

**AGENDA**  
**Board of Selectmen Meeting**  
**Remote Location Meeting**  
**July 20, 2020 – 6:30 PM**

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

1. **In accordance with the Governor’s Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §20, relating to the 2020 novel Coronavirus outbreak emergency, the July 20, 2020 public meeting of the Board of Selectmen shall be physically closed to the public to avoid group congregation. 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/>**
2. Selectmen Announcements
3. Review Project 43D Guidelines and discuss appointments to the Project 43D Review Committee
4. Discuss Building Projects and Approvals
5. Discuss COVID-19 Reimbursements
6. Discuss Department Head Review process
7. Discuss Chapter 61A and 61B Policy and procedures
8. Review and discuss letters of interest received for vacancy on the Planning Board
9. Discuss accepting a \$10,000 donation from LakeCAM for renovations to the Town House (former Town Hall)
10. Review and vote to approve budget transfers for FY20
11. Discuss the staffing requirements for the Board of Selectmen’s Office
12. Request from Town Clerk for appointment of Elections Workers
13. Request from Council on Aging Director for appointment of Angela Bourassa as a member of the Council on Aging Board
14. Review annual reappointment list and vote on reappointments to expire July 31, 2021
15. Discuss scheduling August and September Meeting Dates
16. New Business: Request for Temporary Mobile Home Permit for 26 Johnson Drive
17. Old Business: Update on former Lakeville Hospital property  
Update on sale of Lakeville Country Club
18. Any other business that may properly come before the meeting

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

**AGENDA ITEM #1**  
**JULY 20, 2020**

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §20, relating to the 2020 novel Coronavirus outbreak emergency, the July 20, 2020 public meeting of the **Board of Selectmen** shall be physically closed to the public to avoid group congregation. **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/>**



**AGENDA ITEM #2  
JULY 20, 2020**

**ANNOUNCEMENTS**

The Town Clerk would like to make all residents aware that they will be receiving absentee ballot applications in the mail for the Presidential Primary from the Secretary of State, so please do not throw it away. The Secretary of State will also be mailing an additional application by September 14<sup>th</sup> for the Presidential Election. Applications need to be returned to the Town Clerk's Office by mail, email or dropped off in the payment box in front of Town Hall.

The Town Clerk would like to notify residents if you have not paid your 2020 Dog Licenses yet, you will be receiving a past due notice in the mail. The licenses were originally due by April 30<sup>th</sup>, but were extended to June 30<sup>th</sup> with no late fee.

The Treasurer/Tax Collector would like to remind residents that 1<sup>st</sup> quarter real estate taxes are due by August 3, 2020.

Tracie

**AGENDA ITEM #3  
JULY 20, 2020**

**REVIEW PROJECT 43D GUIDELINES AND DISCUSS  
APPOINTMENTS TO THE PROJECT 43D REVIEW  
COMMITTEE**

Rich asked to discuss this. You had previously received the 43D by-law and guidelines in your agenda from July 6<sup>th</sup>.

Tracie

## 7.9 DEVELOPMENT OPPORTUNITIES (DO) DISTRICT

### 7.9.1 Purpose

The purpose of the Development Opportunities (DO) District is to authorize the innovative use of certain portions of a defined overlay district for activities appropriate to large land areas by the issuance of a special permit with safeguards and conditions to prevent detrimental effects and impact upon neighboring properties, natural resources and upon the Town of Lakeville as a whole. The intent of the DO District is to provide opportunities for economic development expansion in a planned multi-use district while protecting the natural resources of the Town. The Development Opportunities District is an overlay district superimposed over those underlying districts as shown on the zoning map of the Town of Lakeville.

### 7.9.2 USES IN THE DO DISTRICT

Uses allowed by special permit and as accessory to uses allowed by special permit pursuant to this section shall be the only uses allowed in the DO District except that this section shall not apply to nor shall it prohibit uses permitted as of right or by special permit from the Board of Appeals in the underlying use district.

7.9.2.1 The following uses shall be permitted by special permit in the DO District:

- a) Manufacturing and industrial uses including processing, fabrication and assembly;
- b) High technology activities;
- c) Warehouses, wholesale distribution centers;
- d) Municipal and public service facilities;
- e) Transportation terminal;
- f) Hotel or motel;
- g) Research and development;
- h) Office building;
- i) Medical center;
- j) Trade or professional school;
- k) Country Club;

- l) Retail sales facilities;
- m) Service businesses;
- n) Theaters;
- o) Restaurants;
- p) Other places of public assembly, as may be exempt from zoning by M.G.L.

Uses accessory to special permit uses:

Uses deemed by the SPGA to be accessory to uses allowed by special permit may be authorized under the special permit for the primary use. Accessory uses may include retail sales facilities, which are directly related but subordinate to one of the above listed uses, allowed by special permit. The accessory uses must be subordinate in use and importance to the primary use. Any retail sales facility may only sell the same product line that is authorized by the special permit for the primary use.

**7.9.3 GENERAL REGULATIONS**

7.9.3.1. The Planning Board shall be the special permit granting authority (SPGA) in the DO District.

7.9.3.2 No special permit shall be granted unless the total land area, including streets, of the subject property consists of twenty-five or more acres.

7.9.3.3 Any of the following changes shall require modification of the special permit from the Planning Board. The procedure, standards and requirements to obtain modification shall be the same as that for issuance of a special permit:

- a) Any change in the exterior boundaries of the land or the size of the area which is the subject of the special permit;
- b) Any change in the boundary or boundaries of any lot within the land area which is the subject of a special permit;

- c) Relocation or grade alteration of a street;
- d) Construction of a building or structure not provided for by the special permit or any addition to, alteration of or change in the exterior of any building or structure;
- e) Any change in use(s) allowed by a special permit or commencement on land (which is the subject of a special permit) of a use which is permitted as of right or by special permit in the underlying district.

7.9.3.4. Subparagraph 7.9.3.3 shall not be construed to require modification in the event all or a part of the land which is the subject of a special permit is sold or conveyed unless such sale or conveyance creates a new lot boundary or boundaries within the area which is the subject of a special permit different from a boundary or boundaries existing prior to such sale or conveyance.

#### 7.9.4 PROCEDURES

The special permit granting authority (SPGA) for this District shall be subject to the provisions of Section 7.4 of this By-law applicable to the granting of special permits, including without limitation the requirement to make the affirmative findings of Section 7.4. The SPGA shall not grant a special permit unless it determines affirmatively the following:

- A. that water and sewerage facilities will be adequate to service the activities without a detrimental effect upon municipal services in any other area of the town.
- B. that the activities are consistent with the comprehensive plans of the Planning Board for the general development of the Town of Lakeville as a whole as well as for the DO District.

- C. that the activities are compatible with or separated by sufficient space or topographical features from adjacent areas.
- D. that resources of open space, surface and ground waters are protected and preserved.
- E. that public health and safety are secured.

#### 7.9.5 CONSTRUCTION

Streets and utilities to be constructed pursuant to a special permit shall be designed and installed in accordance with the Rules and Regulations Governing the Subdivision of Land of the Planning Board in effect at the time of the filing of an application for a special permit or authorized revision as the case may be.

#### 7.9.6 RULES AND REGULATIONS OF THE SPGA

The SPGA may provide for informal pre-application hearings for the consideration of preliminary plans. All special permits shall be exercised in conformity with rules and regulations of the Planning Board. Within 14 days of the receipt of an application, the SPGA shall refer applications and information, data to the Board of Selectmen, The Board of Health, the Chiefs of the Police and Fire Departments, the Conservation Commission, and to other municipal Boards and Officials as the SPGA shall deem appropriate. Such regulations may include, but need not be limited to the following provisions:

- A. **Site Plans:** The applicant for a special permit shall submit a site plan prepared in accordance with 6.7 of the zoning bylaws, by a registered professional engineer in the quantities and scale required, oriented to true north, and showing boundaries of the district, of the lots in question, names of abutting owners, natural and manmade features, including any wetlands and the boundaries of a wetlands district, and the location of existing and proposed structures and means of access, roadways, parking areas, buffer strips, landscaped areas and such other requirements as the SPGA may require.
- B. **Potential Hazardous Uses:** The SPGA may adopt criteria in its regulations to be used to evaluate

dangerous or objectionable elements at the point of origin or at any point beyond for fire and explosive hazard, radioactivity, electrical disturbance, smoke, fly ash, fumes, other sources of air pollution, and liquid and solid wastes; and to evaluate noise and vibration at the lot lines and at specified points, both for daytime and nighttime use.

- C. **Traffic Impact Study:** To assist the SPGA in the evaluation of the effect of a proposed activity requiring a special permit, the SPGA may require the applicant to furnish information relative to proposed access routes and the relation to existing public ways; an analysis of existing traffic conditions using data relative to road widths and capacities, traffic volumes, and conditions at critical intersections. Traffic counts will include average daily volumes and the peak hour AM and PM volumes. Projected future traffic information shall include volume and distribution related to major land developments within one mile of the proposed site. The SPGA may require the applicant to provide a traffic impact analysis of the operating levels of roadways and intersections both before and after the proposed development and including the associated cost to the town necessary to meet the impact of development related traffic; and also an analysis of the impact of heavy trucking upon roadways and bridges on proposed access routes, together with recommendations for improvements to cope with anticipated traffic impact.
- D. **Phased Development:** The SPGA may require that development under a special permit be authorized in phases, that certain uses shall be commenced within twelve months after the grant of the special permit, and that other uses shall be commenced only when a specified proportion of the initial phases have been substantially completed.
- E. **Dimensional Provisions:** The SPGA may adopt regulations relative to densities of land use, the bulk and height of structures, yard sizes, lot areas, setbacks, open spaces, parking, use of signs and other dimensional criteria.

- F. The SPGA may require an applicant to pay reasonable fees to meet the cost of hearings, notices, publication, peer review by consultants and other costs of administration.
- G. The SPGA may waive strict compliance with its regulations when in the judgment of the SPGA such action is in the public interest and consistent with the intent and purposes of the zoning bylaws.

*(Bold text adopted June 4, 2012 at ATM; approved by Attorney General July 18, 2012)*

## 8.0 ADMINISTRATION

### 8.1 Enforcement

This By-Law shall be enforced by the Building Commissioner appointed by the Board of Selectmen, and upon any well founded information as to a violation, immediate steps to enforce this By-Law in any manner provided by law shall be taken. If the Building Commissioner declines to act upon a written request to proceed against an alleged violation, he shall notify in writing the party making such request of the reasons for non-action within fourteen days of the receipt of such request.

### 8.2. Board of Appeals

- 1) The Board of Appeals shall consist of five citizens of the Town appointed by the Selectmen.
- 2) The length of terms shall be such that the term of one member expires each year.
- 3) The Board of Appeals must elect a chairman from within its own membership and a clerk each year.
- 4) A member can only be removed for cause by the appointing authority and only after written charges have been made and a public hearing has been held.
- 5) Vacancies shall be filled in the same manner as appointments. The Board of Selectmen shall also appoint in like manner two or more associate members of the Board of Appeals. An associate member shall be designated by the Chairman of the Board of Appeals to sit on the Board in case of absence, inability to act or conflict of interest on part of any member or in the event of a vacancy until it is filled.

No member shall act in any case in which he may have a personal or financial interest.



The Board of Appeals shall be the Permit Granting Authority and the Special Permit Granting Authority, except as may be otherwise specifically provided by this By-Law, with the powers and duties as defined herein and in Chapter 40A of General Laws.

#### 8.2.1 Method of Appeal

Any person aggrieved because of an inability to obtain a permit or enforcement action from any administrative office or Board may appeal from such decision to the Board of Appeals.

#### 8.2.2 Variances

The Board of Appeals shall have the power to authorize with respect to a particular building or parcel of land a Variance from any of the terms of this By-Law, where, owing to circumstances relating to the soil conditions, shape or topography and especially affecting said building or parcel, but not affecting generally the district in which it is located, a literal enforcement of the provisions of this By-Law would involve substantial hardship to the petitioner and where desirable relief may be granted without substantial detriment to the public good and without substantial derogation from the intent or purpose of this By-Law, as provided in Section 10 of Chapter 40A of General Laws.

#### 8.2.3 Public Hearing and Notice

In the case of every appeal made to said Board and of every application for a Special Permit or Variance made to it under the provisions of this By-Law, the Board of Appeals shall hold a public hearing to consider the appeal or application in question and shall cause a notice thereof to be published in a newspaper of general circulation in the town and posted on the Bulletin Board in the Town Office Building not less than fourteen days before the date set for said hearing and shall cause a copy of the notice to be sent postage prepaid to parties in interest as outlined in Section II, Chapter 40A.

- 8.3 Any construction of operation under a Special Permit or building permit shall conform to subsequent zoning amendments, unless such construction or operation is commenced within six months after the issuance of such permit or permits and, if construction continues to completion as expeditiously as is reasonable. If construction or substantial use under a Special Permit has not commenced within two years after the issuance of such permit, except for a good cause and including any time needed to await the



# TOWN OF LAKEVILLE

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## 43D PRIORITY DEVELOPMENT SITE PERMITTING GUIDEBOOK

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APRIL 2020



The Town of Lakeville 43D Priority Development Site Permitting Guidebook was completed with the assistance of Southeastern Regional Planning and Economic Development (SRPEDD) with funds provided by the Commonwealth of Massachusetts, District Local Technical Assistance program.

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# TOWN OF LAKEVILLE 43D PRIORITY DEVELOPMENT SITE PERMITTING GUIDEBOOK

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## INTRODUCTION

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The purpose of this guidebook is to summarize the various staff persons, departments and boards involved with the development process in the Town of Lakeville. The development process requires that a number of permits, approvals and licenses be obtained for nearly every development project; only the most common ones related to land based development are summarized in the guidebook.

We hope this guidebook is a valuable tool for anyone pursuing residential, commercial or industrial development. For detailed information, please contact Rita Garbitt, Town Administrator. For contact information see page 5.

**Disclaimer:** The Town of Lakeville's General Bylaws, Zoning Bylaws, and the Rules and Regulations Governing the Subdivision of Land within the Town of Lakeville, as applicable, take precedence over any information contained within this guidebook in any conflict between them.

Permits Coordinator

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The Permits Coordinator is the first point of contact when developing a project proposal or applying for a permit. This position acts as a single point of reference and contact for all development related permit information. Throughout the development, the Permits Coordinator acts as a liaison between an applicant and the Town permit-issuing authorities. The Coordinator helps applicants track where an application is in the process, as well as, when a decision can be expected to arrive.

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**Contact:** Rita Garbitt, Town Administrator  
Email: [rgarbitt@lakevillema.org](mailto:rgarbitt@lakevillema.org)

**Address:** 346 Bedford Street  
Lakeville, MA 02347

**Phone:** 508-946-8803      **Fax:** 508-946-0112

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**Office Hours:** Mon - Thurs: 9:00 AM – 5:00 PM  
Fri: 9:00 AM - 1:00PM



Meetings Calendar

This calendar shows the meeting time and place for several municipal boards and commissions meet during the four weeks of any given month. Check calendar on Town website for dates.

	<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>	<u>Friday</u>
<b>Week 1</b>	Board of Selectmen 7:00 PM Town Offices [every other Monday]	Planning Board 7:30 PM Town Office Conference Room			
<b>Week 2</b>		Conservation Commission 7:00 PM Lakeville Public Library	Board of Health 6:00 PM BOH Office Town Offices		
<b>Week 3</b>	Board of Selectmen 7:00 PM Town Offices [every other Monday]	Planning Board 7:30 PM Town Office Conference Room	Historical Commission 7:30 PM Town Office Conference Room	Board of Appeals 7:00 PM Lakeville Library	
<b>Week 4</b>		Conservation Commission 7:00 PM Town Office Conference Room (as needed)			

Board of Selectmen: Every other Monday at 7:00 PM; Town Office - Selectmen's Office

Board of Appeals: Third Thursday of every month at 7:00 PM; Lakeville Library

Board of Health: Second Wednesday of every month; more often if needed at 6:00 PM; Town Office – Board of Health Office

Board of Water Commissioners: As Needed; Town Office - Selectmen's Office

Conservation Commission: Second Tuesday of every month at the Public Library; Fourth Tuesday as needed at 7:00 PM at the Town Offices.

Historical Commission: 3<sup>rd</sup> Wednesday of every month at 7:30 PM; Town Office Conference Rm

Planning Board: 1<sup>st</sup> and 3<sup>rd</sup> Tuesday at 7:30 PM; Town Office Conference Rm

Permit Matrix

	Board of Appeals	Board of Health	Board of Selectmen	Building Department/ Inspections	Conservation Commission	Fire Department	Planning Board
40R SGOD							x
Alcoholic Beverages License			x				
Appeals	x						
Automatic Amusement Devices			x				
Automobile Dealer's License			x				
Body Art		x					
Building Permit				X			
Certificate of Compliance		x					
Certificate of Occupancy				X			
Common Victualer		x					
Comprehensive Permit	x						
Curb Cut Permit			x				
Demolition Permit				X			
Determination of Applicability					x		
Dumpster Permit		x					
Earth Removal Permit			x				
Entertainment License			x				
Fire Alarm Installation Commercial						x	
Fire Suppression System/Sprinkler Installation						x	
Food Establishment		x					
Gas Permit				X			
Livery License			x				
Mechanical Permit				X			
Order of Conditions					x		
Order of Resource Delineation					x		
Percolation Test		x					
Plumbing Permits/Inspection				X			
Septic System Installation		x					
Sign Permit				X			
Simplified Permit					x		
Site Plan Review							x
Special Permit	x						
Storage Trailer			x				
Subdivision Control							x
Temporary Mobile Home Permit			x				
Trench Permit		x		X			
Underground Storage Tank			x			x	
Well Permits		x					
Wiring Permit				X			
Zoning Variance	x						

## ***PROCEDURES***

This section contains summaries and flow charts for permitting procedures commonly needed for the development of industrial, commercial and mixed-use projects in the Town of Lakeville.

**PERMITTING PROCEDURES FOR CHAPTER 43D**  
**PRIORITY DEVELOPMENT SITES**

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**I. Program Establishment**

**Purpose.**

These rules and regulations outline the standards and procedures for the projects to be located within the Priority Development Site(s) as designated by the Town of Lakeville Town Meeting and the State of Massachusetts Interagency Permitting Board under the M.G.L. Chapter 43D Expedited Permitting program. The Board of Selectmen, as the governing board of the Town of Lakeville, is charged with establishing procedures to determine all the permits, reviews and predevelopment reviews required for a project; establishing a procedure for determining if all the materials required for the review of the project have been completed and establishing a procedure to allow for all local permitting decisions for PDS projects to be issued within 180-calendar-days of submission of a completed application per 400 CMR 2.00 Expedited Permitting; establishing, as needed, a Priority Development Committee and a point of contact to act as a liaison in the review and permitting process.

**II. Definitions**

**DALA:** The Division of Administrative Law Appeals (DALA)

**Interagency Permitting Board:** The Interagency Permitting Board was created by M.G.L. Ch. 43D to oversee the implementation of the Expedited Permitting program. The Board reviews and approves or denies municipal Priority Development Site (PDS) proposals and administers the Technical Assistance grants. The Board also monitors the development of Priority Development Sites as provided for in Chapter 43D and investigates ways in which to expedite priority development site projects. The members of the Board are comprised of the State Permit Ombudsman, who serves as the Chair, the Secretary of Housing and Economic Development, the Secretary of Transportation, the Secretary of Energy and Environmental Affairs, the Secretary of Public Safety, the Director of the Department of Housing and Community Development, the Director of the Office of Business Development, the Secretary of the Department Labor and Workforce Development, the Director of the Office of Consumer Affairs and Business Regulation, the Chair of the Commonwealth Development Coordinating Council, and the Executive Director of Massachusetts Development, or their designees.

**Issuing Authority:** The Issuing Authority is the local board, commission, department or other municipal entity that is responsible for issuing permits, granting approvals or is otherwise involved in land use development including redevelopment of existing buildings and structures.

Parties to the Proceedings: Parties to the proceedings are any person or persons who provided testimony or submitted written comments on record during a Public Hearing held by the individual Issuing Authorities for the project.

Permits Coordinator: The Town Administrator serves as the Permits Coordinator for the Town of Lakeville Priority Development Sites. The Permits Coordinator serves as:

- Liaison between municipal staff, local board members, and the general public
- "One stop shop" for all permits information and applications and makes available the requirements for each permit.
- The coordinator of joint scoping sessions, consolidated hearings, and/or Priority Development Committee meetings
- To continue to review processes, identify methods to further streamline the permitting process, perhaps including a computerized permit tracking

Permit: A permit is a formal determination, order of conditions, license, certificate, authorization, registration, plan approval, zoning relief or other approval or determination with respect to the use, development or redevelopment of land, buildings, or structures required by any Issuing Authority including but not limited to those under statutory authorities contained in Sections 81A to 81J, inclusive, of Chapter 40A, and Sections 81X to 81GG, inclusive, of Chapter 41, Sections 40 and 40A of Chapter 131, Sections 26 to 32, inclusive.

Project Review Committee (PRC): The Project Review Committee increases the communication and cooperation between departments and boards with permit granting and approval responsibilities. Members shall include, but may not be limited to, the Board of Selectmen representative, Board of Health representative, Economic Development Committee representative, Conservation Commission representative, Building Commissioner, Fire Department representative, and Police Department representative. This committee shall not include a member of the Zoning Board of Appeals.

A developer meets with the Project Review Committee *prior to* the submittal of permit applications in order to:

- Identify necessary permits for a project
- Identify critical issues and/or problems

### **III. Applications and Completeness Review**

#### Fees:

A non-refundable application fee of \$400.00 shall accompany an application package submitted to the Permits Coordinator to defray the costs of processing the applications and carrying out the duties as required by the Expedited Permitting Law, M.G.L. Ch. 43D.

Prior to Application Submittal:

- A. A developer shall contact the Permits Coordinator for preliminary information on the permitting process for projects to be located within a Priority Development Site and to receive the Permitting Guide that includes a comprehensive packet of permit applications. The Permits Coordinator shall also coordinate a pre-application meeting between the developer and the Project Review Committee.
- B. A developer shall meet with the PRC for a preliminary discussion to identify applicable permits for a project, as well as relevant Town bylaws, zoning bylaws, rules and regulations or specific permit requirements that may apply to the proposed project and may be relevant to application preparation.
- C. An applicant shall not submit a final application package to the Town for thirty (30) days. During this time, a follow-up meeting with the PRC may be requested by the developer prior to submitting an application to review a preliminary application package for any additional items that may be needed by the Issuing Authorities for their project review and decision.

Upon Application Submittal:

*Determine completeness of the application(s)*

- A. The application package shall be submitted to the Town Clerk and a copy of the application package, including the date and time of filing certified by the Town Clerk, shall be filed forthwith by the petitioner with the Permits Coordinator. The Permits Coordinator shall send notice to the Board of Selectmen that an application package has been submitted.
- B. The submittal of an application packet begins a twenty (20) business day period to determine the completeness of the applications, which shall be done in the following manner:
  - 1. Upon submittal, the Permits Coordinator shall coordinate a meeting of the Project Review Committee.
  - 2. The members of the PRC, as representatives of the pertinent Issuing Authorities, shall review the application and forward to the Permits Coordinator a notice of completeness within fifteen (15) business days.
  - 3. If the application is deemed incomplete, a detailed listing of items necessary to complete the application shall be forwarded to the Permits Coordinator.
  - 4. The Permits Coordinator shall send notice to the Board of Selectmen as to the completeness of an application package.
- C. The Permits Coordinator, acting for the Board of Selectmen, shall notify the applicant and the Interagency Permitting Board by certified mail of completeness. If the applicant is not notified by certified mail as to the completeness of the application within twenty (20) business days, then the application is deemed to be complete.

1. If complete, the 180-calendar-day review period commences the day after notice is mailed or, if the applicant is not notified, then the day after the twentieth (20th) business day.
2. If deemed incomplete, the Permits Coordinator shall notify the applicant in writing by certified mail and shall:
  - i. Include an explanation as to why the application is incomplete, and request information necessary to complete the application
  - ii. Notify the applicant that a resubmission of an application package begins a new 20-business-day completeness review period.
  - iii. Send notice by certified mail to the Interagency Permitting Board.

### *Application Review*

- A. Once deemed complete, the Issuing Authorities must complete the local permitting processes within 180-calendar-days after the certified notice of completeness is sent.
- B. The 180-calendar-day review period may be extended, if a previously unidentified permit or review has been determined necessary within the first 150-calendar-days.
  1. Send immediate notice to the applicant by certified mail;
  2. Extension for maximum of 30-calendar-days;
  3. If a public hearing is required, then the required action date shall be not later than thirty (30) days from the later of the close of the hearing or comment period, which shall be scheduled to commence as quickly as publication allows.
- C. The 180-calendar-day review may be suspended when an Issuing Authority determines:
  1. Pending judicial proceedings affect the ability of the Issuing Authority or applicant to proceed with the application.
  2. Enforcement proceedings that could result in revocation of an existing permit for that facility or activity or denial of the application have been commenced.
  3. When reason for extension is no longer applicable, notify the applicant, by certified mail, and the complete decision within the time period specified beginning the day after the notice to resume is issued by the Project Review Committee.
- D. Automatic grant of approval:

1. An application shall receive an automatic grant of approval when an Issuing Authority fails to take final action within the 180-calendar days.
2. An automatic grant of approval shall be only for the permit before the Issuing Authority that failed to make a decision within the required timeframe, not a blanket approval for the entire application.
3. An automatic grant of approval shall not occur:
  - Where there has been a timely determination that the application is incomplete,
  - If the Issuing Authority determines that the application has been so modified that it cannot make a decision, or
  - If the Issuing Authority determines that the application contains false or misleading information.
    - i) The IPB and the applicant shall be notified by certified mail.
    - ii) Notice shall be forwarded to the Permits Coordinator, who shall then forward notice to the Board of Selectmen.
    - iii) The applicant may appeal this determination to the Land Court.
    - iv) Pending the court ruling, the 180-calendar-day review period shall be suspended.
    - v) If the appeal is decided in favor of applicant, the 180-calendar-day review shall resume.
    - vi) If the appeal is decided in favor of the Town of Lakeville, the 180-calendar-day review process is waived.

#### **IV. Project Review and Decision**

The local permitting process must be completed within 180-calendar-days after the certified notice of completeness is sent, or the 20-day-completeness review period has expired and the applications are deemed to be complete. This period may be waived or extended for good cause upon written request of the applicant with the consent of the Board of Selectmen and the Issuing Authority, or upon written request of an Issuing Authority with the consent of the applicant.

The 180-calendar-day review period may be extended by the Board of Selectmen and an Issuing Authority, if a previously unidentified permit or review or information has been determined necessary within the first 150-calendar-days of the process. When a Board of Selectmen determines that a previously unidentified permit is necessary, the Board of Selectmen must send immediate notice of such additional requirements to the applicant by certified mail and copy the Interagency Permitting Board. The Board of Selectmen may exercise the extension for a maximum of 30-calendar-days. Where public notice and comment or hearing are required for the previously unidentified permit, the required action date shall be not later than thirty (30) days from the later of the close of the hearing or comment period, which shall be scheduled to commence as quickly as publication allows.



The 180-calendar-day review period may be extended when an Issuing Authority determines that:

- 1) action by another federal, state or municipal government agency not subject to this act is required before the Issuing Authority may act;
- 2) pending judicial proceedings affect the ability of the Issuing Authority or applicant to proceed with the application; or
- 3) enforcement proceedings that could result in revocation of an existing permit for that facility or activity or denial of the application have been commenced. In those circumstances, the Issuing Authority shall provide written notification to the Secretary of EOHED and the Interagency Permitting Board by certified mail.

When the reason for the extension is no longer applicable, the Issuing Authority shall immediately notify the applicant, the Secretary of the Executive Office of Housing and Economic Development, and the IPB by certified mail, as well as the Board of Selectmen and shall complete its decision within the time period specified in this section, beginning the day after the notice to resume is issued by the Board of Selectmen.

If the Board of Selectmen, in consultation with the Issuing Authority, has determined that substantial modifications to the project since the application render the Issuing Authority incapable of making a decision on an application, an extension of the 180-calendar-day review period may be granted by the IPB for demonstrated good cause at the written request of the Issuing Authority. The Issuing Authority shall provide terms for the extension including the number of additional days requested. Within ten (10) business days of receipt of the request, the IPB, or permitting ombudsman if designated by the Board, shall respond to the Issuing Authority with an extension determination.

If the applicant makes a substantial modification to a project for the purpose of public benefit, the Issuing Authority may request an extension from the IPB, and if granted, shall make every reasonable effort to expedite the processing of that permit application.

#### **V. Permit Modifications**

Issuing authorities shall make every reasonable effort to review permit modification requests within as short a period as is feasible to maintain the integrity of the expedited permitting process. An Issuing Authority shall inform an applicant within 20-business-days of receipt of a request whether the modification is approved, denied, determined to be substantial or requires additional information for the Issuing Authority to issue a decision. If additional information is required, the Issuing Authority shall inform an applicant by certified mail within 20-business-days after receipt of the required additional information whether the modification is approved or denied or

that further additional information is required by the Issuing Authority in order to render a decision.

#### **VI. Automatic Grant of Approval**

Failure by any Issuing Authority to take final action on a permit within the 180-calendar-day review period, or properly extended review period, shall be considered a grant of the relief requested of that authority.

- A. Within fourteen (14) days after the date of expiration of the time period, the applicant shall file an affidavit with the Town Clerk.
- B. The affidavit shall include:
  - 1. the application,
  - 2. the facts giving rise to the grant, and
  - 3. state that notice of the grant has been mailed, by certified mail, to all parties to the proceedings as defined in Section II and all persons entitled to notice of hearing in connection with the application as defined in Section II and to the Board of Selectmen.

An Issuing Authority may not use lack of time for review as a basis for denial of a permit if the applicant has provided a complete application and met all other obligations in accordance with this chapter.

The automatic grant of approval shall not occur when it is determined that:

- A. The application packet is not complete, and the applicant does not provide the requested information within 90 calendar days.
  - 1. The Permits Coordinator shall forward notice to the Board of Selectmen.
  - 2. The Permits Coordinator shall notify the IPB and the Applicant by certified mail of the discontinuance of the permit process.
- B. The Permits Coordinator, in consultation with the Issuing Authority, has determined that substantial modifications to the project since the application render the Issuing Authority incapable of making a decision on an application.
  - 1. Notice shall be forwarded to the Board of Selectmen.
- C. The Permits Coordinator has determined that a final application contains false or misleading information.
  - 1. The Permits Coordinator shall forward notice to the Board of Selectmen.
  - 2. The Permits Coordinator must submit a statement of findings to the IPB by certified mail and copy the applicant by certified mail.

3. Such a finding may be appealed in Land Court on a motion of the applicant. Pending a court's ruling, the 180-calendar-day review period shall be suspended.
4. If a court rules in favor of the appellant, the 180-calendar-day review period shall resume. If the court rules in favor of the Board of Selectmen, the 180-day review process shall be waived.

## VI. Appeals

Appeals of an Issuing Authority's decision or from an automatic grant of approval shall be filed within 20-calendar-days after the last individual permitting decision has been rendered, or within 20-calendar-days after the conclusion of the 180-day period, whichever is later. The 180-day period shall be increased by the number of days in any extension granted under this chapter.

The applicant or any person aggrieved by a final decision of any Issuing Authority, or by the failure of that authority to take final action concerning the application within the time specified, whether or not previously a party to the proceeding, or any governmental officer, board, or agency, may appeal to the Division of Administrative Law Appeal, (DALA) by bringing an action within 20-calendar-days after a written decision was or should have been rendered. Appeals from decisions of multiple permitting authorities shall be filed simultaneously and shall be consolidated for purposes of hearing and decision. This section shall not apply to appeals pursuant to Chapter 131, Sections 40 and 40A, which shall continue to be appealed in accordance with said Chapter 131, Chapter 30A and applicable regulations.

The DALA shall render a final written decision within 90 days of the receipt of the appeal. Thereafter, an aggrieved party may appeal to the Superior Court or to the Land Court in accordance with Chapter 185, Section 3A, by bringing action within twenty (20) days after a written decision was or should have been rendered.

## VII. Permit Transfers and Renewals

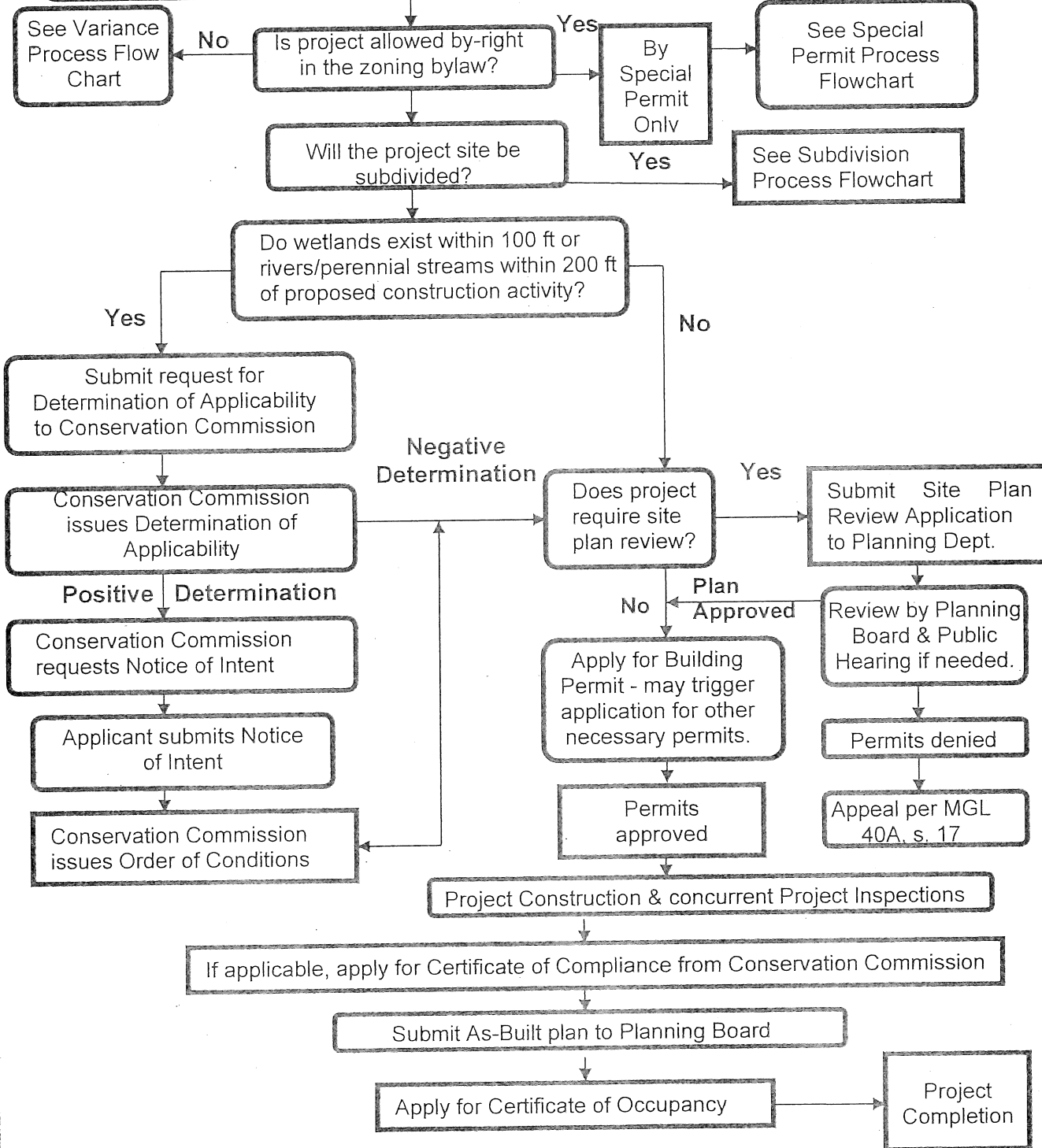
Permits shall not transfer automatically to successors in title, **unless the permit expressly allows the transfer without the approval of the Issuing Authority. Issuing authorities may develop procedures for simplified permit renewals and annual reporting requirements.** If the procedures are not developed, renewals of permits shall be governed by the procedures and timelines specified in this chapter.

Permits issued pursuant to Chapter 43D shall expire five (5) years from the date of the expiration of the applicable appeal period unless exercised sooner. Where permits cover multiple buildings, commencement and continuation of construction of one building shall prevent expiration of all permits on that site. No permit issued under this

chapter shall be affected by changes in the law subsequent to the issuance of such permits. Nothing in this section shall limit the effectiveness of legal, non-conforming uses and vested rights per G.L. Ch. 40A, s. 6.

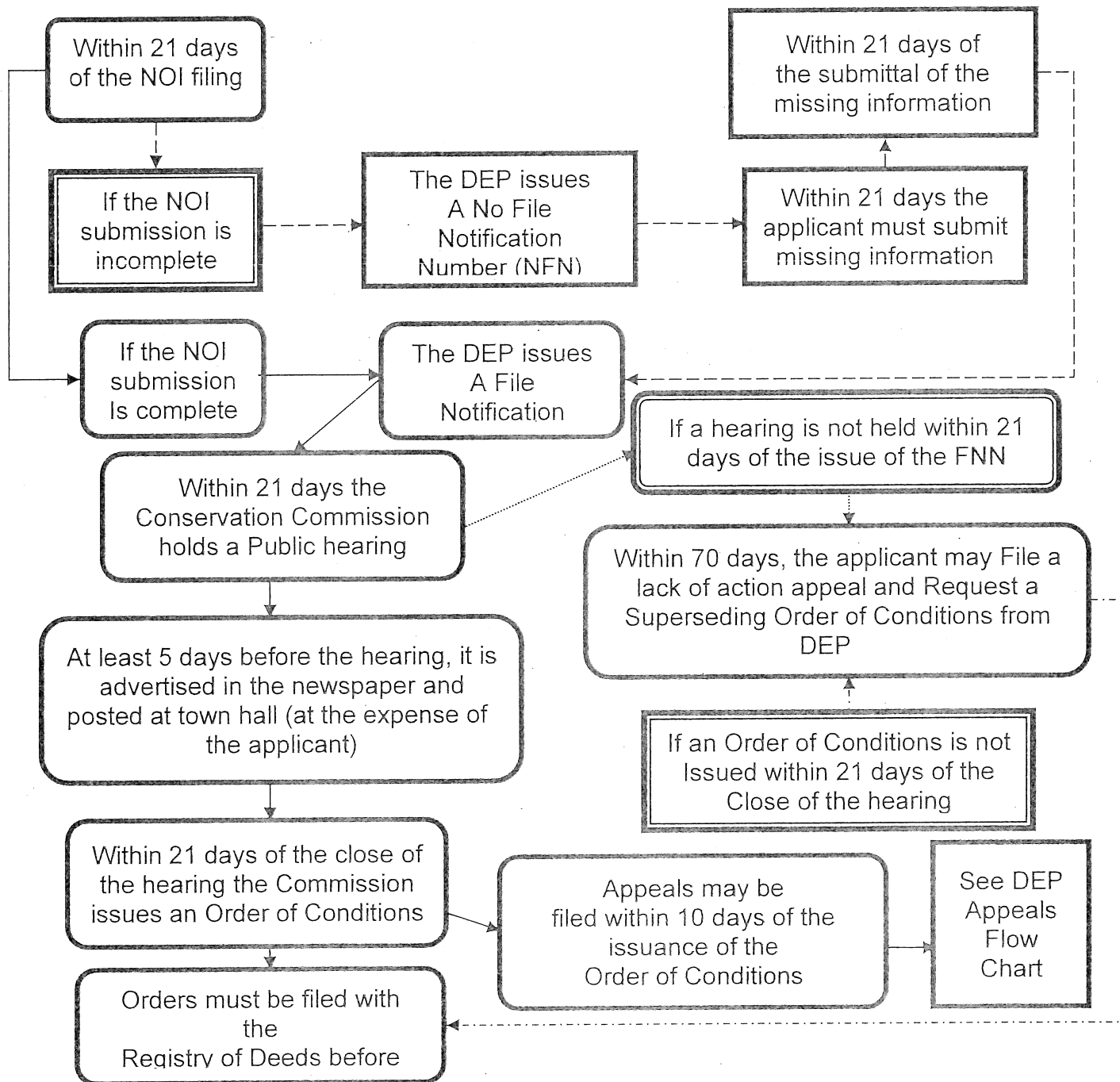
# Town of Lakeville Project Review and Approval Process

Applicant obtains Permitting Guidebook, Zoning Bylaws, and any applicable regulations and permit forms. Pre-application meeting with the Project Review Committee (PRC) is recommended. Application package will be submitted to the Town Clerk and a copy, including the date and time of filing certified by town clerk shall be submitted to the Permits Coordinator.



**Town of Lakeville Conservation Commission Order of Conditions**  
 (See 310 CMR 10.05 for complete and binding text)

A Notice of Intent is filed with the Conservation Commission and Mass DEP. Applicant also gives written notification by hand or certified mail, return receipt requested, to all abutters within 100 feet of property lines. (Copies are also filed with MNHESP if work is located within a rare wetlands wildlife habitat area)



# Massachusetts DEP Order of Conditions Appeal Process

See Conservation Commission Order of Conditions Flow Chart

Within 10 days of the issuance of the Order of Conditions by the Conservation Commission, an appeal may be filed, or DEP can intervene

Within 70 days of the Conservation Commission's failure to issue an Order or failing to hold a hearing, the applicant may file a lack of action appeal and request a Superseding Order of Conditions from DEP

Within 70 days of an appeal or Intervention

The DEP issues a Superseding Order Of Conditions

DEP holds a site visit

If information is insufficient, supplements are requested of the applicant

Within 40 days of the submittal of missing information

3 years after the issuance of an Order or Superseding Order, the Order expires, unless the issuing Authority specifies that it is valid for longer (up to five years). Extensions can be requested by the applicant up to 30 days before the Order expires

May be appealed within 10 days of issuance by filing a Notice of Claim for an Adjudicatory Appeal

## Site Plan Review

**Purpose:** The purpose of site plan review is to ensure that the design and layout of certain developments permitted as of right or by Special Permit will constitute suitable development and will not result in a detriment to the neighborhood or the environment.

**What Projects Require Site Plans:** The following types of activities and uses require site plan review by the Planning Board:

- Any new residential construction of or for modification or addition to any residential structure which will disturb more than 3,000 square feet of ground for which a Notice of Intent with the Lakeville Conservation Commission is not required.
- New construction or modification of or addition to a business or industrial structure resulting in floor area of over 1,500 square feet in the aggregate.
- Large-Scale “Big Box” retail buildings greater than 35,000 square feet will also need to comply with the Large-Scale “Big Box” Design Standards found in section 7.6 of the Lakeville Zoning Bylaws.

**Reviewing Authorities:** The Site Plan Review authority is the Planning Board.

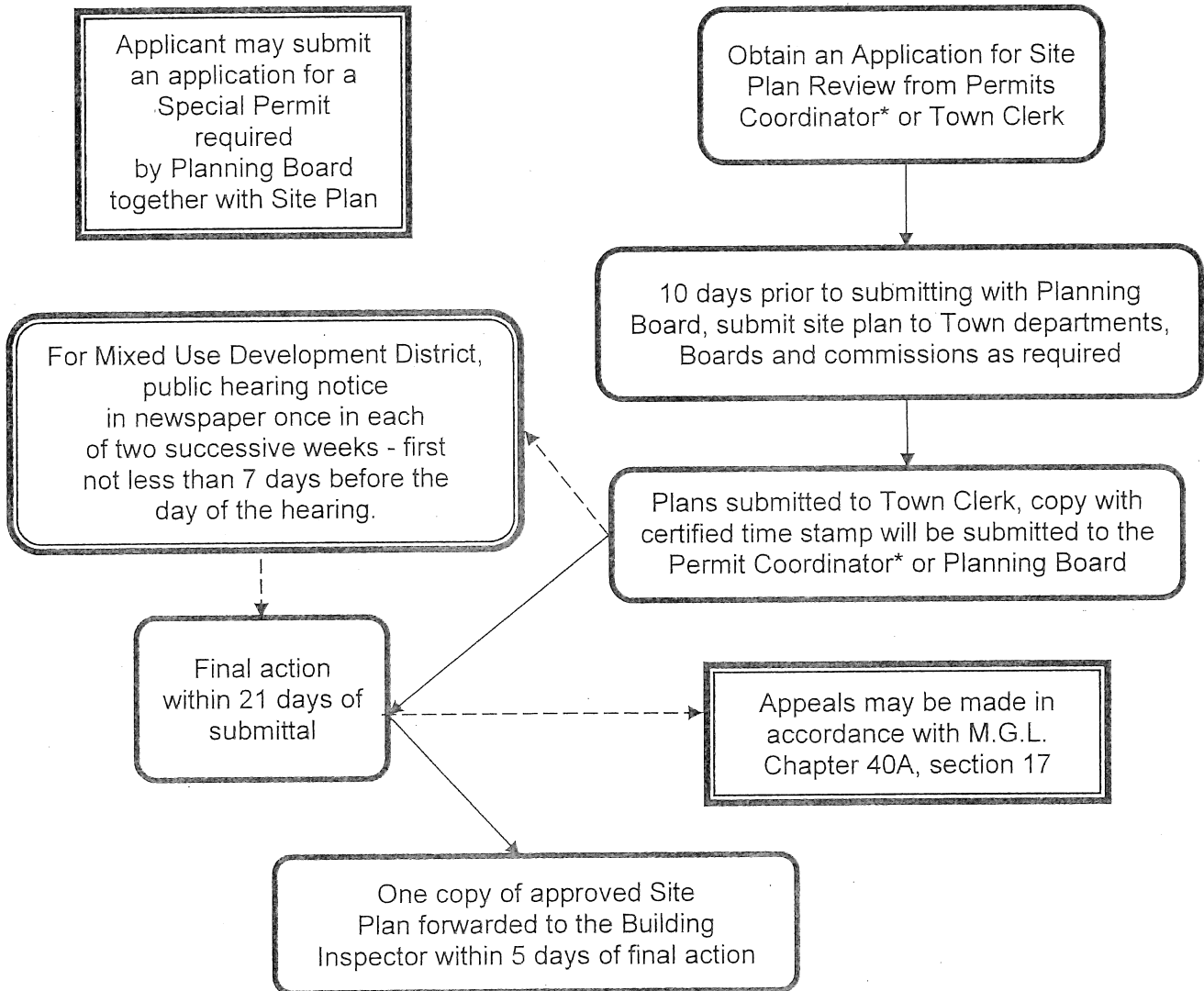
The maximum review period/decision for site plan review for use of a structure by right is 21 days. Site plans for projects proposed in the Mixed Use Development District require a public hearing.

**Review Process:** The location of wetlands approved by the Conservation Commission is among the items required on the site plan. At least ten (10) days prior to submitting a site plan with the Planning Board, an applicant shall submit the proposed site plan with the Town departments, boards, and commissions listed on the Receipt of Site Plan form. The boards and officers shall review the site plan, considering the effects of the proposed use and related construction, and shall make recommendations as they deem appropriate to minimize any detrimental effects of the development. A decision on a site plan approval application must be made within 21 days of the date of submittal.



# Town of Lakeville Site Plan Review

Consult Lakeville Zoning Bylaws, Section 6.7 and Planning Board Receipt of Site Plan



\*For projects located in 43D Priority Development Sites

## Special Permits

Certain specific uses, buildings and structures identified in the zoning by-law shall be allowed to be located, relocated, altered or substantially expanded in specified districts only upon the issuance of a Special Permit by the Special Permit Granting Authority. Special Permits shall only be issued for uses which are in harmony with the general purpose and intent of the zoning by-law and subject to its general or specific provisions and only if specified conditions are met.

**Review:** Application for Special Permits shall be on such forms or in such manner as the Special Permit Granting Authority may specify and in accordance with its Rules and Regulations, and shall be submitted together with all required exhibits and site plans to the Town Clerk and a copy including the date and time of filing certified by the Town Clerk, shall be filed with the Permits Coordinator.

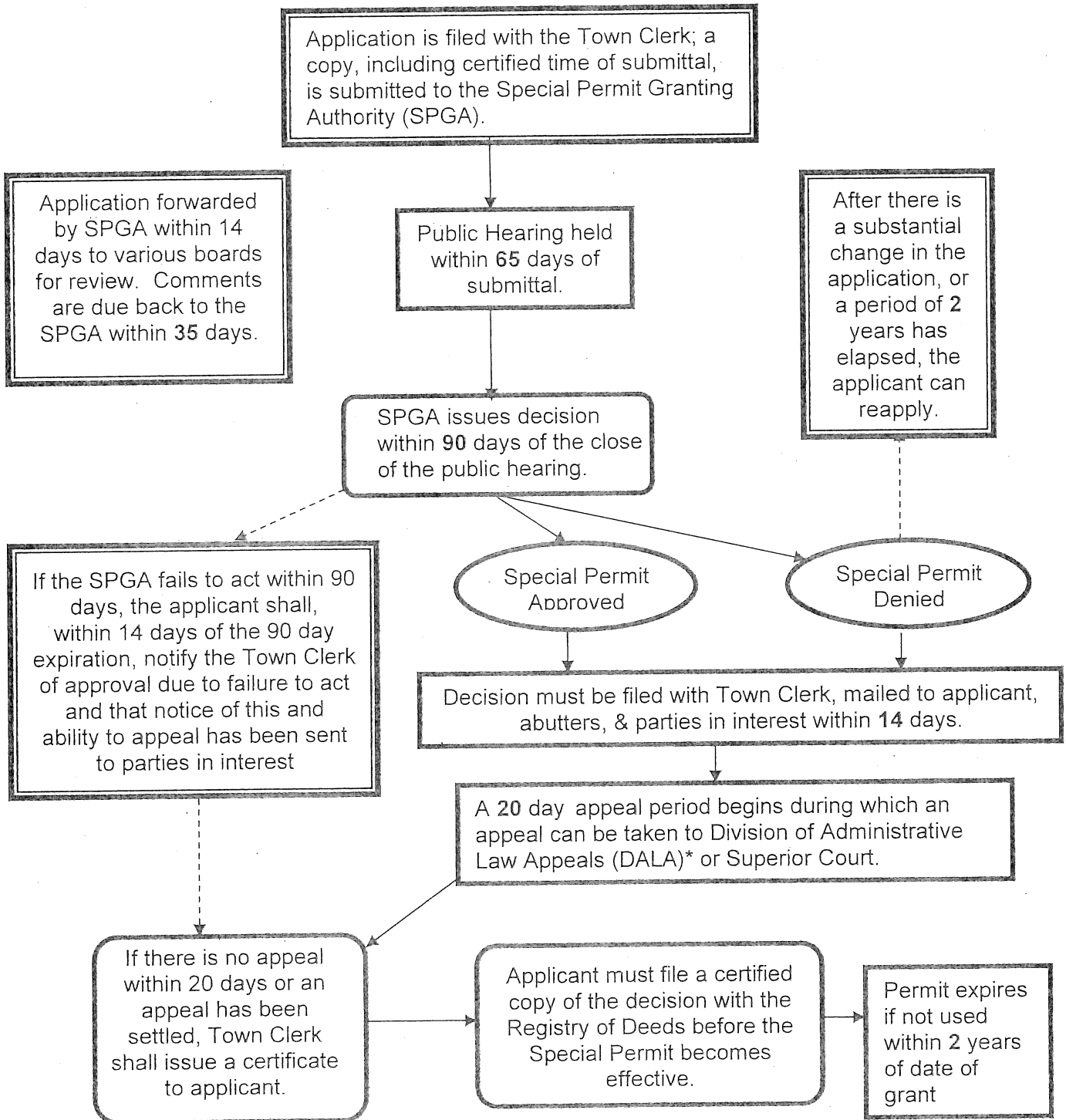
Special Permit applications for projects located on a Ch. 43D Priority Development Site shall be determined complete by the Permits Coordinator or PRC and submitted to the Special Permit Granting Authority. Within 14 days copies of the project plan will be referred to various Town Boards in interest for a 35-day interdepartmental review period. The application will appear at a public hearing after time allowed for departmental review and within 65-days of submission.

**Decision:** A decision will be issued within 90 days after the public hearing; which also shall be less than 180 days of submittal. A special permit issued by a special permit granting authority shall require a vote of at least four (4) members of the five (5) member board.

**Appeal:** Any person aggrieved by the decision of the Board of Appeals or other Special Permit Granting Authority may appeal to the Superior Court or Land Court as provided by Chapter 40A of the General Laws within twenty (20) days after such decision has been filed with the Town Clerk.

# Town of Lakeville Special Permit Process

(Consult M.G.L. Chapter 40A for complete and binding text.)



\* For projects located within a 43D Priority Development Site

## Zoning Variances

### Purpose

The Board of Appeals shall have the power to authorize, with respect to a particular building or parcel of land, a Variance from any of the terms of this By-Law.

### Grounds for Approval

In order to grant a variance, the Zoning Board of Appeals must make all three (3) of the following findings as provided in Section 10 of Chapter 40A of General Laws:

- The hardship is owing to circumstances relating to the soil conditions, shape or topography or such land or structures, but not affecting generally the zoning district in which it is located;
- A literal enforcement of the Zoning Bylaws would involve a substantial hardship, financial or otherwise, to the petitioner or appellant;
- Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of Lakeville's Zoning Bylaws.

### Review Process

Applications are submitted to the Town Clerk for certification, then a copy that has been certified and includes the date and time of filing, shall be forwarded to the ZBA by the Town Clerk.

Variances require a public hearing within 65 days of receipt, and a decision must be made within 100 days after the date of a filing. A unanimous vote of the three member board shall be necessary to effect a variance.

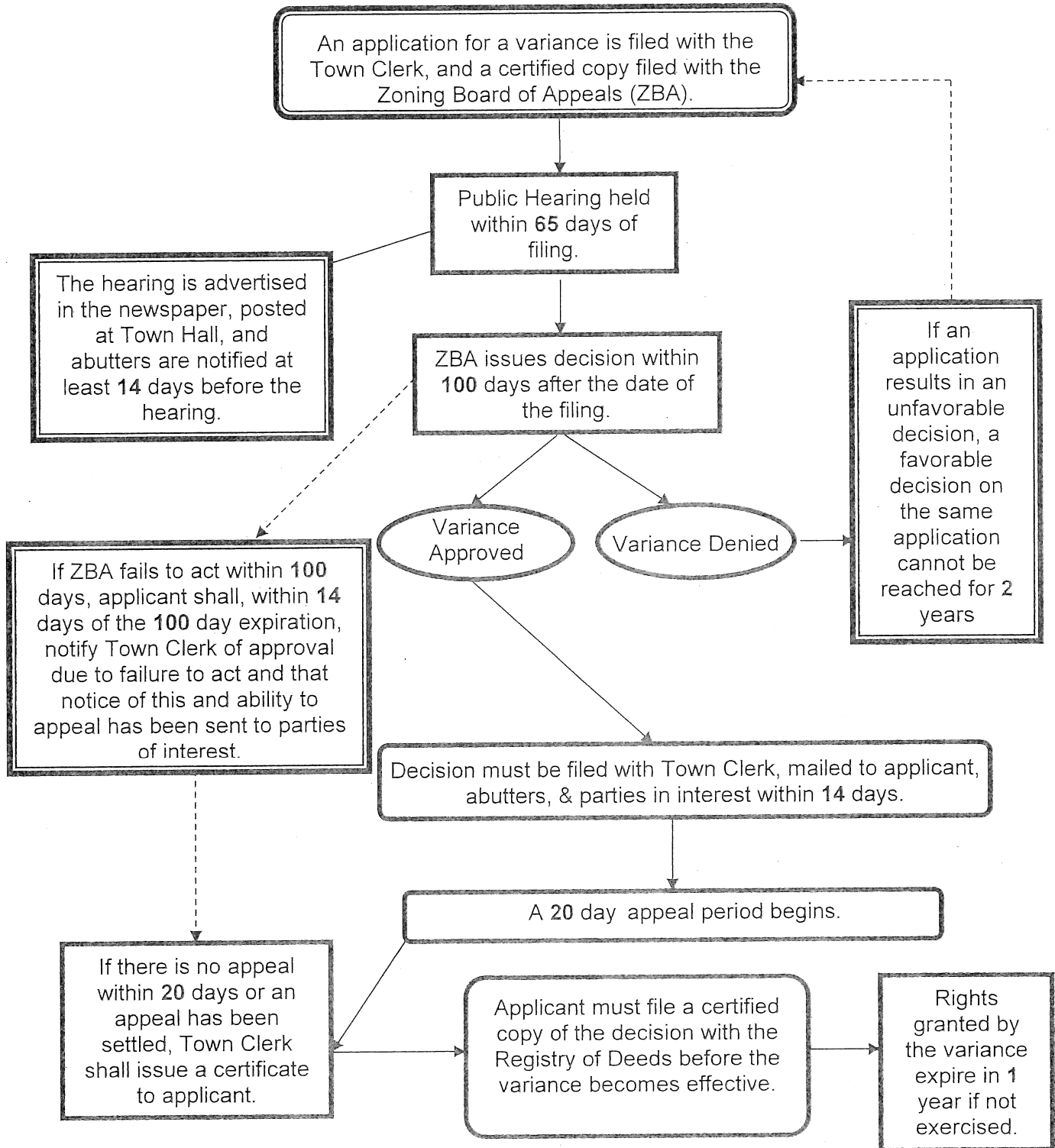
The ZBA may impose conditions, safeguards and limitations of time and use, if it decides to grant the variance. The ZBA is under no legal obligation to grant the variance. The Town of Lakeville does not grant use variances.

**Decision:** A decision will be issued within 100 days of the date of submittal. A variance issued by the Board of Appeals shall require a vote of at least four (4) members of the five (5) member board.

**Appeal:** Any person aggrieved by the decision of the Board of Appeals or other Special Permit Granting Authority may appeal to the Superior Court or Land Court as provided by Chapter 40A of the General Laws within twenty (20) days after such decision has been filed with the Town Clerk.

# Town of Lakeville Zoning By-Law Variance Process

(Consult M.G.L. Chapter 40A, §§ 10, 15 for complete and binding text.)



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## ***THE PEOPLE: DEPARTMENTS AND BOARDS***

The following pages contain information for all of the boards and departments that an applicant may be required to work with during the application process. Any questions or concerns should first be directed to the Permit Coordinator.

Meetings Calendar

This calendar shows the meeting time and place for several municipal boards and commissions that meet during the four (4) weeks of any given month. Check calendar on the Town's website for dates.

	<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>	<u>Friday</u>
<b>Week 1</b>	Board of Selectmen 7:00 PM Town Offices [every other Monday]	Planning Board 7:30 PM Town Office Conference Room			
<b>Week 2</b>		Conservation Commission 7:00 PM Lakeville Public Library	Board of Health 6:00 PM BOH Office Town Offices		
<b>Week 3</b>	Board of Selectmen 7:00 PM Town Offices [every other Monday]	Planning Board 7:30 PM Town Office Conference Room	Historical Commission 7:30 PM Town Office Conference Room	Board of Appeals 7:00 PM Lakeville Library	
<b>Week 4</b>		Conservation Commission 7:00 PM Town Office Conference Room (as needed)			

Board of Selectmen: Every other Monday at 7:00 PM; Town Office - Selectmen's Office

Board of Appeals: Third Thursday of every month at 7:00 PM; Lakeville Library

Board of Health: Second Wednesday of every month; more often if needed at 6:00 PM; Town Office – Board of Health Office

Board of Water Commissioners: As Needed; Town Office - Selectmen's Office

Conservation Commission: Second Tuesday of every month at the Public Library; Fourth Tuesday as needed at 7:00 PM at the Town Offices.

Historical Commission: 3<sup>rd</sup> Wednesday of every month at 7:30 PM; Town Office Conference Rm

Planning Board: 1<sup>st</sup> and 3<sup>rd</sup> Tuesday at 7:30 PM; Town Office Conference Rm



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Board of Appeals

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The Board of Appeals consists of five (5) regular members and three (3) associate members, all appointed by the Selectmen. The ZBA also employs a Secretary to record minutes and attend to various administrative duties.

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**Contact:** Cathy Murray, Recording Secretary  
Email: [cmurray@lakevillema.org](mailto:cmurray@lakevillema.org)

**Address:** 346 Bedford Street  
Lakeville, MA 02347

**Phone:** 508-946-8800 (Town Clerk)      **Fax:** 508-946-0112

**Website:** [www.lakevillema.org/departments/appeals.cfm](http://www.lakevillema.org/departments/appeals.cfm)

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**Office Hours:** No office hours; please call Town Clerk or Selectmen's Office to leave message.

**Meeting Schedule:** Third Thursday  
7:00 PM; Town Offices

**Members:** Donald Foster, Chairman  
Joseph Beneski  
David Curtis  
Eric Levitt  
John Olivieri, Jr.  
James Gouveia, Associate  
Joseph Urbanski, Associate  
Janice Swanson, Associate

**Permits Issued:** Special Permits  
Variances  
Comprehensive Permits

**Process for Obtaining Permits:** Application packet at the Town Clerk's Office

**Time Frame for Public Hearing:** The Board of Appeals shall hold a hearing on any appeal, application or petition within 65 days from the receipt of notice of such appeal, application or petition.

**Time Frame for Decisions:**

Appeal or Variance: The decision of the Board shall be made within 100 days after the date of filing of an appeal, application or petition.

Special Permits: The decision of the Board shall be made within 90 days following the date of the public hearing

**Appeal Process:**

Appeals shall be made pursuant to M.G.L. 40A, § 17 and shall be filed within 20 days after the date of filing of notice of the decision in the office of the Town Clerk.

**Applicable Local, State and Federal Statutes:**

M.G.L. Ch. 40A, Ch 40B; 760 CMR 56.00  
Lakeville Zoning By-Laws

**Purpose:**

The Board of Appeals has the following statutory powers:

- 1) To hear and consider appeals to decisions made by the Building Commissioner, who also acts as the Zoning Enforcement Officer. Petitioners can appeal denial of a Building Permit and can appeal zoning enforcement action or inaction.
- 2) To hear and consider requests for Special Permits. A Special Permit is required when a property owner wants to build in a manner that does not conform to the Bylaws and/or on a lot that does not conform to the Bylaws. The scope, breadth, and limits of Special Permits are clearly defined in the Lakeville Bylaws. When denial of a Building Permit has been overturned by the ZBA, a Special Permit is almost always required before the Building Commissioner can issue a Building Permit.
- 3) To hear and consider requests for Variances. A Variance is needed when a property owner wants to build on a lot that, due to hardships imposed by shape or topography, requires an approach that does not conform to the Bylaws.
- 4) To hear and consider requests for Comprehensive Permits for Chapter 40B affordable housing developments.

A hearing before the ZBA may be scheduled by completing the petition application form, available from the Town Clerk. Applicants must pay two (2) fees: One fee is for the required newspaper advertisements; the other fee is paid to the Town of Lakeville to cover administrative costs. The fee schedule is available from the Town Clerk.

Petitioners who are appealing denial of a Building Permit are advised that they also must request a Special Permit or Variance for the construction, activity, or expansion that is otherwise non-conforming and that triggered the denial in the first place.

Petitioners are strongly advised to complete all forms, submit all plans (engineered plans preferred and often required), and gain approval from other boards and committees before paying the ZBA application fees. The ZBA has the right to deny petitions that are incomplete, insufficient, or lack critical components, thus costing the petitioner more for a second application and taking more time.

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Board of Appeals Fees

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All petitions shall be accompanied by two (2) checks as follows:

RESIDENTIAL USE PETITION

\$140.00 (filing fee)	payable to the Town of Lakeville
\$120.76 (legal ad fee)*	payable to Southcoast Media Group

BUSINESS OR INDUSTRIAL USE PETITION

\$240.00 (filing fee)	payable to the Town of Lakeville
\$120.76 (legal ad fee)*	payable to Southcoast Media Group

COMPREHENSIVE CHAPTER 40B

Filing Fee and Rules and Regulations available from the Town Clerk.  
\$120.76 (legal ad fee)\* payable to Southcoast Media Group

**THE FILING FEE IS NON-REFUNDABLE**

- Legal ad fee effective 7/1/08

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Board of Health

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The Board of Health administers and co-ordinates public health programs and services, enforces State and Local Public Health Regulations and Sanitary Codes, including local regulations promulgated by the Lakeville Board of Health.

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**Contact:** Lawrence Perry, Health Agent  
Email: [lperry@lakevillema.org](mailto:lperry@lakevillema.org)

Jo Ann Lima, Administrative Assistant  
Email: [jlima@lakevillema.org](mailto:jlima@lakevillema.org)

**Address:** 346 Bedford Street  
Lakeville, MA 02347

**Phone:** 508-946-3473                      **Fax:** 508-946-3971

**Email:** [board.health@lakevillema.org](mailto:board.health@lakevillema.org)

**Website:** [www.lakevillema.org/health/boardofhealth.cfm](http://www.lakevillema.org/health/boardofhealth.cfm)

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**Office Hours:** Mon - Thurs: 7:30 AM- 4:30 PM  
Friday: 8:00 AM - 12:00 PM

**Meeting Schedule:** Wednesday; 6:00 PM at the Board of Health Office in Town Hall  
Meetings typically held once a month minimum on Wednesdays.

**Members:** William E. Garvey, Jr., Chairman  
Robert Poillucci  
Terrence Flynn

**Permits Issued:** Septic Permits (New Construction), Septic Permits (Repairs & Upgrades), Well Permits, Trench Permits, Percolation Test (New Construction), Percolation Test (Repairs & Upgrades), Title V Inspections, Housing

Inspections, Common Victualler Licenses, Food Establishment Licenses, Milk & Cream Licenses, Dry Cleaner License, Semi-Public Pool License, Sun Tanning Booths License, Tobacco Vendor Permit, Piggery License, Septic Pumper Licenses, Commercial Trash Hauler License, Residential Trash Hauler License, Dumpster Permits, Stable Permits, Body Art Practitioner/ Establishment Permits, Recreational Camp License, Mobile Home Park License

**Process for Obtaining Septic Only Permits:** Submit three (3) sets of proposed plans along with application and fee. If State variances are requested, four (4) sets of plans are required. Applications for all licenses and permits noted may be obtained at the Board of Health Office.

**Time Frame for Public Hearing:** Not Required

**Time Frame for Decisions:** Average 10 business days, 45 days maximum

**Appeal Process:** For septic issues, an appeal is made to DEP; for all others an appeal is made to Superior Court

**Fee Schedule:** Please See Next Page for Fee Schedule

**Applicable Local, State and Federal Statutes:** Title V, 310 CMR, Board of Health Regulations; 105 CMR 400 & 410 (Housing code), 310 CMR 15 & 11 (environmental code), MGL 111 S31 (ability to create any regulations needed to protect ), 310 CMR 16 & 19 & 22 (water quality) , 310 CMR 7.10 (Air quality including noise), 105 CMR 590 (FOOD CODE)

**Purpose:** As a statutory agency, the Board of Health promulgates rules and regulations which serve as a guide in its administration of the law. The regulations provide for the issuance of permits and licenses, establish reasonable standards and requirements, and set out enforcement and penalty mechanisms. Some specific activities that the Board oversees include: subsurface sewage disposal system permitting and inspections, food establishment inspections and complaints, Chapter II

housing inspections and complaints, beach water quality testing at all public and semi public beaches.

The Board of Health coordinates the Visiting Nurses who conduct Health Clinics, Immunization Programs, Communicable Disease reporting and follow up, Blood Pressure Screenings and works together with the Council on Aging providing services to the citizens of Lakeville.

The Board of Health also administers the Septic Loan Program where financial help is available for homeowners needing to repair a failed septic system.

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## Board of Health Fees

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### TOWN OF LAKEVILLE BOARD OF HEALTH FEE SCHEDULE

#### PERMITS, LICENSES, AND APPLICATION FEES

• Dumpsters ( <i>Permanent</i> ) Permit	\$20
• Dumpsters ( <i>Temporary</i> ) Permit	\$10
• Residential Trash Collection Permit	\$200 ( <i>Annual</i> )
• Commercial Trash Collection Permit	\$400 ( <i>Annual</i> )
<hr/>	
• Review Fee for Systems over 2,000 gals flow per day	\$720
• Sewage Permit <b>{Includes Open Hole, Final &amp; Final Grade}</b>	\$300 <i>{valid 3yrs}</i>
• Replacement of Tank Only	\$150
• Repair or Replacement of D-Box Only	\$75
• Repair or Replacement of Pipes Only	\$50
• Revision of any Approved Septic Plan	\$75
• Re-Submittal Fee of Septic Plans	\$25 <i>{Originals, Incomplete, or Incorrect}</i>
• Title V Inspection Fee	\$50
• Sewage System Re-Inspection Fee	\$50 <i>{per site visit for additional inspections}</i>
• Well Permit	\$200 <i>{valid 1yr}</i>
• Trench Permit	\$25
• Percolation Tests ( <i>valid indefinitely, subject to change</i> )	\$150 <i>{3 hrs}</i>
• Percolation Test ( <i>continue</i> )	\$50 <i>{per hr for every hr over 3hrs}</i>
• Extension of the Disposal System Construction Permit	\$200 <i>{valid 1yr}</i>
• Copies requested from the Board of Health	\$.20 <i>{per page}</i>
• <b><i>Fine/Penalty Schedule for Violation of Board of Health Regulations- {First Offense: \$100, Second Offense: \$200, Third &amp; subsequent offense: \$300}</i></b>	
<hr/>	
• Disposal Works Installer Permit (DWIP) ( <i>1<sup>st</sup> time Installer</i> )	\$150
• Disposal Works Installer Permit (DWIP) ( <i>Annual</i> )	\$100
• Late Application Submittal Fee (DWIP)	\$200 <i>{double the original fee}</i>
• Septage Pumper License	\$300
• Portable Toilet Only	\$150
• Stable Permit ( <i>New Application</i> )	\$100 <i>{Plus \$30 per horse} rev10/22/08</i>
• Stable Permit ( <i>Boarded</i> )	\$150 <i>{Plus \$10 per stall}</i>



- Stable Permit (*Private Use*) \$40 {Plus \$30 per horse}  
*rev10/22/08*
- Certificates of Inspection \$50
- Food Establishment License \$200 {includes Catering &  
*Mobile Food*}
- Restaurant Re-Inspection Fees 2<sup>nd</sup>- \$50; 3<sup>rd</sup>- \$100; 4<sup>th</sup>- \$200
- Common Victualler License \$25
- Milk & Cream License (*store*) \$10
- Milk & Cream License (*vehicle*) \$10
- Lodging House License \$50
- License to Operate Recreational Camps \$10
- Dry Cleaning License \$25
- Massage Therapy License \$100
- Sun Tanning Booths License \$100
- Mobile Home Park License \$200
- Operate a Semi-Public Pool \$100 {Plus \$50 ea.  
*additional*}
- Operate a Spa \$100
- Tobacco Location & Sales \$25
- Hog Farm License \$200
- Commercial Farm Permit \$200 {Plus \$10 per stall}
- Farm Permit \$25
- Transport of Garbage over town ways (*Hog Farm*) \$200 {per vehicle}
- Hypodermic Syringe License \$10 {Chapter94C, Section  
*27, State Law*}
- Body Art Establishment \$200
- Body Art Practitioner \$100
- Body Art Apprentice \$50
- "Special Needs" Massage Therapy License \$25 {without an  
*Establishment*}

**Late Filing Fee:**

*All Board of Health Licenses and Permits must be filed within 45 days of expiration date  
{The late filing fee will be double the original fee}*

*{Revised 05-23-12}*

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Board of Selectmen/Board of Water Commissioners

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The Board of Selectmen is comprised of three (3) members who are elected, one (1) each year, in the Annual Town Election. Each Selectman serves a term once elected, as well as, serving in other capacities, such as the Parking Clerk, ADA Coordinator and Director of Veterans' Services. The Selectmen serve as the Chief Elected and Executive Officers of the Town. As stated in the Town's General By-laws, the Selectmen are vested with all the municipal authority not specifically retained by the Town's legislative body, town meeting or other elected boards. The Board of Selectmen is also responsible for appointing a Town Administrator, who manages the Town's affairs on a daily basis.

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**Contact:** Rita Garbitt, Town Administrator  
Email: [rgarbitt@lakevillema.org](mailto:rgarbitt@lakevillema.org)

Tracie Craig , Executive Assistant  
Email: [tcraig@lakevillema.org](mailto:tcraig@lakevillema.org)

**Address:** 346 Bedford Street  
Lakeville, MA 02347

**Phone:** 508-946-8803

**Fax:** 508-946-0112

**Website:** [www.lakevillema.org/departments/selectment.cfm](http://www.lakevillema.org/departments/selectment.cfm)  
(Not a typographical error)

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**Members:** Derek A. Maksy, Chairman  
Scott T. Belliveau  
John Powderly

**Meeting Schedule:** Mondays, every two weeks; 7:00 PM at the  
Town Offices

**Permits Issued:** Alcoholic Beverages License, Automatic  
Amusement Devise, Automobile Dealer's

License, Curb Cut Permits, Door-to-Door Sales, Earth Removal Permit, Entertainment License, Livery License, Storage Trailer, Sunday Entertainment License, Taxi License, Temporary Mobile Home Permits, and Underground Storage License

**Process for Obtaining Permits:**

Complete an application, available from the Selectmen's office

**Time Frame for Public Hearing:**

Will vary with the type of application

**Time Frame for Decisions:**

Will vary with the type of application

**Fee Schedule:**

Please See Next Page

**Applicable Local, State and Federal Statutes:** Assorted Massachusetts General Laws depending upon the type of permit requested

**Duties:**

The Selectmen are responsible for all facets of governmental duties. The warrants for the Annual and Special Town Meetings are generated from their office. They also issue the warrants for any elections or override votes scheduled. The Board works together with the Town Administrator, Town Accountant and Finance Committee members to establish the annual operating budget for the Town and to provide a stable economic environment for its citizens. In addition, the Selectmen are responsible for assessing municipal building needs and capital planning for the Town. Every July, the Selectmen are responsible for appointing over 150 residents to various positions within the government, such as committees, police officers and board members.

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## Board of Selectmen Fees

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### TOWN OF LAKEVILLE BOARD OF SELECTMEN FEE SCHEDULE

Common Victualler – all alcoholic – annual	\$1,500
Common Victualler – wine & malt – annual	\$700
Package Store - all alcoholic – annual	\$1,500
Package Store - wine & malt – annual	\$700
General On Premises – wine & malt – annual	\$700
Club - all alcoholic – annual	\$1,000
Common Victualler – all alcoholic – seasonal	\$750
Package Store - all alcoholic – seasonal	\$750
Temporary Wine & Malt – Non-profit organizations – each day	\$20
Temporary Wine & Malt – For profit – each day	\$30
Temporary all alcoholic (non-profit only)	\$50
Sunday liquor licenses (package stores only)	\$50
Coin Operated Amusements	\$100.00 per machine
Class I Used Automobile License	\$200
Class II Used Automobile License	\$200
Curb Cut Permits	\$10
Dancing on weekdays	\$50
Door to Door Sales	No fee
Gravel Removal	\$.15 per cubic yard and \$200 per acre administrative fee
Livery License	\$35
Public entertainment on Sunday	\$50
Storage Trailer Permits	\$25
Taxi License	No fee
Temporary Mobile Home Permit	\$25
Underground Storage Tank	\$10

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Building Department

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The Building Department is responsible for ensuring that buildings are constructed safely and used properly. The Building Department enforces the provisions of the Massachusetts State Building Code, Town Zoning By-laws and other applicable ordinances. The Building Department issues permits for new construction, reconstruction, alteration, repair and demolition of buildings, as well as the installation of equipment and the location, use and occupancy of all buildings, structures and land. Also the Building Department is responsible for annual inspections of restaurants, multi-family buildings, schools and daycare centers.

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**Contact:** Robert Iafrate, Building Commissioner/Zoning Enforcement Officer

Email: [riafrate@lakevillema.org](mailto:riafrate@lakevillema.org)

Jay Catalano, Plumbing/Gas Inspector  
Robert Canessa, Wiring Inspector

Janice Swanson, Administrative Assistant  
Email: [jswanson@lakevillema.org](mailto:jswanson@lakevillema.org)

**Address:** 346 Bedford Street  
Lakeville, MA 02347

**Phone:** 508-946-8804

**Fax:** 508-946-8812

**Website:** [www.lakevillema.org/building/index.cfm](http://www.lakevillema.org/building/index.cfm)  
Permit information and applications are available online.

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**Office Hours:** Mon - Thurs: 7:30 AM - 4:30 PM  
Friday: 8:00AM-12:00 PM

**Permits Issued:** Building Permits  
Demolition Permits  
Mechanical Permits  
Occupancy Permits (for new construction)  
Wiring, Plumbing and Gas Permits  
Trench Permits  
Annual Certificates of Inspection (for place of assembly)

**Process for Obtaining Permits:**

See the department website for permit information and applications. Submit completed application to the Building Department.

**Time Frame for Decisions:**

In accordance with Massachusetts State Building Code, Chapter 1, Section 111.1, the Inspector has thirty (30) days to review a permit application.

**Appeal Process:**

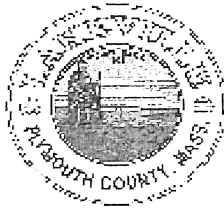
State Building Code Appeals Board

**Fee Schedule:**

Please see next page

**Applicable Local, State and Federal Statutes:**

780 CMR; Lakeville Zoning Bylaws and Lakeville General Bylaws (both available on Town of Lakeville website)



**TOWN OF LAKEVILLE**  
 346 Bedford Street, Lakeville, MA 02347  
 Phone: 508-946-8804

**BUILDING FEE SCHEDULE**

The Board of Selectmen voted on January 28, 2013 to adopt the following fee schedule for Building.  
 Effective: February 1, 2013

**RESIDENTIAL FEES**

New Dwelling	\$ .40 sq ft
Basement	\$ .40 sq ft
Walk Up Attic	\$ .40 sq ft
Additions	\$ .40 sq ft
Garages	\$ .40 sq ft
Decks/Porches/Entry	\$ .40 sq ft
Sheds/Farm Buildings	\$ .25 sq ft
Chimney/Fireplace	\$ 50.00
Solid Fuel Appliance	\$ 50.00
Roofing	\$ 50.00
Siding	\$ 50.00
Windows	\$ 50.00
Interior Alterations	\$ 40.00 per room
Above ground pool	\$ 50.00
In Ground pool	\$ 75.00
Demolition	\$ 50.00 per structure
More than one unit	Standard Bldg Fee plus \$150.00 per unit
Foundation only	\$ 200.00
Solar (residential)	\$ 50.00
Minimum permit Fee	\$ 50.00

**COMMERCIAL FEES**

New Structures & Additions	\$ 15.00 / \$1,000.00 of estimated total cost Minimum fee \$1,000.00
Demolition	\$ 100.00 per structure
Foundation Only	\$1,000.00
Minimum Fee	\$ 100.00

**RESIDENTIAL & COMMERCIAL FEES**

Occupancy Permit	\$ 50.00 per unit
Temporary Occupancy Permit	\$ 50.00 per unit
Re-inspection Fee	\$ 50.00
Lost Field Card	\$ 100.00
Zoning Determination	\$ 50.00
Home Occupation	\$ 50.00
Permit Renewal	\$ 50.00
Trench	\$ 50.00
Tent/Trailer/Temp. Trailer	\$ 50.00
Antenna /Commercial	\$ 200.00
Mechanical	\$ 50.00 per system
Work started without a Permit	Double Fee

**SIGN FEES**

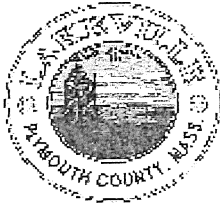
Temporary Signs	\$ 50.00
Up to 20 sq ft	\$ 50.00
Over 20 sq ft	\$ 100.00
Sign by "Special Permit"	\$ 150.00

BUILDING PERMITS ARE NOT TRANSFERABLE.

PERMIT FEES ARE NOT REFUNDABLE.

REQUEST FOR INSPECTIONS MUST BE MADE VIA E-MAIL TO THE BUILDING INSPECTOR & CC BUILDING DEPT.

Email: Robert Iafrate: [riafrate@lakevillema.org](mailto:riafrate@lakevillema.org)  
 Building Dept: [jswanson@lakevillema.org](mailto:jswanson@lakevillema.org)



**TOWN OF LAKEVILLE**  
 346 Bedford Street, Lakeville, MA 02347  
 Phone: 508-946-8804

**GAS FEE SCHEDULE**

The Board of Selectmen voted on January 28, 2013 to adopt the following fee schedule for Gas.  
 Effective: February 1, 2013

**RESIDENTIAL FEES**

Permit Fee (fixture not included)	\$50.00
Each Fixture	\$10.00
Appliance replacement Only	\$50.00
Replacement of tankless, hot water heater or boiler	\$50.00 *see note below
Re-inspection Fee	\$50.00
Other	\$50.00
Work started without a permit	Double fee

**COMMERCIAL FEES**

Permit Fee (fixture not included)	\$85.00
Each Fixture (except for tankless, hot water heater or boiler)	\$10.00
Replacement of tankless, hot water heater or boiler	\$50.00 *see note below
Re-inspection Fee	\$50.00
Other	\$50.00
<b>OR: Total Fee of Job</b>	\$20.00 per \$1,000.00 of Estimated Cost of Job (Which ever is Greater Permit or Est.)
Work started without a permit	Double fee

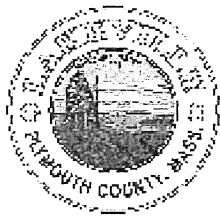
**\*NOTE: REPLACEMENT RESIDENTIAL & COMMERCIAL GAS TYPE WATER HEATERS, BOILERS, REQUIRE NO ADDITIONAL GAS FEE > IF THE PLUMBING & GAS PERMITS ARE PULLED AT THE SAME TIME.**

- GAS PERMITS ARE NOT TRANSFERABLE.
- PERMIT FEES ARE NOT REFUNDABLE.
- GAS PERMITS EXPIRE AFTER 1 YEAR FROM ISSUE DATE.

**REQUEST FOR INSPECTIONS MUST BE MADE VIA E-MAIL TO THE INSPECTOR & CC TO THE BUILDING DEPT.**  
 EMAILS: Jay Catalano: [jaycatalanoinspector@gmail.com](mailto:jaycatalanoinspector@gmail.com) (or) Fred Parmenter: [rainfire@comcast.net](mailto:rainfire@comcast.net)  
 Building Dept: [jswanson@lakevillema.org](mailto:jswanson@lakevillema.org)

IF YOU HAVE ANY QUESTIONS, CONTACT THE BUILDING DEPT. 508-946-8804





**TOWN OF LAKEVILLE**  
346 Bedford Street, Lakeville, MA 02347  
Phone: 508-946-8804

### PLUMBING FEE SCHEDULE

The Board of Selectmen voted on January 28, 2013 to adopt the following fee schedule for Plumbing.  
Effective: February 1, 2013

#### RESIDENTIAL FEES

Permit Fee (fixture not included)	\$50.00
Each Fixture	\$10.00
Replacement of tankless, hot water heater or boiler	\$50.00 * see note below
Each Water Service, Sewer or Septic Tank Connection	\$50.00
Re-inspection Fee	\$50.00
Other	\$50.00
Work started without a permit	Double fee

#### COMMERCIAL FEES

Permit Fee (fixture not included)	\$65.00
Each Fixture (except for tankless, hot water heater or boiler)	\$10.00
Each Water Service, Sewer or Septic Tank Connection	\$50.00
Replacement of tankless, hot water heater or boiler	\$50.00 *see note below
Re-inspection Fee	\$50.00
Other	\$50.00
<b>OR: Total Fee of Job</b>	<b>\$20.00 per \$1,000.00 of Estimated Cost of Job (Which ever is Greater Permit or Est.)</b>
Work started without a permit	Double fee

**\*NOTE:** REPLACEMENT RESIDENTIAL & COMMERCIAL GAS TYPE WATER HEATERS, BOILERS  
REQUIRE NO ADDITIONAL GAS FEE > IF THE PLUMBING & GAS PERMITS ARE PULLED AT THE SAME TIME.

- PLUMBING PERMITS ARE NOT TRANSFERABLE.
- PERMIT FEES ARE NOT REFUNDABLE.
- PLUMBING PERMITS EXPIRE AFTER 1 YEAR FROM ISSUE DATE.

REQUEST FOR INSPECTIONS MUST BE MADE VIA E-MAIL TO THE INSPECTOR & CC TO THE BUILDING DEPT.  
EMAILS: Jay Catalano: [lkvplginspector@gmail.com](mailto:lkvplginspector@gmail.com) ( or ) Fred Parmener: [rainfre@comcast.net](mailto:rainfre@comcast.net)  
Building Dept: [jswanson@lakevillema.org](mailto:jswanson@lakevillema.org)

IF YOU HAVE ANY QUESTIONS, CONTACT THE BUILDING DEPT. 508-946-8804



**TOWN OF LAKEVILLE**  
 346 Bedford Street, Lakeville, MA 02347  
 Phone: 508-946-8804

**WIRING FEE SCHEDULE**

The Board of Selectmen voted on January 28, 2013 to adopt the following fee schedule for Wiring.  
 Effective: February 1, 2013

**RESIDENTIAL FEES**

New Construction per unit	\$150.00	max 3 inspections
Add Garage	\$ 50.00	per garage
Add Underground Service	\$ 50.00	1 inspection
Alarm Systems Flat Rate (Res. & Com)	\$ 100.00	max 2 inspections
Additions & Alterations	\$ 100.00	max 2 inspections
Service Change	\$ 50.00	1 inspection
Trench (all trenches)	\$ 50.00	1 inspection
Septic	\$ 50.00	1 inspection
Temporary Service (Res. & Com)	\$ 50.00	1 inspection
In Ground Pool	\$ 150.00	max 3 inspections
Above Ground Pool & Hot Tubs	\$ 100.00	max 2 inspections
Solar (small residential applications)	\$ 100.00	max 2 inspections
All Others	\$ 50.00	per inspection
Re-inspection Fee (Res. & Com.)	\$ 50.00	paid in advance
Additional Inspections as needed	\$ 50.00	per inspection
Emergency Inspections (off hours)	\$ 50.00 per hr	minimum 3 hours
Work started without a permit (Res. & Com.)	Double fee	

**COMMERCIAL / INDUSTRIAL FEES**

New Building, Addition, Renovation, Remodel & Solar Wiring Fees are based on the Over All Construction Cost of the Building Permit for the Project.

Up to first \$15,000.00	\$ 50.00	
Plus the first \$500,000.00 (X's)	0.002	
Plus all over \$500,000.00 (X's)	0.001	
Electric work only (without Building permit)	\$ 100.00	max 2 inspections

WIRING PERMITS ARE NOT TRANSFERABLE.  
 PERMIT FEES ARE NOT REFUNDABLE.  
 WIRING PERMITS EXPIRE AFTER 1 YEAR FROM ISSUE DATE.

REQUEST FOR INSPECTIONS MUST BE MADE VIA E-MAIL TO THE INSPECTOR & CC BUILDING DEPT.  
 Email: Robert Canessa: [rcanessa2@comcast.net](mailto:rcanessa2@comcast.net)  
 Building Dept: [jswanson@lakevillemaz.org](mailto:jswanson@lakevillemaz.org)

IF YOU HAVE ANY QUESTIONS, CONTACT THE BUILDING DEPT. 508-946-8804



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Conservation Commission

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The Conservation Commission's job is to uphold the State's Wetlands Protection Act (M.G.L. Chapter 131, section 40). The Conservation Commission approves site plans and issues permits for work in or near wetlands, rivers, and wetland buffer zones. The Commission also works to preserve other resource areas protected by the state.

*Wetlands are transitional zones between dry upland ecosystems and deeper aquatic habitats such as rivers and streams. Wetlands provide flood control, aquifer recharge, coastal protection, habitat, food and cover for wildlife, and act as natural filters. Wetlands support a wide range of rare and endangered aquatic plants and wildlife. Wetlands are unique because of the hydrologic, climatic, and geologic conditions that form them.*

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**Contact:** Nancy Yeatts, Conservation Agent  
[nyeatts@lakevillema.org](mailto:nyeatts@lakevillema.org)  
Cell phone: 508-498-4347

Jennifer Jewell, Secretary  
[jjewell@lakevillema.org](mailto:jjewell@lakevillema.org)

**Address:** 346 Bedford Street  
Lakeville, MA 02347

**Phone:** 508-946-8823                      **Fax:** 508-946-0112

**Website:** [www.lakevillema.org/conservation\\_commission.cfm](http://www.lakevillema.org/conservation_commission.cfm)

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**Office Hours:** Monday: 8:30 AM to 2:30 PM  
Tuesday: By appointment only  
Wednesday: 8:30 AM to 4:30 PM  
Thursday: 8:30 AM to 3:30 PM  
Friday: By appointment only

**Meeting Schedule:** 2<sup>nd</sup> Tuesday (4<sup>th</sup> Tuesday as needed), @ 7:00 PM; Lakeville Public Library

**Members:** Emery Orrall, Chairman  
Joseph Chamberlain  
Robert Bouchard

Martha Schroeder  
Linda Grubb  
Pam Rasa  
Ryan Trahan  
Sarah Kulakovich, Alternate

**Typical Permits Issued:**

(For a complete list please see the  
MADEP Website: [www.mass.gov/dep](http://www.mass.gov/dep))

Simplified Permit  
Determination of Applicability  
Order of Resource Area Delineation  
Order of Conditions  
Certificate of Compliance

**Process for Obtaining Permits:**

Please see [www.mass.gov/dep](http://www.mass.gov/dep) and/or  
Lakeville's Town website (address above) for  
applications, fees and information.

**Time Frame for Public Hearing:**

10 or 21 days from receipt of a completed  
application; dependent upon the type of filing

**Time Frame for Decisions:**

To be determined based upon the type of  
filing.

**Appeal Process:**

10 days after close of hearing

**Fee Schedule:**

See following page.

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**Conservation Commission Fees**

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<b>SIMPLIFIED PERMIT</b>	\$50.00
<b>REQUEST FOR DETERMINATION OF APPLICABILITY</b> Includes site visit	\$75.00
<b>NOTICE OF INTENT – Residential</b> Includes site visit	\$75.00
<b>NOTICE OF INTENT – Commercial</b>	\$100.00
<b>ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION:</b> Minimum charge/\$100.00 Maximum charge/\$1000.00	\$1.00/linear foot
<b>CERTIFICATE OF COMPLIANCE &lt; 2 ACRES:</b>	\$25.00
<b>CERTIFICATE OF COMPLIANCE &gt; 2 ACRES:</b>	\$50.00
<b>CERTIFICATE OF COMPLIANCE &gt; 5 ACRES:</b>	\$75.00
<b>CERTIFICATE OF COMPLIANCE – COMMERCIAL</b>	\$100.00
<b>AMENDED ORDER OF CONDITIONS</b> Residential Commercial/Subdivision	\$25.00 \$200.00
<b>EXTENSION TO ORDER OF CONDITIONS</b>	\$50.00
<b>SITE INSPECTION</b>	Flat fee of \$25 for the first hour, plus \$25 each additional hour
<b>CONTINUATION – APPLICANT'S REQUEST</b>	\$25 without 48 hours notice
<b>DUPLICATE OF ORIGINAL ORDER OF CONDITIONS</b>	\$25.00

## Fire Department

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The Mission Statement of the Lakeville Fire Department is to serve all of the community's citizens and visitors by safeguarding their lives, property and the natural resources. This shall be accomplished through fire prevention, public education, fire suppression, and advanced life support emergency medical services. To accomplish this mission, the Department depends upon the dedication, pride, professionalism and continuous education of its members.

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**Contact:** Daniel Hopkins, Chief  
[dhopkins@lakevillema.org](mailto:dhopkins@lakevillema.org)

**Address:** 346 Bedford Street  
Lakeville, MA 02347

**Phone:** 508-947-4121                      **Fax:** 508-946-3436

**Website:** [www.lakeville.org/departments/fire.cfm](http://www.lakeville.org/departments/fire.cfm)

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**Office Hours:** 8 AM– 4 PM, Monday - Friday

**Meeting Schedule:** Not applicable

**Permits Issued:** Burning Permits, Fire Alarm, Demolition Permit; Diesel Storage; Fire Suppression System/Sprinkler Installation; Gun Powder Storage; Cooking Vent Hood; LPG Storage; Multi-Unit Dwelling Inspection; Oil Burner Tank; Occupancy Permit; Pesticide Storage; Underground Storage Tank

**Process for Obtaining Permits:** Submit completed application to the Fire Department during normal business hours

**Time Frame for Public Hearing:** Dependent upon type of permit

**Time Frame for Decisions:** Dependent upon type of permit

**Fee Schedule:** Please See Next Page

**Applicable Local, State and Federal Statutes:** Town of Lakeville General Bylaws; M.G.L. Chapter 148; 527 CMR; NFPA Guidelines; Mass Building Code.

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## Fire Department Fees

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### FIRE DEPARTMENT Fee Schedule Effective February 1, 2013

#### Permit Fees

Agricultural Burning	\$20.00
Residential Burning	\$10.00
Fire Alarm for Resale of Property (26F & 26F1/2)	\$25.00
Demolition Permit	\$25.00
Diesel Storage over 120 U.S. gal.	\$50.00
Fire Alarm Installation Commercial: permit \$50/inspection \$50	\$100 due with application
Fire Suppression System/Sprinkler Installation: permit \$50/plan review \$50/inspection \$50	\$150 due with application
Gun Powder Storage	\$25.00
Gun Powder Storage Renewal	\$15.00
Cooking Vent Hood	\$50.00
LPG Storage Above Ground	\$25.00
LPG Storage Below Ground	\$25.00
Multi-Unit Dwelling Final Inspection (over 4 units)	\$100.00 + \$5.00 per unit
Home Heating Oil Tank – Line – Burner	\$25.00
Occupancy Permit 1 or 2 family dwelling	\$25.00
Pesticide Storage	\$25.00
Transfer Tank under 119 U.S. gal.	\$25.00
Underground Storage Tank	\$50.00
Underground Storage Tank Removal	\$50.00
Other Standard Permits	\$25.00
Detail Rates:	
Firefighters / EMTs / Divers: \$34.00 / hour / each	
Engine / Ambulance / Boats: \$85.00 / hour/ unit	

Any work performed without a permit will be subject to citation and fines shall be imposed in accordance with the Massachusetts Department of Public Safety and Massachusetts Department of Fire Services guidelines.

#### Permit Application:

<http://www.mass.gov/eopss/agencies/dfs/dfs2/osfm/osfm-forms.html>

#### Burning Regulations & Smoke Detector and Carbon Monoxide Detector Information:

<http://www.lakevillema.org/departments/fire.cfm>



## Planning Board

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The Planning Board is a five (5) member elected Board with terms staggered so that each year, one (1) member is elected at the Annual Town Election for a five (5) year term. The Planning Board is responsible for ensuring that new land development meets both state (Chapter 41 Subdivision Control Law) and local zoning regulations. Some of the duties of the Planning Board include reviewing subdivision plans, Form A plans (application for endorsement of plan believed not to require approval); Form B plans (preliminary plans); Form C plans (application for approval of a definitive plan); Form D plans (covenant); site plans and requests for new driveway cuts. The Planning Board also holds hearings concerning articles to be considered at Town Meeting on rezoning, zoning definitions and regulations.

If you would like to schedule an appointment to appear before the Planning Board, please call Pauline Ashley, Secretary to the Planning Board, at (508) 946-8803 on Tuesdays, Wednesdays and Thursdays and you will be given an appointment time. Plans and documents may be dropped off at the Selectmen's Office for the Planning Board Monday through Friday between 9:00 AM and 5:00 PM.

The Planning Board considers and prepares amendments to the Town of Lakeville Zoning By-laws. They conduct public hearings on these amendments and on zoning amendments that are submitted to the Board by way of citizen petition through the proper procedures. The Planning Board is also responsible for developing and updating the Town's Master Plan. The Master Plan was last revised and updated in November 2005.

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**Contact:** Pauline Ashley, Secretary  
[pashley@lakevillema.org](mailto:pashley@lakevillema.org)

**Address:** 346 Bedford Street  
Lakeville, MA 02347

**Phone:** 508-946-8803                      **Fax:** 508-946-0112

**Website:** [www.lakevillema.org/planning\\_board.cfm](http://www.lakevillema.org/planning_board.cfm)

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**Office Hours:** Tues, Wed, Thurs: 9 AM – 3 PM  
in the Selectmen's Office

**Meeting Schedule:** 1st and 3<sup>rd</sup> Tuesday @ 7:30 PM  
Town Offices

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<b>Members:</b>	James Marot, Chairman Donald Bissonette Brian Hoeg Gregory Kashgagian Sylvester Zienkiewicz
<b>Permits Issued:</b>	Site Plan Review Subdivision Control 40R SGOD
<b>Process for Obtaining Permits:</b>	Submit application, plans and associated documentation for review by the Planning Board. Applications are available on the Planning Board website.
<b>Time Frame for Public Hearing:</b>	Within 65 days of filing an application for a Special Permit and Site Plan Approval
<b>Time Frame for Decisions:</b>	Within 90 days of the close of public hearing
<b>Appeal Process:</b>	Appeals must be filed with the Town Clerk within 20 days of the decision filing in accordance with M.G.L. Chapter 40A § 17. Anyone aggrieved by the decision of the Board may file an appeal with the Division of Administrative Law Appeal (Priority Development Sites) or Superior Court or Land Court within twenty (20) days of the date of the filing of this decision with the Town Clerk.
<b>Fee Schedule:</b>	Please See Next Page
<b>Applicable Local, State and Federal Statutes:</b>	Massachusetts General Laws Chapters 40A and 41, Ch 43D, also see Town of Lakeville Zoning Bylaws, Town of Lakeville Rules and Regulations of the Planning Board Governing the Subdivision of Land,

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Planning Board Fees

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**TOWN OF LAKEVILLE**  
**PLANNING BOARD FEE SCHEDULE**

FORM "A" (APPROVAL NOT REQUIRED)	\$100.00 PER LOT
FORM "B" (PRELIMINARY PLAN)	\$100.00 PER PLAN
FORM "C" (DEFINITIVE PLAN)	\$700.00 +\$100.00/LOT* **
FORM "C" (DEFINITIVE PLAN) FOLLOWING SUBMISSION OF FORM "B" AT LEAST 30 DAYS PRIOR TO THAT OF FORM "C"	\$500.00+\$100.00/LOT * **
REPEAT PETITIONS	\$100.00 ***
CHANGES	\$100.00 EACH
ENGINEERING REVIEW FEE	\$2,000. +\$50.00/LOT MIN ***
INSPECTION FEES	\$4.00/LINEAL FEET OF ROAD

RETAINER FEE: -- AT COMPLETION OF ROAD (RELEASE OF COVENANT) A RETAINER FEE OF \$15.00 PER LINEAL FOOT OF ROAD SHALL BE HELD THROUGH BOND OR PASSBOOK WITH THE TOWN TREASURER UNTIL SUCH TIME AS THE TOWN ACCEPTS THE ROADWAY.

NO NEWLY CONSTRUCTED WAY SHALL BE ELIGIBLE FOR TOWN ACCEPTANCE FOR A PERIOD OF TWO FULL YEARS FROM THE TIME OF RELEASE OF COVENANT AND SHALL THEN BE PRESENTED AT THE NEXT TOWN MEETING.

SITE PLAN REVIEW	\$1,000.00 * **
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- THE COST OF ALL ENGINEERING REVIEW AND SUBSEQUENT FEES AS DETERMINED BY THE PLANNING BOARD WILL BE BORNE BY THE APPLICANT.

\*\* THE COST OF ADVERTISING AND MAILINGS FOR PUBLIC NOTIFICATION WILL BE BORNE BY THE APPLICANT.

December 4, 2006

## ***PERMITS***

Included herein is the regulatory information with copies of permits that an applicant may be required to obtain during the development process.

Permit Matrix

	Board of Appeals	Board of Health	Board of Selectmen	Building Department/ Inspections	Conservation Commission	Fire Department	Planning Board
40R SGOD							X
Alcoholic Beverages License			X				
Appeals	X						
Automatic Amusement Devices			X				
Automobile Dealer's License			X				
Body Art		X					
Building Permit				X			
Certificate of Compliance		X					
Certificate of Occupancy				X			
Common Victualer		X					
Comprehensive Permit	X						
Curb Cut Permit			X				
Demolition Permit				X			
Determination of Applicability					X		
Dumpster Permit		X					
Earth Removal Permit			X				
Entertainment License			X				
Fire Alarm Installation Commercial						X	
Fire Suppression System/Sprinkler Installation						X	
Food Establishment		X					
Gas Permit				X			
Livery License			X				
Mechanical Permit				X			
Order of Conditions					X		
Order of Resource Delineation					X		
Percolation Test		X					
Plumbing Permits/Inspection				X			
Septic System Installation		X					
Sign Permit				X			
Simplified Permit					X		
Site Plan Review							X
Special Permit	X						
Storage Trailer			X				
Subdivision Control							X
Temporary Mobile Home Permit			X				
Trench Permit		X		X			
Underground Storage Tank			X			X	
Well Permits		X					
Wiring Permit				X			
Zoning Variance	X						

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# Lakeville Board of Appeals Application

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Petition to be  
filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE  
MASSACHUSETTS

ZONING BOARD OF APPEALS  
PETITION FOR HEARING

Name of Petitioner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Name of Property Owner: \_\_\_\_\_

Location of Property: \_\_\_\_\_

Property is located in a \_\_\_\_\_ residential \_\_\_\_\_ business \_\_\_\_\_ industrial (zone)

Registry of Deeds: Book No. \_\_\_\_\_ Page No. \_\_\_\_\_

Map \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Petitioner is: \_\_\_\_\_ owner \_\_\_\_\_ tenant \_\_\_\_\_ licensee \_\_\_\_\_ prospective purchaser

Nature of Relief Sought:

\_\_\_\_\_ Special Permit under Section (s) \_\_\_\_\_ of the Zoning Bylaws

\_\_\_\_\_ Variance from Section (s) \_\_\_\_\_ of the Zoning Bylaws.

\_\_\_\_\_ Appeal from Decision of the Building Inspector/Zoning Enforcement Officer

\_\_\_\_\_ Date of Denial

**Brief to the Board: (See instructions on reverse side – use additional paper if necessary.)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
I HEREBY REQUEST A HEARING BEFORE THE ZONING BOARD OF APPEALS WITH  
REFERENCE TO THE ABOVE PETITION OR APPEAL. ALL OF THE INFORMATION ON  
THIS PETITION, TO THE BEST OF MY KNOWLEDGE, IS COMPLETE AND ACCURATE  
AND CONFORMS TO THE REQUIREMENTS ON THE BACK OF THIS PETITION FORM.

Petitioner: \_\_\_\_\_ Date: \_\_\_\_\_

Signed: \_\_\_\_\_ Telephone: \_\_\_\_\_

Owner Signature: \_\_\_\_\_ Owner Telephone: \_\_\_\_\_

(If not petitioner)

**(REFERENCE THE REVERSE SIDE OF THIS APPLICATION FOR FURTHER  
INSTRUCTIONS IN FILING YOUR PETITION.)**

**WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?**

\_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_

(Name and Title)

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## Lakeville Board of Health Permits and Regulations

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The primary goal of the Board of Health is to assure public safety with respect to public health. This is achieved through proper licensing, permitting and enforcement of Massachusetts General Laws related to public health in addition to local Board of Health regulations created to enhance the State regulations.

### SEPTIC AND WELL REGULATIONS

Under the provision of Chapter 111 of the General Laws and any other powers thereto enabling the following regulations are adopted.

**All Massachusetts Title V regulations are followed per 310 CMR 15.000, Department of Environmental Protection and the state environmental code Title V. Including Standard requirements for the siting, construction, inspection, upgrade and expansion of on-site sewage treatment and disposal systems and for the transport and disposal of Septage.**

**1. Subsurface Sewage Disposal Systems (SSDS) including but not limited to all public sewers, septic tanks, cesspools, and vault privies.**

1.1. Inspections and fees – All title V inspections in the Town of Lakeville, performed by a State certified inspector, shall be witnessed by an agent of the Lakeville Board of Health, the fee for which shall be \$50.00, payable in advance with the appropriate application prior to scheduling in advance.

1.2. Cesspools receiving raw sewage (with openings for leaching) are considered failed systems at the time of real estate transfers in the Town of Lakeville. Property transfers, under State regulations, still require an official and complete title V inspection with report, regardless of an automatic town failure regulation, and all wells within 100 feet are to be tested as required.

1.3. Leaching pits shall be evaluated (for the purposes of inspection and leaching capacity failure criteria) similar to cesspools as referenced in title V, whereas they must have at least a half a day's flow calculated capacity and/or at least 6 inches of clearance between the inlet invert and the liquid level below.

1.4. No building permit for an addition to any dwelling or structure shall be issued until the Board of Health has approved the adequacy of the sewage disposal system(s) serving said dwelling, by reviewing an engineered as-built plan and certificate of compliance recently issued and/or by witnessing and reviewing an official title V inspection and report done within 3 years that located all components.

1.5. An annual inspection (COI) of rental property shall be required prior to the rental of any dwelling or upon complaint by tenant(s) and will include housing code parameters in addition to an official title V inspection (and associated witnessing and report review) every three years (or annually for large or shared systems) and annual well analyses per BOH parameters.

**2. SSDS Design and Property Related Requirements and Restrictions**

- 2.0. A lot less than one half acre (rounded down to 20,000 sq.ft. of upland acreage) shall be deemed too small for both a water supply and sewage disposal.
  - 2.1. No septic components of any kind shall be constructed or installed in a roadway or a right of way.
  - 2.2. Any addition or modification of an existing structure shall include re-assessing the SSDS suitability and upgrading with respect to the most recent state and local minimum requirements especially as pertaining to the latest application rates and including any change in use (upgrade must take place prior to building permit unless occupancy is revoked until such time) for commercial, industrial, and residential (or any combination thereof) applications.
  - 2.3. For new code parameters any expansion or change of use (even if no increase in flow is proposed) there must be a documented reserve area.
  - 2.4. BOH may vary the application of any provision of these regulations unless superseded by State regulations, when in the opinion of the BOH, that lot size, hydro-geo conditions, or other site restrictive factors make enforcement of the provisions impractical or if the owner can demonstrate an equivalent degree of environmental protection and/or if the BOH decides it would be manifestly unjust.
  - 2.5. No septic component shall be placed within 20 feet of a swimming pool, nor should any swimming pool be placed within 20 feet of a septic component or foundation.
  - 2.6. No structure (like sonotubes, decks, sheds, etc.) shall be within 5 feet of any component.
  - 2.7. Lowest floor elevations must be a minimum of 24” higher than the agreed high groundwater elevation as determined at percolation testing/soil evaluation between CSE and town witness or as documented with additional soil/HGW form(s) for additional test holes by CSE at foundation location(s).
  - 2.8. Approved Effluent filters are required on all systems at outermost tee
  - 2.9. Two compartment tanks are required unless two tanks in serial are utilized for all repairs, upgrades, and new construction unless a local variance is sought.

3. Additional requirements for designs, installations & inspections when noted.

3.0. REGISTERED LAND SURVEYOR STAMP

A registered land surveyor’s (hereafter referred to as RLS) stamp is required for any plan with a lot that is less than 70,000 SF, if any local divergences and/or state variances exist, or if any minimum setbacks are proposed (horizontal or vertical). For new construction and/or lots 70,000 SF or greater, a RLS plan reference (plan referred to must show existing structure(s) footprint(s) as related to defined (bearings and distances) property lines) must be shown somewhere on all site plans unless stamped by a RLS.

3.1. BUILD-OUT CAPACITY FOR STRUCTURES AND SEPTIC

A RE-CALCULATION for leaching capacity using the latest application rates in 310 CMR 15.242. If the existing system can be successfully shown to have adequate leaching capacity through current application rates and calculations and pass an official title V inspection, no upgrade would be required for the increase in flow. If calculations cannot demonstrate compliance with latest application rates, no build out or increase in flow would be allowable without



upgrade per latest title V and local regulations. If system cannot pass an official title V inspection, a repair or upgrade would be necessary prior to build out or within the BOH specified time frame but not more than 2 years without build out.

**3.2. ELECTRICAL SPECIFICATIONS FOR PUMP CHAMBER**

The Board of Health, after consulting with the Town Electrical Inspector, will now require the following electrical specifications on any/all plans requiring pumps or electrical fixtures working in conjunction with septic systems.

.0.1. Any conduits extending into a manhole and/or septic tank (pump chambers and tight tanks included) shall incorporate a sweep extending in the appropriate direction so as not to cause fraying or degradation of wiring insulation in contact with said conduit edge. Any opening of said conduit edge shall be sealed to prevent water and/or gases from migrating.

.0.2. Junction boxes shall not be located within manholes or tanks and shall have a separate acceptable vessel enclosing such box with a watertight and secured access at grade.

.0.3. Any pump system requiring floats (and when a pressure transducer is not otherwise specified) a removable float tree of a non-corrosive material shall be utilized to separate said float chords.

.0.4. Any questions or clarifications can be directed to the Town Electrical Inspector and/or Board of Health Agent.

.0.5. All electrical components and materials must conform to the State Electrical Code, as well as the State Environmental Code where applicable, when electrical components are specified.

.0.6. Any deviations to an approved stamped septic design plan must be first approved by the designer engineer or sanitarian that stamped said plan, and be subject to approval by both the Town Board of Health agents and Electrical Inspectors.

3.3. PUMP CHAMBER CHECKLIST / AS-BUILT CERTIFICATION

(Shall include the following completed information)

MAP/BLK/LOT: \_\_\_\_\_  
PROPOSED PLAN APPROVAL DATE \_\_\_\_\_  
PUMP CHAMBER VOLUME \_\_\_\_\_  
UNION PRESENT \_\_\_\_\_ YES \_\_\_\_\_ NO  
PUMP MANUFACTURER \_\_\_\_\_  
WEEP HOLE PRESENT \_\_\_\_\_ YES \_\_\_\_\_ NO  
PUMP H.P. \_\_\_\_\_ RAIL SYSTEM \_\_\_\_\_ YES \_\_\_\_\_ NO  
PUMP VOLTAGE \_\_\_\_\_ LIFT OUT CABLE OR CHAIN \_\_\_\_\_ YES \_\_\_\_\_ NO  
SIMPLEX / DUPLEX (Circle One)  
CORROSION RESISTANT MATERIAL \_\_\_\_\_ YES \_\_\_\_\_ NO  
ACCESS COVER(S) AT GRADE \_\_\_\_\_ YES \_\_\_\_\_ NO  
COVER(S) MATERIAL \_\_\_\_\_ LOAD RANGE \_\_\_\_\_  
ACCESS COVER(S) WATERTIGHT AND SECURED \_\_\_\_\_ YES \_\_\_\_\_ NO  
FLOAT SYSTEM / PRESSURE TRANSDUCER (Circle One)  
IF FLOAT SYS.: REMOVABLE FLOAT TREE IN PLACE \_\_\_\_\_ YES \_\_\_\_\_ NO  
CHAMBER FLOOR ELEVATION \_\_\_\_\_  
LAG PUMP ON ELEVATION \_\_\_\_\_ (if applicable)  
PUMP OFF ELEVATION \_\_\_\_\_  
LAG PUMP OFF ELEVATION \_\_\_\_\_ (if applicable)  
PUMP ON ELEVATION \_\_\_\_\_  
ELECTRICAL PERMIT # \_\_\_\_\_ DATE \_\_\_\_\_  
ALARM ON ELEVATION \_\_\_\_\_  
PLUMBING PERMIT # \_\_\_\_\_ DATE \_\_\_\_\_  
STORAGE CAPACITY \_\_\_\_\_  
DOSING FREQUENCY \_\_\_\_\_ DOSING VOLUME \_\_\_\_\_  
(1 or more times a day) (Gallons)

The undersigned certifies that the pump chamber & all associated equipment have been installed according to the approved design plan & specifications, & meet all State & Local Regulations \_\_\_\_\_ yes \_\_\_\_\_ no

(or)

The undersigned certifies that the pump chamber & all associated equipment have been installed with *changes* to the approved design plan &/or specifications, but according to all State & local regulations. \_\_\_\_\_ yes \_\_\_\_\_ no

(Note: All location changes shall be reflected on the certified as-built plan & all designer approved specification changes shall be listed on the reverse of this form.

Engineer/Inspector's Name, Title, & Company:

\_\_\_\_\_ Date: \_\_\_\_\_

Engineer/Inspector's Signature:

\_\_\_\_\_

**3.4. INNOVATIVE & ALTERNATIVE CHECKLIST & AS BUILT CERTIFICATION**

(completed form must include the following)

I/A System Name: \_\_\_\_\_

DEP Permit Type: \_\_\_\_\_

*(Remedial/Pilot/General/ Provisional)*

MANUFACTURER: \_\_\_\_\_

*(Name, Address & Phone)*

MODEL #: \_\_\_\_\_

DE-NITRIFICATION DISTRIBUTOR: \_\_\_\_\_ Yes \_\_\_\_\_ No

DISTRIBUTOR: \_\_\_\_\_  
*(Name, Address & Phone)*

MANHOLE(s) AT GRADE \_\_\_\_\_ Yes \_\_\_\_\_ No

MANHOLE MATERIAL \_\_\_\_\_

WATERTIGHT & SECURED \_\_\_\_\_ Yes \_\_\_\_\_ No

SAMPLING PORT(s) LOCATION: \_\_\_\_\_

AERATION *(required)* \_\_\_\_\_ Yes \_\_\_\_\_ No

VENTING *(required)* \_\_\_\_\_ Yes \_\_\_\_\_ No

PUMPING CONTRACT *(required)* \_\_\_\_\_ Yes \_\_\_\_\_ No

*If so, Name of Pumper:* \_\_\_\_\_

CONTRACT IN PLACE \_\_\_\_\_ Yes \_\_\_\_\_ No

DATE OF DEP APPROVAL *(If required)* \_\_\_\_\_

O & M CONTRACT TERM *(years)* \_\_\_\_\_

CONTRACT COMPANY \_\_\_\_\_  
*(Name, Address & Phone)*

INFLUENT TESTING *(required)* \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Frequency

ADDRESS: \_\_\_\_\_

MAP/ BLK/ LOT: \_\_\_\_\_

DATE OF APPROVED PLAN: \_\_\_\_\_

EFFLUENT TESTING *(required)* \_\_\_\_\_ Yes \_\_\_\_\_ No

TYPE OF EFFLUENT TESTING & FREQUENCY \_\_\_\_\_

ELECTRICAL PERMIT# \_\_\_\_\_ Insp. Date \_\_\_\_\_  
*(If required)*

PLUMBING PERMIT# \_\_\_\_\_ Insp. Date \_\_\_\_\_  
*(If required)*

OPERATOR'S NAME: \_\_\_\_\_ GRADE: \_\_\_\_\_

INSPECTOR'S NAME, TITLE & CERTIFICATION: \_\_\_\_\_

I CERTIFY THIS SYSTEM WAS INSTALLED ACCORDING TO  
MANUFACTURER'S SPECIFICATIONS AND IN COMPLIANCE WITH DEP's  
*(Department of Environmental Protection)* APPROVAL.

\_\_\_\_\_  
*(Inspector's Signature)*

**3.5. TITLE V INSPECTION REQUIREMENTS**

- .0.1. Field Verifications of “Critical Components” when an adequate as-built plan is not on file for official inspections.
- .0.2. Critical components shall be defined as the leaching facility (actual horizontal and vertical location including bottom of SAS) and any wells within 100 feet, as pertains to official inspections.
- .0.3. “Adequate” as-built plan shall be defined as another specific plan made after installation (and not a copy of proposed plan that still shows proposed distances or wording that implies work that is not done or not verified) with field confirmations by designer or other engineer that specifically gives the elevation of verified leaching facility bottom in addition to a specific location of all wells within 100 feet.
- .0.4. Swing ties must be performed and documented on all septic inspections to verify component locations as found in field unless the engineered as-built on file clearly shows all components locations (as found in field by inspector) and is stamped by a registered land surveyor.
- .0.5. Comparison of the actual bottom of leaching facility elevation to high groundwater elevation is critical for the title V official inspection therefore, it would be required to be determined in the field (as least intrusively as possible) when this information is not clearly available on an adequate as- built plan.
- .0.6. Field location of all wells within 100 feet of the leaching facility is absolutely necessary as they all would need to be tested in accordance with official title V inspection parameters. Inspectors should keep in mind that new and replacement wells may have been installed after engineered reference plans on file and that some wells have no location plans on file. Most properties in Lakeville are serviced by one or more wells and it is the inspector’s responsibility to account for each property’s water source(s) within 100 feet of the septic system being inspected.
- .0.7. Any D box greater than 24 inches below grade requires a riser 9 to 12 inches below grade with watertight covers for both inspections and installs.
- .0.8. Tank inlet covers, greater than 24 inches below grade require a riser 9 to 12 inches below grade for both inspections and installs.
- .0.9. Tank outlet covers, require risers with covers at grade that are watertight and securable for both inspections and installs.
- .0.10. Pump chambers require watertight securable covers at grade for both inspections and installs.
- .0.11. Any system that has not received normal flow in the previous two weeks prior to Title V inspection will be considered “needs further evaluation”. The inspector will explain on the report the determined reason for such conditions for example: no power, no water, or house vacant. If actual time of non-use is known by inspector it will also be noted on report. This system will still require the BOH to witness the conditions & perform a walk-through. The owner of said system shall notify the inspector & BOH after the system has normal flow for two weeks so a re-inspection can be completed unless other additional assessment means are employed.

- 3.6. TITLE V INSPECTION OF EXISTING MANHOLES** Upgrade requirement for existing non-conforming manhole covers found at Title V inspections. If an official title V inspection reveals non-conforming and unsafe conditions, a conditional pass or further evaluation is warranted to insure unsafe issues are corrected, and as required in

3.5.0.7 through 3.5.0.10. Any non-conforming and/or unsafe covers at grade need to be replaced with watertight (gasketed) and securable (bolt down or screw down) covers as required by 310 CMR 15.228(2), 15.227(7), 15.231(5), 15.227(1), 15.226(3), 15.222(8), 15.221(3) and 15.260(f), or lowered if applicable, to meet 15.221(13) when not otherwise required to be at grade by aforementioned state regulations.

**3.7. TITLE V INSPECTION OF GREYWATER**

for buildings found to have a separate leaching system for laundry and/or any greywater not in accordance with 310 CMR 15.262. Title V official inspection reports require an inspector to infer whether the existing laundry system(s) is/are on a separate (from a main title V septic system) sewage system. Additionally, the report states in follow-up, if yes, a separate inspection is required, and then asks if a separate inspection was performed. Unfortunately many of these greywater systems are found to exist but there is no further DEP guidance given or spaces for additional information provided on the inspection report. The Lakeville BOH has adopted a supplemental form that includes the following information to be attached to the report when this condition exists.

\*Separate laundry/greywater system found but inaccessible and owner opts to reroute laundry/greywater flow into main sewer pipe and re-inspect main system after at least two weeks of normal flow and therefore will be considered a "Further evaluation by BOH" at this time and checked as such on initial report page. Owner will insure licensed plumber reroutes laundry with plumbing permit and contact title V inspector and BOH after at least 2 weeks of normal flow after rerouting for re-inspection.

\*Separate laundry/greywater system found & system components & sizes are documented below from excavation and measurements.

Discharge (laundry sewer) pipe \_\_\_\_\_ inches below grade.

Tank present \_\_\_\_ dimensions \_\_\_\_\_ material of construction \_\_\_\_ Liquid Level \_\_\_\_\_

Leaching pit \_\_\_\_ dimensions \_\_\_\_\_ material of construction \_\_\_\_ Liquid Level \_\_\_\_\_

Other leaching facility \_\_\_\_ dimensions \_\_\_\_\_ material of construction \_\_\_\_\_

Distance from bottom of leaching to estimated high ground water \_\_\_\_\_

\_\_\_\_\_ Pass (system passes if tank present & liquid level greater than 6" below invert & leaching facility bottom is above HGW)

\_\_\_\_\_ Conditional Pass (liquid level and HGW separation adequate but tank installation needed prior to leach facility.

\_\_\_\_\_ Fail (liquid level < 6" to leaching inlet invert or leaching bottom in HGW.

### **3.8. WATER TREATMENT SYSTEM BACKWASH**

going into a sewer pipe that discharges to a title V leaching system.

*State Code Reference 310 CMR 15.004(8)*

A certified Title V Inspector working within the Town of Lakeville should, as part of the required walk-thru, document any such backwash system as a write-in conditional pass and disclose to the owner that this would need to be corrected. The correction can be made by rerouting backwash out onto the ground or into a drywell, assuming of course, that the type of backwash is non-hazardous and non-industrial. Any (pipe connections broken and re-piped and/or re-connected) plumbing changes should of course be subject to the State plumbing code and a licensed plumber with the appropriate plumbing permit, when required, by Building department. Once this has been done and witnessed and/or re-inspected (or documentation from Building Department given to the BOH from inspector or owner) compliance for a “passing” Title V Inspection report could then be given.

### **3.9. EXISTING 1000 GALLON SEPTIC TANK**

Existing properties with existing 1000 gallon septic tanks can ask for a waiver (local variance request) during the repair or upgrade process, to retrofit and continue using the existing tank, provided that the tank is documented to be less than 20 years old, is certified structurally sound in writing by the designer, is constructed of DEP approved materials and can be made to conform to State water tightness parameters and manhole area requirements. Otherwise, compliance with 310 CMR 15.223 in every respect shall be incorporated into the design process requiring a new (1500 gallon minimum or 200%) tank be installed and compartmentalized with outlet filter as required per 2.8 & 2.9.

### **3.10. LOCAL CESS POOL/PRIVIES UPGRADE**

All existing cesspools, privies and “overflow cesspools” in the Town of Lakeville are considered non-conforming systems in Lakeville and shall be upgraded to meet the standards set forth in the new Title V regulations at the time of or before a real estate transfer.

### **3.11. PLAN/PERMIT APPROVAL DEADLINE**

Existing properties with plan/application permit approvals for repairs and/or upgrades must be completed (allowing COC to be issued within one year) within one year of the Agent’s or Board’s approval.

After the deadline, if the COC has not been issued, the applicant may be required to submit a whole new package (including fees and revised plans), the intent being that the plan and existing conditions have to be re-affirmed as current by the certified engineer, sanitarian and/or land surveyor, and/or any changes shown or noted on revised proposed plans, to be re-reviewed as necessary by the Health Agent and/or the Board. New construction (vacant lot) approved septic plans and permits are good for 3 years (everything complete to allow COC to be issued within the 3 years) although the wells must go in within 1 year.

#### 4. PERCOLATION TESTING AND SOIL EVALUATION

- 4.0. Percolation tests shall not be performed during the period from June 1<sup>st</sup> extending to December 1<sup>st</sup> except when the Board of Health determines that such a test is necessary in order to repair or replace an existing sewage system and therefore apply to new construction as defined in title V.
- 4.1. Soil with a percolation rate over thirty minutes per inch is considered impervious and unsuitable for the subsurface disposal of sewage for new construction,
- 4.2. All test holes and observation holes must be at least 20' apart.
- 4.3. De-watered percolation testing is not allowed in Lakeville, and therefore the observed groundwater elevation cannot be altered to perform a percolation test.
- 4.4. Systems to be designed requiring a leaching system will require deep observation holes in the following manner:
  - a. The system shall not exceed 24" to the top of the SAS above the natural elevation at the location where percolation test was performed.

#### 5. DISPOSAL WORKS INSTALLERS

- 5.0. The person, business or agent licensed in the Town of Lakeville to install subsurface sewage disposal systems in accordance with the provisions of Title V of the State Sanitary Code, shall sign the application for Disposal Works Construction License, pick up the license and the approved copy of the septic plan to ensure that the system be installed is one that has been approved and that the installer is properly licensed.
- 5.1. First Time Installer in Lakeville  
The applicant will pay a \$250.00 fee at the time to receive their first Provisional Disposal Works Construction License. This \$250.00 will cover the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> provisional as well as the first annual. These 4 licenses will not expire and do not have to be completed within a 12-month period. The Annual license fee renewal will begin upon completion of the calendar year when the 4<sup>th</sup> system is installed.
- 5.2. Annual License Renewals  
Disposal works installer license shall be available only on an annual basis. No license shall be issued on the basis of one installation only.
- 5.3. Applications for License  
Applications for annual license must be filed on forms available from the Board of Health no later than February 15 of the year for which a license is sought. Said applications must be accompanied by a check payable to the Town of Lakeville in the amount of \$100.00 for the annual fee. Should said application be denied by the Board the check shall be refunded.
- 5.4. Expiration of License  
Such license shall expire at the end of the year in which they are issued unless earlier revoked for cause by said Board.

#### 6. SEPTIC INSTALLATION INSPECTIONS

- 6.0. Agents of the Lakeville Board of Health will perform 3 inspections; an open hole, a final and a final grade inspection. The fee will be \$300.00 due at the time of plan submittal which covers plan review and the three required inspections. The 3rd (final grade) inspection which field confirmation will take place for but not limited to:
  - 1) minimum adequate (quantity and quality) fill over all components
  - 2) the appropriate type and number of frames and covers at grade;
  - 3) an acceptable form of erosion control is in place; and

4) all designated inspection ports and/or vent pipes are present at the proper height with the proper access and/or screening or filter.

6.1. As with the other inspections, 48 hours notice is recommended although not required, since availability cannot always be guaranteed due to public health priorities, which vary on a day to day basis.

6.2. Any re-inspections for any Title V shall be a \$50.00 fee.

## **7. Certificate of Compliance Deadline Enforcement**

Effective April 21, 2006, the State Environmental Code was revised to include a 30 day deadline from the date of the final inspection of subsurface sewage disposal system construction. Within 30 days of the final required inspection by the town inspector, the as-built plan and any associated paperwork must be submitted by the engineer, and both the designer and the installer must certify in writing that the system was constructed in compliance with 310 CMR 15.000, and the approved design plans, and all local requirements, and that any changes from the design plans have been reflected on the as-built plans.

- a. Any installer, who fails to certify/sign the compliance within the State deadline, will not be allowed to undertake any additional work requiring review/approval of the Town of Lakeville Board of Health, until the paper trail can be completed, and compliance issued, on any outstanding projects.
- b. Any engineering company that fails to submit the as-built plan or sign/certify any/all documents required for the certificate of compliance (i.e. retaining wall certifications, pump chamber as-builts, site plan as-builts, etc.) to be issued by the above mentioned deadline, will not be able to submit any additional plans for review/approval to the Lakeville Board of Health until the paper trail can be completed and compliance issued, on any outstanding projects.
- c. Adequate business contracts, proposals, scopes of work and all associated compensation between property owners and who they hire, is not the Town's responsibility nor is it reason for delays or deviation from this policy to insure all projects are completed in a timely manner per 310 CMR 15.021.



**8. TIGHT TANKS**

An executed 2 year renewable and transferable service contract with a licensed Town of Lakeville Septage Pumper must be submitted to the BOH.

An inspection and maintenance plan with a certified Title V inspector requiring inspection and pumping of the system at a minimum frequency of once every three months.

This report shall be in a form documenting the time and date of the visit, the person doing the inspection, the existing volume present in the tank prior to pumping, confirmation that the alarm is working and that the tank is still effectively watertight.

**8.0. TIGHT TANK CHECKLIST AS-BUILT CERTIFICATION**

(form available in office, information must include)

MAP/BLK/LOT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PROPOSED PLAN APPROVAL DATE: \_\_\_\_\_

TANK VOLUME: \_\_\_\_\_

ACCESS COVER(S) AT GRADE: \_\_\_ YES \_\_\_ NO

COVER(S) MATERIAL \_\_\_\_\_ LOAD RANGE \_\_\_\_\_

WATERTIGHT AND SECURED \_\_\_ YES \_\_\_ NO

SEPTIC TANK FLOOR ELEVATION: \_\_\_\_\_

ALARM LOCATION: \_\_\_\_\_

AUDIBLE/VISUAL ALARM WORKING: \_\_\_ YES \_\_\_ NO

ALARM SEPARATE CIRCUIT: \_\_\_ YES \_\_\_ NO

ALARM ON ELEVATION: \_\_\_\_\_

CORROSION RESISTANT MATERIAL: \_\_\_ YES \_\_\_ NO

RISERS - WATERTIGHT: \_\_\_ YES \_\_\_ NO

The undersigned certifies that the Tight Tank has been made Watertight & All Associated Equipment have been installed according to the approved design plan & specifications, & meets all State & Local Regulations \_\_\_ yes \_\_\_ no

The undersigned certifies that the Tight Tank & all associated equipment have been installed with *changes* to the approved design plan &/or specifications, but according to all State & local regulations \_\_\_ yes \_\_\_ no (Note: All location changes shall be reflected on the certified as-built plan & all engineer approved specification changes shall be listed on the reverse side of this form.

Date: \_\_\_\_\_

Engineer/Inspector's Name, Title, & Company \_\_\_\_\_

Engineer/Inspector Contact Number \_\_\_\_\_ Engineer/Inspector's

Signature: \_\_\_\_\_

## 9. Connection to Municipal Water

Prior to connection to a municipal water main, the Lakeville Board of Health will require a proposed water supply plan submitted.

9.1. The plan shall include any pertinent features and basic lot identification information including the structure being connected to (but not limited to) and all pertinent easements. The plan shall specify the location (from street shutoff to building), depth, and type (material specification including pressure rating) of supply line and distances to all septic components and reserve areas within 50’.

9.2. If there is no engineered as-built plan on file, a Title V inspection (unless a valid title V inspection has been done within 3 years and accurately shows all components including the leaching facilities) shall be required prior to plan submittal in order that all of the septic components can be located, including the leaching area, and shown accurately on the appropriate report page with the proper swing ties to permanent reference points. This will allow the engineer to properly show the required setbacks to the proposed water supply line for proper plan review. On the plan there should be a note to specify proper abandonment of any existing well(s).

9.3. The plan should also specify magnetic marking tape to be attached to the water supply line unless the specified line already has metallic components or if the engineer is going to be locating the line prior to backfilling in order to accurately show the location on the As-built plan which should be submitted within 30 days of the completed connection. If there is an engineered plan on record, it may behoove the applicant to have the same engineering company provide the above mentioned plans since they would probably have most of the required information on file.

9.4. If any onsite wells are desired to be kept as non-potable and/or irrigation wells, all plumbing connections to the dwelling are required to be disconnected (with the appropriate plumbing permits through the building department), the as-built plan shall properly identify the well as irrigation or specified other, and distances shown to all septic components and reserve areas within 50’ of the converted non-potable well.

## 10. WELLS

### 10.0. Article I. Authority

These regulations are adopted and, from time to time, amended by the Board of Health pursuant to Chapter 111, Section 31 of the Massachusetts General Laws.

### 10.1. Article II. Definitions

“Board”: The Board of Health of the Town of Lakeville.

“Leaching Facility”: Is an approved structure used for the dispersion of sewage effluent into the soil. These include leaching pits, galleries, chambers, trenches, and fields.

“Lot”: An area of land; in one ownership, with definite boundaries.

“Reserve Area”: An additional area of at least equal capacity as the original sewage disposal area, suitable for subsurface sewage disposal, and upon which no permanent structures will be constructed.

“Town”: The Town of Lakeville.

### 10.2. Article III. Severability

Each article shall be construed as separate to the end that if any regulation or sentence, clause, or phrase thereof shall be held invalid for any reason, the remainder of that regulation and all other regulations shall continue in full force.

## 11. Well Installers

- 11.0. Every person, business or association engaged in well construction or well installation in the Town of Lakeville for the purpose of obtaining water shall have a permit therefore to be issued by the State and listed on the Annual List of Registered Well Drillers under the Commonwealth of Massachusetts Department of Conservation and Recreation Well Driller Registration Program. This list includes individual who are qualified to engage in the business of well digging and drilling in all cities and towns throughout the Commonwealth of Massachusetts.
- 11.1. Permits for wells
- 11.2. Every person, business or association who installs a well for the purpose of obtaining water shall have a permit issued by the Board prior to the commencement of installation.
- 11.3. Permits for individual wells may be obtained by filing an application for same on a form supplied by the Board.
- 11.4. Applications for well permits shall be accompanied by a plot plan showing, at a minimum, property lines; location of any structures on the lot; proposed well location, location of any animal pens on the lot; and distances between proposed well and street line, property lines, sewage disposal systems and reserve areas on the lot, and if within 200 feet of proposed site, on adjoining lots.
- 11.5. The plan accompanying the well permit application need not be prepared by a registered professional engineer, although the Board reserves the right to request certification of the plan, including distance measurements, from a registered professional engineer.
- 11.6. A permit issued pursuant to Section 11.2 shall be valid for a period on one (1) year following the date of issuance. Upon written request, the Board may extend the permit, without charge, for additional periods of one year.

## 12. Sitting of well

- 12.0. The Board reserves the right to require greater distances between proposed wells and leaching facilities and reserve leaching facilities if geologic and topographic conditions warrant it.
- 12.1. No well shall be permitted within 20 feet of a street layout line or 10 feet of a side or rear line.
- 12.2. The Board may grant a variance indicating a lesser distance than that required in Sections 12.0, although not less than 100 feet from a leaching facility and reserve area, or of Section 12.1 if the Board determines that the installation of the well will not endanger the health of any potential user.
- 12.3. To minimize the hardship created by inadequate quality and quantity of water supply to dwellings used for year-round purposes as of the effective date of this regulation, the Board may grant a variance indicating a lesser distance than 100' from leaching and reserve area. Before said variance may be granted, though, the applicant shall certify in writing that he/she is aware that the minimum standards are designed to prevent contamination of wells and that he/she is aware of the request for variance.
- 12.4. In making a determination of the proper distances the Board may require the applicant to submit information relating to the character of local geology, nature of the soil, depth and slope of the water table and an assessment of the present and projected future density of subsurface disposal systems in the adjacent area.
- 12.5. There shall be no new shared wells allowed in the Town of Lakeville. Replacement of an existing well shall not be considered a new well, and no shallow wells will be permitted.

## 13. Non-potable wells

- 13.0. The Board may issue permits pursuant to Section 11.2 for wells designed for non-potable purposes.
- 13.1. Non-potable wells may be installed notwithstanding the siting requirements only if the applicant has a year-round source of potable water of quality and quantity satisfactory to the Board.

## 14. Well standards

- 14.0. The submergence setting of a foot valve or ejector in any well installed in unconsolidated material shall be a minimum of 10 feet below the static water level. The submergence setting of the uppermost inlet of a well point installed in unconsolidated material shall be a minimum of 10 feet below the static water level.
- 14.1. A well installed in an aquifer consisting of unconsolidated material for the purpose of providing potable water for a new dwelling shall provide no less than a minimum continuous yield of five (5) gallons per minute.
- 14.2. A drilled well installed for the purpose of providing potable water for a new dwelling shall have as a minimum the following capacities:
  - Depth of Well Required Volume
  - Less than 150 feet 5 gallons/minute
  - 150 feet to 300 feet 3 gallons/minute
  - More than 300 feet 2 gallons/minute
- 14.3. The well casing of a drilled well shall extend a minimum of eight (8) inches above finish grade.
- 14.4. Water distribution piping shall be connected to a drilled well with steel casings by means of a pitless adapter installed below the frost line.
- 14.5. Any well installation failing to meet the criteria of Sections 14.0, 14.1 or 14.2, shall be deemed inadequate to meet the ordinary needs of a dwelling.
- 14.6. The Board may grant a variance from Section 14.6 following examination of the request for variance. In making its determination the Board may request that the applicant provide additional storage capacity.

## 15. Well analysis standards

- 15.0. Chemical and bacteriological analysis (including VOC's) must be made of water from each well intended for drinking purposes prior to its connection to the plumbing system of the dwelling or structure where the water will be consumed.
- 15.1. Water analysis and collection shall be performed by a laboratory approved by the Mass. Department of Environmental Quality Engineering for microbiological and chemical analysis of drinking water.
- 15.2. Prior to the water sample collection, the well should be developed by sustained pumping over a period of not less than eight (8) hours.
- 15.3. The analysis pursuant to Section 15.1 shall contain, as a minimum, the following: total Coliform count; sediment, odor; taste; total hardness; sodium, total iron; manganese; chloride; and nitrogen-nitrate.
- 15.4. A copy of the laboratory analysis shall be submitted to the Board. The copy shall include the property plot plan number as stated on the permit and well installer's report to Board.
- 15.5. Following examination of the analysis, the Board reserves the right to recommend a suitable water conditioner or filter be installed.
- 15.6. In the case of a new dwelling, no building permit shall be issued prior to the installation of the well and the submission of the well analysis to the Board, and approval of the analysis by the Board.

## 16. Responsibility of the well installer

- 16.0. The person, business or association that drills the well must pick up the individual well permit and driller's permit. This would provide assurance to the registered driller that a well permit has been issued by the Board.

- 16.1. The driller shall promptly submit to the Board a report of the well installation, on a form approved by the Board, stating the location of the well, the type well, its yield and depth, as well as any other similar information as may be required by the Board.
- 16.2. There shall be no deviation from the well location as shown on the plot plan prepared for the Board as part of the application for a well permit without prior approval of the Board or its designee.

## 17. Previous well permits

- 17.0. All permits to install wells issued prior to the effective date of this regulation shall be valid for one full year following the effective date of this regulation.

## 18. WATER ANALYSIS REQUIREMENTS

- 18.0 Any Well Only Permit must have a Current Title V Inspection or Certificates of Compliance (up to 2 years old) can be submitted to show sewage disposal facility adequacy.
- 18.1 Any Septic Repair or Upgrade Permit must have a Current Water Analysis (*up to one year old*) can be submitted to show water adequacy, provided they include all Potability parameters including Nitrates and Volatile Organic Compounds, and provided they have been collected objectively by a DEP Certified Employee or Certified Water Operator.
- 18.2 No building permit for an addition to any dwelling or structure shall be issued until the Board of Health has approved the adequacy of the water supply and sewage disposal facilities for the proposed use.
- 18.3 No permit required by the Town of Lakeville shall be issued in circumstances which indicate a substantial change in use or a significant expansion in use of any structure or dwelling within the town, unless the applicant can demonstrate that all regulations and requirements of the State Sanitary Code, Chapter 111 of the General Laws of Massachusetts, the State Building Code, and the regulations and by-laws of the Town of Lakeville have been met.

## 19. WELL ANALYSIS SPECIFICATION

Previously a Standard Well Analysis for potability has been accepted for private wells, unless required for a Title V Inspection which involves different parameters. To eliminate confusion for required analyses for different types of site work regarding well water, it has been decided to expand the Required Analysis to include Volatile Organic Compounds, (*hereafter referred to as VOC's*).

Well Analyses greater than One Year Old are not considered current and are not considered suitable for any permitting or compliance process. The Board of Health also acknowledges that the State DEP recommends further testing initially for new wells. Recommended testing parameters are outlined from the Department Environmental Protection Private Well Guidelines which can be found at <http://www.mass.gov/dep/water/drinking/privatew.htm> . Certain areas can have additional contaminants that are not normally checked for with a standard well analysis and it may behoove the home owner to do their own additional testing to insure safe drinking water.

Typical "Potability" parameters include: Total Coliform Bacteria, pH  
Ammonia nitrogen, Nitrate nitrogen,  
Iron, Hardness, Manganese, Sodium,  
Sediment, Chloride, Magnesium, & Calcium  
Arsenic (added 5/12/2010) & VOC's

Sampling should take place by the certified lab performing the analysis as referenced in our local BOH regulation (6.2), although we can accept sampling by an objective third party provided a copy of the chain of custody is attached to the report for legal purposes.

In addition, sampling for new wells, replacement wells and well repairs should be preceded by 6 to 8 hours of sustained pumping per local BOH regulation (6.3) a report for which documenting said pumping should be provided to the BOH by the licensed driller.

Please note: Onsite wells need to be tested prior to any septic permit being released unless there is a current (not more than one year old) analytical report on file.

Also note: Any well(s) within 100 feet of a proposed septic leaching component must be tested and the results submitted for review, to the Health Department, at least one week prior to the public meeting at which the setback divergence(s) will be discussed.

## 20. Waiver for Title V Mandated Well Analysis

Page 3 of the Commonwealth of Massachusetts "Official Inspection Form" mandates a water analysis when a Soil Absorption System (SAS) is found to lie within 100 feet of a private water supply well. In some instances, homeowners abutting the inspected property have been reluctant to allow access to measure their private well locations and/or to obtain samples for analysis. When an abutter's well is concerned, the owner of the property being inspected hires a State Certified Laboratory to collect the samples to avoid any conflicts. If an abutter refuses to cooperate, the Inspector shall obtain the signature (See \*\*) of the abutter refusing access to legally document the reason why all the appropriate analyses are not attached to the inspection report as required by 310 CMR 15.303(2)c.

Address/Lot # of abutting well that may be within 100' & may be required to have an analysis

\_\_\_\_\_

Printed name of owner of said property containing private well

\_\_\_\_\_

Address/Lot# of septic system currently being inspected

\_\_\_\_\_

Name and Company of Septic Inspector for system currently being inspected

\_\_\_\_\_

Owner of Septic System currently being inspected

\_\_\_\_\_

The undersigned acknowledges that a Well Location and Analysis is required under the State Environmental Code but for whatever reason wishes to deny access to the State Certified Inspector and hereby waives the right to have their well water tested and/or access to locate said well. The undersigned also acknowledges by doing so may fail to identify a water quality issue that may be caused by the septic system currently being inspected, and could enable further and increased contamination of said water supply.

Signature of Well Owner or Representative of Requesting Waiver \_\_\_\_\_

Printed Name of Well Owner \_\_\_\_\_

Date \_\_\_\_\_

**\*\*A Certified Mail Receipt can be attached in lieu of a signature if abutter is unavailable or out of town**

## 21. EMERGENCY WELL REPLACEMENT

When an existing well servicing an existing dwelling needs to be replaced on an Emergency Basis, the Board of Health can release a Well Drilling Permit with a letter of waiver from the owner. This well permit would be released on the assumption that the existing well is located in compliance with all setbacks, and that the replacement well should be in compliance as well. The letter of waiver will also document an "understanding" by the owner, that the responsibility to research and document (after the fact) the new well location by a certified person with a certified as-built plan, will still be required "within 30 days of the permit release date" in lieu of the proposed well plan to expedite an urgent need for potable water within an existing occupied dwelling. Should the new well be constructed in Non-Compliance with any or all required setbacks, it is also the Applicant/Owner's responsibility to insure that this new well is properly permitted after the fact with any required variances, or if necessary, capped and relocated and re-drilled so that it does comply with all state and local regulations.

## 22. Nitrogen Loading and Advanced treatment septic systems Protection

If a site is served by a subsurface sewage disposal system, and three or more abutting wells are within 100 feet, an advanced I/A treatment system (approved for denitrification by the DEP) may be required depending on the following criteria which would allow the board to make an informed decision and risk assessment:

- 22.0 all wells have to be accurately located (RLS) and evaluated and labeled appropriately per type (i.e. deep vs. shallow, bedrock vs. gravel packed) on plan
- 22.1 topography clearly shown between wells and proposed septic system to allow evaluation of the system components shown to be up gradient or down gradient
- 22.2 lot size as well as abutting lots sizes with said wells
- 22.3 groundwater flow should be shown (especially if arguing against advanced treatment)
- 22.4 soils should be identified with sufficient soil logs throughout area for a hydro-geological assessment (especially if arguing against advanced treatment)
- 22.5 nitrogen loading (structures flow vs. acreage) of locus lot and abutting lots should also be discernible from the proposed plan and will be taken into consideration
- 22.6 number of animals and locations of pens (i.e. paddocks, kennels, etc.) and manure piles should also be provided for consideration, if applicable
- 22.7 recent (less than one year old) water analyses (including nitrates) should be provided on all wells if available for consideration

Any proposed plan without sufficient information (as requested above) for assessment will mostly likely require an advanced treatment system approved for de-nitrification although each situation is under the discretion of the Board of Health.

## 23. DEMOLITION

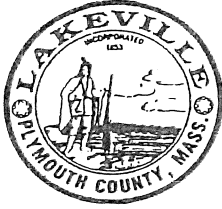
23.0 The Board of Health does not need to sign off on a demolition permit, however, if the property has any public or private wells or an onsite septic system that need(s) to be abandoned; it would be the applicant's responsibility to apply for the appropriate permits to decommission the well(s) and/or septic components through the Health Department.

23.1 Any hazardous materials/waste that require removal per State regulations (i.e. asbestos, fuel oil, fuel oil tanks, etc.) need also to be properly dealt with and permits applied for through the appropriate

department (fire, building, and/or the Department of Environmental Protection) and all work performed by certified or licensed professionals in that field.

- 23.2 If the site is served by a **Subsurface Sewage Disposal System**, the system components need to be properly abandoned per 310 CMR 15.354 and with the proper permit from a licensed installer through the Health Department. If there is to be on-site reconstruction in the near future and the septic components need to be re-utilized for another structure, a Title V Inspection would be required to determine adequacy for the expansion/change in use, or to determine if an upgrade or expansion of the system would be required. If the septic system passes an inspection and will be re-utilized after demolition, the proper marking of all components with suitable flagging for protection, must be completed prior to issuance of the demolition permit. If the septic system does not pass an inspection and/or a new system is to be designed for a reconstructed building, the old system can be properly abandoned under the permit for the new system to be reconstructed after the demolition, provided there are no public health and/or safety issues. It is the owner's and site contractor's responsibility to maintain site safety during all operations and in order to insure that, it may be necessary to obtain an abandonment permit prior to demolition.
- 23.3 If the property is serviced by existing **Public or Private Well(s)**, the well(s) would need to be properly abandoned and sealed as necessary to prevent a public health danger per State private well guidelines and any local board of health regulations or policies. If there is to be on-site reconstruction in the near future and the well(s) need to be re-utilized for another structure, a well analysis (for private wells per local specified parameters) would be required to be submitted to determine adequacy for the expansion/change in use. If the well passes the analytical requirements and will be re-utilized after demolition, the proper marking of any wells with suitable flagging for protection, must be completed prior to issuance of the demolition permit. If the property has a public well, the DEP and the certified water operator would need to be contacted for the appropriate conditions for decommissioning, and any documentation forwarded to this office for our records. If a private well is to be properly abandoned, it must be done so through the Health department with the appropriate permit, by a licensed well driller per State guidelines.





FEE: \$50

Ck# \_\_\_\_\_

Date: \_\_\_\_\_

BOARD OF HEALTH  
Town of Lakeville

TITLE V INSPECTION APPLICATION

- Fee for witnessing \$50.00 to be paid at time of filing application.

Please print clearly or type in the following:

OWNER'S NAME \_\_\_\_\_

PROPERTY ADDRESS \_\_\_\_\_  
Assessors Map \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

TELEPHONE NUMBER \_\_\_\_\_

INSPECTOR'S NAME \_\_\_\_\_

COMPANY'S NAME \_\_\_\_\_

TELEPHONE NUMBER \_\_\_\_\_

REASON FOR INSPECTION: \_\_\_\_\_ Property Transfer \_\_\_\_\_ Additon/Construction \_\_\_\_\_ Other  
(new well, garage, etc.)

**NOTE TO INSPECTOR:**

The Board of Health requires the following:

- ✓ Dwelling Inspection
- ✓ Site Plans/As-Built drawings available at time of inspection
- ✓ All system components openings will be uncovered and open for inspection
- ✓ Field/Trench observation holes, tank(s) may be required depending on site conditions

Date Scheduled: \_\_\_\_\_

Time: \_\_\_\_\_

No. \_\_\_\_\_ THE COMMONWEALTH OF MASSACHUSETTS FEE \_\_\_\_\_  
BOARD OF HEALTH

OF \_\_\_\_\_

### APPLICATION FOR DISPOSAL SYSTEM CONSTRUCTION PERMIT

Application for a Permit to Construct ( ) Repair ( ) Upgrade ( ) Abandon ( ) -  Complete System  Individual Components

Location _____	Owner's Name _____
Map/Parcel # _____	Address _____
Lot # _____	Telephone # _____
Installer's Name _____	Designer's Name _____
Address _____	Address _____
Telephone # _____	Telephone # _____

Type of Building: \_\_\_\_\_ Lot Size \_\_\_\_\_ Sq. feet  
Dwelling — No. of Bedrooms \_\_\_\_\_ Garbage Grinder ( )  
Other — Type of Building \_\_\_\_\_ No. of persons \_\_\_\_\_ Showers ( ), Cafeteria ( )  
Other fixtures \_\_\_\_\_

Design Flow (min. required) \_\_\_\_\_ gpd Calculated design flow \_\_\_\_\_ gpd Design flow provided \_\_\_\_\_ gpd  
Plan: Date \_\_\_\_\_ Number of sheets \_\_\_\_\_ Revision Date \_\_\_\_\_  
Title \_\_\_\_\_

Description of Soil(s) \_\_\_\_\_  
Soil Evaluator Form No. \_\_\_\_\_ Name of Soil Evaluator \_\_\_\_\_ Date of Evaluation \_\_\_\_\_

DESCRIPTION OF REPAIRS OR ALTERATIONS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The undersigned agrees to install the above described Individual Sewage Disposal System in accordance with the provisions of TITLE 5 and further agrees not to place the system in operation until a Certificate of Compliance has been issued by the Board of Health.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Inspections \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FORM 1 - APPLICATION FOR DSCP DEP APPROVED FORM 5/96

No. \_\_\_\_\_ THE COMMONWEALTH OF MASSACHUSETTS FEE \_\_\_\_\_  
BOARD OF HEALTH

### CERTIFICATE OF COMPLIANCE

Description of Work:  Individual Component(s)  Complete System

The undersigned hereby certify that the Sewage Disposal System; Constructed ( ), Repaired ( ), Upgraded ( ), Abandoned ( )

by: \_\_\_\_\_

at \_\_\_\_\_  
has been installed in accordance with the provisions of 310 CMR 15.00 (Title 5) and the approved design plans/as-built plans relating to application No. \_\_\_\_\_ dated \_\_\_\_\_ Approved Design Flow \_\_\_\_\_ (gpd)

Installer \_\_\_\_\_ Date \_\_\_\_\_

Designer: \_\_\_\_\_ Inspector \_\_\_\_\_

The issuance of this certificate shall not be construed as a guarantee that the system will function as designed.  
FORM 3 - CERTIFICATE OF COMPLIANCE DEP APPROVED FORM 5/96

No. \_\_\_\_\_ THE COMMONWEALTH OF MASSACHUSETTS FEE \_\_\_\_\_  
BOARD OF HEALTH

### DISPOSAL SYSTEM CONSTRUCTION PERMIT

Permission is hereby granted to Construct ( ) Repair ( ) Upgrade ( ) Abandon ( ) an individual sewage disposal system at \_\_\_\_\_ as described

in the application for Disposal System Construction Permit No. \_\_\_\_\_, dated \_\_\_\_\_

Provided: Construction shall be completed within three years of the date of this permit. All local conditions must be met.

Date \_\_\_\_\_ Board of Health \_\_\_\_\_

FORM 2 - DSCP DEP APPROVED FORM 5/96

FORM 1255 (REV 5/96)

H&W HOBBS & WARREN™

PUBLISHERS - BOSTON

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## Lakeville Conservation Commission Permits and Regulations

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Wetlands Protection Act Permits can be found at:

<http://www.mass.gov/dep/water/approvals/wwforms.htm#wetlands>

Additional Conservation-related Websites:

Massachusetts Department of Environmental Protection (MassDEP)

<http://www.mass.gov/dep/>

Massachusetts Department of Fish and Game (DFG)

<http://www.mass.gov/dfwele/dfw/index.htm>

Massachusetts Association of Conservation Commissions

<http://www.maccweb.org/>

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# Lakeville Conservation Commission Submittal Requirements

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July 18, 2012

To Whom It May Concern:

The following are requirements for submittals to the Lakeville Conservation Commission.

1. All filings, including the plan of record, must be submitted by noon on the day of the deadline and must be accompanied by the appropriate fees. Additional information for continued hearings must be supplied to the Commission at least ten days prior to the hearing date. The 2012 meeting schedule and submittal deadlines are enclosed. All submittals may be left with the Town Clerk if the Conservation Commission office is not open.
2. The Commission requires 4 copies of full-sized plans and 7 copies of 11"x17" plans. Applicants may submit only 2 copies of all storm water/drainage reports and additional documentation IF the information has also been submitted via PDF email. The Commission requests that all information, including plans, also be submitted electronically to [jjewell@lakevillema.org](mailto:jjewell@lakevillema.org).
3. All plans must have a locus that clearly identifies the location of the property. The 100' buffer zone, the 25' buffer zone and all water and septic lines must be clearly defined and the legend must be correct. The plans must show topography, direction of hydrology flow and annual mean water. All plans and filings must be submitted to the Commission in conjunction with submittal to the Department of Environmental Protection. All Notice of Intent and Abbreviated Notice of Resource Area Delineation filings require abutter notification.
4. All areas depicted on the plans at the time of submission including wells and proposed dwellings must be flagged and/or staked out in the field for review by the Commission.
5. It is the responsibility of the applicant to contact the Conservation Commission office (508-946-8823) for posting deadlines and verification of the time and date of the hearing.
6. All newspaper notices will be published in the New Bedford Standard Times and will be submitted by the Commission. The applicant is responsible for payment.
7. If an applicant wishes to withdraw a filing the request must be made in writing. Any requests for a continuance must be made, in writing, at least 48 hours in advance. The Commission may issue a denial if this requirement is not met.
8. For any property that abuts Long Pond, Assawompsett Pond, Elders Pond or their tributaries a complete copy of the filing must be sent to:

Taunton Water Department  
91 Precinct Street  
Lakeville, MA 02347

New Bedford Water Department  
1 Negus Way  
East Freetown, MA 02717

9. Please refer to the fee schedule for all submittals, effective August 10, 2009.

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## Lakeville Fire Department Permits

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Permits are available at:

<http://www.mass.gov/eopss/agencies/dfs/dfs2/osfm/osfm-forms.html>

PLEASE VIEW NEW PERMIT FEES BEFORE **FILING PERMITS.**

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# Lakeville Planning Board Permits and Regulations

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## ZONING BY-LAW

### SECTION 6.7 - SITE PLAN APPROVAL

(Added at Special Town Meeting of December 9, 1997)

#### 6.7 SITE PLAN REVIEW

##### 6.7.1 Purpose

The purpose of site plan review is to ensure that the design and layout of certain developments permitted as of right or by Special Permit will constitute suitable development and will not result in a detriment to the neighborhood or the environment.

The site plan review shall consider the following:

- 6.7.1.1 Protection of adjacent areas against detrimental or offensive uses on the site by provision of adequate surface water drainage, buffers against light, sight, sound, dust and vibration, and preservation of light and air.
- 6.7.1.2 Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas;
- 6.7.1.3 Adequacy of the methods for disposal of wastes;
- 6.7.1.4 Protection of environmental features on the site and in adjacent areas.
- 6.7.1.5 Management of stormwater runoff to minimize stormwater runoff, maximize infiltration and recharge where possible and minimize pollutants in the runoff as required to meet the performance standards of the Massachusetts Department of Environmental Protection's March 1997 Stormwater Management Policy as amended;
- 6.7.1.6 Minimization of on-site erosion and the prevention of eroded soil from being deposited onto adjacent properties, rights-of-way, the municipal storm drainage system, wetlands or water courses during and after construction.

##### 6.7.2 Procedure-Business or Industrial

Applicants for a building permit for new construction or for modification of or addition to a business or industrial structure resulting in floor area of over 1,500 square feet in the aggregate shall submit six (6) copies of a site plan as described herein to the Town Clerk for Planning Board approval.

Failure of the Planning Board to act within twenty-one (21) days of receipt of a site plan shall be deemed lack of opposition thereto.

The following information shall be required by the applicant for site plan review:

- 1) locus plan;
- 2) location of structures within 200 feet of property lines;
- 3) existing and proposed buildings, showing setbacks from property lines;
- 4) building elevations;
- 5) parking areas, driveways, and facilities for pedestrian movement including parking calculations based on current regulations;
- 6) drainage system;
- 7) utilities and lighting;

- 8) landscaping, including trees to be removed and retained;
- 9) loading and unloading facilities;
- 10) provisions for refuse removal;
- 11) drainage calculations and **verification of soil types**;
- 12) existing and projected traffic volumes from the site and effect on the local road network;
- 13) existing and proposed contour elevations in five (5) foot increments;
- 14) location of well or public drinking water supply;
- 15) location of wetlands **approved by the Conservation Commission**;
- 16) proposed and existing location of signs;
- 17) any building over 35,000 cubic feet should be accompanied by engineered plans drawn by a certified architect as required by the Massachusetts building code;
- 18) all information should pertain to existing and proposed;
- 19) Stormwater Management Plan detailing the **Best Management Practices that will be employed at the site such that stormwater runoff shall meet the performance standard found in the most current version of the Massachusetts Department of Environmental Protection's Stormwater Management Policy**;
- 20) **Sediment and Erosion Control Plan detailing the location, installation and maintenance of sediment and erosion controls during and after construction. The Plan shall adhere to the standards and specifications found in the Massachusetts Erosion and Sediment Control Guidelines dated March 1997 as amended**;
- 21) other information as may be necessary to determine compliance with the provisions of this By-Law.

In addition, at least ten (10) days prior to filing a site plan with the Planning Board, an applicant shall submit one copy of the site plan to each of the following boards and officers, together with a request for review and recommendation to the Planning Board pursuant to this section:

Police Chief  
 Fire Chief  
 Board of Health  
 Conservation Commission  
 Highway Surveyor  
**Building Department**  
**Open Space Committee**  
 Board of Selectmen

Said boards and officers shall review the site plan, considering the effects of the purposed use and related construction, and shall make recommendations as they deem appropriate to minimize any detrimental effects of the development on nearby property or on Town Roads or other infrastructure. *(Adopted at Special Town Meeting June 11, 2001, approved by attorney general September 19, 2001)*

### **6.7.3 Procedure-Residential**

Applicants for a building permit for new construction or for modification or addition to any residential structure which will disturb more than 3,000 square feet of ground for which filing of a Notice of Intent with the Lakeville Conservation Commission is not required shall submit three (3) copies of a site plan as described herein the Town Clerk for Planning Board approval. Failure of the Planning Board to act within twenty-one (21) days of receipt of a site plan shall be deemed lack of opposition thereto.

The following information shall be required by the applicant for site plan review:

- 1) locus plan;
- 2) location of structures within 100 feet of property lines;
- 3) existing and proposed buildings, showing setbacks from property lines;
- 4) existing and proposed contour elevations in two (2) foot increments;
- 5) location of well or public drinking water supply;
- 6) location of wetlands approved by the Conservation Commission;
- 7) all information should pertain to existing and proposed;
- 8) Stormwater Management Plan detailing the Best Management Practices that will be employed at the site such that stormwater runoff shall meet the performance standard found in the most current version of the Massachusetts Department of Environmental Protection's Stormwater Management Policy;
- 9) Sediment and Erosion Control Plan detailing the location, installation and maintenance of sediment and erosion controls during and after construction. The Plan shall adhere to the standards and specifications found in the Massachusetts Erosion and Sediment Control Guidelines dated March 1997 as amended;
- 10) other information as may be necessary to determine compliance with the provisions of this By-Law.

In addition, at least ten (10) days prior to filing a site plan with the Planning Board, an applicant shall submit one copy of the site plan to each of the following boards and officers, together with a request for review and recommendation to the Planning Board pursuant to this section:

Police Chief  
Fire Chief  
Board of Health  
Building Department  
Conservation Commission  
Highway Surveyor  
Open Space Committee  
Board of Selectmen

Said boards and officers shall review the site plan, considering the effects of the purposed use and related construction, and shall make recommendations as they deem appropriate to minimize any detrimental effects of the development on nearby property or on Town Roads or other infrastructure.

*(Bolded text Adopted 6/13/05; Approved by Attorney General 9/30/05)*



**Town of Lakeville  
Planning Board  
RECEIPT OF SITE PLAN**

Site Plan Address: \_\_\_\_\_

The undersigned hereby certify receiving a copy of the above specified site plan(s) for their Department /Board review and comment **WITHIN 10 DAYS. I WILL BE PRESENTING THIS PLAN TO THE PLANNING BOARD ON \_\_\_\_\_.**

<b><u>Official and/or Board</u></b>	<b><u>Signature</u></b>	<b><u>Date</u></b>
-------------------------------------	-------------------------	--------------------

1. Conservation Commission \_\_\_\_\_
2. Police Chief \_\_\_\_\_
3. Fire Chief \_\_\_\_\_
4. Board of Health \_\_\_\_\_
5. Highway Surveyor \_\_\_\_\_
6. Building Department \_\_\_\_\_
7. Open Space Committee \_\_\_\_\_
8. Board of Selectmen \_\_\_\_\_

Petition to be  
filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE  
MASSACHUSETTS

ZONING BOARD OF APPEALS  
PETITION FOR HEARING

Name of Petitioner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Name of Property Owner: \_\_\_\_\_

Location of Property: \_\_\_\_\_

Property is located in a \_\_\_\_\_ residential \_\_\_\_\_ business \_\_\_\_\_ industrial (zone)

Registry of Deeds: Book No. \_\_\_\_\_ Page No. \_\_\_\_\_

Map \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Petitioner is: \_\_\_\_\_ owner \_\_\_\_\_ tenant \_\_\_\_\_ licensee \_\_\_\_\_ prospective purchaser

Nature of Relief Sought:

\_\_\_\_\_ Special Permit under Section (s) \_\_\_\_\_ of the Zoning Bylaws

\_\_\_\_\_ Variance from Section (s) \_\_\_\_\_ of the Zoning Bylaws

\_\_\_\_\_ Appeal from Decision of the Building Inspector/Zoning Enforcement Officer

\_\_\_\_\_ Date of Denial

Brief to the Board: (See instructions on reverse side - use additional paper if necessary.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I HEREBY REQUEST A HEARING BEFORE THE ZONING BOARD OF APPEALS WITH  
REFERENCE TO THE ABOVE PETITION OR APPEAL. ALL OF THE INFORMATION ON  
THIS PETITION, TO THE BEST OF MY KNOWLEDGE, IS COMPLETE AND ACCURATE  
AND CONFORMS TO THE REQUIREMENTS ON THE BACK OF THIS PETITION FORM.

Petitioner: \_\_\_\_\_ Date: \_\_\_\_\_

Signed: \_\_\_\_\_ Telephone: \_\_\_\_\_

Owner Signature: \_\_\_\_\_ Owner Telephone: \_\_\_\_\_  
(If not petitioner)

(REFERENCE THE REVERSE SIDE OF THIS APPLICATION FOR FURTHER  
INSTRUCTIONS IN FILING YOUR PETITION.)

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

\_\_\_\_\_ Yes \_\_\_\_\_ No

\_\_\_\_\_  
(Name and Title)

**AGENDA ITEM #4  
JULY 20, 2020**

**DISCUSS BUILDING PROJECTS AND APPROVALS**

Rich asked for this to be on the agenda.

Tracie



# TOWN OF LAKEVILLE

## OFFICE OF THE TOWN CLERK

346 Bedford Street  
Lakeville, Massachusetts 02347


508-946-8814

ldrane@lakevillema.org

FROM THE OFFICE OF  
LILLIAN M. DRANE  
MMC/CMMC

### MEMORANDUM

**TO:** Board of Selectmen

**FROM:** Lillian M. Drane, Town Clerk/Chief Elections Officer/Board of Registrar 

**DATE:** July 16, 2020

**RE:** **2020 EARLY VOTING:** Change of location from Police Station (Conference Room) to another suitable place

As you may know, we do have Early Voting again this year and I would like to bring to the Board's attention the changing of the location of our 2020 Early Voting site due to the fact; the **conference room** at the Town Hall is no longer available and the use of the Lakeville Police Station Community Room for this past early voting session for the Presidential Primary was feasible for 5 days but it took away meeting space for the Boards to meet. Seeking some great ideas to combat some of the logistical challenges I have encountered. I am requesting to have this matter placed on the Selectmen's next agenda.

#### **BACKGROUND: Compliance with the Early Voting Law**

#### **Locations for In-Person Early Voting:**

Pursuant to 950 CMR 47.00: Early Voting Procedures, section 47.04: Designation of Early Voting Locations:

- (1) Each city and town shall establish one or more early voting site that shall include the election office for the city or town or other suitable location within the building in which the election office is located; provided however, that if the city or town determines that the office is unavailable within the building or unsuitable for early voting, the local election official of each city or town shall identify and provide for an alternative, centrally-located, suitable and convenient public building within each city or town as an early voting site.

All EV locations must be accessible:

- Must meet polling place accessibility regulations (*950 CMR, §51*).
- Must have at least one AutoMark machine (*ADA-Compliant Ballot-Marking Device*).
- Must have at least one accessible marking unit (*booths*).

All EV locations should provide enough space for:

- EV staff and tables.
- Marking units (*booths*) to allow early voters sufficient privacy.
- Secure storage of voted EV ballots,
- Observers

**2020 Early Voting Period (State Primary Election):**

- **Saturday, August 22nd through Friday, August 28th (7 days),**
- During regular Town Clerk business hours (*Monday through Thursday 8:00am-4:30pm & Friday 8:00am to Noon including Saturday & Sunday, from 8:00am-Noon*).

**2020 Early Voting Deadlines-State Primary Election:**

**August 7th, 2020:**

- Last day to designate location(s), dates, and hours of EV sites.
- Must use municipal election office, unless suitable.
- The designation of an alternate location must include a letter from the Board of Registrars or Election Commission detailing why city or town hall cannot be used.

**August 7th, 2020:**

- Last day to provide Secretary of State with location(s), dates, and hours of EV sites.

**August 14th, 2020:**

- Notice shall be posted conspicuously in the Clerk's office or on town bulletin board, town website and any other public building regarding location(s), dates and times for EV.

**REQUESTS:**

- **Old Town Hall- 2 Precinct Street-** This building is centrally located and has an entrance and exit and is big enough for our tables, voting booths, election workers, AutoMark machines and possibility of a voting machine(s) The facility has a large parking lot but it lacks bathrooms, air conditioning and the electrical may need to be upgraded. (Portable johns can be ordered)

In the meantime, I had secured the Lakeville Police Station Community Room for 2020 Early Voting Sessions for Presidential Primary (3/1/20), Presidential Election (11/3/20) and the possibility of the State Primary Election (9/1/20).

In closing, please keep in mind of the above mentioned outlined regarding accommodations and deadlines that have to be met. Hoping the Board can help me facilitate a suitable site for the 2020 Early Voting.

The requirement to establish the mandated early voting polling location, staff the mandated early voting polling location, and provide privacy for persons voting are all key components to the primary obligation- voting!

Thank you in advance for your attention to this matter.

cc: Nate Darling, Building Commissioner

**AGENDA ITEM #5  
JULY 20, 2020**

**DISCUSS COVID 19 REIMBURSEMENTS**

Rich asked for this to be on the agenda.

Tracie

**AGENDA ITEM #6  
JULY 20, 2020**

**DISCUSS DEPARTMENT HEAD REVIEW PROCESS**

Rich asked for this to be on the agenda.

Tracie

**AGENDA ITEM #7  
JULY 20, 2020**

**DISCUSS CHAPTER 61A AND 61B POLICY AND  
PROCEDURES**

I have attached the internal procedure for Chapter 61 Land from the Town of Plymouth that is in the review process (please see handwritten notes).

Also attached is some relevant chapters of MGL 61, 61A and B for your review; information on Forest Land Taxation (Chapter 61); a concise summary from the Town of Marshfield website on Classified Land; and information from the Lakeville Board of Assessors on their process for your review.

Tracie



**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title IX** TAXATION

**Chapter 61** CLASSIFICATION AND TAXATION OF FOREST LANDS AND FOREST PRODUCTS

**Section 2** CLASSIFICATION OF FOREST LANDS BY ASSESSORS;  
APPLICATION

Section 2. Except as otherwise herein provided, all forest land, parcels of not less than 10 contiguous acres in area, used for forest production shall be classified by the assessors as forest land upon written application sufficient for identification and certification by the state forester. Such application shall be accompanied by a forest management plan. The state forester will have sole responsibility for review and certification with regard to forest land and forest production.

The rate of tax applicable to certified forest land shall be the rate determined to be applicable to class three, commercial property under chapter 59.

Upon receipt of such certified application, the board of assessors shall, upon a form approved by the commissioner of revenue, forthwith record in the registry of deeds of the county or district in which the parcel is situated, a statement of such classification which shall constitute a lien upon the land for taxes levied under the provisions of this chapter. The statement shall name the owner and a description of the land. The

assessors shall return a copy of said recorded statement to the office of the state forester containing the date, book and page number of such recording. Said lien may be discharged by the board of assessors. All recording fees in connection with such statement or discharge shall be paid by the owner of such parcel.

Land shall be removed from classification by the assessor unless, at least every ten years, the owner files with said assessor a new certification by the state forester. The state forester, or his designee, shall have the authority to enter on private lands for the purpose of making investigations to assure compliance with this chapter. Classified forest land shall be subject to the taxes provided in section three. Buildings and structures and the land on which they are erected and which is accessory to their use shall not be entitled to be classified as forest land.

If a single parcel or tract of land consists in part of forest land and in part of other land, the portion consisting of forest land, if said portion comprises at least ten contiguous acres in area and otherwise conforms to the requirements of this chapter shall be classified forest land upon application as hereinbefore provided.

An application to have land classified as forest land shall be submitted to the state forester not later than July first in any year. After certification the owner shall submit to the assessors not later than October first of the same year evidence of certification together with the approved management plan. Classification shall take effect on January first of the year following certification and taxation under this chapter and shall commence with the fiscal year beginning after said January first.

When in judgment of the assessors, land which is classified as forest land or which is the subject of an application for such classification is not being managed under a program, or is being used for purposes incompatible with forest production, or does not otherwise qualify under this chapter, the assessors may, on or before December first in any year file an appeal in writing mailed by certified mail to the state forester requesting a denial of application or, in the case of classified land, requesting removal of the land from such classification. Such appeal shall state the reasons for such request. A copy of the appeal shall be mailed by the assessors by certified mail to the owner of the land. The state forester may initiate, on or before December first of any year, a proceeding to remove land from classification, sending notice of his action by certified mail to the assessors and the owner of such land. The state forester may deny the owner's application, may withdraw all or part of the land from classification, or may grant the application, imposing such terms and conditions as he deems reasonable to carry out the purpose of this chapter, and shall notify the assessors and the owner of his decision no later than March first of the following year. If the owner or the assessors are aggrieved by his decision they may, on or before April fifteenth, give notice to the state forester of a claim of appeal. The state forester shall convene on or before May fifteenth, a panel in the region in which the land is located. Said panel shall consist of three members, one of whom shall be named by the state forester, one of whom shall be named by the assessors, and one of whom shall be named by the state forester and the assessors. Said panel shall give notice of the date and place of the hearing in writing to the parties seven days at least before the date of said hearing. The panel shall furnish the parties, in writing, a notice of its decision within ten days after the adjournment of said hearing. Decisions

of the panel shall be by majority vote of its members. If the owner or the assessors are aggrieved by such decision, they may, within forty-five days from receipt of the decision, petition either the superior court in the county in which the land is located for a review of such decision under the provisions of chapter thirty A or the appellate tax board under the provisions of chapter fifty-eight A, and said land shall not be classified or withdrawn from classification until the final determination of such petition. The state forester may adopt such regulations as he deems necessary to carry out the provisions of this chapter.

<b>Part I</b>	ADMINISTRATION OF THE GOVERNMENT
<b>Title IX</b>	TAXATION
<b>Chapter 61</b>	CLASSIFICATION AND TAXATION OF FOREST LANDS AND FOREST PRODUCTS
<b>Section 6</b>	CONVEYANCE TAX ON FOREST PRODUCTION LAND SOLD FOR OTHER USE; RATE; EXCEPTIONS

Section 6. Any land in forest production use which is valued, assessed and taxed under this chapter, if sold for other use within a period of 10 years after the date of its acquisition or after the earliest date of its uninterrupted use by the current owner in forest production, whichever is earlier, shall be subject to a conveyance tax applicable to the total sales price of that land, which tax shall be in addition to taxes that may be imposed under any other law. Notwithstanding the previous sentence, no conveyance tax shall be assessed if the land involved, or a lesser interest in that land, is acquired for a natural resource purpose by the city or town in which it is situated, by the commonwealth or by a nonprofit conservation organization, but if any portion of the land is sold or converted to commercial, residential or industrial use within 5 years after acquisition by a nonprofit conservation organization, the conveyance tax shall be assessed against the nonprofit conservation organization in the amount that would have been assessed at the time of acquisition of the subject parcel by the nonprofit conservation organization had such

transaction been subject to a conveyance tax. The conveyance tax shall be assessed on only that portion of land whose use has changed. The conveyance tax shall be at the following rate: 10 per cent if sold within the first year of ownership; 9 per cent if sold within the second year of ownership; 8 per cent if sold within the third year of ownership; 7 per cent if sold within the fourth year of ownership; 6 per cent if sold within the fifth year of ownership; 5 per cent if sold within the sixth year of ownership; 4 per cent if sold within the seventh year of ownership; 3 per cent if sold within the eighth year of ownership; 2 per cent if sold within the ninth year of ownership; and 1 per cent if sold within the tenth year of ownership. No conveyance tax shall be imposed under this section after the end of the tenth year of ownership. The conveyance tax shall be due and payable by the grantor at the time of transfer of the property by deed or other instrument of conveyance and shall be payable to the tax collector of the city or town in which the property is entered upon the tax list, but in the case of taking by eminent domain, the value of the property taken shall be determined in accordance with chapter 79, and the amount of conveyance tax, if any, shall be added as an added value. If there is filed with the board of assessors an affidavit by the purchaser that the land is being purchased for forest production use, no conveyance tax shall be payable by the seller by reasons of the sale, but if the land is not in fact continued in this use for at least 5 consecutive years, the purchaser shall be liable for any conveyance tax that would have been payable on the sale as a sale for other use. The conveyance tax shall be assessed on only that portion of land for which the use has changed.

Except with respect to eminent domain takings, this section shall not be applicable to the following: mortgage deeds; deeds to or by the city or town in which the land is located; deeds which correct, modify,

supplement or confirm a deed previously recorded; deeds between husband and wife and parent and child when no consideration is received; tax deeds; deeds releasing any property which is a security for a debt or other obligation; deeds for division of property between owners without monetary consideration; foreclosures of mortgages and conveyances by the foreclosing parties; deeds made under a merger of a corporation or by a subsidiary corporation to its parent corporation for no consideration other than the cancellation and surrender of capital stock of the subsidiary which do not change beneficial ownership; and property transferred by devise or otherwise as a result of death.

A nonexempt transfer after any exempt transfer or transfers shall be subject to this section. Upon the nonexempt transfer, the date of acquisition by the grantor, for purposes of this section, shall be considered to be the date of the last preceding transfer not excluded by the foregoing provisions from application of this section, but in the case of transfer by a grantor who has acquired the property from a foreclosing mortgagee, the date of acquisition shall be considered to be the date of the acquisition. Any land in forest production use which is valued, assessed and taxed under this chapter, if changed by the owner of the land to another use within a period of 10 years after the date of its acquisition by that owner, shall be subject to the conveyance tax applicable under this section at the time of the change in use as if there had been an actual conveyance, and the value of the land for the purpose of determining a total sales price shall be fair market value as determined by the board of assessors of the city or town involved for all other property.

If any tax imposed under this section should not be paid, the collector of taxes shall have the same powers and be subject to the same duties with respect to these taxes as in the case of the annual taxes upon real estate,

and the law in regard to the collection of the annual taxes, the sale of land for the nonpayment of taxes and redemption shall apply to these taxes.

No conveyance tax imposed by this section will be assessed on land that is considered to be in agricultural use under sections 1 and 3 of chapter 61A, in horticultural use under sections 2 and 3 of said chapter 61A or recreational land under section 1 of chapter 61B.



<b>Part I</b>	ADMINISTRATION OF THE GOVERNMENT
<b>Title IX</b>	TAXATION
<b>Chapter 61</b>	CLASSIFICATION AND TAXATION OF FOREST LANDS AND FOREST PRODUCTS
<b>Section 8</b>	CONVERSION OF LAND TO RESIDENTIAL, INDUSTRIAL OR COMMERCIAL USE; NOTICE TO CITY OR TOWN; FIRST REFUSAL OPTION

Section 8. Land taxed under this chapter shall not be sold for, or converted to, residential, industrial or commercial use while so taxed or within 1 year after that time unless the city or town in which the land is located has been notified of the intent to sell for, or to convert to, that other use.

The discontinuance of forest certification shall not, in itself, for the purposes of this section, be considered a conversion. Specific use of land for a residence for the owner, the owner's spouse or a parent, grandparent, child, grandchild, or brother or sister of the owner, or surviving husband or wife of any deceased such relative, or for living quarters for any persons actively employed full-time in the forest use of that land, shall not be a conversion for the purposes of this section, and a certificate of the board of assessors, recorded with the registry of deeds, shall conclusively establish that particular use.

Any notice of intent to sell for other use shall be accompanied by a statement of intent to sell, a statement of proposed use of the land, the location and acreage of land as shown on a map drawn at the scale of the assessors map in the city or town in which the land is situated, and the name, address and telephone number of the landowner.

Any notice of intent to sell for other use shall be accompanied by a certified copy of an executed purchase and sale agreement specifying the purchase price and all terms and conditions of the proposed sale, which is limited to only the property classified under this chapter, and which shall be a bona fide offer as described below.

Any notice of intent to sell for other use shall also be accompanied by any additional agreements or a statement of any additional consideration for any contiguous land under the same ownership, and not classified under this chapter, but sold or to be sold contemporaneously with the proposed sale.

For the purposes of this chapter, a bona fide offer to purchase shall mean a good faith offer, not dependent upon potential changes to current zoning or conditions or contingencies relating to the potential for, or the potential extent of, subdivision of the property for residential use or the potential for, or the potential extent of development of the property for industrial or commercial use, made by a party unaffiliated with the landowner for a fixed consideration payable upon delivery of the deed.

Any notice of intent to convert to other use shall be accompanied by a statement of intent to convert, a statement of proposed use of the land, the location and acreage of land as shown on a map drawn at the scale of the

assessors map in the city or town in which the land is situated, the name, address and telephone number of the landowner and the landowner's attorney, if any.

The notice of intent to sell or convert shall be sent by the landowner, by certified mail or hand-delivered, to the mayor and city council of a city, or board of selectmen of a town, and in the case of either a city or a town, to its board of assessors, to its planning board and conservation commission, if any, and to the state forester.

A notarized affidavit that the landowner has mailed or delivered a notice of intent to sell or convert shall be conclusive evidence that the landowner has mailed the notice in the manner and at the time specified. Each affidavit shall have attached to it a copy of the notice of intent to which it relates.

The notice of intent to sell or convert shall be considered to have been duly mailed if addressed to the mayor and city council or board of selectmen in care of the city or town clerk; to the planning board and conservation commission if addressed to them directly; to the state forester if addressed to the commissioner of the department of conservation and recreation and to the assessors if addressed to them directly.

If the notice of intent to sell or convert does not contain all of the material as described above, then the town or city, within 30 days after receipt, shall notify the landowner in writing that the notice is insufficient and does not comply.

For a period of 120 days after the day following the latest date of deposit in the United States mail of any notice which complies with this section, the city or town shall have, in the case of intended sale, a first refusal

option to meet a bona fide offer to purchase the land.

In the case of intended or determined conversion not involving sale, the municipality shall have an option to purchase the land at full and fair market value to be determined by an impartial appraisal performed by a certified appraiser hired at the expense of the municipality or its assignee, the original appraisal to be completed and delivered to the landowner within 30 days after the notice of conversion to the municipality. In the event that the landowner is dissatisfied with the original appraisal, the landowner may, at the landowner's expense, contract for a second appraisal, the second appraisal to be completed within 60 days after the delivery of the notice to convert. If, after completion of the second appraisal, the parties cannot agree on a consideration, the parties shall contract with a mutually acceptable appraiser for a third appraisal whose cost will be borne equally by both parties. The third appraisal shall be delivered to both parties within 90 days after the notice of conversion to the municipality and shall be the final determination of consideration. Upon agreement of a consideration, the city or town shall then have 120 days to exercise its option. During the appraisal process, the landowner may revoke the intent to convert at any time and with no recourse to either party.

This option may be exercised only after a public hearing followed by written notice signed by the mayor or board of selectmen, mailed to the landowner by certified mail at such address as may be specified in the notice of intent. Notice of the public hearing shall be given in accordance with section 23B of chapter 39.

The notice of exercise shall also be recorded at the registry of deeds and shall contain the name of the record owner of the land and description of the premises adequate for identification of it.

The notice to the landowner of the city or town's election to exercise its option shall be accompanied by a proposed purchase and sale contract or other agreement between the city or town and the landowner which, if executed, shall be fulfilled within a period of not more than 90 days after the date the contract or agreement, endorsed by the landowner, is returned by certified mail to the mayor or board of selectmen, or upon expiration of any extended period the landowner has agreed to in writing, whichever is later.

At the public hearing or a further public hearing, the city or town may assign its option to a nonprofit conservation organization or to the commonwealth or any of its political subdivisions under terms and conditions that the mayor or board of selectmen may consider appropriate. Notice of the public hearing shall be given in accordance with section 23B of chapter 39.

The assignment shall be for the purpose of maintaining no less than 70 per cent of the land in use as forest land as defined in section 1 of this chapter, as agricultural and horticultural land as defined in sections 1 and 2 of chapter 61A or as recreation land as defined in section 1 of chapter 61B, and in no case shall the assignee develop a greater proportion of the land than was proposed by the developer whose offer gave rise to the assignment. All land other than land that is to be developed shall then be bound by a permanent deed restriction that meets the requirements of chapter 184.

If the first refusal option has been assigned to a nonprofit conservation organization or to the commonwealth or any of its political subdivisions as provided in this section, the mayor or board of selectmen shall provide written notice of assignment to the landowner.

The notice of assignment shall state the name and address of the organization or agency of the commonwealth which will exercise the option in addition to the terms and conditions of the assignment. The notice of assignment shall be recorded with the registry of deeds.

Failure to record either the notice of exercise or the notice of assignment within the 120 day period shall be conclusive evidence that the city or town has not exercised its option.

If the option has been assigned to a nonprofit conservation organization or to the commonwealth or any of its political subdivisions, the option may be exercised by the assignee only by written notice to the landowner signed by the assignee, mailed to the landowner by certified mail at the address that is specified in the notice of intent. The notice of exercise shall also be recorded with the registry of deeds and shall contain the name of the record owner of the land and description of the premises adequate for identification of them.

The notice of exercise to the landowner shall be accompanied by a proposed purchase and sale contract or other agreement between the assignee and landowner which, if executed, shall be fulfilled within a period of not more than 90 days, or upon expiration of any extended period the landowner has agreed to in writing, from the date the contract or agreement, endorsed by the landowner, is returned by certified mail to the assignee.

During the 120 day period, the city or town or its assignees, shall have the right, at reasonable times and upon reasonable notice, to enter upon said land for the purpose of surveying and inspecting said land, including but not limited to soil testing for purposes of Title V and the taking of water samples.

The city or town or its assignee shall have all rights assigned to the buyer in the purchase and sales agreement contained in the notice of intent.

If the city or town elects not to exercise the option, and not to assign its right to exercise the option, the city or town shall send written notice of non-exercise signed by the mayor or board of selectmen to the landowner by certified mail at the address that is specified in the notice of intent.

The notice of non-exercise shall contain the name of the owner of record of the land and description of the premises adequate for identification of them, and shall be recorded with the registry of deeds.

No sale or conversion of the land shall be consummated until the option period has expired or the notice of non-exercise has been recorded with the registry of deeds, and no sale of the land shall be consummated if the terms of the sale differ in any material way from the terms of the purchase and sale agreement which accompanied the bona fide offer to purchase as described in the notice of intent to sell except as provided in this section.

This section shall not apply to a mortgage foreclosure sale, but the holder of a mortgage shall, at least 90 days before a foreclosure sale, send written notice of the time and place of the sale to the parties in the manner described in this section for notice of intent to sell or convert, and the giving of this notice may be established by an affidavit as described in this section.

<b>Part I</b>	ADMINISTRATION OF THE GOVERNMENT
<b>Title IX</b>	TAXATION
<b>Chapter 61A</b>	ASSESSMENT AND TAXATION OF AGRICULTURAL AND HORTICULTURAL LAND
<b>Section 9</b>	ALLOWANCE OR DISALLOWANCE OF APPLICATION FOR VALUATION; NOTICE; LIENS

Section 9. An application for valuation, assessment and taxation of land under the provisions of this chapter shall be allowed or disallowed by the board of assessors of the city or town in which such land is located within three months of the filing thereof. An application for valuation, assessment and taxation of land under the provisions of this chapter shall be disallowed by the board of assessors of the city or town in which such land is located if, in their judgment such land, in whole or in part, does not qualify thereunder. If any board of assessors shall determine that any application pursuant to this chapter is submitted for the purpose of evading payment of full and proper taxes, such board shall be and hereby is authorized to disallow such application. The failure of a board of assessors to allow or disallow any such application within three months following the filing thereof, shall be deemed an allowance of such application. The board of assessors shall, within ten days of an allowance, or disallowance, send written notice of such allowance, or disallowance, by certified mail to the landowner applicant and shall set



forth therein the reason or reasons for disallowance together with a statement advising the landowner of his right to appeal therefrom as provided in section nineteen. In the case of a partial disallowance, the landowner shall be permitted to file an amendment to the original application.

With respect to the first application relating to a parcel of land which has been approved, and any subsequent such applications after a lapse of time when such land has not been valued, assessed and taxed under this chapter or after a change of record ownership of such land, the board of assessors shall forthwith cause to be recorded in the registry of deeds of the county or district in which the city or town is situated a statement of their action which shall constitute a lien upon the land covered by such application for such taxes as may be levied under the provisions of this chapter. The statement shall name the owner or owners of record and shall include a description of the land adequate for identification. Unless such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser or other transferee without actual knowledge of such lien. Upon application by any record owner, such liens shall be released by the board of assessors with respect to any parcel of land as provided below in this section upon the applicable facts being established by their records or by affidavits or otherwise.

All liens for special assessments or betterment assessments under section eighteen shall be released in full or in part upon its being so established that any such assessment or portion of such assessment which have become due have been paid.

All liens for conveyance tax under section twelve, shall be released upon its being so established that no conveyance or change of use by the owner at the time of such release will result in a conveyance tax under said section twelve or that any such taxes which have become due have been paid.

All liens for roll-back taxes under section thirteen, other than roll-back taxes based on change of use after the date of such release, shall be released upon its being so established that no roll-back taxes have become due or that any such taxes which have become due have been paid.

The board of assessors shall also have the power and authority to release any such liens to correct any errors or omissions. Any release under this section shall be recorded with the registry of deeds.

When any land which has been valued, assessed and taxed under this chapter ceases to be so valued, assessed and taxed the board of assessors shall forthwith record in the registry of deeds a statement to that effect which shall include the name of the record owner or owners, the date when such land ceased to be so valued, assessed and taxed and a description of the land adequate for identification.

All recording fees paid pursuant to the provisions of this chapter whether for statements of liens, certificates, releases or otherwise shall be borne by the owner of record of the land.



<b>Part I</b>	ADMINISTRATION OF THE GOVERNMENT
<b>Title IX</b>	TAXATION
<b>Chapter 61A</b>	ASSESSMENT AND TAXATION OF AGRICULTURAL AND HORTICULTURAL LAND
<b>Section 13</b>	CHANGE OF USE; LIABILITY FOR ROLL-BACK TAXES

Section 13. Whenever land which is valued, assessed and taxed under this chapter no longer meets the definition of land actively devoted to agricultural, horticultural or agricultural and horticultural use, it shall be subject to additional taxes, in this section called roll-back taxes, in the current tax year in which it is disqualified and in those years of the 4 immediately preceding tax years in which the land was so valued, assessed and taxed, but roll-back taxes shall not apply unless the amount of those taxes as computed under this section, exceeds the amount, if any, imposed under section 12 and, in that case, the land shall not be subject to the conveyance tax imposed under said section 12. For each tax year, the roll-back tax shall be an amount equal to the difference, if any, between the taxes paid or payable for that tax year in accordance with this chapter and the taxes that would have been paid or payable in that tax year had the land been valued, assessed and taxed without regard to those provisions. Notwithstanding this paragraph, roll-back taxes shall not be assessed if the land involved, or a lesser interest in the land, is: (a) acquired for a natural resource purpose by (1) the city or town in which it

is situated; (2) the commonwealth; or (3) a nonprofit conservation organization; (b) used or converted to a renewable energy generating source pursuant to section 2A; (c) subject to a permanent wetland reserve easement through the agricultural conservation easement program established pursuant to 16 U.S.C. 3865c; or (d) otherwise subject to another federal conservation program; provided, however, that if a portion of the land is sold or converted to commercial, residential or industrial use within 5 years after acquisition by a nonprofit conservation organization, roll-back taxes shall be assessed against the nonprofit conservation organization in the amount that would have been assessed at the time of acquisition of the subject parcel by the nonprofit conservation organization had the transaction been subject to a roll-back tax. If, at the time during a tax year when a change in land use has occurred, the land was not then valued, assessed and taxed under the provisions of this chapter, then such land shall be subject to roll-back taxes only for such of the five immediately preceding years in which the land was valued, assessed and taxed thereunder. In determining the amount of roll-back taxes on land which has undergone a change in use, the board of assessors shall have ascertained the following for each of the roll-back tax years involved:

- (a) The full and fair value of such land under the valuation standard applicable to other land in the city or town;
- (b) The amount of the land assessment for the particular tax year;
- (c) The amount of the additional assessment on the land for the particular tax year by deducting the amount of the actual assessment on the land for that year from the amount of the land assessment determined under subsection (a); and,

(d) The amount of the roll-back tax for that tax year by multiplying the amount of the additional assessment determined under subsection (c) by the general property tax rate of the city or town applicable for that tax year.

Roll-back taxes will be subject to a simple interest rate of 5 per cent per annum. Land which is valued, assessed and taxed under this chapter as of July 1, 2006 shall be exempt from any interest if it remains in the same ownership as it was on that date or under the ownership of the original owner's spouse, parent, grandparent, child, grandchild, brother, sister or surviving spouse of any deceased such relative.

If the board of assessors determines that the total amount of roll-back taxes to be assessed under this section, before the addition of any interest, as provided for in the preceding paragraph, would be less than \$10, no tax shall be assessed.

No roll-back tax imposed by this section will be assessed on land that meets the definition of forest land under section 1 of chapter 61 or recreational land under section 1 of chapter 61B or renewable energy generating source pursuant to section 2A.

Land retained as open space as required for the mitigation of development shall be subject to the roll-back taxes imposed by this section.



<b>Part I</b>	ADMINISTRATION OF THE GOVERNMENT
<b>Title IX</b>	TAXATION
<b>Chapter 61A</b>	ASSESSMENT AND TAXATION OF AGRICULTURAL AND HORTICULTURAL LAND
<b>Section 18</b>	SPECIAL OR BETTERMENT ASSESSMENTS; PAYMENT; INTEREST

Section 18. Land qualifying for valuation, assessment and taxation under this chapter shall be subject to special assessments or betterment assessments to such pro rata extent as the service or facility financed by such assessment is used for improving the agricultural or horticultural use capability of said land or for the personal benefit of the owner thereof. Any such assessment shall, however, upon application, be suspended during the time the land is in agricultural or horticultural use and shall become due and payable as of the date when the use of such land is changed. In the event only a portion of a tract of land which benefits from a suspension of payment is changed from such use, the assessment shall become due and payable as of the date when the use was changed only to the extent of and in the proportion that the frontage of such portion bears to the street frontage of the entire tract of land which originally benefited from a suspension of payment. Upon full payment of a portion of a suspended assessment, the tax collector may dissolve the lien for the assessment insofar as it affects the portion of the land changed from



agricultural or horticultural use. The lien for the portion of the original assessment which remains unpaid shall continue and remain in full force and effect until dissolved in accordance with law. A request for such release shall be made in writing to the tax collector, and shall be accompanied by a plan and such other information as is required in the case of a request for a division of an assessment pursuant to section fifteen.

Payment of the assessment and interest on it shall be made in accordance with section 13 of chapter 80, but any interest shall be computed from the date of the change in use.

<b>Part I</b>	ADMINISTRATION OF THE GOVERNMENT
<b>Title IX</b>	TAXATION
<b>Chapter 61A</b>	ASSESSMENT AND TAXATION OF AGRICULTURAL AND HORTICULTURAL LAND
<b>Section 19A</b>	SALE OF LAND; CERTIFICATION OF TAXES PAID OR PAYABLE

Section 19A. In connection with any proposed or completed sale or other transfer of any land which has been valued, assessed and taxed under the provisions of this chapter, the owner of record of the land may apply to the board of assessors for a certificate of the amount of conveyance tax and roll-back tax, if any, payable by reason of such sale or other transfer, or that no such tax will or has so become payable and stating the amount of any conveyance or roll-back taxes that have theretofore become payable with respect to such land; and such a certificate shall be provided to the applicant within twenty days after application therefor. Such certificate may be recorded with the registry of deeds; and upon recording of such a certificate that no such tax will or has so become payable, or a certificate by the collector of taxes that the amount of tax stated in such certificate of the board of assessors has been paid, all liens on such land for taxes under this chapter shall terminate, except that any liens for any roll-back taxes assessed by reason of such land ceasing to qualify for valuation, assessment and taxation under this chapter after the date of such sale or other transfer, shall continue. In connection with the

issuance of such a certificate, the board of assessors may rely upon their own records, affidavits and such other information as they may deem appropriate. The board of assessors shall charge six dollars for each certificate so issued, and the money so received shall be paid into the town treasury.

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title IX** TAXATION

**Chapter 61A** ASSESSMENT AND TAXATION OF AGRICULTURAL AND HORTICULTURAL LAND

**Section 23** USE OF VALUATION, ETC. PROCEDURES TO EVADE TAXES; PENALTIES

Section 23. Any person using the valuation, assessment and taxation procedures set forth in this chapter for the purposes of evading payment of full and proper taxes shall be subject to a fine of not more than ten thousand dollars or imprisonment for one year or both and to payment to the city or town in which the land is located of an amount equal to three times the amount of taxes so evaded.

**Part I** ADMINISTRATION OF THE GOVERNMENT**Title IX** TAXATION**Chapter 61B** CLASSIFICATION AND TAXATION OF RECREATIONAL LAND**Section 1** RECREATIONAL LAND AND USES

Section 1. Land not less than five acres in area shall be deemed to be recreational land if it is retained in substantially a natural, wild, or open condition or in a landscaped or pasture condition or in a managed forest condition under a certified forest management plan approved by and subject to procedures established by the state forester in such a manner as to allow to a significant extent the preservation of wildlife and other natural resources, including but not limited to, ground or surface water resources, clean air, vegetation, rare or endangered species, geologic features, high quality soils, and scenic resources. Land not less than five acres in area shall also be deemed to be recreational land which is devoted primarily to recreational use and which does not materially interfere with the environmental benefits which are derived from said land, and is available to the general public or to members of a non-profit organization including a corporation organized under chapter one hundred and eighty.

For the purpose of this chapter, the term recreational use shall be limited to the following: hiking, camping, nature study and observation, boating, golfing, non-commercial youth soccer, horseback riding, hunting, fishing, skiing, swimming, picnicking, private non-commercial flying, including hang gliding, archery, target shooting and commercial horseback riding and equine boarding.

Such recreational use shall not include horse racing, dog racing, or any sport normally undertaken in a stadium, gymnasium or similar structure.

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title IX** TAXATION

**Chapter 61B** CLASSIFICATION AND TAXATION OF RECREATIONAL LAND

**Section 4** CHANGES IN USE; VALUATION; ADDITIONAL ASSESSMENTS

Section 4. If a change in use of land maintained as recreational land as defined in section one occurs between October first and June thirtieth of the year preceding the tax year, the board of assessors shall disallow or nullify the application filed under authority of section three, and, after examination and inquiry, shall determine the full and fair value of said land under the valuation standard applicable to other land and shall assess the same according to such value. If, notwithstanding such change of use, the land is valued, assessed and taxed under the provisions of this chapter in the ensuing year, upon notice thereof said board shall enter an assessment and the amount of the increased tax resulting from such assessment, as an added assessment and tax against such land, for the particular year involved in the manner prescribed in section seventy-five of chapter fifty-nine. The amount of the added assessment shall be equal to the difference, if any, between the assessment imposed under this chapter and the assessment which would have been imposed had the land

been valued and assessed as other land. The enforcement and collection of additional taxes resulting from any additional assessment so imposed shall be as provided by said chapters fifty-nine and sixty.



<b>Part I</b>	ADMINISTRATION OF THE GOVERNMENT
<b>Title IX</b>	TAXATION
<b>Chapter 61B</b>	CLASSIFICATION AND TAXATION OF RECREATIONAL LAND
<b>Section 7</b>	LAND SOLD FOR OTHER USES; CONVEYANCE TAX; NONEXEMPT TRANSFERS

Section 7. Any recreational land which is valued, assessed and taxed under the provisions of this chapter, if sold for other use within a period of ten years from the beginning of the fiscal year in which it was first so classified shall be subject to a conveyance tax applicable to the total sales price of such land, which tax shall be in addition to such taxes as may be imposed under any other provision of law. Said conveyance tax shall be at the following rate: ten per cent if sold within the first five years of its being first so classified; and, five per cent if sold within the sixth through tenth year of its being first so classified. No conveyance tax shall be imposed under the provisions of this section following the end of the tenth year of its being first so classified. The conveyance tax shall be due and payable by the grantor at the time of transfer of the property by deed or other instrument of conveyance and shall be payable to the tax collector of the city or town in which the property is entered upon the tax list. In the case of taking by eminent domain, the value of the property taken shall be determined in accordance with chapter 79, and the amount of conveyance tax, if any, shall be added as an added value. If there is

filed with the board of assessors an affidavit by the purchaser that the land is being purchased for recreational use, no conveyance tax shall be payable by the seller by reason of the sale, but if the land is not continued in that use for at least 5 consecutive years, the purchaser shall be liable for any conveyance tax that would have been payable on the sale as a sale for other use. The conveyance tax shall be assessed only on the portion of land whose use has changed. Notwithstanding the foregoing provisions, no conveyance tax shall be assessed if the land involved, or a lesser interest in the land, is acquired for a natural resource purpose by the city or town in which it is situated, by the commonwealth or by a nonprofit conservation organization, but if any portion of the land is sold for or converted to commercial, residential, or industrial use within 5 years of acquisition by a nonprofit conservation organization, the conveyance tax shall be assessed against the nonprofit conservation organization in the amount that would have been assessed at the time of acquisition of the subject parcel by the nonprofit conservation organization had such transaction been subject to a conveyance tax. The conveyance tax shall be assessed only on the portion of land whose use has changed.

Except with respect to eminent domain takings, this section shall not apply to the following: mortgage deeds; deeds to or by the city or town in which the land is located; deeds which correct, modify, supplement or confirm a deed previously recorded; deeds between husband and wife and parent and child when no consideration is received; tax deeds; deeds releasing any property which is a security for a debt or other obligation; deeds for division of property between owners without monetary consideration; foreclosures of mortgages and conveyances by the foreclosing parties; deeds made pursuant to a merger of a corporation or by a subsidiary corporation to a parent corporation for no consideration

other than cancellation and surrender of capital stock of the subsidiary which do not change beneficial ownership; and property transferred by devise or other as a result of death. A nonexempt transfer subsequent to any exempt transfer or transfers shall be subject to the provisions of this section. Upon such nonexempt transfer the date of acquisition by the grantor, for purposes of this section, shall be deemed to be the date of the last preceding transfer not excluded by the foregoing provisions from application of this section; except that in the case of transfer by a grantor who has acquired the property from a foreclosing mortgagee the date of acquisition shall be deemed to be the date of such acquisition. If any tax imposed under this section should not be paid, the collector of taxes shall have the same powers and be subject to the same duties with respect to such taxes as in the case of the annual taxes upon real estate. The law in regard to the collection of the annual taxes, to the sale of land for the nonpayment thereof and to redemption therefrom shall apply to such taxes, so far as the same are applicable. Any classified recreational land which is valued, assessed and taxed under the provisions of this chapter, if changed by the owner thereof to another use within a period of ten years from the date of its classification for recreational use by said owner, shall be subject to the conveyance tax applicable hereunder at the time of such change in use as if there had been an actual conveyance, and the value of such land for the purpose of determining a total sales price shall be fair market value as determined by the board of assessors of the city or town involved for all other property.

Notwithstanding this section, no conveyance tax imposed by this section will be assessed on land that meets the definition of forest land under section 1 of chapter 61 or the definition of agricultural land under

sections 1 and 3 of chapter 61A or the definition of horticultural land under sections 2 and 3 of chapter 61A.

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title IX** TAXATION

**Chapter 61B** CLASSIFICATION AND TAXATION OF RECREATIONAL LAND

**Section 8** DISQUALIFICATION OF LAND; ROLL-BACK TAXES

Section 8. Whenever land which is valued, assessed and taxed under this chapter no longer meets the definition of recreational use, it shall be subject to additional taxes, in this section called roll-back taxes, in the current tax year in which it is disqualified and in each of the 4 immediately preceding tax years in which the land was so valued, assessed and taxed, but the roll-back taxes shall not apply unless the amount of the taxes, as computed under this section, exceeds the amount, if any, imposed under section 7 and, in that case, the land shall not be subject to the conveyance tax imposed under said section 7. For each tax year, the roll-back tax shall be equal to the difference, if any, between the taxes paid or payable for that tax year in accordance with this chapter and the taxes that would have been paid or payable had the land been valued, assessed and taxed without regard to these provisions. Notwithstanding the foregoing provisions, no roll-back taxes shall be assessed if the land involved, or a lesser interest in the land, is acquired for a natural resource purpose by the city or town in which it is situated, by the commonwealth or by a nonprofit conservation organization, but if any portion of the land

is sold or converted to commercial, residential, or industrial use within 5 years after acquisition by a nonprofit conservation organization, roll-back taxes shall be assessed against the nonprofit conservation organization in the amount that would have been assessed at the time of acquisition of the subject parcel by the nonprofit conservation organization had the transaction been subject to a roll-back tax. If, at the time during a tax year when a change in land use has occurred, the land was not then valued, assessed and taxed under the provisions of this chapter, then such land shall be subject to roll-back taxes only for such of the 5 immediately preceding years in which the land was valued, assessed and taxed thereunder. In determining the amount of roll-back taxes on land which has undergone a change in use, the board of assessors shall have ascertained the following for each of the roll-back tax years involved:

- (a) the full and fair value of such land under the valuation standard applicable to other land in the city or town;
  - (b) the amount of the land assessment for the particular tax year;
  - (c) the amount of the additional assessment on the land for the particular tax year by deducting the amount of the actual assessment on the land for that year from the amount of the land assessment determined under clause (a); and,
  - (d) the amount of the roll-back tax for that tax year by multiplying the amount of the additional assessment determined under clause (c) by the general property tax rate of the city or town applicable for that tax year.
- Interest on roll-back taxes shall be payable and shall be computed as simple interest at 5 per cent per annum. If the board of assessors determines that the total amount of the roll-back taxes to be assessed

under this section, before the addition of any interest as provided for in the preceding paragraph, would be less than \$10, no tax shall be assessed.

No roll-back tax imposed by this section will be assessed on land that meets the definition of forest land under section 1 of chapter 61, agricultural land under sections 1 and 3 of chapter 61A, or horticultural land under sections 2 and 3 of chapter 61A.

Land retained as open space as required for the mitigation of a development shall be subject to the roll-back taxes imposed by this section.

<b>Part I</b>	ADMINISTRATION OF THE GOVERNMENT
<b>Title IX</b>	TAXATION
<b>Chapter 61B</b>	CLASSIFICATION AND TAXATION OF RECREATIONAL LAND
<b>Section 9</b>	NOTICE OF INTENT TO SELL FOR OR CONVERT TO OTHER USE; OPTION OF FIRST REFUSAL; ASSIGNMENT OF OPTION

Section 9. Land taxed under this chapter shall not be sold for, or converted to, residential, industrial or commercial use while so taxed or within 1 year after that time unless the city or town in which the land is located has been notified of the intent to sell for, or to convert to, that other use.

The discontinuance of recreational use shall not, in itself, for the purposes of this section, be considered a conversion. Specific use of land for a residence for the owner, the owner's spouse or a parent, grandparent, child, grandchild, or brother or sister of the owner, or surviving husband or wife of any deceased such relative, or for living quarters for any persons actively employed full-time in the use and care of such land for recreational purposes, shall not be a conversion for the purposes of this section, and a certificate of the board of assessors, recorded with the registry of deeds, shall conclusively establish that particular use.



Any notice of intent to sell for such other use shall be accompanied by a statement of intent to sell, a statement of proposed use of the land, the location and acreage of land as shown on a map drawn at the scale of the assessors map in the city or town in which the land is situated, and the name, address and telephone number of the landowner.

Any notice of intent to sell for other use shall be accompanied by a certified copy of an executed purchase and sale agreement specifying the purchase price and all terms and conditions of the proposed sale, which is limited to only the property classified under this chapter, and which shall be a bona fide offer as described below.

Any notice of intent to sell for other use shall also be accompanied by any additional agreements or a statement of any additional consideration for any contiguous land under the same ownership, and not classified under this chapter, but sold or to be sold contemporaneously with the proposed sale.

For the purposes of this chapter, a bona fide offer to purchase shall mean a good faith offer, not dependent upon potential changes to current zoning or conditions or contingencies relating to the potential for, or the potential extent of, subdivision of the property for residential use or the potential for, or the potential extent of development of the property for industrial or commercial use, made by a party unaffiliated with the landowner for a fixed consideration payable upon delivery of the deed.

Any notice of intent to convert to other use shall be accompanied by a statement of intent to convert, a statement of proposed use of such land, the location and acreage of land as shown on a map drawn at the scale of

the assessors map in the city or town in which the land is situated, the name, address and telephone number of the landowner and the landowner's attorney, if any.

The notice of intent to sell or convert shall be sent by the landowner by certified mail or hand delivered to the mayor and city council of a city, or board of selectmen of a town, and in the case of either a city or a town, to its board of assessors, to its planning board and conservation commission, if any, and to the state forester.

A notarized affidavit that the landowner has mailed or delivered a notice of intent to sell or convert shall be conclusive evidence that the landowner has mailed the notice in the manner and at the time specified. Each affidavit shall have attached to it a copy of the notice of intent to which it relates.

The notice of intent to sell or convert shall be considered to have been duly mailed if addressed to the mayor and city council or board of selectmen in care of the city or town clerk; to the planning board and conservation commission if addressed to them directly; to the state forester if addressed to the commissioner of the department of conservation and recreation and to the assessors if addressed to them directly.

If the notice of intent to sell or convert does not contain all of the material as described above, then the town or city, within 30 days after receipt, shall notify the landowner in writing that notice is insufficient and does not comply.

For a period of 120 days after the day following the latest date of deposit in the United States mail of any notice which complies with this section, the city or town shall have, in the case of intended sale, a first refusal

option to meet a bona fide offer to purchase the land.

In the case of intended or determined conversion not involving sale, the municipality shall have an option to purchase the land at full and fair market value to be determined by an impartial appraisal performed by a certified appraiser hired at the expense of the municipality or its assignee, the original appraisal to be completed and delivered to the landowner within 30 days after the notice of conversion to the municipality. In the event that the landowner is dissatisfied with the original appraisal, the landowner may, at the landowner's expense contract for a second appraisal, to be completed within 60 days after the delivery of the notice to convert. If, after completion of the second appraisal, the parties cannot agree on a consideration, the parties will contract with a mutually acceptable appraiser for a third appraisal whose cost will be borne equally by both parties. The third appraisal shall be delivered to both parties within 90 days after the notice of conversion to the municipality and shall be the final determination of consideration. Upon agreement of a consideration, the city or town shall then have 120 days to exercise its option. During the appraisal process, the landowner may revoke the intent to convert at any time and with no recourse to either party.

The option may be exercised only after a public hearing followed by written notice signed by the mayor or board of selectmen, mailed to the landowner by certified mail at the address that is specified in the notice of intent. Notice of the public hearing shall be given in accordance with section 23B of chapter 39.

The notice of exercise shall also be recorded at the registry of deeds and shall contain the name of the record owner of the land and description of the premises adequate for identification of them.

The notice to the landowner of the city or town's election to exercise its option shall be accompanied by a proposed purchase and sale contract or other agreement between the city or town and the landowner which, if executed, shall be fulfilled within a period of not more than 90 days after the date the contract or agreement, endorsed by the landowner, is returned by certified mail to the mayor or board of selectmen, or upon expiration of any extended period that the landowner has agreed to in writing, whichever is later.

At the public hearing or a further public hearing, the city or town may assign its option to a nonprofit conservation organization or to the commonwealth or any of its political subdivisions under the terms and conditions that the mayor or board of selectmen may consider appropriate. Notice of the public hearing shall be given in accordance with section 23B of chapter 39.

The assignment shall be for the purpose of maintaining no less than 70 per cent of the land in use as forest land as defined in section 1 of this chapter, as agricultural and horticultural land as defined in sections 1 and 2 of chapter 61A or as recreation land as defined in section 1 of chapter 61B, and in no case shall the assignee develop a greater proportion of the land than was proposed by the developer whose offer gave rise to the assignment. All land other than land that is to be developed shall then be bound by a permanent deed restriction that meets the requirements of chapter 184.

If the first refusal option has been assigned to a nonprofit conservation organization or to the commonwealth or any of its political subdivisions as provided in this section, the mayor or board of selectmen shall provide written notice of assignment to the landowner.

The notice of assignment shall state the name and address of the organization or agency of the commonwealth which will exercise the option in addition to the terms and conditions of the assignment. The notice of assignment shall be recorded with the registry of deeds.

Failure to record either the notice of exercise or the notice of assignment within the 120 day period shall be conclusive evidence that the city or town has not exercised its option.

If the option has been assigned to a nonprofit conservation organization or to the commonwealth or any of its political subdivisions, the option may be exercised by the assignee only by written notice to the landowner signed by the assignee, mailed to the landowner by certified mail at the address that is specified in the notice of intent.

The notice of exercise shall also be recorded with the registry of deeds and shall contain the name of the record owner of the land and description of the premises adequate for identification of them.

The notice of exercise to the landowner shall be accompanied by a proposed purchase and sale contract or other agreement between the assignee and landowner which, if executed, shall be fulfilled within a period of not more than 90 days, or upon expiration of any extended period that the landowner has agreed to in writing, from the date the contract or agreement, endorsed by the landowner, is returned by certified mail to the assignee.

During the 120 day period, the city or town or its assignees, shall have the right, at reasonable times and upon reasonable notice, to enter upon the land for the purpose of surveying and inspecting said land, including but not limited to soil testing for purposes of Title V and the taking of water samples.

The city or town or its assignee shall have all rights assigned to the buyer in the purchase and sales agreement contained in the notice of intent.

If the city or town elects not to exercise the option, and not to assign its right to exercise the option, the city or town shall send written notice of nonexercise signed by the mayor or board of selectmen to the landowner by certified mail at the address that is specified in the notice of intent.

The notice of nonexercise shall contain the name of the owner of record of the land and description of the premises adequate for identification of them, and shall be recorded with the registry of deeds.

No sale or conversion of the land shall be consummated until the option period has expired or the notice of nonexercise has been recorded with the registry of deeds, and no sale of the land shall be consummated if the terms of the sale differ in any material way from the terms of the purchase and sale agreement which accompanied the bona fide offer to purchase as described in the notice of intent to sell except as provided herein.

This section shall not apply to a mortgage foreclosure sale, but the holder of a mortgage shall, at least 90 days before a foreclosure sale, send written notice of the time and place of the sale to the parties in the manner described in this section for notice of intent to sell or convert, and the giving of that notice may be established by an affidavit as described in this section.

<b>Part I</b>	ADMINISTRATION OF THE GOVERNMENT
<b>Title IX</b>	TAXATION
<b>Chapter 61B</b>	CLASSIFICATION AND TAXATION OF RECREATIONAL LAND
<b>Section 15</b>	CERTIFICATE OF AMOUNT OF CONVEYANCE OR ROLL-BACK TAX

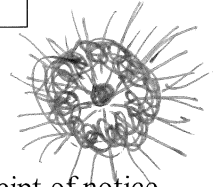
Section 15. In connection with any proposed or completed sale or other transfer of any land which has been valued, assessed and taxed under the provisions of this chapter, the owner of record of the land may apply to the board of assessors for a certificate of the amount of conveyance tax and roll-back tax, if any, payable by reason of such sale or other transfer, or that no such tax is payable and stating the amount of any conveyance or roll-back taxes that are payable with respect to such land. Such certificate shall be provided to the applicant within twenty days after application therefor. Such certificate may be recorded with the registry of deeds, and upon such recording of such a certificate become payable, or a certificate by the collector of taxes that the amount of tax stated in such certificate of the board of assessors has been paid, all liens on such land for taxes under this chapter shall terminate, except that any liens for any roll-back taxes assessed by reason of land ceasing to qualify for valuation, assessment and taxation under this chapter after the date of such sale or other transfer, shall continue. In connection with the issuance of such a certificate, the board of assessors may rely upon their own

records, affidavits and such other information as they may deem appropriate. The board of assessors shall charge six dollars for each certificate so issued, and the money so received shall be paid into the town treasury.



	Town of Plymouth <b>Internal Procedure – Chapter 61 Lands</b>
Effective Date	Immediately
Expiration Date	None
Town Manager	Approved July 3, 2013

Tracie - Dec.



**PURPOSE:**

The purpose is to establish an internal procedure for staff administration when a receipt of notice to sell or convert is received for lands under M.G.L Chapter 61, 61A and 61B.

**GENERAL GUIDELINES:**

- The Town Manager’s office in conjunction with the Department of Planning and Development and the Assessor’s office will be administering the review of rights of first refusals associated with Chapter 61 Land.
- The Town Manager’s office will conduct the initial review of all rights of first refusal notifications.

- *Determination of **Bona Fide Offer** will be reviewed by Town Counsel and funded by the ~~Community Preservation Committee~~.*

- *The Town Manager’s office will consult with Town Counsel for other items on an as needed basis with any Chapter 61 notice.*

- ***INCOMPLETE FILING:** Per M.G.L. Chapter 61, 61A and 61B, any notice of intent to sell or convert that does not contain all of the material required for notice, the Town, within **30 Days** after receipt of notice shall notify the landowner in writing that the notice is insufficient and does not comply.*

- For a notice to convert, the Town will always order a property appraisal to meet the 30 day deadline unless extenuating circumstances exist as determined by the Town Manager after consultation with the Director of Marine and Environmental Affairs and Director of Planning and Development and the notification to the Chairman of the Board of Selectmen. The appraisal will be funded by the Community Preservation Committee (CPC).

- Upon receipt of notice to sell or convert under Chapter 61, the notice will be a reoccurring Selectmen agenda item until the statutory time requirements have expired or a decision has been rendered.

- After the initial review, the Town Manager's office is required to notify the following departments, personnel and committees:
  - Board of Selectmen
  - Board of Assessors
  - Planning Board
  - Conservation Commission
  - ~~State Forester~~
  - ~~Fire Department~~
  - ~~Parks Department~~
  - ~~Police Department~~
  - ~~Department of Public Works~~
  - ~~School Department~~
  - ~~Recreation Department~~
  - ~~Department of Marine & Environmental Affairs~~
  - ~~Economic Development~~
  - Community Preservation Committee
  - Open Space Committee
  - ~~Steering Committee (if necessary)~~
  - Wildlands Trust of SE Mass.
  - The Nature Conservancy
  - Abutters

Adm

ZBA - Treasurer

SE Mass Audubon

*The notification to the above listed groups will specifically list a response deadline, locus map with abutting Town land and a copy of the notification/offer from the landowner.*

**CHECKLISTS:**

The following checklists shall be used by the Town Manager's office to ensure that all statutory requirements under M.G.L. Chapter 61 are followed.

**Conversion Checklist – Chapter 61**

<p><b>Received From:</b></p> <p><input type="checkbox"/> Statement of Intent to Convert</p> <p><input type="checkbox"/> Statement of Proposed use of Land</p> <p><input type="checkbox"/> Map of Location and Acreage of Land (Assessor Scale)</p> <p><input type="checkbox"/> Name, Address, &amp; Telephone # of Landowner and Attorney, if any.</p> <p><input type="checkbox"/> Notice Sent Certified Mail or Hand-Delivered, to:</p> <ul style="list-style-type: none"> <li>• Board of Selectmen <i>1st</i></li> <li>• Board of Assessors</li> <li>• Planning Board</li> <li>• Conservation Commission</li> <li>• <del>State Forester (Dept. of Conservation and Recreation)</del> <i>Building Com</i></li> </ul>	<p><b>Date Notice Received:</b></p>
<p>Filing – Notice of Intent</p> <p><input type="checkbox"/> Complete</p> <p><input type="checkbox"/> Incomplete</p> <p style="text-align: center;"><b>If the notice of intent does not contain all the required materials, the Town, within 30 days after receipt of notice shall notify the landowner in writing that the notice is insufficient and does not comply.</b></p> <p style="text-align: center;"><b>Written Incomplete Notice Sent:</b></p>	
<p><input type="checkbox"/> Notice Sent to Committees, Department Heads &amp; Abutters</p>	
<p>Appraisal</p> <p><input type="checkbox"/> Appraisal Ordered                      Certified Appraiser:</p> <p style="text-align: center;"><b>An appraisal must be ordered upon immediate receipt of notice to convert to meet the 30 day deadline.</b></p> <p><b>30 Day Deadline:</b>                      <input type="checkbox"/> Land Owner Appraisal Deadline:</p> <p style="padding-left: 150px;"><input type="checkbox"/> Joint Appraisal Deadline:</p>	
<p>Board of Selectmen Meeting</p> <p><input type="checkbox"/> Exercise First Refusal   <input type="checkbox"/> Declination   <input type="checkbox"/> Assign to Non-profit</p>	
<p><input type="checkbox"/> Agreement of Consideration (Town has 120 days to exercise option)</p> <p style="text-align: center;"><b>120 Day Timeline:</b></p>	
<p><input type="checkbox"/> Option Exercised (Town has 90 days to execute P&amp;S agreement)</p> <p style="text-align: center;"><b>90 Day Timeline:                      Landowner Ext:</b></p>	
<p><input type="checkbox"/> Duly Mailed *</p> <p>The notice will be considered duly mailed if:</p> <ul style="list-style-type: none"> <li>• A notarized affidavit with the notice of intent attached that the landowner has mailed or delivered the notice of intent</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• If the notice of intent is addressed to the Board of Selectmen in c/o of Town Clerk, Planning Board directly, Conservation Commission directly, State Forester addressed to the Commissioner of the Department of Conservation and Assessors directly.</li> </ul>	



## Summary of M.G.L. Chapter 61, 61A and 61B Requirements

### **Chapter 61 Sale (Section 8)**

Any notice of intent to sell for other use shall be accompanied by:

- A statement of intent to sell,
- A statement of proposed use of the land,
- The location and acreage of land as shown on a map drawn at the scale of the assessors map,
- The name, address and telephone number of the landowner,
- A **certified copy** of an executed purchase and sale agreement specifying:
  - The purchase price, and
  - All terms and conditions of the proposed sale, which shall be a bona fide offer as described below.
- Any additional agreements or a statement of any additional consideration for any contiguous land under the same ownership, and not classified under this chapter, but sold or to be sold contemporaneously with the proposed sale.

A bona fide offer to purchase shall mean a good faith offer, **not dependent** upon:

- Potential changes to current zoning, or
- Conditions or contingencies relating to the potential for, or the potential extent of, subdivision of the property made by a party unaffiliated with the landowner for a fixed consideration payable upon delivery of the deed.

### **Chapter 61 Conversion**

Any notice of intent to convert to other use shall be accompanied by:

- A statement of intent to convert,
- A statement of proposed use of the land,
- The location and acreage of land as shown on a map drawn at the scale of the assessors map,
- The name, address and telephone number of the landowner and the landowner's attorney, if any.

### **For Both Sale and Conversion**

The notice of intent to sell or convert shall be sent by the landowner, by certified mail or hand-delivered, to:

- The Board of Selectmen,
- Board of Assessors,
- Planning Board,
- Conservation Commission, and
- The State Forester addressed to the Commissioner of the Department of Conservation and Recreation
- A notarized affidavit that the landowner has mailed or delivered a notice of intent to sell or convert shall be conclusive evidence that the landowner has mailed the notice in the manner and at the time specified.
- Each affidavit shall have attached to it a copy of the notice of intent to which it relates.
- The notice of intent to sell or convert shall be considered to have been duly mailed if:

- Addressed to the Board of Selectmen in care of the Town Clerk,
- To the Planning Board if addressed to them directly,
- Conservation Commission if addressed to them directly,
- To the State Forester if addressed to the Commissioner of the Department of Conservation and Recreation. and
- To the Assessors if addressed to them directly.

### **Incomplete Filing**

If the notice of intent to sell or convert **does not contain** all of the material as described above, then the town, **within 30 days** after receipt, shall notify the landowner in writing that the notice is insufficient and does not comply.

### **Establishing Value of Conversion Land**

In the case of intended or determined **conversion** not involving sale, the municipality shall have an option to purchase the land at full and fair market value.

- To be determined by an impartial appraisal performed by a certified appraiser,
- Hired at the expense of the municipality or its assignee,
- The original appraisal to be completed and delivered to the landowner **within 30 days** after the notice of conversion to the municipality.
- In the event that the landowner is dissatisfied with the original appraisal, the landowner may, at the landowner's expense, contract for a second appraisal,
- The second appraisal to be completed **within 60 days** after the delivery of the notice to convert.
- If, after completion of the second appraisal, the parties cannot agree on a consideration, the parties shall contract with a mutually acceptable appraiser for a third appraisal whose cost will be borne equally by both parties.
- The third appraisal shall be delivered to both parties **within 90 days** after the notice of conversion to the municipality and shall be the final determination of consideration.
- Upon agreement of a consideration, the town shall then have **120 days to exercise** its option.
- During the appraisal process, the landowner may revoke the intent to convert at any time and with no recourse to either party.
- This option may be exercised only after a **public hearing**
- After the public hearing, written notice signed by the Board of Selectmen shall be mailed to the landowner by certified mail at such address as may be specified in the notice of intent.
- Notice of the public hearing shall be given in accordance with section 23B of Chapter 39.

### **For Both Sale and Conversion**

#### **Notice to Exercise**

The notice of exercise shall be:

- Recorded at the Registry of Deeds, and
- Shall contain the name of the record owner of the land and description of the premises adequate for identification of it.

#### **Exercising Option**

The notice to the landowner of the Town's election to exercise its option shall be:

Revised 7/23/2013

- Accompanied by a proposed purchase and sale contract or other agreement between the town and the landowner,
- If executed, the purchase and sales agreement must be fulfilled within a period of not more than **90 days** after the date the contract or agreement, endorsed by the landowner, is returned by certified mail to the Board of Selectmen, or upon expiration of any extended period the landowner has agreed to in writing, whichever is later.

### **Assigning Rights to Purchase**

At the **public hearing**, the Town may assign its option to a nonprofit conservation organization or to the Commonwealth or any of its political subdivisions under terms and conditions that the Board of Selectmen may consider appropriate. Notice of the public hearing shall be given in accordance with section 23B of chapter 39.

The assignment shall be:

- For the purpose of maintaining no less than 70 percent of the land in use as forest land as agricultural and horticultural land or as recreation land, and
- In no case shall the assignee develop a greater proportion of the land than was proposed by the developer whose offer gave rise to the assignment.
- All land other than land that is to be developed shall then be bound by a permanent deed restriction that meets the requirements of chapter 184.

If the first refusal option has been assigned to a nonprofit conservation organization or to the Commonwealth or any of its political subdivisions:

- The Board of Selectmen shall provide written notice of assignment to the landowner.
- The notice of assignment shall state the name and address of the organization or agency of the Commonwealth which will exercise the option in addition to the terms and conditions of the assignment.
- The notice of assignment shall be recorded with the Registry of Deeds.

### **Failure to Act**

Failure to record either the notice of exercise or the notice of assignment within the 120 day period shall be conclusive evidence that the Town has not exercised its option.

### **Notice to Exercise**

If the option has been assigned to a nonprofit conservation organization or to the Commonwealth or any of its political subdivisions:

- The option may be exercised by the assignee only by written notice to the landowner signed by the assignee, mailed to the landowner by certified mail at the address that is specified in the notice of intent.
- The notice of exercise shall also be recorded with the Registry of Deeds and shall contain the name of the record owner of the land and description of the premises adequate for identification of them.

The notice of exercise to the landowner shall be accompanied by:

- A proposed purchase and sale contract or other agreement between the assignee and landowner which,
- If a Purchase and Sales agreement is executed, it shall be fulfilled within a period of not more than 90 days, or upon expiration of any extended period the landowner has agreed to

in writing, from the date the contract or agreement, endorsed by the landowner, is returned by certified mail to the assignee.

During the 120 day period, the Town or its assignees, shall have the right, at reasonable times and upon reasonable notice, to enter upon said land for the purpose of surveying and inspecting said land, including but not limited to soil testing for purposes of Title V and the taking of water samples.

The Town or its assignee shall have all rights assigned to the buyer in the purchase and sales agreement contained in the notice of intent.

### **Not to Exercise**

If Town elects **not to exercise the option, and not to assign its right** to exercise the option, the Town shall:

- Send written notice of non-exercise signed by the Board of Selectmen to the landowner by certified mail at the address that is specified in the notice of intent.
- The notice of non-exercise shall contain the name of the owner of record of the land and description of the premises adequate for identification of them, and shall be recorded with the Registry of Deeds.

No sale or conversion of the land shall be consummated until the option period has expired or the notice of non-exercise has been recorded with the Registry of Deeds, and no sale of the land shall be consummated if the terms of the sale differ in any material way from the terms of the Purchase and Sale agreement which accompanied the bona fide offer to purchase as described in the notice of intent to sell except as provided in this section.

### **Foreclosure**

This section shall not apply to a mortgage foreclosure sale, but the holder of a mortgage shall, at least **90 days before a foreclosure sale**, send:

Written notice of the time and place of the sale to the parties

The notice shall be sent by the landowner, by certified mail or hand-delivered, to:

- The Board of Selectmen,
- Board of Assessors,
- Planning Board,
- Conservation Commission, and
- The State Forester addressed to the Commissioner of the Department of Conservation and Recreation,
- A notarized affidavit that the landowner has mailed or delivered a notice of intent to sell or convert shall be conclusive evidence that the landowner has mailed the notice in the manner and at the time specified.
- Each affidavit shall have attached to it a copy of the notice of intent to which it relates.
- The notice of intent to sell or convert shall be considered to have been duly mailed if:
  - Addressed to the Board of Selectmen in care of the Town Clerk,
  - To the Planning Board if addressed to them directly,
  - To the Conservation Commission if addressed to them directly,
  - To the State Forester addressed to the Commissioner of the Department of Conservation and Recreation, and
  - To the Assessors if addressed to them directly.



## Chapter 61A (Section 14)

### Chapter 61A Sale

Any notice of intent to sell for other use shall be accompanied by:

- A statement of intent to sell,
- A statement of proposed use of the land,
- The location and acreage of land as shown on a map drawn at the scale of the assessors map,
- The name, address and telephone number of the landowner.
- A **certified copy** of an executed Purchase and Sale agreement specifying the purchase price and all terms and conditions of the proposed sale, which is limited to only the property classified under this chapter, and which shall be a bona fide offer as described below.
- Any additional agreements or a statement of any additional consideration for any contiguous land under the same ownership, and not classified under this chapter, but sold or to be sold contemporaneously with the proposed sale.

A bona fide offer to purchase shall mean a good faith offer, **not dependent** upon

- Potential changes to current zoning, or
- Conditions or contingencies relating to the potential for, or the potential extent of, subdivision of the property made by a party unaffiliated with the landowner for a fixed consideration payable upon delivery of the deed.

### Chapter 61A Conversion

Any notice of intent to convert to other use shall be accompanied by:

- A statement of intent to convert, a statement of proposed use of the land, the location and acreage of land as shown on a map drawn at the scale of the assessors map,
- The name, address and telephone number of the landowner and the landowner's attorney, if any.

### For Both Sale and Conversion

The notice of intent to sell or convert shall be sent by the landowner by certified mail or hand delivered to the:

- Board of Selectmen,
- Assessors,
- Planning Board,
- Conservation Commission,
- State Forester addressed to the Commissioner of the Department of Conservation and Recreation,
- A notarized affidavit that the landowner has mailed or delivered a notice of intent to sell or convert shall be conclusive evidence that the landowner has mailed the notice in the manner and at the time specified.
- Each affidavit shall have attached to it a copy of the notice of intent to which it relates.
- The notice of intent to sell or convert shall be considered to have been duly mailed if:
  - Addressed to the Board of Selectmen in care of the Town Clerk;
  - To the Planning Board if addressed to them directly;
  - Conservation Commission if addressed to them directly;
  - To the State Forester if addressed to the Commissioner of the Department of Conservation and Recreation, and

- To the Assessors if addressed to them directly.

For a period of 120 days after the day following the latest date of deposit in the United States mail of any notice which complies with this section, the Town shall have, in the case of intended sale, a first refusal option to meet a bona fide offer to purchase the land.

### **Incomplete Filing**

If the notice of intent to sell or convert does not contain all of the material described above, then the Town within 30 days after receipt, shall notify the landowner in writing that notice is insufficient and does not comply.

### **Establishing Value of Conversion Land**

In the case of intended or determined conversion not involving sale, the municipality shall have an option to purchase the land at full and fair market value to be determined by:

- An impartial appraisal performed by a certified appraiser hired at the expense of the municipality or its assignee, the original appraisal to be completed and delivered to the landowner **within 30 days** after the notice of conversion to the municipality.
- In the event that the landowner is dissatisfied with the original appraisal, the landowner may, at the landowner's expense, contract for a second appraisal, to be completed **within 60 days** after the delivery of the notice to convert.
- If, after completion of the second appraisal, the parties cannot agree on a consideration, the parties will contract with a mutually acceptable appraiser for a third appraisal whose cost will be borne equally by both parties. The third appraisal shall be delivered to both parties **within 90 days** after the notice of conversion to the municipality and shall be the final determination of consideration.
- Upon agreement of a consideration, the Town shall then have **120 days to exercise** its option. During the appraisal process, the landowner may revoke the intent to convert at any time and with no recourse to either party.
- The option may be exercised only after a **public hearing**
- After the public hearing written notice signed by the Board of Selectmen, shall be mailed to the landowner by certified mail at the address that is specified in the notice of intent.
- Notice of public hearing shall be given in accordance with section 23B of chapter 39.

### **For Both Sale and Conversion**

The notice of exercise shall be:

- Recorded at the Registry of Deeds, and
- Shall contain the name of the record owner of the land and description of the premises adequate for identification of them.

### **Exercising Option**

- The notice to the landowner of the Town's election to exercise its option shall be accompanied by a proposed purchase and sale contract or other agreement between the Town and the landowner.
- If executed fulfilled within a period of not more than **90 days** after the date the contract or agreement, endorsed by the landowner, is returned by certified mail to the Board of Selectmen, or upon expiration of any extended period that the landowner has agreed to in writing, whichever is later.

### **Assigning Rights to Purchase**

At the **public hearing**, the Town may assign its option to a nonprofit conservation organization or to the Commonwealth or any of its political subdivisions under the terms and conditions that the Board of Selectmen may consider appropriate. Notice of public hearing shall be given in accordance with section 23B of chapter 39.

The assignment shall be

- For the purpose of maintaining no less than 70 percent of the land in use as forest land, as agricultural and horticultural land.
- In no case shall the assignee develop a greater proportion of the land than was proposed by the developer whose offer gave rise to the assignment.
- All land other than land that is to be developed shall then be bound by a permanent deed restriction that meets the requirements of chapter 184.

If the first refusal option has been assigned to a nonprofit conservation organization or to the Commonwealth or any of its political

- The Board of Selectmen shall provide written notice of assignment to the landowner.
- The notice of assignment shall state the name and address of the organization or agency of the Commonwealth which will exercise the option in addition to the terms and conditions of the assignment.
- The notice of assignment shall be recorded with the Registry of Deeds.

### **Failure to Act**

Failure to record either the notice of exercise or the notice of assignment within the 120 day period shall be conclusive evidence that the Town has not exercised its option.

### **Notice to Exercise**

If the option has been assigned to a nonprofit conservation organization or to the Commonwealth or any of its political subdivisions, the option may be exercised by the assignee only:

- By written notice to the landowner signed by the assignee, mailed to the landowner by certified mail at the address that is specified in the notice of intent.
- The notice of exercise shall also be recorded with the Registry of Deeds and shall contain the name of the record owner of the land and description of the premises adequate for identification of them.
- The notice of exercise to the landowner shall be accompanied by a proposed Purchase and Sale contract or other agreement between the assignee and landowner which, if executed, shall be fulfilled within a period of not more than **90 days**, or upon expiration of any extended period the landowner has agreed to in writing, from the date the contract or agreement, endorsed by the landowner, is returned by certified mail to the assignee.

During the 120 day period, the Town or its assignees, shall have the right, at reasonable times and upon reasonable notice, to enter upon the land for the purpose of surveying and inspecting the land, including, but not limited to, soil testing for purposes of Title V and the taking of water samples.

The Town or its assignee shall have all rights assigned to the buyer in the purchase and sale agreement contained in the notice of intent.

#### **Not to Exercise**

If the Town elects not to exercise the option, and not to assign its right to exercise the option, the Town shall

- Send written notice of nonexercise, signed by the Board of Selectmen, to the landowner by certified mail at the address that is specified in the notice of intent.
- The notice of nonexercise shall contain the name of the owner of record of the land and description of the premises adequate for identification of them.
- Shall be recorded with the Registry of Deeds.

No sale or conversion of the land shall be consummated until the option period has expired or the notice of nonexercise has been recorded with the Registry of Deeds, and no sale of the land shall be consummated if the terms of the sale differ in any material way from the terms of the purchase and sale agreement which accompanied the bona fide offer to purchase as described in the notice of intent to sell except as provided in this section.

#### **Foreclosure**

This section shall not apply to a mortgage foreclosure sale, but the holder of a mortgage shall, at least **90 days before a foreclosure sale** send written notice of the time and place of the sale to the parties in the manner described in this section for notice of intent to sell or convert, and the giving of notice may be established by an affidavit as described in this section.

## **Chapter 61B (Section 9)**

### **Chapter 61B Sale**

Any notice of intent to sell for such other use shall be accompanied by

- A statement of intent to sell,
- A statement of proposed use of the land,
- The location and acreage of land as shown on a map drawn at the scale of the assessors map, and
- The name, address and telephone number of the landowner.
- A **certified copy** of an executed Purchase and Sale agreement specifying the purchase price and all terms and conditions of the proposed sale, which is limited to only the property classified under this chapter, and which shall be a bona fide offer as described below.
- Any notice of intent to sell for other use shall also be accompanied by any additional agreements or a statement of any additional consideration for any contiguous land under the same ownership, and not classified under this chapter, but sold or to be sold contemporaneously with the proposed sale.

For the purposes of this chapter, a bona fide offer to purchase shall mean a good faith offer, not dependent upon:

- Potential changes to current zoning, or
- Conditions or contingencies relating to the potential for, or the potential extent of, subdivision of the property, made by a party unaffiliated with the landowner for a fixed consideration payable upon delivery of the deed.

### **Chapter 61B Conversion**

Any notice of intent to convert to other use shall be

- Accompanied by a statement of intent to convert,
- A statement of proposed use of such land,
- The location and acreage of land as shown on a map drawn at the scale of the assessors map,
- The name, address and telephone number of the landowner and the landowner's attorney, if any.

### **For Both Sale and Conversion**

The notice of intent to sell or convert shall be:

- Sent by the landowner by certified mail or hand delivered to Board of Selectmen,
- Board of Assessors,
- Planning Board,
- Conservation Commission,
- State Forester addressed to the Commissioner of the Department of Conservation and Recreation,
- A notarized affidavit that the landowner has mailed or delivered a notice of intent to sell or convert shall be conclusive evidence that the landowner has mailed the notice in the manner and at the time specified.
- Each affidavit shall have attached to it a copy of the notice of intent to which it relates.
- The notice of intent to sell or convert shall be considered to have been duly mailed if

- Addressed to the Board of Selectmen in care of the Town Clerk;
- Planning Board if addressed to them directly
- Conservation Commission if addressed to them directly;
- State Forester if addressed to the Commissioner of the Department of Conservation and Recreation
- Assessors if addressed to them directly.

### **Incomplete Filing**

If the notice of intent to sell or convert does not contain all of the material as described above, then the Town, within 30 days after receipt, shall notify the landowner in writing that notice is insufficient and does not comply.

### **For Both Sale and Conversion**

For a period of 120 days after the day following the latest date of deposit in the United States mail of any notice which complies with this section, the Town shall have, in the case of intended sale, a first refusal option to meet a bona fide offer to purchase the land.

### **Establishing Value of Conversion Land**

In the case of intended or determined conversion not involving sale, the municipality shall have an option to purchase the land at full and fair market value to be determined by:

- An impartial appraisal performed by a certified appraiser hired at the expense of the municipality or its assignee, the original appraisal to be completed and delivered to the landowner **within 30 days** after the notice of conversion to the municipality.
- In the event that the landowner is dissatisfied with the original appraisal, the landowner may, at the landowner's expense contract for a second appraisal, to be completed **within 60 days** after the delivery of the notice to convert.
- If, after completion of the second appraisal, the parties cannot agree on a consideration, the parties will contract with a mutually acceptable appraiser for a third appraisal whose cost will be borne equally by both parties. The third appraisal shall be delivered to both parties **within 90 days** after the notice of conversion to the municipality and shall be the final determination of consideration.
- Upon agreement of a consideration, the Town shall then have **120 days to exercise** its option. During the appraisal process, the landowner may revoke the intent to convert at any time and with no recourse to either party.
- The option may be exercised only after a **public hearing**
- After the public hearing written notice signed by the Board of Selectmen, must be mailed to the landowner by certified mail at the address that is specified in the notice of intent.
- Notice of the public hearing shall be given in accordance with section 23B of chapter 39.

### **For Both Sale and Conversion**

#### **Notice to Exercise**

The notice of exercise shall also be recorded at the Registry of Deeds and shall contain the name of the record owner of the land and description of the premises adequate for identification of them.

#### **Exercising Option**

The notice to the landowner of the Town's election to exercise its option shall be:

- Accompanied by a proposed purchase and sale contract or other agreement between the Town and the landowner which,
- If executed, fulfilled within a period of not more than **90 days** after the date the contract or agreement, endorsed by the landowner, is returned by certified mail to the Board of Selectmen, or upon expiration of any extended period that the landowner has agreed to in writing, whichever is later.

### **Assigning Rights to Purchased**

At the public hearing or a further **public hearing**, the Town may assign its option to a nonprofit conservation organization or to the Commonwealth or any of its political subdivisions under the terms and conditions that the Board of Selectmen may consider appropriate. Notice of the public hearing shall be given in accordance with section 23B of chapter 39.

The assignment shall be

- For the purpose of maintaining no less than 70 percent of the land in use as forest land, as agricultural and horticultural land or as recreation land, and
- In no case shall the assignee develop a greater proportion of the land than was proposed by the developer whose offer gave rise to the assignment.
- All land other than land that is to be developed shall then be bound by a permanent deed restriction that meets the requirements of chapter 184.

If the first refusal option has been assigned to a nonprofit conservation organization or to the Commonwealth or any of its political subdivisions:

- The Board of Selectmen shall provide written notice of assignment to the landowner.
- The notice of assignment shall state the name and address of the organization or agency of the Commonwealth which will exercise the option in addition to the terms and conditions of the assignment.
- The notice of assignment shall be recorded with the Registry of Deeds.

### **Failure to Act**

Failure to record either the notice of exercise or the notice of assignment within the 120 day period shall be conclusive evidence that the Town has not exercised its option.

### **Notice to Exercise**

If the option has been assigned to a nonprofit conservation organization or to the Commonwealth or any of its political subdivisions,

- The option may be exercised by the assignee only by written notice to the landowner signed by the assignee, mailed to the landowner by certified mail at the address that is specified in the notice of intent.
- The notice of exercise shall also be recorded with the Registry of Deeds and shall contain the name of the record owner of the land and description of the premises adequate for identification of them.

The notice of exercise to the landowner shall be accompanied by

- A proposed Purchase and Sale contract or other agreement between the assignee and landowner which, if executed, shall be fulfilled within a period of not more than **90 days**, or upon expiration of any extended period that the landowner has agreed to in writing, from

the date the contract or agreement, endorsed by the landowner, is returned by certified mail to the assignee.

During the 120 day period, the Town or its assignees, shall have the right, at reasonable times and upon reasonable notice, to enter upon the land for the purpose of surveying and inspecting said land, including but not limited to soil testing for purposes of Title V and the taking of water samples.

The Town or its assignee shall have all rights assigned to the buyer in the Purchase and Sales agreement contained in the notice of intent.

### **Not to Exercise**

If the Town elects not to exercise the option, and not to assign its right to exercise the option, the Town shall:

- Send written notice of nonexercise signed by the Board of Selectmen to the landowner by certified mail at the address that is specified in the notice of intent.
- The notice of nonexercise shall contain the name of the owner of record of the land and description of the premises adequate for identification of them, and shall be recorded with the Registry of Deeds.

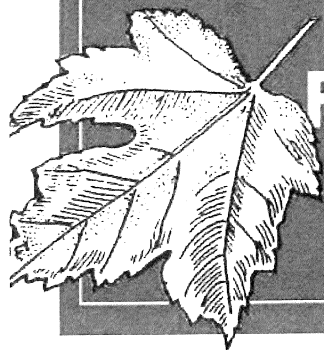
No sale or conversion of the land shall be consummated until the option period has expired or the notice of nonexercise has been recorded with the Registry of Deeds, and no sale of the land shall be consummated if the terms of the sale differ in any material way from the terms of the Purchase and Sale agreement which accompanied the bona fide offer to purchase as described in the notice of intent to sell except as provided herein.

### **Foreclosures**

This section shall not apply to a mortgage foreclosure sale, but the holder of a mortgage shall, at least **90 days before a foreclosure sale**, send written notice of the time and place of the sale to the parties in the manner described in this section for notice of intent to sell or convert, and the giving of that notice may be established by an affidavit as described in this section.







# FOREST LAND TAXATION IN MASSACHUSETTS

August 1998

The purpose of this bulletin is to inform woodland owners of the different property tax programs available under Massachusetts law. Careful study of the text and contact with their Department of Environmental Management (DEM) Service Forester or consulting forester should enable woodland owners to make well-informed decisions about what program may be most advantageous.



## THE PROPERTY TAX STRUCTURE IN MASSACHUSETTS

State tax laws in Massachusetts require that land be taxed at its full and fair market value. Most often this value is derived from residential development. Property taxation presents a problem for landowners who are practicing long-term forest management because the market value of the land—and the associated annual taxes—is usually greater than short-term income received from growing trees.

To encourage landowners to keep their land as open space, the Commonwealth passed Chapter 61, 61A and 61B of the Massachusetts General Laws. Each law provides a means to assess forest land at a portion of its fair market value, and to apply the local commercial property tax rate to the lower assessment.

## CHAPTER 61: THE FOREST LAND TAX LAW

Chapter 61 is designed to give favorable tax treatment to a landowner willing to keep woodland undeveloped and managed for forest products. Land which is certified under Chapter 61 is assessed at 5% of the fair market value or at \$10 per acre, whichever is greater. The Law assesses an 8% products (or stumpage) tax on any wood cut for personal or commercial purposes during the preceding calendar year. The stumpage tax is a way of deferring the property tax to periods when wood products are cut and income realized.

### ELIGIBILITY REQUIREMENTS

To qualify for Chapter 61, a landowner must have 10 or more contiguous acres of forest land and a long term commitment to improving the "quality and quantity" of the timber crop on that land. A 10-year forest management plan is also required. This plan is compiled after a property inspection, at which time infor-

mation is collected about the size and species of trees present, boundaries, deeds and other pertinent information. This data is used to schedule management activities for the next 10-year period, such as thinning, harvesting, boundary marking, access road construction, and other work which will improve the quality, quantity and availability of wood products.

### HOW TO CLASSIFY FOREST LAND UNDER CHAPTER 61

The landowner must make an application to DEM to be certified under Chapter 61. The application package consists of a forest management plan, a certificate, and a certified check or money order for filing fees. The filing fee is a one-time charge for the 10-year period, and is based on \$1.00 per acre up to 100 acres, and \$.75 per each additional acre. The minimum fee is \$25.00; the maximum is \$200.00. A surcharge is added to these fees that varies yearly. The application package must be filed with the appropriate DEM Regional Office, on or before June 30th of the year preceding the year for which classification is sought.

The DEM Service Forester is responsible for a property inspection to see if the forest management plan is accurate and



appropriate to the site. In addition, the Service Forester will look for clearly marked boundary lines and determine whether any timber cutting took place within two years prior to the date of classification. If any cutting occurred, the volume and value of such cutting must be determined. The 8% products tax must be paid to the town as a condition of certification. This tax is due when the approved forest management plan is delivered to the town assessor's office.

The approved forest management plan and certificate is returned to the landowner, who then must submit them to the Board of Assessors on or before August 30th so that classification can begin the following January. The assessors will place a lien on the property for all taxes deferred under Chapter 61; a recording fee for this lien is paid to the assessors.

## SELLING LAND OR CONVERTING TO A DIFFERENT USE

If the landowner intends to sell the land for a use other than forest production, the town has 120 days to act on its first refusal option to meet a bona fide purchase and sales agreement. If the landowner intends to change use of the land, but not sell to a new owner, the town has the option to purchase the land at full and fair market value determined by an impartial appraisal. However, the change of use for the construction of a residence for an immediate family member is not subject to a purchase option from the town. Also, if a new owner continues in Chapter 61, the sale of land is not subject to an option from the town. The new owner must file an amended forest management plan with DEM and the local assessors within 90 days. The landowner should check with DEM to determine if filing fees apply.

## ADDITION TO, OR WITHDRAWAL FROM CERTIFICATION

Each year landowners may voluntarily add land contiguous to, or subtract land covered by a forest management plan and certificate. Addition or withdrawal of land may be incorporated

by filing an amended forest management plan and certificate approved by the DEM Service Forester and submitted to the town assessors. A withdrawal penalty payment is imposed when acres are removed from classification.

## WITHDRAWAL PENALTIES

Withdrawal penalty payments are imposed when land is removed from classification, whether or not the use of the land will be changed. The penalty payment is the difference between the amount that would have been paid under regular classification (Chapter 59) and the actual taxes paid (Chapter 61), plus interest. If the land is withdrawn during the first certification period, then back taxes are paid for the actual number of years the land was classified under Chapter 61. If the land is withdrawn during the second or subsequent certification periods, then back taxes are paid for either the prior five year period or the number of years completed in that certification cycle, whichever is longer. Credit for products tax paid to the town is deducted from the penalty payment only if withdrawal occurs at the end of a 10-year certification cycle.

Calculation of the interest payment due on deferred taxes is a complicated process. The interest rate is based on the prime rate, which is established quarterly by the U.S. government, and is compounded daily. Landowners should check with their assessors to determine the withdrawal penalty.

## RECERTIFICATION

Once classified under Chapter 61, woodland must be recertified every 10 years. If the land is not recertified it is no longer classified and withdrawal penalties are imposed (see *Withdrawal Penalties*). To recertify, landowners should follow the procedures detailed in the section titled *How to Have Forest Land Classified Under Chapter 61*.

# CHAPTER 61A: THE FARM LAND TAX LAW

The purpose of Chapter 61A is to promote the conservation of agricultural and horticultural lands and to assess property taxes based solely on its use (see *The Assessment Process* below). Chapter 61A is most commonly applied to agricultural land, for which there is no management plan requirement. However, if a woodland owner wishes to classify productive forest land under Chapter 61A, the DEM Service Forester must certify that the land is being managed under an approved forest management plan, comparable to those prepared for Chapter 61 certification.

## ELIGIBILITY REQUIREMENTS

To qualify for Chapter 61A, a landowner must own five or more contiguous acres which is "actively devoted" to agricul-

tural or horticultural purposes. This land must produce annual gross sales of not less than \$500.00. For each additional acre over five, the minimum product value must be \$5.00, except in the case of woodlands and wetlands, for which the added value is \$.50 per acre.

There must be farming activity for two years before the property becomes eligible for consideration. Agricultural activities, as defined in the Law, are those concerned with the raising and selling of animals or products derived from them. Horticultural uses are those related to growing crops for animal or human consumption and for other use.

As with Chapter 61, a 10-year forest management plan is required, though only for the productive forest land being en-

rolled. See *Eligibility Requirements* under Chapter 61. A copy of the plan must be submitted to the assessors at the time of initial classification. Thereafter, approved plans need not be submitted annually, but only when the original plan is amended or expires.

## HOW TO CLASSIFY FARM LAND UNDER CHAPTER 61A

The landowner must submit a written application to the Board of Assessors to classify land as agricultural or horticultural. Applications are handled directly through the assessors office and are available there. The Board of Assessors must make a decision within three months of the filing date and send a copy of their decision by certified mail within 10 days of making it. If the application is approved, the assessors record a lien on the property for all taxes deferred under Chapter 61A. If the Board fails to take any action within three months of the filing date, the application is considered approved.

A new application must be filed on or before September 30th of the year before the classification is sought. If the town has been re-evaluated that year, then the application deadline can be extended by 30 days from the mailing date of the first tax bill based on the new valuation.

## ASSESSMENT PROCESS

Taxes on land classified under Chapter 61A are based solely upon the land's agricultural or horticultural use. To assess land at its current use value (rather than market value), the Board of Assessors use a range of values set by the Farmland Valuation Advisory Committee, as well as their own appraisal knowledge, judgement and experience. These figures are established on an annual basis. The tax rate applied to the farm land assessment is the commercial property tax rate.

## SELLING LAND OR CONVERTING TO A DIFFERENT USE

If a classified parcel changes from eligible farmland use to a residential, industrial, or commercial use, with or without a sale, the owner must notify the town by certified mail. The town then has 120 days to exercise a first right of refusal option. If the owner is selling the land, the town must match a bona fide purchase and sales agreement; if the owner is changing the land use, the town must buy the land at its appraised fair market value.

The town does not have the option to purchase the land if agricultural and horticultural use is discontinued, or if a residence for an immediate family member is constructed. However, in this latter case, change of use penalties may apply to affected areas.

## CHANGE OF USE PENALTIES

One of two penalty taxes are levied when the land use changes: conveyance or roll-back taxes. When the land is sold and converted to an ineligible use, the higher of the two taxes would apply, but not both. If the land stays in the same ownership and changes use, the roll-back tax applies.

The conveyance tax is applied to a land sale from an eligible to an ineligible use, and is to be paid by the seller. This tax is a percentage of the sale price or the fair market value, as determined by the assessors. The conveyance tax rate is 10% if the land is sold or converted within the first year of ownership, 9% if sold or converted within the second year, and so on with the rate declining each year by a percentage point until it is 1% in the 10th year of ownership. The timing of this provision is important as it begins with either the date of acquisition by the current (eligible) owner or the date the owner began using the property. An owner with 10 or more years of continuous farming can sell land at any time without paying this tax. A new owner of a farm or a person starting farming is subject to the 10-year schedule. No conveyance tax is necessary when a sale is accompanied by an affidavit that the new owner will continue the eligible use.

The alternative penalty tax is called the roll-back tax. It is the difference between the tax that was actually paid under the Law and what would have been paid if not classified under Chapter 61A, with no interest applied. The roll-back tax applies when the

## UNDERSTANDING & COMPARING THE TAX PROGRAMS

A quick review of the tax programs reveals that annual tax savings for forest land is greatest under Chapter 61; however, significant expenses are required before classification is approved and the imposed stumpage tax may negate the annual tax relief benefit in certain instances. For lands that can meet the yearly minimum income earned requirements for Chapter 61A, applying under this tax classification may provide added benefits, such as lower penalties for removal from classification and no stumpage tax. Chapter 61B requires no active management, which may appeal to some landowners, but nor does it allow for tapping the forest products income potential through good management.

Once a landowner determines eligibility to one or more programs, a comparison of tax treatment under each can be made with the following data: fair market value assessment of the eligible acres and the town's commercial tax rate. A public or private forester can estimate the cost of a management plan and project the value of wood products harvested in the next ten year period so that stumpage tax can be calculated. Filing fees must also be added to the calculation.

While the steps to understanding and then classifying land under Chapters 61, 61A or 61B may sound intimidating, a landowner can get help from DEM Service Foresters, consulting foresters and local assessors, all of whom are available for consultation and assistance through the process. The box on page 6 lists the regional offices where DEM Service Foresters may be contacted. These public foresters can supply a list of private consulting foresters doing business in their district.

owner ceases the practice of an eligible use. If the change in use occurs when the land is classified, the tax is imposed for the current fiscal year and the 4 prior years. If the land is not classified at that time, the tax is imposed for the 5 prior years.

Change of use taxes may not apply in certain circumstances. For instance, a couple has owned and farmed their land for the

past 15 years and had the land classified under Chapter 61A for the last 13 years. The couple can declassify their property and pay property taxes for the land (Chapter 59) at its highest and best use. After five years the couple can change use of their land and pay the town neither roll-back nor conveyance taxes.

## CHAPTER 61B: THE RECREATIONAL LAND TAX LAW

The purpose of Chapter 61B is to reduce the assessed value of land based on its use for open space or recreation. Assessed values under this law shall not exceed 25% of the fair market value. Woodlands that are not actively managed for forest products are eligible for classification under Chapter 61B. Because there is no active management a forest management plan is not required.

### ELIGIBILITY REQUIREMENTS

A woodland owner with 5 or more contiguous acres, not actively managed for forest products, can qualify for Chapter 61B under one of two different scenarios. First, the land must be retained in a substantially natural, wild or open condition so as to preserve wildlife or other natural resources. Land qualifying under the above requirements need not be open to the general public, nor made available to members of a non-profit organization. The annual cutting of 10 cords of wood for personal use, the cutting of firebreaks or roads to allow access to the land, or the clearing of dead or diseased trees is permissible for land classified under Chapter 61B.

Second, land can also qualify based on its recreational use, provided such use does not materially interfere with the environmental benefits derived from the land. The term "recreational use" is limited to: hiking, camping, nature study and observation, boating, golfing, horseback riding, hunting, fishing, skiing, swimming, picnicking, private non-commercial flying (including hang gliding), archery and target shooting. Land qualifying as recreational land must be made avail-

able either to the public or to members of a non-profit organization.

### HOW TO CLASSIFY OPEN OR RECREATIONAL LAND UNDER CHAPTER 61B

The landowner must file a written application with the Board of Assessors on or before September 30th of the year preceding each tax year for which classification is sought. This application

form is available from the assessors office. The board has 3 months to respond and must inform the landowner by certified mail within 10 days of its decision. A positive decision must be recorded with the registry of deeds, at which time a lien is established, similar to Chapter 61A. If the assessors do not respond within three months, the application is considered disallowed.

A new application must be filed on or before September 30th of the year before the classification is sought. If the town has been re-evaluated that year, then the application deadline can be extended by 30 days from the mailing date of the first tax bill based on the new valuation.

### SELLING LAND OR CONVERTING TO A DIFFERENT USE

This issue is handled the same as for Chapter 61A. See that section on page 3.

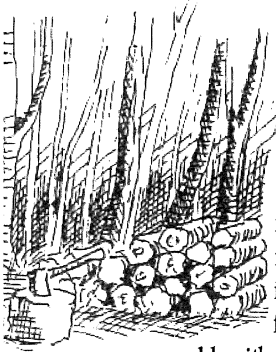
### CHANGE OF USE PENALTIES (61B)

Refer to the same heading for Chapter 61A on page 3, as this topic is handled similarly, but with the following exceptions:

- 1) The conveyance tax rate is 10% if the land is sold or converted within the first 5 years of classification, and 5% if within the 6th through 10th years.
- 2) When the roll-back tax is levied, interest does apply.
- 3) Under the roll-back tax, if the change in use occurs when the land is classified, the tax is imposed for the current fiscal year and the 9 prior years. If the land is not classified at that time, the tax is imposed for the 10 prior years.

### APPEAL OF CLASSIFICATION FOR CHAPTERS 61, 61A & 61B

Assessors, landowners and the State Forester can appeal the classification, reclassification or declassification of land under Chapter 61, 61A or 61B. Landowners can check with their DEM Service Forester or local assessors office to find out how to make an appeal.



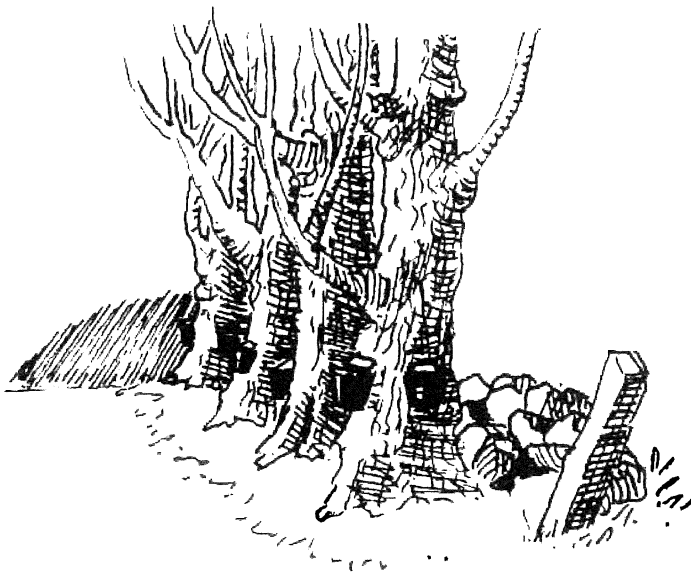
## A QUICK GUIDE TO FOREST LAND TAX PROGRAMS

	<b>CHAPTER 61</b>	<b>CHAPTER 61A</b>	<b>CHAPTER 61B</b>
<b>PURPOSE</b>	Tax incentive for long-term management of woodland for wood production.	Tax incentive for active agricultural or horticultural uses.	Tax incentive for land in natural, wild, open or landscaped use; or an approved recreational use.
<b>ELIGIBILITY</b>	Minimum of 10 contiguous acres. A continuous commitment to improving the "quality and quantity" of timber crops on woodlands. Forest management plan approved by State Forester.	Minimum of 5 acres "actively devoted" to agricultural and/or horticultural uses at least 2 years prior to classification. Minimum annual gross sales of \$500. Additional contiguous land may also qualify.	Minimum of 5 acres in open space or recreational uses.
<b>TAX ASSESSMENT</b>	Assessed at 5% fair market value, at commercial rate, plus 8% stumpage value of products harvested in prior year.	Assessed at agricultural/ horticultural "use" value, at commercial rate. Values assigned by Board of Assessors and may change annually.	Assessed at maximum value of 25% fair market value, at commercial rate.
<b>HOW TO ENROLL</b>	Application package filed with State Forester by June 30. Approved application package submitted to Board of Assessors by August 31. Application good for 10 years.	Annual application filed with Board of Assessors by October 1.	Annual application filed with Board of Assessors by October 1.
<b>ENROLLMENT PERIOD</b>	Enrolled until withdrawn from classification and withdrawal penalty paid. Forest management plan updated every 10 years.	Enrolled until sold for or converted to another use, and either conveyance tax or roll-back tax paid. Annual filing with Board of Assessors. Forest management plan updated every 10 years on acres classified as "productive woodlands".	Enrolled until sold for or converted to another use, and either conveyance tax or roll-back tax paid. Annual filing with Board of Assessors.
<b>WITHDRAWAL OR CHANGE OF USE PENALTY</b>	Penalty payment depends on number of years in the program, and is difference between taxes paid under Chapter 61 and what would have been paid if not classified, plus interest. Annual forest products tax credit may or may not be applied to withdrawal penalty.	Conveyance or roll-back tax imposed, but not both. Conveyance tax rate applied when land sold for a non-qualifying use, decreasing from 10% to 1% over first 10 years of ownership. Roll-back tax is difference between taxes paid under Chapter 61A and what would have been paid if not classified, with no interest. Roll-back tax imposed for 5 prior years.	Conveyance or roll-back tax imposed, but not both. Conveyance tax rate applied when land sold for a non-qualifying use, and is 10% for first five years of ownership and 5% for second 5 years. Roll-back tax is difference between taxes paid under Chapter 61B and what would have been paid if not classified, plus interest. Roll-back tax imposed for 10 prior years.
<b>TOWN'S RIGHT OF FIRST REFUSAL</b>	Town has first right of refusal when land sold or converted to residential, commercial or industrial use. Option lasts for 120 days unless waived. Exception allowed for residential use by family member.		



## ISSUES TO CONSIDER BEFORE ENROLLING

- Under Chapter 61 and 61A, active forest management is required “to improve the quantity and quality of forest products”, as set forth in the Law. The intensity and frequency of management activity will vary throughout the growing period of the forest crop, and is dependent on site conditions and landowner goals and objectives. Thus it is difficult to generalize about how much work will be required for each 10-year management period. A professional forester can help landowners to understand what management activities may be required and to make a realistic decision about whether they are willing to commit to the management that enrollment requires.
- All tax programs carry with them legal obligations and significant penalties for declassification and/or change of land use under certain circumstances. It is in the landowner’s best interest to thoroughly weigh program options and understand responsibilities before classifying land. For help, contact DEM Service Foresters at the offices listed below.
- If a landowner prefers to allow trees to grow and die on their own, classification under Chapter 61B, rather than Chapter 61 or 61A, may be the best option.
- If there is any possibility that a landowner may want to sell a house lot in the future, build a garage or make modifications for personal use, that area probably should not be classified.
- These tax programs provide an important tool for communities to retain productive open space before it is developed, by giving towns a right of first refusal on declassified lands.



### DEM REGIONAL OFFICES

**Region 1:** Barnstable, Bristol, Dukes, Nantucket, Plymouth  
P.O. Box 66  
South Carver, MA 02366  
(508) 866-2580

**Region 2:** Essex, Middlesex, Norfolk  
P.O. Box 829  
Carlisle, MA 01741  
(978) 369-3350

**Region 3:** Worcester  
P.O. Box 155  
Clinton, MA 01510  
(978) 368-0126

**Region 4:** Franklin, Hampden, Hampshire  
P.O. Box 484  
Amherst, MA 01004  
(413) 545-5993

**Region 5:** Berkshire  
P.O. Box 1433  
Pittsfield, MA 01202  
(413) 442-8928

This bulletin was revised by Cynthia Wood, Service Forester for the Department of Environmental Management-Division of Forests & Parks and edited by Susan Campbell of the Massachusetts Forest Stewardship Program, in cooperation with UMass Extension at Amherst. It is based on the 1985 version written by Christina Petersen, then Forestry Specialist at the University of Massachusetts Cooperative Extension. Illustrations: Joe Smith

Revised August, 1998.

# TOWN OF MARSHFIELD

## Classified Land - Chapters 61, 61A and 61B

There are three different "Chapter Land" programs available. They are Forestry – Massachusetts General Laws Chapter 61, Agriculture / Horticulture – Massachusetts General Laws Chapter 61A, and Recreation – Massachusetts General Laws Chapter 61B.

**Chapter 61 - Forestry Land** is designed to encourage the preservation and enhancement of the Commonwealth's forests. A parcel must consist of at least 10 contiguous acres of land under the same ownership and be managed under a 10 year management plan approved and certified by the State Forester in order to qualify for and retain classification as forest land under Chapter 61.

**Chapter 61A - Agricultural and Horticultural Land** is designed to encourage the preservation of the Commonwealth's valuable farmland and promote active agricultural and horticultural land use. The property must consist of at least 5 contiguous acres of land under the same ownership and be "actively devoted" to agricultural or horticultural use in order to qualify for and retain classification as agricultural or horticultural land under Chapter 61A. An equal amount of contiguous non-productive land may also qualify for classification.

For the land to be considered "actively devoted" to a farm use, it must have been farmed for the two years prior to the year of classification and must have produced a certain amount of sales. The minimum gross sales requirement is \$500 for the first 5 acres of productive land being classified, unless the additional acreage is woodland or wetland. In that case, the amount is increased by only \$.50 for each additional acre.

**Chapter 61B - Recreational Land** is designed to encourage the preservation of the Commonwealth's open space and promote recreational land uses. Property must consist of at least 5 contiguous acres of land under the same ownership in order to qualify for and retain classification as recreational land under Chapter 61B. The land must fall into one of the following two categories to qualify:

- It must be maintained in a substantially natural, wild or open condition or must be maintained in a landscaped condition permitting the preservation of wildlife and natural resources. It does not have to be open to the public, but can be held as private, undeveloped, open space land.
- It must be used for certain recreational purposes and must be open to the public or members of a non-profit organization.



The property owner must submit a written application to the Board of Assessors of the city or town in which the land is located **by October 1 of the year before the start of the fiscal year\*** for which taxation as classified land is sought and every year thereafter.

## **Liens**

Once an initial application for classification has been approved, the local assessors will record a statement at the Registry of Deeds indicating that the land has been classified as forestry under Chapter 61, agricultural / horticultural land under Chapter 61A or recreational land under Chapter 61B. The statement will constitute a lien on the land for all taxes due under the respective chapters.

## **Municipal Option to Purchase**

The city or town has an option to purchase any classified land whenever the owner plans to sell or convert it to a residential, commercial, or industrial use. The owner must notify by certified mail the selectmen, assessors, planning board and conservation commission of the town of any intention to sell or convert the land to those uses. If the owner plans to sell the land, the town has the right to match a bona fide offer to purchase it. If the owner plans to convert it, the city or town has the right to purchase it at its fair market value, which is determined by an impartial appraisal. The city or town may also assign its option to a non-profit, conservation organization. The owner cannot sell or convert the land until at least 120 days have passed since the mailing of the required notices or until the owner has been notified in writing that the option will not be exercised, whichever is earlier.

## **Withdrawal Tax**

With each of these programs, there is a conveyance tax penalty for withdrawing land.

[name of town] Assessors' Office  
Transfer with Continued Chapter Classification: A Checklist

**Property Description and Address**

Parcel ID 1: \_\_\_\_\_  
Parcel ID 2: \_\_\_\_\_  
Parcel ID 3: \_\_\_\_\_  
Parcel ID 4: \_\_\_\_\_  
Parcel ID 5: \_\_\_\_\_

**Current Owner:** \_\_\_\_\_  
Contact name: \_\_\_\_\_ Phone No. \_\_\_\_\_  
E-mail address: \_\_\_\_\_

**Prospective Buyer:** \_\_\_\_\_  
Contact name: \_\_\_\_\_ Phone No. \_\_\_\_\_  
E-mail address: \_\_\_\_\_

**Checklist**

- \_\_\_\_\_ Initial inquiry
- \_\_\_\_\_ Affidavit from buyer stating intent to continue chapter classification
- \_\_\_\_\_ Chapter application and Acknowledgment form sent to buyer
- \_\_\_\_\_ Chapter application received from prospective buyer
- \_\_\_\_\_ Acknowledgment statement received from prospective buyer

BOA decision with respect to chapter application:

If denied:

- \_\_\_\_\_ Letter sent to applicant informing of BOA denial
- \_\_\_\_\_ 1st option vote by Selectmen
- \_\_\_\_\_ Prepare rollback or conveyance tax calculation
- \_\_\_\_\_ Prepare rollback or conveyance tax warrant
- \_\_\_\_\_ Collect rollback or conveyance tax from previous owner
- \_\_\_\_\_ Prepare full or partial lien release - send to Assessor Admin for execution by BOA
- \_\_\_\_\_ Collect \$75.00 recording fee
- \_\_\_\_\_ Update CAMA land records

If chapter application approved:

- \_\_\_\_\_ Letter sent to applicant informing of BOA approval - request for \$75.00 recording fee
- \_\_\_\_\_ Prepare chapter lien under new owner's name
- \_\_\_\_\_ Prepare chapter lien release for prior owner
- \_\_\_\_\_ Recording fees returned to assessors office
- \_\_\_\_\_ Board of Assessors signs chapter lien
- \_\_\_\_\_ Chapter lien notarized
- \_\_\_\_\_ Chapter lien and release sent to Registry of Deeds for recording
- \_\_\_\_\_ Recorded chapter lien and release received by assessors' office

After January 1st preceeding the next fiscal year:

- \_\_\_\_\_ Check CAMA land lines for any changes
- \_\_\_\_\_ Enter account class code change (if necessary)
- \_\_\_\_\_ Add chapter account to special chapter database

**[name of town] Assessors' Office**  
**Sale and Conversion of Use: A Checklist**

**Property Description and Address**

Parcel ID 1: \_\_\_\_\_  
Parcel ID 2: \_\_\_\_\_  
Parcel ID 3: \_\_\_\_\_  
Parcel ID 4: \_\_\_\_\_  
Parcel ID 5: \_\_\_\_\_

**Total Acres** \_\_\_\_\_  
**Removed** \_\_\_\_\_

**Owner of Record:** \_\_\_\_\_

Contact name: \_\_\_\_\_ Phone No. \_\_\_\_\_  
E-mail address: \_\_\_\_\_

**Checklist**

- Initial inquiry \_\_\_\_\_
- Calculate rollback tax and send copy to owner or contact \_\_\_\_\_
- Receipt of certified letters informing Selectmen, Assessors, Conservation and Planning Board of first option \_\_\_\_\_
- Receipt of bona-fide offer on subject chapter land (if applicable) \_\_\_\_\_
- Board of Assessor review and vote on first option notification \_\_\_\_\_
- Rollback tax figures provided to the Board of Selectmen \_\_\_\_\_
- Letter of assessors recommendation regarding first option sent to Selectmen \_\_\_\_\_
- First option question scheduled on Selectmen's agenda \_\_\_\_\_
- Selectmen vote on first option question \_\_\_\_\_
- If Selectmen vote not to exercise their option: \_\_\_\_\_
- Prepare a recordable first option declined letter issued to taxpayer by Selectmen \_\_\_\_\_
- If Selectmen vote to exercise their option - wait for consumation of conveyance \_\_\_\_\_
- Prepare rollback or conveyance tax warrant \_\_\_\_\_
- Collect rollback or conveyance tax \_\_\_\_\_
- Prepare full or partial lien release - send to Assessor Admin for execution by BOA \_\_\_\_\_
- Update CAMA land records \_\_\_\_\_

**Date** \_\_\_\_\_ **By** \_\_\_\_\_  
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\*\*in future, these steps completed before a sale is completed and deed changed.

**Total Acres**

**Removed**

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**Date**

**By**

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**AGENDA ITEM #8  
JULY 20, 2020**

**REVIEW AND DISCUSS LETTERS OF INTEREST RECEIVED  
FOR VACANCY ON THE PLANNING BOARD**

We have received four letters of interest for the vacancy on the Planning Board, which I have attached for your review.

The typical process would be for the Selectmen to forward the letters to the Planning Board for their review and to hold a joint meeting to appoint someone to fill the vacancy.

The candidates are usually invited to attend the meeting.

Tracie

## Tracie Craig-McGee

---

**From:** Jack Lynch <jflyn678@gmail.com>  
**Sent:** Monday, July 6, 2020 12:14 PM  
**To:** Tracie Craig-McGee  
**Subject:** Planning Board Vacancy  
**Attachments:** Document 18.docx; Lakeville Planning Board.docx

Please find attached my letter requesting consideration for the open vacancy on the Lakeville Planning Board

Best,

Jack Lynch  
781-812-3431

**7/6/2020**

**To Whom it may Concern:**

**I would like to apply for open vacancy on the Lakeville Planning Board.**

**My forty-two (42) years of senior level, project management, purchasing and contracting experience with ITT Sheraton and Starwood Hotels, I believe, make me well qualified to be a positive, contributing member of the Board and to the Town of Lakeville, during these turbulent and challenging times.**

**I currently am living in Pinehills in Plymouth but am in the process of relocating, full time, to 35 Country Club Lane at the LeBaron Hills Country Club in Lakeville on Thursday, July 23<sup>rd</sup>.**

**If a resume is required, I would be glad to provide one.**

**Regards,**

**Jack Lynch**

## Tracie Craig-McGee

---

**From:** Stephen Moniz <monizse@gmail.com>  
**Sent:** Wednesday, July 8, 2020 4:40 PM  
**To:** Tracie Craig-McGee  
**Subject:** Planning Board Letter of Interest

Board of Selection,

This letter is in regards to the opening on the Planning Board and I hope it finds you well. My name is Stephen Moniz and I have been a Lakeville resident since 2012. I grew up in Swansea before joining the Navy and moved to Fall River after my enlistment. My wife and I were in Fall River while looking for the place to start raising a family and Lakeville was our top choice.

With wanting to get involved with the town for a while, the opening on the Planning Board has piqued my interest. This is not a regular letter of interest in regards to explaining all my past experiences but bringing a fresh set of eyes that will see things in a different way. With no political or zoning past, I have not been molded to see things in only one way. My main goal will be ensuring plans or done correctly while keeping Lakeville the town that originally brought my wife and I here.

Thank you for your time,

Stephen Moniz  
31 Clear Pond Road  
508-558-5977



## Tracie Craig-McGee

---

**From:** Nora Cline <nfcline1@gmail.com>  
**Sent:** Monday, July 6, 2020 8:09 PM  
**To:** Tracie Craig-McGee  
**Subject:** Planning Board Open Position

I have an interest in this position. While I have not been in civil government planning my career has evolved around planning and organization for over 30 years. I now teach employees how to plan, develop plans and monitor the same

I am a 21 plus year Lakeville resident

Let me know if you need any references

Nora Cline

--

Sent from Gmail Mobile

## Tracie Craig-McGee

---

**From:** Brian Hoeg <bhoeg@comcast.net>  
**Sent:** Monday, June 15, 2020 4:39 PM  
**To:** Tracie Craig-McGee  
**Subject:** Re: Election

Tracie,  
Maureen asked me for the Selectmen, if I would stay on for 10 months to try to help maintain stabilization within the board.  
Other board members asked me as well, so I guess I'm not going too far.

B

Get [Outlook for iOS](#)

---

**From:** Tracie Craig-McGee <tcraig-mcgee@lakevillema.org>  
**Sent:** Monday, June 15, 2020 3:17:32 PM  
**To:** bhoeg (bhoeg@comcast.net) <bhoeg@comcast.net>  
**Subject:** Election

Hi Brian,

Just wanted to wish you well on your journey as a ex Planning Board Member after 8:00 PM tomorrow!

You will be missed!

*Tracie Craig-McGee  
Executive Assistant - Board of  
Selectmen & Town Administrator  
Town of Lakeville  
346 Bedford Street  
Lakeville, MA 02347  
508 946-8803*

**AGENDA ITEM #9  
JULY 20, 2020**

**DISCUSS ACCEPTING A \$10,000 DONATION FROM  
LAKECAM FOR RENOVATIONS TO THE TOWN HOUSE  
(FORMER TOWN HALL)**

Rich asked to discuss this.

Tracie

**AGENDA ITEM #11  
JULY 20, 2020**

**DISCUSS THE STAFFING REQUIRMENTS FOR THE  
BOARD OF SELECTMEN'S OFFICE**

Rich and Brian asked to discuss this.

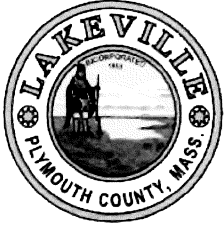
Tracie

**AGENDA ITEM #12  
JULY 20, 2020**

**REQUEST FROM TOWN CLERK REGARDING  
APPOINTMENT OF ELECTION WORKERS**

The Town Clerk has requested that the Board of Selectmen appoint the Election Workers listed on her attached memo for terms to expire August 15, 2021. **You do not need to read the addresses.**

Tracie



# TOWN OF LAKEVILLE

## OFFICE OF THE TOWN CLERK

346 Bedford Street  
Lakeville, Massachusetts 02347  
508-946-8814  
ldrane@lakevillema.org

RECEIVED  
JUL 13 2020  
SELECTMEN'S OFFICE

FROM THE OFFICE OF  
LILLIAN M. DRANE  
CMC/CMMC

TO: Board of Selectmen  
FROM: Lillian M. Drane, Town Clerk *LD*  
RE: Appointment of Election Workers  
DATE: July 13, 2020

---

Pursuant to M.G.L. Chapter 54, §12, the Board of Registrars is requesting that the following registered voters be appointed as Election Officers until **August 15, 2021**:

Marilyn A. Hunt	8 Clear Pond Road, Lakeville
Joseph A. Chamberlain, II	48 Highland Road, Lakeville
Susan G. Lynch	56 Highland Road, Lakeville
Beverly A. Ingraham	6 Haskell Circle, Lakeville
Pauline A. Ashley	73 Howland Road, Lakeville
Joan M. Morton	72 Highland Road, Lakeville
Jean A. Douillette	17 Precinct Street, Lakeville
Kristen L. Main	51 Lakeside Avenue, Lakeville
Robert E. Brady	12 Hilltop Acre, Lakeville
Joan E. Newcomb	8 Cicero Drive, Apt 1, Lakeville
Gary E. Mansfield	25 Forest Park Drive, Lakeville
Debra L. Martin	42 Taunton Street, Lakeville
Patrick R. Fitzgerald	4 Shockley Drive, Lakeville
Joanne L. Corrieri-Upham	9 Pine Haven Lane, Lakeville
Stephanie Annichiarico	306 Bedford Street, Lakeville
Gail A. Evirs	41 South Kingman Street, Lakeville
Francis B. Kenney, IV	18 Clark Road, Lakeville
Judy J. Roberts	98 Main Street, Lakeville
Julie E. Ketter	46 Mill Street, Lakeville
Karen A. Keohane	41 Haskell Circle, Lakeville
JoAnn K. Chiuppi	57 Montgomery Street, Lakeville
Evelyn C. Bumpus	51 Haskell Circle, Lakeville

Mary M. Fronzaglia  
Donald J. Bernier, Jr.  
James Gouveia, Jr.  
Rita M. Gouveia  
Robert W. Marshall  
Mary E. Sylvia  
Jennifer A. Abbaticola  
Maria A. Perrone-Martin  
Peter Chiuppi  
Judith L. Gibbs  
Barbara L. Hadsell  
Cynthia M. Sousa  
Margaret D. Bethune  
James E. Leonard  
Robert M. Buckley  
Kathleen L. Fuller  
Karen L. Regas  
Leanne B. Cataldo  
Melissa M. Fitzgerald  
Cindy L. Barber  
Richard Velez  
Joanne V. Simoneau  
Karen A. Donnelly  
Viola M. Fairweather  
Robin Marques  
Elizabeth L. Nash  
Bruce G. Baptiste  
Mary E. Medeiros  
Lynn Ingraham

13 Parkhurst Drive, Lakeville  
61 Rhode Island Road, Lakeville  
45 Haskell Circle, Lakeville  
45 Haskell Circle, Lakeville  
16 Barstow Street, Lakeville  
23 Beechwood Avenue, Lakeville  
23 Long Point Road, Lakeville  
207 Cedar Drive, Lakeville  
57 Montgomery Street, Lakeville  
8 Highland Road, Lakeville  
17 Keene Shores Road, Lakeville  
13 Lincoln Street, Lakeville  
24 Lebaron Blvd, Lakeville  
193 Rhode Island Road, Lakeville  
8 Heritage Hill Drive, Lakeville  
304 Bedford Street, Lakeville  
69 Main Street, Lakeville  
4 Anaconda Drive, Lakeville  
4 Shockley Drive, Lakeville  
60 Highland Road, Lakeville  
80 Kingman Street, Lakeville  
5 Commercial Drive, Apt #3-107, Lakeville  
6 Parkhurst Drive, Lakeville  
3 Joe's Way, Lakeville  
61 Rhode Island Road, Lakeville  
53 Montgomery Street, Lakeville  
19 Pickens Street, Lakeville  
26 Haskell Circle, Lakeville  
50 Taunton Street, Lakeville

Should you have any questions, please do not hesitate to contact my office.

Thanking you in advance for your help in this matter.

**AGENDA ITEM #13  
JULY 20, 2020**

**REQUEST FROM COUNCIL ON AGING DIRECTOR  
FOR APPOINTMENT OF ANGELA BOURASSA  
AS MEMBER OF THE COUNCIL ON AGING BOARD**

The Council on Aging has recommended to the Board that Angela Bourassa be appointed as a full member of the Council on Aging to fill one of the three vacancies on the Board. Angela is currently serving as an Alternate Member.

In regards to expiration dates, 2 of the vacancies expire on July 31, 2022 and one expires on July 31, 2023.

Tracie





Kelly Howley  
Director  
(508) 947-7224  
(508) 947-4254 fax

## Town of Lakeville Council On Aging

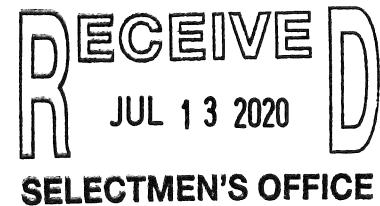
Senior Center • 1 Dear Crossing • Lakeville, MA 02347



E-Mail:  
khowley@lakevillema.org  
lakevillecoa@comcast.net  
Website:  
lakevillecoa.com

July 6, 2020

Board of Selectmen  
346 Bedford Street  
Lakeville, MA 02347



Chairman LaCamera and Board of Selectmen Members,

At the Lakeville Council on Aging meeting of March 4, 2020, Board members unanimously voted to recommend to the Board of Selectmen that Angela Bourassa be appointed as COA board member to fill a vacant position. I would like to take the time to mention that Angela volunteers at the center and would be a great addition to our board.

Thank you for your consideration regarding this recommendation.

Sincerely,

Kelly Howley  
COA Director

**AGENDA ITEM #14  
JULY 20, 2020**

**REVIEW AND VOTE ON ANNUAL REAPPOINTMENTS**

The following appointments will expire on July 31, 2020:

Police Department

Chief Perkins is requesting the appointment of the following:

One year appointments – Terms to expire July 31, 2021

Thomas Norcross	Police Officer & Constable
Adam Swift	Police Officer & Constable
Robert Schiffer	Police Officer & Constable
Joseph Cowing	Police Officer & Constable
Nicholas Wade	Reserve Police Officer, Constable
Anthony Keaney	Reserve Police Officer, Constable
Raymond Meleski	Reserve Police Officer, Constable
James Bowles	Special Police Officer
Antonio Amaral	Special Police Officer
Patrick Curneen	Special Police Officer
Thomas Robinson	Special Police Officer
John McGinn	Special Police Officer
John Vickery	Special Police Officer
Robert Stephanian	Special Police Officer
Thomas Higginbotham	Special Police Officer
Bethia Dwyer	Special Police Officer
Jaunna Adesso	Special Police Officer
Michael Smith	Special Police Officer
Rebekah Caylor	Special Police Officer
Rebekah Caylor	Matron
Jaunna Adesso	Matron
Kristen J. Campbell	Matron
Robin Bellows	Matron
Karen Lima	Matron
Amanda Correia	Matron
Matthew Perkins	Keeper of the Lockup
Steven Leanues	Surveyor of Wood, Bark & Lumber, Fence Viewer & Field Driver

Three year appointment – Term to expire July 31, 2023

Emiliann Melo                      Police Officer & Constable  
Andrew Sederquist                Police Officer & Constable

Fire Department

Chief O'Brien is requesting the appointment of the following:

One year appointments – Terms to expire July 31, 2021

David DeBest	Call Captain
Dylan Hanson	Call Firefighter
Nikkolas Hubert	Call Firefighter
Steve Hutchins	Call Firefighter
Aidan O'Brien	Call Firefighter
Nathan Gagnier	Call Firefighter
Michael McCullough	Call Captain
Patrick Dunlevy	Call Firefighter
Joshua McCarthy	Call Firefighter
Gage Ramsden	Call Firefighter
Nolan O'Brien	Call Firefighter
Reid Anderson	Call Firefighter
Chase Miranda	Jr. Call Firefighter
Liam Dow	Jr. Call Firefighter
Tyler Christiansen	Jr. Call Firefighter

***The following appointments are the positions held by the Selectmen and expire July 31, 2020; the new term expiration date would be July 31, 2021:***

<b><i>Capital Expenditures Committee:</i></b>	<b><i>Richard LaCamera</i></b>
<b><i>Economic Development Committee:</i></b>	<b><i>Evagelia Fabian</i></b>
<b><i>Emergency Planning Committee:</i></b>	<b><i>Currently vacant (was John Powderly)</i></b>
<b><i>Energy Advisory Committee:</i></b>	<b><i>Currently vacant (was John Powderly)</i></b>
<b><i>Middleborough Gas &amp; Electric Commission:</i></b>	<b><i>Currently vacant (was John Powderly)</i></b>
<b><i>Police Station Building Committee:</i></b>	<b><i>Richard LaCamera</i></b>
<b><i>Project Review Committee for 43D:</i></b>	<b><i>Evagelia Fabian</i></b>
<b><i>Zoning By-Law Review Advisory Committee:</i></b>	<b><i>Evagelia Fabian</i></b>

The following appointments expire July 31, 2021; please reappoint for the following terms:

Alternate Building Inspector

**NEW TERM EXPIRATION DATES**

Robert Whalen, Jr.

July 31, 2021

Assistant Building Inspector

Brandon Maroney July 31, 2021

Agricultural Commission

David Thomas	Member	July 31, 2023
Cindy Barber	Member	July 31, 2023
Crystal Ng	Member	July 31, 2023
Tracie Treleavan	Associate Member	July 31, 2021
Paul Hunt	Associate Member	July 31, 2021

Assawompset Pond Complex Representative

Nancy Yeatts July 31, 2021

Assistant Board of Health Agents

Robert Poillucci		July 31, 2021
Derek Maxim		July 31, 2021
Christopher Spratt		July 31, 2021
John Ashley		July 31, 2021

Board of Appeals

Donald Foster	Member	July 31, 2023
David Curtis	Member	July 31, 2023
Joseph Urbanski	Associate Member	July 31, 2021
Daniel Gillis	Associate Member	July 31, 2021
Chris Carmichael	Associate Member	July 31, 2021

*This Board has a vacancy for a full Member.*

Cable Television Committee

Robert Marshall	Member	July 31, 2021
Frederick Beal	Member	July 31, 2021
Walter Healey, Jr.	Member	July 31, 2021
Thomas Cirignano	Member	July 31, 2021

*This Committee has a vacancy for a full Member.*

Capital Expenditures Committee

Darlene Donnelly	Member (town moderator)	July 31, 2021
Kevin Kelleher	Member (town moderator)	July 31, 2021

Maureen Candito	Member	July 31, 2021
George Vlahopoulos	Member	July 31, 2021

Council on Aging

Rita Gouveia	Member	July 31, 2023
Patricia Bessette	Member	July 31, 2023
Angela Bourassa	Alternate Member	July 31, 2021

*(only if not appointed to a full membership-if appointed)*

*This committee has 3 full member vacancies (2 if Angela is moved up to a full member).*

Economic Development Committee

Timothy Fletcher	Member	July 31, 2021
Robert Chestnut	Member	July 31, 2021
Laurie Driscoll	Member	July 31, 2021
John Olivieri, Jr.	Member	July 31, 2021
Joan Moran	Associate Member	July 31, 2021

Emergency Planning Committee

Michael O'Brien	Member	July 31, 2021
Matthew Perkins	Member	July 31, 2021
Franklin Moniz	Member	July 31, 2021
Maureen Candito	Member	July 31, 2021
Robert Souza	Member	July 31, 2021
Nathan Darling	Member	July 31, 2021
Kelly Howley	Member	July 31, 2021
William Purcell	Member	July 31, 2021
Richard Medeiros	Member	July 31, 2021
Jose Invencio	Member	July 31, 2021
Thomas Parenteau	Member	July 31, 2021

Emergency Response Coordinator

Michael O'Brien	July 31, 2021
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Energy Advisory Committee

James Kenney	Member	July 31, 2021
Donald Foster	Member	July 31, 2021
Nathan Darling	Member	July 31, 2021
Richard Velez	Member	July 31, 2021
Joseph Chamberlain, II	Member	July 31, 2021

GATRA Advisory Board

James Gouveia	Delegate	July 31, 2021
Robert Brady	Alternate Delegate	July 31, 2021

Hazardous Waste Coordinator

Michael O'Brien		July 31, 2021
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Historical Commission

Nancy LaFave	Member	July 31, 2023
Joan Gladu Morton	Member	July 31, 2023
Kathleen Barrack	Associate Member	July 31, 2021
Felicia Carter	Associate Member	July 31, 2021

Inspector of Wires

C. Robert Canessa		July 31, 2021
Mellio Gazza	Assistant under M.G.L. Ch. 166, Sec. 32A	July 31, 2021

Inspector of Milk

July 31, 2021

*This position is currently vacant, but typically filled by the Health Agent.*

Lakeville Arts Council

Jacqueline Kennedy	Member	July 31, 2023
Diane Wood-Faria	Member	July 31, 2023
Michelle Darling	Member	July 31, 2023

LakeCAM

Jonathan Watkins	Member	July 31, 2021
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Lakeville Emergency Management Agency

Michael O'Brien	Director	July 31, 2021
William Purcell	Deputy Director	July 31, 2021

Master Plan Implementation Committee

James F. Rogers, II	Member	July 31, 2021
Rita Garbitt	Member	July 31, 2021

Rodney Dixon	Member	July 31, 2021
Maureen Candito	Member	July 31, 2021
Patrick Marshall	Member	July 31, 2021
Joseph Chamberlain, II	Member	July 31, 2021

*There is a vacancy to be filled by a Planning Board member.*

Municipal Coordinator Right to Know

Michael O'Brien		July 31, 2021
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Municipal Hearings Officer

Matthew Perkins		July 31, 2021
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NIMS Coordinator

Michael O'Brien		July 31, 2021
-----------------	--	---------------

Old Colony Planning Council Area Agency on Aging Advisory Committee

James Gouveia	Delegate	July 31, 2021
Robert Brady	Alternate Delegate	July 31, 2021

Open Space Committee

Donna Wabrek	Member	July 31, 2021
Brian Reynolds	Member	July 31, 2021
Martha Schroeder	Member	July 31, 2021
Jesse Medford	Member	July 31, 2021
Elizabeth Nash	Member	July 31, 2021
Adam Young	Member	July 31, 2021

*This Committee has 1 vacancy – member at large.*

Plumbing and Gas Inspector

Jon Catalano		July 31, 2021
Dennis Driscoll, Alternate		July 31, 2021

Police Station Building Committee

Tim LaChapelle		July 31, 2021
Thomas Robinson		July 31, 2021
Nathan Darling		July 31, 2021
Michael Bois		July 31, 2021
Aaron Burke		July 31, 2021

Sean Joyce		July 31, 2021
Pauline Ashley		July 31, 2021
Richard LaCamera		July 31, 2021
Michael Forth		July 31, 2021

Project Review Committee for 43D

Robert Poillucci	Member	July 31, 2021
William Purcell	Member	July 31, 2021
Matthew Perkins	Member	July 31, 2021
John Olivieri, Jr.	Member	July 31, 2021
Nathan Darling	Member	July 31, 2021
Robert Bouchard	Member	July 31, 2021

*There is a vacancy on this committee for a Planning Board member.*

Public Health Nurse

Lori Desmarais	Member	July 31, 2021
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Sealer of Weights & Measures

David Enos	Sealer	July 31, 2021
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Smart Growth Reporting Officer

Maureen Candito		July 31, 2021
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Special Assistant Health Agents

James Romano		July 31, 2021
Nathan Darling		July 31, 2021

Storm Water Management Coordinator

Franklin Moniz		July 31, 2021
----------------	--	---------------

Town Counsel

KP Law		July 31, 2021
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Town Forest Committee

Nathan Darling	Member	July 31, 2023
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*There is a vacancy on this committee.*



Tree Warden

Franklin Moniz

July 31, 2021

Zoning By Law Review Advisory Committee

Peter Conroy

Member

July 31, 2021

Nathan Darling

Member

July 31, 2021

John Leblanc

Member

July 31, 2021

Robert Mather

Member

July 31, 2021

John Olivieri, Jr.

Member

July 31, 2021

Robert Poillucci

Member

July 31, 2021

## Tracie Craig-McGee

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**From:** Matthew Perkins, Lakeville Chief of Police  
**Sent:** Thursday, July 16, 2020 9:52 AM  
**To:** Tracie Craig-McGee  
**Cc:** Clorinda Dunphy  
**Subject:** Appointment change

Tracie,

Can you remove the appointment for Jonathan Fillmore (Reserve Police Officer & Constable). He was hired full time by Raynham Police Department and turned in his gear yesterday. I requested a resignation letter from him to make it formal and official.

Thanks,  
Matt

Respectfully,

Matthew J. Perkins  
Chief of Police  
Lakeville Police Department  
323 Bedford Street  
Lakeville, MA 02347  
508-947-4422  
508-946-4422 fax



**AGENDA ITEM #15  
JULY 20, 2020**

**DISCUSS SCHEDULING AUGUST AND SEPTEMBER  
MEETING DATES**

The Board needs to discuss scheduling your meeting dates for August and September.

Based on the every 2 week schedule, the proposed dates are:

Monday, August 3, 2020

Monday, August 17, 2020

Monday, August 31, 2020 (Labor Day is the next Monday)

Monday, September 14, 2020

Monday, September 28, 2020

Tracie

**AGENDA ITEM #16  
JULY 20, 2020**

**NEW BUSINESS**

**REQUEST FOR TEMPORARY MOBILE HOME PERMIT  
FOR 26 JOHNSON DRIVE**

American Mobile Home is requesting a Temporary Mobile Home Permit for the property at 26 Johnson Drive which was damaged by water. The application is attached.

If approved the permit would expire January 20, 2021.

Tracie

THE COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_ of \_\_\_\_\_  
APPLICATION FOR LICENSE  
(GENERAL)

RECEIVED  
JUL 16 2020  
July 14 2020  
SELECTMEN'S OFFICE

No. \_\_\_\_\_

TO THE LICENSING AUTHORITIES:

The undersigned hereby applies for a License in accordance with the provisions of the Statutes relating thereto

American Mobile Homes, Inc

(Full name of person, firm or corporation making application)

STATE CLEARLY  
PURPOSE FOR  
WHICH LICENSE  
IS REQUESTED

To Install a temp mobile home while the family  
repairs their water damaged home

GIVE LOCATION  
BY STREET  
AND NUMBER

At 26 Johnson Dr.

in said City of Lakeville  
Town

in accordance with the rules and regulations made under authority of said Statutes.

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

American Mobile Homes, Inc

\*Signature of Individual  
or Corporate Name (Mandatory)

Jim McFadden, President

By: Corporate Officer  
(Mandatory, if Applicable)

04-2492075

\*\*Social Security # (Voluntary)  
or Federal Identification Number

\* This license will not be issued unless this certification clause is signed by the applicant.

\*\* Your social security number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Licensees who fail to correct their non-filing or delinquency **will be subject to license suspension or revocation.** This request is made under the authority of Mass. G.L. c. 62C s. 49A.

Received \_\_\_\_\_ 20 \_\_\_\_\_

Hour A.M. \_\_\_\_\_

P.M. \_\_\_\_\_

Approved \_\_\_\_\_ 20 \_\_\_\_\_

Jim McFadden, American Mobile Homes, Inc  
Signature of Applicant  
51 Morse Rd Weymouth, Ma 02189  
Address

License Granted \_\_\_\_\_ 20 \_\_\_\_\_

**AGENDA ITEM #17**  
**JULY 20, 2020**

**OLD BUSINESS**

Update of former Lakeville Hospital property

Update on sale of Lakeville Country Club

Tracie