

SELECTMEN'S MEETING
Monday, September 11, 2006

On September 11, 2006, the Board of Selectmen held a meeting at 7:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman LaCamera at 7:00 PM. Present were: Selectman Evirs, Selectman LaCamera and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

Chairman LaCamera asked to have a moment of silence for those that died in the 9/11 tragedy, since it was the 5th anniversary of the tragedy.

7:00 PM Update from Cable Committee regarding Verizon negotiations

Robert Marshall, Chairman of the Lakeville Cable Committee was present. Mr. Marshall took the floor to update the Board of Selectmen and townspeople where the Town presently stands with its negotiations with Verizon. He explained that the Lakeville Cable Committee and Rita Garbitt had met with Verizon representatives in April of 2005 for an initial meet-and-greet. The Cable Committee received their Form 100 in August of 2005 (their first "proposal" so to speak. The Cable Committee responded with its Issuing Authority Report in November 2005, all within normal time limits. In that report, Verizon was asked to use Lakeville's existing license with Comcast as a model, making any proposed changes they wished. This was not done. Verizon responded with, what they called, their initial draft of a license, using their own model. In the Cable Committee's opinion this model eliminated very necessary language, including long-accepted definitions, basic to the industry and was, in the Committee's opinion, much of the language was weighted very heavily in their favor. They felt much of the language was contradictory, confusing, and, in some cases, unnecessary. As a result of all of this difficulty with the language, in February of 2006, we sent them a letter saying that their proposal was unacceptable and, again, asked that they use our existing license as a model. The last line of that letter stated, "If you have any questions....please feel free to contact" us. The Cable Committee waited almost five (5) months to the day without hearing a word from Verizon, until, in July of this year, we received a letter from Verizon, which indicated that they wished to start talks again.

Mr. Marshall said the Committee thought there was a delay on Verizon's part because in March of 2006, Verizon made a request to the Massachusetts Cable Television Commission of Telecommunications and Energy for "...a shorter and more certain time frame for obtaining local franchises to offer video services..." In short they wanted all cities and towns to have only 60 days to schedule a hearing and only 30 days after that to make a decision...90 days in all to decide whether all facets of the proposal were acceptable. On August 16, 2006, Mr. Marshall said that he and representatives from more than two (2) dozen other communities, testified against that proposal, saying, among other things, that 90 days is an impossible time frame in which to safely and accurately negotiate all elements needed to protect the rights of the townspeople. The decision is pending. On a national level, Verizon was and is continuing to spend a great deal of money to lobby Congress to allow only Verizon to negotiate a single national franchise that would force all cities and towns in the country to accept a one-size-fits-all

license. It is the Committee's opinion; this would not be good for anyone except Verizon. Verizon's reasons for not getting back to us for almost five (5) months seems clear to us; our opinion is that they were hoping for legislative and/or regulatory relief on both levels. We have met twice with Verizon to exchange information, and we have another meeting scheduled this week. We are now working to try to resolve all remaining issues.

Chairman LaCamera thanked Mr. Marshall for the work he and the Cable Committee have been doing on behalf of the Town.

7:15 PM Andrew Ashley-discussion regarding consultants

Andrew Ashley of Wetlands Consulting, Inc. was present with two (2) representatives of Macon Landscaping. Mr. Ashley took the floor and thanked the Board for allowing him the time to speak this evening. He explained that he is working on four (4) separate matters with the Conservation Commission. On one matter in particular, a 21-acre parcel, there is a problem taking place. The problem is as follows: an apparent impasse arose concerning the Conservation Commission's choice to require a review engineer without the benefit of a bid process. Although this decision may be entirely lawful in view of recently promulgated regulations regarding peer review, Mr. Ashley suggested that the result may be unreasonable and run counter to the interests with which the Conservation Commission and the Selectmen are charged under the Wetland Protection Act. Mr. Ashley stated that he is grateful to have the opportunity to be able to work with dozens of Conservations Commissions and Staff from the Department of Environmental Protection on a regular basis.

Mr. Ashley stated that the Lakeville Conservation Commission, on October 14, 2003, adopted Rules for hiring outside consultants under General Laws Chapter 44, section 53G. Mr. Ashley contacted Ken Pruitt, Director of Massachusetts Association of Conservation Commissions regarding what was transpiring on the 21-acre parcel on Bedford Street (Macon Landscaping). The Consulting Engineer (BSC Group, Inc) for the project put in a bid which was over \$5,000 and thus was rejected. It was then reduced to \$4,900. Breaking the bid down, the engineer would receive \$1,300 for attending two (2) public hearings on the matter. This quote was still higher than another quote for the engineering peer review that the applicant acquired on his own. Mr. Ashley was insistent that the Conservation Commission needs to follow contract procurement laws when hiring outside consultants, and for anything over \$5,000, three bids would be required. BSC, Group, Inc. is a firm regularly hired by the Town of Lakeville for other purposes and it is believed that this may be a conflict. The Conservation Commission should have fiduciary responsibility when spending another's money. Mr. Ashley stated that he would like to ask the Board, in order to avoid any further delay and controversy, to instruct the Conservation Commission to issue an Order of Conditions to put an end to the saga. Mr. Ashley also suggested that the Conservation Commission should amend their rules to include sound business practices, including three bids on any project, regardless of the cost.

Chairman LaCamera stated that the Selectmen are the appointing authority of the Conservation Commission, and the Board cannot tell them what to do, just as they cannot tell the Board of Appeals or any other board what to do. Thus the Board will not instruct them to do anything. There is an appeal process in place, and Mr. Ashley needs to go through the appeal

process within the ten days (10) that it is provided. It would seem that this time period has now been exceeded. Mr. Ashley responded that he thinks the time frame is still open since the new quotation came in last week. It should have been found out through the Conservation Commission Chair. It would seem that there is a communication breakdown of sorts. An appeal was to be submitted regarding the \$5,000 threshold when the new amount was learned of \$4,900. Thus all the issues then had to be revisited. The Conservation Commission was asked to put this out to bid, and they denied doing so. There is another meeting with them tomorrow evening.

Ms. Garbitt explained that she had done some research on the matter and it was noticed that the Conservation Commission did waive the wetland peer review which was \$3,900. An outside consultant could have been hired to do the work. Mr. Ashley further discussed his point on the matter and stated that the laws are on the books to protect natural resources and they are sometimes prostituted to slow down growth so that things can be controlled. This is not felt to be in the interest of protecting the natural resources. Chairman LaCamera asked if Mr. Ashley thought the Town was trying to control growth by its natural resources. Mr. Ashley responded that he had the “stones” to stand before them and talk about the truth. The first meeting on this matter took place in January and now it is September.

Chairman LaCamera stated that he did not like the direction the discussion was taking. Mr. Ashley is the first person to ever come in and complain about the Conservation Commission. Mr. Ashley stated that he was careful to point out that everyone has been able to work together in the past. At this time, someone in the process is apparently not able to communicate clearly what is wanted and needed. He added that he felt that the Ethics Commission should hear about the matter and that he has already written a letter to send to them. Chairman LaCamera stated that the appeal time frame has passed. Mr. Ashley stated that he did not feel this was accurate since the amount changed from over \$5,000 to under \$5,000 and that process was wrong. Chairman LaCamera suggested that Mr. Ashley document his information and submit it in writing.

7:20 PM Mark Sorel-discuss liquor license violation

Mark Sorel, Police Chief, was present to discuss the matter. Chairman LaCamera read the letter from the Police Chief regarding the liquor law violation. It was with respect to under age individuals purchasing liquor and their identification not being checked at the establishment (Joe’s Gas) where a 30-pack of beer was purchased. Chief Sorel further explained that in 2001, the establishment was under a different owner. A sting was done of the new owner in 2005 and the establishment failed. Chairman LaCamera stated that if a hearing does not have to be held or advertising to be done, the license owner should be notified via certified mail that there will be a meeting on the matter on September 25, 2006 before the Board of Selectmen. Chief Sorel stated that he would have the two (2) Police Officers, from this situation of September 1, 2006, present at the meeting as well.

7:30 PM James Marot, Building Commissioner-discuss various issues

James Marot, Building Commissioner was present for the discussion. Mr. Marot took the floor to explain that there were two (2) areas that he would like to change with respect to

demolitions. He would like to have Fire Safety and Conservation involved to ensure that demolitions would take place properly and safely in town. Another matter is that it is felt that the fees do not adequately match the amount of manpower that is needed to handle these inspections. This should be part of the demolition fee that the Building Department charges. The Inspector Fees should also be increased. It was noted by Chairman LaCamera that the Board of Selectmen did discuss the Inspector's fees, however, they never formally voted to increase them. Selectman Yeatts asked if the Town would still make money if the Inspector fees were increased. Mr. Marot responded that the Town typically makes money on the commercial side, but not on the residential side. He added that it is common for any demolition to have connections for plumbing, gas and wiring, thus all these need to be disconnected/shut-off prior to demolition. Discussion took place regarding the increase of the fees for clarification and reference.

Upon a motion made by Selectman Evirs; seconded by Selectman Yeatts it was:

VOTED: To change the demolition fees for Residential accessory structures/buildings to One Hundred (\$100.00) Dollars with the issuance of plumbing, gas and electrical permits and to change the demolition fees for Commercial accessory structures/buildings to Two Hundred (\$250.00) Dollars with the issuance of plumbing, gas and electrical permits, as of September 11, 2006.
Unanimous in favor

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To increase the Inspector's Fees from Thirty (\$30.00) Dollars to Forty (\$40.00) Dollars, effective retroactively to August 1, 2006.
Unanimous in favor

Berm-Residences at LeBaron Hills

Mr. Marot stated that he would like to discuss the berm that E. A. Fish is proposing for the Residences at LeBaron Hills with the Board. The plans were produced and reviewed with the Building Commissioner. It was decided that the berm should go completely around the outside of the property, which is a rectangle and the elevations should be increased since they are rather low. This is part of the 40B approval for the development of LeBaron, that Morse, Sand & Gravel, put a berm around the property to reduce the noise of their business. Thus the plans will be redone with the elevations as recommended by the Building Commissioner and a berm will be placed completely around the property.

Vote to appoint Robert Whalen as Alternate Building Inspector

Chairman LaCamera noted that Mr. Marot would like Robert Whalen appointed as Alternate Building Inspector.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs and it was:

VOTED: To appoint Robert Whalen as Alternate Building Inspector with the appointment expiring July 31, 2007. Unanimous in favor

Vote to appoint Treasurer/Tax Collector as custodian for Town owned foreclosed properties

Chairman LaCamera noted that the Board needed to appoint the Treasurer/Tax Collector as custodian for Town owned foreclosed properties.

Upon a motion made by Selectman Evirs; seconded by Selectman Yeatts it was:

VOTED: To appoint Debra Kenney, in her capacity of Treasurer/Tax Collector, as custodian of Town-owned foreclosed properties.
Unanimous in favor

Vote to approve warrant for Special Town Meeting-October 10, 2006

Chairman LaCamera and the Board Members alternatively read the Special Town Meeting warrant and its articles into the record.

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF LAKEVILLE
SPECIAL 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 Tuesday October 10, 2006 at 7:00 P.M., then and there to act on the following articles:

Article 1: To see if the Town will vote to reduce the current year appropriations for FY 07, for the purpose of ensuring the Town meets reductions for State revenue and local receipts deficits, or take any action relative thereto.

Article 2: To see if the Town will vote to raise, appropriate and/or transfer from available funds the sum of Sixty-Six Thousand Dollars (\$66,000.00) to cover the increased cost of out-of-district special education student tuition, or take any action relative thereto.

Lakeville School Committee

Article 3: To see if the Town will vote to raise, appropriate and/or transfer from available funds the sum of Fifteen Thousand Dollars (\$15,000.00) to cover the cost of the purchase of a steamer for Assawompset's cafeteria, or take any action relative thereto.

Lakeville School Committee

Article 4: To see if the Town will vote to accept under the provisions of General Laws, Chapter 90, Section 34 (2) (a), an apportionment of Chapter 122, Acts of 2006, in the amount of One Hundred Three Thousand Three Hundred Ninety Seven Dollars (\$103,397.00), or take any action relative thereto.

Highway Surveyor

Article 5: To see if the Town will vote to rescind the vote on Article 17 of the Annual Town Meeting of June 17, 2002 which accepted the provisions of MGL Chapter 32, Section 89B in its entirety; which would provide a yearly income for the dependent spouses and children of call firefighters, and reserve, intermittent, or special policemen who are killed in the line of duty based on the annual rate of compensation payable to a first year regular or permanent member of the police or fire department, or take any action relative thereto.

Board of Selectmen

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To waive the reading of Article 6 (The Residences at Lakeville Station Smart Growth Overlay District) due to its length.
Unanimous in favor

Article 6: To see if the Town will vote to amend the Zoning By-Law by adding "The Residences at Lakeville Station Smart Growth Overlay District (SGOD)" as new item 3.1.9 to the list of use districts within the existing Section 3.1; and by adding the following new Section 7.7, or take any other action relative thereto:

7.7 THE RESIDENCES AT LAKEVILLE STATION SMART GROWTH OVERLAY DISTRICT

7.7.1 Purpose

The purpose of this Section 7.7 is to establish The Residences at Lakeville Station Smart Growth Overlay District, to encourage smart growth in accordance with the purposes of G. L. Chapter 40R.

Other objectives of this section are to:

1. Promote the public health, safety, and welfare by encouraging diversity of housing opportunities;

2. Provide for a range of housing not presently available in the Town that would provide housing choices for households of all incomes, ages, and sizes in order to meet the goal of preserving municipal character and diversity;
3. Increase the production of a range of housing units to meet existing and anticipated housing needs;
4. Provide a mechanism by which residential development can contribute directly to increasing the supply and diversity of housing;
5. Establish requirements, standards, and guidelines, and ensure predictable, fair and cost-effective development review and permitting;
6. Establish development standards to allow context-sensitive design and creative site planning;
7. Enable the Town to receive Zoning Incentive Payments and/or Density Bonus Payments in accordance with G.L. c.40R; 760 CMR 59.06.

7.7.2 Definitions

For purposes of this Section 7.7, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Enabling Laws or Section 7.7.2, or as set forth in the PAA Regulations. To the extent that there is any conflict between the definitions set forth in Section 7.7.2 or the PAA Regulations and the Enabling Laws, the terms of the Enabling Laws shall govern.

Administering Agency: the local housing authority or other qualified housing entity designated by the Plan Approval Authority (“PAA”) pursuant to Section 7.6.2 to review and implement the Affordability requirements affecting Projects under Section 7.6.

Affordable Homeownership Unit: an Affordable Housing unit required to be sold to an Eligible Household.

Affordable Housing: housing that is affordable to and occupied by Eligible Households.

Affordable Housing Restriction: a deed restriction of Affordable Housing meeting statutory requirements in G.L. Chapter 184, Section 31 and the requirements of Section 7.5 of this Bylaw.

Affordable Rental Unit: an Affordable Housing unit required to be rented to an Eligible Household.

Applicant: the individual or entity that submits a Project for Plan Approval.

As-of-right: a use allowed under Section 7.7.5 without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Project that requires Plan Approval by the PAA pursuant to Sections 7.7.9 through 7.7.13 shall be considered an As-of-right Project.

Department or DHCD: the Massachusetts Department of Housing and Community Development.

Developable Land: all land within the SGOD that can feasibly be developed into residential or mixed-use development. This does not include: 1) Future Open Space; 2) rights-of-way of existing public streets, ways, and transit lines; 3) land currently in use for governmental functions (except to the extent that such land qualifies as Underutilized Land); or 4) areas exceeding one-half acre of contiguous land that are (a) protected wetland resources under federal, state, or local laws, (b) rare species habitat designated under federal or state law; or (c) characterized by steep slopes with an average gradient of at least 15%.

Eligible Household: an individual or household whose annual income is less than 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

Enabling Laws: G.L. Chapter 40R and 760 CMR 59.00.

Future Open Space: those areas within this SGOD that the Town of Lakeville may designate or require to be identified and designated to be set aside in the future as dedicated perpetual Open Space through the use of a conservation restriction (as defined in M.G.L. c. 184 Section 31 or other effective means), consistent with the Town's Open Space Plan. Such Future Open Space shall not exceed ten percent (10%) of a Developable Land area.

PAA Regulations: the rules and regulations of the PAA adopted pursuant to Section 7.9.3.

Plan Approval: standards and procedures which Projects in the SGOD must meet pursuant to Sections 7.7.9 through 7.7.13 and the Enabling Laws.

Plan Approval Authority (PAA): The local approval authority authorized under Section 7.7.9.2 to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGOD.

Project: a Residential Project Development Project undertaken within the SGOD in accordance with the requirements of this Section 7.7.

Public Open Space: open space that is accessible to and available to the public on a regular basis, whether owned by the Town of Lakeville or other public or private entity.

Residential Project: - a Project that consists solely of residential, parking, and accessory uses, as further defined in Section 7.7.5.1.

SGOD: the Smart Growth Overlay District established in accordance with this Section 7.7.

7.7.3 Overlay District

7.7.3.1 Establishment

The Residences at Lakeville Station Smart Growth Overlay District, hereinafter referred to as the “SGOD,” is an overlay district having a land area of approximately 11 acres in size, being Assessor’s Parcels 62-3-7A, 62-3-7B, 62-3-7G, 62-3-10I, and 62-3-10J, that is superimposed over the underlying zoning district and is shown on the Zoning Map as set forth on the map entitled “Town of Lakeville Smart Growth Zoning Overlay District (C.40R)”, dated August 7, 2006, prepared by Southeastern Regional Planning and Economic Development District (SRPEDD). This map is hereby made a part of the Zoning By-law and is on file in the Office of the Town Clerk.

7.7.3.2 Underlying Zoning

The SGOD is an overlay district superimposed on the underlying zoning districts. Upon the issuance of a building permit for any Project approved in accordance with Section 7.7, the provisions of the underlying district shall no longer be applicable to the land shown on the site plan submitted for such Project pursuant to Section 7.7.10.

7.7.4 APPLICABILITY OF SGOD

7.7.4.1 Applicability of SGOD

An applicant may seek development of a Project located within the SGOD in accordance with the provisions of the Enabling Laws and this Section 7.7, including a request for Plan Approval by the PAA, if necessary. In such case, notwithstanding anything to the contrary in the Zoning Bylaw, such application shall not be subject to any other provisions of the Zoning Bylaw, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations.

7.7.4.2 Administration, Enforcement, and Appeals

The provisions of this Section 7.7 shall be administered by the Building Commissioner, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the PAA under Sections 9 through 13 shall be governed by the applicable provisions of G. L. Chapter 40R. Any other request for enforcement or appeal arising under this Section 7 shall be governed by the applicable provisions of G. L. Chapter 40A.

7.7.5 Permitted Uses

The following uses are permitted as-of-right by Plan Approval for Projects within the SGOD.

7.7.5.1 Residential Projects

A Residential Project within the SGOD may include:

- a) Two-family, Three-family, Multi-family Residential use(s);
- b) Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g., parking garages); and
- c) Accessory uses customarily incidental to any of the above permitted uses.

7.7.5.2 Other Uses

Any of the following non-residential uses may be permitted by special permit:

- (a) **Neighborhood Businesses** Small-scale (a maximum of 20,000 square feet of gross floor area per building) retail, service, and office uses that are compatible with residential uses and are intended to serve commuters and local residential populations within the SGOD. Examples include, but are not limited to: news stand, grocery or specialty food store, bakery, delicatessen, coffee shop, restaurant, bank, hairdresser, barber shop, launderette or dry cleaners (dry cleaning performed off-site), tailor, health club or exercise facility, video/DVD rentals and sales, shoe repair, drug store, florist, liquor store, gift shop or specialty retail, hardware store, home goods and furnishings, personal care items, medical/professional/ small business offices (up to ten (10) employees), and home occupations.
- (b) **Future Open Space**

7.7.5.4 Prohibited Uses

Filling Stations

7.7.6 HOUSING AND HOUSING AFFORDABILITY

7.7.6.1 Number of Affordable Housing Units

For all Projects, not less than twenty percent (20%) of housing units constructed shall be Affordable Housing. Twenty –five (25%) of rental dwelling units constructed in a rental Project must be Affordable Rental Units. For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit of 0.5 or greater shall be deemed to constitute a whole unit.

7.7.6.2 Administering Agency

An administering agency which may be the local housing authority or other qualified housing entity (the “Administering Agency”) shall be designated by the PAA (the “designating official”). In a case where the Administering Agency cannot adequately carry out its administrative duties, upon certification of this fact by the designating official or by DHCD, such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the designating official or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such Administering Agency shall ensure the following, both prior to issuance of a Building Permit for a Project within the SGOD, and on a continuing basis thereafter, as the case may be:

- a) prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
- b) income eligibility of households applying for Affordable Housing is properly and reliably determined.
- c) the housing marketing and resident selection plan conform to all requirements and are properly administered;
- d) sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
- e) Affordable Housing Restrictions meeting the requirements of this section are recorded with the Plymouth County Registry of Deeds.

7.7.6.3 Submission Requirements

As part of any application for Plan Approval for a Project within the SGOD submitted under Sections 7.7.9 through 7.7.13, the Applicant must submit the following documents to the PAA and the Administering Agency:

- a) a narrative document and marketing plan that establishes that the proposed development of housing is appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly;
- b) evidence that the Project complies with the cost and eligibility requirements of Section 7.7.6.4;
- c) Project plans that demonstrate compliance with the requirements of this Section 7.7.6.3 and Section 7.7.6.5; and
- d) a form of Affordable Housing Restriction that satisfies the requirements of Section 7.7.6.6.

These documents in combination, to be submitted with an application for Plan Approval (or, for Projects not requiring Plan Approval, prior to submission of any

application for a Building Permit), shall include details about construction related to the provision, within the development, of units that are accessible to the disabled.

7.7.6.4 Cost and Eligibility Requirements

Affordable Housing shall comply with the following requirements:

- a). Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
- b). For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply.
- c). For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.
- d). Prior to the granting of any Plan Approval for a Project, the Applicant must demonstrate, to the satisfaction of the Administering Agency, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town of Lakeville.

7.7.6.5 Design and Construction

Units of Affordable Housing shall be finished housing units and shall be distributed throughout the Project of which they are a part. Units of Affordable Housing shall be indistinguishable from the market rate units on the exterior and shall contain comparable base fixtures. The total number of bedrooms in the Affordable Housing shall, insofar as practicable, be proportionate to the total number of bedrooms in all units in the Project of which the Affordable Housing is part.

7.7.6.6 Affordable Housing Restriction

Each Project shall be subject to an Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and which contains the following:

- a) specification of the term of the affordable housing restriction which shall be the maximum period allowed by law but no less than thirty (30) years;
- b) the name and address of the Administering Agency with a designation of its power to monitor and enforce the affordable housing restriction;

- c) a description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project without specific unit identification;
- d) reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan may provide for preferences in resident selection to the extent consistent with applicable law; the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;
- e) a requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
- f) reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;
- g) designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions, provided that a first mortgage of a Homeownership Housing Unit to a commercial lender in an amount less than maximum resale price may have priority over the Affordable Housing Restriction if required by then current practice of commercial mortgage lenders;
- h) a requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease of any Affordable Rental Unit shall be given to the Administering Agency;
- i) provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the Administering Agency;
- j) provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Administering Agency and the Town, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
- k) provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Administering Agency and the Town, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
- l) provision that the owner[s] or manager[s] of Affordable Rental Unit[s] shall file an annual report to the Administering Agency, in a form

specified by that agency certifying compliance with the Affordability provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability; and

- m) a requirement that residents in Affordable Housing provide such information as the Administering Agency may reasonably request in order to ensure affordability.

7.7.6.7 Costs of Housing Marketing and Selection Plan

The housing marketing and selection plan may make provision for payment by the Project applicant of reasonable costs to the Administering Agency to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements. Such payment shall not exceed one-half (1/2%) percent of the amount of rents of Affordable Rental Units (payable annually) or one (1%) percent of the sale or resale prices of Affordable Homeownership Units (payable upon each such sale or resale), as applicable.

7.7.6.8 Age Restrictions

Nothing in this Section 7.7 shall permit the imposition of restrictions on age upon all Projects throughout the entire SGOD. However, the Administering Agency may, in its review of a submission under Section 7.7.6.3, allow a specific Project within the SGOD designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable fair housing laws and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable units. Any Project which includes age-restricted residential units shall comply with applicable federal, state and local fair housing laws and regulations.

7.7.6.9 Phasing

For any Project that is approved and developed in phases in accordance with Section 7.7.9.4, the proportion of Affordable Housing Units (and the proportion of Existing Zoned Units to Bonus Units as defined in 760 CMR 59.04 1(h)) shall be consistent across all phases.

7.7.6.10 No Waiver

Notwithstanding anything to the contrary herein, the Affordability provisions in this Section 7.7.6.0 shall not be waived.

7.7.7 Density and Dimensional Requirements

7.7.7.1 Densities

Notwithstanding anything to the contrary in this Zoning Bylaw, the density requirements applicable in the SGOD are as follows:

- (a) For single-family residential (including accessory apartments):
at least 8 dwelling units per acre; of Developable Land;
- (b) For two-family and/or three-family residential:
at least 12 dwelling units per acre of Developable Land;
- (c) For multi-family residential:
at least 20 units per acre; of Developable Land.

Where a Project involves an entire block or multiple contiguous blocks, minimum densities shall be calculated on the development of the area as a whole.

7.7.7.2 Dimensional Requirements

Minimum Lot Area:

Single Family Residential	5,000 sq.ft.
Two/Three Family Residential	7,000 sq.ft.
Multi Family Residential Use	40,000 sq.ft.
Neighborhood Business	40,000 sq.ft.

Minimum Lot Frontage:

Single Family Residential	50 feet
Two/Three Family Residential	50 feet
Multi Family Residential Use	100 feet
Neighborhood Business	100 feet

Building Height:

Minimum	All Uses: 1.5 stories (18 ft.)
Maximum	All Uses: 3 stories (55 ft.)

Minimum Setbacks:

Front Yard	Residential: 20 ft. Neighborhood Business: 0 ft.
Side Yard	Residential: 20 ft. Neighborhood Business: 0 ft.
Rear Yard	All Uses: 20 ft.

Maximum Setbacks:

Front Yard	All Uses: 40 ft.
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Maximum Lot Coverage:

Single Family Residential:	30 %;
Two/Three Family Residential	40 %
Multi Family Residential	50 %
Neighborhood Business:	75 %

7.7.7.3 Notes for Dimensional Requirements

a) Building Height

Height shall be measured from average grade to the cornice line of the roof. Accessory Rooftop Elements shall not be included in the calculation of height, but shall be restricted as to their location on the roof and may need to be screened so as to limit their visual impact. Accessory structures in side or rear yards, are permitted to be only one (1) story in height.

b) Front Yard Setbacks

Front yard setbacks shall be measured from the street frontage line to the primary façade, excluding front steps or stoops, porches, bay windows, enclosed main entrances, or other projecting elements. (Note, however, that no projecting element on any building may extend over a property line to intrude onto a public sidewalk.) Where a Neighborhood Business building is located at an intersection and may be considered to have more than one primary facade, then each primary facade may utilize a front yard setback.

c) Side Yard Setbacks

The 5-foot minimum side yard setback may only be applied to detached residential buildings with three (3) or fewer units, and is intended to encourage the off-center siting of a house within its lot, resulting in substantial outdoor space where a porch and/or landscaped yard may be provided (in addition to a driveway); and also resulting in a visually varied streetscape

d) Accessory Uses

Uses accessory to a permitted principal use are permitted on the same premises, provided that no accessory building may be located in a required front, side, or rear yard setback area.

1. Front yards may not be used for parking, regardless of the principal use of the building.
2. Front, side, or rear yards of Neighborhood Business buildings may be used as seasonal outdoor seating areas for businesses, provided that such areas are regularly cleaned and maintained, with trash removed on a daily basis. Seasonal outdoor seating areas may be installed during warm weather months. All related temporary furnishings and fixtures, including but not limited to tables, chairs, umbrellas, light fixtures, freestanding signs and menu boards, etc.,

shall be stored indoors off season; however any fencing, bollards, planters, or other means of delineating the boundaries of such outdoor seating areas may remain in place permanently.

3. All accessory buildings, including storage sheds, studios, greenhouses, workshops, etc., shall be located at the side or rear of a building, preferably out of view from the street.

7.7.8 Parking Requirements

The parking requirements applicable for Projects within the SGOD are as follows.

7.7.8.1 Number of parking spaces

Unless otherwise approved by the PAA, the following minimum numbers of off-street parking spaces shall be provided by use, either in surface parking, within garages or other structures, or on-street:

- a) **Residential Uses:** 1 to 2 spaces per dwelling unit.
- b) **Non-Residential Uses:** A 20% reduction in required spaces may be permitted when the applicant submits information on peak times by use, confirming that uses are compatible relative to parking demand. On street parking in front of a building may be utilized to help fulfill this requirement.
- c) **Barrier-Free Access:** For multi-family residential and non-residential uses, provide a minimum of one handicapped accessible parking space per establishment and/or use, up to a maximum of ten percent (10%), inclusive, of total parking required. Handicapped accessible spaces may be located on-street or off-street, and in any case shall be located no further than 50 feet from any accessible entrance and be clearly marked, with a safe and accessible means of access/egress.
- d) **On-Street Parking:** On-street parking is not generally available in the SGOD..
- e) **Off-Street Parking:** Off-street parking as an accessory use shall only be provided at the sides or the rear of a building. Residential parking should be clearly marked or separated from non-residential parking. Surface parking lots and/or private garages may be provided for all uses. For multi-family and non-residential uses, pedestrian connections shall be provided from all side or rear parking facilities to the front of the building. Where a parking facility is located behind and serves multiple adjacent buildings, pedestrian connections to the street shall be provided at regular (maximum 400 foot) intervals between buildings.

The PAA may allow for additional visitor parking spaces beyond the two (2) maximum spaces per unit if deemed appropriate given the design, layout and density of the proposed residential or other development. The PAA may allow for a decrease in the required parking as provided in Sections 7.8.2 and 7.8.3 below.

7.7.8.2 Shared Parking

Notwithstanding anything to the contrary herein, the use of shared parking to fulfill parking demands noted above that occur at different times of day is strongly encouraged. Minimum parking requirements above may be reduced by the PAA through the Plan Approval process (or, for Projects not requiring Plan Approval, prior to submission of any application for a Building Permit), if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies).

7.7.8.3 Reduction in parking requirements

Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced by the PAA through the Plan Approval process, if the applicant can demonstrate that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:

- a) the availability of surplus off street parking in the vicinity of the use being served and/or the proximity of a bus stop or transit station;
- b) the availability of public or commercial parking facilities in the vicinity of the use being served;
- c) shared use of off-street parking spaces serving other uses having peak user demands at different times;
- d) age or other occupancy restrictions which are likely to result in a lower level of auto usage;
- e) impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and
- f) such other factors as may be considered by the PAA.

7.7.8.4 Location of Parking

Any surface parking lot shall, to the maximum extent feasible, be located at the rear or side of a building, relative to any principal street, public open space, or pedestrian way.

7.7.9 Plan Approval of Projects: General Provisions

7.7.9.1 Plan Approval

An Application for Plan Approval shall be reviewed by the PAA for consistency with the purpose and intent of Sections 7.7.9 through 7.7.13. Such Plan Approval process shall be construed as an as-of-right review and approval process as required by and in accordance with the Enabling Laws.

7.7.9.2 Plan Approval Authority (PAA)

The Planning Board, consistent with G.L. Chapter 40R and 760 CMR 59.00, shall be the Plan Approval Authority (the “PAA”), and it is authorized to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGOD.

7.7.9.3 PAA Regulations

The Plan Approval Authority may adopt administrative rules and regulations relative to Plan Approval. Such rules and regulations must be approved by the Department of Housing and Community Development.

7.7.9.4 Project Phasing

An Applicant may propose, in a Plan Approval submission, that a Project be developed in phases, provided that the submission shows the full buildout of the Project and all associated impacts as of the completion of the final phase, and subject to the approval of the PAA. Any phased project shall comply with the provisions of Section 7.7.6.9.

7.7.10 Plan Approval Procedures

7.7.10.1 Pre-application

Prior to the submittal of a Plan Approval submission, a “Concept Plan” may be submitted to help guide the development of the definitive submission for Project buildout and individual elements thereof. Such Concept Plan should reflect the following:

- a) Overall building envelope areas;
- b) Open space and natural resource areas; and
- c) General site improvements, groupings of buildings, and proposed land uses.

The Concept Plan is intended to be used as a tool for both the applicant and the PAA to ensure that the proposed Project design will be consistent with the requirements of the SGOD.

7.7.10.2 Required Submittals

An application for Plan Approval shall be submitted to the PAA on the form

provided by the PAA, along with application fee(s) which shall be as set forth in the PAA Regulations. The application shall be accompanied by such plans and documents as may be required and set forth in the PAA Regulations. For any Project that is subject to the Affordability requirements of Section 7.7.6, the application shall be accompanied by all materials required under Section 7.7.6.3. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals forty feet (1"=40') or larger, or at a scale as approved in advance by the PAA.

7.7.10.3 Filing

An applicant for Plan Approval shall file the required number of copies of the application form and the other required submittals as set forth in the PAA Regulations with the Town Clerk and a copy of the application including the date of filing certified by the Town Clerk shall be filed forthwith with the PAA.

7.7.10.4 Circulation to Other Boards

Upon receipt of the Application, the PAA shall immediately provide a copy of the application materials to the Board of Selectmen, Board of Appeals, Building Commissioner, Board of Health, Conservation Commission, Fire Department, Police Department, Highway Department, the Administering Agency (for any Project subject to the Affordability requirements of Section 7.7.6), and other municipal officers, agencies or boards for comment, and any such board, agency or officer shall provide

any written comments within 60 days of its receipt of a copy of the plan and application for approval.

7.7.10.5 Hearing

The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of G.L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the Plan Approval application.

7.7.10.6 Peer Review

The applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to G.L. Chapter 40R, Section 11(a). Such fees shall be held by the Town in a separate account and used

only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review shall be returned to the applicant forthwith.

7.7.11 Plan Approval Decisions

7.7.11.1 Plan Approval

Plan Approval shall be granted where the PAA finds that:

- a) the Applicant has submitted the required fees and information as set forth in the PAA Regulations; and
- b) the Project as described in the application meets all of the requirements and standards set forth in this Section 7.7 and the PAA Regulations, or a waiver has been granted therefrom; and
- c) any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For a Project subject to the Affordability requirements of Section 7.7.6., compliance with condition (2) above shall include written confirmation by the Administering Agency that all requirements of that Section have been satisfied. The PAA may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with this Section 7.7, or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties.

7.7.11.2 Plan Disapproval

A Plan Approval application may be disapproved only where the PAA finds that:

- a) the Applicant has not submitted the required fees and information as set forth in the Regulations; or
- b) the Project as described in the application does not meet all of the requirements and standards set forth in this Section 7.7 and the PAA Regulations, or that a requested waiver therefrom has not been granted; or
- c) it is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of suitable conditions.

7.7.11.3 Waivers

Upon the request of the Applicant, the Plan Approval Authority may waive dimensional and other requirements of Section 7.7.7.2 in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the SGOD, or if it finds that such waiver will allow the Project to achieve the density, Affordability, mix of uses, and/or physical character allowable under this Section 7.7.

7.7.11.4 Project Phasing

The PAA, as a condition of any Plan Approval, may allow a Project to be phased at the request of the Applicant or to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, the proportion of Affordable to market rate units shall be consistent across all phases, and the proportion of Existing Zoned Units to Bonus Units (as those terms are defined under 760 CMR 59.00) shall be consistent across all phases.

7.7.11.5 Form of Decision

The PAA shall issue to the Applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If a plan is approved by reason of the failure of the PAA to timely act, the Town Clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the applicant.

7.7.11.6 Validity of Decision

A Plan Approval shall remain valid and shall run with the land indefinitely, provided that construction has commenced within two (2) years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Project.

7.7.12 Change in Plans After Approval by PAA

7.7.12.1 Minor Change

After Plan Approval, an Applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor

change by motion and written decision, and provide a copy to the applicant for filing with the Town Clerk.

7.7.12.2 Major Change

Those changes deemed by the PAA to constitute a major change in a Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to Sections 7.7.9 - through 7.7.13.

7.7.12.3 As-Built Plans

Prior to the issuance of any occupancy permits, the Applicant shall submit “as built” plans to the PAA, the PAA’s consulting engineer and the Lakeville Building Commissioner to confirm that the Project has been constructed in substantial conformity with the prior approved plan and that the Applicant has complied with the conditions stated in this Section and in the Plan Approval.

7.7.13 Severability

If any provision of this Section 7 is found to be invalid by a court of competent jurisdiction, the remainder of Section 7 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 7 shall not affect the validity of the remainder of the Town’s Zoning Bylaw.

Planning Board

Article 7: To see if the Town will vote to amend the Zoning By-Law (by adding a new Section 3.2.8 which identifies the location of “The Residences at Lakeville Station Smart Growth Overlay District), and Zoning Map by placing the parcels of land comprised of approximately 10.87 acres, more or less, and shown on Lakeville Assessor’s Maps as Parcels 62-3-7A, 62-3-7B, 62-3-7G, 62-3-10I, and 62-3-10J within the newly-created “The Residences at Lakeville Station Smart Growth Overlay District”, or take any other action relative thereto:

Planning Board

Article 8: To see if the Town will vote to amend the official Zoning Map by changing the business zoning distance for the property as described below from now current 200 foot depth as measured from the front of the properties bordering Main Street (Route 105), to the limits as shown on a plan entitled “Plan Showing Area To Be Rezoned from Residential to Business District” dated August 15, 2006 prepared by Prime Engineering, Inc. (a portion of the 10.6 acres contained in Assessor’s Map 62, Block 4, Lot 2 currently owned by Pauline Leonard), further described as follows:

Beginning at the southwest corner of land now or formerly Robert H. & Lorraine Sampson (Map 62-Block 4-Lot 7) situated SOUTH 14°-02’20” WEST 161.30 feet from the southerly sideline of Rhode Island Road, a/k/a Route 79;

Thence SOUTH 75°-57'-40" EAST, by last named land and land now or formerly of William E. & Geraldine Cox, 91.95 feet to northerly end of the present BUSINESS DISTRICT line;

Thence SOUTH 32°-44'-55" WEST by said DISTRICT, 79.49 feet;

Thence SOUTHERLY by said DISTRICT along the arc of a curve deflecting to the left, having a radius of 1,230.00 feet and a central angle of 09°-43'-43", a distance of 208.85 feet;

Thence NORTH 84°-18'-29" WEST by said DISTRICT, 276.16 feet to a point;

Thence SOUTH 04°-11'-32" EAST again by said DISTRICT, 75.00 feet to land now or formerly of Roger L. & Doris M. Quelle (Map 62—Block 4-Lot 1);

Thence SOUTH 04°-11'-32" EAST by said Quelle land, 156.00 feet to the northeasterly end of another BUSINESS DISTRICT line);

Thence SOUTH 63°-05'-29" WEST by said DISTRICT, 168.27 feet to land now or formerly of Lakeville Hospital Realty LLC;

Thence NORTH 19°-55'-50" WEST by said Lakeville Hospital Realty land, 431.36 feet to the southwest corner of land now or formerly of Ellen A. Richmond, Trustee;

Thence NORTH 85°-48'-28" EAST by said Richmond land, 72.07 feet;

Thence NORTH 04°-11'-32" WEST by said Richmond land, 160.00 feet to the southwest of land now or formerly of Thor & Nicole J. Kakar;

Thence NORTH 85°-48'-28" EAST by said Kakar land, 160.00 feet;

Thence NORTH 78°-49'-42" EAST by said Kakar land, 40.30 feet to the southwest corner of land now or formerly of Karen E. Anthony;

Thence NORTH 85°-48'-28" EAST by said Anthony land, 140.00 feet to the southwest corner of land now or formerly of Bernice B. Ford;

Thence SOUTH 77°-06'-08" EAST by said Ford land and land now or formerly of Thomas R. & Marjorie L. Cleverly, 143.80 feet to a point;

Thence SOUTH 77°-06'-26" EAST 69.05 feet to the corners first mentioned and the place of beginning.

Said Parcel contains 218,737 S. F. or 5.022 Acres, more or less, and is shown as “Portion of Map 62, Block 4, Lot 2” on the plan entitled “Plan Showing Area to be Rezoned From Residential to Business District”, dated: August 15, 2006, by Prime Engineering, Inc.

Being the same premises described in deed in the Plymouth County Registry of Deeds at Book 366, Page 212 and Book 368, Page 67. Also being shown on a plan entitled “Plan Showing Area to be Rezoned From Residential to Business District”, August 15, 2006 prepared by Prime Engineering, Inc.
or take any action relative thereto:

Petition

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, Neighbors Country Store, the Clark Shores Association Bulletin Board, Apponequet Regional High School, 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 11th day of September, 2006.

Richard F. LaCamera
Nancy E. Yeatts
Charles E. Evirs, Jr.
BOARD OF SELECTMEN

Minor discussion and explanation took place on the warrant articles.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve the warrant for the Special Town Meeting of October 10, 2006 at 7:00 PM.
Unanimous in favor

Review 61B notice from Poquoy Investment Group

Chairman LaCamera explained the Poquoy Investment Group would like to subdivide two (2) lots off from the golf course and remove the land from Chapter 61B. It is being recommended that the Planning Board, Conservation Commission and Open Space Committee ask for their opinions regarding this prior to the September 25th meeting of the Selectmen.

Discussion on charge for Public Safety/Town Office Building Feasibility Study Committee

Chairman LaCamera explained that the Board members have the revised draft of the charge for the Public Safety/Town Office Building Feasibility Study Committee and asked if there were any questions? Selectman Yeatts asked what the changes were from the original draft? Ms. Garbitt responded that it was the second from the bottom bullet, the number of members on the committee and the timeline which has been built into the RFP (Request for Proposal). The time frame for the architect to return with a timeframe of the study is April 2007.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To award the contract of the Feasibility Study for the Public Safety/Town Office Building to Kaestle-Boos of Foxboro, Massachusetts.
Unanimous in favor.

Vote to schedule Board of Selectmen meetings October, November December and January

Discussion took place on the schedule for the upcoming meetings of the Board of Selectmen. It was decided that the January 2007 meetings will not be scheduled at this time.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To schedule the October, November, and December, 2006 Selectmen meetings as follows: October 2, 2006, October 10, 2006, October 23, 2006, November 6, 2006, November 20, 2006, December 4, 2006 and December 18, 2006.
Unanimous in favor.

Request from United Nations for proclamation of United Nations Day

Chairman LaCamera stated that the Board had received a request from the United Nations to proclaim October 24, 2006 as United Nations Day. Selectman Yeatts read the proclamation into the record.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To officially proclaim October 24, 2006 as United Nations Day.
Unanimous in favor.

Request for proclamation – Daughters of American Revolution

Chairman LaCamera stated the Board had received a request from the Daughters of the American Revolution to declare September 17-23, 2006 Constitution Week.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To issue a Proclamation that Constitution Week will take place September 17-23, 2006 as requested by the Daughters of the American Revolution.
Unanimous in favor

Request to use Old Town House-Priscilla Ronan

Chairman LaCamera noted the Board had received a request from a resident to hold a yard sale to benefit the National Multiple Sclerosis Society. He stated that he was not in favor of having yard sales at the Old Town House as he is concerned about damage to the new bricks that had just been laid. Selectman Evirs added that he did not think the Old Town Hall should be used for fundraisers that do not directly benefit non-profits agencies of the Town.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To respectfully deny the request of Priscilla J. Ronan to hold a yard sale at the Old Town House.
Unanimous in favor

Review request from Middleboro Veterans' Outreach Center

Ms. Garbitt stated that Marilyn Mansfield did look into the request of putting a link on the Town's website. Some of the surrounding Towns do have the link on their websites.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To have the Middleborough Veterans' Outreach Center added as a link on the Town's website.
Unanimous in favor

Vote to approve Selectmen's meeting minutes of August 30, 2006

Ms. Craig pointed out two typographical errors on the last page of the minutes for correction.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To waive the reading of and approve the Selectmen's meeting minutes of August 30, 2006 with the noted typos corrected.
Unanimous in favor

Any other business that may properly come before that meeting.

Chairman LaCamera stated that the Town has received a list of the most dangerous intersections, which fortunately there are not any in the Town of Lakeville, and also traffic counts of Route 18 and Route 105 for the members to review.

Other Items

1. Information from Board of Health regarding Triple E threat
2. Letters from Board of Health regarding complaints on tires on properties
3. Actuarial Valuation January 1, 2006 – Plymouth County Retirement Assc.
Chairman LaCamera asked that the Town Administrator check into the counts with the Town Treasurer since they seem extremely high.
4. Plymouth County Selectmen's meeting notice-September 21, 2006
Selectman Yeatts stated that due to the conflict of another meeting on September 21, 2006 for the Board, possibly the material that is distributed at the meeting could be provided to the Board, especially that on the conflict of interest laws. Ms. Garbitt stated that a letter was sent to the Plymouth County Selectmen asking that the meeting notices be sent earlier than they have been for scheduling purposes.
5. Plymouth County Commissioner's meeting notice-September 6, 2006
6. Memo from Town Counsel regarding Municipal Affordable Housing Trust Fund
7. JTPG meeting notice-September 13, 2006
8. Letter regarding wine licenses for grocery stores
Handout provided. Savas Liquors and Starr's Market already sell wine in their stores.
9. Notice of meeting-Association of Town Finance Committees
10. Grant Alert-DHCD
11. MMA Action Bulletin
12. Department of Telecommunications and Energy Notice of Filing & Public Hearing
13. DOR Bulletin – What's New in Municipal Law seminar

Adjournment

Upon a motion made by Selectman Evirs; seconded by Selectman Yeatts it was:

VOTED: To adjourn the meeting at 8:40 PM
Unanimous in favor