Property by Foreclosure, transfer, court order or otherwise;
- (b) is a Mortgagee that has undertaken any Initiation of Foreclosure Process;
- (c) is a Mortgagee in possession of a Property;
- (d) is a trustee who holds, owns or controls mortgage loans for mortgage-backed securities transactions and has undertaken any Initiation of Foreclosure Process;
- (e) has care, charge, custody or control of any Property in any capacity, including but not limited to as trustee, agent, fiduciary or other personal representative (e.g., executor/executrix, administrator/administratrix, guardian or conservator) of the estate of the holder of legal title;
- (f) is an agent, trustee or other person appointed by a court and vested with possession, receivership or control of any Property; and/or
- (g) is an officer or trustee for the organization of unit owners of a condominium created pursuant to G.L. c. 183A, except however, this Bylaw shall not apply to such officers or trustees to the extent that the officers or trustees, on behalf of the organization of unit owners, enforce a lien placed on a unit in their condominium for unpaid delinquent common expenses, fees, assessments and other charges pursuant to G.L. c. 254, §§ 5 and 5A.

“Property” means any improved or unimproved real property or portions thereof located in the Town, together with the buildings, structures thereon and appurtenances thereto, including but not limited to dwellings, dwelling units, mobile dwelling units and commercial properties, or any portions

thereof, situated on, over and under such real property regardless of condition and regardless as to whether such real property is used for residential, commercial, industrial or other purposes. For purposes of this Bylaw, "Property" shall not include property owned by the Town.

"Town" means the Town of Canton.

Section 4. Registration of Vacant and/or Foreclosing Property; Duty to Provide Written Notice of Distressed Property, Foreclosure and Change of Local Property Manager

(a) Filing of Registration. All Owners of Distressed Property in the Town must initially register such Distressed Property with the Commissioner as provided herein and on forms provided by the Commissioner, if any, within ten (10) days of becoming the Owner of the Distressed Property or within forty five (45) days of the effective date of this Bylaw, whichever is later.

(b) Content of Registry Filing. All such registrations must state the correct street number and street name of the Distressed Property, the map, block and parcel number of the Distressed Property, all Contact Information of the Owner, and all Contact Information for the authorized agent of such Owner with regard to such Distressed Property, and shall otherwise be provided in the manner prescribed by G.L. c. 59, § 57D. The mailing address may not be a P.O. Box.

If an Owner of Distressed Property does not reside or have a usual place of business in the Commonwealth of Massachusetts, then such Owner's registration shall also include all Contact Information for (1) a person who resides within the Commonwealth of Massachusetts and is authorized to accept service of process on behalf of the Owner and who shall be designated as the Owner's agent for purpose of receiving all notices issued pursuant to this Bylaw, and (2) a Local individual or Local property management company who shall be responsible for the security and maintenance of the Distressed Property as required by this Bylaw.

If the Owner or Owner's agent is a corporation, company, trust, association or other entity or organization, then such registration shall also provide all Contact Information of an individual person who has the authority to make decisions and to undertake actions regarding the Distressed Property, including but not limited to decisions and actions related to compliance with the State Building Code and/or State Sanitary Code, work to and

rehabilitation of the Distressed Property and all its facilities and improvements, and other maintenance of the Distressed Property.

(c) Condition of Distressed Property at Time of Filing. This initial registration and all subsequent annual registrations must also certify that the Distressed Property was inspected and identify whether the Distressed Property is vacant or in Foreclosure at the time of filing the registration. If the Distressed Property is vacant or in Foreclosure at the time of any such registration, then the Owner must provide in the registration form all Contact Information of the Local individual or Local property management company responsible for the security and maintenance of the Distressed Property as required by this Bylaw.

(d) Change of Ownership. In the event the ownership of any Distressed Property changes subsequent to registration, then both the former and current Owner of the Distressed Property shall be jointly and severally responsible to provide to the Commissioner within ten (10) days of the change of ownership written notification of such change in ownership and a completed registration form for the new Owner of the Distressed Property as required above.

(e) Change of Contact Information. If any Contact Information of any Owner of Distressed Property or that Owner's agent changes at any time, then such Owner shall submit to the Commissioner a new registration form as required above, setting forth all the Owner's and/or Owner's agent's new Contact Information in the manner required above, together with any applicable fees.

(f) Notice of Violation to Apparent Owner. Without limiting the generality of the provisions of this Section 4, if the Commissioner, in his sole judgment, determines that a Property is a Distressed Property and provides to the party appearing to be the Owner of such Distressed Property pursuant to records on file with the Town or otherwise readily available a written notice that such party appears to be the Owner of Distressed Property in the Town and such party is responsible to comply with this Bylaw, then such party must: (a) as the Owner of the Distressed Property, register the Distressed Property with the Town within ten (10) days of the date of such notice and otherwise comply with this Bylaw, or (b) provide to the Commissioner within ten (10) days of the date of such notice evidence satisfactory to the Commissioner that such party is not the Owner of such Distressed Property and any information regarding the new Owner of the

Distressed Property that such party may have, including but not limited to all the new Owner's Contact Information.

(g) Annual Registration; Expiration. All initial registrations are valid until the earlier of the date that (a) is one calendar year from the date the initial registration is received by the Commissioner at which time such registrations shall expire, or (b) the Owner submitting such initial registration form no longer owns the Distressed Property. Owners of Distressed Property shall file annual registrations every year on or before the date that initial registrations expire.

(h) Failure to Register. Failure to register a Distressed Property as required by this Section 4 shall be a violation of this Bylaw.

Section 5. Initial Registration Fee; Annual Registration Fee; Failure to Pay

When registering Distressed Property pursuant to this Bylaw, the Owner of the Distressed Property shall pay to the Town, together with the submission of any registration forms, fees to be set by the Board pursuant to G.L. c. 40, § 22F to cover the administrative cost of monitoring and ensuring the security and proper maintenance of such Distressed Property.

All registration fees, fines and other charges due and payable to the Town pursuant to this Bylaw shall be due and payable regardless of the delivery by the Town or receipt by any Owner of any billing statement or other notice of such fees, fines or other charges.

Failure to pay any fees as required by this Bylaw shall be a violation of this Bylaw, and the full amount of all unpaid fees due under and fines issued for violations of this Bylaw not paid by the date due shall constitute a "municipal charges lien" on the Distressed Property in accordance with G.L. c. 40, § 58.

Section 6. Security, Maintenance and Inspections of Distressed Property

The Owner of Distressed Property shall secure all structures at the Distressed Property from the weather and in such a manner as to prevent access by unauthorized persons and by pests, including but not limited to the following: (a) closing and locking of all windows, doors (including garage doors), gates, swimming pools and any other opening of such size that it may allow a child to access the interior of such structures; (b) re-glazing or

boarding of all broken windows; (c) implementing additional maintenance and/or security measures as may be directed by the Commissioner, including but not limited to installing additional lighting for security, increasing frequency of on-site inspections, employing an on-site security guard(s), disconnecting utilities and removing meter boxes, or carrying out measures as may be required to stop the structural decline of the Distressed Property; (d) elimination of unsanitary conditions at the Distressed Property; and (e) removal from the Distressed Property of all materials, waste, garbage, rubbish, chemicals and substances that actually or potentially create nuisances or pose a risk to the public health, safety or welfare.

The Owner of Distressed Property must regularly inspect and maintain any Distressed Property at least once every two (2) weeks to ensure that such Distressed Property is in compliance with this Bylaw, as well as the State Sanitary Code, the State Building Code and all other applicable laws, regulations and bylaws.

If the Owner of Distressed Property does not have a Local residence or Local usual place of business, then such Owner shall retain a Local individual or Local property management company to be responsible to secure, inspect and maintain the Owner's Distressed Property as required by this Bylaw.

The Commissioner shall have the authority to inspect all Distressed Property subject to this Bylaw for compliance and to issue citations for any violations. The Commissioner shall have the discretion to determine when and how such inspections are to be made in the enforcement of this Bylaw.

Section 7. Posting

The Owners of Distressed Property shall post on the Distressed Property the name and 24-hour contact telephone number of a Local manager of the Property as follows:

“THIS PROPERTY MANAGED BY
[*Insert Name of Property Manager*].
TO REPORT PROBLEMS OR CONCERNS PLEASE CALL
[*Insert 24-hour local contact phone number*].”

The posting shall be no less than 18 inches by 24 inches and shall be conspicuously located and clearly legible from a distance of 50 feet from a public way abutting the Distressed Property. If no public way abuts the

Distressed Property, then such posting shall be conspicuously located and clearly legible from a distance of 50 feet from the closest private street (as opposed to a driveway or common driveway) abutting the Distressed Property.

If the Distressed Property includes a Dilapidated Building or other building or structure, then such posting shall be placed on the interior of a window on the front of the Dilapidated Building and/or other building or structure facing the main abutting public way (or private way if no public way is abutting) or secured to the front exterior of the Dilapidated Building or other building or structure facing the main abutting public way (or private way if no public way is abutting) or, if no such area exists, on a stake of sufficient size to Secure the posting in a location that is visible from such ways but not readily accessible to vandals. Exterior postings must be constructed of, and printed with weather-resistant materials.

Section 8. Enforcement and Penalties

All violations of this Bylaw, including but not limited to any failure to register a Distressed Property as required by this Bylaw, to pay a registration fee or to hire a Local property manager for a distressed Property, shall be subject to a fine of Three Hundred Dollars (\$300.00) per offense and each day any such violations continue shall constitute a separate offense. The Commissioner or his designee and/or any Police Officer of the Town shall have the right to enforce this Bylaw pursuant to the non-criminal disposition procedures set forth in Article 1, Section 2 of the Town of Canton General By-Laws. This Bylaw shall not supersede, preempt or negate any other legal authority of the Commissioner or other public body or official to act independently on such matters.

Section 9. Request for Waiver or Stay from Payment of Fees

Any Owner of Distressed Property aggrieved by any fees due under this Bylaw may appeal to the Board or the Board's designee such fees by delivering to the Board within ten calendar (10) days of the date such fees are due a written request for the Board to waive or to stay the payment of fees due pursuant to this Bylaw. The appeal request must be accompanied by a non-refundable appeal cost to be set by the Board pursuant to G.L. c. 40, § 22F. Upon the proper filing of an appeal, payment of the registration fee shall be stayed pending the outcome of the appeal.

The Board or its designee may, in its, his or her sole discretion, vote to waive or stay the payment of all or any part of any fees due to the Town pursuant to this Bylaw.

If, upon appeal, the Board votes or its designee decides not to waive all fees due under this Bylaw, then the Owner, without further notice or action required by the Town, shall pay to the Town within ten (10) calendar days of such vote or decision the total amount of the fees due to the Town under this Bylaw.

If, upon appeal, the Board votes or its designee decides to stay all or any part of the fees due to the Town under this Bylaw, then the Owner without further notice or action required by the Town, shall pay to the Town within ten (10) calendar days of such vote or decision the total amount of fees due.

Section 10. Notice

The Commissioner may cause notice of this Bylaw to be mailed or delivered to Owners of Distressed Property in the Town, based upon ownership and contact information readily ascertainable and available from records on file with the Town; except however, no failure by the Commissioner to deliver such notice or failure by the Owners to receive notice of this Bylaw shall affect the operation or enforcement of this Bylaw.

Section 11. Applicability and Other Violations

If any provision of this Bylaw imposes greater restrictions or obligations than those imposed by any other general laws, special laws, regulations, rules, bylaws, orders, or policies then the provisions of this Bylaw control.

The provisions of this Bylaw are in addition to, and not in lieu of, any and all other applicable provisions of the Town of Canton General By-laws, Town of Canton Zoning By-laws and all other federal, state and Town laws, regulations and codes.

Section 12. Severability

If any provision of this Bylaw is held by a court of competent jurisdiction to be invalid, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

Board of Selectmen

ACCEPT CHAPTER 32B SECTION 20 (OTHER POST EMPLOYMENT BENEFITS)

Article 38 To see if the Town will vote to accept the provisions of MGL Chapter 32B Section 20 which provides as follows:

Section 20. A city, town, district, county or municipal lighting plant that accepts this section, may establish a separate fund, to be known as an Other Post Employment Benefits Liability Trust Fund, and a funding schedule for the fund. The schedule and any future updates shall be designed, consistent with standards issued by the Governmental Accounting Standards Board, to reduce the unfunded actuarial liability of health care and other post-employment benefits to zero as of an actuarially acceptable period of years and to meet the normal cost of all such future benefits for which the governmental unit is obligated. The schedule and any future updates shall be: (i) developed by an actuary retained by a municipal lighting plant or any other governmental unit and triennially reviewed by the board for a municipal lighting plant or by the chief executive officer of a governmental unit; and (ii) reviewed and approved by the actuary in the public employee retirement administration commission.

The board of a municipal lighting plant or the legislative body of any other governmental unit may appropriate amounts recommended by the schedule to be credited to the fund. Any interest or other income generated by the fund shall be added to and become part of the fund.

Amounts that a governmental unit receives as a sponsor of a qualified retiree prescription drug plan under 42 U.S.C. 1395w-132 may be added to and become part of the fund.

The custodian of the fund shall be: (i) a designee appointed by the board of a municipal lighting plant; or (ii) the treasurer of any other governmental unit. Funds shall be invested and reinvested by the custodian consistent with the prudent investor rule set forth in chapter 203C.

This section may be accepted in a city having a Plan D or Plan E charter by vote of the city council; in any other city by vote of the city council and approval of the mayor; in a town by vote of the town at a town meeting; in a district by vote of the governing board; in a municipal lighting

plant by vote of the board; and in a county by vote of the county commissioners.

Board of Selectmen for the Finance Director

ACCEPTANCE OF HISTORICAL WAY

Article 39 To see if the Town will vote to accept as a town way, the layout of the following described street as recommended by the Planning Board and laid out by the Board of Selectmen (M.G.L. c. 41 and c. 82, as amended), and to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, such land, slope and drainage easements or other easement as may be necessary to effect the purpose of this Article, and to see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute or transfer from available funds, a sum of money for such purposes; and to take such other action as may be appropriate thereto:

Beginning at a point on Washington Street at the Southerly corner of Lot 2

Northwesterly along the arc of a curve to the right having a radius of 30.54 feet and a length of 45.42 feet along Historical Way to a point; thence turning and running

Northwesterly 75.72 feet to a point; thence turning and running

Northwesterly along the arc of a curve to the left having a radius of 141.62 feet and a length of 60.18 feet to a point; thence turning and running

Northwesterly 155 feet a point; thence turning and running

Northerly along the arc of a curve to the right having a radius of 75.00 feet and a length of 145.21 feet along Historical Way to a point; thence turning and running

Northeasterly 184.10 feet to a point; thence turning and running

Southeasterly along the arc of a curve to the right having a radius of 20.00 feet and a length of 28.91 feet to a point; thence turning and running

Southeasterly along the arc of a curve to the right having a radius of 60.00 feet and a length of 176.75 feet to a point; thence turning and running

Northerly 59.20 feet to a point; thence turning and running

Northwesterly 326.50 feet to a point; thence turning and running

Southwesterly along the arc of a curve to the left having a radius of 125.00 feet and a length of 242.01 feet to a point; thence turning and running

Southeasterly 155.00 feet to a point; thence turning and running

Southeasterly along the arc of a curve to the right having a radius of 91.62 feet and a length of 38.94 feet to a point; thence turning and running

Southeasterly 66.02 feet to a point; thence turning and running

Southwesterly along the arc of a curve to the right having a radius of 30.00 feet and a length of 50.16 feet to a point; thence turning and running

Northeasterly 111.50 feet along Washington Street to the point of beginning,
Or to take any other action related thereto.

Petition by for Martin Devane and 49 others

ADDITIONAL 43D PRIORITY DEVELOPMENT SITES

Article 40 To see if the Town will vote to accept the provisions of c.43D, Sections 1 through 16, of the General Laws and to designate the following parcels of land as a "Priority Development Sites" in the Town of Canton for expedited municipal permitting within the meaning of G.L. Chapter 43D, and to approve the filing of an application with the Commonwealth of Massachusetts Interagency Permitting Board for designation of such parcels as Priority Development Sites, including but not limited to:

46 Turnpike St.,

and that the Board of Selectmen be hereby authorized to implement the following within 120 days of the acceptance of Chapter 43D with respect to the above mentioned Priority Development Sites:

(a) appoint a single point of contact to serve as the primary municipal liaison for all issues relating to Chapter 43D in connection with said Priority Development Sites;

(b) amend rules and regulations, with the assistance of various permitting boards, on permit issuance to conform with Chapter 43D with respect to the foregoing Priority Development Sites;

(c) along with the Town's permitting boards, collect and ensure the availability of all governing statutes, local bylaws, regulations, procedures and protocols pertaining to each permit;

(d) establish a procedure whereby the Board of Selectmen shall determine all permits, reviews and pre-development review required for a Priority Development Site project, all required scoping sessions, public comment periods and public hearings and all additional specific applications and supplemental information required for review, including when applicable, the identification of potential conflicts of jurisdiction or substantive standards with abutting municipalities and a procedure for notifying the applicant; and

(e) establish a procedure, following notification of the required submissions for review as set forth in clause (d) above, for determining if all the materials required for the review of the Priority Development project have been completed.

Board of Selectmen for Economic Development Committee

**ACCEPT GENERAL OR SESSION LAWS ENACTED BY THE
GENERAL COURT**

Article 41 To see if the town will vote to accept any general or session laws enacted by the General Court for the benefit of cities or towns or of benefit to the Town of Canton, or to take any other action related thereto.

Board of Selectmen

INSURANCE PROCEEDS

Article 42 To see whether the Town will vote to appropriate all sums over \$20,000 recovered under the terms of any insurance policy and any other insurance proceeds paid to the Town in connection with any losses suffered by the Town during the course of FY 12 and/or FY 13, or to take any other action related thereto.

Board of Selectmen

VOTE TO RESCIND UNUSED BORROWING AUTHORIZATIONS

Article 43 To see if the town will vote to rescind unused borrowing authorizations previously voted by the town, or to take any other action related thereto.

Board of Selectmen

LOCAL OPTION MEALS EXCISE TAX

Article 44 To see if the Town will vote to accept section 2(a) chapter 64 L of the General Laws of the Commonwealth to impose an excise tax of .75% on sales of restaurant meals to take effect on July 1, 2012; or take any other action related thereto.

Board of Selectmen for the Director of Finance

TRANSFER OF FUNDS TO MEET FY 13 APPROPRIATIONS

Article 45 To see what sum the Town will vote to transfer from Free Cash in the treasury to meet the appropriations for the ensuing Fiscal Year and to authorize the Assessors to use in fixing the rate, pass any vote, or to take any other action related thereto.

Board of Selectmen

APPROPRIATE FUNDS TO MEET EXPENSES FOR NEXT FISCAL YEAR

Article 46 To see what sums of money the town will vote to raise and appropriate, transfer from any available funds or borrow from any applicable statute to meet the expenses of the next fiscal year for the various Town Boards, Committees, Departments and Agencies, or to take any other action related thereto.

Board of Selectmen

And you are hereby directed to serve this warrant by posting attested copies at the Post Office and at not less than six other public places at least sixty days before the day the said meeting is held.

Hereof fail not, and make due return of this warrant with your doings thereon to the town clerk before the day the said meeting is held.

Given under our hands and seals this (7th) day of February in the year two thousand and twelve.

**Board of Selectmen,
Town of Canton**



John J. Connolly, Chair



Gerald A. Salvatori, Jr., Clerk



Avril T. Elkort, Vice-Chair



Robert E. Burr, Jr., Member

Victor D. Del Vecchio, Member

CONSTABLES RETURN OF SERVICE

Norfolk, ss

Pursuant to the within Warrant to me directed, I have notified and warned the inhabitants of the Town of Canton to meet at the time and places mentioned in the said warrant and for the purposes as stated in the said Warrant by posting up attested copies of the same at the Post Office and at six other public places in the town sixty days, or more, before the day set in the said warrant.

Date on which the said notices were posted

Constable

Received and filed in the Office of the Town Clerk on

Tracy Kenny, Town Clerk