

**AGENDA**  
**Lakeville Select Board and acting as the**  
**Wage & Personnel Board as needed**  
**Remote Location Meeting**  
**January 24, 2022 – 6:30 PM**

**PLEASE ASK IF ANYONE IS RECORDING THE MEETING**  
**AND ANNOUNCE CABLE TAPING (IF PRESENT)**

In accordance with provisions allowed by Chapter 20 of the Acts of 2021, the January 24, 2022 public meeting of the Lakeville Select Board will be held remotely. **However, to view this meeting in progress, please go to [facebook.com/lakecam](https://www.facebook.com/lakecam) (you do not need a Facebook account to view the meeting). This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>**

1. Select Board Announcements
2. Town Administrator Announcements
3. Presentation by Town Planner on MBTA Community Program
4. Presentation of FY23 Budget
5. Discuss and possible vote to revise the positions to be placed on the Annual Town Election Warrant to include a 2-year term on the Park Commission
6. Discuss and possible vote to appoint a member to the F/L Regional Superintendent Search Committee
7. Discuss and possible vote to appoint a representative to participate in collective bargaining negotiations for the Teacher's Union for the F/L Regional School
8. Review and possible vote to accept resignation of Margaret Gross and Patricia Bessette from the Council on Aging Board of Directors
9. Review and possible vote to approve Select Board Meeting Minutes of January 10, 2022
10. New Business
11. Old Business
12. Any other business that can properly come before the Select Board

**Please be aware that this agenda is subject to change. If other issues requiring immediate attention of the Lakeville Select Board arise after the posting of this agenda, they may be addressed at this meeting.**

# AGENDA ITEM #1 JANUARY 24, 2022

## SELECT BOARD ANNOUNCEMENTS

Thank you to everyone that donated to the Lakeville Animal Shelter in honor of Betty White Day on January 17<sup>th</sup>. Due to generosity of donors, so far over \$2,900 has been donated in her honor. Also we would like to thank donors who donated to the Lakeville Animal Shelter in 2021. A total of \$12,099.97 was raised to help support the animals.

Real estate and personal property taxes are due on February 1, 2022. Payments can be dropped off in the silver payment box in front of Town Hall or made on line through the Town's website.

The Council on Aging will be holding a blood drive for the American Red Cross on Monday, January 31, 2022 from 10 AM to 2:30 PM. For information on making an appointment, please visit the Town's website Home Page under Community Events.

Town Clerk Lillian Drane would like to remind residents that may be interested in running for a position in the Annual Election, nomination papers are **available starting Monday, January 10, 2022** at the Office of the Town Clerk.

Positions available include: Town Moderator (1 year term); Park Commissioner (2 year unexpired term); Planning Board Member (5 year term); and for 3 year terms: Select Board Member; Board of Assessors Member; Board of Health Member; Cemetery Commissioner; Finance Committee Member (2) Park Commissioners (2); Library Trustee; Town Clerk; 1 Lakeville member and 1 Freetown Member for F/L Regional School District Committee (3 year terms).

Important dates to remember:

- Last day to OBTAIN Nomination Papers: **Thursday, February 10th @ 5:00 pm**
- Last day to RETURN Nomination Papers: **Monday, February 14th @ 5:00 pm**
- Last day to WITHDRAW Nomination: **Wednesday, March 2nd @ 5:00 pm**
- Last day to REGISTER to vote: **Tuesday, March 15th @ 8:00 pm**

Please call ahead (508-946-8800) to make an appointment to request nomination papers between the hours of 8:00 am and 4:30 pm, Monday - Thursday, and 8:00 am 'til Noon on Fridays. For additional information, please visit the Town's website Home Page under News or the Town Clerk's page.

**AGENDA ITEM #2  
JANUARY 24, 2022**

**TOWN ADMINISTRATOR ANNOUNCEMENTS**



01/18/2022 11:46  
13441catalano

Town of Lakeville  
ANIMAL SHELTER GIFTS  
JAN 1, 2021-DEC 31, 2021

FOR 2022 06  
ACCOUNTS FOR:  
2900 OTHER GRANTS & GIFTS

JOURNAL DETAIL 2021 7 TO 2022 6

292 DOG OFFICER

ACCOUNTS FOR:	ORIGINAL APPROP	TRANSERS/ADJUSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
292 DOG OFFICER	0	0	0	-12,099.97	.00	12,099.97	100.0%
2021/07/000103 01/15/2021 GCR	-6,550.00 REF RCPTS				DOG OFFICER - 22		
2021/07/000120 01/22/2021 GCR	-625.00 REF RCPTS				DOG OFFICER - 23		
2021/08/000107 02/12/2021 GCR	-200.00 REF RCPTS				DOG OFFICER - 23		
2021/08/000157 02/26/2021 GCR	-25.00 REF RCPTS				DOG OFFICER - 24		
2021/08/000157 02/26/2021 GCR	-5.00 REF RCPTS				DOG OFFICER - 25		
2021/09/000141 03/26/2021 GCR	-50.00 REF RCPTS				DOG OFFICER - 28		
2021/09/000141 03/26/2021 GCR	-125.00 REF RCPTS				DOG OFFICER - 27		
2021/10/000044 04/09/2021 GCR	-759.00 REF RCPTS				DOG OFFICER - 30		
2021/10/000083 04/23/2021 GCR	-401.57 REF RCPTS				DOG OFFICER - 32		
2021/10/000083 04/23/2021 GCR	-415.00 REF RCPTS				DOG OFFICER - 31		
2021/12/000027 06/04/2021 GCR	-564.77 REF RCPTS				DOG OFFICER - 34		
2022/01/000084 07/09/2021 GCR	-825.00 REF RCPTS				DOG OFFICER - 01		
2022/02/000111 08/20/2021 GCR	-656.20 REF RCPTS				DOG OFFICER - 04		
2022/03/000053 09/10/2021 GCR	-358.89 REF RCPTS				DOG OFFICER - 03		
2022/03/000053 09/10/2021 GCR	-61.60 REF RCPTS				DOG OFFICER - 06		
2022/03/000053 09/10/2021 GCR	-2,801.10 REF RCPTS				DOG OFFICER - 05		
2022/03/000053 09/10/2021 GCR	-477.00 REF RCPTS				DOG OFFICER - 07		
2022/04/000030 10/08/2021 GCR	-265.00 REF RCPTS				DOG OFFICER - 09		
2022/04/000076 10/15/2021 GCR	-1,207.00 REF RCPTS				DOG OFFICER - 10		
2022/04/000110 10/22/2021 GCR	-420.00 REF RCPTS				DOG OFFICER - 11		
2022/05/000104 11/12/2021 GCR	-25.00 REF RCPTS				DOG OFFICER - 19		
2022/05/000148 11/26/2021 GCR	-1,643.51 REF RCPTS				DOG OFFICER - 20		
2022/06/000044 12/03/2021 GCR	-100.00 REF RCPTS				DOG OFFICER - 21		
2022/06/000061 12/10/2021 GCR	-734.67 REF RCPTS				DOG OFFICER - 22		
2022/06/000133 12/17/2021 GCR	-1,120.00 REF RCPTS				DOG OFFICER - 23		
2022/06/000171 12/30/2021 GCR	-1,405.00 REF RCPTS				DOG OFFICER - 26		
TOTAL DOG OFFICER	0	0	0	-12,099.97	.00	12,099.97	100.0%
TOTAL OTHER GRANTS & GIFTS	0	0	0	-12,099.97	.00	12,099.97	100.0%
TOTAL REVENUES	0	0	0	-12,099.97	.00	12,099.97	

292 DOG OFFICER

**AGENDA ITEM #3  
JANUARY 24, 2022**

**PRESENTATION BY TOWN PLANNER ON MBTA COMMUNITY PROGRAM**

Attached is information regarding the MBTA Community Program for your review.

**MBTA COMMUNITIES**  
**FREQUENTLY ASKED QUESTIONS**

**A. General**

***A1. What role does DHCD play in determining compliance with the new section 3A of the Zoning Act (“Section 3A”)?***

Section 3A gives DHCD, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, discretion to promulgate guidelines to determine if an MBTA community complies with Section 3A. DHCD released draft guidelines on December 15, 2021. The draft guidelines clarify what is required to comply with the statute, for example by defining what it means for a district to be of “reasonable size,” and explaining how communities demonstrate that a district meets the law’s minimum gross density requirement. The draft guidelines do not impose mandates or create restrictions that are not in the law.

***A2. Can you clarify how DHCD determined if a particular MBTA community is a rapid transit community, a bus service community, a commuter rail community, or an adjacent community?***

MBTA communities were categorized based on whether they have transit service located within the municipality or within 0.5 miles of the municipal boundary, and if so what type of transit service. A community with access to more than one transit type is classified in the category with the higher unit capacity requirement. More specifically:

- A rapid transit community has an MBTA subway station located within its borders, or within 0.5 miles of its border. Note, a rapid transit community may also have other types of transit stations.
- A bus service community has no subway station within its border or within 0.5 miles of its border, but does have an MBTA bus route with one or more bus stops located within the community. Note, a bus community that happens also to have a commuter rail station within its borders is placed within the bus community category due to the presence of the bus route.
- A commuter rail community has a commuter rail station within its borders or within 0.5 miles of its border, but has no bus route or subway station.
- An adjacent community abuts a rapid transit community, bus service community or commuter rail community, has no subway station or commuter rail station within its boundaries or within 0.5 miles of its border, and has no MBTA bus route running through it.

**B. Location of Districts**

***B1. How much discretion does each MBTA community have with respect to where a multi-family district is located?***

A multi-family zoning district must be located within 0.5 miles of a transit station, with at least half of the district’s land area within the 0.5-mile radius, when that is possible. Where it is not possible to locate a district within 0.5 miles of a transit station, cities and towns otherwise have considerable flexibility to decide where to locate these districts. These districts may be located where there are existing single-family, multi-family, commercial or other existing uses and structures, or in areas ready for redevelopment. DHCD strongly encourages cities and towns to consider multi-family districts where there is existing or planned pedestrian and bicycle access to a transit station, or that otherwise are in areas of concentrated development. Regardless of location, each community must demonstrate that the zoning allows for multi-family housing that meets or exceeds the required unit capacity and at a density that meets the statutory minimum.

***B2. What if my community has more than one transit station—for example, a subway station and a separate commuter rail station, or multiple commuter rail stations? Do I need a multi-family zoning district in proximity to each station? If not, can I choose which transit station the district?***

Section 3A requires each MBTA community to “have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right ....” An MBTA community may have more than 1 such multi-family zoning district, but a single district is all that Section 3A requires. If an MBTA community has more than one transit station, it may locate the multi-family zoning district within 0.5 miles of any of them.

***B3. Can my town establish a multi-family district in an area where there is already significant multi-family development?***

Yes, but you still must demonstrate the district meets the “reasonable size” criteria, including the minimum unit capacity, and at the required minimum gross density.

***B4. Can my town establish a multi-family district in an area where there are many single family homes on small lots?***

Yes, but it may be difficult to demonstrate such a district meets the minimum multi-family unit capacity and gross density requirements, because the zoning is unlikely to allow for the construction of the required number and density of multi-family housing units on small parcels.

**B5. *My community has been categorized as a “bus service community” because we have an MBTA bus route, with several bus stops in town. Are bus stops or park-and-ride locations the same as “bus stations,” and do we have to locate our multi-family zoning district within 0.5 miles of one of a bus stop or park-and-ride location if we have one?***

No. Neither a bus stop nor a park-and-ride location is considered to be a bus station. The draft guidelines attempted to make this point by including a definition of bus station.

**C. Size of Districts**

**C1. *How do the draft compliance guidelines define reasonable size?***

The draft compliance guidelines consider two factors in determining if a zoning district is of reasonable size. First, they require the land area in the district be at least 50 acres. Second, the draft guidelines consider the number of multi-family units that the zoning allows in the district—what the guidelines refer to as the district’s “multi-family unit capacity.” The minimum multi-family unit capacity for each district depends on the type of transit service in a particular community, if any, and ranges from 10 to 25 percent of the community’s total housing stock. This may at first sound like a large number of units, but keep in mind that “unit capacity” is just a measure of the number of multi-family units allowed by right in the district—many of which may already exist. Unit capacity is not a requirement to construct a particular number of units, or any units at all. Section 3A requires multi-family by right zoning, not housing production.

**C2. *A minimum land area of 50 acres seems like a lot—isn’t that too big for most communities?***

The intent of Section 3A is to require the creation of multi-family zoning districts within 0.5 miles of a transit station, where applicable. For reference, a circle with a half-mile radius and a transit station at its center comprises about 500 acres. The minimum district size of 50 acres is approximately one-tenth of that land area. In most MBTA communities, 50 acres will be well under 1 percent of the community’s total land area. A minimum land area of 50 acres will encourage long-term, neighborhood-scale planning, instead of using zoning as a way to permit proposed projects on specific sites. But 50 acres is still only a small fraction of the land area in a town and gives communities significant flexibility on where to locate a district in the half-mile radius around a transit station.

**C3. *Section 5.a of the draft guidelines states that portions of an overlay district can be a minimum of 5 acres as long as one portion of the overlay district is 25 acres. Does this apply to “base districts” as well?***

Yes, base districts and overlay districts have the same minimum land area requirements.



***C4. My community has 2500 total housing units and is categorized as an “adjacent community.” Is the required unit capacity 250 (10% of the total housing units) or 750 (50 acres x 15 units/acre)?***

Your town’s minimum unit capacity is 250 as that term is defined in the draft guidelines. But, to comply with Section 3A, the multi-family zoning district also must meet the minimum gross density requirement of not less than 750 multi-family units (for a 50-acre district). Because the guidelines establish a minimum land area of 50 acres and the statute requires a minimum gross density of 15 units per acre, the result is that every MBTA community, regardless of its size, must provide a zoning district that allows at least 750 multi-family units as of right. This requirement is a floor on the number of units a zoning district must allow—many MBTA communities are required to have a district with a larger unit capacity. In other words, because of the minimum gross density requirement, a compliant district must allow at least 750 units regardless of the number of housing units in the community.

***C5. My community is categorized as a “commuter rail community” because we have a commuter rail station. We have almost 10,000 housing units. Are you saying we need to construct new multi-family units equal to 15% of our total housing stock?***

No, your community does not have to produce 1,500 new housing units. Your community must adopt a multi-family zoning district that can accommodate that many units. Those units may be existing units, as long as they would be allowed to be built as of right under the district’s zoning; or they may be new units that potentially could be constructed by right sometime in the future; or a combination of existing and potential new units.

***C6. According to the draft guidelines, my community must have a zoning district with a unit capacity of 970 units. We have an area in town with 800 multi-family units already. Some of these units were built by special permit, and others were built under chapter 40B. Can we create a new zoning district in this area and count the existing units?***

The zoning district must allow for 970 multi-family units by right. To determine the unit capacity of a new or existing multi-family zoning district, you do not “count” existing units—you instead determine how many multi-family units the zoning district would allow by right on that parcel if it were undeveloped. Depending on the density, height, open space, setbacks, parking and other requirements that apply in the district, and the amount of developable land on each parcel, it is possible that all of the existing 800 units could be constructed by right—or even more than the existing 800 units. The important thing to understand is that you are counting what the zoning allows by right, not the number of units that currently exist. Note that in addition to meeting the unit capacity requirement, the district must meet the minimum gross density requirement as well. In some cases, the zoning for a district will need to allow for more multi-family units to meet the minimum gross density requirement.

**D. Minimum Gross Density**

***D1. What does it mean to have a minimum gross density of 15 units per acre?***

Section 3A states that each multi-family zoning district of reasonable size “shall ... have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A.” The law defines gross density as “a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.” The law clearly states that the gross density requirement applies to the district as a whole, rather than to individual parcels or projects within that district. The draft guidelines provide further instruction on how to calculate the gross density of an existing or proposed multi-family zoning district.

***D2. Can the multi-family district have subdistricts with varying degrees of density as long as the average gross density is 15 units/acre?***

Yes. The draft guidelines permit the multi-family district to contain sub-districts that may have varying densities (higher and lower than a gross density of 15 units/acre) as long as the gross density for the entire district is at least 15 units/acre.

***D3. Is a district that allows or requires mixed use and residential gross density of at least 15 units per acre acceptable to meet the guidelines?***

Yes, commercial and other uses can also be permitted by right or by special permit in a multi-family zoning district. A mixed-use district will be deemed to comply with Section 3A as long as it meets the unit capacity, density and other requirements in the guidelines.

**E. Interim Compliance Requirements**

***E1. DHCD released draft guidelines on December 15. What is expected of us until these draft guidelines are issued as final guidelines?***

While DHCD is collecting public comment on the draft guidelines, and until final guidelines are issued, an MBTA community can remain in compliance with Section 3A by taking the following actions set forth in the “How to Comply for 2022 for MBTA Communities” which can be [found here](#). If you would like to submit comments on the draft guidelines, you may do so [online here](#).

***E2. Who signs the attestation required in section 9 of the guidelines? We are concerned our small town doesn't have the expertise to make this statement.***

The attestation must be signed by each municipality’s chief executive officer—the mayor in a city and the board of selectmen in a town, unless some other municipal office is designated

to be the chief executive officer under the provisions of a local charter. Technical assistance will be available after the guidelines are finalized and you may also consult with your Regional Planning Agency for assistance.

***E3. What happens if my community does not comply with Section 3A?***

MBTA communities that do not timely comply with Section 3A will not be eligible to receive Massworks or Housing Choice funding through the 2022 Community One-Stop Application. Non-compliant MBTA communities will also be ineligible to receive funding from the Local Capital Projects Fund established in section 2E of chapter 29. The compliance requirements in effect until the issuance of final guidelines can be [found here](#).

**F. Technical Assistance**

***F1. Where can I find help understanding the new law and how best to comply with it?***

Additional resources are available at [mass.gov/MBTACommunities](http://mass.gov/MBTACommunities). Funding opportunities for planning and other technical assistance will be available in next year's One Stop application. Further information on the One Stop application is available at [mass.gov/onestop](http://mass.gov/onestop). Other technical assistance will be offered by the Massachusetts Housing Partnership (MHP) and regional planning agencies. Details about MHP's technical assistance are available at [www.mhp.net/mbtazoning](http://www.mhp.net/mbtazoning).

**G. Miscellaneous**

***G1. What if I already have a zoning district in which multi-family housing is allowed by special permit? Does that count?***

No, the law requires that multi-family uses be allowed by right in the district. Those uses may be subject to site plan review and design review, but multi-family uses cannot be subject to special permits or other discretionary permits that a local board can deny the use, or impose conditions unrelated to site layout, pedestrian safety, internal circulation of automobiles, and public safety considerations.

***G2. Can an MBTA community's zoning require that multi-family projects within a multi-family zoning district include a specified percentage of affordable units?***

Yes, reasonable affordability requirements are allowed, as long as they are financially feasible and do not unduly impede the construction of new multi-family housing in the district. At least 140 cities and towns in the Commonwealth have some form of "inclusionary" zoning requiring that a percentage of units in new housing developments be affordable. Any affordability requirements in a zoning ordinance or bylaw will be reviewed on a case-by-case basis to ensure that they are reasonable.

**G3. *Can a project within the multi-family zoning district be required to have an adequate number of parking spaces?***

Requiring too many parking spaces for multi-family housing projects can practically impede the number of multi-family units that can be constructed within the district. A municipality should consider reducing or eliminating any minimum parking requirements in the multi-family zoning district—particularly for projects that are within walking or biking distance to a transit station—to allow for a greater density of multi-family units on each parcel. In all cases, a municipality must consider whether the unit capacity and minimum gross density requirements are met given the amount of parking required.

**G4. *My community does not currently provide a public sewer system. Are we required to design and construct a public sewer system and offer sewer hook ups to support higher density housing? If so, how can we pay for that expensive infrastructure?***

No. Multi-family housing can be created at the required density using private septic and wastewater treatment systems that meet state environmental standards. Where public systems currently exist, private developers may be able to support the cost of necessary water and sewer extensions. Communities are encouraged to consider the location of any municipal water sources and other nitrogen-sensitive areas when siting multi-family zoning districts to minimize barriers to installing septic and wastewater systems that can serve the needs of multi-family housing development in the district. Cities and towns seeking to affirmatively plan for growth may also be eligible for state grants to defray the cost of new or expanded public infrastructure.

**G5. *My community is concerned that new multi-family housing will mean many more children in the school system. Our school system is already at capacity and we do not have the resources to accommodate more children. What can we do?***

The new law does not require immediate housing production—only the creation of compliant zoning districts where multi-family housing *may* be created as of right. It is unlikely that communities will see an immediate increase in school attendance, given the time needed to assemble land for development, design and build housing. Moreover, studies have shown that in most cases new multi-family housing development has no negative impact on a community's school system.



Commonwealth of Massachusetts  
**DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Jennifer D. Maddox, Undersecretary

**DRAFT Compliance Guidelines for Multi-family Districts**  
**Under Section 3A of the Zoning Act**

**1. Overview of Section 3A of the Zoning Act**

Section 18 of chapter 358 of the Acts of 2020 added a new section 3A to chapter 40A of the General Laws (the Zoning Act) applicable to MBTA communities (referred to herein as “Section 3A”). Subsection (a) of Section 3A provides:

*An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.*

The purpose of Section 3A is to encourage MBTA communities to adopt zoning districts where multi-family zoning is permitted as of right, and that meet other requirements set forth in the statute.

The Department of Housing and Community Development, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, is required to promulgate guidelines to determine if an MBTA community is in compliance with Section 3A. DHCD promulgated preliminary guidance on January 29, 2021. DHCD updated that preliminary guidance on December 15, 2021. These guidelines provide further information on how MBTA communities may achieve compliance with Section 3A.

**2. Definitions**

“Adjacent community” means an MBTA community with no transit station within its border or within 0.5 mile of its border.

“Age-restricted housing” means any housing unit encumbered by a title restriction requiring occupancy by at least one person age 55 or older.

“Bus service community” means an MBTA community with a bus station within its borders or within 0.5 miles of its border, or an MBTA bus stop within its borders, and no subway station or commuter rail station within its border, or within 0.5 mile of its border.

“Bus station” means a building located at the intersection of two or more public bus lines, within which services are available to bus passengers; provided that a bus station does not include a shelter or other structure without walls and a foundation.

“Chief executive officer” means the mayor in a city, and the board of selectmen in a town, unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter.

“Commonwealth’s sustainable development principles” means the principles set forth at <https://www.mass.gov/files/documents/2017/11/01/sustainable%20development%20principles.pdf> as such principles may be modified and updated from time to time.

“Commuter rail community” means an MBTA community with a commuter rail station within its borders, or within 0.5 mile of its border, and no subway station within its borders, or within 0.5 mile of its border.

“Developable land” means land on which multi-family housing units have been or can be permitted and constructed. Developable land shall not include land under water, wetland resource areas, areas lacking adequate water or wastewater infrastructure or capacity, publicly owned land that is dedicated to existing public uses, or privately owned land encumbered by any kind of use restriction that prohibits residential use.

“Gross density” means a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial, and other nonresidential uses.

“Housing suitable for families” means housing comprised of residential dwelling units that are not age-restricted housing, and for which there are no legal restriction on the number of bedrooms, the size of bedrooms, or the number of occupants.

“MBTA community” means a city or town that is: (i) one of the 51 cities and towns as defined in section 1 of chapter 161A; (ii) one of the 14 cities and towns as defined in said section 1 of said chapter 161A; (iii) other served communities as defined in said section 1 of said chapter 161A; or (iv) a municipality that has been added to the Massachusetts Bay Transportation Authority under section 6 of chapter 161A or in accordance with any special law relative to the area constituting the authority.” A list of MBTA communities is attached, including the designation of each MBTA community as a rapid transit community, a bus service community, a commuter rail community or an adjacent community for purposes of these compliance guidelines.

“Multi-family housing” means a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

“Multi-family district” means a zoning district, including an overlay district, in which multi-family uses are allowed by right.

“Rapid transit community” means an MBTA community with a subway station within its borders, or within 0.5 mile of its border. An MBTA community with a subway station within its borders, or within 0.5 mile of its border, shall be deemed to be a rapid transit community even if there is one or more commuter rail stations or MBTA bus lines located in that community.

“Reasonable size” means not less than 50 contiguous acres of land with a unit capacity equal to or greater than the unit capacity specified in section 5 below.

“Residential dwelling unit” means a dwelling unit equipped with a full kitchen and bathroom.

“Unit capacity” means an estimate of the total number of multi-family housing units that can be developed as of right within the multi-family district, made in accordance with the requirements of section 5.b below.

### **3. General Principles of Compliance**

a. These compliance guidelines describe how an MBTA community can comply with the requirements of Section 3A. The guidelines specifically address:

- What it means to permit multi-family housing “as of right”;
- The metrics that determine if a multi-family district is “of reasonable size”;
- How to determine if a multi-family district has a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code;
- The meaning of Section 3A’s mandate that “such multi-family housing shall be without age restrictions and shall be suitable for families with children”; and
- The extent to which MBTA communities have flexibility to choose the location of a multi-family district.

b. The following general principles have informed the more specific compliance criteria that follow:

- All MBTA communities should contribute to the production of new housing stock.
- MBTA communities with subway stations, commuter rail stations and other transit stations benefit from having these assets located within their boundaries and should provide opportunity for multi-family housing development around these assets. MBTA communities with no transit stations within their boundaries nonetheless benefit from being close to transit stations in nearby communities.
- MBTA communities should adopt multi-family districts that will lead to development of multi-family housing projects of a scale, density and character that are consistent with a community’s long-term planning goals.

- “Reasonable size” is a relative rather than an absolute determination. Because of the diversity of MBTA communities, a multi-family district that is “reasonable” in one city or town may not be reasonable in another city or town. Objective differences in community characteristics must be considered in determining what is “reasonable” for each community.
- To the maximum extent possible, multi-family districts should be in areas that have safe and convenient access to transit stations for pedestrians and bicyclists.

#### 4. **Allowing Multi-Family Housing “As of Right”**

To comply with Section 3A, a multi-family district must allow multi-family housing “as of right,” meaning that the construction and occupancy of multi-family housing is allowed in that district without the need to obtain any discretionary permit or approval. Site plan review and approval may be required for multi-family uses allowed as of right. Site plan review is a process by which a local board reviews a project’s site layout to ensure public safety and convenience. Site plan approval may regulate matters such as vehicular access and circulation on a site, architectural design of a building, and screening of adjacent properties. Site plan review may not be used to deny a project that is allowed as of right, nor may it impose conditions that make it infeasible or impractical to proceed with a multi-family use that is allowed as of right.

#### 5. **Determining “Reasonable Size”**

In making determinations of “reasonable size,” DHCD will take into consideration both the area of the district and the district’s multi-family unit capacity (that is, the number of units of multi-family housing that can be developed as of right within the district).

##### a. *Minimum land area*

Section 3A’s requirement that a multi-family district be a “reasonable size” indicates that the purpose of the statute is to encourage zoning that allows for the development of a reasonable amount of multi-family housing in each MBTA community. A zoning district is a specifically delineated land area with uniform regulations and requirements governing the use of land and the placement, spacing, and size of buildings. A district should not be a single development site on which the municipality is willing to permit a particular multi-family project. To comply with Section 3A’s “reasonable size” requirement, multi-family districts must comprise at least 50 acres of land—or approximately one-tenth of the land area within 0.5 mile of a transit station.

An overlay district is an acceptable way to achieve compliance with Section 3A, provided that such an overlay district should not consist of a collection of small, non-contiguous parcels. At least one portion of the overlay district land areas must include at least 25 contiguous acres of land. No portion of the district that is less than 5 contiguous acres land will count toward the minimum size requirement.

##### b. *Minimum multi-family unit capacity*

A reasonably sized multi-family district must also be able to accommodate a reasonable number of multi-family housing units as of right. MBTA communities seeking a determination of compliance with Section 3A must provide to DHCD an accurate assessment of the number of multi-family housing units that can be developed as of right within the multi-family district, referred to as the district’s unit capacity.



A compliant district’s multi-family unit capacity must be equal to or greater than a specified percentage of the total number of housing units within the community. The required percentage will depend on the type of transit service in the community, as follows:

<b>Category</b>	<b>Minimum multi-family units as a percentage of total housing stock</b>
Rapid transit community	25%
Bus service community	20%
Commuter rail community	15%
Adjacent community	10%

The minimum unit capacity applicable to each MBTA community is determined by multiplying the number of housing units in that community by 0.25, 0.20, 0.15 or 0.10, depending on the type of service in that community. For example, a rapid transit community with 7,500 housing units is required to have a multi-family district with a multi-family unit capacity of  $7,500 \times 0.25 = 1,875$  multi-family units. When calculating the minimum unit capacity, each MBTA community should use 2020 census data to determine the number of total housing units, unless another data source has been approved by DHCD.

When determining the unit capacity for a specific multi-family district, each MBTA community must estimate how many units of multi-family housing could be constructed on each parcel of developable land within the district. The estimate should take into account the amount of developable land in the district, as well as the height limitations, lot coverage limitations, maximum floor area ratio, set back requirements and parking space requirements applicable in that district under the zoning ordinance or bylaw. The estimate must also take into account the restrictions and limitations set forth in any other municipal bylaws or ordinances; limitations on development resulting from inadequate water or wastewater infrastructure, and, in areas not served by public sewer, any applicable limitations under Title 5 of the state environmental code or local septic regulations; known title restrictions on use of the land within the district; and known limitations, if any, on the development of new multi-family housing within the district based on physical conditions such the presence of waterbodies, and wetlands.

If the estimate of the number of multi-family units that can be constructed in the multi-family district is less than the minimum unit capacity, then the MBTA community must change the boundaries of the multi-family district or make changes to dimensional regulations applicable to that district (or to other local ordinances or bylaws) to allow for the development of a greater number of multi-family units as of right.

It is important to understand that a multi-family district’s unit capacity is not a mandate to construct a specified number of housing units, nor is it a housing production target. Section 3A requires only that each MBTA community has a multi-family zoning district of reasonable size. The law does not require the production of new multi-family housing units within that district. There is no requirement nor expectation that a multi-family district will be built out to its full unit capacity.

In some communities, there may be a significant number of multi-family units already existing in the multi-family district; those communities should generally expect fewer new units to be produced in the district, because it is more fully built out. Conversely, there may be some communities with relatively little multi-family housing in its multi-family district; there generally will be more opportunity for new

housing production in those districts in which there is a large gap between unit capacity and the number of existing multi-family units.

## **6. Minimum Gross Density**

Section 3A states that a compliant multi-family district must have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A. DHCD will deem a zoning district to be compliant with Section 3A’s minimum gross density requirement if the following criteria are met.

### *a. District-wide gross density*

Section 3A expressly requires that a multi-family district—not just the individual parcels of land within the district—must have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A. To comply with this requirement, the zoning must legally and practically allow for a district-wide gross density of 15 units per acre. The Zoning Act defines “gross density” as “a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.”

To meet the district-wide gross density the municipality must demonstrate that the zoning for the district permits a gross density of 15 units per acre of land within the district, “include[ing] land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.” By way of example, to meet that requirement for a 50-acre multi-family district, the municipality must show at least 15 existing or potential new multi-family units per acre, or a total of at least 750 existing or potential new multi-family units.

### *b. Achieving district-wide gross density by sub-districts*

Zoning ordinances and bylaws typically limit the unit density on individual parcels of land. To comply with the statute’s density requirement, an MBTA community may establish sub-districts within a multi-family district, with different density requirements and limitations for each sub-district, provided that the gross density for the district as a whole meets the statutory requirement of not less than 15 multi-family units per acre.

## **7. Determining Suitability for Families with Children**

Section 3A states that a compliant multi-family district must be without age restrictions and must be suitable for families with children. DHCD will deem a multi-family district to comply with these requirements as long as the zoning does not require multi-family uses to include units with age restrictions and does not place any limits or restrictions on the size of the units, the number of bedrooms, the size of bedrooms, or the number of occupants.

## 8. Location of Districts

Section 3A states that a compliant multi-family district shall “be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.” DHCD will interpret that requirement consistent with the following guidelines.

### *a. General rule for measuring distance from a transit station.*

To maximize flexibility for all MBTA communities, the distance from a transit station may be measured from the boundary of any parcel of land owned by a public entity and used for purposes related to the transit station, such as an access roadway or parking lot.

### *b. MBTA communities with some land area within 0.5 miles of a transit station*

An MBTA community that has a transit station within its boundaries, or some land area within 0.5 mile of a transit station located in another MBTA community, shall comply with the statutory location requirement if a substantial portion of the multi-family district is located within the prescribed distance. Absent compelling circumstances, at least [one half] of the land area of the multi-family district should be located within 0.5 mile of the transit station. The multi-family district may include land areas that are further than 0.5 mile from the transit station, provided that such areas are easily accessible to the transit station based on existing street patterns and pedestrian connections.

In unusual cases, the most appropriate location for a multi-family district may be in a land area that is further than 0.5 miles of a transit station. Where none of the land area within 0.5 mile of transit station is appropriate for development of multi-family housing—for example, because it comprises wetlands or land publicly owned for recreation or conservation purposes—the MBTA community may propose a multi-family use district that has less than one-half of its land area within 0.5 miles of a transit station. To the maximum extent feasible, the land areas within such a district should be easily accessible to the transit station based on existing street patterns, pedestrian connections, and bicycle lanes.

### *c. MBTA communities with no land area within 0.5 miles of a transit station*

When an MBTA community has no land area within 0.5 mile of a transit station, the multi-family district should, if feasible, be located in an area with reasonable access to a transit station based on existing street patterns, pedestrian connections, and bicycle lanes, or in an area that otherwise is consistent with the Commonwealth’s sustainable development principles—for example, near an existing downtown or village center, near an RTA bus stop or line, or in a location with existing under-utilized facilities that can be redeveloped into new multi-family housing.

## 9. Determinations of Compliance

DHCD will make determinations of compliance with Section 3A upon request from an MBTA community, in accordance with the following criteria and schedule. An MBTA community may receive a determination of full compliance when it has a multi-family district that meets all of the requirements of Section 3A. An MBTA community may receive a determination of interim compliance for a limited duration to allow time to enact a new multi-family district or amend an existing zoning district in order to achieve full compliance with Section 3A.

*a. Requests for determination of compliance*

When an MBTA community believes it has a multi-family district that complies with the requirements for Section 3A, as set forth in these guidelines, it may request a determination of compliance from DHCD. Such a request may be made for a multi-family district that was in existence on the date that Section 3A became law, or for a multi-family district that was created or amended after the enactment of Section 3A. In either case, such request shall be made on a form required by DHCD and shall include, at a minimum, the following information, which shall be provided in a format or on a template prescribed by DHCD:

General district information

- i. A map showing the municipal boundaries and the boundaries of the multi-family district;
- ii. A copy of those provisions in the municipal zoning code necessary to determine the uses permitted as of right in the multi-family district and the dimensional limitation and requirements applicable in the multi-family district;
- iii. A plan showing the boundaries of each parcel of land located within the district, and the area and ownership of each parcel as indicated on current assessor records;

Location of districts

- iv. A map showing the location of the nearest transit station and how much of the multi-family district is within 0.5 miles of that transit station;
- v. In cases where no portion of the multi-family district is located within 0.5 miles of a transit station, a statement describing how the development of new multi-family housing within the district would be consistent with the Commonwealth's sustainable development principles;

Reasonable size metrics

- vi. A calculation of the total land area within the multi-family district;
- vii. A calculation of the multi-family district's unit capacity, along with a statement describing the methodology by which unit capacity was determined, together with:
  - a. A description of the water and wastewater infrastructure serving the district, and whether that infrastructure is sufficient to serve any new multi-family units included in the unit capacity;
  - b. A description of any known physical conditions, legal restrictions or regulatory requirements that would restrict or limit the development of multi-family housing within the district;
  - c. The number and age of multi-family housing units already existing within the multi-family district, if any.

District gross density

- viii. The gross density for the multi-family district, calculated in accordance with section 6 of these guidelines.

## Housing suitable for families

- ix. An attestation that the zoning bylaw or ordinance does not place any limits or restrictions on the size of the units, the number of bedrooms, the size of bedrooms, or the number of occupants in multi-family housing units within the multi-family district.

## Attestation

- x. An attestation that the application is accurate and complete, signed by the MBTA community's chief executive officer.

As soon as practical after receipt of a request for determination of compliance, DHCD will either send the requesting MBTA community a notice that it has provided all of the required information, or identify the additional information that is required to process the request. Upon reviewing a complete application, DHCD will provide the MBTA community a written determination either stating that the existing multi-family use district complies with Section 3A, or identifying the reasons why the multi-family use district fails to comply with Section 3A and the steps that must be taken to achieve compliance.

An MBTA community shall be deemed to be in compliance with Section 3A for the period of time during which a request for determination of compliance, with all required information, is pending at DHCD.

### *b. Action plans and interim compliance—New or amended district*

Many MBTA communities do not currently have a multi-family district of reasonable size that complies with all of the requirements set out in Section 3A and these guidelines. These MBTA communities must take affirmative steps towards the creation of a compliant multi-family district within a reasonable time. To achieve interim compliance, the MBTA community must, by no later than the dates specified in section 9.c, send to DHCD written notice that a new multi-family district, or amendment of an existing multi-family district, must be adopted to come into compliance with Section 3A. The MBTA community must then take the following actions to maintain interim compliance:

- i. *Creation of an action plan.* Each MBTA community must provide DHCD with a proposed action plan and timeline for any planning studies or community outreach activities it intends to undertake in order to adopt a multi-family district that complies with Section 3A. DHCD may approve or require changes to the proposed action plan and timeline by sending the MBTA community written notice of such approval or changes. Rapid transit communities and bus service communities must obtain DHCD approval of an action plan by no later than March 31, 2023. Commuter rail communities and adjacent communities must obtain DHCD approval of a timeline and action plan by no later than July 1, 2023.
- ii. *Implementation of the action plan.* The MBTA community must timely achieve each of the milestones set forth in the DHCD-approved action plan, including but not limited to the drafting of the proposed zoning amendment and the commencement of public hearings on the proposed zoning amendment.

- iii. *Adoption of zoning amendment.* An MBTA community must adopt the zoning amendment by the date specified in the action plan and timeline approved by DHCD. For rapid transit communities and bus service communities, DHCD will not approve an action plan with an adoption date later than December 31, 2023. For commuter rail communities and adjacent communities, DHCD will not approve an action plan with an adoption date later than December 31, 2024.
- iv. *Determination of full compliance.* Within [90] days after adoption of the zoning amendment, the MBTA community must submit to DHCD a complete application requesting a determination of full compliance. The application must include data and analysis demonstrating that a district complies with all of the compliance criteria set forth in these guidelines, including without limitation the district's land area, unit capacity, gross density and location.

During the period that an MBTA community is creating and implementing its action plan, DHCD will endeavor to respond to inquiries about whether a proposed zoning amendment will create a multi-family district that complies with Section 3A. However, DHCD will issue a determination of full compliance only after final adoption of the proposed zoning amendment and receipt of a complete application demonstrating the unit capacity.

*c. Timeframes for submissions by MBTA communities*

To remain in interim compliance with Section 3A, an MBTA community must take one of the following actions by no later than December 31, 2022:

- i. Submit a complete request for a determination of compliance as set forth in section 9.a above; or
- ii. Notify DHCD that there is no existing multi-family district that fully complies with these guidelines, and submit a proposed action plan as described in section 9.b above.

**10. Renewals and Rescission of a Determination of Compliance**

*a. Term and renewal of a determination of compliance*

A determination of compliance shall have a term of 10 years. Each MBTA community shall apply to renew its certificate of compliance at least 6 months prior to its expiration. DHCD may require, as a condition of renewal, that the MBTA community report on the production of new housing within MBTA community, and in the multi-family district that was the basis for compliance. Applications for renewal shall be made on a form proscribed by DHCD.

*b. Rescission of a determination of compliance*

DHCD reserves the right to rescind a determination of compliance if DHCD determines that (i) the MBTA community submitted inaccurate information in its application for a determination of compliance, (ii) the MBTA community amended its zoning or enacted a general bylaw or other rule or regulation that materially alters the Unit capacity in the applicable multi-family use district.

**11. Effect of Noncompliance**

If at any point DHCD determines that an MBTA community is not in compliance with Section 3A, that MBTA community will not be eligible for funds from the following grant programs: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2E of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A. DHCD may, in its discretion, take non-compliance into consideration when making other discretionary grant awards.

**AGENDA ITEM #4  
JANUARY 24, 2022**

**PRESENTATION OF FY23 BUDGET**

Budget Material will be posted separately on the Town's website and provided separately.



**AGENDA ITEM #5  
JANUARY 24, 2022**

**DISCUSS AND POSSIBLE VOTE TO REVISE THE POSITIONS TO BE PLACED ON THE ANNUAL TOWN ELECTION WARRANT TO INCLUDE A 2-YEAR TERM ON THE PARK COMMISSION**

Due to the recent resignation of Darlene Donnelly from the Park Commission (see attached email), the Town Clerk has requested that her unexpired position be added to the positions to be placed on the Annual Town Election Warrant.

## Tracie Craig-McGee

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**From:** Darlene Donnelly <dmd1229@yahoo.com>  
**Sent:** Monday, January 17, 2022 12:36 PM  
**To:** Lillian Drane, Town Clerk & Chief Elections Officer, CMC, Commissioner to Qualify & Burial Agent; Tracie Craig-McGee; Nelinha Woodburn, Part-time Lakeville Park Clerk; Ifabian@lakeville.org; Joe Coscia; Richard LaCamera; Lorraine Carboni  
**Subject:** Parks Commission Resignation

January 16, 2022

Lakeville Select Board  
Town Hall - Bedford Street  
Lakeville, Massachusetts 02347

Dear Members of the Board,

I hereby resign my position on the Parks Commission effective April 4, 2022. It has been my pleasure to serve on the Commission this past year but time constraints have forced me to make this decision. I would like to continue to be involved in the renovations of the John DiCarlo Fitness Trail and the Alexander Gamache Playground, both of which are very important to me.

Thank you for the opportunity to have served the Town in this capacity

Very Truly Yours,

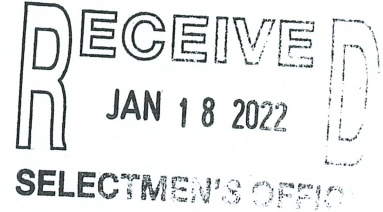
Darlene M. Lee  
237 Main Street  
Lakeville, Massachusetts 02347

# TOWN OF LAKEVILLE

346 BEDFORD STREET  
LAKEVILLE, MASSACHUSETTS 02346  
FAX: (508) 946-3970



LILLIAN M. DRANE, MMC/CMMC  
TOWN CLERK / REGISTRAR  
TEL: (508) 946-8814  
[ldrane@lakevillema.org](mailto:ldrane@lakevillema.org)



TO: BOARD OF SELECTMEN  
FROM: LILLIAN M. DRANE, TOWN CLERK  
DATE: January 18, 2022  
RE: **REVISED**-2022 ANNUAL TOWN ELECTION

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The Lakeville Annual Town election will be held on Monday, April 4, 2022 from 12:00 P.M. to 8:00 P.M. at the following location:

**PRECINCTS 1, 2 AND 3  
TED WILLIAMS CAMP, LOON POND LODGE  
28 PRECINCT STREET, LAKEVILLE, MA 02347**

Registered voters of the town will elect the following positions into office:

**One Year Term:**

One Moderator

**Five Year Term:**

One Planning Board member

**Two Year Unexpired Term**

One- Park Commissioner

**Three Year Term:**

One Select Board member

One Board of Assessors member

One Board of Health member

One Cemetery Commissioner

Two Finance Committee members

Two Park Commissioners

One Library Trustee

One Town Clerk

The Board also moves to include on the Annual Town Election ballot the office of Freetown-Lakeville Regional School District Committee member as follows:

**Lakeville:** One Three Year Term

**Freetown:** One Three Year Term

**AGENDA ITEM #6  
JANUARY 24, 2022**

**DISCUSS AND POSSIBLE VOTE TO APPOINT A MEMBER TO THE  
F/L REGIONAL SUPERINTENDENT SEARCH COMMITTEE**

Ari has received an email (see attached) from the Superintendent of Schools requesting that the Board appoint a member to the F/L Regional Superintendent Search Committee.

## Ari Sky

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**From:** Lia Fabian  
**Sent:** Tuesday, January 11, 2022 1:56 PM  
**To:** Lorraine Carboni; Richard LaCamera; Ari Sky  
**Subject:** Fw: Superintendent Search Committee

All,

I do not know why this request came in so late but I have asked Ari to attend the superintendent search committee meeting tomorrow night until we can appoint someone at our next meeting on 1/24. Please let me or Ari know if anyone has any questions or issues with Ari attending. I would have attended but I do not have time between today and tomorrow to go through the 32 resumes required to be reviewed before tomorrow night's meeting.

Lia

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**From:** Ari Sky <asky@lakevillema.org>  
**Sent:** Tuesday, January 11, 2022 11:58 AM  
**To:** Lia Fabian <lfabian@lakevillema.org>  
**Subject:** Fwd: Superintendent Search Committee

Ari J. Sky  
Town Administrator  
Town of Lakeville  
346 Bedford Street  
Lakeville, Massachusetts 02347

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**From:** Richard Medeiros <rmedeiros@freelake.org>  
**Sent:** Tuesday, January 11, 2022 11:07:27 AM  
**To:** Ari Sky <asky@lakevillema.org>  
**Subject:** Superintendent Search Committee

Ari,

Please be informed that on behalf of the FLRSD school committee, I am requesting the Town of Lakeville vote a representative to the Regional Superintendent Search Committee. The first meeting of the group is Wednesday, January 12, 2022 at 6 p.m. Thanks for your anticipated cooperation. Sincerely, Rick Medeiros

Richard W. Medeiros  
Superintendent of Schools  
Freetown-Lakeville Regional School District

The contents of this e-mail, and any attachments, are the property of the Freetown-Lakeville Regional School District, and are subject to the Public

**AGENDA ITEM #7  
JANUARY 24, 2022**

**DISCUSS AND POSSIBLE VOTE TO APPOINT A REPRESENTATIVE  
TO PARTICIPATE IN COLLECTIVE BARGAINING NEGOTIATIONS  
FOR THE TEACHER'S UNION FOR THE F/L REGIONAL SCHOOL**

Ari has received an email (see attached) from the Superintendent of Schools requesting that the Board appoint a representative to participate in the Collective Bargaining Negotiations for the Teacher's Union.

## Tracie Craig-McGee

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**From:** Ari Sky  
**Sent:** Wednesday, January 12, 2022 7:31 PM  
**To:** Lia Fabian  
**Cc:** Tracie Craig-McGee  
**Subject:** Fwd: Town Representative

Another item for the 24th.

Ari J. Sky  
Town Administrator  
Town of Lakeville  
346 Bedford Street  
Lakeville, Massachusetts 02347

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**From:** Richard Medeiros <rmedeiros@freelake.org>  
**Sent:** Wednesday, January 12, 2022 7:29:31 PM  
**To:** Ari Sky <asky@lakevillema.org>; David DeManche <townadministrator@freetownma.gov>  
**Subject:** Town Representative

Ari and Deb,

As we start the negotiation process with our teacher's collective bargaining unit later this month, I am requesting both towns identify one representative that the FLRSD School Committee would invite to any future executive session voting meetings on a potential agreement. Per the regional agreement, each town is permitted one representative /one collective vote as part of the final voting on the contract. Sincerely, Rick Medeiros

Richard W. Medeiros  
Superintendent of Schools  
Freetown-Lakeville Regional School District

The contents of this e-mail, and any attachments, are the property of the Freetown-Lakeville Regional School District, and are subject to the Public Records Law, M.G.L. c. 66, Sec. 10.

## Tracie Craig-McGee

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**From:** Ari Sky  
**Sent:** Tuesday, January 18, 2022 3:06 PM  
**To:** Tracie Craig-McGee  
**Subject:** FW: Town Representative

Tracie –

For the Jan 24 agenda. Thanks.

**Ari J. Sky**  
Town Administrator  
Town of Lakeville  
346 Bedford Street  
Lakeville, Massachusetts 02347  
[asky@lakevillema.org](mailto:asky@lakevillema.org)  
(508) 946-8803



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**From:** Richard Medeiros <[rmedeiros@freelake.org](mailto:rmedeiros@freelake.org)>  
**Sent:** Thursday, January 13, 2022 10:07 AM  
**To:** Ari Sky <[asky@lakevillema.org](mailto:asky@lakevillema.org)>  
**Subject:** Re: Town Representative

I would request a representative by February 1st but the rep. would not need to attend a meeting until early spring. We are just starting our first negotiation session on January 19, 2022. Thanks for your continued support. Rick M.

Richard W. Medeiros  
Superintendent of Schools  
Freetown-Lakeville Regional School District

On Thu, Jan 13, 2022 at 9:58 AM Ari Sky <[asky@lakevillema.org](mailto:asky@lakevillema.org)> wrote:

Rick –

I've passed your request to the Select Board, and will let you know when we have a decision on this. Do you have a preferred timeline in mind?



**Ari J. Sky**

Town Administrator

Town of Lakeville

346 Bedford Street

Lakeville, Massachusetts 02347

[asky@lakevillema.org](mailto:asky@lakevillema.org)



**From:** Richard Medeiros <[rmedeiros@freelake.org](mailto:rmedeiros@freelake.org)>

**Sent:** Wednesday, January 12, 2022 7:30 PM

**To:** Ari Sky <[asky@lakevillema.org](mailto:asky@lakevillema.org)>; David DeManche <[townadministrator@freetownma.gov](mailto:townadministrator@freetownma.gov)>

**Subject:** Town Representative

Ari and Deb,

As we start the negotiation process with our teacher's collective bargaining unit later this month, I am requesting both towns identify one representative that the FLRSD School Committee would invite to any future executive session voting meetings on a potential agreement. Per the regional agreement, each town is permitted one representative /one collective vote as part of the final voting on the contract. Sincerely, Rick Medeiros

Richard W. Medeiros

Superintendent of Schools

Freetown-Lakeville Regional School District

**AGENDA ITEM #8  
JANUARY 24, 2022**

**REVIEW AND POSSIBLE VOTE TO ACCEPT RESIGNATION OF  
MARGARET GROSS AND PATRICIA BESSETTE FROM THE  
COUNCIL ON AGING BOARD OF DIRECTORS**

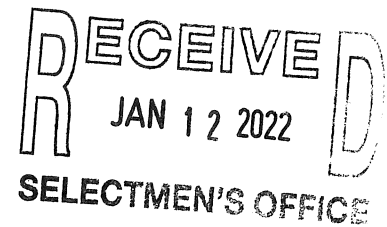
Attached are letters of resignation from Margaret Gross and Patricia Bessette from the Council on Aging Board of Directors.

That means there are 2 vacancies for full members and 2 vacancies for alternate members. Does the Board want to advertise the vacancies?

## Kelly Howley - Council on Aging Director

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**From:** Margaret Gross <pgross38@comcast.net>  
**Sent:** Wednesday, January 12, 2022 8:08 AM  
**To:** Kelly Howley - Council on Aging Director  
**Subject:** Resignation



Good morning Kelly,

It is with heavy heart that I submit my resignation from the COA Board as of today. I have enjoyed many years as a member of the Board and helping along with you and your amazing team. I offer my best wishes to you all for a healthy, safe and happy 2022 and beyond.

I am hoping that when this pandemic subsides, I will be able to be active in the programs offered and also help with volunteerism.

You and your team are to be commended for all that you do for us Seniors.

Respectfully submitted,

Margaret (Peg) Gross

**Kelly Howley - Council on Aging Director**

RECEIVED  
JAN 12 2022  
SELECTMEN'S OFFICE

**From:** Patricia Bessette <prbessette@comcast.net>  
**Sent:** Monday, January 10, 2022 12:42 PM  
**To:** Kelly Howley - Council on Aging Director  
**Subject:** Re: FW: RE: 2022 CONFLICT OF INTEREST ACKNOWLEDGEMENT FORM REQUIREMENT AND TEST (DUE BY: January 30, 2022)

Hi Kelly,  
To whom it May concern. I would like to resign my position on the L.C.O,A, Board.  
I wish to thank the workers there for all their help. Sincerely, Pat Bessette.

On 12/28/2021 1:33 PM Kelly Howley - Council on Aging Director <khowley@lakevillema.org> wrote:

Hello COA Board Members,

I hope you all had a wonderful holiday! Attached is the annual Conflict of Interest paperwork and link for Conflict of Interest Test completion, I am forwarding to you from our Town Clerk. Please fill out and return to me a copy of the attached Acknowledgement Receipt as well as a copy of the certificate that you are able to print out upon completion of the test once you follow the attached link and take the test. Please submit those forms to me by 1/30/22, not directly to the Town Clerk and I will pass the entire COA Boards paperwork in together. Let me know if you have any questions or difficulties regarding the above or the documents that you will need to turn in to me by the end of January 2022.

Thank you and have a Happy New Year!

*Kelly Howley*

*Lakeville COA Director*

*508-947-7224*

**From:** Lillian Drane, Town Clerk & Chief Elections Officer, CMC, Commissioner to Qualify & Burial Agent  
**Sent:** Thursday, December 16, 2021 3:29 PM  
**To:** DAVID THOMAS <davethomas01@comcast.net>; John Olivieri <jmolivieri@jkoinurance.com>; derekmaxim11@yahoo.com; damorw@gmail.com; tucker91@comcast.net; Robert Marshall <rmarsh1098@aol.com>; alynch@cdsreg.com; Kenneth Upham <uphamkw@verizon.net>; Robert Bouchard <rbouchard@lakevillema.org>; ladriscoll@seedcorp.com; Tim Fletcher <tfletcher.quant@gmail.com>; R\_V <richard\_v@comcast.net>; d.beals@comcast.net; Bruce LaFave <bnlafave@gmail.com>; Taymor2428@comcast.net; msjoaniemg@aol.com; deliam.murphy@comcast.net; mjknnox05@gmail.com; RODNEY RODNEY-DIXON <rodneyrdixon@comcast.net>; JL Corrieri-Upham <jlcu08@hotmail.com>; Ruth Gross <ruth144@verizon.net>; Adam Young <adamyoungphd@gmail.com>; Coscia, Joe <Joe.Coscia@Tecomet.com>; sbarron@freelake.org; ssylvia@freelake.org; Steve Owen

**AGENDA ITEM #9  
JANUARY 24, 2022**

**REVIEW AND VOTE TO APPROVE SELECT BOARD MEETING  
MINUTES OF JANUARY 10, 2022**

**TOWN OF LAKEVILLE**  
**Lakeville Select Board, acting as the Wage &**  
**Personnel Board as needed**  
**Meeting Minutes**  
**January 10, 2022 – 6:30 PM**  
**REMOTE LOCATION**

On January 10, 2022, the Select Board held a meeting at 6:30 PM remotely from various locations. The meeting was called to order at 6:30 PM by Chair Fabian. Select Board Members present were: Chair Fabian, Member LaCamera and Member Carboni. Also present was Ari Sky, Town Administrator and Tracie Craig-McGee, Executive Assistant to the Select Board and Town Administrator. LakeCAM was recording the meeting for broadcast.

In accordance with provisions allowed by Chapter 20 of the Acts of 2021, the January 10, 2022 public meeting of the Lakeville Select Board will be held remotely. **However, to view this meeting in progress, please go to [facebook.com/lakecam](https://www.facebook.com/lakecam) (you do not need a Facebook account to view the meeting). This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>.**

**Select Board Announcements**

Chair Fabian read the Select Board announcements.

**Town Administrator Announcements**

Mr. Sky read the Town Administrator announcements.

**Meet with LakeCAM Board of Directors to review 2020 Financial Statements**

*Jose Invencio and Jonathan Watkins, President of LakeCAM Board of Directors were present for the discussion.* Mr. Invencio said we are required to annually present the LakeCAM financial statements to the Board. On page 3, salaries and wages went up due to hiring an additional person. We purchased a service contract for the most expensive equipment. A network and streaming expert was also employed. LakeCAM contributed \$10,000 for the Town House renovation project to install heat. There was depreciation on the Council on Aging equipment.

Mr. Invencio said that he has been receiving questions about LakeCAM being in jeopardy due to cord cutting. There was a 16% decrease in subscribers in Lakeville in 2020. We should have seen a drop off in funding at the end of 2020, but we did not. We went from producing 565 programs in 2019 to 423 programs in 2020. Most of that was attributed to high school sports that did not occur due to Covid. In 2021, 423 decreased to 376 programs. The Board thanked LakeCAM for their work during the pandemic.

Chair Fabian asked if the had studio moved yet? Mr. Invencio said he has had problems getting the office and studio space up and running due to not being able to source contractors and materials to get the work done, but they are working on it.

**Discuss scheduling Annual Town Meeting for 2022**

Mr. Sky reviewed a schedule for the Annual Town Meeting for May 16, 2022.

Upon a motion made by Member LaCamera and seconded by Member Carboni, it was:

VOTED: To call the Annual Town Meeting for May 16, 2022 at 7:00 PM and to open the warrant on January 10, 2022 and to close the warrant on March 14, 2022 at 4:00 PM.  
Roll call vote: Member Carboni – aye; Member LaCamera – aye; and Chair Fabian – aye.

**Discuss revision to Community Preservation Act Ballot Question and possible vote to place the question on the Annual Election Warrant**

Chair Fabian said at the meeting that the Board discussed this, we asked for clarification on the wording “matching funds”. Town Counsel suggested to add the word “any” before “matching funds”. Chair Fabian read the Community Preservation Act Ballot Question into the record with the recommended amendment.

Upon a motion made by Chair Fabian and seconded by Member Carboni, it was:

VOTED: To place the Community Act Ballot Question on the 2022 Annual Town Election Ballot as read.  
Roll call vote: Member Carboni – aye; Member LaCamera – aye; and Chair Fabian – aye.

**Discuss letter received from Senator Michael Rodrigues regarding \$250,000 funding for the Assawompset Pond Complex Management Plan**

Chair Fabian said the Town has received a letter from Senator Michael Rodrigues regarding monies that he obtained to be used for the Assawompset Pond Complex Management Plan. She read the letter into the record. The funds will be used to help eradicate the weed problem in the ponds. Member LaCamera noted that there is additional ARPA money for other projects needing to be addressed including looking at the boat ramp in Freetown; the culvert on Route 18 where the 2010 flooding occurred and evaluation of the dam. Engineering services are going to be difficult to get, so we need to impress on SRPEDD that they need to move quickly on this.

**Discuss and possible vote to approve Town Administrator’s request to allocate funding from the American Rescue Plan Act for Covid vaccination and testing activities**

Mr. Sky said the Town has received \$605,037 from the US Treasury for the ARPA funding, which is the first tranche and \$544,555 from Plymouth County for a total of approximately \$1.15 million in funds. ARPA uses have been clarified by the US Treasury to come into effect April 2022. He listed the approved uses. The biggest change to the rules is that every locality can assign up to \$10 million as revenue loss. This money is meant to last until 2024. The Select Board has already authorized funding for the feasibility study regarding providing water to the local parks project. Currently there is a need for Covid testing and vaccinations. Staffing estimate is \$2,400 a week for the vaccination clinic and \$1,200 for the testing clinic, plus supplies and testing kits. He is looking for funding for vaccination and testing of \$100,000 to start. Chief O’Brien said the plan is to set up the Covid

vaccination clinic and PCR testing as a detail, which encourages participation by call firefighters, which makes less of a burden on the full-time staff.

Chief O'Brien said in December, the Fire Department has treated 18 patients with Covid or potential Covid symptoms and calls are up 16%. Mr. Sky said our positivity rate is below the State average of 22%, but we were at 19.5% last week. We need to get people to think about testing and getting vaccinated. We are approximately 70% vaccinated in Lakeville. Chief O'Brien said we have 120 appointments on Wednesday for testing, which he anticipates to be filled by tomorrow. Member LaCamera asked if the testing is for Lakeville residents only? Chief O'Brien said yes. Member LaCamera said that the booster vaccinations are for anyone as it is done through the State. Member LaCamera said he read the guidelines on the ARPA monies. According to the guidelines, the Federal government is saying it does not have to be approved; it can just be used. Does Plymouth County understand that? Mr. Sky said he believes they do. The money they received, as far as the Federal government is concerned, is the County's money. The question is how much will they allocate to Towns and Cities and how much will they keep for a pool. They started with a 25% carve-out. Member LaCamera said he doesn't want to see the County not approve of our projects. Mr. Sky said the Federal guidelines trusts the municipalities to use the funds appropriately.

Upon a motion made by Member Carboni and seconded by Member LaCamera, it was:

VOTED: To authorize that the Town Administrator be designated to use up to \$100,000 in ARPA funding for Covid vaccinations and testing.

Roll call vote: Member Carboni – aye; Member LaCamera – aye; and Chair Fabian – aye.

### **Discuss and possible vote to send a letter to the Town of Middleborough regarding the proposed Chapter 40B Development known as Farland Estates II**

Chair Fabian said she saw on the Middleboro Helping Middleboro Facebook page a conversation on a proposed development in Middleboro, which was approximately ½ mile from Assawompset Pond. She asked Mr. Sky and Mr. Resnick to do some investigating. A call was made to the Middleborough Planning Department to get some information, which we received Thursday afternoon. Lakeville was not formally asked to make a comment, but the Town Planner has drafted a letter for the Board to consider. Mr. Resnick said he spoke to the Middleborough Planning Office about the history of the project. Due to soils in that area, it was only permitted for a 27-lot subdivision. The Middleborough Planner encouraged us to send a comment letter to the Middleborough Board of Selectmen as this is a poor location for development. She felt that comments at this early stage would be helpful to getting the project scaled back or possibly stopped. Chair Fabian said we received a copy of the letter that the City of New Bedford sent. Do we want to send a comment letter to the Town of Middleborough?

Member Carboni said she has concerns with development around Assawompset Pond and Long Pond. When Island Terrace was being developed, comments were received from other communities regarding protection of the water source. Member LaCamera said he is concerned with the close location to Assawompset Pond. Since we don't have any plans on the project, and are not familiar with what is being proposed, we shouldn't take a position on the septic systems. He would remove that language. Mr. Sky suggested in the second paragraph, to remove the word "oppose" and insert "concern". He would strike the 3<sup>rd</sup> and 4<sup>th</sup> paragraph. The last paragraph could stand. Chair Fabian said the Board needs to send something.



Upon a motion made by Member Carboni and seconded by Member LaCamera, it was:

VOTED: To approve the letter that was presented with the recommended revisions by Mr. Sky.  
Roll call vote: Member Carboni – aye; Member LaCamera – aye; and Chair Fabian – aye.

**Discuss and possible vote on request from Police Chief to appoint Zachery Mosher as Police Officer/Constable**

*Matthew Perkins, Chief of Police, was present for the discussion.* Chief Perkins said he has a vacancy for one (1) Police Officer position. The position was posted internally and externally. After interviews, the interview committee recommended Zachery Mosher. He requested that Mr. Mosher be appointed effective January 30, 2022.

Upon a motion made by Member Carboni and seconded by Member LaCamera, it was:

VOTED: To appoint Zachery Mosher as Police Officer, effective January 30, 2022, for a probationary term to expire January 30, 2023.  
Roll call vote: Member Carboni – aye; Member LaCamera – aye; and Chair Fabian – aye.

Upon a motion made by Member Carboni and seconded by Member LaCamera, it was:

VOTED: To amend the previous appointment for Zachery Mosher to Police Officer/Constable, effective January 30, 2022, for a probationary term to expire January 30, 2023.  
Roll call vote: Member Carboni – aye; Member LaCamera – aye; and Chair Fabian – aye.

**Discuss request from Kenneth W. Upham, Sr. to be reappointed as a Constable for the Town of Lakeville**

Chair Fabian said that Kenneth W. Upham, Sr. has requested to be reappointed as a Constable for the Town of Lakeville.

Upon a motion made by Member Carboni and seconded by Member LaCamera, it was:

VOTED: To reappoint Kenneth W. Upham, Sr. as Constable for a term to expire January 16, 2023.  
Roll call vote: Member Carboni – aye; Member LaCamera – aye; and Chair Fabian – aye.

**Discuss request from MassHousing for comments in regards to proposed development known as North Bedford Crossing at 109 Bedford Street**

*Marc Resnick, Town Planner, was present for the discussion.* Mr. Sky said this property is being proposed for a 40B. It is 20 units of residential development on five (5) acres of narrow land. There was a site visit on December 21<sup>st</sup>. MassHousing is looking for an initial statement of interest or non-opposition from the Town. Mr. Resnick said he walked the site last week. It is pretty level, long and narrow. His biggest concern would be roadway design and drainage, but that would be reviewed by

the Zoning Board of Appeals and hopefully a peer review engineer. Based on other projects done by this developer, he would want to see landscaping, street trees, and buffers. If there is going to be a future sidewalk on Route 18, he would recommend a sidewalk on the side where the homes are. Selectman Carboni said she is concerned about the line of sight going onto Route 18, where the speed limit is 55 miles per hour. You can see to the right very well, but to the left are a lot of trees. She noted that there is a plan regarding a unit proposed for a veteran at a lower cost. Selectman LaCamera said that we need to have these affordable units be perpetual. In 2021, the Town had 105 new housing units. 83 of those 105 units are 40B and 40R projects. We don't have a lot of single-family homes being built. In 2020, we had 78 units built and 67 of those were 40B projects. In 2019, 53 of the 67 units were 40B and 40R projects. We are never going to meet our 10% goal. He would like to ask the developer to provide 30% of the units as affordable. The two-bedroom units have master bedrooms on the first floor. He would like a percentage for senior housing. Mr. Sky will have a letter prepared to go to MassHousing. He noted that the Fire Chief would like to make sure that there will be appropriate access for Fire vehicles. Member Carboni confirmed that by going up to 30% there would be six (6) affordable units. Mr. Sky said yes, but it is up to MassHousing whether they go along with that.

Upon a motion made by Member Carboni and seconded by Member LaCamera, it was:

VOTED: To send a letter to MassHousing with the Board's comments regarding landscaping; line of sight issues; fire services turning radius and infrastructure; increase affordable units to 30%; make the units affordable in perpetuity and include a provision for senior housing.

Roll call vote: Member Carboni – aye; Member LaCamera – aye; and Chair Fabian – aye.

Upon a motion made by Member Carboni and seconded by Member LaCamera, it was:

VOTED: To have the Town Administrator sign the letter on behalf of the Board.

Roll call vote: Member Carboni – aye; Member LaCamera – aye; and Chair Fabian – aye.

**Review and possible vote to approve Selectmen Meeting Minutes of December 6, 2021; December 10, 2021, December 13, 2021 and December 20, 2021**

Member Carboni noted the following revisions needed: on December 6<sup>th</sup> and December 10<sup>th</sup>, under any other business, to add a “w” to the word “as”. Page 3 on December 13<sup>th</sup>, under site plan review, it is “Rhode” not “Rod”. Member Carboni asked to check to see if she had seconded the motion for the appointment of Marc Resnick as Town Planner on the minutes of December 20<sup>th</sup>.

Upon a motion made by Member Carboni and seconded by Member LaCamera, it was:

VOTED: To approve the Board of Selectmen Meeting Minutes of December 6, 2021; December 10, 2021; December 13, 2021 and December 20, 2021 with the proposed amendments.

Roll call vote: Member Carboni – aye; Member LaCamera – aye; and Chair Fabian – aye.

## **New Business**

There was no New Business discussed.

## **Old Business: Town Administrator Goals**

Chair Fabian said in August we had discussed setting some goals for the Town Administrator. Member LaCamera noted this started back in May of 2020. Chair Fabian said Mr. Sky had provided the Board a summary in August. We need to set the goals to do part of the Town Administrator's review. She asked the other Members how many goals they would like. She was thinking five (5) or six (6).

A motion was made by Chair Fabian and seconded by Member Carboni to set six (6) hard goals for the Town Administrator.

Discussion: Each Board Member discussed their top three (3) goals. Chair Fabian said her three (3) were researching the health insurance plan, currently at 50/50% for new hires; complete the Voice Over IP project and getting the Building Department moved over to the Historic Library. Member Carboni said her top goals were updating the Wage & Personnel Handbook to reflect recent hiring practices and re-engage the Economic Development Committee (EDC), including reviewing the charge and scheduling regular meetings. Member LaCamera said some of his goals have been accomplished, like recruiting key senior personnel and reviewing job descriptions and evaluating policies and procedures to identify areas that need attention. Another is the infrastructure projects that have been funded; some are done and a majority are in process. Chair Fabian said infrastructure projects will include VOIP and the building projects. Member LaCamera said the water situation at the Parks, Highway Office, the Town Hall/Fire Station projects are big projects. Chair Fabian said she would like the health insurance review. It is important for us to be competitive; we have lost new hires due to that. Mr. Sky said to move forward with the EDC, he would need a bit more concrete direction in what the EDC priorities would be. Discussion occurred regarding getting the EDC back on track. Chair Fabian said under recruiting key personnel, we discussed that in the Town Administrator interviews. That should be one (1) of the goals; recruit key personnel. Member LaCamera said it was very important to get the right people in place.

Member Carboni said the Board had discussed this back in May and we are now in January discussing goals for the Town Administrator that are already met. We should have started this ahead of time, not post. Chair Fabian agreed with Member Carboni. She is not opposed to reinvigorate the EDC. Discussion occurred regarding the manual created by the Town Clerk and the Town Administrator for Boards, Committees and Commissions. Chair Fabian said the Board used to have a priority list. We can work on that going forward once we get this done. Mr. Sky noted that he has been working on the management of Covid response, the ARPA money and CARES Act funding. Chair Fabian said that should be on for this year and going forward. Member Carboni said who knows what will come next year. We should just say this is what we have to accomplish. Member LaCamera said that Mr. Sky presented goals back in April before he was hired. He has modified them based on suggestions we made. He is ok with the goals that have been presented. We should not add anything new. Member Carboni said she was happy with Mr. Sky's list from August as it touches on elements that we have all brought up.

Upon a motion made by Chair Fabian and seconded by Member LaCamera, it was:

VOTED: To withdraw the previous motion.

Roll call vote: Member Carboni – aye; Member LaCamera – aye; and Chair Fabian – aye

Upon a motion made by Chair Fabian and seconded by Member LaCamera, it was:

VOTED: To approve the FY22 list of Town Administrator Goals that was created by Mr. Sky after the Board’s August 10<sup>th</sup> meeting consisting of five (5) items.

Roll call vote: Member Carboni – aye; Member LaCamera – aye; and Chair Fabian – aye

Chair Fabian said going forward, we have options on how to do the actual review, and she will send that to the other Board Members. Now we need to come up with new goals for 2022. Member LaCamera said we should do this in April as there is a lot going on. Chair Fabian asked the Board Members to begin thinking of goals for 2022.

Chair Fabian read the letter from the Lakeville Arts Council sent to Boston Tavern regarding their holiday event.

Member LaCamera said the Lakeville Arts Council also sent a letter to the Park Commission regarding exterior lighting on the parking lot. He attended the event, and there were no lights turned on. However, there are lights there. When installing the fiber to the Loon Pond Lodge, the wire was cut for these lights. He assumed that it was fixed. We should do this as soon as possible. Mr. Sky said he has spoken with Nate Darling about getting that project going. Member LaCamera said the other item being asked for was a sound system in Loon Pond Lodge. This should be mentioned to the Park Commission. In most cases, live entertainers bring their own amplifiers. The Park Chairman should be asked about what is in place.

Member LaCamera said that Mr. Sky is going to be applying for a Mass Historical Commission Grant to do with projects on some Historical Buildings in Town.

**Any other business that can properly come before the Select Board**

There was no other business discussed.

**Adjournment**

Upon a motion made by Member Carboni and seconded by Member LaCamera, it was:

VOTED: To adjourn the Select Board Meeting at 8:31 PM.

Roll call vote: Member Carboni – aye; Member LaCamera – aye; and Chair Fabian – aye.

## **Other Items**

1. Letter from Lakeville Arts Council regarding All That Glitters Event
2. Letter from Lakeville Arts Council regarding request to Park Commission for lighting in the parking lot at Loon Pond Lodge and a sound system for Loon Pond Lodge
3. Notice from Massachusetts Historical Commission regarding Massachusetts Preservation Projects Fund Grant Program
4. Letters from Comcast regarding programming advisories

## **List of documents provided at the Select Board Meeting of January 10, 2022**

1. Agenda page
2. Agenda page
3. Agenda page; 2020 Financial Statement for LakeCAM
4. Agenda page; draft schedule for Annual Town Meeting 2022
5. Agenda page; ballot question; email from Town Counsel; email from Michele MacEachern
6. Agenda page; letter from Senator Michael Rodrigues
7. Agenda page; memo from Town Administrator
8. Agenda page; draft letter to Town of Middleborough; map of Assawompset Pond Complex and locus map of proposed development in Middleborough
9. Agenda page; memo from Police Chief
10. Agenda page; letter from Kenneth Upham, Sr.; email from Police Chief
11. Agenda page; application package from MassHousing
12. Agenda page; Board of Selectmen Meeting Minutes of December 6, 10, 13 and 20, 2021
13. Agenda page
14. Agenda page
15. Agenda page

**AGENDA ITEM #10  
JANUARY 24, 2022**

**NEW BUSINESS**

**AGENDA ITEM #11  
JANUARY 24, 2022**

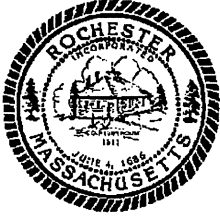
**OLD BUSINESS**

Lia asked that the Board, Committee and Commission Handbook be discussed to finalize the document.

**AGENDA ITEM #12  
JANUARY 24, 2022**

**ANY OTHER BUSINESS THAT CAN PROPERLY COME  
BEFORE THE SELECT BOARD**





## Town of Rochester

Office of Town Counsel

1 Constitution Way, Rochester MA 02770 -

Phone: 508-763-3871

Fax: 508-763-4892

[www.townofrochestermass.com](http://www.townofrochestermass.com)

**Blair S. Bailey, Esq., Town Counsel**  
BBAiley@townofrochester.com

January 20, 2022

Certified Mail – RRR and  
First Class Mail

Derek Costa  
Business Manager/Treasurer  
Bristol County Agricultural High School  
Standish House - Administration Building  
28 Center Street  
Dighton, MA 02715

Re: Debt Service – Bristol County Agricultural High School

Dear Mr. Costa:

I am writing at the request of the administrations of the Towns of Rochester, Marion, Mattapoisett and Lakeville regarding the allocation of debt service for the recent construction project at the Bristol County Agricultural High School (the “School”). In particular, I am writing to express the concerns of these towns regarding the process followed by the School administration to allocate the debt to towns that send non-resident students to the School.

As you know, the School was created by a special act of the legislature, Chapter 566 of the Acts of 1912 (“1912 Act”). Section 5 of that Act contained very specific requirements for the calculation and payment of tuition by towns sending non-resident pupils to the School and the reimbursement of a portion of that tuition by the Commonwealth. Now, the towns sending non-resident pupils have been informed by the School that they will be assigned a portion of the debt service on the new School construction project without reimbursement from the Commonwealth.

The School cites Chapter 150 of the Acts of 2018 (“2018 Act”) as support for the proposition that the Bristol County Commissioners had the authority to incur debt and pass it on to the towns sending non-resident students. While the 2018 Act states that “debt service” “shall be apportioned” to each municipality, it does not further elaborate on what constitutes a “municipality” for the purposes of that act.

There is no question that in the vast majority of situations member municipalities and towns sending non-resident students are treated differently when it comes to financial matters. This is the case in the original act creating the School. Section 2 of the 1912 Act states that bonding for the school shall be undertaken by a county commissioner vote and shall be “assessed according to the provisions of law relating to the assessment of county taxes.” This process was cited by County officials as applying to the debt incurred with the project at issue here. There is no such similar language in the enabling act addressing bonds being assessed to towns sending non-resident pupils. Instead, there is an entirely different procedure through which such towns are required to pay.

Nothing in the 2018 Act changes or amends the original act in any way as it relates to tuition payment for non-resident pupils. The only point where the words “notwithstanding any general or special law to the contrary” appear in the 2018 Act are in Section 2 regarding the calculation of the maturities for any bonds issued. The end of that section further states that “[i]ndebtedness incurred hereunder shall, except as herein provided, be subject to chapter 35 of the General Laws.” There is no reference to amending or revoking any portion of the 1912 Act.

Taking the language of the 1912 Act and the 2018 Act together, a more appropriate reading of the 2018 Act is that Section 3 regarding apportionment of the debt based on a municipality’s pupil ration was intended to amend the language in Section 2 of the 1912 Act regarding debt being “assessed according to the provisions of law relating to the assessment of county taxes.” Nothing in the 2018 Act leads to the conclusion that it gave the Bristol County Commissioners the authority to assess debt service on towns in another county sending non-resident pupils or that the 2018 Act intended to amend or revoke the language in the 1912 Act regarding tuition for non-resident pupils.

Communications regarding this issue have been less than transparent. As a preliminary matter, I note that the communications process within the Bristol County member municipalities was apparently not as straightforward as it could have been. There are several news articles regarding the Bristol County vote on the project and a re-vote was necessary to address issues regarding a “lack of proper notice” for the first vote approving the project.<sup>1</sup>

As for the Towns that send non-resident students, the communication from the School regarding the intent to pass on debt service to these Towns and the special act referenced by the School as support was insufficient to say the least. The non-member towns did not have an opportunity to vote on the debt and did not receive any prior notice from the School that it intended for the word “municipality” in the 2018 act to apply to all sending towns, whether they were members or not.

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<sup>1</sup> <https://www.heraldnews.com/story/news/education/2018/01/11/vote-to-approve-100-million/16331876007/>

<https://www.eastbayri.com/stories/bristol-aggie-project-means-big-bill-for-westport.46722>

Derek Costa  
Business Manager/Treasurer  
Bristol County Agricultural High School  
January 18, 2022  
Page | 3

Thus, while the member towns at least had a vote on the debt, towns sending non-resident students had no say in the process. Despite this lack of involvement, non-member towns are being asked to support debt service expenses without any vote or opportunity for approval or ability to exclude debt, without sufficient information to properly budget the payments, and with no information as to how they are supposed to address this cost moving forward in connection with M.G.L. Ch. 70.

I respectfully request that there be a meeting with participation by towns sending non-resident pupils, DESE, DOR and the School to discuss this matter. I think it would help in resolving the issues raised in this correspondence.

Please feel free to call if you have any questions or comments regarding this correspondence or any other aspect of this matter.

Very truly yours,

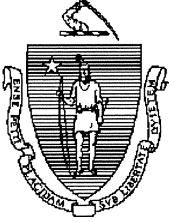
A handwritten signature in black ink, appearing to read 'Blair S. Bailey', with a long horizontal flourish extending to the right.

Blair S. Bailey

Cc: Suzanne Szyndlar, Town Administrator  
Marion  
Mattapoisett  
Lakeville  
DESE  
DOR  
Rep. Straus  
Sen. Rodrigues

## **OTHER ITEMS**

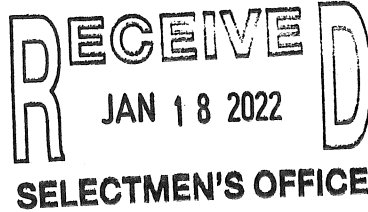
1. Letter from Secretary of State regarding approval of re-districting
2. Letter from Comcast regarding programming advisories
3. Letter from Town of Rochester regarding Bristol County Agricultural High School debt service.



**The Commonwealth of Massachusetts**  
**Local Election Districts Review Commission**

c/o Elections Division  
One Ashburton Place, Room 1705  
Boston, Massachusetts 02108

Evagelia Fabian, Chair  
Select Board  
346 Bedford St.  
LAKEVILLE, MA 02347



January 11, 2022

Dear Select Board Chair:

At a meeting held on October 27, 2021, the Local Election Districts Review commission considered the submission re-dividing LAKEVILLE into precincts.

The Commission is pleased to inform you that this division meets the requirements of Massachusetts General Laws chapter 54, section 6, and is otherwise consistent with law and has thus been approved by the Commission. Please note that the effective date of your new precincts was December 31, 2021.

Thank you for your cooperation in this matter.

Sincerely,

LOCAL ELECTION DISTRICTS  
REVIEW COMMISSION

Hon. William Francis Galvin

Hon. Bradley H. Jones, Jr.

Beth Huang



RECEIVED  
JAN 10 2021  
SELECTMEN'S OFFICE

January 6, 2022

Board of Selectmen  
Town of Lakeville  
346 Bedford Street  
Lakeville, MA 02347

**Re: Important Information**

Dear Chairman and Members of the Board:

As part of our ongoing commitment to keep you and our customers informed about changes to Xfinity TV we want to provide you with the following information:

*Beginning on January 25, 2022, Caracol HD ch. 3404 and Mexicanal HD ch. 3409 will be added to Xfinity TV Latino. An X1 TV box or customer owned compatible device and HD technology fee (not included, additional charges may apply) are required to view.*

Please feel free to contact me at [Michael\\_Galla@cable.comcast.com](mailto:Michael_Galla@cable.comcast.com) should you have any questions.

Very truly yours,

*Michael Galla*

Michael Galla, Sr. Manager  
Government Affairs



## Town of Rochester

Office of Town Counsel

1 Constitution Way, Rochester MA 02770 -

Phone: 508-763-3871

Fax: 508-763-4892

[www.townofrochestermass.com](http://www.townofrochestermass.com)

**Blair S. Bailey, Esq., Town Counsel**  
BBAiley@townofrochester.com

January 20, 2022

Certified Mail – RRR and  
First Class Mail

Derek Costa  
Business Manager/Treasurer  
Bristol County Agricultural High School  
Standish House - Administration Building  
28 Center Street  
Dighton, MA 02715

Re: Debt Service – Bristol County Agricultural High School

Dear Mr. Costa:

I am writing at the request of the administrations of the Towns of Rochester, Marion, Mattapoisett and Lakeville regarding the allocation of debt service for the recent construction project at the Bristol County Agricultural High School (the “School”). In particular, I am writing to express the concerns of these towns regarding the process followed by the School administration to allocate the debt to towns that send non-resident students to the School.

As you know, the School was created by a special act of the legislature, Chapter 566 of the Acts of 1912 (“1912 Act”). Section 5 of that Act contained very specific requirements for the calculation and payment of tuition by towns sending non-resident pupils to the School and the reimbursement of a portion of that tuition by the Commonwealth. Now, the towns sending non-resident pupils have been informed by the School that they will be assigned a portion of the debt service on the new School construction project without reimbursement from the Commonwealth.

The School cites Chapter 150 of the Acts of 2018 (“2018 Act”) as support for the proposition that the Bristol County Commissioners had the authority to incur debt and pass it on to the towns sending non-resident students. While the 2018 Act states that “debt service” “shall be apportioned” to each municipality, it does not further elaborate on what constitutes a “municipality” for the purposes of that act.

Derek Costa  
Business Manager/Treasurer  
Bristol County Agricultural High School  
January 18, 2022  
Page | 2

There is no question that in the vast majority of situations member municipalities and towns sending non-resident students are treated differently when it comes to financial matters. This is the case in the original act creating the School. Section 2 of the 1912 Act states that bonding for the school shall be undertaken by a county commissioner vote and shall be “assessed according to the provisions of law relating to the assessment of county taxes.” This process was cited by County officials as applying to the debt incurred with the project at issue here. There is no such similar language in the enabling act addressing bonds being assessed to towns sending non-resident pupils. Instead, there is an entirely different procedure through which such towns are required to pay.

Nothing in the 2018 Act changes or amends the original act in any way as it relates to tuition payment for non-resident pupils. The only point where the words “notwithstanding any general or special law to the contrary” appear in the 2018 Act are in Section 2 regarding the calculation of the maturities for any bonds issued. The end of that section further states that “[i]ndebtedness incurred hereunder shall, except as herein provided, be subject to chapter 35 of the General Laws.” There is no reference to amending or revoking any portion of the 1912 Act.

Taking the language of the 1912 Act and the 2018 Act together, a more appropriate reading of the 2018 Act is that Section 3 regarding apportionment of the debt based on a municipality’s pupil ration was intended to amend the language in Section 2 of the 1912 Act regarding debt being “assessed according to the provisions of law relating to the assessment of county taxes.” Nothing in the 2018 Act leads to the conclusion that it gave the Bristol County Commissioners the authority to assess debt service on towns in another county sending non-resident pupils or that the 2018 Act intended to amend or revoke the language in the 1912 Act regarding tuition for non-resident pupils.

Communications regarding this issue have been less than transparent. As a preliminary matter, I note that the communications process within the Bristol County member municipalities was apparently not as straightforward as it could have been. There are several news articles regarding the Bristol County vote on the project and a re-vote was necessary to address issues regarding a “lack of proper notice” for the first vote approving the project.<sup>1</sup>

As for the Towns that send non-resident students, the communication from the School regarding the intent to pass on debt service to these Towns and the special act referenced by the School as support was insufficient to say the least. The non-member towns did not have an opportunity to vote on the debt and did not receive any prior notice from the School that it intended for the word “municipality” in the 2018 act to apply to all sending towns, whether they were members or not.

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<sup>1</sup> <https://www.heraldnews.com/story/news/education/2018/01/11/vote-to-approve-100-million/16331876007/>

<https://www.eastbayri.com/stories/bristol-aggie-project-means-big-bill-for-westport.46722>



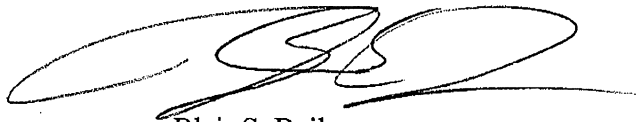
Derek Costa  
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Bristol County Agricultural High School  
January 18, 2022  
Page | 3

Thus, while the member towns at least had a vote on the debt, towns sending non-resident students had no say in the process. Despite this lack of involvement, non-member towns are being asked to support debt service expenses without any vote or opportunity for approval or ability to exclude debt, without sufficient information to properly budget the payments, and with no information as to how they are supposed to address this cost moving forward in connection with M.G.L. Ch. 70.

I respectfully request that there be a meeting with participation by towns sending non-resident pupils, DESE, DOR and the School to discuss this matter. I think it would help in resolving the issues raised in this correspondence.

Please feel free to call if you have any questions or comments regarding this correspondence or any other aspect of this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Blair S. Bailey', with a large, sweeping flourish at the end.

Blair S. Bailey

Cc: Suzanne Szyndlar, Town Administrator  
Marion  
Mattapoisett  
Lakeville  
DESE  
DOR  
Rep. Straus  
Sen. Rodrigues