

COMMONWEALTH OF MASSACHUSETTS

TOWN OF LAKEVILLE

ANNUAL TOWN MEETING

To any of the Constables of the Town of Lakeville,

Greetings:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Town affairs to meet in the

APPONEQUET HIGH SCHOOL AUDITORIUM

On Monday, June 15, 2009, at 7:00 P.M., then and there to act on the following articles:

Article 1: To determine the salaries of all elected officers, and to make appropriation, or take any action relative thereto.

Article 2: To raise and/or transfer from available funds such sums of money and as may be necessary to defray town expenses for the fiscal period July 1, 2009 to June 30, 2010, inclusive, and to make appropriation, or take any action relative thereto.

Article 3: To see if the Town will vote to raise and appropriate for the use of the Trustees for the Plymouth County Co-operative Extension Service the sum of Two Hundred Dollars (\$200.00), and to determine the length of the term of Town Director, as provided in Sections 41 and 42 of Revised Chapter 128 of the General Laws, or take any action relative thereto.

Article 4: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Six Hundred Forty Two Thousand Four Hundred Sixty Five Dollars (\$642,465.00) as the share of the Town of Lakeville in the Plymouth County Retirement Association, or take any action relative thereto.

Article 5: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Six Hundred Fifty Nine Thousand One Hundred Nine Dollars (\$659,109.00) as the Town's share of the 2009-2010 maintenance and operating budget for the Old Colony Regional Vocational High School District, to be used in conjunction with an appropriation for the same purpose by the Towns of Acushnet, Carver, Mattapoisett, and Rochester, or take any action relative thereto.

Old Colony Regional Vocational Technical High School Committee

Article 6: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Six Million Seven Hundred Ninety Three Thousand One Hundred Eighty One Dollars and Seventy Five Cents (\$6,793,181.75) as the Town's share of the 2009-2010 maintenance and operating budget for the Freetown-Lakeville Regional School District, consisting of the Non-excluded Debt Assessment of Forty Six Thousand Five Hundred Seven Dollars and Five Cents (\$46,507.05), the Excluded Debt Assessment of Seven Hundred Fifty Nine Thousand Eight Hundred Thirty Six Dollars and Seventy One Cents (\$759,836.71), and the Operating Cost Assessment of Five Million Nine Hundred Eighty Six Thousand Eight Hundred Thirty Seven Dollars and Ninety Nine Cents (\$5,986,837.99) to be used in conjunction with an appropriation for the same purpose by the Town of Freetown, and/or to take any action relative thereto.

Freetown-Lakeville Regional School Committee

Article 7: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the payment of vocational education tuitions and related transportation for students enrolled in vocational educational programs other than at Old Colony Vocational School and/or to take any action relative thereto.

Lakeville School Committee

Article 8: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to cover the cost of tuition for special education students enrolled in out-of-district placements, or to take any action relative thereto.

Lakeville School Committee

Article 9: To see if the Town will vote to raise and appropriate and/or transfer from available funds Twenty Five Thousand Dollars (\$25,000.00) for the purpose of funding the Fiscal Year 2011 Recertification of Values as mandated by the Massachusetts Department of Revenue, or take any action relative thereto.

Board of Assessors

Article 10: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money for capital improvements and equipment as follows: Equipment, Technology and Licensing for Town Network; Four (4) Voting Machines for the Town Clerk; One (1) Sidearm Mower for the Highway Department; One (1) new Cruiser for the use of the Police Department; and One (1) Server and One (1) Copier for the School Department; or to take any action relative thereto.

Capital Expenditures Committee

Article 11: To see if the Town will vote to raise and appropriate, and/or transfer from available funds a sum of money and/or borrow a sum of money for the purpose of leasing and/or purchasing for a term of three (3) years one (1) new Copier for the use of the Town Offices, or take any action relative thereto.

Capital Expenditures Committee

Article 12: To see if the Town will vote to raise and appropriate, and/or transfer from available funds a sum of money and/or borrow a sum of money for the purpose of leasing and/or purchasing for a term of five (5) years one (1) new Administrative Vehicle for the use of the Office of the Assessors, or take any action relative thereto.

Capital Expenditures Committee

Article 13: To see if the Town will vote to accept under the provisions of General Laws, Chapter 90, Section 34, an apportionment in the amount of Two Hundred Seventy Eight Thousand Five Hundred Sixty Dollars (\$278,560.00), or take any action relative thereto.

Superintendent of Streets

Article 14: To see if the Town will vote to raise and appropriate and/or transfer from appropriated and/or unappropriated available funds in the treasury a sum of money for the purpose of adding to the Stabilization Fund pursuant to the provisions of General Laws Chapter 40, Section 5B, or take any action relative thereto.

Article 15: To see if the Town will vote to raise and appropriate or transfer from unappropriated available funds in the treasury a sum of money to the Reserve Fund, or take any action relative thereto.

Article 16: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the purpose of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that project and financing costs shall be repaid by the property owners, in accordance with those agreements, as well as take any other action necessary to carry out the projects, or take any action relative thereto.

Board of Health

Article 17: To see if the Town will vote to accept the provisions of Mass. General Laws, Chapter 40, Section 42G through 42K, and to take any other action relative thereto.

Board of Selectmen

Article 18: To see if the Town will vote to appropriate a sum of money for the construction of an elevated water storage tank and pump station; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise; to authorize the Board of Selectmen to assess betterments in accordance with Mass. General Laws, Chapter 40, Sections 42G through 42 I and 42K for such percentage of the total cost to the Town of the project as the Selectmen shall determine to be appropriate upon all real property that obtains direct or remote benefit from said storage tank and pump station, whether by the provision of potable water or water for fire protection, and to take any other action relative thereto.

Board of Selectmen

Article 19: To see if the Town will vote to elect, as provided in Mass. General Laws, Chapter 80, Section 13, that all assessments made under General Laws Chapter 80 shall bear interest at a rate of five (5) percent per annum, or to take any other action relative thereto.

Board of Selectmen

Article 20: To see if the Town will vote to accept the provisions of Mass. General Laws Chapter 80, Section 13B, providing for the deferral of the payment of betterment assessments for owners eligible for exemption under General Laws Chapter 59, Section 5, Clause 41A, or to take any other action relative thereto.

Board of Selectmen

Article 21: To see if the Town will vote to appropriate a sum of money for a Sewer Construction Project for the shorefront communities on the Western side of Long Pond, to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise; or take any other action relative thereto.

Board of Selectmen

Article 22: To see if the Town will vote to authorize the Board of Selectmen to convey a perpetual conservation restriction encumbering a portion of a parcel of land, said parcel located at Howland Road, Lakeville and described in a deed recorded with the Plymouth County Registry of Deeds in Book 18180, Page 228 and identified on Assessors Map 9, Block 2, Lot 5C, and said portion to be encumbered being shown as "Conservation Parcel" and "Access Easement (to Conservation Parcel)" on a plan titled "Conservation Plan of Land at Howland Road Lakeville, Massachusetts prepared by Prime Engineering, a copy of said plan is on file with the Town Clerk, to the Massachusetts Audubon

Society, Inc., or other entity qualified to hold a conservation restriction, on such terms and conditions, and for such consideration, which may be nominal consideration, on such terms and conditions, and for such consideration, which may be nominal consideration, as the Board of Selectmen deems appropriate, or to take any action relative thereto.

Board of Selectmen

Article 23: To see if the Town will vote to authorize the Board of Selectmen to grant a temporary, non-exclusive easement to Stephen R. Couet and Kathleen M. Couet in, upon, along and under a portion of the discontinued way known as Old Main Street (Route 105), as shown on a plan on file with the Town Clerk, for the purpose of accessing, maintaining and repairing the existing residential well located within said way, on such terms and conditions and for such consideration, which may be nominal consideration, and for such duration as the Selectmen deem appropriate, or take any action relative thereto.

Board of Selectmen

Article 24: To see if the Town will vote to rescind the vote on Article 17 of the Annual Town Meeting of June 27, 1991, which accepted the provisions of Mass. General Laws Chapter 48, Section 42A in its entirety; and instead vote to accept Mass. General Laws Chapter 48, Section 42, 43 and 44, or take any action relative thereto:

Fire Chief

Article 25: To see if the Town will vote to amend General By-Law regarding Public Consumption of Marihuana or Tetrahydrocannabinol as follows, or take any action relative thereto:

PUBLIC CONSUMPTION OF MARIHUANA OR TETRAHYDROCANNABINOL

No person shall smoke, ingest, or otherwise use or consume marihuana or tetrahydrocannabinol (as defined in G.L. c. 94C, Section 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, Section 21, or by non-criminal disposition pursuant to G.L. c. 40, Section 21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this by-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G.L. c. 94C, Section 32L.

Police Chief

Article 26: To see if the Town will vote to amend the Zoning By-Law Section 6.6.2.1 to prohibit electronic message signs by adding new language as follows. The new text is underlined:

6.6.2.1 Signs, including electronic message signs that display lighted messages that are capable of changing at intermittent intervals, any part of which moves, flashes, or incorporates traveling or animated lights, and all beacons and flashing devices, whether a part of, attached to, or apart from a sign, are prohibited.

or take any action relative thereto.

Planning Board

Article 27: To see if the Town will vote to amend the Zoning By-Law Section 2.0 Definitions by deleting the definition for "Dwelling: Single-Family with an attached apartment" as follows:

Dwelling: Single-Family with an attached apartment: For the purpose of this Zoning By-law, a single-family detached dwelling with an attached apartment shall mean an apartment not to exceed 600 to 720 square feet of habitable which may include a kitchen or kitchenette and be accessible to and attached to the main dwelling area and shall have a common entrance and maintain a single-family appearance.

and adding a new definition for "Accessory Apartment" as follows:

Accessory Apartment: An independent living unit containing a kitchen, bathroom, living area and independent means of egress, built into or attached to an existing single-family dwelling (referred to herein as the "principal dwelling") and subordinate in size to the principal dwelling.

or take any action relative thereto.

Planning Board

Article 28: To see if the Town will vote to amend Section 4.1 of the Zoning By-Law, Table of Use Regulations, by deleting the entry in Section 4.1.1 "Single-family, detached dwelling with an attached apartment" and replacing it with the entry "Accessory Apartment" so as to read as follows:

	<u>R</u>	<u>B</u>	<u>I</u>	<u>I-B</u>
Accessory Apartment	Y	SP	N	SP

or take any action relative thereto.

Planning Board

Article 29: To see if the Town will vote to amend the current Zoning By-Law by adding the following new Section 7.8 Accessory Apartment, or take any action relative thereto:

7.8 ACCESSORY APARTMENT

7.8.1 Purpose and Intent

The purpose of this Section 7.8 is to: 1) Provide an opportunity for family members who choose to live in close proximity, but separate from other family members, to remain within that family environment; 2) Provide for the health and security concerns of elder or disabled homeowners who wish to remain in their homes; 3) Protect residential stability, property values and the single-family character of neighborhoods; and 4) Make it possible for the Town to supervise and monitor such additions for code compliance and safety.

7.8.2 Accessory apartments are allowed by right in Residential, and by Special Permit in Business and Industrial B Districts when added within or attached to a pre-existing single-family dwelling in compliance with all the requirements of this Bylaw. In no case shall more than one accessory apartment be allowed on any lot.

7.8.3 The owner of a single-family dwelling may apply directly to the Building Commissioner for the construction and occupation of an accessory apartment. Applications shall meet the following requirements:

7.8.3.1 Only one (1) accessory apartment per lot shall be permitted.

7.8.3.2 The accessory apartment shall contain no more than 33 1/3% of the entire proposed structure and in any case not to exceed 1,000 square feet.

7.8.3.3 The accessory apartment shall be designed so that the appearance of the structure remains that of a single-family dwelling, subject further to the following conditions:

- a. All additional stairways to second or third stories shall be enclosed within the exterior walls of the structure;
- b. Any new entrance shall be located on the side or in the rear of the structure;
- c. Where there are two (2) or more existing entrances on the front façade of the principal dwelling, if modifications are made to any entrance, the result shall be that one appears to be the principal entrance and other entrances appear to be secondary.

7.8.3.4 The accessory apartment shall contain a kitchen, bathroom and living room area and a maximum of one (1) bedroom. It shall be constructed in a manner consistent with the appearance of the existing structure.

7.8.3.5 The accessory apartment shall not be used for commercial accommodations or seasonal rentals.

7.8.3.6 Sufficient and appropriate space for at least one (1) parking space shall be constructed to serve the accessory apartment. Said parking space shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the existing driveway.

7.8.3.7 The accessory apartment and the principal dwelling shall be serviced and monitored by common utilities.

7.8.3.8 A plot plan, prepared by a Registered Land Surveyor, of the existing dwelling unit and the proposed accessory apartment shall be submitted with the building permit application. The plan shall show the location of all structures on the lot along with septic system, well and drainage structures.

7.8.4 Prior to the issuance of an occupancy permit, the accessory apartment shall meet all building code requirements and shall have properly installed and maintained fire safety devices for the protection of all occupants in the entire structure.

Planning Board

Article 30: To see if the Town will vote to amend the current Zoning By-Law by adding the following new Section 7.9, Neighborhood Business Overlay District as follows, or take any action relative thereto:

7.9 Neighborhood Business Overlay District

7.9.1 Purpose and Intent

The purpose of this Section 7.9 Neighborhood Business Overlay District, hereinafter referred to as the "NBOD", shall be to provide sites for small scale service and retail establishments to support adjacent residential neighborhoods. The NBOD shall be an overlay district which shall not additionally restrict the rights of owners to exercise the uses allowed or permitted in the underlying zoning district unless the owner elects to develop pursuant to the NBOD. Any such NBOD development shall conform to all applicable requirements of the NBOD. The NBOD overlay district will permit personal service, retail or office establishments which conduct all business operations within an enclosed facility and do not present any adverse impact on appearance, peace or value of adjacent residential areas. Designs shall be in keeping with those existing and shall be enhanced with landscaping, minimizing the visibility of parking areas and avoiding the appearance of commercial structures. Any permitted use shall be of a boutique or small scale and low impact nature. All such uses shall operate with a minimum of noise, smoke, odor, traffic or other nuisances which would have a negative impact on adjacent residential uses. All permitted uses shall require a Special Permit issued to the business owner and shall not be transferable to a subsequent property owner.

7.9.2 Uses Permitted by Special Permit:

Professional or Business Office	Photographic / art studio
Barber Shop / Beauty shop	Florist
Tailor or pressing shop (no dry cleaning)	Tea House / Coffee Shop
Doctors/ Dentist office	Veterinarian office (no Boarding)
Real Estate Office	Dress making or weaving
Shoe repair or cobbler shop	Bicycle sales and service
Antique sales and service	Cabinet / woodworking shop
Insurance office	
Craft and/or gift shop	
Bank or Financial institution	

7.9.3 Special Permit Requirements:

The Board of Appeals shall be the Special Permit Granting Authority for projects proposed in the NBOD. Site Plan approval as required by section 6.7 will be required by the Planning Board for all permitted uses prior to any Special Permit being granted.

7.9.4 Intensity Regulations:

- 7.9.4.1. Lot Area** 70,000 sq. ft.
- 7.9.4.1.a** Lots in existence prior to 2000 shall be allowed to be developed in the NBOD providing that such lot at the time, and still, contained a minimum of 20,000 sq. ft. and can meet all setback and other requirements of the NBOD.
- 7.9.4.2. Building Size** Maximum 5,000 sq. ft.
- 7.9.4.3. Minimum lot width** 100 ft.
- 7.9.4.4. Minimum setbacks** front 30 ft.– sides 15 ft. – rear 15 ft.
- 7.9.4.5 Maximum lot coverage:** 25% including parking and impervious areas.
- 7.9.4.6. Sign Requirements:** All signs shall be a maximum of 10 sq. ft. per side with no internally lit signs on the premises. No additional signs on or displayed from inside the structure for external use shall be permitted. Signs as allowed by 6.6.4.3 shall be monument style not taller than 6 feet and shall have the base surrounding the sign landscaped.
- 7.9.4.7. Parking:** All parking shall be located on the same lot and no on street parking shall be permitted. Parking areas designed to have more than 6 spaces according to the parking regulations of 6.5.3.3 shall be located in the rear yard and are subject to Planning Board review. No parking shall be located closer to any lot line than 20 ft.

- 7.9.4.8. Noise:** Public address speakers, amplified music or other sources of noise are not permitted outside the building.
- 7.9.4.9. Drainage:** All ground surfaces shall be constructed to prevent standing water or the discharge of run off onto adjacent property.
- 7.9.4.10. Landscape:** Landscaping shall be required to create a visual barrier from all property being granted a special permit from any neighboring property and to shield parking areas from the street. All landscaping shall be part of the site plan review and will be required to be placed on a plan for approval by the Planning Board.
- 7.9.4.11. Hours of Operation:** All businesses within the NBOD shall not open before 9:00 AM and shall not remain open beyond 8:00 PM. Hours of operation shall include the service of such businesses by vendors or service personnel. No business shall operate on Sunday except as may be allowed on a temporary basis by the Board of Selectmen.

Planning Board

Article 31: To see if the Town will amend the Zoning Map to include the following parcels within the Residential Zone on Main Street and Bedford Street in the Neighborhood Business Overlay District: 0057-002-001, 0057-002-002, 0057-002-003, 0057-002-004, 0057-002-005, 0057-002-006, 0057-002-007, 0057-002-008, 0057-002-009, 0057-002-010, 058-001-017, 058-001-18, 058-001-19, or take any other action relative thereto.

Planning Board

Article 32: To see if the Town will vote to amend the current Zoning By-Law Section 7.5.3 by deleting sub-section 4) as follows:

- 4) Age-Qualified Housing, in which each Dwelling Unit contains, at the commencement of occupancy, at least one occupant who is at least fifty-five years of age. Age-Qualified Housing shall provide a minimum of one parking space per Dwelling Unit.

and replacing it with a new sub-section 4) as follows:

- 4) Limited Occupancy Housing (LOH), which the Planning Board determines as part of Site Plan Review, is designed for adult-targeted households described as: (i) limited to a maximum of two (2) bedrooms including a first floor master bedroom; (ii) reflects an attractive building design and architectural features customarily found in adult-targeted households which design shall be approved by a Design Review Committee comprised of members of the Planning Board; (iii) provides for any recreational amenities to be oriented toward an adult population and not to include playgrounds or play furniture. Property

owners of Limited Occupancy Housing units, through a viable association, shall be obligated for the development, operation and maintenance of common wastewater disposal systems, storm water systems, internal vehicular and pedestrian circulation systems and landscape maintenance. LOH shall provide a minimum of one (1) parking space per Dwelling Unit.

or take any action relative thereto.

Planning Board

Article 33: To see if the Town will vote to amend the official Zoning Map by rezoning from R-Residential to B-Business land on County Street as described as follows:

Starting at the property corner of land now or formally owned by Henry W. & Nancy Lee Van Laarhoven proceeding N 56-14-25 W for a distance of 380 feet along the State Highway Layout (SHLO) of County Street; then proceeding N 46-05-50 W for a distance of 375.03 feet along the SHLO of County Street; then, proceeding N 60-02-45 W for a distance of 211.70 feet along the SHLO of County Street; then proceeding N 57-03-00 W for a distance of 1113.05 feet along the SHLO of County Street to the property corner of land now or formally owned by Wallace W. & Marian E. McCarroll; then, proceeding N 40-16-57 E for a distance of 430 feet; then proceeding in a southeasterly direction parallel to the metes and bounds as described above along the SHLO of County Street until intersecting the property line of land now or formally owned by Henry W. & Nancy Lee Van Laarhoven abutting land now or formally owned by Robert E. Sr. & Edward C. & Carolyn J. Ranahan; then proceeding S 38-45 W for a distance of 14 feet; and, then, proceeding S 41-30 W for a distance of 416 feet to the starting point on the SHLO of County Street.

or take any action relative thereto.

Petition

Article 34: To see if the Town will vote to amend the official Zoning Map by rezoning from R-Residential to B-Business land on County Street as described as follows:

Starting at the property corner of land now or formally owned by Robert & Sandra Doherty proceeding N 57-03-00 W for a distance of 963.03 feet along the SHLO of County Street to the property corner of land now or formally owned by Wallace W. & Marian E. McCarroll; then, proceeding N 40-16-57 E for a distance of 430 feet; then proceeding in a southeasterly direction parallel to the metes and bounds as described above along the SHLO of County Street until intersecting the property line of land now or formally owned by Robert & Sandra Doherty abutting land now or formally owned by Mullien Hill Christian Academy Inc; then proceeding S 42-42-39 W for a distance of 178.38 feet; and, then, proceeding S 40-07-40 W for a distance of 251.72 feet to the starting point of the SHLO of County Street,

or take any action relative thereto.

Petition

Article 35: To see if the Town will vote to accept Anderson Way as a Town Way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by gift an easement or fee simple in the way and any related easements as shown on the road layout plan drawn by Azor Land Sciences, Inc. on file with the Town Clerk entitled "As Built Plan of Anderson Way in Lakeville, MA" dated April 23, 2009, or take any action relative thereto.

Board of Selectmen

You are directed to serve this warrant by posting an attested copy hereof fourteen days at least before the day appointed for a Special Town Meeting and seven days at least before the day appointed for the Annual Town Meeting at the following places: Town Office Building, Starr's Country Market, Mayflower Co-operative Bank, the Clark Shores Association Bulletin Board, Apponequet Regional High School, the Lakeville Senior Center, and Assawompset School.

Hereof fail not and make return of this warrant with your doings hereon at the time and place of said meeting.

Given under our hands this 21st day of May, 2009.

Derek A. Mahony

Keefeatts

BOARD OF SELECTMEN