



Received & posted: Mark Berry, MC
 Town Clerk RECEIVED
 LAKEVILLE TOWN CLERK

REMOTE MEETING NOTICE/ AGENDA

APR 27 PM 3:08

Posted in accordance with the provisions of MGL Chapter 30A, §. 18-25

Name of Board, Committee or Commission:	Planning Board
Date & Time of Meeting:	Thursday, April 29, 2021 at 7:00 p.m.
Location of Meeting:	REMOTE MEETING
Clerk/Board Member posting notice	Cathy Murray

Revised-AGENDA

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 April 29, 2021, public meeting of the **Planning Board** 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. **Public Hearing (7:00) – To amend the Zoning By-Law Section 7.9, Subsections 7.9.1-7.9.6 with respect to removing in its entirety the Development Opportunities District Bylaw.**
3. **Public Hearing (7:00) – To amend the Zoning By-Law Section 3.2.3, The Floodplain Protection District, and Section 7.1 Floodplain District Regulations, with respect to making various updates, deletions and additions.**
4. **Public Hearing (7:00) – To amend the Zoning By-Law Section 6.7.2, Site Plan Review Procedure-Business or Industrial by deleting the existing text and replacing it with additional guidelines to determine what circumstances will require Site Plan Review by the Planning Board.**
5. **Old Business**
6. **New Business**
 - a. **Right to Farm By-Law-Discussion only**
7. **Next meeting. . . May 13, 2021**
8. **Any other business that may properly come before the Planning Board.**
9. **Adjourn**

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



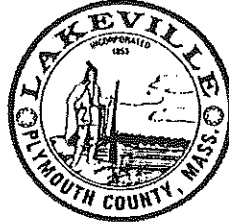
Read the following into the record:

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 April 29, 2021, public meeting of the **Planning Board** 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

Town of Lakeville

PLANNING BOARD
346 Bedford Street
Lakeville, MA 02347
508-946-8803



NOTICE OF PUBLIC HEARING LEGAL NOTICE

The LAKEVILLE PLANNING BOARD will hold a public hearing pursuant to the Town of Lakeville Zoning Bylaw and M.G.L. ch. 40A §5 on **THURSDAY, April 29, 2021 at 7:00 PM.** via a **virtual platform**. The Virtual Meeting instructions can be found on the Agenda located on the Town of Lakeville Planning Board web page. The purpose of the public hearing is to provide interested parties with an opportunity to comment on a proposed amendment to the Lakeville Bylaw petitioned by Susan J. Spieler, et al. to remove the Development Opportunities District Bylaw from the Town of Lakeville Zoning Bylaws. Section 7.9.1-7.9.6 Adopted June 4, 2012 at ATM; approved by the Attorney General July 18, 2012.

A draft of the proposed amendment to the Zoning Bylaw may be viewed at the Lakeville Town Clerk's office in Town Hall, 346 Bedford Street, Lakeville, MA 02347 by appointment only. Amendments are also available for review on the town website.

Planning Board Members
Mark Knox, Chairman
Barbara Mancovsky, Vice-Chair
Peter Conroy
Jack Lynch
Michele MacEachern

**PETITION FOR INSERTION OF THE
FOLLOWING ARTICLE IN THE WARRANT
FOR THE TOWN MEETING OF
Lakeville, MA**

RECEIVED
LAKEVILLE TOWN CLERK

2021 FEB 26 AM 9:47

DATE and TIME received 10:00 am
RECEIVED
FEB 26 2021
SELECTMEN'S OFFICE

TOWN: Lakeville

We, the undersigned Registered Voters of the Town, hereby petition your honorable board to insert the following Article in the Warrant for the Town Meeting of Lakeville, MA

Will the Town of Lakeville consider removing the Development Opportunities District Bylaw from the Town of Lakeville Zoning Bylaws. Section 9.1 - 7.9.6 Adopted June 4, 2012 at ATM; approved by Attorney General July 18, 2012. Excerpts here:

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.

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; 90 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.

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.

The below signed registered voters of Lakeville believe the Development Opportunities District is in sharp contrast to the interests of the Town's peoples' desire to preserve the Natural beauty and rural charm of the Town of Lakeville for the following reasons:

- 1) Projects of such magnitude should not be decided by only a few elected officials of the Town Planning Board
- 2) Projects of this magnitude should not be permitted by Special Permit despite the underlying Zoning Districts
- 3) Projects of this magnitude may pose a threat to the rural nature of the Town of Lakeville

The below signed registered voters of Lakeville ask that the Board of Selectmen remove Development Overlay District from the Town Zoning Bylaws or act on anything related thereto.

INSTRUCTIONS TO SIGNERS

SIGNER'S STATEMENT

SIGNER INFORMATION

For your signature to be valid, you must be a registered voter in the town named above and your signature should be written substantially as registered. If you are prevented by physical disability from writing you may authorize some person to write your name and residence in your presence.

We, the undersigned, are qualified voters of the Town of Lakeville, an in accordance with the provisions of law request the above article be inserted in the warrant for the Town Meeting of Lakeville.

CHECK	SIGNATURE to be made in person with name substantially as registered (except in case of physical disability as stated above)	IF NOW REGISTERED AT (street, number and apartment number, if any) (city or town will be the same as stated above)	PRECINCT
1	<input checked="" type="checkbox"/> Susan J. Spieler (Spieler)	10 Valley Rd	
2	<input checked="" type="checkbox"/> Kathleen O. Cahoon	8 Valley Rd	
3	<input checked="" type="checkbox"/> Robert M. Strigheim	10 Valley Rd	
4	<input checked="" type="checkbox"/> Donna L. Heedlin	17 W. Vaughan St	
5	<input checked="" type="checkbox"/> B. Kennison (Hadden)	17 W. Vaughan St	

ATTENTION VOTERS: Before signing, read signer information on other side.

ATTENTION REGISTRARS: Before certifying signatures, see instructions to registrars below

Lakeville
TOWN

	CHECK	I SIGNATURE to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW REGISTERED AT (street, number and apartment number, if any) (city or town will be the same as stated above)	PRECINCT
6	✓	Paul Moran	3 Crest Dr.	
7	✓	Janet Scott	9 Rush Pond Road	
8	✓	Richard Scott	9 Rush Pond Road	
9	✓	Marjorie Bodwell	13 Rush Pond Road	
10	✓	Heather Bodwell	13 Rush Pond Road	
11	✓	Susan MacCallough	19 W Vaughan St.	
12	✓	Debra Burt	5 Tres Way	
13	✓	Lisa Elston	21 West Vaughan St	
14	✓	Ker Cotton	21 West Vaughan St	
15	✓	Paul Moran	21 West Vaughan St	
16	✓	Paul Moran	20 W Vaughan St	
17	✓	June Zup	16 W. Vaughan SE	
18	✓	Paul Moran	16 W Vaughan St.	
19	✓	BOBO SWANSON	3 Valley Rd	
20	✓	William J. Craig	3 Valley Rd	
21	✓	William J. Craig	W Blueberry Dr #1	
22				
23				
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WARNING -- criminal penalty for unlawfully signing, altering, defacing, mutilating, destroying or suppressing this petition: fine of up to \$1,000 or imprisonment for up to 1 year.

REGISTRAR INFORMATION

INSTRUCTIONS TO REGISTRARS

- You must time stamp or write in date and time these papers are received
 - Check this ✓ against the name of each qualified voter to be certified. For names not certified use the code at the right.
 - Draw a line through any blank spaces not containing signatures.
 - Each sheet must be certified by at least three registrars. A facsimile stamp is acceptable.
 - For names not certified use the code to the right.
- N - No such registered voter at that address
S - unable to identify signature or address as that of voter because form of signature or address
T - already signed this petition

CERTIFICATION OF NAMES

Lakeville town February 26, 2002 month and day

We certify that (21) twenty one number of names use numbers and words

above signatures checked thus ✓ are the names of qualified voters from this town.

At least three registrars names must be signed or stamped below.

Paul Moran
Barbara E. Kone
William J. Craig
June Zup

Registrars of voters or Election commissioners of Lakeville town

Cathy Murray, Appeals Board Clerk

From: Michele MacEachern
Sent: Sunday, April 25, 2021 2:58 PM
To: mark knox; Barbara Mancovsky; Pete Conroy; Jack Lynch
Cc: Cathy Murray, Appeals Board Clerk
Subject: FW: DOD

Hi Planning Board,

Please find the below email in regards to the Development Overlay District, sent in by a resident.

Thank you,
Michele

From: Lois Neilson <lneilson.maac@gmail.com>
Sent: Thursday, April 22, 2021 3:00 PM
To: Michele MacEachern <mmaceachern@lakevillema.org>
Subject: DOD

Hello Michelle and members of the Planning Board,

I am forwarding my message of because I felt it was worth reiterating with the now discussion of perhaps removing the DOD by-law from the books until it can properly be reviewed and better understood by the the voters for its innumerable possible adverse ramifications to residential neighborhoods and the town as a whole.

I don't believe that the DOD was fully understood when it was presented to the town voters back in 2012.

Hopefully it can be removed before any further irreversible damage is forever done to the rural character of our beautiful community.

Thank you for serving and listening to the very real concerns of especially long term citizens of Lakeville such as ourselves.

Our family, including my in-laws have lived and supported the community of Lakeville for over 58 years having purchased this home in 1963.

Sincerely,
Brad & Lois Neilson
51 Harcourt Ave.
Lakeville

Below copy if email to Michelle Maceachern sent on March 1, 2021

First of all, thank you for giving your time and talents to be on this Board.

Regarding the development of Lakeville Hospital for a distribution Center, I've been able to read some of the things the Board has done to answer citizen concerns particularly those of the abutting neighborhoods Which I believe should always be of utmost concern when these projects are proposed.

Do you feel the concerns of these neighbors have been answered satisfactorily by the developer as far as noise, water runoff, lights at night and traffic congestion?

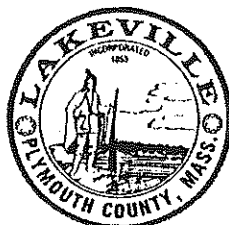
The traffic issue appears to me to be a major hurdle to this kind of use.

Are there restrictions in place to mitigate the peak traffic congestion other than traffic lights i.e. hours of operation that conflict with commuting hours that will inevitably be greater with the new T station?

And have you considered the many ramifications of this operation in light of what may be coming with the distribution center proposed for the LCC? The prospects of what these proposals are going to do to the rural character of this town are quite alarming on many levels especially for those of us living this side of our community.

Town of Lakeville

PLANNING BOARD
346 Bedford Street
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NOTICE OF PUBLIC HEARING

LEGAL NOTICE

The LAKEVILLE PLANNING BOARD will hold a public hearing pursuant to the Town of Lakeville Zoning Bylaw and M.G.L. ch. 40A §5 on **THURSDAY, April 29, 2021 at 7:00 PM.** via a **virtual platform.** The Virtual Meeting instructions can be found on the Agenda located on the Town of Lakeville Planning Board web page. The purpose of the public hearing is to provide interested parties with an opportunity to comment on proposed amendments to the Lakeville Zoning Bylaw: §3.2.3, Establishment of Districts, The Floodplain Protection District; and amendments to the Flood Plain District Regulations, Section 7.1. Amendments include additions and deletions to §7.1.3, (Definitions); and the addition of the following new Sections: §7.1.7 (Administration); §7.1.7.1 (Abrogation and greater restriction section); §7.1.7.2 (Disclaimer of liability); §7.1.7.3 (Designation of community Floodplain Administrator); §7.1.7.4 (Requirement to submit new technical data); §7.1.7.5 (Variances to building code floodplain standards); §7.1.7.6 (Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)); §7.1.7.7 (Permits are required for all proposed development in the Floodplain Overlay District); §7.1.7.8 (Assure that all necessary permits are obtained); §7.1.7.9 (Unnumbered A Zones); §7.1.7.10 (Recreational vehicles); and §7.1.7.11 (Local Enforcement).

A draft of the proposed amendments to the Zoning Bylaw may be viewed at the Lakeville Town Clerk's office in Town Hall, 346 Bedford Street, Lakeville, MA 02347 by appointment only. Amendments are also available for review on the town website.

Planning Board Members
Mark Knox, Chairman
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TOWN OF LAKEVILLE
ZONING BY-LAW

FEMA FLOOD MAP UPDATES ATM 2021-FULL TEXT

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7.1 Flood Plain District Regulations..... 34

3.0 ESTABLISHMENT OF DISTRICTS

3.1.4 Flood Plain Protection (Overlay)

~~3.2.3 “The Floodplain Protection District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Lakeville designated as Zone A and AE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Lakeville are panel numbers 25023C0314J, 25023C0408J, 25023C0409J, 25023C0417J, 25023C0419J, 25023C0425J, 25023C0426J, 25023C0428J, 25023C0436J, and 25023C0442J dated July 17, 2012; and panel numbers 25023C0311K, 25023C0313K, 25023C0318K, 25023C0427K, 25023C0429K, 25023C0431K, 25023C0433K, 25023C0434K, 25023C0437K, and 25023C0441K dated July 16, 2015. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 16, 2015. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk.” (Adopted June 15, 2015; approved by Attorney General September 11, 2015)~~

Delete Section 3.2.3 in the Lakeville Zoning Bylaw in its entirety and replace with the following:

3.2.3 The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within Town of Lakeville designated as Zone A, AE, AH, AO, A99, V, or VE on the Plymouth County Flood Insurance Rate Map (FIRM) dated July 6, 2021 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 6, 2021. The FIRM and FIS

report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official and Conservation Commission.

7.0 SPECIAL REGULATIONS

7.1 Flood Plain District Regulations

7.1.1 Statement of Purpose

The purposes of the Floodplain District are to: 1) ensure public safety through reducing the threats to life and personal injury; 2) eliminate new hazards to emergency response officials; 3) prevent the occurrence of public emergencies resulting from water quality, contamination and pollution due to flooding; 4) avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding; 5) eliminate costs associated with the response and cleanup of flooding conditions; 6) reduce damage to public and private property resulting from flooding waters.

7.1.2 Existing Regulations

All development in the district including structural and non-structural activities whether permitted by right or by special permit must be in compliance with the following:

- **780 CMR of the Massachusetts State Building Code which address floodplain and coastal high hazard areas**
- 310 CMR 10.00, Wetlands protection, Department of Environmental Protection
- **310 CMR 13.00, Inland Wetlands Restriction, D.E.P.**
- 310 CMR 15, Title 5, minimum requirements for the subsurface disposal of sanitary sewage, Department of Environmental Protection.

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

Amend the Zoning Bylaw, Section 7.1.3 Definitions as set forth below with additions Underlined/Highlighted and deletions in ~~strikethrough~~:

7.1.3 Definitions

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a

community subject to one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

~~**DEVELOPMENT** means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining dredging, filling, grading, paving, excavation or drilling operations.~~

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

DISTRICT means floodplain district.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM) An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59]

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water

surface elevations, or an examination, evaluation and determination flood-related erosion hazards.

~~FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.~~

FLOODWAY The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or

(2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; PROVIDED, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 60.3.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

~~**NEW CONSTRUCTION** means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.~~

NEW CONSTRUCTION Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* [Referenced Standard ASCE 24-14]

ONE-HUNDRED-YEAR FLOOD - see **BASE FLOOD**.

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY

~~**SPECIAL FLOOD HAZARD AREA** means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, VE.~~

SPECIAL FLOOD HAZARD AREA The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

~~STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.~~

STRUCTURE, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

SUBSTANTIAL REPAIR OF A FOUNDATION When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

~~ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.~~

~~ZONE AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.~~

~~ZONE X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.~~

ZONE A means an area of special flood hazard without water surface elevations determined

ZONE A1-30 and ZONE AE means area of special flood hazard with water surface elevations determined

ZONE AH means areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined

ZONE AO means area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. (Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.)

ZONE A99 means area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined.)

ZONES B, C, AND X means areas of minimal or moderate flood hazards or areas of future-conditions flood hazard. (Zone X replaces Zones B and C on new and revised maps.)

ZONE V means area of special flood hazards without water surface elevations determined, and with velocity, that is inundated by tidal floods (coastal high hazard area)

ZONE V1-30 and ZONE VE (for new and revised maps) means area of special flood hazards, with water surface elevations determined and with velocity, that is inundated by tidal floods (coastal high hazard area)

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

7.1.4 Permitted Uses

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment: 1) agricultural uses such as farming, grazing, truck farming, horticulture, etc.; 2) forestry and nursery uses; 3) outdoor recreational uses, including fishing, boating, play areas, etc.; 4) conservation of water, plants, wildlife; 5) wildlife management areas, foot, bicycle, and/or horse paths; 6) temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises; 7) buildings lawfully existing prior to the adoption of these provisions.

7.1.5 Use Regulations

The Floodplain District is established as an overlay district to all other districts. All development, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the requirements of the Massachusetts State Building Code pertaining to construction in the floodplains (currently 780 Section 3107).

7.1.5.2 Existing contour intervals of site and elevations of existing structures must be included on plan proposal.

7.1.5.3 There shall be established a "routing procedure" which will circulate or transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health and Building Commissioner for comments which will be considered by the appropriate permitting board prior to issuing applicable permits. *(Adopted June 18, 1990)*

7.1.5.4 In Zones AE along watercourses in the Town of Lakeville that have a regulatory floodway designated on the Plymouth County FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

7.1.5.5 In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

7.1.5.6 Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A Zones.

7.1.5.7 All subdivision proposals must be designed to assure that:

- a) such proposals minimize flood damage;
- b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- c) adequate drainage is provided to reduce exposure to flood hazards.

7.1.6 Notification of Watercourse Alteration: In a riverine situation, the Conservation Commission shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- Bordering States (optional)
- NFIP State Coordinator

- Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104

- NFIP Program Specialist
Federal Emergency Management Agency, Region I

99 High Street, 6th Floor
Boston, MA 02110

(Bolded text Adopted June 4, 1012; approved by Attorney General July 18, 2012)

Amend the Zoning Bylaw, Section 7.1 by adding the following as set forth below with additions
Underlined/Highlighted

7.1.7 Administration

7.1.7.1 Abrogation and greater restriction section

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

7.1.7.2 Disclaimer of liability

The degree of flood protection required by this bylaw [ordinance] is considered reasonable but does not imply total flood protection.

7.1.7.3 Designation of community Floodplain Administrator

The Town of Lakeville hereby designates the position of Building Commissioner to be the official floodplain administrator for the Town of Lakeville.

7.1.7.4 Requirement to submit new technical data

If the Town/City acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town/City will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief
99 High St., 6th floor, Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation, 251 Causeway Street,
Boston, MA 02114

7.1.7.5 Variances to building code floodplain standards

The Town of Lakeville will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

The Town of Lakeville shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

7.1.7.6 Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

7.1.7.7 Permits are required for all proposed development in the Floodplain Overlay District

The Town of Lakeville requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

7.1.7.8 Assure that all necessary permits are obtained

Town of Lakeville's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain

overlay district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.

7.1.7.9 Unnumbered A Zones

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

7.1.7.10 Recreational vehicles

In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

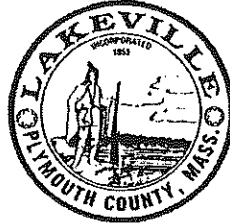
7.1.7.11 Local Enforcement

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.

When enforced in accordance with the provisions of G.L. c. 40, sec. 21D, the penalty shall be as follows: first offense \$100.00; second offense \$200.00; and third offense \$300.00.

Town of Lakeville

PLANNING BOARD
346 Bedford Street
Lakeville, MA 02347
508-946-8803



NOTICE OF PUBLIC HEARING LEGAL NOTICE

The LAKEVILLE PLANNING BOARD will hold a public hearing pursuant to the Town of Lakeville Zoning Bylaw and M.G.L. ch. 40A §5 on **THURSDAY, April 29, 2021 at 7:00 PM.** via a **virtual platform**. The Virtual Meeting instructions can be found on the Agenda located on the Town of Lakeville Planning Board web page. The purpose of the public hearing is to provide interested parties with an opportunity to comment on proposed amendments to the Lakeville Bylaw: §6.7.2, Site Plan Review Procedure-Business or Industrial. The amendment includes the deletion of 6.7.2 to be replaced with the following:

6.7.2 Procedure-Business or Industrial

Site Plan Review applies to the following:

- a) New construction of a business or industrial structure;
- b) An addition to an existing business or industrial structure resulting in a floor area of over 1,500 square feet in the aggregate or a disturbance in lot coverage of over 1,500 square feet;
- c) A change in occupancy of an existing business or industrial structure which increases the previously approved occupant load by 10%; and/or
- d) A change in use of an existing structure to a business or industrial use.

Applicants for a building permit subject to Section 6.7.2 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.

A draft of the proposed amendments to the Zoning Bylaw may be viewed at the Lakeville Town Clerk's office in Town Hall, 346 Bedford Street, Lakeville, MA 02347 by appointment only. Amendments are also available for review on the town website.

Planning Board Members
Mark Knox, Chairman
Barbara Mancovsky, Vice-Chair
Peter Conroy
Jack Lynch
Michele MacEachern

TOWN OF LAKEVILLE
ZONING BY-LAW

SITE PLAN REVISIONS

2021

~~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.~~

Delete Section 6.7.2 Procedure-Business or Industrial in the Lakeville Zoning Bylaw in its entirety and replace with the following:

6.7.2 Procedure-Business or Industrial

Site Plan Review applies to the following:

- a) New construction of a business or industrial structure;
- b) An addition to an existing business or industrial structure resulting in a floor area of over 1,500 square feet in the aggregate or a disturbance in lot coverage of over 1.500 square feet;
- c) A change in occupancy of an existing business or industrial structure which increases the previously approved occupant load by 10%; and/or
- d) A change in use of an existing structure to a business or industrial use.

Applicants for a building permit subject to Section 6.7.2 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.

6

MODEL RIGHT TO FARM BY-LAW

Lakeville, Massachusetts

- Discussion
Only

Section 1 Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A.

We, the citizens of Lakeville, restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture based economic opportunities, and protects farmlands within the Town of Lakeville by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

Section 2 Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

“Farming” shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

Section 3 Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Lakeville. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 4 Disclosure Notification

Prior to the sale or exchange of real property, or prior to the acquisition of a leasehold interest or other possessor interest in real property, located in the Town of Lakeville, the landowner shall present the buyer or occupant with a disclosure notification which states the following:

“It is the policy of the Town of Lakeville to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations, including the ability to access water services for such property under certain circumstances. Purchasing, and henceforth

occupying land within Lakeville means that one should expect and accept such conditions as a normal and necessary aspect of living in Lakeville.”

Written notification may occur in one of several ways, including but not limited to, a disclosure form, addendum to a Purchase and Sale Agreement, or otherwise and must include an acknowledgement by the buyer that they have received and understood the notification. A copy of the disclosure notification shall be filed with the Board of Selectmen or its designee within thirty (30) days of the sale, purchase, exchange or occupancy of such real property.

Within 30 days after this by-law becomes effective, the Board of Selectmen will make a written example of a notification available for use by landowners or their agents (and assigns) and shall place a copy of the above disclosure in a prominent place in Town Hall.

Within 60 days after this by-law becomes effective, the Tax Collector shall begin including a copy of the above disclosure and notification requirements with all responses to requests for Municipal Lien Certificates.

In addition to the above, a copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by mail.

A violation of Section 4 shall be subject to a fine of \$300 and shall be enforced by the Board of Selectmen or its designee. The Town is authorized to enforce Section 4 under the non-criminal disposition provisions of M.G.L. c. 40, §21D.

Section 5 Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6 Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Lakeville hereby declares the provisions of this By-law to be severable.