



# 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

## PUBLIC NOTICE

SEPTEMBER 28, 2020

TO: Joseph Cowing, Constable

In the name of the Town of Lakeville, you are hereby required to notify the inhabitants of the Town of Lakeville of the **Approval** by the Attorney General of the Commonwealth of Massachusetts of Warrants **Articles # 3 & 4 (Zoning), and Article #2 (General)** voted on at the Special Town Meeting held on **June 23, 2020**.

You are further directed to serve this notice by posting attested copies thereof at the following places:

- **Town Office Building**
- **Star Liquor Market**
- **Clark Shores Association Bulletin Board**
- **Apponequet Regional High School**
- **Senior Citizens Drop-In Center**
- **Assawompset School.**

Any claims that these by-laws are invalid because of a defect in the procedure by which they were adopted or amended, may only be made within **90 days** of this posting. Copies of these by-laws may be examined and obtained at the Town Clerk's office.

Attest:

Lillian M. Drane, MMC/CMMC  
Town Clerk

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Plymouth ss:

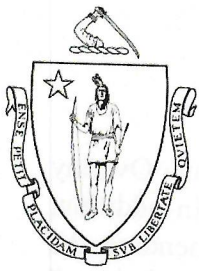
Lakeville, Massachusetts

September 28, 2020

I have this day posted the Approved ByLaw Notice as directed, in the following places: **Town Office Building, Star Liquor Market, the Clark Shores Assn. Bulletin Board, Apponequet Regional High School, the Senior Citizens Drop-in Center and the Assawompset School.**

  
Constable





THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION  
10 MECHANIC STREET, SUITE 301  
WORCESTER, MA 01608

MAURA HEALEY  
ATTORNEY GENERAL

(508) 792-7600  
(508) 795-1991 fax  
www.mass.gov/ago

September 18, 2020

Lillian M. Drane, Town Clerk  
Town of Lakeville  
346 Bedford Street  
Lakeville, MA 02347

RECEIVED  
SEP 21 2020  
LAKEVILLE TOWN CLERK  
*Lillian M. Drane*

**Re: Lakeville Special Town Meeting of June 23, 2020 -- Case # 9822**  
**Warrant Articles # 3 and 4 (Zoning)**  
**Warrant Article # 2 (General)**

Dear Ms. Drane:

**Articles 2, 3 and 4** - We approve Articles 2, 3 and 4, and the map amendment related to Article 4, from the June 23, 2020 Lakeville Special Town Meeting. We will return the approved map to you by regular mail. Our comments regarding Articles 2 and 4 are provided below.

**Article 2** - Article 2 amends the general by-laws to add a new by-law, "Denial, Refusal or Suspension of Licenses or Permits of Delinquent Taxpayers." <sup>1</sup> The new by-law is authorized by G.L. c. 40, § 57, a local-option statute that allows a town to adopt a by-law regarding the denial, revocation, or suspension of local licenses and permits for failure to pay local taxes, fees, assessments, betterments or municipal charges. General Laws Chapter 40, Section 57, requires the by-law to include the text set forth in the statute.

The Town's by-law has three instances of typographical errors where the text of the by-law differs from the text of G.L. c. 40, § 57. Specifically, (1) in Section 2, the by-law states "...as required by applicable provisions of land" wherein the statute states: "as required by applicable provisions of law..." (emphasis added); (2) in Section 4, the by-law cites "...clubs, associations dispensing food or beverage licenses, Section 27E of Chapter 140" but the statute cites Section 21E of Chapter 140 (emphasis added); and (3) in Section 4, the by-law cites "fishing, hunting, trapping licenses, Section 12 of Chapter 101" but the statute cites Section 12 of Chapter 131 (emphasis added). The Town should discuss with Town Counsel whether the by-law should be amended at a future Town Meeting to remedy these issues.

<sup>1</sup> Article 2 also accepts the provisions of G.L. c. 40, § 57. We take no action on this portion of Article 2 because votes to accept local option statutes are not subject to the Attorney General's review and approval pursuant to G.L. c. 40, § 32.



**Article 4** - Article 4 amends the Town's zoning by-laws to create a Marijuana Overlay District comprised of several parcels located in the Town's Industrial District. In addition, Article 4 makes several related amendments to the zoning by-laws, including amending the Town's zoning map; Section 3.1, "Zoning Districts;" Section 4.1, "Table of Use Regulations;" and Section 7.4.6, "Marijuana Uses."

One amendment provides that all marijuana uses require a special permit "and shall only be permitted to locate within the Marijuana Overlay District." Section 7.4.6 (A). However, other than the above uses allowed by special permit, the Marijuana Overlay District does not identify what other uses are allowed by right, allowed by special permit, or prohibited in the Marijuana Overlay District. For example, it is unclear whether uses that are allowed as of right in the underlying district are also allowed as of right in the overlay district.

General Laws Chapter 40A, Section 4, provides in pertinent part, that any zoning by-law that divides the Town into districts shall be uniform within the district for each class or kind of structures or uses permitted. *See SCIT, Inc. v. Planning Board of Braintree*, 19 Mass. App. Ct. 101 (1984) (holding that a by-law that required a special permit for all uses in a business district violated the uniformity requirement embodied in G.L. c. 40A, § 4). The Town may wish to amend the by-laws at a future Town Meeting to make it clear what uses are allowed by right in the Marijuana Overlay District. The Town should consult with Town Counsel with any questions on this issue.

**Note:** Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY  
ATTORNEY GENERAL

*Nicole B. Caprioli*

By: Nicole B. Caprioli  
Assistant Attorney General  
Municipal Law Unit  
10 Mechanic Street, Suite 301  
Worcester, MA 01608  
(508) 792-7600 ext. 4418

cc: Town Counsel Gregg J. Corbo

**Town of Lakeville  
Town Meeting Action:**

**Article 2:**

I move that the Town vote to accept the provisions of G.L. c. 40, §57, as amended by Chapter 408 of the Acts of 1993, and **adopt the General By-Law** appearing below, which would permit the licensing authority to deny an application, to revoke or suspend any local license or permit including renewals and transfers issued by any board, officer, department for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, or take any other action relative thereto.

**DENIAL, REFUSAL OR SUSPENSION OF LICENSES AND PERMITS OF DELINQUENT TAXPAYERS**

**SECTION 1** List of Persons Neglecting or Refusing to Pay Taxes, Assessments or Municipal Charges. The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually, and may periodically, furnish to each Department, Board, Commission or Division, hereinafter referred to as the licensing authority that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges and that such a party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

**SECTION 2** Denial, Refusal or Suspension of License; Hearing. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Tax Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of land and the party is given a hearing, to be held not earlier than **fourteen (14) days** after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said



certificate. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

**SECTION 3** Waiver of Denial, Suspension or Revocation. The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Section 1 of Chapter 268A in the business or activity conducted in or on said property.

**SECTION 4** Exceptions. This By-Law shall not apply to the following licenses and permits: Open burning, Section 13 of Chapter 48; bicycle permits, Section 11A of Chapter 85; sales of articles for charitable purposes, Section 33 of Chapter 101; children work permits, Section 69 of Chapter 149; clubs, associations dispensing food or beverage licenses, Section 27E of Chapter 140; dog licenses, Section 137 of Chapter 140; fishing, hunting, trapping licenses, Section 12 of Chapter 101; marriage licenses, Section 28 of Chapter 207; and theatrical events, public exhibition permits, Section 181 of Chapter 140.

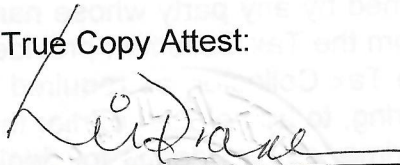
Or take any action relative thereto;

Sponsor: Board of Selectmen

Evagelia Fabian, Board of Selectmen member, made a motion to approve the article as printed in the warrant.

Motion was seconded and passed unanimously at **Special Town Meeting of June 23, 2020.**

A True Copy Attest:



Lillian M. Drane, MMC/CMMC,  
Town Clerk

**Town of Lakeville**

**Town Meeting Action:**

**Article 3:**

I move that the Town vote to amend the Zoning By-Law, Section 8.7 Temporary Licenses to change the licensing authority for mobile homes and storage boxes from the Board of Selectmen to the Building Commissioner and to make the changes shown in the Warrant:

**MOBILE HOME-STORAGE BOXES-TRAILERS**

**8.7 Temporary Licenses**

Notwithstanding the other provisions of this by-law, the owner and occupier of a residence which has been unintentionally destroyed or the owner of a conforming lot under these by-laws and permitted for building a single family residence, may apply for a license from the Building Commissioner to place a mobile home as defined herein and to reside in such home for a period not to exceed twelve months while the residence is being built or rebuilt. Any such mobile home shall be subject to the provisions of the State Sanitary Code. Such a license may be issued for a period of six (6) months and may be reserved by written request thirty (30) days prior to expiration for an additional six (6) months due to unforeseen circumstances or other unavoidable delays. *(Adopted June 16, 2003; approved by Attorney General September 9, 2003)*

8.7.1 Upon application from the owner of a parcel of land, the Building Commissioner may issue a temporary license to place a mobile home as defined herein, on such land of the applicant for a temporary residence of transient non-paying guests for a period not to exceed three months. Such license shall be non-renewable. Any such mobile home shall be subject to the provisions of the State Sanitary Code. *(Adopted June 16, 2003; approved by Attorney General September 9, 2003)*

8.7.2 Upon application from the owner of a parcel of land, the Building Commissioner may issue a temporary license to place an unoccupied mobile home as defined herein, for storage on such lot for a period not to exceed one year, but may be renewed annually. *(Adopted June 16, 2003; approved by Attorney General September 9, 2003)*

8.7.3 Upon application from the owner of a parcel of land, the Building Commissioner may issue a Temporary License to place a storage box, as defined herein, on the subject property to be used for storage of vehicles or other personal property for a period not to exceed one year and may be renewed annually subject to review by the **Board Building Commissioner**. *(Adopted June 14, 2004; approved by Attorney General September 16, 2004)*

**Mobile Home:** Same as house trailer, meaning a dwelling unit built on a chassis and containing complete electrical, plumbing and sanitary facilities, designed and intended to be moved as a unit to a fixed location and installed on a permanent or a temporary foundation or support for use as stationary living quarters. This definition shall not include a travel or camping trailer which is a vehicle designed to travel on highways on rubber-tired wheels and used as living quarters for a period not to exceed several weeks at any one location.

**Storage Boxes, Trailers:** any trailer completely enclosed or covered in any way; shipping



containers, also referred to as cargo boxes; and trailers which are or were part of a tractor trailer unit. This definition shall not include a travel or camping trailer which is a vehicle designed to travel on highways on rubber-tired wheels and used for recreational purposes.

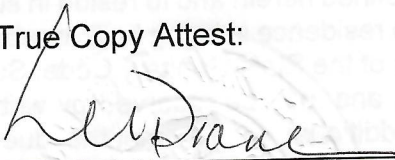
Or take any action relative thereto;

Sponsor: Board of Selectmen

Brian Day, Board of Selectmen member, made a motion to approve the article as printed in the warrant.

Motion was seconded and passed unanimously at **Special Town Meeting of June 23, 2020.**

A True Copy Attest:



**Lillian M. Drane, MMC/CMMC,**  
Town Clerk



**Town of Lakeville  
Town Meeting Action:**

**Article 4:**

I move that the Town vote to amend the Town’s Zoning By-Law and Zoning Map with the respect to the regulation of Marijuana Uses as shown in the Warrant:

- (1) Amend the Town of Lakeville Zoning Map to create a “Marijuana Overlay District” comprised of parcels located within the Town’s Industrial District as shown on the Town’s Zoning Map.

**MILLENNIUM CIRCLE – HARDING STREET**

Address	Map-Block-Lot
4 Harding Street	022-001-004
8 Harding Street	022-001-003-01
10 Harding Street	022-001-003-05
12 Harding Street	022-001-002
14 Harding Street	022-001-003-07
155 Millennium Circle	022-001-003-03
200 Millennium Circle	022-001-003-04
215 Millennium Circle	022-001-003-09
240 Millennium Circle	022-001-003-06
415 Millennium Circle	022-001-003-02

**GREAT PONDS INDUSTRIAL PARK – KENNETH WELCH DRIVE**

Address	Map-Block-Lot
Kenneth W Welch Drive	024-006-004C
Kenneth W Welch Drive	024-006-009
Kenneth W Welch Drive	024-006-007
Kenneth W Welch Drive	024-006-009A
Kenneth W Welch Drive	060-008-002D
100 Kenneth W Welch Drive	060-008-017
100 Kenneth W Welch Drive	060-008-018
100 Kenneth W Welch Drive	060-008-018A
170 Kenneth W Welch Drive	060-008-019
175 Kenneth W Welch Drive	060-008-002F
200 Kenneth W Welch Drive	060-008-014A
210 Kenneth W Welch Drive	060-008-014B
220 Kenneth W Welch Drive	060-008-014C
230 Kenneth W Welch Drive	060-008-014F
234 Kenneth W Welch Drive	061-002-009
240 Kenneth W Welch Drive	061-002-003C
260 Kenneth W Welch Drive	061-002-003B
303 Kenneth W Welch Drive	061-003-001A
305 Kenneth W Welch Drive	061-003-001
308 Kenneth W Welch Drive	061-002-003A

310 Kenneth W Welch Drive	061-002-003
475 Kenneth W Welch Drive	024-006-008
520 Kenneth W Welch Drive	024-006-004A
540 Kenneth W Welch Drive	024-006-004

(2) Amend the Town's Zoning By-Law Section 3.1 Zoning Districts to include the following new provisions shown below in **bold**:

**3.1.10 – Marijuana Overly District**

**3.2.9 – The Marijuana Overly District shall be comprised of parcels located within the Town's Industrial District as shown on the Town's Zoning Map.**

(3) Amend the Town's Zoning By-Law Section 7.4.6 "Marijuana Uses" as follows, with deletions noted in ~~strikethrough~~ and additions in **bold** and underlined:

Marijuana Uses - Adult Use Marijuana Establishments, and Marijuana Retailers, and Registered Marijuana Dispensaries SPGA – Zoning Board of Appeals; ~~Industrial District~~ **Marijuana Overlay District.**

A. All Marijuana Uses, including Adult Use Marijuana Establishments, Marijuana Retailers, and Registered Marijuana Dispensaries, shall require a Special Permit from the Zoning Board of Appeals, **and shall only be permitted to locate within the Marijuana Overlay District, as shown on the Town's Zoning Map.**

(4) Amend the Zoning By-Law Section 4.1 Table of Use Regulations by striking the following uses from Section 4.1.3 Industrial Uses:

~~Adult Use Marijuana Establishment (not including Marijuana Retailers)~~

~~Adult Use Marijuana Retailers~~

~~Registered Marijuana Dispensary (as defined by MGL~~

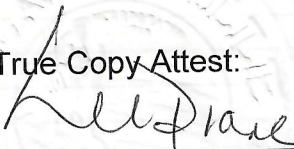
Or take any action relative thereto;

Sponsor: Planning Board

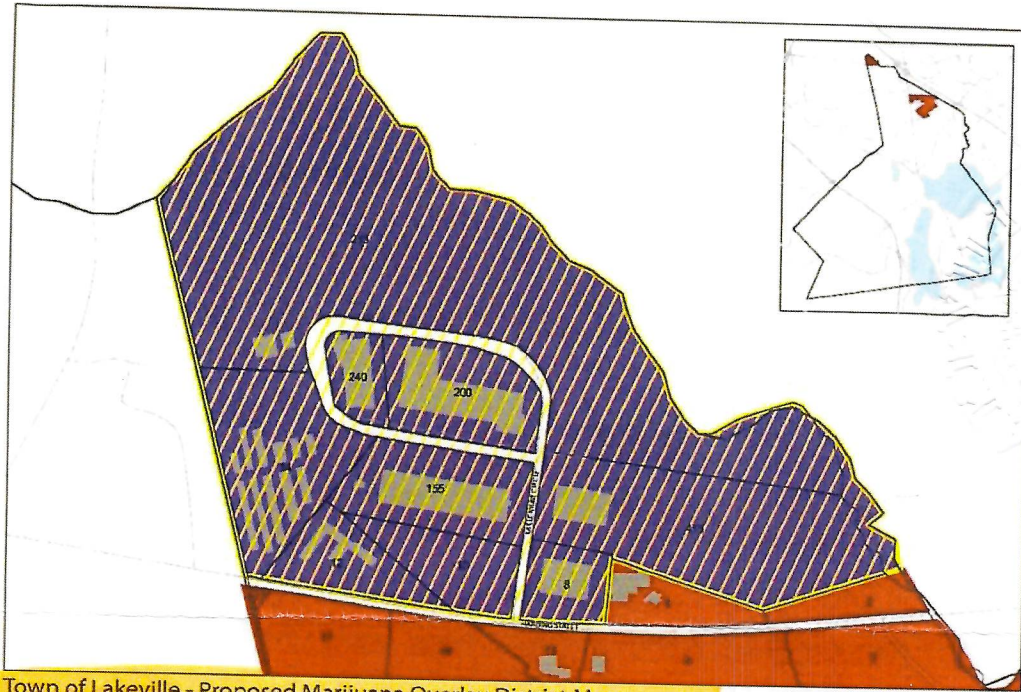
Barbara Mancovsky, Planning Board member, made a motion to approve the article as printed in the warrant.

Motion was seconded and passed unanimously at **Special Town Meeting of June 23, 2020.**

A True Copy Attest:

  
 Lillian M. Drane, MMC/CMMC,  
 Town Clerk





Town of Lakeville - Proposed Marijuana Overlay District Map  
Millennium Circle

- Legend
- Industrial
  - Business
  - Proposed Marijuana Overlay District (MOC)
  - Water
  - Municipal Boundaries
  - Structures
  - Interstates
  - Arterials and Collectors
  - Local Roads

500 feet



Town of Lakeville - Proposed Marijuana Overlay District Map  
Great Pond Industrial Park

- Legend
- Residential
  - Industrial
  - Business
  - Proposed Marijuana Overlay District (MOC)
  - Water
  - Municipal Boundaries
  - Structures
  - Interstates
  - Arterials and Collectors
  - Local Roads

1000 feet

A TRUE COPY ATTEST:  
*Kim Drene*  
TOWN CLERK

APPROVED

Attorney General's Office

By *Mike Clark*  
Date 9/18/20  
Art 4 Town Meeting Date 6/23/20

