

# City of Fall River Massachusetts

## Office of the City Clerk

**ALISON M. BOUCHARD**  
CITY CLERK

**JUNE 7, 2013**  
**MEETINGS SCHEDULED FOR NEXT WEEK**  
**TUESDAY, JUNE 11, 2013**

**INÊS LEITE**  
ASSISTANT CITY CLERK

**5:00 P.M. COMMITTEE ON ORDINANCES AND LEGISLATION**

**6:00 P.M. COMMITTEE ON FINANCE**

1. Discussion of proposed loan orders:
  - a. \$1,400,000 for Emergency response costs related to February Blizzard
  - b. \$100,000 for Hurricane Sandy costs
  - c. \$500,000 for Chapter 90 reimbursements

**AGENDA**

**7:00 P.M. REGULAR MEETING OF THE CITY COUNCIL**

**PRIORITY MATTERS**

1. \*Mayor and order re donation of vehicle to Veterans' Services
2. \*Mayor requesting approval of the following:
  - a) Proposed ordinance re Base Meter Fee
  - b) Sewer Loan Orders
  - c) Proposed ordinance re Leak Abatement Policy

**PRIORITY COMMUNICATIONS**

3. \*FROED and applications for Designation of Economic Opportunity Area for:
  - a) Sheltering Sky Site Specific EOA
  - b) Waterfront Investment Site Specific EOA
4. Traffic Commission recommending amendments to the traffic ordinances
5. \*Planning Board recommendation re Zoning Ordinance Revision and modifications

**COMMITTEE REPORTS**

Committee on Real Estate recommending:

Adoption:

6. \*Order – Offer from Robert Kfoury for former Lincoln School, 439 Pine Street – \$21,600
7. \*Order – Offer from Robert Kfoury for former Coughlin School, 1975 Pleasant Street – \$20,500

Committee on Ordinances and Legislation recommending:

All readings, with Emergency Preamble:

8. \*Proposed Ordinance – Traffic, handicapped parking

First reading:

9. Proposed Ordinance – Traffic, misc.
10. Proposed Ordinance – Traffic, misc.

Grant leave to withdraw:

11. Review Section 74-110 regarding sewer repairs

**ORDINANCES** – None

**RESOLUTIONS**

12. \*Consider subdividing former Healy School and playground and turn over playground to Park Division
13. \*Request Corporation Counsel work on home rule petition to place Charter Commission question on ballot

**CITATIONS**

14. John S. Brayton, Jr. Memorial Community Service Awardees
15. Bristol County Savings Bank – Grand Opening
16. Charlene Wolstenholme – retirement
17. BMC Durfee High School – Best & Brightest Awards

**ORDERS – HEARINGS FOR TONIGHT**

Jt. Pole location:

18. Weaver Street – One joint pole location

**ORDERS – HEARINGS TO BE SCHEDULED** – None

**ORDERS – NO HEARING REQUIRED** – None

**ORDERS – MISCELLANEOUS**

19. Police Chief's report on licenses

20. City Engineer prepare plans for the acceptance of Gaudette Drive, from Dickinson Street to Spencer Street

**COMMUNICATIONS – INVITATIONS – PETITIONS**

21. \*Claims

22. Planning Board Minutes – April 1, 2013

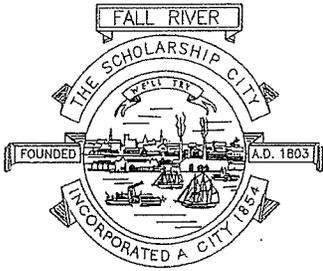
23. Planning Board Minutes – April 23, 2013

**BULLETINS – NEWSLETTERS – NOTICES** – None

A handwritten signature in black ink that reads "Alison M. Bouchard". The signature is written in a cursive, flowing style.

City Clerk

*Finance*



**City of Fall River**  
**Massachusetts**  
**Department of Financial Services**  
TREASURER • COLLECTOR • AUDITOR • ASSESSOR

**WILLIAM A. FLANAGAN**  
*Mayor*

**JOHN L. NUNES, CMMT, CMMC**  
*Director of Financial Services/Treasurer*

**PAULIANNE MARTINS-TEIXEIRA**  
*Assistant Treasurer*

5/23/2013

Honorable Mayor of Fall River  
City of Fall River  
One Government Center  
Fall River, MA 02722

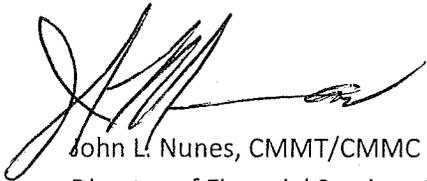
Re: Bonding Authorizations

I respectfully request that the attached bonding authorizations be forwarded to the City Council for action:

1. One Million Four Hundred Thousand Dollars (\$1,400,000) for emergency response costs Related to the February 8/9,2013 Blizzard
2. One Hundred Thousand Dollars (\$100,000) related to the costs of Hurricane Sandy
3. Five Hundred Thousand Dollars (\$500,000) related to Chapter 90 reimbursements

If you should have any questions, please do not hesitate to contact me.

Very Truly Yours,



John L. Nunes, CMMT/CMMC  
Director of Financial Services / Treasurer

# 1A Finance

City of Fall River, In City Council

CITY OF FALL RIVER  
LOAN ORDER  
(2013 Blizzard Emergency Response Expenses)

ORDERED: That the City hereby appropriates the sum of One Million Four Hundred Thousand Dollars (\$1,400,000) to pay emergency response costs associated with the blizzard occurring on February 8/9, 2013, including the payment of all costs incidental and related thereto, and that to meet said appropriation the City Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, Section 8(9) or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. The amount authorized to be borrowed pursuant to this Order shall be reduced to the extent of any federal or state emergency management agency grants received by the City on account of these expenses.

ORDERED: That the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City to be issued pursuant to this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require.

CITY OF FALL RIVER  
IN CITY COUNCIL  
MAY 28 2013

*Authorized to be published  
and referred to the  
Committee on Finance,  
8 years, with Co. Casey  
absent*

*is attached*

City of Fall River, In City Council

CITY OF FALL RIVER  
LOAN ORDER  
(Hurricane Sandy Emergency Response Expenses)

ORDERED: That the City hereby appropriates the sum of One Hundred Thousand Dollars (\$100,000) to pay emergency response costs associated with Hurricane Sandy, including the payment of all costs incidental and related thereto, and that to meet said appropriation the City Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, Section 8(9) or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. The amount authorized to be borrowed pursuant to this Order shall be reduced to the extent of any federal or state emergency management agency grants received by the City on account of these expenses.

ORDERED: That the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City to be issued pursuant to this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require.

CITY OF FALL RIVER  
IN CITY COUNCIL  
MAY 28 2013

*Authorized to be published  
and referred to the  
Committee on Finance,  
8 years, with Co Casey,  
absent*

*#10 Finance*

City of Fall River, In City Council

**CITY OF FALL RIVER  
LOAN ORDER  
(Grant Anticipation Borrowing -- Chapter 90 Reimbursements)**

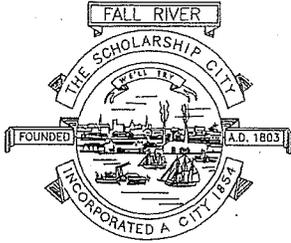
ORDERED: That the City hereby appropriates the sum of Five Hundred Thousand Dollars (\$500,000) to pay costs of highway improvements in anticipation of the receipt of Chapter 90 Reimbursements, so-called, to be received by the City from The Commonwealth of Massachusetts, including the payment of all costs incidental and related thereto, and that to meet said appropriation the City Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, Section 6A, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. The amount authorized to be borrowed pursuant to this Order shall be reduced to the extent of any federal or state emergency management agency grants received by the City on account of these expenses.

ORDERED: That the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City to be issued pursuant to this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require.

**CITY OF FALL RIVER  
IN CITY COUNCIL**

**MAY 28 2013**

*Authorized to be  
published and referred  
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Finance, 8 years, with  
Councilor Casey absent*



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

**WILLIAM A. FLANAGAN**  
*Mayor*

May 31, 2013

City Council President Linda Pereira  
One Government Center  
Fall River, MA 02722

*Re: Donation of Vehicle to Veterans' Services*

Dear Madam President:

This summer the City of Fall River will be hosting an event to honor and recognize our veterans. This event will provide a wonderful opportunity for families to enjoy. Fall River Celebrates Veterans will be held on July 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup>. As part of the festivities, Enterprise Rent-A-Car and Carl's Collision will be donating a vehicle through the Recycle a Ride Program to the City of Fall River, Veterans' Services Division.

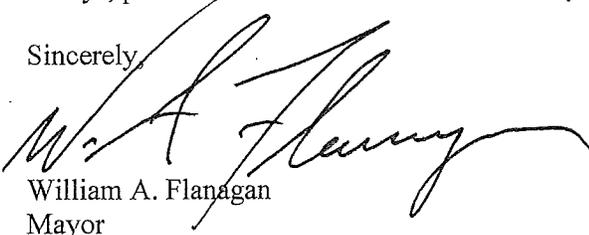
Recycled Rides is a nationwide community service project whereby members of the National Auto Body Council (NABC) repair and donate recycled vehicles to families and service organizations in need and in their own communities. This donation will benefit our Veterans' Services Division and ensure safe travel upon request.

Below please find information pertaining to the vehicle, which will be donated.

Year: 2012  
Make: Chrysler  
Model: 200  
VIN: 1C3CCBAB1CN114049

Enclosed please find an Order which authorizes Veterans' Services acceptance of the vehicle. Kindly place this item on the Council's agenda. Thank you in advance for your attention to this matter. As always, please do not hesitate to contact me if you have any questions, or if I may be of any assistance.

Sincerely,



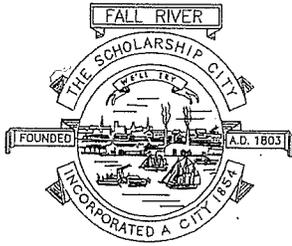
William A. Flanagan  
Mayor

RECEIVED  
2013 MAY 31 P 3:24  
CITY CLERK  
FALL RIVER, MA

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# City of Fall River, *In City Council*

ORDERED, that under the provisions of M.G.L. Chapter 44, Section 53A, the Office of Veterans' Services be, and the same is hereby authorized to accept a gift of a 2012 Chrysler 200 from Enterprise Rent-A-Car Company of Rhode Island, LLC.



**WILLIAM A. FLANAGAN**  
*Mayor*

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

RECEIVED

2013 JUN -6 P 4:02

CITY CLERK  
FALL RIVER, MA

June 6, 2013

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

Honorable Members of the Council:

I am placing before you for your consideration and approval the following items:

1. Base Meter Fee Ordinance
2. Sewer Loan Orders
3. Leak Abatement Policy Ordinances

Should you have any questions or concerns in regard to this matter, please do not hesitate to contact me.

Sincerely,

William A. Flanagan  
Mayor

2A



**City of Fall River**  
**Massachusetts**  
Department of Community Utilities  
WATER • SEWER

2013 JUN -6 P 4:02

CITY CLERK  
FALL RIVER, MA

**WILLIAM A. FLANAGAN**  
*Mayor*

**TERRANCE SULLIVAN**  
Administrator

May 31, 2013

Mayor William Flanagan  
City of Fall River  
One Government Center  
Fall River, MA 02722

Dear Mayor Flanagan:

It is respectfully requested that the attached Base Meter Fee Ordinance modification be submitted to the City Council for approval.

The Water Board approved the ordinance on May 29, 2013.

Sincerely,

Terrance J. Sullivan  
Administrator of Community Utilities

TJS/omc  
Attachment

**Proposed Ordinance Amendment**

Be it ordained, by the City Council of the City of Fall River, as follows:

That Section 74-366 of Appendix A-Fee Schedule of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which Section relates to the Base Meter Fee, be amended as follows:

By striking out the existing table of fees and inserting in place thereof, the following:

Section 74-366 Base Meter Fee:

<u>Water Service Size</u>	<u>Fee Per Quarter</u>
5/8"	\$ 12.00
3/4"	\$ 12.00
1"	\$ 16.00
1-1/2"	\$ 30.00
2"	\$ 50.00
3"	\$100.00
4"	\$120.00
6"	\$200.00
8"	\$240.00
10"	\$300.00

2A

## Comparison for Reference Only

<u>Water Service Size</u>	<u>Proposed Fee Per Quarter</u>	<u>Current Fee Per Quarter</u>
5/8"	\$ 12.00	\$ 5.00
3/4"	\$ 12.00	\$ 6.00
1"	\$ 16.00	\$ 8.00
1 1/2"	\$ 30.00	\$ 20.00
2"	\$ 50.00	\$ 40.00
3"	\$ 100.00	\$ 50.00
4"	\$ 120.00	\$ 60.00
6"	\$ 200.00	\$ 100.00
8"	\$ 240.00	\$ 120.00
10"	\$ 300.00	\$ 150.00

2B



**City of Fall River  
Massachusetts**

**Department of Community Utilities**  
WATER • SEWER

RECEIVED

2013 JUN -6 P 4:02

**WILLIAM A. FLANAGAN**  
*Mayor*

June 3, 2013

CITY CLERK  
FALL RIVER, MA  
**TERRANCE SULLIVAN**  
Administrator

Mayor William Flanagan  
City of Fall River  
One Government Center  
Fall River, MA 02722

Dear Mayor Flanagan:

It is respectfully requested that the two attached loans be submitted to the City Council for approval. Said loan orders were approved by the Sewer Commission on May 29, 2013.

The loan orders are as follows:

- \$10,000,000 – Flood Control Improvements

This loan order shall require public referendum approval. This loan order shall include development of a city wide master plan for storm and sewer infrastructure improvements as well as design/construction of flood control improvements at Globe Street, Cress Brook and Cove Street.

- \$3,000,000 – Flood Control Improvements: Middle Street Area

This loan order is planned to address the immediate need of flood control improvements in the area of South Main Street and Middle Street near St. Anne's Hospital. This loan order does not require public referendum approval.

Please call me if you need further information.

Sincerely,

Terrance J. Sullivan  
Administrator of Community Utilities

TJS/omc  
Attachments

2B

**CITY OF FALL RIVER, In City Council**

**LOAN ORDER  
Flood Control Improvements: Middle Street Area**

ORDERED, that the sum of \$3,000,000 be and hereby is appropriated to pay costs of planning, design and construction services related to Master Planning and Flood Control Projects of the City's Sewer & Drainage System in the Middle Street Area, including the payment of all other costs incidental and related thereto; that to raise this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow \$3,000,000 under and pursuant to Chapter 29C and Chapter 44, Sections 7 and 8 of the General Laws, as amended, or pursuant to any other enabling authority, and to issue and sell bonds or notes of the City therefore, and further, that the Mayor and the Treasurer are each authorized to file an application to qualify under Chapter 44A of the Massachusetts General Laws any and all bonds of the City issued under and pursuant hereto, and to provide such information and execute such documents as may be required in connection therewith.

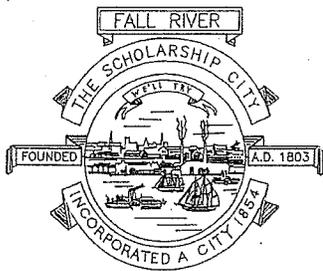
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**CITY OF FALL RIVER, In City Council**

**LOAN ORDER  
Flood Control Improvements**

ORDERED, that the sum of \$10,000,000 be and hereby is appropriated to pay costs of planning, design and construction services related to Master Planning and Flood Control Projects of the City's Sewer & Drainage System, including the payment of all other costs incidental and related thereto; that to raise this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow \$10,000,000 under and pursuant to Chapter 29C and Chapter 44, Sections 7 and 8 of the General Laws, as amended, or pursuant to any other enabling authority, and to issue and sell bonds or notes of the City therefore, and further, that the Mayor and the Treasurer are each authorized to file an application to qualify under Chapter 44A of the Massachusetts General Laws any and all bonds of the City issued under and pursuant hereto, and to provide such information and execute such documents as may be required in connection therewith.

2C



# City of Fall River Massachusetts

Department of Community Utilities  
WATER • SEWER

RECEIVED  
2013 JUN -6 P 4:02  
CITY CLERK  
FALL RIVER, MA

**WILLIAM A. FLANAGAN**  
Mayor

**TERRANCE SULLIVAN**  
Administrator

May 31, 2013

Mayor William Flanagan  
City of Fall River  
One Government Center  
Fall River, MA 02722

Dear Mayor Flanagan:

It is respectfully requested that the attached Leak Abatement Policy Ordinances be submitted to the City Council for approval.

The Water Board and the Sewer Commission approved the applicable ordinances and policy on May 29, 2013.

Sincerely,

Terrance J. Sullivan  
Administrator of Community Utilities

TJS/omc  
Attachment

Proposed Ordinance

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

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

Sec. 74-367 Water Leak Abatement Policy

A policy shall be implemented to allow for reduction of water bills on a one time basis for unforeseen leaks that are not caused by negligence of the property owner and that are repaired quickly by the property owner. Said policy shall be developed and implemented by the Watuppa Water Board.

2c

Proposed Ordinance

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

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

Sec. 74-143 Water Leak Abatement Policy

A policy shall be implemented to allow for reduction of sewer bills on a one time basis for unforeseen leaks that are not caused by negligence of the property owner and that are repaired quickly by the property owner. Said policy shall be developed and implemented by the Watuppa Water Board.

**CITY OF FALL RIVER  
 DEPARTMENT OF COMMUNITY UTILITIES (DCU)  
 WATER AND SEWER DIVISIONS  
 Water Leak Adjustment Policy  
 UPDATED 5/21/13**

**Billing Adjustments**

The Fall River Department of Community Utilities (DCU) may consider utility billing adjustments for the following reasons **ONLY**:

- Clerical billing or reading error on part of the Department
- Proven malfunction of the water meter (see information below)
- Water leak adjustment in accordance with approved policy

**If you Suspect a Water Leak**

If you determine that your water bill has gradually or dramatically been getting larger and does not decrease throughout several meter reading cycles, you may have a water leak. The Fall River DCU has a water leak adjustment policy that **MAY** give you a credit on your utility bill, depending upon the nature of the water leak. If the **water leak** is determined to be your responsibility, you should repair the water leak and submit documentation of the repair (including receipts for labor, supplies and equipment) to the Fall River Water Division billing office along with the completed Billing **DCU Fee Appeal Form**. Once your documentation has been reviewed and approved, the documentation will be processed and adjustment made if merited. The amount and time period to which the adjustment can be applied varies depending on the nature of the water leak. Any request for water leak adjustments must be made within 30 days of the water leak repair. If you have any questions, call the Fall River Water Division billing office at 508-324-2330.

The Fall River DCU retains the right to deny any claim for adjustment that is not caused by the fault of the Department.

**Meter Tests**

If you suspect that your water meter is not reading accurately, you can request a test of your water meter.

**HOWEVER, YOU ARE FOREWARNED THAT RESIDENTIAL WATER METERS GENERALLY SLOW DOWN AND READ LOW; RESIDENTIAL WATER METERS ARE NOT KNOWN TO READ HIGH.** You can read multiple policies at Water Divisions across the country that reflect this condition of reading low, not high.

If a meter test is requested by the customer, and the meter reading is accurate (within standards of the American Water Works Association), a testing fee **of \$100 will be charged to your account**. If the meter tests high above the AWWA standards, the Department will pay for the meter test and adjust your account by the percentage that the meter reads high. Please see the Water Leak Adjustment Policy for further information on meter testing.

For any adjustments made, a credit will be applied to your utility account in the event an adjustment is given. **Any dispute of a meter reading does not waive your responsibility to pay a utility bill by its due date.**

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Please read the following before submitting a request for an adjustment to your bill for a water leak. The DCU Fee Appeal form is available at the Water Division billing office at the Government Center.

1. The need to adjust a water bill may be evident by a customer complaint of excessive billing or evidence of water leakage on the customer side of the meter. To qualify for a water leak adjustment, the water usage must be at least 100 percent above the average quarterly usage (i.e. water leaking commode/toilet). Average usage is defined as the average normal consumption for the previous twelve months.
2. It is the customer's responsibility to keep their plumbing system in good working order.
3. Only one water leak adjustment per customer is allowed per every 10 years, unless otherwise waived by action of the Watuppa Water Board and/or the Sewer Commission.
4. The DCU will first determine that the meter has been read properly. If an investigation of the meter and meter records establishes that the meter was misread or that there was a failure of utility equipment, then the account shall be adjusted.
5. If an investigation of the meter and meter record establishes that the meter was properly read and that there was no failure of utility equipment, the bill will remain valid and payable.
6. If the customer questions the accuracy of the meter, he may pay the bill in question, and request a meter test (testing fee is \$100). The DCU will remove the meter and have it tested in accordance with guidelines established for used meters by the American Water Works Association (AWWA). If the meter tests accurate, the customer account shall be charged \$100. If the meter does not meet AWWA accuracy standards, the Utility shall pay the meter testing cost and repair or replace the meter at the Water Department's cost.
7. If an adjustment of the customer's bill is warranted due to a leak, the amount of the bill will be determined based upon the same billing period from the prior 12 month billing plus one-half of the overage. The Water Department shall collect the average water bill and 50 percent of the excess water charges.
8. To be adjusted, there must be some reasonable evidence that a water leak occurred or other reasonable incident that is acceptable to the Water Division.
9. Adjustments on water bills will **NOT** be made on the following:
  - a) Premises left or abandoned or vacated without reasonable care for the plumbing system;
  - b) More than one occurrence per any 10 year period;
  - c) Filling of swimming pools;
  - d) Irrigation systems, watering of lawns;
  - e) Bills claimed to be lost or not received;

- f) Homes under construction/major renovation;
  - g) Customer did not take immediate steps, after detection of the water leak, to prevent further loss of water; and
  - h) Customer did not provide proof of the repair (receipts for any materials or services related to that repair)
  - i) Meter was tampered with in any way
  - j) Estimated bills
10. The Water Department shall not be obligated to make adjustments of any bills not contested within thirty (30) days from the billing date. An adjustment can only be made on the billing for one billing period. In the event the water leak extends into a second billing period, the higher bill of the two can be adjusted.
11. The Water department shall be under no obligation to extend the discount or due date or the time for paying the bills because the customer disputes the amount of the bill.
12. All requests for billing adjustments must be received in writing or in person at the Water Department billing office during regular business hours. A written form must be completed for each adjustment stating the necessary information about the water leak and verifying the water leak repair. The Water Dept. shall file a written report of the customer billing adjustment and the action of the staff regarding the adjustment.
13. Account adjustments can be made at the administrative level. If the customer and the Water Division Administrator cannot resolve the issue; then the customer will be scheduled to appear before the Water Board and/or Sewer Commission to be heard. Votes of the Boards are final.

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Fall River, MA, Department of Community Utilities

Customer Bill Abatement Procedure

You may appeal your Community Utilities bill if you do not agree with it. Here's how:

Call or come in to discuss your issue with one of our billing staff. If they cannot resolve the issue (in other words, if it is not simply a mistake in a bill's address, owner, etc.; and they tell you they can't help you), please ask the clerk for the correct abatement form:

A "Community Utilities Abatement Request Form" is used to dispute any portion of your bill. (Water, Sewer and/or Stormwater).

If you wish, the clerk will help you fill it out; or, you may take it with you to complete.

When ready, send or bring it to:

Water Division  
1 Government Center  
Fall River, MA 02722

We will review your request and respond. We will call you if we have any questions, so be sure to include the phone number at which you prefer to be called.

The first response will be from either the Director of the Water Division or the Administrator of Community Utilities, and is called "the administrative review".

A decision that agrees with your request will result in Corrective Action, which will be spelled out in the response. (This action is subject to ratification of the respective governing body, but you do not need to be present for the ratification process.)

An administrative decision that denies your request gives you two options: you can accept the decision and the matter is closed; or you can disagree with the decision and ask us to forward the request for abatement to either the Watuppa Water Board or the Fall River Sewer Commission.

You will be notified of the time and place at which your request will be heard. The Board or Commission will listen to you, and make its decision. The decision is final insofar as the City is concerned, and the matter will be closed.

Guidance to Customers

Here are some basic principles of the Department of Community Utilities:

1. The Water Division does not abate water bills that are based on water meter readings.
2. The Sewer Division uses water meter readings as the basis for calculation of most bills, so it does not abate bills based on water meter readings, unless it is shown that some or all of the water did not go to a sewer.

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3. Stormwater charges are billed to every property from which run-off results in cost (direct or indirect), to the Sewer Division. This includes ponds, swales, and culvert maintenance.
4. One time leak abatements are possible on strict conditions.

Please keep these principles in mind when deciding if you have a valid reason to request abatement of a Community Utilities bill.

5/21/2013 TS

2c



City of Fall River  
Massachusetts  
Department of Community Utilities  
WATER DIVISION

WILLIAM A. FLANAGAN  
Mayor

JOHN FRIAR  
Director

DCU Fee Appeal Form

Water \_\_\_\_\_ Sewer \_\_\_\_\_ Stormwater \_\_\_\_\_

Customer Name: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner's Name (if different): \_\_\_\_\_

Property Address: \_\_\_\_\_

Mailing Address (if different): \_\_\_\_\_

Bill Account Number: \_\_\_\_\_ Assessor's Map/Lot Number: \_\_\_\_\_

Contact Telephone Number: \_\_\_\_\_ Property Type (check one): Residential \_\_\_\_\_

Commercial \_\_\_\_\_ Industrial \_\_\_\_\_ Condo \_\_\_\_\_ Apartment \_\_\_\_\_ Other (describe) \_\_\_\_\_

Bill number(s) appealed: \_\_\_\_\_ Total amount appealed: \_\_\_\_\_

Describe the reason for the high bill (toilet leak, sprinkler leak, etc.): \_\_\_\_\_

Explain why the bill should be adjusted. Attach additional sheets if more space or sketches are needed: \_\_\_\_\_

What is the remedy desired: \_\_\_\_\_

Print Owner/Customer Name: \_\_\_\_\_

Sign Owner/Customer Name: \_\_\_\_\_

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**FOR OFFICE USE ONLY:**

DATE RECEIVED: \_\_\_\_\_ TRACKING NUMBER: \_\_\_\_\_

REVIEW COMMENTS (IF FURTHER SPACE OR SKETCHES ARE REQUIRED ATTACH

ADDITIONAL SHEETS): \_\_\_\_\_

REVIEW COMMENTS (Attach sheets if further space or sketches are required): \_\_\_\_\_

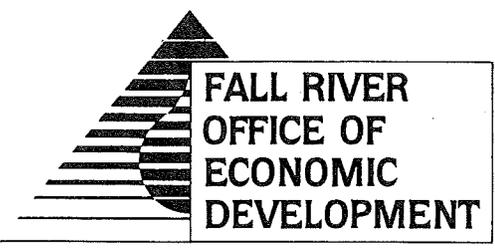
RECOMMENDED RESPONSE: \_\_\_\_\_

SETTLED ADMINISTRATIVELY: YES \_\_\_\_\_ NO \_\_\_\_\_

WATER/SEWER BOARD ACTION: RATIFIED (Date) \_\_\_\_\_ APPROVED (Date) \_\_\_\_\_

DENIED (Date) \_\_\_\_\_

OTHER COMMENTS:



June 6, 2013

Honorable Linda M Pereira  
 President  
 Fall River City Council  
 One Government Center  
 Fall River, MA 02722

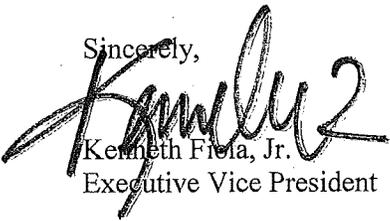
Dear Council President Pereira:

Attached for your information, review and City Council action, please find two Site Specific Designation of Economic Opportunity Area (EOA) Applications. Both applications correspond with Tax Increment Financing (TIF) Agreements unanimously approved by the Fall River City Council on May 28, 2013. Both the Sheltering Sky Real Estate, LLC and Waterfront Investment, LLC projects are located in existing EOAs; however, each EOA is scheduled to expire during the term of the respective TIF Agreements. As such we are proposing site specific EOAs for the approved projects. With the approval of the City Council, the Resolution will be forwarded to the State of Massachusetts' Economic Assistance Coordinating Council for final approval.

As you may recall, the two projects approved during the May 28, 2013 City Council meeting were:

- Sheltering Sky Real Estate, LLC, which will create an 87,000 SF facility and corporate campus within the Fall River Industrial Park. The project is expected to break ground during July/August of 2013 with an estimated construction time of 18 months and approximate cost of \$8 million.
- Waterfront Investment, LLC, which plans to convert an abandoned building on the City's waterfront into a new restaurant and banquet facility. The City of Fall River has made significant investment to waterfront development; however, this private property has been abandoned and deteriorating for a number of years. Waterfront Investment, LLC plans to convert this facility into a waterfront destination for dining and banquet purposes.

I respectfully request that the City Council look favorably upon these applications and approve them as presented and subject to EACC approval. Thank you for your time and attention to this matter. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,  
  
 Kenneth Fieola, Jr.  
 Executive Vice President

Attachments

cc: City Council Members

**One Government Center, Fall River, Massachusetts 02722-7700**  
**(508) 324-2620**  
**(508) 675-1497**  
**FAX (508) 677-2840**

3A

# The Massachusetts Economic Development Incentive Program

## APPLICATION FOR DESIGNATION OF ECONOMIC OPPORTUNITY AREA(S)

### PART A: Applicant Information

1. Please check one:

This is an application for designation of a new EOA within a previously approved ETA.

This is a request to amend an EOA previously approved by the EAC

2. Community submitting this application:

Fall River, MA

3. Name of proposed EOA(s):

Sheltering Sky Site Specific EOA

CITY CLERK  
FALL RIVER, MA

2013 JUN -6 P 3:35

RECEIVED

### PART B: MANDATORY REQUIREMENTS FOR THE PROPOSED EOA

1. Location of Proposed EOA(s):

Provide a detailed map of each proposed EOA, indicating the existing streets, highways, waterways, natural boundaries, and other physical features, along with a legally binding written description of the EOA boundaries (with parcel numbers if appropriate). If the written description is longer than one paragraph, please submit on 3 1/2" computer disk.

The proposed EOA runs along Airport Road from Sykes Road east to Graham Road and south from Airport Road to Currant Road. Please see attached map for additional detail.

2. Description of EOA(s):

Describe why each proposed EOA was chosen for designation. Include a brief, descriptive narrative of each area which helps to explain the particular situations, issues, or reasons why EOA designation is requested.

The City of Fall River has identified the proposed Sheltering Sky EOA as a Site Specific EOA to facilitate additional economic expansion and development. The Sheltering Sky EOA is located within the existing Fall River Industrial Park EOA, which was established in 1994. The first Certified Project in the Industrial Park EOA was certified at the EOA's inception in 1994. Establishment of the site-specific Sheltering Sky EOA will allow the City to offer a 15-year Tax Increment Financing (TIF) Agreement to Sheltering Sky, LLC, a Fall River based manufacturing company planning an expansion and renovations. Tax incentives are critical to this project, which will further develop the industrial park and add significant jobs to our community. Sheltering Sky, LLC is an excellent corporate citizen to the City of Fall River and their expansion will not only bring jobs to an area of high unemployment, but also additional economic activity through their retail outlets.

EOA Application - Page 2

3. **Basis for EOA Designation:** Check the applicable category or categories (see definitions in attachment at back of application) for each proposed EOA:

\_\_\_\_\_ The area proposed for designation as an EOA is a "blighted open area."

\_\_\_\_\_ The area proposed for designation as an EOA is a "decadent area."

\_\_\_\_\_ The area proposed for designation as an EOA is a "substandard area."

\_\_\_\_\_ The area proposed for designation as an EOA has experienced a plant closing or permanent layoffs resulting in a cumulative job loss of 2,000 or more full-time employees within the four years prior to the date of filing this application.

4. **Effective Time Period for EOA Designation:** How long do you propose to maintain the EOA designation? The EOA designation may remain in effect for a minimum of five (5) years and a maximum of twenty (20) years.

10 years

5. **Local Criteria for Designation of EOAs:** Describe how each proposed EOA meets your criteria for designation of EOAs, as specified in your application for designation of the ETA.

The Census tract in which the Sheltering Sky EOA is located is within the previously approved Fall River Industrial Park EOA. Municipal zoning is presently in place in the EOA to foster business expansion and job creation. The proposed EOA achieves a key economic goal outlined in the City's original ETA application: that of utilizing business incentives to facilitate the retention and expansion of existing companies.

6. **Economic Development Goals:** Describe the economic development goals for each proposed EOA during the first five years of EOA designation.

The proposed Sheltering Sky EOA is a site-specific EOA. Creation of the new EOA will allow the City to offer a 15-year TIF package to Sheltering Sky, LLC of Fall River. The package will provide a critical incentive that will facilitate a major expansion by the company.

Matouk is a leading manufacturer of linen whose sales in 2011 and 2012 were primarily outside the United States with only 7% of sales within the Commonwealth.

The company plans to create an 87,000 SF facility and corporate campus within the Fall River Industrial Park. This will be accomplished by adding a new 40,000 SF manufacturing facility as well as improvements and renovations to the existing 47,000 SF facility and significant site improvements throughout the new corporate campus. Estimated project costs are approximately \$8,000,000.

EOA Application - Page 3

- 7. **Local Services:** Describe the manner and extent to which the municipality intends to provide for an increase in the efficiency of the delivery of local services within the proposed EOA(s) (i.e. streamlining permit application and approval procedures, increasing the level of services to meet new demand, changing management structure for service delivery).

The City of Fall River and the Fall River Office of Economic Development have worked closely with officials from Sheltering Sky, LLC on the company's expansion plans, including permitting and providing technical assistance relative to the procurement of economic incentives that will allow the project to move forward. This relationship will continue and the City is prepared to assist the company in all appropriate aspects of the project.

Also, a new interchange was recently constructed on Route 24 that offers a second route of access to the industrial park and the Sheltering Sky EOA, which will ease traffic restraints in the industrial park and proposed EOA. The City is also building a new water tower to meet the needs of the industrial park which will benefit the proposed EOA.

With regard to local services, the City's original ETA/EOA application noted that the municipality has introduced a total quality initiative to improve the efficiency and quality of service delivery through the entire city ETA. The initiative is intended to improve the level of service within the municipal government. It is also designed to improve the management of public sector service delivery. In addition, the municipality is committed to streamlining the application and approval procedures associated with permitting.

- 8. **Compliance with Community Reinvestment Act:** Include a copy of a municipal plan or policy, if any exists, which links the municipality's choice of banking institutions to the bank's compliance with the requirements of the Community Reinvestment Act.

While Fall River does not have a written policy, the City and the Fall River Office of Economic Development regularly conduct business with both major regional and community-based savings banks that comply with the Community Reinvestment Act.

- 9. **Project Approval:**

(a) Identify the municipal official or group/board which shall be authorized to review project proposals for and on behalf of the municipality.

Coordination responsibility for the review of projects within the proposed EOA will be delegated to Jobs for Fall River, Inc. This organization is a nonprofit development corporation which functions as the Fall River Office of Economic Development. Project certification responsibility will fall within the auspice of the Tax Increment Financing (TIF)

Board. Please refer to (b)2.

**EOA Application - Page 4**

(b) Indicate the standards and procedures for review of project proposals, including the application procedures, the timeframe for review and determination, and the criteria and process for approval of project proposals. **If you intend to use supplemental application material (i.e. municipal cover letter with instructions, job commitment signoff sheet, supplemental questions to be required by the municipality, etc.), it must be mentioned here and must be approved by the Economic Assistance Coordinating Council (EACC). Please attach (if appropriate).**

The standards and procedures for review and approval of certified projects will be as follows:

1. Business seeking project certification will be required to complete a project certification form. The City will utilize the project certification form contained within the state EDIP application. A completed project certification form will be submitted to Jobs for Fall River, Inc. Applications will be accepted on an on-going basis.

Jobs for Fall River, Inc. will provide technical assistance to those companies in need of technical assistance to prepare a completed application.

2. Completed applications will be forwarded to a TIF Board which is comprised of the following:

- Mayor
- President of the City Council
- Two members of the City Council
- Chairman of the Board of Tax Assessors
- City Administrator
- President of Jobs for Fall River, Inc.

3. Once the project is approved by the TIF Board it is submitted to the Fall River City Council for approval. Following approval by the Fall River City Council, an application is submitted to the Economic Assistance Coordinating Council for final approval.

**10. Intent of Businesses to Locate in EOA:**

Identify the names and the nature of businesses, if any, that have indicated an intention to locate or expand in the proposed EOA(s). If possible, include letters of intent from the businesses, outlining the number of jobs that would likely be created and providing a timetable for development of the projects.

Matouk is a leading manufacturer of linen whose sales in 2011 and 2012 were primarily outside the United States with only 7% of sales within the Commonwealth.

The company plans to create an 87,000 SF facility and corporate campus within the Fall River Industrial

Park. This will be accomplished by adding a new 40,000 SF manufacturing facility as well as improvements and renovations to the existing 47,000 SF facility and significant site improvements throughout the new corporate campus. Estimated project costs are approximately \$8,000,000. Forty-five new permanent full-time jobs will be created as a result of this project.

**PART C: SPECIAL REQUIREMENTS FOR LARGE MUNICIPALITIES**

This section must be completed by any municipality or member of a regional ETA with a population that exceeds fifty thousand (50,000) people. The population threshold should be calculated based on the most recent statistics available from the U.S. Bureau of the Census.

**1. Permit Streamlining:**

(a) List each officer, board, commission or other decision-making authority in the municipality that issues permits, approvals, and licenses and indicate the type of permit, approval or license issued by each authority.

Listed herein are the boards, commissions and other decision making authorities in Fall River that issue permits, approvals and licenses. Also listed are the types of permits issued by each organization.

Board/Commission	Type of Permit
Conservation Commission	Wetland Determination
Building Department	Building/Occupancy
Board of Health	Site Assignment/Title V
Sewer Commission	Sewer Tie-in
Zoning Board	Sub-Division
Planning Board of Appeal	Variance
Fire Department	Safety Permit/Storage
Water Department	Water Permit
Licensing Board	Liquor License
Police Department	Safety Permit

(b) Provide a proposal and plan to streamline the municipality's permit, approval and license procedures. The plan should reduce the number of steps required to obtain approvals for new development. For example, the municipality could combine two separate application forms into one form, provide for joint review by two or more decision making authorities, and set firm deadlines for final decisions on permits, approvals, or licenses.

If the municipality has already implemented a plan to streamline the permit and approval process, describe that plan, indicating the strengths and weaknesses of the plan and provide a revised plan to improve upon the weaknesses.

In an effort to streamline permitting, the City of Fall River has adopted an integrated application and approval process. The streamlined permit process is as follows:

- Applicant files for municipal permit. Copies of the permit application are distributed to all appropriate licensing boards and commissions.
- Each department head is provided an opportunity to review and comment on the application
- All comments are submitted to the Director of Municipal Service.

**2. Municipal Services in Proposed EOAs:**

(a) Provide an analysis of the existing infrastructure support and municipal services, including transportation access, water and sewer hook-ups, lighting, and fire and police protection to and for certified projects within the proposed EOA(s). Indicate if the existing level of services and infrastructure is adequate to support the anticipated development in the proposed EOA(s).

Infrastructure in the proposed Sheltering Sky EOA is more than adequate to accommodate the project plan. There is also access to the Industrial Park and Sheltering Sky EOA via the newly constructed interchange on Route 24.

(b) Provide a proposal for meeting additional demand for municipal services and infrastructure improvement, including costs and funding sources available for these improvements.

The City plans to extend Robb Way to facilitate the expansion needs of the project. There is also a water tower under construction in the Industrial Park that will to enhance water services by increasing water pressure and fire protection services.

**3. Job Training Programs:**

Describe the municipality's plans to secure access to publicly or privately sponsored training programs for employees of certified projects and for residents of the municipality/ETA.

Coordination between economic development and job training programs has a long standing tradition in Fall River. During the late 1970's, Jobs for Fall River, Inc. served as the local Private Industry Council under the Comprehensive Employment and Training Act (CETA). Since its inception, the Board of Directors of Jobs for Fall River, Inc. has included a diverse group of business people as well as the Chairman for the Workforce Investment Board.

Further, loans issued by Jobs for Fall River, Inc. require the commitment to hire individuals from the City of Fall River. Similarly, a portion of the jobs created must be made available to low and moderate income families. Jobs for Fall River, Inc. works closely with the Fall River Career Center to access training funds such as those offered through the On-the-Job-Training Program and the new Workforce Training Fund.

EOA certified projects will be required to integrate available job training programs into the development strategy. Reporting requirements established within the EOA plan will obligate each certified project to document progress on making jobs available to individuals from low and moderate income households and on hiring EOA residents into at least 51% of the jobs created as a result of the project.

The Massachusetts Economic Development Incentive Program

APPLICATION FOR DESIGNATION OF ECONOMIC OPPORTUNITY AREA(S)

PART A: Applicant Information

1. Please check one:

X This is an application for designation of a new EOA within a previously approved ETA.

\_\_\_ This is a request to amend an EOA previously approved by the EACC

2. Community submitting this application:

Fall River, MA

3. Name of proposed EOA(s):

Waterfront Investment Site Specific EOA

CITY CLERK FALL RIVER, MA

2013 JUN -6 P 3:36

RECEIVED

PART B: MANDATORY REQUIREMENTS FOR THE PROPOSED EOA

1. Location of Proposed EOA(s):

Provide a detailed map of each proposed EOA, indicating the existing streets, highways, waterways, natural boundaries, and other physical features, along with a legally binding written description of the EOA boundaries (with parcel numbers if appropriate). If the written description is longer than one paragraph, please submit on 3 1/2" computer disk.

The proposed EOA is located at 392 Davol Street, which is bordered on the north, west and south by water. It is parcel O-23-1. Please see attached map.

2. Description of EOA(s):

Describe why each proposed EOA was chosen for designation. Include a brief, descriptive narrative of each area which helps to explain the particular situations, issues, or reasons why EOA designation is requested.

The City of Fall River has identified the proposed Waterfront Investment EOA as a Site Specific EOA to facilitate additional economic expansion and development. The Waterfront Investment EOA is located within the existing Waterfront EOA, which was established in 1994. The first Certified Project in the Waterfront EOA was certified in 1995. Establishment of the site-specific Waterfront Investment EOA will allow the City to offer a 15-year Tax Increment Financing (TIF) Agreement to Waterfront Investment, LLC, a Fall River based manufacturing company planning an expansion and renovations. Tax incentives are critical to this project, which will further develop the industrial park and add significant jobs to our community. Waterfront Investment, LLC is an excellent corporate citizen to the City of Fall River and their expansion will not only bring jobs to an area of high unemployment, but also additional economic activity through their retail outlets.

EOA Application - Page 2

3. **Basis for EOA Designation:** Check the applicable category or categories (see definitions in attachment at back of application) for each proposed EOA:

\_\_\_\_\_ The area proposed for designation as an EOA is a "blighted open area."

\_\_\_\_\_ The area proposed for designation as an EOA is a "decadent area."

\_\_\_\_\_ The area proposed for designation as an EOA is a "substandard area."

\_\_\_\_\_ The area proposed for designation as an EOA has experienced a plant closing or permanent layoffs resulting in a cumulative job loss of 2,000 or more full-time employees within the four years prior to the date of filing this application.

4. **Effective Time Period for EOA Designation:** How long do you propose to maintain the EOA designation? The EOA designation may remain in effect for a minimum of five (5) years and a maximum of twenty (20) years.

7 years

5. **Local Criteria for Designation of EOAs:** Describe how each proposed EOA meets your criteria for designation of EOAs, as specified in your application for designation of the ETA.

The Census tract in which the Waterfront Investment EOA is located is within the previously approved Waterfront EOA. Municipal zoning is presently in place in the EOA to foster business expansion and job creation. The proposed EOA achieves a key economic goal outlined in the City's original ETA application: that of utilizing business incentives to facilitate the retention and expansion of existing companies.

6. **Economic Development Goals:** Describe the economic development goals for each proposed EOA during the first five years of EOA designation.

The proposed Waterfront Investment EOA is a site-specific EOA. Creation of the new EOA will allow the City to offer a 7-year TIF package to Waterfront Investment, LLC of Fall River. The package will provide a critical incentive that will facilitate a major renovation by the company.

The project plan is to convert an abandoned building on the City's waterfront into a new restaurant and banquet facility. The City of Fall River has made significant investment to waterfront development; however, this private property has been abandoned and deteriorating for a number of years. The project plan is to convert this facility into a waterfront destination for dining and banquet purposes.

Construction on the property is expected to begin June 2013 and conclude November 2013. Industrial kitchen equipment will be purchased. New employees will need strong hospitality skills. Local incentives are necessary to make this project move forward as initial investments to rehabilitate this property will be extensive.

EOA Application - Page 3

- 7. **Local Services:** Describe the manner and extent to which the municipality intends to provide for an increase in the efficiency of the delivery of local services within the proposed EOA(s) (i.e. streamlining permit application and approval procedures, increasing the level of services to meet new demand, changing management structure for service delivery).

The City of Fall River and the Fall River Office of Economic Development have worked closely with officials from Waterfront Investment, LLC on the company's rehabilitation plans, including permitting and providing technical assistance relative to the procurement of economic incentives that will allow the project to move forward. This relationship will continue and the City is prepared to assist the company in all appropriate aspects of the project.

Also, a new interchange was recently constructed on Route 79 that facilitates access to the Waterfront Investment EOA. The City is also in the process of remediating the Fall River City Pier, which is located north of the Waterfront Investment EOA and will be the future home of a City marina.

With regard to local services, the City's original ETA/EOA application noted that the municipality has introduced a total quality initiative to improve the efficiency and quality of service delivery through the entire city ETA. The initiative is intended to improve the level of service within the municipal government. It is also designed to improve the management of public sector service delivery. In addition, the municipality is committed to streamlining the application and approval procedures associated with permitting.

- 8. **Compliance with Community Reinvestment Act:** Include a copy of a municipal plan or policy, if any exists, which links the municipality's choice of banking institutions to the bank's compliance with the requirements of the Community Reinvestment Act.

While Fall River does not have a written policy, the City and the Fall River Office of Economic Development regularly conduct business with both major regional and community-based savings banks that comply with the Community Reinvestment Act.

- 9. **Project Approval:**

(a) Identify the municipal official or group/board which shall be authorized to review project proposals for and on behalf of the municipality.

3B

Coordination responsibility for the review of projects within the proposed EOA will be delegated to Jobs for Fall River, Inc. This organization is a nonprofit development corporation which functions as the Fall River Office of Economic Development. Project certification responsibility will fall within the auspice of the Tax Increment Financing (TIF) Board. Please refer to (b)2.

**EOA Application - Page 4**

(b) Indicate the standards and procedures for review of project proposals, including the application procedures, the timeframe for review and determination, and the criteria and process for approval of project proposals. **If you intend to use supplemental application material (i.e. municipal cover letter with instructions, job commitment signoff sheet, supplemental questions to be required by the municipality, etc.), it must be mentioned here and must be approved by the Economic Assistance Coordinating Council (EACC). Please attach (if appropriate).**

The standards and procedures for review and approval of certified projects will be as follows:

1. Business seeking project certification will be required to complete a project certification form. The City will utilize the project certification form contained within the state EDIP application. A completed project certification form will be submitted to Jobs for Fall River, Inc. Applications will be accepted on an on-going basis.

Jobs for Fall River, Inc. will provide technical assistance to those companies in need of technical assistance to prepare a completed application.

2. Completed applications will be forwarded to a TIF Board which is comprised of the following:

- Mayor
- President of the City Council
- Two members of the City Council
- Chairman of the Board of Tax Assessors
- City Administrator
- President of Jobs for Fall River, Inc.

3. Once the project is approved by the TIF Board it is submitted to the Fall River City Council for approval. Following approval by the Fall River City Council, an application is submitted to the Economic Assistance Coordinating Council for final approval.

**10. Intent of Businesses to Locate in EOA:**

Identify the names and the nature of businesses, if any, that have indicated an intention to locate or expand in the proposed EOA(s). If possible, include letters of intent from the businesses, outlining the number of jobs that would likely be created and providing a timetable for development of the projects.

The Waterfront Investment EOA will benefit Waterfront Investment, LLC, whose project plan is to

convert an abandoned building on the City's waterfront into a new restaurant and banquet facility. The City of Fall River has made significant investment to waterfront development; however, this private property has been abandoned and deteriorating for a number of years. The project plan is to convert this facility into a waterfront destination for dining and banquet purposes.

Construction on the property is expected to begin June 2013 and conclude November 2013. Industrial kitchen equipment will be purchased. New employees will need strong hospitality skills. Local incentives are necessary to make this project move forward as initial investments to rehabilitate this property will be extensive.

**EOA Application - Page 5**

**PART C: SPECIAL REQUIREMENTS FOR LARGE MUNICIPALITIES**

This section must be completed by any municipality or member of a regional ETA with a population that exceeds fifty thousand (50,000) people. The population threshold should be calculated based on the most recent statistics available from the U.S. Bureau of the Census.

**1. Permit Streamlining:**

(a) List each officer, board, commission or other decision-making authority in the municipality that issues permits, approvals, and licenses and indicate the type of permit, approval or license issued by each authority.

Listed herein are the boards, commissions and other decision making authorities in Fall River that issue permits, approvals and licenses. Also listed are the types of permits issued by each organization.

Board/Commission	Type of Permit
Conservation Commission	Wetland Determination
Building Department	Building/Occupancy
Board of Health	Site Assignment/Title V
Sewer Commission	Sewer Tie-in
Zoning Board	Sub-Division
Planning Board of Appeal	Variance
Fire Department	Safety Permit/Storage
Water Department	Water Permit
Licensing Board	Liquor License
Police Department	Safety Permit

(b) Provide a proposal and plan to streamline the municipality's permit, approval and license procedures. The plan should reduce the number of steps required to obtain approvals for new development. For example, the municipality could combine two separate application forms into one form, provide for joint review by two or more decision making authorities, and set firm deadlines for final decisions on permits, approvals, or licenses.

If the municipality has already implemented a plan to streamline the permit and approval process, describe that plan, indicating the strengths and weaknesses of the plan and provide a revised plan to improve upon the weaknesses.

In an effort to streamline permitting for waterfront development, the City of Fall River created the Waterfront Zoning District, which streamlines the permitting process for developers looking to

engage in waterfront development projects.

**EOA Application - Page 6**

**2. Municipal Services in Proposed EOAs:**

(a) Provide an analysis of the existing infrastructure support and municipal services, including transportation access, water and sewer hook-ups, lighting, and fire and police protection to and for certified projects within the proposed EOA(s). Indicate if the existing level of services and infrastructure is adequate to support the anticipated development in the proposed EOA(s).

Infrastructure in the proposed Waterfront Investment EOA is more than adequate to accommodate the project plan. Access to Davol Street has recently been facilitate with new ramps and fly-overs that were constructed as part of the Veteran's Memorial Bridge project.

(b) Provide a proposal for meeting additional demand for municipal services and infrastructure improvement, including costs and funding sources available for these improvements.

There are plans to lower Route 79 to create a boulevard along the water to facilitate waterfront access. This project will make the Waterfront Investment EOA more accessible to those looking to visit the City's waterfront.

**3. Job Training Programs:**

Describe the municipality's plans to secure access to publicly or privately sponsored training programs for employees of certified projects and for residents of the municipality/ETA.

Coordination between economic development and job training programs has a long standing tradition in Fall River. During the late 1970's, Jobs for Fall River, Inc. served as the local Private Industry Council under the Comprehensive Employment and Training Act (CETA). Since its inception, the Board of Directors of Jobs for Fall River, Inc. has included a diverse group of business people as well as the Chairman for the Workforce Investment Board.

Further, loans issued by Jobs for Fall River, Inc. require the commitment to hire individuals from the City of Fall River. Similarly, a portion of the jobs created must be made available to low and moderate income families. Jobs for Fall River, Inc. works closely with the Fall River Career Center to access training funds such as those offered through the On-the-Job-Training Program and the new Workforce Training Fund.

EOA certified projects will be required to integrate available job training programs into the development strategy. Reporting requirements established within the EOA plan will obligate each certified project to document progress on making jobs available to individuals from low and moderate income households and on hiring EOA residents into at least 51% of the jobs created as a result of the project.

EOA Application - Page 7

4. Local Community Involvement:

Describe the municipality's plans to increase the level of private sector involvement and the level of involvement by community development organizations in the economic revitalization of the area proposed for designation. For example, local involvement could include commitments from private persons to provide jobs and job training to residents or to employees who for certified projects in the proposed EOA(s).

The City of Fall River, through the Fall River Office of Economic Development, has placed a strong emphasis on business retention as part of its comprehensive economic development strategy. As a result, the City works closely with existing businesses to assist with their expansion, job creation and job retention plans. These expansion projects, in almost all cases, involve private investment.

As part of its business expansion effort, the City has maintained ongoing dialogue with Waterfront Investment, LLC, and has received specific information about the proposed renovations. The Fall River Office of Economic Development has been assisting the company with development and permitting issues, economic incentives, and infrastructure requirements.

For the proposed Waterfront Investment EOA, since the area is site-specific to facilitate a major renovation, the municipality has already received a commitment for significant private sector investment and involvement. Waterfront Investment, LLC plans to invest approximately \$2 million, create 52 new permanent full-time jobs. The project will lead to a continuing revitalization of the original EOA.

PART D: COMMITMENT TO PROVIDE LOCAL PROPERTY TAX RELIEF

The municipality completing this application must provide a **binding written offer** to provide either tax increment financing or a special tax assessment to each certified project located within the proposed EOA(s).

Please attach a copy of the municipality's binding written offer.

- In cities, this shall be in the form of a City Council Order or Resolution, along with a Certified Vote by the City Clerk.
- In towns with Town Meeting form of government, this shall be in the form of a Town Meeting Motion, along with a Certified Vote by the Town Clerk.
- In towns with Town Council form of government, this shall be in the form of a Town Council Order or Resolution, along with a Certified Vote by the Town Clerk.

5



**City of Fall River  
Massachusetts**  
Department of Community Services  
PLANNING • HEALTH & HUMAN SERVICES  
LIBRARY • INSPECTIONAL SERVICES • ELECTIONS

RECEIVED

*Planning Division*

2013 MAY 31 P 3:53

**WILLIAM A. FLANAGAN**  
*Mayor*

**HENRY R. VAILLANCOURT MD, MPH**  
CITY CLERK *Director*  
FALL RIVER, MA  
*Department of Community Services*

**ELIZABETH R. DENNEHY, MPA**  
*Planning Director*

May 31, 2013

Fall River City Council  
One Government Center  
Fall River, MA 02722

RE: Zoning Ordinance Revision – Planning Board Report

Dear Councilors:

Please be advised that the Planning Board of the City of Fall River held public hearings on May 13, 2013 and May 30, 2013 pertaining to the zoning ordinance revision to hear all interested parties.

At the duly called and properly posted public hearing of said Planning Board held on May 30, 2013, it was voted unanimously to issue a favorable report to the City Council regarding the zoning ordinance revision and to recommend all seven suggestions proposed in a document dated and received by the Planning Board on May 13, 2013 from the Office of Corporation Counsel (copy attached).

Sincerely,

Elizabeth Dennehy  
Planning Director

5

**City of Fall River**  
*Office of the Corporation Counsel*

**WILLIAM A. FLANAGAN**  
Mayor

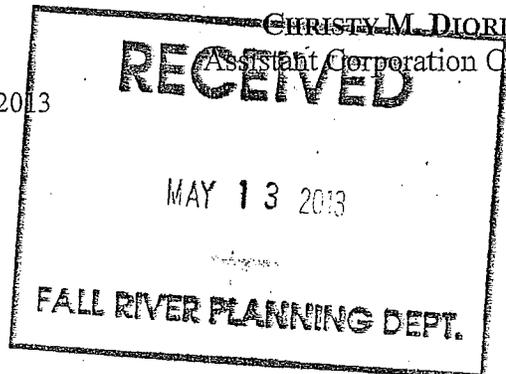
**ELIZABETH SOUSA**  
Corporation Counsel



May 13, 2013

**GARY P. HOWAYECK**  
Assistant Corporation Counsel

**CHRISTY M. DIORIO**  
Assistant Corporation Counsel



Fall River Planning Board  
One Government Center  
Fall River, MA 02722

**Re: Zoning Ordinance Revision – Suggested Modifications**

Dear Planning Board Members:

As you review the Zoning Ordinance Revision and consider the public input provided at this evening's Public Hearing regarding the proposed ordinance, I would ask that in the recommendation that the Planning Board provides to the City Council, modifications proposed by the Administration be included. These proposed modifications arose out of feedback that has been provided to the Administration since the Zoning Ordinance Revision became available for public viewing, on March 5, 2013.

The modifications that the Administration is proposing include: removing the proposed Medical Districts in the vicinity of Charlton Memorial Hospital and St. Anne's Hospital, as well as removing two blocks from the Medical District proposed in the vicinity of Prima Care; clarifying and expanding upon the "Definitions" section of the proposed ordinance; adding the word "uses" to Sec. 86-482; clarifying the "Commercial Mill District" section of the proposed ordinance by noting uses allowed in mill buildings that were in existence prior to 1950; clarifying a boundary description of the Research and Development Overlay District; expanding upon the section of the proposed ordinance regarding wind turbines, in order to make said section more comprehensive in nature; and making updates to the proposed map that is part of the Zoning Ordinance Revision.

Furthermore, in a Resolution dated March 26, 2013 the City Council requested that the Board address the process of rezoning the city, so that medical marijuana dispensaries may be zoned correctly. The medical marijuana law took effect on January 1, 2013. The Department of Public Health has now issued regulations. Until final regulations are in place or the Department has indicated otherwise, medical marijuana dispensaries cannot open, and the Department of Public Health cannot issue any patient registration cards. Also Bill No. 2039 filed on January 18, 2013 is currently pending and is an act establishing zoning standards for medical marijuana dispensaries. I would suggest tabling this issue and monitoring further legislative action.

I have attached the specific proposed modifications that the Administration is requesting you to consider when making your recommendation to the City Council regarding the Zoning Ordinance Revision.

Sincerely,

Elizabeth Sousa  
Corporation Counsel

**Modification #1:**

**ARTICLE III. DISTRICTS AND DISTRICT USE REGULATIONS**

**Division 3. Business Districts**

**Sec. 86-176. Medical District [MD]**

- *Strike the descriptions of the proposed Medical Districts in the vicinity of Charlton Memorial Hospital and St. Anne's Hospital in their entirety*
- *Replace "(a) District Established:" with the following text:*

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

Beginning at a point at the centerline intersection of Seventh Street and Pleasant Street, thence running northerly by the centerline of Seventh Street to the centerline intersection of Seventh Street and Bedford Street thence running easterly by the centerline of Bedford Street to the centerline intersection of Bedford Street and Twelfth Street, thence running southerly by the centerline of Twelfth Street to the centerline intersection of Twelfth Street and Pleasant Street, thence running easterly by the centerline of Pleasant Street to the centerline intersection of Pleasant Street and Front Street, thence running southerly by the centerline of Front Street to a point on the centerline of the westbound ramp of I-195, thence running northwesterly by the centerline of the westbound ramp of I-195, then crossing Plymouth Avenue at approximately 90 degrees to a point on the centerline of the exit ramp 6 to the centerline of Pleasant Street, thence running easterly by the centerline of Pleasant Street to the point of beginning.

**Modification #2:**

**ARTICLE II. DEFINITIONS**

- *Add definitions for the following terms:*

Utility-Scale Wind Facility, On-Site Wind Facility, Height, Rated Nameplate Capacity, Substantial Evidence, Wind Energy Facility, Wind Monitoring or Meteorological Tower, Wind Turbine, Building Permit, Small Wind Energy System, Large Wind Facility, Agriculture, Building Integrated Wind Energy Facility.

- *Replace definition of frontage with the following text:*

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

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**Modification #3:**

**ARTICLE VII. ADMINISTRATION AND PROCEDURES**

**Division 2. Board of Appeals.**

**Sec. 86-482. Powers.**

- *Add the word "uses" to number 3. in Sec. 86-482, so that it reads:*

3. To hear and decide appeals or petitions for variances from the terms of this ordinance, with respect to particular land, uses, or structures, as set forth in G.L. c. 40A, s. 10.

**Modification #4:**

**ARTICLE III. DISTRICTS AND DISTRICT USE REGULATIONS**

**Division 4. Industrial Districts**

**Sec. 86-201. Commercial Mill District [CMD]**

- *Replace existing text with the following text:*

Mill buildings in existence prior to 1950 may be altered, reconstructed and used for:

- a. Office of any kind including medical office;
- b. Retail store or outlet;
- c. Bank or other financial institution;
- d. Restaurant or other eating place;
- e. Uses customarily accessory to such uses; and
- f. Art use, visual and performing art space, culinary art, retail sales of art, including gift and specialty shops. Adult use as defined in Section 86-390 is prohibited.

Formerly known as Industrial District [IND]. (Ord. No. 1997-2, § 21-156, 1-28-1997; Ord. No. 2000-9, § 1, 5-9-2000; Ord. No. 2001-29, § 4, 10-4-2001; Ord. No. 2002-19, 6-12-2002; Ord. No. 2008-8, §6, 3-11-2008)

**Modification #5:**

**ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS**

**Division 6. Research and Development Overlay District [RDOD]**

**Sec. 86-385. District established and boundaries.**

- *Replace paragraph three in Sec. 86-385 with the following text:*

Beginning at a point at the intersection of the easterly line of Route 24 and the Fall River/Freetown Boundary line; thence easterly by said boundary line for a distance of 3125 +/- feet; thence southeasterly along the southeasterly property line of assessor map W-19 lot 185 approximately 1051.77 feet; thence southerly along the easterly property line of assessor map W-19 lot 185 approximately 2893 feet to a point on the northerly property line of assessor map W-19 lot 4; thence

easterly along the northerly property line of assessor map W-19 lot 4 approximately 100 feet; thence turning 90 degrees +/- southerly to a point on the southerly property line of assessor map W-19 lot 4 approximately 635 feet; thence westerly along the southerly property line of assessor map W-19 lot 4 approximately 1925 +/- feet to a point on the center line of Riggerbach Road; thence southerly along the centerline of Riggerbach Road to a point at the centerline intersection of Riggerbach Road and Wilson road approximately 5500 +/- feet; thence westerly by the centerline of Wilson road approximately 520 +/- feet to the westerly boundary line of assessor map Z-3 lot 11; thence northerly along the westerly boundary line of assessor map Z-3 lots 11 & 62 approximately 705 +/- feet; thence westerly along the northerly property line of assessor map Z-4 lots 20,21 & 22 approximately 776 +/- feet; thence southerly along the westerly boundary line of assessor map Z-4 lot 20 approximately 56 +/- feet; thence westerly along the northerly property line of assessor map Z-4 lots 19 & 58 approximately 1786 +/- feet; thence southwesterly along the westerly boundary line of assessor map Z-4 lot 58 approximately 403 +/- feet; thence westerly by a northerly boundary line of assessor map Z-4 lot 58 to easterly line of Route 24; thence northerly by the easterly line of Route 24 to the southerly property line of assessor map Z-5 lot 17; thence easterly along the southern property line of assessor map Z-5 lot 17 approximately 413 +/- feet; thence northerly by the easterly property line of assessor map Z-5 lot 15 approximately 413 +/- feet; thence northerly by the easterly line of Route 24 approximately 135 +/- feet; thence easterly by the property line of assessor map Z-5 lot 16 approximately 452 +/- feet; thence northerly by the easterly line of assessor map Z-5 lot 16 approximately 313 +/- feet; thence westerly by the northerly property line of assessor map Z-5 lot 16 approximately 110 +/- feet; thence northerly by the easterly line of Route 24 to the Fall River/Freetown line and the point of beginning. This description circumscribes assessor map Z-3 lot 35 (Landfill), hereby excluding said assessor lot from the Research and Development Overlay District "RDOD".

**Modification #6:**

**ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS**

**Division 10. Wind Energy Facilities.**

- *Replace existing text with the following text:*

**Division 10. Wind Energy Facilities.**

**Sec. 86-404. Purpose.**

The purpose of this division is to provide for the construction and operation of wind energy facilities and to provide standards for the placement, design, construction, monitoring, modification and removal of wind energy facilities that address public safety, minimize impacts on scenic, natural and historic resources of the City and provide adequate financial assurance for decommissioning said wind energy facilities.

The provisions set forth in this division shall take precedence over all other divisions when considering applications related to the construction, operation, repair and/or decommissioning of wind energy facilities

(a) Applicability: This division applies to wind energy facilities proposed to be constructed after the effective date of this section. This division applies to all utility-scale, on-site wind facilities and small wind energy systems. This division also includes building integrated wind systems and physical modifications to existing wind facilities that materially alter the type, configuration or size of such

facilities or other equipment. This division does not apply to off-shore wind systems.

**Sec. 86-405. General Requirements.**

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

(a) Exemptions: Wind turbines constructed, reconstructed or renovated for the primary purpose of commercial agriculture shall be considered a structure pursuant to MGL c. 40A §3 and, therefore, shall be exempt from this ordinance.

(b) A permit shall be granted unless the permit granting authority finds in writing that there is substantial evidence that:

- The specific site is not an appropriate location for such use;
- There is expected to be any serious hazard to pedestrians or vehicles from the use;
- A nuisance is expected to be created by the use; and
- Adequate and appropriate facilities will not be provided for the proper operation and maintenance of the use.

Technology	Permit Required
Small Wind (and/or Meteorological Towers)	Building Permit from Inspector of Buildings
Large Wind (including Utility-Scale and/or On-Site Wind Facilities)	Special Permit from ZBA (and Building Permit from Inspector of Buildings)
Building Integrated	Special Permit from ZBA (and Building Permit from Inspector of Buildings)

(c) Compliance with Laws, Ordinances and Regulations: The construction and operation of all such proposed wind energy facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to, all applicable safety, construction, environmental, electrical, communications and aviation requirements.

(d) Proof of Liability Insurance: The applicant shall be required to provide evidence of liability insurance in an amount and for a duration sufficient to cover loss or damage to persons and property occasioned by the failure of the facility.

(e) Site Control: At the time of its application for a Special Permit or a Building Permit, the applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the proposed facility. Documentation shall also include proof of control over setback areas and access roads, if required. Controls shall mean the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.

(f) Utility Notification: No wind energy facility shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

(g) Temporary Meteorological Towers (Met Towers): Met towers shall be permitted under the same standards as a small wind energy system, except that the requirements apply to a temporary structure. A permit for a temporary met tower shall be valid for a maximum of three years, after which an extension may be granted by the Inspector of Buildings. Small anemometers installed directly on

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buildings shall not require a Building Permit or a Special Permit.

**Sec. 86-406. Site Development, Monitoring and Maintenance Standards.**

*Appearance, Color and Finish:* Federal Aviation Administration (FAA) consideration on color and appearance will be considered first. In the event that the proposed location is not in an area regulated by the FAA, the wind generator and tower shall remain painted or finished the non-reflective color or finish that was originally applied by the manufacturer, unless otherwise approved by the Zoning Board of Appeals.

*Lighting:* Wind turbines shall be lit only if required by the Federal Aviation Administration. Lighting of other parts of the small wind energy system, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.

*Signage and Advertising:* Signs and advertising shall be restricted to reasonable identification of the manufacturer or operator of the small wind energy facility, including a 24-hour emergency contact phone number and any applicable danger warnings. Such signs and advertising shall defer to the requirements of the City sign regulations and other requirements set forth by the Zoning Board of Appeals and/or the Inspector of Buildings.

*Utility Connections:* Reasonable efforts shall be made to locate utility connections from the wind energy facility underground, depending upon appropriate soil conditions, shape and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above-ground if required by the utility provider.

*Appurtenant Structures:* All appurtenant structures to such wind energy facilities shall be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers and substations shall be contained within the turbine tower whenever technically and economically feasible. Whenever reasonable, structures should be shaded from view by vegetation and/or located in underground vault and joined or clustered to avoid adverse visual impacts.

*Emergency Services:* The applicant shall provide a copy of the project summary, electrical schematic and site plan to the local emergency services entities, as designated by the permit granting authority. Upon request, the applicant shall cooperate with local emergency entities in developing an emergency response plan. All means of disconnecting the wind energy facility shall be clearly marked. The applicant or facility owner shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

*Unauthorized Access:* Wind turbines or other structures part of a wind energy facility shall be designed to prevent unauthorized access. For instance, the tower shall be designed and installed so as not to provide step bolts or other climbing means readily accessible to the public for a minimum height of eight feet above the ground. Electrical equipment shall be locked whenever possible.

*Shadow/Flicker:* Wind energy facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses.

*Sound:* The wind energy facility and associated equipment shall conform with the provisions of the Department of Environmental Protection's Division of Air Quality Noise Regulations (310 CMR

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7.10), unless the Department of Environmental Protection (DEP) and the permit granting authority agree that those provisions shall not be applicable. A source of sound will be considered to be in violation of these regulations if the source increases the broadband sound level by more than 10 dB(A) above ambient or produces a "pure tone" condition, which is when an octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

These criteria are measured both at the property line and at the property line and at the nearest inhabited structure. Ambient is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours. The ambient may also be established by other means with consent from DEP. An analysis prepared by a qualified engineer shall be presented to demonstrate compliance with these noise standards, if required by the permit granting authority. The permit granting authority, in consultation with DEP, shall determine whether such violations shall be measured at the property line or at the nearest inhabited residence.

*Land Clearing, Soil Erosion and Habitat Impacts:* Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind facility and such activities shall be subject to all applicable local, state and federal regulations.

*Facility Conditions:* The applicant shall maintain the wind energy facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs and integrity of security measures. Site access shall be maintained to a level acceptable to the local emergency entities. The project owner shall be responsible for the cost of maintaining the wind energy facility and any access road(s), unless accepted as a public way, and the cost of repairing any damage occurring as a result of operation and construction.

*Modifications:* All material modifications to a wind energy facility made after issuance of the permit(s) shall require approval by the permit granting authority as provided in this Division.

#### **Sec. 86-407. Abandonment or Decommissioning.**

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

- Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.

- Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.

- Stabilization or re-vegetation of the site as necessary to minimize erosion. The permit granting authority may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

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

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*Expiration:* A permit issued pursuant to this Division shall expire if:

- The wind energy facility is not installed and functioning within 48 months from the date of issuance of the permit; or
- The wind energy facility is abandoned.

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

**Sec. 86-408. Small Wind Energy Facilities.**

(a) Building Inspector Issued Permit: No small wind energy system shall be erected, constructed, installed or modified as provided in this section without first obtaining a Building Permit from the Inspector of Buildings. All such wind energy systems shall be constructed and operated in a manner that, where economically feasible, minimizes adverse visual, safety and environmental impacts. The construction of a small wind facility shall be permitted in the following zoning districts: Central Business Districts (CBD); Mixed Use Business Districts (MBD); Neighborhood Shopping Districts (B-N); Local Business Districts (B-L); Waterfront and Transit Oriented Development Districts (WTOD); Medical Districts (MD); Industrial Park Districts (IP); Open Space/Recreational Districts (OS); and Water Resource Districts (WR), subject to the issuance of a permit and provided that the use complies with all requirements set forth in this Division.

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

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

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

(e) Application Process and Requirements: A Building Permit shall be required for the installation of a small wind energy system.

(f) Documents: The application for a Building Permit shall be accompanied by deliverables including the following:

(1) A plot plan showing:

- (i) Property lines and physical dimensions of the subject property within 2 times the total height of the wind turbine from the proposed tower location.
- (ii) Location, dimensions, and types of existing major structures on the property and abutting properties.

- (iii) Location of the proposed wind system tower, foundations, guy anchors and associated equipment.
- (iv) The right-of-way of any public road that is contiguous with the property.
- (v) Any overhead utility lines.
- (vi) Location and approximate height of tree cover.

(2) Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).

(3) One or three line electrical diagram detailing wind turbine, associated components, and electrical interconnection methods, with all NEC compliant disconnect and overcurrent devices.

(4) Foundations for all towers must have blueprints or drawings signed by a Professional Engineer registered in the Commonwealth of Massachusetts.

(5) Name, address, phone number and signature of the applicant and the property owners, as well as all co-applicants or additional property owners, if any.

(6) Certification by a Professional Engineer registered in the Commonwealth of Massachusetts certifying that the structure can withstand winds of up to 125 mph.

(7) The name, contact information and signature of any agents representing the applicant.

(8) A plan for maintenance of the small wind energy facility.

(g) Fees: The application for a Building Permit for a wind energy system must be accompanied by the fee required for a Building Permit.

**Sec. 86-409. Large Wind Energy Facilities (Utility and On-Site Projects).**

Special Permits shall be granted by the special permit granting authority for large wind energy facilities that meet the criteria outlined in this Division.

(a) Special Permit Granting Authority: No wind energy facility over 100 kilowatts of rated nameplate capacity shall be erected, constructed, installed or modified as provided in this section without first obtaining a Special Permit from the special permit granting authority. The construction of a wind energy facility shall be permitted subject to the issuance of a Special Permit and provided that the use complies with all requirements set forth in this Division. All such wind energy facilities shall, where economically feasible, be constructed and operated in a manner that minimizes adverse visual, safety and environmental impacts.

(b) Financial Surety: The special permit granting authority may require the applicant for utility-scale wind facilities to provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the City must remove the facility, of an amount and form determined to be reasonable by the special permit granting authority, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required

for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for Cost of Living Adjustment.

(c) Height: Large wind energy facilities shall be no higher than 450 feet above the current grade of the land, provided that wind facilities may exceed 450 feet if: the applicant demonstrates by substantial evidence that such height reflects industry standards or manufacturer recommendations for a similarly sited wind facility; if the applicant can demonstrate significant financial gain due to the additional height; and the facility satisfies all other criteria for the granting of a Building Permit under the provisions of this Division.

(d) Setbacks: Large wind turbines shall be set back a distance equal to 1.2 times the overall blade tip height of the wind turbine from the nearest existing residential or commercial structure and 50 feet from the nearest property line and private or public way.

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

(f) Required Supporting Documentation: The applicant shall provide the special permit granting authority with a description of the proposed project which shall include:

(1) General:

All plans and maps shall be prepared, signed and stamped by a Professional Engineer registered in the Commonwealth of Massachusetts. Include in the application shall be: name, address, phone number and signature of the applicant and property owners, as well as all co-applicants and additional property owners, if any.

(2) Technical Documentation:

The applicant shall, at a minimum, submit the following technical documentation regarding the proposed wind energy facility to the special permit granting authority:

- Wind energy facility technical specifications, including manufacturer and model, rotor diameter, tower height/type, foundation type/dimensions.
- Tower foundation blueprints or drawings signed by a Professional Engineer registered in the Commonwealth of Massachusetts.
- Tower blueprints or drawings signed by a Professional Engineer registered in the Commonwealth of Massachusetts.
- Electrical schematic.

(3) Location Map - Utility-Scale Projects:

The applicant shall submit, to the special permit granting authority, a copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000 showing the proposed facility site, including turbine sites, and the area within at least two miles of the facility. Zoning district designation for the subject parcel should be included; however, a copy of the current Zoning Map identifying the subject parcel is suitable.

(4) Site Plan:

A plan with a scale of 1 inch = 200 feet of the proposed wind facility site, with contour intervals of no

more than 10 feet, showing the following:

- Property lines for the site parcel and adjacent parcels within 300 feet.
- Outline of all existing buildings, include purpose (i.e. residence, garage, etc.) on site parcel and all adjacent parcels within 500 feet. Plan shall include distances from the wind facility to each building shown.
- Location of all roads, public and private, on the site parcel and adjacent parcels within the setback distance of 1.2 times the blade tip height, and proposed roads or driveways, either temporary or permanent.
- Existing areas of tree cover, including average height of trees, on the site parcel and adjacent parcels within the setback distance of 1.2 times the blade tip height.
- Proposed location and design of wind facility, including all turbines, ground equipment, appurtenant structures, transmission infrastructure, access, fencing, and exterior lighting.
- Location of viewpoints, as referenced in this Division.

(5) Visualizations – Utility-Scale Projects:

The special permit granting authority may select up to four sight lines, including from the nearest building with a view of the wind facility, for pre- and post-construction view representation. Sites for the view representations shall be selected from populated areas or public ways within a 2-mile radius of the proposed wind energy facility. View representations shall have the following characteristics:

- View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the wind facility (i.e. superimpositions of the wind facility onto photographs of existing views).
- All view representations will include existing or proposed buildings or tree coverage.
- Include description of the technical procedures followed in producing the visualization (distances, angles, lens, etc.).

(6) Visualizations – On-Site Projects:

The special permit granting authority may select up to three sight lines, including from the nearest building with a view of the wind facility, for pre- and post-construction view representation. Sites for the view representations shall be selected from populated areas or public ways within a 2-mile radius of the proposed wind energy facility. View representations shall have the following characteristics:

- View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the wind facility (i.e. superimpositions of the wind facility onto photographs of existing views).
- All view representations will include existing or proposed buildings or tree coverage.
- Include description of the technical procedures followed in producing the visualization (distances, angles, lens, etc.).

(7) Operation and Maintenance Plan:

The applicant shall submit a plan for maintenance of access roads and stormwater management controls, as well as general procedures for operational maintenance of the wind facility.

(8) Compliance Documents:

The applicant will provide with the application:

- Description of financial surety that satisfies the provisions of this section.
- Proof of liability insurance that satisfies the provisions of this section.
- Certification of height approval from the FAA.

-Statement that satisfies the provisions of this Division, listing existing and maximum projected sound levels from the wind energy facility.

(9) Landscape Plan – Utility-Scale Projects Only:

A plan indicating all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting other than FAA lights, screening vegetation or structures. Lighting shall be designed to minimize glare on abutting properties and except as required by the FAA be directed downward with full cut-off fixtures to reduce light pollution.

(10) Independent Consultants – Utility-Scale Projects Only:

Upon submission of an application for a Special Permit, the special permit granting authority will be authorized to hire outside consultants, pursuant to MGL c. 44, §53G. There shall be an administrative appeal from the selection of the outside consultant to the City Council. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in or related to the field at issue or there or more years of practice in the field at issue or a related field. The required time limits for action upon an application by a municipal permit granting board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the City Council within one month following the filing of the appeal, the selection made by the municipal permit granting authority shall stand. Such an administrative appeal shall not preclude further judicial review.

(State law reference M.G.L c. 44 § 53G)

**Sec. 86-410. Building Integrated Wind Energy Facilities.**

Special Permits shall be granted by the special permit granting authority for building integrated wind energy facilities that meet the criteria outlined in this Division.

(a) Special Permit Granting Authority: No building integrated wind energy facility shall be erected, constructed, installed or modified as provided in this section without first obtaining a Special Permit from the special permit granting authority. The construction of a building integrated wind energy facility shall be permitted subject to the issuance of a Special Permit and provided that the use complies with all requirements set forth in this Division. All such wind energy facilities shall, where economically feasible, be constructed and operated in a manner that minimizes adverse visual, safety and environmental impacts.

(b) Required Supporting Documentation for Building Integrated Wind Energy Facilities: The Special Permit application submitted to the special permit granting authority shall, at a minimum, include:

- Analysis and design documents, completed by a structural engineer registered in the Commonwealth of Massachusetts, demonstrating that the proposed building is structurally sufficient to support the permanent installation of the proposed building integrated wind energy facility. At a minimum, the analysis must address vibration, wind load and ice load.
- Elevation drawings of building with building integrated wind energy facility installed, viewed from north, south, east and west.
- Building schematic detailing point(s) of connection and associated supports for the building integrated wind energy facility.
- Schematic of attachment method for connecting the building integrated wind energy facility to the

building.

-Specification sheets for wind turbine and all related components (inverters, controllers, disconnects, etc.).

-One or three line electrical diagram detailing wind turbine, associated components, and electrical interconnection methods, with all NEC compliant disconnect and overcurrent devices.

**Modification #7:**

Amend the Zoning Map currently accompanying the proposed zoning ordinance revision to reflect the following zoning changes:

**Modification #7A:**

Zoning change from Neighborhood Shopping District [B-N] to Commercial Mill District [CMD], an area generally bounded by Fourteenth St. to the east, Pleasant St. to the south, Thirteenth St. to the west and Bedford St. to the north.

**Modification #7B:**

Zoning change from Single Family Residence District [R-8] to Local Business District [B-L], an area generally bounded by Stafford Rd. to the east, the Fall River, MA/Tiverton, RI border to the south, William S. Canning Blvd. to the west and Edmund St. to the north.

**Modification #7C:**

Zoning change from Two Family Residence District [R-4] to Local Business District [B-L], an area generally bounded by Rhode Island Ave. to the east, Salisbury St. to the south, Laurel St. to the west and Orswell St. to the north.

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## CITY OF FALL RIVER

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To the City Council

Councillors:

The Committee on Real Estate, at a meeting held on June 4, 2013, voted unanimously to recommend that the accompanying order be adopted.

*Colleen A. Taylor*  
Clerk of Committees

City of Fall River, *In City Council*

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ORDERED, that the City Council of the City of Fall River hereby accepts the recommendation of the Real Estate Committee and orders that the former Lincoln School, 439 Pine Street (Assessors Map N-05-0027), be conveyed to Robert Kfoury for the sum of \$21,600 as set forth in Robert Kfoury's Response to said RFP, subject to the terms and conditions as set forth in said RFP, and further subject to the negotiation and execution of a Purchase & Sales Agreement in a form determined and acceptable by the Corporation Counsel and the execution of a Quitclaim Deed in a form also acceptable to the Corporation Counsel.

CITY OF FALL RIVER  
IN CITY COUNCIL  
MAY 28 2013

Referred to the  
Committee on Real Estate

## CITY OF FALL RIVER

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7

To the City Council

Councillors:

The Committee on Real Estate, at a meeting held on June 4, 2013, voted unanimously to recommend that the accompanying order be adopted.

*Callan A. Taylor*  
Clerk of Committees

City of Fall River, *In City Council*

7

ORDERED, that the City Council of the City of Fall River hereby accepts the recommendation of the Real Estate Committee and orders that the former Coughlin School, 1975 Pleasant Street (Assessors Map J-11-0002), be conveyed to Robert Kfoury for the sum of \$20,500 as set forth in Robert Kfoury's Response to said RFP, subject to the terms and conditions as set forth in said RFP, and further subject to the negotiation and execution of a Purchase & Sales Agreement in a form determined and acceptable by the Corporation Counsel and the execution of a Quitclaim Deed in a form also acceptable to the Corporation Counsel.

CITY OF FALL RIVER  
IN CITY COUNCIL

MAY 28 2013

*Referred to the  
Committee on Real Estate*

**CITY OF FALL RIVER**

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8

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on June 4, 2013  
voted unanimously to recommend the accompanying proposed ordinance,  
accompanied by an emergency preamble, be passed through first reading,  
second reading, passed to be enrolled and passed to be ordained.

*Colleen A. Taylor*  
Clerk of Committees

**EMERGENCY PREAMBLE**

**WHEREAS, the immediate passage of the accompanying proposed ordinance is deemed necessary inasmuch as it vitally affects the health and safety of the public, now therefore**

**BE IT RESOLVED, that said ordinance is hereby deemed an emergency measure in accordance with the provisions of Chapter 43, Section 20 of the Massachusetts General Laws.**

# City of Fall River, *In City Council*

8

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

That Chapter 70 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to traffic be amended as follows:

By inserting in Section 70-387, which section relates to handicapped parking, in proper alphabetical order the following:

Beverly Street, east side, starting at a point 125 feet north of Locust Street,  
for a distance of 20 feet north

Eddy Street, west side, starting at a point 152 feet south of Locust Street,  
for a distance of 20 feet south

Lafayette Street, north side, starting at a point 186 feet east of Stone Street,  
for a distance of 20 feet east

Linden Street, east side, starting at a point 329 feet north of Bank Street,  
for a distance of 20 feet north

Locust Street, south side, starting at a point 157 feet east of Wall Street,  
for a distance of 20 feet east

Meadow Street, west side, starting at a point 28 feet north of Pine Street,  
for a distance of 20 feet north

Mulberry Street, west side, starting at a point 181 feet north of Division Street,  
for a distance of 20 feet north

Swindells Street, west side, starting at a point 116 feet north of Pleasant Street,  
for a distance of 20 feet north

*City of Fall River, In City Council*

(Council President Linda M. Pereira)

WHEREAS, the south end of the City has few neighborhood parks for our children to play in, and

WHEREAS, it is difficult for small children to travel great distances, and

WHEREAS, there is presently a playground located on the former Harriet T. Healy School grounds, now therefore

BE IT RESOLVED, that this playground be subdivided and turned over to the Park Division for the purposes of designating it park land.

**City of Fall River, *In City Council***

13

(Councilor Michael L. Miozza)

WHEREAS, there has been an ongoing effort to get a Charter Review question on the 2013 ballot, and

WHEREAS, the Office of Senator Michael J. Rodrigues has agreed to help expedite the process by assisting in preparing a home rule amendment, now therefore

BE IT RESOLVED, that the City Council request that Corporation Counsel work directly with Michelle K. Tassinari, Director and Legal Counsel from the State Elections Division and the Office of Senator Michael J. Rodrigues to create a Home Rule Amendment by June 30, 2013 that will allow the Council to vote to have the charter question placed on the 2013 ballot and the citizens of Fall River to elect the nine member Charter Commission.

CC

21

RECEIVED

CLAIM FORM  
City of Fall River, Massachusetts

RECEIVED

Name: <sup>2013 MAY 13 P 3:44</sup> Burrill Valley

Address: <sup>CITY CLERK FALL RIVER, MA</sup> 43 John St, 2S  
Fall River, MA 02721

2013 JUN -4 P 3:44  
claim #  
# 13-87A  
CITY CLERK  
FALL RIVER, MA

Phone #: (774) 319-3407

Type of Claim:      M.G.L. Chapter 84  M.G.L. Chapter 258      Other

Date of Incident: 5/13/13

Time of Incident: 10:30 - 11:00 am

Location of Incident: Front/on street of 43 John St.

Provide a detailed description of your claim (attach additional sheets if necessary):

Around 10:35 AM my husband, Steve, went to the  
car to get something for me. About 15 minutes later  
my husband noticed the back window of the car  
shattered and a shattered beer bottle was behind  
the car. He looked down our one-way street and  
saw the DPW truck driving away. There were no  
other car behind the truck. Our neighbor across  
the street heard the loud crashing sound + only saw  
the DPW truck on our street. Around 2pm today,  
I went to the DPW Incinerator on Rodman St., a  
man who claimed to be in charge named, Jason,  
admitted that if the barrels get stuck, the barrels  
get shaken. "They (the crew)," said Jason, "has seen newspaper

\* Please consult with your own attorney in preparing this Claim Form to understand your legal rights reverse →

\* Please file this Claim Form with: City Clerk, One Government Center, 2<sup>nd</sup> Floor, Fall River, MA 02722

RECEIVED

Lena Wilson  
P.O. Box 120595  
Boston, MA 02112

2013 MAY 28 P 2:53

CITY CLERK 13-91  
FALL RIVER, MA

May 24, 2013

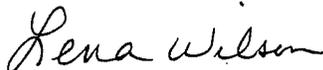
City Clerk  
One Government Center  
Fall River, MA 02722

Initially, after the incident, I spoke to someone in the Burger King corporate office (Susan McNulty), she assured me that because of the location, this pothole would be the State's responsibility and not the City's. She sent me the paperwork to file the claim with the State, which stated that it must be submitted within 30 days (which I had just made the deadline).

Today, 5/24/13, I received a returned call from Bruce Willens' office (Mass Transport), and spoke to Allan. He said that this is positively not the States, but is the City's.

Although I am past the deadline, under the circumstance, I am sending this paperwork along to your office for consideration.

Sincerely,



Lena Wilson  
617-233-2202

5-30-2013  
Original + 2 Law  
1 Copy DCM  
1 Copy City Council  
1 Copy City Clerk

CLAIM FORM

City of Fall River, Massachusetts

R VED

2013 MAY 30 A 11:29

Name: REHARD ALBERGARIA

Address: 256 HILLSIDE AVE.

CITY OF FALL RIVER MA 13-92

~~Address: SOMERSET, MA 02726~~

Phone #: ~~Home: 508 675-5851 Cell 508-951-3135~~

Type of Claim:  M.G.L. Chapter 84  M.G.L. Chapter 258  Other

Date of Incident: 4-29-13

Time of Incident: 11:00 AM

Location of Incident: JAVOL ST

Provide a detailed description of your claim (attach additional sheets if necessary):

Was traveling South on Javol St  
just before Brownell St - Hit  
a deep pot hole - picture included.  
Bubbled up the tire & bent wheel.  
Note: Home had the time to repair wheel  
but have replaced the tire.  
Total Bill for the tire 98.36

5/30/13

Original + 2 Law

1 Copy DCM

1 Copy City Council ✓

\*You should consult with your own attorney in preparing this Claim Form to understand your legal rights

1 Copy City Clerk

CC

21

CLAIM FORM  
City of Fall River, Massachusetts

RECEIVED

Name: RAY DESORMIER 2013 JUN -4 P 3:15  
Address: 70 RHODODENDRON DRIVE CITY CLERK 13-93  
TIVERTON RI 02878 FALL RIVER, MA  
Phone #: CELL: (508) 496 8018

Type of Claim:  M.G.L. Chapter 84  M.G.L. Chapter 258  Other

Date of Incident: 5-8-13

Time of Incident: 10:30 AM

Location of Incident: DAVOL ST JUST PAST ENTRANCE TO JERRY REMYS

Provide a detailed description of your claim (attach additional sheets if necessary):

TRAVELING SOUTH ON DAVOL STREET IN  
LEFT HAND LANE. HIT A POT HOLE  
IN BETWEEN THE LANES JUST PAST THE  
ENTRANCE TO JERRY REMYS AND THE PARK  
THE POT HOLE CAUSED LACERATIONS TO THE SIDE WALLS.

arg + 2 copies Law  
IDPW  
ICC  
1 city clerk

\*You should consult with your own attorney in preparing this Claim Form to understand your legal rights