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# Part I: Administrative Legislation

## Chapter 1

### General Provisions

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville as indicated in article histories. Amendments noted where applicable.]

#### Article I

##### Adoption of Bylaws; General Penalty

[Adopted as Ch. I of the 1994 Bylaw Revision]

##### § 1-1 Adoption.

The following provisions shall constitute the Revised Bylaws of the Town of Lakeville, which shall be in lieu of all bylaws heretofore in force.

##### § 1-2 Financial year.

[Added 5-13-1974, AG approved 6-6-1974]

The financial year of the Town shall begin with the first day of July in each year and end on the 30th day of the following June.

##### § 1-3 Amendments.

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

Any or all of these bylaws may be repealed or amended, or other bylaws may be adopted at any Town Meeting, an article or articles for that purpose having been inserted in the warrant for such meeting by the Select Board; or voters of the Town, upon their written request signed by 10 registered voters.

##### § 1-4 General penalty.

Whoever violates any of the provisions of these bylaws whereby any act or thing is enjoined or prohibited, shall, unless other provision is expressly made, forfeit and pay a fine not exceeding \$300 for each offense.

#### Article II

##### Enforcement of Board of Health Regulations

[Adopted 6-21-1999, AG approved 8-23-1999 (Ch. III, Sec. 24, of the 1994 Bylaw Revision)]

##### § 1-5 Purpose and authority.

This bylaw is amended and created pursuant to MGL c. 40, § 21D, to enforce the health regulations of the Town of Lakeville. This amendment will further promote the health and safety of the inhabitants of the Town of Lakeville.

##### § 1-6 Noncriminal disposition.

Whoever violates any provision of these bylaws may be penalized by a noncriminal disposition as provided in MGL c. 40, § 21D. The noncriminal method of disposition may also be used for violations of any rule or

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regulation of any municipal officer, board or department which is subject to a specific penalty. Without intending to limit the foregoing, it is the intention of this section that the following bylaws and regulations be included within the scope of this section, that the specific penalties, as listed herein, shall apply in such cases and that, in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this section, the municipal personnel listed for each section, if any, shall also be enforcing persons for such section. The Board of Health, Town of Lakeville Police Department, or any designated agent of the Town of Lakeville Board of Health shall be considered an enforcing person for the purpose of this section.

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#### § 1-7 Violations and penalties.

A violation of the following listed bylaw and regulatory provisions may be dealt with in a noncriminal manner as provided by § 1-6 of this article. Each day on which any violations exist shall be deemed to be a separate offense.

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A. The fine allowed for each violation is \$300.

B. The fine schedule is: first offense, \$100; second offense, \$200; third and subsequent offenses, \$300.

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Regulations of Board of Health

Disposal works construction permit regulation

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Regulations for the subsurface disposal of sanitary sewage

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Disposal works installers

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Percolation regulations

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Well regulations

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Regulations for cesspools, septic tanks, vault privies and public sewers

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Deleted: Public Sewers

Residential swimming and wading pool regulations

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Deleted: Wading Pool Regulations

Floor elevation

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Grading

Walk-out basements

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Foundation certification

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Variance

Basement floor elevation

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Inspection of rental property

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Floodplain District

Piggery regulations

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Smoking regulations (Town Hall)

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Tobacco regulations

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Solid waste regulations

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Hazardous material regulation

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## Chapter 7

# Affordable Housing Trust Fund

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville 6-13-2005, AG approved 9-30-2005. Amendments noted where applicable.]

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### § 7-1 Purpose.

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

The purpose of the Affordable Housing Trust Fund shall be to provide for the creation and preservation of affordable housing in the Town for the benefit of low- and moderate-income households, and in implementation thereof will vote to authorize the Select Board to execute a declaration of trust and certificate of trust for the Lakeville Affordable Housing Trust Fund and to amend the General Bylaws of the Town by adding the following:

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### § 7-2 Board of Trustees.

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

There shall be the Board of Trustees of the Lakeville Affordable Housing Trust Fund established by the vote under Article 17 of the Warrant of the 2005 Annual Town Meeting, in this bylaw called the "Board," which shall include five Trustees. The Trustees shall be appointed by the Select Board. The Board shall consist of one member of the Select Board, one member of the Board of Appeals, one member of the Planning Board and two members at large. Trustees shall serve for a term not to exceed one year.

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### § 7-3 Powers of Board of Trustees.

The powers of the Board, all of which shall be carried on in furtherance of the purposes set forth in MGL c. 44, § 55C, shall include the following:

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A. To accept and receive real property, personal property or money, by gift, grant, contribution, devise, or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any bylaw or any general or special law or any other source, including money from MGL c. 44B; provided, however, that any such money received from MGL c. 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the trust, and such funds shall be accounted for separately by the trust; and provided, further, that at the end of each fiscal year, the trust shall ensure that all expenditures of funds received from said MGL c. 44B are reported to the Community Preservation Committee of the Town for inclusion in the community preservation initiatives report, Form CP-3, to the Department of Revenue;

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B. To purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

C. To sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such

contracts and enter into such undertaking relative to trust property as the Board deems advisable, notwithstanding the length of any such lease or contract;

- D. To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the trust;
- E. To employ advisors and agents, such as accountants, appraisers and lawyers, as the Board deems necessary;
- F. To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
- G. To apportion receipts and charges between incomes and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- H. To participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- I. To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;
- J. To carry property for accounting purposes other than acquisition date values;
- K. To borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge trust assets as collateral;
- L. To make distributions or divisions of principal in kind;
- M. To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes; and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board may deem appropriate;
- N. To manage or improve real property, and to abandon any property which the Board determines not to be worth retaining;
- O. To hold all or part of the trust property uninvested for such purposes and for such time as the Board may deem appropriate; and
- P. To extend the time for payment of any obligation to the trust.

#### § 7-4 Finances.

Notwithstanding any general or special law to the contrary, all monies paid to the trust in accordance with the Zoning Bylaw, exaction fee, or private contributions shall be paid directly into the trust and need not be appropriated or accepted and approved into the trust. General revenues appropriated into the trust become trust property, and to be expended, these funds need not be further appropriated. All monies remaining in the trust at the end of any fiscal year, whether or not expended by the Board within one year of the date they were appropriated into the trust, remain trust property.

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# Chapter 15

## Boards, Commissions and Committees

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville as indicated in article histories. Amendments noted where applicable.]

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### Article I

#### Finance Committee

[Adopted as Ch. III, Secs. 4 to 6, of the 1994 Bylaw Revision]

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#### § 15-1 Election; members; terms.

[Added 6-7-2010, AG approved 7-6-2010]

There shall be a Finance Committee of five legal voters of the Town, elected by ballot at the Annual Town Meeting as hereinafter provided. No elected or appointed Town official or Town employee shall be eligible to serve on said Committee; however, Finance Committee members may serve on the Capital Expenditures Committee, Building Committees, Employee Search Committees, Energy Committees, Wage and Personnel Board, or any subcommittee of the Regional School Committees. Members shall be elected for staggered terms of three years. The terms of office of said members shall commence immediately upon qualification and expire upon election and qualification of their successors. The Finance Committee shall serve without pay.

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#### § 15-2 Access to records.

In the discharge of its duties, the Finance Committee shall have free access to all books of record and accounts, bills and vouchers on which money has been or may be paid from the Town treasury. Officers, boards, commissions and committees of the Town shall, on request, furnish the said Committee with facts, figures and other information pertaining to their duties.

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#### § 15-3 Annual report.

It shall be the duty of the Finance Committee to make an annual report of its doings, with recommendations relative to financial matters and conduct of the Town's business, to be contained in the Annual Town Report.

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### Article II

#### Select Board

[Adopted as Ch. III, Secs. 9, 11, 15, 16, and 17A, of the 1994 Bylaw Revision]

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#### § 15-4 General duties.

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

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The Select Board shall have all the powers and duties of a Board of Selectmen for purposes of the General Laws and any special acts applicable to the Town of Lakeville. The Select Board shall have general direction and management of property and affairs of the Town in all matters not otherwise provided for by law or these bylaws.

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#### § 15-5 Appointments.

[Added 5-11-1981, AG approved 8-17-1981]

The Select Board shall fill appointive offices within 60 days following the convening of the business portion of the Annual Town Meeting.

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§ 15-6 Sale of Town property.

[Added 3-13-1967, AG approved 5-16-1967; ~~amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021~~]

The Select Board may sell any and all property acquired by the foreclosure of the right of redemption of tax titles in accordance with MGL c. 60, § 52.

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§ 15-7 Limitations on office.

[Added 5-10-1976, AG approved 9-10-1976; ~~amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021~~]

No person shall hold at one time the office of Select Board member and the office of Assessor in the Town of Lakeville.

§ 15-8 Acceptance of land; grant of easements.

[Added 6-5-2000, AG approved 7-5-2000; ~~amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021~~]

The Select Board is authorized to accept gifts of land and easement on behalf of the Town without a Town Meeting vote, provided no appropriation of funds is necessary for the acquisition. The Select Board is also authorized to grant nonexclusive easements which the Board of Assessors has determined to have a fair market value of less than \$2,000 or less than 1,000 square feet in size with a Town Meeting vote.

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### Article III Board of Health

[Adopted 5-11-1992, AG approved 9-10-1992 (Ch. III, Sec. 24, of the 1994 Bylaw Revision)]

§ 15-9 Membership; terms.

The Board of Health shall consist of three members, who are registered voters of the Town. Members shall be elected by ballot at the Annual Town Meeting for the election of officers for staggered terms of three years. The terms of office of said members shall commence immediately upon qualification and oath and expire upon election and qualification and oath of their successors in office.

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### Article IV Capital Expenditures Committee

[Adopted 6-14-2004, AG approved 9-16-2004 (Ch. III, Sec. 25, of the 1994 Bylaw Revision)]

§ 15-10 Establishment; duties.

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

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There shall be a Capital Expenditures Committee which shall perform the duties set forth in this section and be governed by the provisions thereof and shall advise and make recommendations to the Finance Committee on all matters relating to expenditures for capital improvements in the Town. Said Committee shall consist of five voting members: the Town Administrator, two at-large representatives appointed by the Town Moderator, one member appointed by the Finance Committee and one member appointed by the Select Board. All members are to be legal voters of the Town. The members of the Committee shall serve without compensation and may employ clerical or other assistance subject to available appropriation. The Committee shall choose its own officers.

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§ 15-11 Community representation.

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

The Moderator shall appoint two at-large representatives from the community to said Committee, who shall serve terms of one year to expire on July 31 annually. The Moderator shall make such appointments at a Select Board meeting held in July. The Town Moderator shall either appoint new members or reappoint current members to said committee.

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#### § 15-12 Finance Committee representation.

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

One member of said Committee shall be appointed annually by the Finance Committee, and such member may, but need not be, a member of the Finance Committee; and one member shall be appointed annually by the Select Board, and such member may, but need not be, a member of the Select Board. Members so appointed shall serve terms of one year to expire on July 31 annually.

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#### § 15-13 Vacancies.

Whenever any vacancy shall occur in the office of the Committee, whether by reason of death, resignation, removal from the Town, or other cause, such vacancy shall be filled by the appointing authority which appointed the member whose position shall have become vacant. A copy of such appointment shall be sent by the appointing authority to the Town Clerk and to the Secretary of the Committee. Any person so appointed to fill that vacancy shall hold office for the unexpired term of the person whom he succeeds.

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#### § 15-14 Powers and duties.

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021; 11-14-2022 STM by Art. 6, AG approved 2-24-2023]

A. For the purposes of this section, a "capital improvement" is defined as a physical betterment, including but not limited to the construction of new buildings or facilities and the alteration of buildings or facilities now or hereafter existing, the purchase of land, or items of equipment, provided that any such physical betterment having a cost of less than \$10,000, and which, in the judgment of the Committee, is not of an unusual or nonrecurring nature, shall not be considered a capital improvement.

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B. It shall be the duty of the Committee to ascertain annually what expenditures for capital improvements, as herein defined, will be required by the Town during the ensuing five years, and in making its determination shall confer with the Finance Committee and the Town Accountant, any Town boards, commissions, committees, officers, employees, and other agencies and departments of the Town involved in making expenditures for capital improvements in the Town, all of which shall cooperate with the Committee. All such agencies and departments or other authorities of the Town authorized by law to make such expenditures shall furnish detailed estimates of the expenditures necessary for capital improvements under their jurisdiction for the ensuing five years in conjunction with their annual budget requests presented to the Town Administrator.

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C. Upon receipt of the capital expenditures submissions from the various departments, the Town Administrator shall assemble, prepare and present to the Committee, by a date established by the Select Board, a proposed capital budget for each department for the ensuing five years. The Committee shall use the Town Administrator's report to prepare annually a program of expenditures for capital improvements, including recommendations for the scheduling of such expenditures and the financing thereof and the probably impact of such improvements on the tax rate of the Town and shall furnish such report and recommendations to the Town Administrator on or before a date established by the Select Board for use in preparing annual budget recommendations for the ensuing fiscal year. Copies of such report and recommendation shall be deposited with the Town Accountant and with the Town Clerk, and copies shall be made available by the Town Clerk upon request. The capital program for the following five years shall be pushed with the Capital Expenditures Committee report and included in the Annual Town Report. Such capital program shall be presented to the Annual Town Meeting for acceptance in principle, subject to final action at subsequent Town Meeting(s).

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§ 15-15 **Officers and operation.**

At its first meeting, the Committee will elect a Chairman and a Secretary and adopt a budget. At subsequent meetings, it will establish ground rules, schedule meetings, determine a division of responsibilities and adopt forms.

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Article V  
**Council on Aging**

[Adopted 6-26-1972 STM; amended 10-6-1986 STM; 6-6-2016 STM, AG approved 7-21-2016 (Ch. III, Sec. 27, of the 1994 Bylaw Revision)]

§ 15-16 **Purpose.**

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

The Select Board shall appoint a Council on Aging for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in the Town of Lakeville, which shall include, but not be limited to, identifying the needs of the elderly population of the Town; educating the community and enlisting support and participation of all citizens about these needs; and designing, promoting and implementing services to fill these needs.

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§ 15-17 **Appointment; members; vacancies.**

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021; 11-8-2021 STM by Art. 10, AG approved 2-24-2022]

- A. The Select Board shall appoint the Council on Aging consisting of nine members and two alternates. Upon the effective date of an amendment to this bylaw, the appointed incumbents serving at the time of adoption shall continue to serve for the remainder of their terms, unless the incumbent resigns or is removed prior to the end of their term, and expiring terms and vacant seats shall not be refilled until the membership reaches nine members. The Board shall appoint members for three-year terms. Members can be reappointed for concurrent terms determined by the discretion of the Board and appointees' acceptance. The members of the Council shall serve without pay.
- B. The alternates shall be appointed for a three-year term. The Chair may designate either or both alternates to sit on the Council in the case of absence, inability to act or conflict of interest of any member, or in the event of a vacancy on the Council until the vacancy is filled.
- C. Whenever a vacancy shall occur in the membership of the Council, by reason of death, resignation, inability to act or for any other reason, the vacancy shall be filled in accordance with the provisions of MGL c. 41, § 11. When an opening in the full membership occurs, the alternate may be considered for appointment to full membership and a replacement alternate may be appointed.

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§ 15-18 **Officers.**

The Council on Aging at its first annual meeting and, thereafter, annually in June of each year, shall elect from its membership Chair, Vice Chair, Secretary and Treasurer. All members shall assist the Council on Aging Director in carrying out the business of the Council as needed.

§ 15-19 **Absences.**

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

Members who cannot attend a meeting of the Council are expected to notify the Council on Aging Director in advance of the meeting. Regular attendance is expected of all members. If any member is absent from three consecutive meetings, without reason acceptable to the Council on Aging Director, the Director shall give notice to the Select Board and the member, and upon the giving of such notice, the Select Board may

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declare that the position has become vacant and may be refilled.

**§ 15-20 Annual report.**

The Council shall prepare and submit an annual report of its activities to the Town Clerk for inclusion in the Annual Town Report.

Article VI  
**Agricultural Commission**

**[Adopted 6-6-2016 ATM, AG approved 7-21-2016 (Ch. III, Sec. 28, of the 1994 Bylaw Revision)]**

**§ 15-21 Establishment and purpose.**

An Agricultural Commission is hereby established to represent the Lakeville farming community.

**§ 15-22 Powers and duties.**

Said Commission, once appointed, shall develop a work plan to guide its activities. Such activities shall include, but are not limited to, the following: the Commission shall serve as facilitators for encouraging the pursuit of agriculture; shall promote agricultural-based economic opportunities and education; shall act as a resource for Town boards and residents regarding agricultural issues; shall support agricultural planning needs; and shall work for the preservation of farm land and open space.

**§ 15-23 Members; terms; vacancies.**

**[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]**

The Commission shall consist of seven members, all of whom are Lakeville residents, six members to be from the farming community and one member to be a citizen at large. Said members shall be appointed by the ~~Select Board. Members shall be appointed for staggered terms of three years. The Select Board~~ may appoint up to two alternate members for one-year terms. The Chairman of the Commission may designate an alternate member to vote in case of the absence, inability to act, or conflict of interest on the part of a member of the Commission, or in the event of a vacancy on the Commission. The ~~Select Board~~ shall fill a vacancy by appointment for the duration of the unexpired term of the vacancy in order to maintain the cycle of appointments.

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**§ 15-24 Mission.**

The mission of the Lakeville Agricultural Commission is to be a resource for the community of Lakeville, promote agricultural based economic opportunities and education, and be ardent in preserving the Town's rural character for future generations.

Article VII  
**Community Preservation Committee**

**[Adopted 6-13-2005, AG approved 9-30-2005]**

**§ 15-25 Establishment.**

A. There is hereby established a Community Preservation Committee, consisting of nine voting members pursuant to MGL ~~c.~~ 44B. The composition of the ~~Committee~~, the appointment authority and the term of office for the ~~Committee~~ members shall be as follows:

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- (1) One member of the Conservation Commission as designated by the Commission for a term of three years.
- (2) One member of the Historical Commission as designated by the Commission for a term of three years.

- (3) One member of the Planning Board as designated by the Board for a term of three years.
- (4) One member of the Park Commission as designated by the Commission for an initial term of one year and thereafter for a term of three years.

(5) One member of the Open Space Committee as designated by the Committee for an initial term of one year and thereafter for a term of three years.

**Deleted:** (5) One member of the Housing Authority as designated by the Authority for an initial term of two years and thereafter for a term of three years. ¶  
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(6) Four Lakeville resident-at-large members to be appointed by the Select Board, one member to be appointed for a term of one year and thereafter for a term of three years and three members to be appointed for a term of two years and thereafter for a term of three years, provided that one of the two-year appointments shall be an individual with interest in the area of housing. [Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021; 11-14-2022 STM by Art. 8, AG approved 2-24-2023]

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B. Each member of the Committee shall serve for the term specified above, or until the person no longer serves on the board, committee, commission or authority as set forth above, whichever is earlier.

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C. Should any of the commissions, boards, authorities, or committees who have appointment authority under this chapter be no longer in existence for whatever reason, the appointment authority for that commission, board, authority or committee shall become the responsibility of the Select Board. [Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

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D. Any member of the Committee may be removed for cause by their respective appointing authority after a hearing.

#### § 15-26 Duties.

A. The Community Preservation Committee shall study the needs, possibilities and resources of the Town regarding community preservation. The Committee shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, and the Park Commission, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the Town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town. [Amended 11-14-2022 STM by Art. 8, AG approved 2-24-2023]

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B. The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space, for the acquisition, preservation, restoration and rehabilitation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, land for recreation use and community housing that is acquired or created as provided in this section. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

C. The Community Preservation Committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

D. In every fiscal year, the Community Preservation Committee must recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for open space (not including land for recreational use); not less than 10% of the

annual revenues in the Community Preservation Fund for historic resources; and not less than 10% of the annual revenues in the Community Preservation Fund for community housing.

**§ 15-27 Requirement for quorum and cost estimates.**

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include their anticipated costs.

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**§ 15-28 Amendments.**

This chapter may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not cause a conflict to occur with MGL c. 44B.

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**§ 15-29 Severability.**

In case any section, paragraph or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

**§ 15-30 When effective.**

[Amended 11-8-2021 STM by Art. 8; AG approved 2-24-2022]

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This bylaw shall take effect upon the Town's acceptance of the Community Preservation Act in accordance with the procedures set forth in Chapter 44B of the General Laws and after all requirements of MGL c. 40, § 32, have been met.

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## Chapter 28 Finances

**[HISTORY: Adopted by the Town Meeting of the Town of Lakeville as Ch. III, Secs. 12, 13, and 14, of the 1994 Bylaw Revision. Amendments noted where applicable.]**

**§ 28-1 Payment of funds into treasury.**

Every officer shall pay into the treasury of the Town all money received by him on behalf of the Town, except as otherwise provided by law, and shall make a true return thereof to the Town Accountant, stating the accounts upon which such amounts were received.

**§ 28-2 Budget process.**

[Added 5-13-1974, AG approved 6-6-1974; amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021; 11-14-2022 STM by Art. 6, AG approved 2-24-2023]

A. Each year, the Select Board shall establish a budget calendar for the ensuing fiscal year. All boards, committees, heads of departments or other officers of the Town authorized by law to expend money, shall furnish to the Town Administrator, by a date established by the Select Board, detailed estimates of the amounts necessary for salaries and expenses necessary for the proper maintenance of the departments under their jurisdiction for the ensuing fiscal year, with explanatory statements as to any changes from the amounts appropriated for the same purposes in the then-current fiscal year. They shall also prepare estimates of any income likely to be received by the Town during the ensuing fiscal year in connection with the Town's business or property entrusted to their care. The Treasurer shall, in addition to the estimate of the amount required for the maintenance of their office, prepare a separate statement indicating the amounts required for the payment of interest on the Town debt and for the payment of such portions of the Town debt as may become due during the ensuing fiscal year.

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B. Upon receipt of the budget submissions from the various departments, the Town Administrator shall assemble, prepare and present to the Select Board, by a date established by the Select Board, a proposed annual operating budget for each department for the ensuing fiscal year. The Town Administrator's proposed budget shall also include the annual report of the Capital Expenditures Committee. The Select Board shall review the annual proposed budget submitted by the Town Administrator and make recommendations with respect thereto as they deem advisable. The Town Administrator shall present the budget, incorporating the recommendations of the Select Board and the Capital Expenditures Committee, to the Finance Committee by a date established by the Select Board.

C. If the Select Board shall fail to establish an annual budget calendar by January 1, the calendar used to establish the budget for the then-current fiscal year will be used to establish the budget for the ensuing fiscal year.

#### § 28-3 Annual report.

~~[Added 5-13-1974, AG approved 6-6-1974; amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]~~

All officers, boards, standing committees and special committees of the Town, having charge of the expenditure of Town money, shall annually report thereon, in writing, in such manner as to give the citizens a fair and full understanding of the objects and methods of such expenditures, and may make therein such recommendations as they deem proper. Such reports shall be submitted to the Select Board on or before the 15th day of July each year.

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## Chapter 53 Officers and Employees

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville as Ch. III, Secs. 1, 2, 3, 8, 18, and 26, of the 1994 Bylaw Revision. Amendments noted where applicable.]

#### § 53-1 Town Accountant.

The Town Accountant shall examine the accounts of the Town officers as required by the statutes. Before certifying to the accounts of the Treasurer, he shall examine his cash book, wherein shall be entered his receipts and payments as they occur from day to day; shall see that he has paid out no moneys except on proper vouchers; carefully examine all payments for interest; examine cash and bank accounts, and see that the same correspond with the balances as appears by his books; and see that the funds are intact. He shall certify in the printed Annual Report as to the correctness of all the reports of officers or committees entrusted with the expenditure of money.

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Amendments noted where applicable.] ¶  
§ 53-1 Town Accountant. ¶  
The Town Accountant shall examine the accounts of the  
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#### § 53-2 Town Clerk.

[Added 6-5-2000, AG approved 1-10-2001]

A. It shall be the duty of the Town Clerk, immediately after every Town meeting, to notify in writing all members of boards, commissions and committees who may be elected or appointed at such meeting, stating the business upon which they are to act and the names of the persons composing the Boards, commissions or committees, also notify all officers, boards, commissions and committees of all votes passed at such meeting in any way affecting them.

#### § 53-3 Town Collector.

The Collector of Taxes shall collect, under the title of Town Collector, all accounts due the Town, the collection of which is not otherwise provided for by the statutes.

Deleted: B. All monies received by the Town Clerk from the issuance of licenses and tags for dogs shall be transferred to the Town Treasurer and subsequently paid into the Town treasury effective July 1, 1999. ¶

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§ 53-4. **Moderator.**

The Moderator shall be elected at the Annual Town Meeting, on the official ballot, for a term of one year.

§ 53-5 **Building Commissioner.**

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

The Building Commissioner shall be appointed for a term as established by the **Select** Board and shall be charged with the **administration** of the State Building Code as amended from time to time and the Town of Lakeville Protective Zoning **Bylaw**, as amended from time to time.

§ 53-6 **Select Board.**

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

- A. The **Select** Board shall serve as the goal-setting, long-range-planning and **policymaking** body of the Town, recommending major courses of action to the Town Meeting, and adopting policy directives and guidelines which are to be implemented by officers, boards, committees, commissions and employees of the Town.
- B. The **Select** Board shall have the power to enact rules and regulations to implement policies and to issue interpretations.
- C. The **Select** Board shall exercise, through the Town Administrator, general supervision over all matters affecting the interests or welfare of the Town.
- D. The **Select** Board shall appoint the Town Administrator, Town Counsel, Registrars of voters, election officers, constables, and members of all committees, boards and commissions except those appointed by the **Moderator** or elected by the voters pursuant to current Town **bylaws** and General Laws as the same may be amended from time to time.
- E. The **Select** Board shall have general administrative oversight of such appointed boards, committees, and commissions appointed by the **Select** Board.
- F. The **Select** Board shall have the responsibility and authority for licenses and other quasi-judicial functions as provided by the General Laws and the Town of Lakeville **bylaws**.
- G. The **Select** Board shall be responsible for the preparation of all Town Meeting warrants.
- H. The **Select** Board may make investigations and may authorize the Town Administrator or other agents to investigate the affairs of the Town and the conduct of any Town department, office, or agency, including any doubtful claims against the Town, and for this purpose the **Select** Board may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The report of any such investigation shall be placed on file in the office of the Town Clerk, and a report summarizing such investigation shall be printed in the next **Annual** Town Report.
- I. The **Select** Board shall review the annual proposed budget submitted by the Town Administrator and make recommendations with respect thereto as **it deems** advisable. The Town Administrator shall present the budget, incorporating the recommendations of the **Select Board**, to the Finance Committee.
- J. The **Select** Board, by a majority vote of its full membership, shall appoint a Town Administrator who shall be a person with executive and administrative qualifications, and especially fitted by education, training and experience to perform the duties of the office. The office of Town Administrator shall not be subject to the Lakeville Personnel Administration Plan. The Town may from time to time, by **bylaw**, establish such additional qualifications as seem necessary and appropriate.

**Deleted: Fire engineers.** ¶

Under Sections 45 and 46 of Chapter 48, General Laws, the Selectmen shall annually, in April, appoint a suitable number of engineers, not exceeding 12, for a term of one year from the following May 1st. ¶  
(Superseded by June 27, 1991 Town meeting acceptance of M.G.L. Chapter 48, Section 42A) ¶  
§ 53-5

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K. The Select Board may remove the Town Administrator at any time by a majority vote. Within seven days thereafter, the Town Administrator may appeal the decision of said Board by filing a written request for a public hearing. If such a request is filed, the Select Board shall conduct a public hearing within 14 days and shall act on the appeal within seven days thereafter.

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L. The Select Board shall set the compensation for the Town Administrator, not to exceed an amount appropriated by the Town Meeting.

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M. The Select Board shall designate a qualified person to serve as acting Town Administrator and to perform the duties of the office during any period of any vacancy exceeding 30 days, caused by the Administrator's absence, illness, suspension, removal or resignation. The appointment shall be for a period not to exceed 180 days.

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#### § 53-7 Town Administrator.

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

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A. The Town Administrator shall be the chief administrative officer of the Town and shall be responsible to the Select Board for administering and coordinating all employees, activities and departments, placed by General Laws, or bylaws, who are under the control of the Select Board.

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B. The Town Administrator shall devote his full working time to duties of the office and shall not engage in any business activity during his term, except with the written consent of the Select Board.

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C. The Town Administrator shall:

(1) Attend all meetings of the Select Board, except when excused, and shall have the right to speak, but not vote;

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(2) Administer, either directly or through a person or persons appointed in accordance with this act, all provisions of General Laws and special acts applicable to the Town, all Town bylaws, and all regulations established by the Select Board;

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(3) Assemble, prepare and present to the Select Board, all annual operating and capital budgets of the Town and be responsible for the development and annual revision of the capital improvements program;

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(4) Be responsible for seeing that the budget is administered as adopted by the Town Meeting and in accordance with the General Laws, this act and bylaws;

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(5) Keep the Select Board fully informed regarding all departmental operations, fiscal affairs, general problems, and administrative actions, and to this end shall submit periodic reports to the Select Board;

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(6) Keep the Select Board informed regarding the availability of federal and state funds and how such funds might relate to unmet long-range needs;

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(7) Prepare applications for all Town grants;

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(8) Be responsible for the day-to-day administration of the Town's personnel system;

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(9) Negotiate collective bargaining contracts unless the Select Board designates another negotiator;

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(10) Be the chief procurement officer of the Town as defined by Massachusetts General Laws, and appoint such assistant procurement officers as provided in Chapter 30B of the General Laws;

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(11) Make recommendations to the Select Board regarding vacancies in Town offices and boards to be filled by the Select Board pursuant to Massachusetts General Laws or Town bylaws;

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(12) Coordinate the activities of any board, commissions and committees concerned with long-range municipal planning, including the physical, economic and environmental development of the Town;

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(13) Develop, keep and annually update a full and complete inventory of all property of the Town, both real and personal;

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(14) Distribute, or cause to be distributed, copies of the warrant for the Annual Town Meeting;

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(15) Have the authority to sign payroll and accounts payable warrants concerning the everyday operation of the Town;

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(16) Upon request and with the approval of the Select Board, prosecute, defend, or compromise all litigation to which the Town is party; and

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(17) Perform such other duties as may be required by this act, bylaw, or vote of the Select Board.

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D. The Select Board shall provide for an annual review of the job performance of the Town Administrator which shall, at least in summary form, be a public record.

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#### § 53-8 Amendment.

The Town may by bylaw, from time to time, modify, delete and amend these responsibilities and duties as necessary or appropriate, consistent with this act.

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## Chapter 60 Property, Disposal of

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville 6-11-2001, AG approved 9-18-2001. Amendments noted where applicable.]

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#### § 60-1 Identification of surplus property.

All department heads must provide written notice to the appropriate procurement officer of any property identified as surplus.

#### § 60-2 Authority to dispose of property.

Where it is determined that no other department has an interest in the identified property, the property may be disposed of as stated in § 60-3 below.

#### § 60-3 Disposal procedure.

Procedures for disposal of surplus property shall be in compliance with MGL c. 30B, § 15, as it may exist from time to time.

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## Chapter 66 Records and Reports

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville as Ch. IV of the 1994 Bylaw Revision. Amendments noted where applicable.]

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#### § 66-1 Committee reports.

All committees shall report as directed by the Town. If no report is made within a year after its appointment,

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a committee shall be discharged unless, in the meantime, the Town shall have granted an extension of time.

#### § 66-2 Annual Town Report.

- A. The Annual Town Report shall contain, in addition to the reports of officers, boards and committees as hereinbefore provided, a detailed report of all moneys received into and paid out of the Town treasury in the financial year next preceding, showing separately payments made from the proceeds of loans as capital outlays for permanent improvements; the report of the Collector of Taxes, of receipts, payments and abatements; statements of all funds belonging to the Town or held for the benefit of its inhabitants; a statement of the liabilities of the Town on bonds, notes, certificates of indebtedness, or otherwise, and of indebtedness authorized but not incurred, and the purposes thereof; a statement of transfers made to or from any appropriation; abstracts of the records of the meetings of the Town held since publication of the last Annual Report; and such other matter as the said report is required by law to contain, or as may be inserted by the Select Board under the discretion granted it by law. [Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]
- B. The Annual Town Report shall be published and ready for distribution before the Annual Town Meeting. [Added 6-4-2012 STM, AG approved 7-18-2012]

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## Chapter 74 Town Meetings

**[HISTORY: Adopted by the Town Meeting of the Town of Lakeville as Ch. II of the 1994 Bylaw Revision. Amendments noted where applicable.]**

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All fees received by all Town officers, by virtue of their office, shall be paid into the Town Treasury.¶

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#### § 74-1 Annual Town meeting.

- A. The Annual Town Meeting for the election of officers shall be held on the first Monday of April of each year. [Added 6-11-2001, AG approved 9-19-2001]
- B. All business of the Annual Town Meeting, except the election of such officers and determination of such matters as are required by law to be elected or determined by ballot, shall be considered at an adjournment of such meeting, to be held on the second Monday of May at 7:00 p.m. [Added 6-16-1997, AG approved 8-11-1997]

#### § 74-2 Warrants.

- A. All warrants and notices of Town meetings shall be served by posting an attested copy thereof 14 days, at least, before the day appointed for a Special Town Meeting and seven days, at least, before the day appointed for the Annual Town Meeting at the following official posting places: Precinct 1, Apponequet High School; Precinct 2, Lakeville Senior Center and Precinct 3, Assawompset School. In addition to the above-named posting places, all warrants and notices of Town Meetings shall also be posted in at least one other location other than the official posting place in each precinct.
- B. Said warrants and notices shall be published on the Town's official website 14 days, at least, prior to a special Town meeting and seven days, at least, prior to the annual Town meeting. [Added 6-4-2012 STM, AG approved 7-18-2012]
- C. Any article shall be received for insertion in the annual warrant by the Select Board up to 4:00 p.m. of the second Monday of March. [Added 5-8-2006, AG approved 6-14-2006; amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]
- D. The Select Board shall insert in the warrant for the Annual Town Meeting all subjects, the insertion of which shall be requested of it, in writing, by 10 or more registered voters of the Town, and in the

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warrant for every Special Town Meeting, all subjects, the insertion of which shall be requested of it, in writing, by 100 registered voters or by 10% of the total number of registered voters of the Town, whichever number is the lesser. The Select Board shall call a Special Town Meeting upon request, in writing, of 200 registered voters or of 20% of the total number of registered voters of the Town, whichever number is the lesser, such meeting to be held not later than 45 days after the receipt of such request, and shall insert in the warrant therefor all subjects the insertion of which shall be requested by said petition. No action shall be valid unless the subject matter thereof is contained in the warrant. Two or more distinct Town Meetings for distinct purposes may be called by the same warrant. [Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

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#### § 74-3 Quorum.

- A. The number of voters necessary to constitute a quorum at any Town Meeting shall be 100; provided, however, that a number less than a quorum may adjourn the same. [AG approved 9-3-1976]
- B. This section shall not apply to such part of meetings as are devoted to the election of Town officers.

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#### § 74-4 Tellers.

The Moderator shall appoint tellers, who shall permit only registered voters upon the floor at the Annual Town Meeting; the space in the rear may be reserved for nonvoters; stage may be occupied under the direction of the Moderator in case of more space being required for voters.

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#### § 74-5 Procedures.

- A. Articles in the warrant shall be acted upon in the order in which they appear, unless otherwise determined by vote of the meeting.
- B. All motions having to do with the expenditure of money shall be presented in writing.
- C. If a motion is susceptible of division, it shall be divided and the question be put separately upon each part thereof, if seven voters so request.
- D. When a question is before the meeting, the following motions, namely, to adjourn, to lay on the table, for the previous question, to postpone to a time certain, to commit, to recommit, to refer, to amend, to postpone indefinitely, shall be received and shall have precedence in the foregoing order, and the first three shall be decided without debate.
- E. On proposed amendments involving sums of money, the larger or largest amount shall be put to the question first, and an affirmative vote thereon shall be a negative vote on any smaller amount.
- F. When the question is put, the sense of the meeting shall be determined by a show of hands, the Moderator shall declare the vote as it appears to him. If the decision of the Moderator is doubted or a division of the house is called for by seven voters, the Moderator may appoint tellers, the question being distinctly stated, and those voting in the affirmative and negative, respectively, shall rise and stand in their places until they are counted by the Moderator or tellers.
- G. The meeting may order that the vote on any motion shall be taken by a yes and no ballot.
- H. No vote shall be reconsidered at any Town Meeting on any subject considered and voted upon at or during said meeting, unless such reconsideration is ordered by a vote of 2/3 of the voters present and voting.

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#### § 74-6 Finance Committee review.

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021; 11-14-2022 STM by Art. 6, AG approved 2-24-2023]

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All articles in any warrant for a Town Meeting shall be referred to the Finance Committee for its consideration. The Town Administrator shall transmit, by a date established by the Select Board, a copy thereof to said Committee; after due consideration of the subject matter of such articles by the Committee, it shall report thereon to the Town Meeting, in writing, such recommendations as it deems best for the interest of the Town and its citizens. Said Committee shall investigate the financial needs of the Town, and its departments, and shall prepare and submit, in writing, at the Annual Town Meeting a budget and recommendations of the Committee thereon.

#### § 74-7 Nomination papers.

The final date to obtain nomination papers shall be 48 weekday hours prior to the hour on which nomination papers are due to the Board of Registrars for certification.

#### § 74-8 Articles seeking special legislation.

[Added 11-8-2021 STM by Art. 6; AG approved 2-24-2022]

To enable adequate time for review, no article appearing on a warrant for an Annual or Special Town Meeting, requesting a petition to the General Court to enact special legislation, shall be in order for consideration at Town Meeting unless the text of the special legislation sought is included as part of the article or as an appendix to the warrant, or is on file with the Town Clerk at least 14 days prior to the date of a Special Town Meeting and seven days prior to the date of an Annual Town Meeting at which it will be considered.

## Part II: General Legislation

### Chapter 102 Alarm Systems

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville 5-11-1987, AG approved 9-1-1987. Amendments noted where applicable.]

#### § 102-1 Definitions and word usage.

For the purposes of this bylaw, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

#### ALARM SYSTEM

An assembly of equipment and devices or a single device such as a solid state unit which plugs directly into a 110-volt AC line or a battery-powered unit, arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. Fire alarm systems and alarm systems which monitor temperature, smoke, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery or at a premises are specifically excluded from the provisions of this bylaw.

#### FALSE ALARM

- A. The activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or of his employees or agents;
- B. Any signal or oral communication transmitted to the Police Department requesting or requiring or resulting in a response on the part of the Police Department when in fact there has been no unauthorized

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intrusion, robbery, or burglary, or attempt thereat. For the purposes of this definition, activation of alarm systems by acts of God, including, but not limited to, power outages, hurricanes, tornadoes, earthquakes, and similar weather or atmospheric disturbances, shall not be deemed to be a false alarm.

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#### § 102-2 Automatic dialing device.

A. After the effective date of this bylaw, an automatic dialing device shall not be connected to the emergency or regular business lines of the Police Department. A signal from an automatic dialing device received at the police station shall terminate only on the line or lines specifically designated for that purpose.

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B. Within six months after the effective date of this bylaw, all automatic dialing devices interconnected to any unauthorized telephone numbers at the Police Department shall be disconnected therefrom. The user of each such device shall be responsible for having the device disconnected upon notification by the Police Chief and/or his designee. Continued use after notification shall constitute a nuisance and subject to a fine hereinafter provided for.

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#### § 102-3 Control and curtailment of signals emitted by alarm systems.

A. All alarm systems installed after the effective date of this bylaw which use an audible horn, bell, siren or other audible device shall be equipped with a device that will shut off such horn, bell, siren or other audible device within 15 minutes after activation of the alarm system.

Deleted: A. Every alarm user shall submit to the Police Chief and/or his designee the names and telephone numbers of at least two other persons who are authorized to respond to an emergency signal transmitted by an alarm system and who can open the premises wherein the alarm system is installed. ¶  
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B. Any alarm system emitting a continuous and uninterrupted signal for more than 15 minutes which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under § 102-4 of this bylaw, and which disturbs the peace, comfort or repose of a community, a neighborhood or any of the inhabitants of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Police Chief and/or his designee shall endeavor to contact the alarm user, or members of the alarm user's family, or those persons designated by the alarm user under § 102-4 of this bylaw in an effort to abate the nuisance. The Police Chief and/or his designee shall cause to be recorded the names and addresses of all complainants and the time each complaint was made.

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#### § 102-4 Emergency notification list.

Every business establishment within the Town of Lakeville, whether alarmed or not, shall provide written notice to the Police Department listing the names, addresses and telephone numbers of at least two persons who may be reached day or night and who are authorized to respond to an emergency which has caused the police to be dispatched to said premises. Said notice shall be submitted the first month of each year and shall be kept correct at all times, reflecting any changes in authorized personnel. Owner-residents shall be excluded from this provision.

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#### § 102-5 Alarm system users.

A. Any user of an alarm system which transmits false alarms shall be assessed a fine of \$10 for the first three false alarms occurring within a calendar year. All alarms in excess of three occurring within the calendar year shall be assessed at \$25 for each false alarm. All fines assessed hereunder shall be paid to the Town of Lakeville for deposit in the general fund. Upon failure of the user of an alarm system to pay two consecutive fines assessed hereunder within 60 days of assessment, the Police Chief shall order that the user discontinue use of the alarm system. Any such discontinuance shall be effectuated immediately upon the date of receipt of the Police Chief's order.

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B. Any user of an alarm system who has, in accordance with this section, been ordered by the Police Chief to discontinue use of an alarm system may appeal the order of discontinuance to the Select Board. Notice of an appeal shall be filed with the Select Board within 10 days of the date of the order of discontinuance. Thereafter, the Select Board shall consider the merits of the appeal and, in connection therewith, shall hear evidence presented by all interested persons. After hearing such evidence, the

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Select Board may affirm, vacate or modify the order of discontinuance. [Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

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§ 102-6 **Procedural rules and regulations.**

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

The Select Board may, upon the recommendation of the Chief of Police, make procedural rules and regulations regarding false alarms, including increasing fines therefor, after a public hearing.

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§ 102-7 **Testing of equipment.**

No alarm system designed to transmit emergency messages directly to the Police Department shall be worked on, tested or demonstrated without obtaining permission from the Police Chief. Permission is not required to test or demonstrate alarm devices not transmitting emergency messages directly to the Police Department. An unauthorized test constitutes a false alarm.

§ 102-8 **Discontinuance of alarm system.**

A. After the Police Department has recorded five separate false alarms within the calendar year from an alarm system, the Police Chief shall notify the alarm user, in person, by telephone, or by mail of such fact and require the said user to submit, within 15 days after receipt of such notice, a report describing efforts to discover and eliminate the cause or causes of the false alarms. If the said user, on the basis of absence from the Town, or on any other reasonable basis, requests an extension of time for filing the report, the Police Chief may extend the fifteen-day period for a reasonable period. If the said user fails to submit such a report within 15 days or within any such extended period, the Police Chief shall order that use of the alarm system be discontinued. Any such discontinuance shall be effectuated within 15 days from the date of receipt of the Police Chief's order.

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B. In the event that the Police Chief determines that a report submitted in accordance with § 102-8A is unsatisfactory, or that the alarm user has failed to show by the report that he has taken or will take reasonable steps to eliminate or reduce false alarms, then the Police Chief shall order that use of the alarm system be discontinued. Any such discontinuance shall be effectuated within 15 days from the date of receipt of the Police Chief's order.

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C. An order to discontinue use of an alarm system under this section may be appealed as set forth in § 102-5B of this bylaw.

§ 102-9 **Violations and penalties.**

Deleted: Penalties.

A. The following acts and omissions shall constitute violations of this bylaw punishable by fines of up to \$50:

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(1) Failure to obey an order of the Police Chief to discontinue use of an alarm system, after exhaustion of the right of appeal;

(2) Failure to disconnect an automatic dialing device from any unauthorized telephone numbers at the Police Department within six months after the effective date of this bylaw;

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(3) Interconnection of an automatic dialing device to any unauthorized telephone numbers at the Police Department after the effective date of this bylaw;

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(4) Failure to pay two or more consecutive fines assessed under this bylaw within 30 days of the date of assessment;

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(5) Failure to comply with the requirements of § 102-3 (Control and curtailment of signals emitted by alarm systems);

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(6) Failure to comply with the requirements of § 102-4 (Emergency notification list).

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B. Each day during which the aforesaid violations continue shall constitute a separate offense.

C. The provisions of § 102-9, Violations and penalties, of this bylaw shall not apply to any governmental agency.

## Chapter 107 Animal Control

[**HISTORY:** Adopted by the Town Meeting of the Town of Lakeville 6-4-2012 ATM, AG approved 7-18-2012. Amendments noted where applicable.]

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### § 107-1 Leashing of dogs.

- A. No person shall permit a dog owned or kept by him/her to run at large in any of the streets or public places in the Town or upon the premises of anyone other than the owner/keeper, unless the owner or occupant of such premises grants permission.
- B. No dog shall be permitted in any public place or street within the Town unless the dog is held firmly on a leash or chain no longer than six feet when off the property of the owner/keeper.
- C. Any working dog, such as dogs used by the police, search and rescue dogs, hunting dogs or dogs specially trained to lead or serve a disabled person, shall not be subject to the above sections while performing their necessary duties, provided that they have been trained by their owner/keeper to follow commands of an oral or physical nature and are under proper restraint and control as reasonably required under the circumstances. Any such working dog that is being so trained shall also be exempt from the above sections while being trained.

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### § 107-2 Barking dogs.

- A. No owner/keeper of a dog shall allow the dog to disturb the peace of any neighborhood by making excessive noise without provocation. Noise is excessive if it is uninterrupted barking, yelping, whining or howling for a period of time exceeding 30 minutes. This section is not meant to preclude a dog from acting as a watchdog on its owner's/keeper's property.
- B. The Lakeville Animal Shelter is exempt from the provisions of this bylaw.

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### § 107-3 Defecation by dogs.

- A. No person owning or keeping a dog shall permit it to defecate within the boundaries of any municipally owned playground, school, park or open space to which the public has access, unless expressly permitted in a specially designated area, or upon any street or sidewalk. However, no violation shall be deemed to have occurred if the owner/keeper of the offending dog promptly and voluntarily removes the animal waste.
- B. No person owning or keeping a dog shall permit it to defecate on privately owned premises other than the premises of the owner/keeper without the knowledge and consent of the owner or person in possession of such premises. However, no violation shall be deemed to have occurred if the owner/keeper of the offending dog promptly and voluntarily removes the animal waste.
- C. This bylaw shall not apply to a dog accompanying any disabled person, who, by reason of his/her disability, is physically unable to comply with the requirements of this section.

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§ 107-4 Vicious dogs.

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

A. Any dog that, without provocation, bites a human being or kills or maims a domestic animal may be declared vicious by the Select Board. An exception may be made for a puppy that draws blood or for a dog that attacks or bites an unaccompanied domestic animal on the dog owner's/keeper's property.

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B. A dog shall not be declared vicious if the Select Board determines any of the following:

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- (1) The person's skin was not broken.
- (2) The person who was bitten was willfully trespassing, committing a crime, or attempting to commit a crime on the premises occupied by the dog's owner/keeper.
- (3) The dog was being teased, tormented, abused or assaulted by the injured person or animal prior to attacking or biting.
- (4) The dog was protecting or defending a human being in its immediate vicinity from attack or assault.

§ 107-5 Violations and penalties.

Violations of this bylaw may be enforced through all lawful means in law or equity, including but not limited to noncriminal disposition pursuant to MGL c. 40, § 21D, as follows: first offense \$50; second offense \$100; third offense \$300 and fourth and continuing offense(s) \$500 and the Town may order the animal spayed or neutered. The Animal Control Officer or his designee shall be the enforcing authority. Upon the demonstration of exceptional circumstances by the person who owns or controls the animal in violation of this bylaw, the Animal Control Officer may, in his or her discretion, waive the fine(s).

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## Chapter 115 Boats and Boating

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville 10-4-1999, AG approved 12-23-1999. Amendments noted where applicable.]

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§ 115-1 Prohibited conduct.

No person shall maintain, operate or suffer or permit the operation of any motor boat, as defined in MGL c. 90B, § 1, or other boat powered by internal combustion engine, on the waters of Loon Pond in the Town of Lakeville.

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§ 115-2 Exceptions.

This prohibition shall not apply to boats powered by electric motors.

§ 115-3 Violations and penalties.

Whoever violates this bylaw may be arrested without a warrant by an officer authorized to serve criminal process in the Town of Lakeville and kept in custody until he can be taken before a court having jurisdiction of the offense pursuant to MGL c. 272, § 59. Any person violating this bylaw shall be fined not more than \$50 for each offense.

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## Chapter 120



# Buildings and Building Construction

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville as indicated in article histories. Amendments noted where applicable.]

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## Article I

### Required Permits, Fees and Approvals

[Adopted as Ch. III, Secs. 19 through 23, of the 1994 Bylaw Revision]

#### § 120-1 Plan required.

Before any building or structure as defined by the State Building Code, as amended from time to time, is constructed, reconstructed or altered, the Building Commissioner shall be furnished with a plan, drawn to scale or acceptable to the Building Commissioner, which shall show the lot dimensions, adjacent ways, the size and location of buildings or structures presently on said lot, the size and location of buildings or structures proposed to be constructed, reconstructed or altered thereon, and a statement of the intended use of such building or structure on prescribed forms.

#### § 120-2 Issuance of permit.

If such proposed building or structure as defined above conforms to the provisions of this bylaw, and all fees as prescribed herein have been paid to the Town Collector through the Building Commissioner as he is authorized to collect such fees, and the provisions of the Protective Zoning Bylaw as amended from time to time have been met, the Building Commissioner shall issue an approval for a permit; otherwise, approval will be withheld.

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#### § 120-3 Fees.

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

Building inspection and occupancy permit fees shall be determined by the Select Board, and amended from time to time, and the collection of such fees as set shall be charged to the Building Commissioner to be paid to the Town Collector.

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#### § 120-4 Work commenced without permit.

In the event any construction, reconstruction or alteration, as herein defined, is commenced without the necessary building permit as stated herein, the Building Commissioner shall charge the applicant twice the normal fee as set by the Select Board, to compensate the Town for extra work and services required as a result of starting said construction without having first obtained a permit.

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#### § 120-5 Hearing.

[Added 5-10-1982, AG approved 9-30-1982]

Any applicant being so charged as provided in § 120-4 shall have the right to a hearing before the Select Board, and notice and opportunity to defend the assessment of such double fee.

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## Article II

### Electrical Wiring

[Adopted by the Town Meeting of the Town of Lakeville]

#### § 120-6 Permit required.

No person shall install wires, conduits, apparatus, fixtures, or other appliances for carrying or using electricity for heat, light or power within, or connected to any building, without first having secured a permit

for same.

### Article III Numbering of Buildings

[Adopted 5-9-1988, AG approved 6-10-1988]

#### § 120-7 Street numbers required.

Street numbers shall be provided for each dwelling and each business, industrial, and other buildings in the Town of Lakeville by the owners of such structures within 90 days after approval by the Attorney General of this bylaw, in accordance with the following.

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#### § 120-8 Number standards.

The numbers shall be made of permanent weatherproof material and shall be clearly visible from the street or roadway upon which the dwelling or building fronts.

#### § 120-9 Location of numbers.

The numbers shall be placed on each structure or on a suitable support near the main entrance to the structure so as to be visible.

#### § 120-10 Assigned numbers.

The numbers shall be those assigned to each structure in accordance with the street numbering on file in the office of the Assessors.

#### § 120-11 New buildings.

The owner of any property seeking a building permit for a new building or structure shall apply for and receive a building number designation from the Board of Assessors or its designee prior to submitting application to the Building Commissioner for a permit, and no building permit shall be issued without designation of such building number.

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#### § 120-12 Responsibility of owners.

It shall be the responsibility of each property owner in the Town to obtain a number assigned to his affected structure or structures within three months of the effective date of this bylaw.

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#### § 120-13 Enforcement; violations and penalties.

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

This bylaw shall be enforced by the Select Board of the Town of Lakeville either directly or through an inspector to be appointed by it. Failure to comply with this bylaw shall subject the offending property owner to a fine not to exceed \$10.

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### Article IV Stretch Energy Code

[Adopted 6-13-2011 ATM, AG approved 9-14-2011]

#### § 120-14 Adoption of standards.

The Town of Lakeville has adopted the provisions of 780 CMR 120.AA (i.e., Appendix 120.AA of the State Building Code or the "Stretch Energy Code"), as may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00, 61.00 and 93.00.

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#### § 120-15 Purpose.

The purpose of the Stretch Energy Code shall be to provide the Town with a more energy-efficient

alternative to the base energy code otherwise set forth under the State Building Code.

## Chapter 125 Burial Grounds

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville 3-9-1959, AG approved 4-10-1959. Amendments noted where applicable.]

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### § 125-1 Finances.

The Town will receive, hold and apply any fund, money or securities deposited with the Town Treasurer for the preservation, care, improvement or embellishment of any public or private burial place in the Town, or of burial lots situated in such burial places.

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### § 125-2 Maintenance agreements.

The Town Treasurer may enter into agreements in behalf of the Town with the holders of burial rights in any lot in the cemeteries of the Town to keep forever such lot and the structures and grass thereon, in good and neat condition, so far as the same can be done by an expenditure not exceeding the income from any sum of money or not exceeding the income from any securities, which such holder may have deposited with the Town Treasurer for such purpose.

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### § 125-3 Cemetery fund.

Money and securities received under the provisions of the preceding section shall not be mingled with other money or securities of the Town, but shall be kept and invested separately as a cemetery fund, and unless otherwise specially provided for in the terms of the gift, the income only shall be used.

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## Chapter 133 Demolition Delay

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville 6-17-2002. Amendments noted where applicable.]

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### § 133-1 Intent and purpose.

[Added 12-8-2009 STM, AG approved 3-30-2009]

This bylaw is enacted for the purpose of preserving and protecting significant structures within the Town which are outside historic districts and to encourage owners of such buildings to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such structures rather than demolish them.

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### § 133-2 Definitions.

#### COMMISSION

The Lakeville Historical Commission.

#### DEMOLITION

Any act of pulling down, destroying, removing or razing a structure or any portion thereof, or commencing the work of total or substantial destruction with the intent of completing the same.

#### PREFERABLY PRESERVED SIGNIFICANT STRUCTURE

Worthy of a delay period to allow consideration of alternative to demolition.

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## SIGNIFICANT STRUCTURE

Any structure or portion thereof not within an historic district but which:

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- A. Is listed on, or is within an area listed on, the National Register of Historic Places, or is the subject of a pending application for listing on said National Register; or
- B. Is included in the Cultural Resources Inventory prepared by the Commission, including those structures listed for which completed surveys may be pending; or
- C. Has been determined by vote of the Commission to be historically or architecturally significant in terms of period, style, method of structure construction, or association with a famous architect or builder, provided that the owner of such a structure and the Building Commissioner have been notified, in hand or by certified mail, within 10 days of such vote.

## STRUCTURE

Any edifice, object or building of any kind that is constructed or erected and requires more or less permanent location in or on the ground or attachment to any object with permanent location in or on the ground, not including wheels.

### § 133-3 Procedure.

- A. Upon receipt of an application for a demolition permit for a significant structure, the Building Commissioner shall forward a copy thereof to the Commission. No demolition permit shall be issued at that time.
- B. The Commission shall fix a reasonable time for the hearing on any application and shall give public notice thereof by publishing notice of the time, place, and purpose of the hearing in a local newspaper at least 14 days before said hearing and also, within seven days of said hearing, mail a copy of said notice to the applicant, to the owners of all property deemed by the Commission to be affected thereby as they appear on the most recent local tax list, to all Historic Districts Commissions in the Town of Lakeville and to such other persons as the Commission shall deem entitled to notice.
- C. If, after such hearing, the Commission determines that the demolition of the significant structure would not be detrimental to the historical or architectural heritage or resources of the Town, the Commission shall so notify the Building Commissioner within 10 days of such determination. Upon receipt of such notification, or after the expiration of 15 days from the date of the conduct of the hearing if he has not received notification from the Commission, the Building Commissioner may, subject to the requirements of the State Building Code and any other applicable law, bylaws, rules and regulations, issue the demolition permit.
- D. If the Commission determines that the demolition of the significant structure would be detrimental to the historical or architectural heritage or resources of the Town, such structure shall be considered a preferably preserved significant structure.
- E. Upon determination by the Commission that the significant structure which is the subject of the application for a demolition permit is a preferably preserved significant structure, the Commission shall so advise the applicant and the Building Commissioner and no demolition permit may be issued until at least six months after the date of such determination by the Commission.
- F. Notwithstanding the preceding subsection, the Building Commissioner may issue a demolition for a preferably preserved significant structure at any time after receipt of written advice from the Commission to the effect that either:
  - (1) The Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such structure; or

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- (2) The Commission is satisfied that for at least six months the owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject structure, and that such efforts have been unsuccessful.

§ 133-4 **Enforcement and remedies.**

- A. The Commission and the Building Commissioner are each authorized to institute any and all proceedings in law or equity as they deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a violation thereof.
- B. No building permit shall be issued with respect to any premises upon which a significant structure has been voluntarily demolished in violation of this bylaw for a period of two years after the date of the completion of such demolition. As used herein, "premises" includes the parcel of land upon which the demolished significant structure was located.

§ 133-5 **Severability.**

If any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effort.

## Chapter 140

### Earth Work

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville 11-8-2021 STM by Art. 12, AG approved 2-24-2022 (Ch. V of the 1994 Bylaw Revision). Amendments noted where applicable.]

§ 140-1 **Definitions.**

**BOARD**

The Town of Lakeville Select Board,

**EARTH**

Any form of soil, rock or dirt, including but not limited to sod, loam, peat, humus, clay, sand, stone, gravel, rock, and ledge,

**EARTH REMOVAL**

Removal of earth from its present location to another location by any means, including, but not limited to, stripping, excavating, mining or blasting.

**EARTH WORK**

Any earth removal, stockpiling or fill operation.

**FILL**

The use of earth from another location for the purpose of changing the topography of a site.

**STOCKPILING**

The keeping and storage of earth brought to a site from another location for the purpose of using it.

§ 140-2 **Permit required.**

- A. No person, firm or corporation shall perform earth work in the Town of Lakeville without first obtaining a permit from the Board, as provided in this bylaw.
- B. Notwithstanding the provisions of the preceding subsection, the following earth work projects may be

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undertaken without a permit;

- (1) Earth work by any governmental entity, including but not limited to the Town of Lakeville;
- (2) Earth work involving less than 2,000 cubic yards of earth in a single calendar year;
- (3) Earth work in connection with agricultural use of land, including cranberry bog maintenance operations;
- (4) Earth work that is merely incidental to the construction or installation of buildings, structures, swimming pools, septic systems, utilities, fences, athletic courts, driveways, parking lots, walkways and other construction or installations occurring on the site from which the earth is removed, provided that the project is being done in accordance with all required permits and approvals, the amount of earth removed does not exceed the amount needed for the construction or installation and the removal of earth does not result in topographical changes to the surrounding land; and
- (5) The transfer of earth from one portion of a parcel to another portion of the same parcel for purposes of improving the same.

**§ 140-3 Procedure.**

**A. An application for an earth work permit shall be in writing, on a form provided by the Board, and shall include but not be limited to the following information:**

- (1) The location of the proposed work.
- (2) The legal name and address of the owner of the property involved.
- (3) The legal name and address of the applicant (if different than the owner).
- (4) A plan and representative profiles of the area, prepared by a registered professional engineer, from which final grades may be established.
- (5) The anticipated amount (in cubic yards) of earth work involved.
- (6) The reason for the project.
- (7) The type of work: earth removal, stockpiling or fill.
- (8) Previous earth removal activities on the property.
- (9) The source of earth for stockpiling and fill projects.

**B. Upon receipt of a completed application and payment of applicable fees, the Board may conduct a public hearing on the application. Notice of said hearing shall be provided, at the applicant's expense, to all abutters, owners of land directly opposite on any public or private street or way, and abutters to abutters within 300 feet, and by publication in a newspaper of general circulation in the Town once, at least seven days prior to the hearing.**

**C. If the Board finds, based on the facts adduced at said hearing, that the permit may result in a nuisance or that it will otherwise create a risk of harm to public health, safety or welfare, the Board may deny the application.**

**D. In approving the issuance of a permit, the Board may impose reasonable conditions designed to protect public health, safety and welfare, which may include but not be limited to the following:**

- (1) The finished leveling and grading shall be indicated on the approved plans as indicated and submitted to

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A permit shall be required for the continuous operation of

**Deleted:** earth removal pit in operation at the time this by-law is adopted. However, public hearing will

**Deleted:** be required either in such case, or for renewal of any permit...

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A permit shall be required for the removal of earth from any parcel of land if such removal is incidental to, and in connection with, the erection and construction of a building on such parcel, provided, however, that no such removal shall take place until the erection and construction of such building is completed. However, public hearing will not be required in such case. ¶

§ 140-5 Earth transfers on single lot. ¶

No permit shall be required to transfer earth from one section to another of the same parcel, for the improvement of same. ¶

§ 140-6 Removal of soil or loam for road construction. ¶

Notwithstanding the provisions of this by-law, the Board may issue a permit for the removal of soil or loam from any parcel of land in the Town, where such removal of soil or loam is incidental to, or in connection with, the construction of a road or other facility involving a permanent change in the uses of the land. The Board shall issue no such permit unless it is satisfied reasonably that the construction will be completed and the evidence thereof shall be made a part of the records of said Board. ¶

§ 140-7 Application for permit. ¶

A. Applicants for a permit to remove earth under this by-law shall submit the following specific information and supporting documentation: ¶

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**Deleted:** (4) Names and addresses of all abutting property owners, including those across any streets. ¶

(5) The proposed method of performance security to be used. ¶

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**Deleted:** B. The Board may in its discretion require a bond, certified check, or other security for compliance with said conditions as evidence of good faith as to the completion of any proposed construction. The Board may, after a public hearing on proof of violation of any condition, revoke any permits so granted. No permit shall be issued under the provisions of this by-law for a period ...

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the Board, but in no event shall any grade be below the grade of any abutting and established way open to the public or private use, except that if on the authority of a registered professional engineer it is determined by the Board that such a change in grade below the existing grade is advantageous to the proposed change in topography.

**Deleted:** Registered Civil Engineer

(2) No earth work permit shall be approved by the Board if the work extends within 400 feet of a way open to the public, whether public or private, or within 100 feet of a building or structure or property line, unless the Board is satisfied that such removal will not undermine the way or structure, or prove detrimental to the neighborhood.

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(3) The placing of topsoil and planting necessary to restore the area to usable condition. Cover of topsoil of not less than four inches in depth shall be replaced or allowed to remain.

(4) The duration of the operation.

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(5) The construction of necessary fencing and other protections against nuisances and/or erosion.

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(6) Methods for the work.

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(7) Temporary structures.

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(5) Method of removal.

(8) Hours of operation.

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(9) Routes of travel or transportation of material.

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(10) Control of temporary or permanent drainage.

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(11) Disposition of boulders and tree stumps.

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(12) Set and maintain permanent monuments at each property corner.

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(13) Slopes shall not be steeper than 4 to 1.

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(14) Imported earth material and/or fill may not contain debris, rebar, concrete, other building materials, clay, seashells, asphalt, glass or any solid waste of any kind. Imported materials must be soil and/or clean fill.

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E. The Board may require a bond or, at the election of the applicant, the deposit of money into an escrow account to enforce performance of conditions imposed pursuant to this bylaw. The total amount of the bond or security deposit shall be determined by the Board and shall be based upon the extent of the operations as indicated on the plans submitted by the applicant.

**Deleted:** (13) In the event that any portion of the earth removal would take place in land which is under the jurisdiction or supervision of the local conservation commission, then no permit shall issue until such plan has been approved by the local conservation commission, and the permit shall require that the applicant comply with any order or conditions issued by the local conservation commission or any superseding order of conditions issued by the Department of Environmental Protection, or such permit shall be revoked. In the event that there is a question as to whether the land in question, or a portion thereof, is within the jurisdiction of the conservation commission, the Board of Selectmen may require the applicant to file a request for determination with the local conservation commission in determining whether any portion of the land is within the jurisdiction of the conservation commission. ¶  
C

F. The Board may adopt, and may from time to time revise, regulations to implement the provisions of this bylaw relative to conducting public hearings and establishing criteria for determining whether a project is likely to result in a nuisance or that it will otherwise create a risk of harm to public health, safety and welfare.

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#### § 140-4 General conditions.

A. Permits shall be in effect for a period of one year from the date of issue.

B. All earth work operations shall be conducted in accordance with the requirements of this bylaw, regulations of the Board adopted pursuant thereto and all conditions imposed by the Board.

C. All earth work operations shall be conducted in accordance with applicable federal, state and local laws concerning the operation, including but not limited to the requirements of the Conservation



Commission. It shall be the applicant's responsibility to ensure compliance with such laws, and the issuance of a permit by the Board shall not authorize any earth work operation undertaken in violation of any other applicable statute, rule or regulation.

#### § 140-5 Permit renewals.

- A. An application for renewal of an earth work permit shall be in writing, on a form provided by the Board, and shall be submitted to the Board at least 45 days prior to expiration of the permit, along with the applicable renewal fee.
- B. Any application for renewal not submitted within the time required by this bylaw shall be treated as a new application.
- C. Each renewal application includes all of the information required by the Board and shall specify the number of cubic yards of material removed during the prior permit term and shall be accompanied by an elevation plan on a fifty-foot grid prepared by a registered professional engineer, showing before, after and proposed final elevations.
- D. Upon receipt of a completed application and payment of the applicable fee, the Board may renew the earth work permit without first conducting a public hearing, provided that all conditions of the permit and this bylaw have been complied with and the applicant has not changed the scope of the project as originally approved. In all other cases, a public hearing shall be required in accordance with the procedure set forth in § 140-3 of this bylaw.

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#### § 140-6 General administration.

- A. The Board or its designated representatives may enter upon the premises involved from time to time to inspect and ensure proper conduct of the work.
- B. The Board may adopt and may from time to time revise a schedule of reasonable fees to cover the costs associated with the administration of this bylaw.
- C. The Board may engage engineers, scientists, financial analysts, planners, attorneys or other appropriate professionals who can assist the Board in analyzing a project or application to ensure compliance with all relevant laws, bylaws, standards and regulations. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decision or regulations, or inspecting a project during construction or implementation.
- D. The Board may adopt and from time to time revise regulations for the imposition of reasonable fees for the employment of such outside consultants as set forth in MGL c. 44, § 53G.
- E. The Board or its designated representatives reserve the right to inspect the applicant's records at any time.

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§ 140-10 Penalty for violation. ¶

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#### § 140-7 Enforcement; violations and penalties.

- A. The Board may modify, suspend or revoke any permit issued pursuant to this bylaw for any violation of this bylaw, regulations of the Board adopted pursuant thereto or any conditions imposed by the Board. Such modification, revocation or suspension may take place after a hearing held by the Board of which the permit holder is given seven days' written notice. Such notice shall be deemed given upon mailing same, certified mail, return receipt requested, to the address listed on the permit application.
- B. This bylaw may be enforced by the Town's Building Commissioner or his designee.
- C. Whoever violates any provision of this bylaw may be penalized by a noncriminal disposition process as provided in MGL c.40, § 21D, and the Town's noncriminal disposition bylaw. If noncriminal disposition is elected, then the noncriminal fine for each such violation, if not otherwise specified, shall be:

(1) ~~First~~ offense: ~~\$100.~~

(2) ~~Second~~ offense: ~~\$200.~~

(3) ~~Third and subsequent offenses: \$300.~~

D. ~~Each day or portion thereof shall constitute a separate offense. If more than one, each condition~~ violated shall ~~constitute~~ a separate offense.

E. ~~Whoever violates any provision of this bylaw may be penalized by indictment or on complaint brought in the District Court. Except as may be otherwise provided by law and as the District Court may see fit to impose, the maximum penalty for each violation or offense shall be \$300. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.~~

F. ~~The Board may enforce this bylaw or enjoin violations thereof through any lawful process, and the election of one remedy by the Board shall not preclude enforcement through any other lawful means.~~

#### § 140-8 Severability.

If any provision of this bylaw shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed to affect the validity or constitutionality of any of the remaining provisions.

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**Deleted:** shall establish such fees for the issuance of permits as it shall find necessary for the administration of this by-law, taking into consideration the costs of advertising, clerical, civil engineers, consultants, legal and inspection expenses

**Deleted:** Any fees received hereunder shall be transmitted to the Town Treasurer.

**Deleted:** The Town Treasurer shall pay all charges or bills properly authorized by the Board, charged with the administration of this by-law. ¶

D. The fees established under this section shall be at the discretion of the Board, but shall be not less than \$0.03 per cubic yard on the amount stated under § 140-9C. ¶  
§ 140-12 **Referral of permit applications to Planning Board.** ¶

All applications for original or renewal permits for the removal of earth shall be referred to the Planning Board. ¶  
§ 140-13 **Removal to areas outside Town.** ¶  
The removal of loam to areas outside of the Town may, at the discretion the of Board be prohibited. ¶

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## Chapter 145 Farming

**[HISTORY: Adopted by the Town Meeting of the Town of Lakeville 5-10-2021 ATM by Art. 6, AG approved 8-16-2021. Amendments noted where applicable.]**

#### § 145-1 Legislative purpose and intent.

- A. The purpose and intent of this bylaw 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 MGL c. 40A, § 3, Paragraph 1; MGL c. 90, § 9; MGL c. 111, § 125A; and MGL c. 128, § 1A.
- B. 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").
- C. This general bylaw 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.
- D. This bylaw shall apply to all jurisdictional areas within the Town.

#### § 145-2 Definitions.

- A. 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.
- B. The words "farming" or "agriculture" or their derivatives shall include, but not be limited to, the following:
- (1) Farming in all its branches and the cultivation and tillage of the soil;

- (2) Dairying;
- (3) Production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- (4) Growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- (5) Raising of livestock, including horses;
- (6) Keeping of horses as a commercial enterprise; and
- (7) 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 production, including bees and fur-bearing animals.

C. "Farming" shall encompass activities including, but not limited to, the following:

- (1) Operation and transportation of slow-moving farm equipment over roads within the Town;
- (2) Control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- (3) Application of manure, fertilizers and pesticides;
- (4) Conducting agriculture-related educational and farm-based recreational activities, including agritourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- (5) Processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand, including signage thereto;
- (6) 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
- (7) On-farm relocation of earth and the clearing of ground for farming operations.

**§ 145-3 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 bylaw 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 Bylaw 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.

**§ 145-4 Disclosure notification.**

- A. Not later than 21 days after the purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists, 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 state the following:

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"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."

B. 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 or lessee that they have received and understood the notification. A copy of the disclosure notification shall be filed with the Select Board, or its designee within 30 days of the sale, purchase, exchange or occupancy of such real property. [Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

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C. Within 30 days after this bylaw becomes effective, the Select Board 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 and on the Town's website. [Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

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D. Within 60 days after this bylaw 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.

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

F. A violation of § 145-4 shall be subject to a fine of \$300 and shall be enforced by the Select Board or its designee. The Town is authorized to enforce § 145-4 under the noncriminal disposition provisions of MGL c. 40, § 21D. [Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

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#### § 145-5 Resolution of disputes.

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

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.

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A. 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.

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B. 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.

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#### § 145-6 Severability.

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

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# Chapter 148

## Fees

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville as indicated in article histories. Amendments noted where applicable.]

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### Article I Town Clerk Fees

[Adopted 8-19-1985, AG approved 11-13-1985]

§ 148-1 Fee schedule.

[Amended 6-9-2014 ATM, AG approved 7-1-2014]

The Town voted to adopt the following Fee Schedule as a bylaw for those fees collected by the Town Clerk, covered by MGL c. 140, § 202, and MGL c. 262, § 34:

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<u>MGL c. 262, § 34</u>		Fee
(1)	For filing and indexing assignment for the benefit of creditors	\$10
(11)	For entering amendment of a record of the birth of <u>a</u> child <u>born out of wedlock</u> , subsequently legitimized	\$15
(12)	For correcting errors in a record of birth	\$15
(13)	For furnishing certificate of birth	\$10
(13A)	For furnishing an abstract copy of a record of birth	\$8
(14)	For entering delayed record of birth	\$15
(20)	For filing certificate of a person conducting business under any title other than his real name	\$30
(21)	For filing by a person conducting business under any title other than his real name <u>or a</u> statement of change of his residence, or of his discontinuance, retirement or withdrawal from, <u>or</u> of a change of location of, such business	\$20
(22)	For furnishing certified copy of certificate of person conducting business under any title other than his real name or a statement by such person of his discontinuance, retirement or withdrawal from such business	\$10
(24)	For recording the name and address, the date and number of the certificate issued to a person registered for the	\$25

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**MGL c. 262, § 34****Fee**

practice of podiatry in the commonwealth

(29) For correcting errors in a record of death \$15

(30) For furnishing a certificate of death \$10

(30A) For furnishing an abstract copy of a record of death \$8

\*(38) For issuing and recording licenses to junk dealers \$25\*(38A) For issuing and recording license to junk collector \$25\*(39) For issuing and recording pawnbroker's license \$25

\*(40) For issuing and recording license to keepers of billiard saloons, pool or sippio rooms or tables, bowling alleys, etc. \$30 1st; \$15 add'l

(\* from Chapter 140, Section 202)

(42) For entering notice of intention of marriage and issuing certificates thereof \$30

(43) For entering certificate of marriage filed by persons married out of the commonwealth \$10

(44) For issuing certificates of marriage \$10

(44A) For furnishing an abstract copy of a record of marriage \$8

(45) For correcting errors in a record of marriage \$15

(54) For recording power of attorney \$15

(57) For recording certificates of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof \$30

(58) For recording the name of the owner of a certificate of registration as a physician or osteopath in the commonwealth \$30(62) For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires and cable or attachments under the provisions of MGL c. 166, § 22. \$40 flat rate; \$10 add'l streets

(66) For examining records or papers relating to birth, marriage or deaths upon the application of any person \$8

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**MGL c. 262, § 34****Fee**

(67)	For copying any manuscript or record pertaining to a birth, marriage or death	\$5 per page
(69)	For receiving and filing of a complete inventory of all items to be included in a "closing out sale", etc.	\$10 first page \$2 add'l page
(75)	For filing a copy of written instrument or declaration of trust by the trustees of an association or trust, or any amendment thereof as provided by <u>MGL c. 182, § 2</u>	\$20
(78)	For recording deed of lot or plot in a public burial place or cemetery	\$10
(79)	Recording any other documents	\$10 1st page \$2 add'l pgs.
(80)	Voter's card	\$5

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1.	Each scale with a weighing capacity of more <u>than 10,000 pounds</u>	\$100
2.	Each scale with a weighing capacity of 5,000 <u>pounds</u> to 10,000 pounds	\$60
3.	Each scale with a weighing capacity of 1,000 <u>pounds</u> to 5,000 pounds	\$40
4.	Each scale with a weighing capacity of 100 <u>pounds</u> to 1,000 pounds	\$25
5.	Scales and balances with a weighing capacity of more than 10 pounds and less than 100 pounds	\$20
6.	Scales and balances with a weighing capacity of 10 pounds or less	\$15
7.	All weights (avoirdupois, apothecary, metric)	\$1

**Deleted:** then**Liquid Measuring Devices**



Device	Fee
1. Gasoline and diesel meters	\$20
2. Vehicle <u>tank meters</u> (oil trucks)	\$50
<b>Miscellaneous Measuring Devices</b>	
1. Fabric measures	\$20
2. Cordage measures	\$20
3. Linear measures (yard sticks, etc.)	\$10
<b>Scanners</b>	
1. Automated retail checkout systems with <u>fewer</u> than 4 units	\$75
2. Automated retail checkout systems with 4 units and not more than 11 units	\$150
3. Automated retail checkout systems with more than 11 units	\$250

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## Chapter 152 Firearms and Weapons

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville as indicated in article histories. Amendments noted where applicable.]

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### Article I Paintball Guns

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[Adopted 6-11-2001, AG approved 9-18-2001]

#### § 152-1 Discharge restrictions.

No person shall discharge a paintball gun into, from or across any public way, or any way to which the public has a right of access; nor shall any person discharge a paintball gun into, upon or from any private property without the express permission of the owner(s) or person(s) in control of the private property.

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#### § 152-2 Violations and penalties.

The violation of this article is punishable by a fine of \$100 for the first offense, \$200 for the second offense, and \$300 for the third and subsequent offenses.

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#### § 152-3 Definitions.

##### PAINTBALL GUN

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An instrument or implement capable of propelling and projecting a projectile by means of air pressure or other means of propulsion, which projectile leaves a distinguishing mark, stain or color upon impact which may be indelible or may be temporary in nature.

## Chapter 156

# Fire Prevention and Protection

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville as indicated in article histories. Amendments noted where applicable.]

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### Article I Key Boxes

[Adopted 6-28-1993, AG approved 8-20-1993]

#### § 156-1 Key boxes required.

Any building other than a residential building of less than six units which has a fire alarm system or other fire protection system shall provide a secure key box installed in a location accessible to the Fire Department in case of emergency.

#### § 156-2 Contents.

This key box shall contain keys to fire alarm control panels and other keys necessary to operate or service fire protection systems.

#### § 156-3 Specifications.

The key box shall be a type approved by the Chief of the Lakeville Fire Department and shall be located and installed as approved by the Chief.

## Chapter 169

# Junk, Old Metal and Secondhand Articles

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville 11-8-2000, AG approved 1-12-2001. Amendments noted where applicable.]

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#### § 169-1 Open storage prohibited.

The open display or open storage of junk is prohibited on any premises. For purposes of this bylaw, the term "junk" includes old, secondhand or previously used, discarded or scrapped articles or materials of any type, whether collected, held or stored for salvage, sale, exchange, recycling, processing, conversion or any other purpose.

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#### § 169-2 Recordkeeping.

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

Every person who is licensed by the Town Clerk, upon authorization by the Select Board, as a keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles shall keep a book, to be inspected annually before licensing, in which at the time of each purchase, sale or barter, shall be legibly written in the English language an account and description, including all distinguishing marks and numbers of the property purchased, sold or bartered. The full name and residential address of each person purchasing, selling or bartering such property and the date of each such transaction shall be entered in such book. Only property purchased by the keeper of such a shop at a cost of \$50, or greater, or bartered for with property valued at \$50, or greater, shall be required to be listed in such book.

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§ 169-3 **Records open to inspection.**

[Amended 11-14-2022 STM by Art. 19, AG approved 2-24-2023]

A book required to be kept pursuant to § 169-2 shall be open at all reasonable times to inspection by any police officer of the Town of Lakeville. Any person who has possession or control of a book required to be kept pursuant to § 169-2 shall permit such inspection. Copies of the portion of the book pertaining to the current calendar year shall be presented to the Select Board along with any application for renewal of an existing license.

§ 169-4 **Access to property.**

The property described in a book kept pursuant to § 169-2 shall on demand of a police officer authorized pursuant to § 169-3 to inspect such book to be exhibited to such police officer.

§ 169-5 **Violations and penalties.**

A. Violation of any provision of this section shall be subject to a criminal penalty not to exceed \$300, or, when enforced by noncriminal disposition pursuant to MGL c. 40, § 21D, as follows:

- (1) First offense: \$100.
- (2) Second offense: \$200.
- (3) Third offense and subsequent offenses: \$300.

B. In any case, each day of violation shall constitute a separate offense.

§ 169-6 **Proof of active business.**

[Added 11-14-2022 STM by Art. 19, AG approved 2-24-2023]

A holder of a license is required to prove that the license is being utilized for an active business. For purposes of this bylaw, a business will be considered active only when the license holder can demonstrate more than three sales of junk at a cost of \$50 or greater, or bartered for with property valued at \$50 or greater, within each six-month period of the license. Such sales shall be recorded in the book described in § 169-2 of this bylaw.

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## Chapter 176 Licenses and Permits

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville as indicated in article histories. Amendments noted where applicable.]

### Article I

#### Denial or Revocation for Failure to Pay Taxes or Fees

[Adopted 6-23-2020 STM by Art. 2, AG approved 9-18-2020]

§ 176-1 **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

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Denial or Revocation for Failure to Pay Taxes or Fees ¶

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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.

**§ 176-2 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 law; and the party is given a hearing, to be held not earlier than 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 of 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.

**§ 176-3 Waiver of denial, suspension or revocation.**

**[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]**

The **Select** Board 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 **MGL c. 268A, § 1**, in the business or activity conducted in or on said property.

**§ 176-4 Exceptions.**

This **bylaw** shall not apply to the following licenses and permits: Open burning, **MGL c. 48, § 13**; sales of articles for charitable purposes, **MGL c. 101, § 33**; children work permits, **MGL c. 149, § 69**; clubs, associations dispensing food or beverage licenses, **MGL c. 140, § 21E**; dog licenses, **MGL c. 140, § 137**; fishing, hunting, trapping licenses, **MGL c. 131, § 12**; marriage licenses, **MGL c. 207, § 28**; and theatrical events, public exhibition permits, **MGL c. 140, § 181**.

**Article II**

**Motor Vehicle Dealer's Licenses**

**[Adopted 6-16-2003, AG approved 9-9-2003]**

**§ 176-5 Limitation on number.**

The number of Class **2 motor vehicle dealer's licenses** (used car dealers) as defined in **MGL c. 140, § 58**, and amendments thereto, shall not exceed a maximum of 15.

**§ 176-6 New and transfer licenses.**

**[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]**

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The Select Board may adopt and from time to time amend reasonable regulations governing the procedures for new and transfer Class 2 licenses.

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## Chapter 180 Lighting, Outdoor

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville 6-11-2007 ATM, AG approved 9-12-2007. Amendments noted where applicable.]

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### § 180-1 Findings; purpose.

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A. Good outdoor lighting at night benefits everyone. It increases safety, enhances the Town's nighttime character, and helps provide security. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use. Excessive glare can be annoying and may cause safety problems. Light trespass reduces everyone's privacy, and higher energy use results in increased costs for everyone. There is a need for a lighting bylaw that recognizes the benefits of outdoor lighting and provides clear guidelines for its installation so as to help maintain and complement the Town's character. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of Lakeville.

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B. This bylaw is intended to reduce the problems created by improperly designed and installed outdoor lighting. It is intended to eliminate problems of glare, minimize light trespass, and help reduce the energy cost of outdoor lighting by establishing regulations which limit the area that certain kinds of outdoor lighting fixtures can illuminate and by limiting the total allowable illumination of lots located in the Town of Lakeville.

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C. All business, residential, and community driveway, sidewalk and property luminaires should be installed with the idea of being a good neighbor, with attempts to keep unnecessary direct light from shining out abutting properties or streets.

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### § 180-2 Definitions.

For the purposes of this bylaw, terms used shall be defined as follows:

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#### **DIRECT LIGHT**

Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

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#### **FIXTURE**

The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

#### **FLOODLIGHT or SPOTLIGHT**

Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.

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#### **FULLY SHIELDED LIGHTS**

Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

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#### **GLARE**

Light emitting from a luminaire with an intensity, great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

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#### HEIGHT OF LUMINAIRE

The height of a luminaire shall be the vertical distance from the ground directly below the center line of the luminaire to the lowest direct-light-emitting part of the luminaire.

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#### LAMP

The component of a luminaire that produces the actual light.

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INDIRECT LIGHT ¶

Direct light that has been reflected or has scattered off of other surfaces

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#### LIGHT TRESPASS

The shining of light by a luminaire beyond the boundaries of the property on which it is located.

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#### LUMEN

A unit of luminous flux. One footcandle is one lumen per square foot. For the purposes of the bylaw, the lumen output values shall be the initial lumen output ratings of a lamp.

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#### LUMINAIRE

This is a complete lighting system and includes a lamp or lamps and a fixture.

#### OUTDOOR LIGHTING

The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

#### TEMPORARY OUTDOOR LIGHTING

The specific illumination of an outside area of object by any man-made device located outdoors that produces light by any means for a period of less than seven days, with at least 180 days passing before being used again.

#### § 180-3 Regulations.

All public and private outdoor lighting installed in the Town of Lakeville shall be in conformance with the requirements established by this bylaw.

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##### A. Control of glare; luminaire design factors.

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(1) Any luminaires with a lamp or lamps rated at a total of more than 1,800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaires.

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(2) Any luminaires with a lamp or lamps rate at a total of more than 1,800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens, shall be mounted at a height equal to or less than the value  $3 + (DX/3)$ , where D is the distance in feet to the nearest property boundary. The maximum height of the luminaires may not exceed 25 feet.

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##### B. Outdoor advertising signs.

(1) Top-mounted fixtures required. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of the definition of "fixture" in § 180-2. Bottom-mounted outdoor advertising sign lighting shall not be used.

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(2) Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred, to

minimize detrimental effects. Unless conforming to the above dark-background preference, total lamp wattage per property shall be less than 41 watts.

- (3) Compliance limit. Existing outdoor advertising structures shall be brought into conformance with this code within two years from the date of adoption of this bylaw.

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- (4) Prohibitions. Electrical illumination of outdoor advertising off-site signs between the hours of 11:00 p.m. and sunrise is prohibited.

- C. Recreational facilities. Any light source permitted by this code may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:

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- (1) All fixtures used for event lighting shall be fully shielded as defined in the definition of "fixture" in § 180-2 of this code, or be designed or provided with sharp cutoff capability, so as to minimize up-light, spill-light, and glare.

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- (2) All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m.

- D. Prohibitions.

- (1) Laser source light. The use of laser source light or any similar high-intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.

- (2) Searchlights. The operation of searchlights for advertising purposes is prohibited.

- (3) Outdoor advertising off-site signs. Electrical illumination of outdoor advertising off-site signs is prohibited between the hours of 11:00 p.m. and sunrise.

- E. Temporary outdoor lighting. [Added 5-12-2008 ATM, AG approved 6-12-2008; amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

- (1) Any temporary outdoor lighting that conforms to the requirements of this bylaw shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the Select Board after considering:

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- (a) The public and/or private benefits that will result from the temporary lighting;

- (b) Any annoyance or safety problems that may result from the use of the temporary lighting; and

- (c) The duration of the temporary nonconforming lighting.

- (2) The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Select Board, who shall consider the request at a duly called meeting of the Select Board. Prior notice of the meeting of the Select Board shall be given to the applicant and to the Lakeville Building Commissioner. The Select Board shall render its decision on the temporary lighting request within two weeks of the date of the meeting.

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§ 180-4 Effective date of nonconforming luminaires.  
[Added 5-12-2008, AG approved 6-12-2008]

Luminaires that direct light toward streets or parking lots that cause glare to motorists or cyclists should be either shielded or redirected so as not to cause glare or otherwise create a potential hazard to motorists or

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cyclists on streets or parking lots within 120 days of notification to the owner or occupant by the Zoning Enforcement Officer.

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**§ 180-5 New construction and site plan review.**

A. Submission contents. The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this bylaw. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be in addition to the information required elsewhere in the bylaws or rules and regulations of the Planning Board of this jurisdiction upon application for the required permit:

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(1) Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;

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(2) Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required); photometric data such as that furnished by manufacturers or similar, showing the angle of cut-off light emissions.

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B. Additional submission. The above required plans, descriptions and data shall be sufficiently complete to enable the Planning Board to readily determine whether compliance with the requirements of this code will be secured. If such plans, descriptions and data cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so, provided that these tests shall have been performed and certified by a recognized testing laboratory.

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C. Lamp or fixture substitution. Should any outdoor light fixture, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the Zoning Enforcement Officer (or his designee), together with adequate information to assure compliance with this code, which must be received prior to substitution. **[Added 12-8-2008 STM, AG approved 3-30-2009]**

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**§ 180-6 Enforcement; violations and penalties.**

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A. Violation. It shall be a civil infraction for any person or corporation to violate any of the provisions of this code. Each and every day during which the violation continues shall constitute a separate offense.

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B. Violations and legal actions. If after investigation, the Zoning Enforcement Officer finds that any provision of the bylaw is being violated, he shall give notice by hand delivery or by certified mail, (return receipt requested), of such violation to the owner and/or to the occupant of such premises, demanding that violation be abated within 120 days of notification. If the violation is not abated within the period, the Zoning Enforcement Officer may institute actions and proceedings, either legal or equitable, to enjoin, restrain, or abate any violations of this bylaw and to collect the penalties for such violations. **[Added 5-12-2008 ATM, AG approved 6-12-2008]**

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C. Penalties. A violation of this bylaw or any provision thereof shall be punishable by a civil penalty as defined in Chapter 1, Article II, of the General Bylaws of the Town of Lakeville, of not less than \$50 nor more than \$300 for any individual, corporation, association, or other legal entity, for each violation. The imposition of a fine under this code shall not be suspended. Each day of violation after the expiration of the 120-day period provided in Subsection B shall constitute a separate offense for the purpose of calculating the civil penalty.

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## Chapter 187

# Manufactured Housing Communities

[**HISTORY:** Adopted by the Town Meeting of the Town of Lakeville 12-8-2008 STM, AG approved 3-30-2009. Amendments noted where applicable.]

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## § 187-1 Authority and intent.

In accordance with the authority of Chapter 269 of the Acts of 2006, the Town hereby adopts this Manufactured Housing Communities Rent Control Bylaw. In so doing, the Town finds and declares that a serious public emergency exists with respect to the housing of a substantial number of citizens in the Town, which emergency has been created by excessive, abnormally high and unwarranted rental increases imposed by some owners of manufactured housing communities located therein, that unless manufactured housing community rents and eviction of tenants are regulated and controlled, such emergency will produce serious threats to the public health, safety and general welfare of the citizens of said Town, particularly the elderly.

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## § 187-2 Rent Control Board.

- A. The Town hereby regulates for the use or occupancy of manufactured housing accommodations in the Town, and establishes a Rent Control Board for the purpose of regulating rents, minimum standards for use or occupancy of manufactured housing communities and eviction of tenants therefrom, and requiring registration by owners of manufactured housing communities.
- B. The Rent Control Board shall consist of three members, all of whom shall be registered voters in the Town, and shall be appointed by the Select Board. All members shall be appointed for terms of three years. [Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]
- C. These rents, standards and evictions may be regulated by the Rent Control Board so as to remove hardships or correct inequities for both the owner and tenants of such manufactured housing communities.
- D. The Rent Control Board shall have all the powers necessary or convenient to perform its functions; may make rules and regulations; require registration by owners of manufactured housing communities; under penalty of perjury, require the provision of information relating to the manufactured housing communities; sue and be sued; compel the attendance of persons and the production of papers and information and issue appropriate orders which shall be binding on both the owner and tenants of such manufactured housing communities.
- E. Violations of this bylaw or any order of the Rent Control Board shall be punishable by a fine of not more than \$1,000.

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Deleted: of Selectmen. At the time of the initial appointments, one member shall be appointed for a term of one year, one member for a term of two years and one member for a term of three years. Thereafter, all

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## § 187-3 Adjustment of rents.

In regulating rents for such manufactured housing communities, the Rent Control Board established under § 187-2 may make such individual or general adjustments, either upward or downward, as may be necessary to assure that rents for manufactured housing communities in the Town are established at levels which yield to owners a fair net operating income which will yield a return, after all reasonable operating expenses, on the fair market value of the property equal to the debt service rate generally available from institutional first mortgage lenders or such other rates of return as the Rent Control Board, on the basis of evidence presented before it deems more appropriate to the circumstances of the case. The fair market value of the property shall be the assessed valuation of the property or such other valuation as the Rent Control Board, on the basis of evidence presented before it, deems more appropriate to the circumstances of the case.

## § 187-4 Statutory authority.

The provisions of MGL c. 30A, insofar as applicable, shall be applicable to the Rent Control Board as if the Rent Control Board were an agency of the commonwealth, including those provisions giving agencies the

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power to issue, vacate, modify and enforce subpoenas, and those provisions relating to judicial review of an agency order.

#### § 187-5 Judicial review.

- A. The Plymouth Division of the District Court Department shall have original jurisdiction, concurrently with the Superior Court, of all petitions for review of decisions and orders of the Rent Control Board brought pursuant to MGL c. 30A, § 14.
- B. The Superior Court shall have jurisdiction to enforce the provisions of this bylaw and any regulations or orders made thereunder and may restrain violations thereof.

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#### § 187-6 Evictions.

The Rent Control Board may regulate evictions and issue orders providing that a certificate of eviction shall be required as a condition prior to the commencement of an action in summary process to recover possession from a tenant in a manufactured housing community.

- A. A certificate of eviction may be issued by the Rent Control Board upon a finding that:
- (1) The tenant has failed to pay the rent to which the owner is entitled; or
  - (2) The tenant is in substantial violation of a valid and enforceable rule of the manufactured housing community; or
  - (3) The tenant is in violation of a law which protects the health and safety of other residents of the manufactured housing community; or
  - (4) The owner in good faith and in compliance with all other applicable laws and regulations discontinues the manufactured housing community; or
  - (5) Other just cause that the Rent Control Board may establish by regulation.

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- B. Such certificates of eviction or orders shall be reviewable as provided in this bylaw, § 187-5.

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#### § 187-7 Civil service.

The personnel of the Rent Control Board established shall not be subject to MGL c. 30, § 9A, or MGL c. 31.

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#### § 187-8 Severability.

In the event any portion of this Manufactured Housing Communities Rent Control Bylaw is declared invalid, such invalidity shall not affect the validity of any other provision.

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## Chapter 191

# Marijuana and Tetrahydrocannabinol

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville 6-15-2009 ATM, AG approved 8-18-2009. Amendments noted where applicable.]

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#### § 191-1 Public consumption prohibited.

No person shall smoke, ingest, or otherwise use or consume marihuana or tetrahydrocannabinol (as defined in MGL c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

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§ 191-2 Enforcement; violations and penalties.

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

This bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, enforcement by criminal indictment or complaint pursuant to MGL c. 40, § 21, or by noncriminal disposition pursuant to MGL c. 40, § 21D, by the Select Board, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this bylaw shall be \$300 for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under MGL c. 94C, § 32L.

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## Chapter 199 Oil and Gas Burning Equipment

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville. Amendments noted where applicable.]

§ 199-1 Permits required.

No one shall install or materially alter oil- or gas-burning equipment without first making application for and obtaining a permit. No one shall store fuel oil or liquid petroleum gas without first obtaining a permit.

§ 199-2 Installation standards.

The installation of all oil- and gas-burning equipment must conform with the requirements of the Board of Standards, Department of Public Safety, and be approved by the Chief of the Fire Department and/or the Inspector.

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## Chapter 206 Peace and Good Order

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville 6-6-1983, AG approved 9-12-1983. Amendments noted where applicable.]

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§ 206-1 Disorderly conduct.

A. It shall be unlawful for a person to conduct himself in a disorderly manner.

B. A person shall be guilty of conducting himself in a disorderly manner if, with willful intent to cause public inconvenience, annoyance or alarm, or recklessly creating a high risk thereof, he:

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(1) Engages in fighting or in violent, tumultuous or threatening behavior; or

(2) Obstructs vehicular or pedestrian traffic.

C. Whoever violates this section shall be liable to a penalty of not more than \$50 for each violation.

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§ 206-2 Public consumption of alcoholic beverages.

[Amended 1-31-1994, AG approved 3-15-1994]

No person shall drink any alcoholic beverages or possess any open container thereof defined in MGL c. 138, § 1, while in or upon any public way or any way to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, or any park or playground, excluding Clear Pond Park and the Former Ted Williams Camp when and where authorized by the Park Commission; nor

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shall any person so drink, or possess any open container thereof, any alcoholic beverages while in or upon private land, or private building, or private structure, or private place, without the consent of the owner or person or persons in control thereof. Any person violating this section shall be fined not more than \$50 for each offense.

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§ 206-3 **Defacing property.**

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

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No person shall write any words, or make any marks upon, or cut, whittle, or deface in any manner, any wall, post, fence, or building, or in any public place whatever in this Town, nor post nor paint any advertisement upon any rail, rock, bridge, wall, fence, or building, without the express consent of the owner or occupant thereof, or of the Select Board of the Town, in case the property or structure is the property of the Town. Any person violating this section shall be fined not more than \$50 for each offense.

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§ 206-4 **Arrest without warrant.**

Whoever violates this bylaw may be arrested without a warrant by an officer authorized to serve criminal process in the place where the offense is committed and kept in custody until he can be taken before a court having jurisdiction of the offense pursuant to MGL c. 272, § 59.

§ 206-5 **Severability.**

The provisions of this bylaw are severable, and if any of its provisions shall be held to be unconstitutional or otherwise illegal by any other court of competent jurisdiction, the decision of such court shall not impair any of the remaining provisions.

## Chapter 210 Peddling and Soliciting

**[HISTORY: Adopted by the Town Meeting of the Town of Lakeville (adoption pending). Amendments noted where applicable.]**

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§ 210-1 **Intent; statutory provisions.**

This bylaw and its regulations govern for-profit transient vendors/businesses, hawkers and peddlers, and door-to-door solicitations pursuant to the authority granted the Town of Lakeville. These regulations are intended to supplement, and not to replace or override, the Massachusetts General Law governing the foregoing activities, all as set forth in MGL c. 101, §§ 1 through 34.

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§ 210-2 **Definitions.**

The following terms shall have the meanings set forth in MGL c. 101, § 1 et seq., and are summarized for the purposes of these regulations as follows:

**HAWKER AND PEDDLER**

Any person who goes from place to place within the Town selling goods, whether on foot or in a vehicle, for profit, is a hawker or peddler. (These two terms are interchangeable.)

**PERSON**

For purposes of these regulations, the persons being regulated herein are those persons over the age of 16 who are engaging in the activities regulated herein for or on behalf of for-profit organizations.

**TRANSIENT VENDOR; TRANSIENT BUSINESS**

A "transient vendor" is a person who conducts a transient business for profit. A "transient business" (also called a "temporary business") is any exhibition and sale of goods, wares or merchandise which is

carried on in any structure (such as a building, tent, or booth) unless such place is open for business during usual business hours for a period of at least 12 consecutive months.

**§ 210-3 Purpose.**

The purpose of these regulations is to ensure public safety by requiring persons conducting the foregoing activities, which historically have a high potential for fraud and abuse, to be licensed, either at the state level or local level, so that the Town's citizenry will know who is conducting these activities and that, to the degree set forth herein or in the applicable Massachusetts General Laws, they have identified themselves to the proper authorities, are bonded if required, and satisfy the minimum criteria.

**§ 210-4 Scope.**

These regulations shall apply to all persons conducting the foregoing activities within the Town of Lakeville.

**§ 210-5 Registration required; display of permit or license; fee; restrictions on activities.**

Each person engaging in the foregoing activity shall be subject to, responsible for, and fully in compliance at all times with the following requirements:

**A. Registration requirements.**

- (1) Persons not registered (licensed) by the commonwealth shall make application for a Lakeville permit to the Chief of Police, on a form containing the following information or on a form as prepared by the Lakeville Police Department: the applicant's name, signature, home address, the name and address of the owner or parties in whose interest the business is to be conducted, their business address and phone number, cellular telephone numbers for the applicant and business; a brief description of the business to be conducted within the Town; the applicant's social security number; the description and registration of any motor vehicles used by the applicant; and whether the applicant has ever been charged with a felony. The application shall be made under oath. The applicant shall be photographed for purposes of identification.
- (2) The Chief of Police shall approve the application and issue a permit within 48 hours, excluding Saturday, Sunday, and legal holidays, of its filing unless he determines either that the application is incomplete, or that the applicant is a convicted felon, or is a fugitive from justice. The registration card shall be in the form of an identification card, containing the name, signature and photograph of the licensee. Such card shall be nontransferable and valid only for the person identified therein and for the purpose as shown on the license. The card shall be valid for a period of one year from the date of issuance. Any such registration card shall be void upon its surrender or revocation, or upon the filing of a report of loss or theft with the Lakeville Police Department. The Chief of Police may revoke such registration card for good cause.
- (3) Persons registered (licensed) by the commonwealth shall not be subject to the foregoing subsection but are required to make themselves known to the Lakeville Police Department by filing a copy of the state license with the Department.

**B. Permit or license to be visibly displayed.** Such state or local permit or license shall be displayed at all times while the business activity is being conducted and shall be provided to any police officer upon request. The license shall also be affixed conspicuously on the outer garment of the licensee whenever he or she shall be engaged in the activity, except in the case of a transient business, when the license shall be displayed visibly within the structure where such business is being conducted. Such permit or license, if issued locally, shall be the property of the Town of Lakeville and shall be surrendered to the Chief of Police upon its expiration.

**C. Permit fee.** The filing of a copy of a state license as required shall not be subject to a fee. The fee for a local permit shall be determined by the Select Board after consultation with the Chief of Police.

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**Deleted:** No person shall canvass, solicit, or call from house to house in the Town to sell or attempt to sell any goods or services including sales or attempted sales by sample or by the taking of orders for the future delivery of such goods or services without first having received a written permit therefor from the Board of Selectmen. Every such permit shall contain such conditions and restrictions as the Selectmen, after investigation of the applicant and application, deem necessary to protect the safety, security and convenience of the public.¶  
§ 210-2

D. Restrictions on activity.

(1) No solicitations shall be made after 5:00 p.m. or before 8:00 a.m.

(2) No solicitations shall be made on official federal, state or Town holidays or Sundays.

(3) No person may use any plan, scheme or ruse, or make any false statement of fact, regarding the true status or mission of the person making the solicitation.

(4) For good cause, the Chief of Police may further regulate the hours and conditions under which the licensee may engage in door-to-door selling.

§ 210-6 Violations and penalties.

Whoever violates any provision of this bylaw shall be punished by a fine of not more than \$100 for each offense.

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## Chapter 222 Sewage Disposal

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville. Amendments noted where applicable.]

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§ 222-1 Permits required.

Permits must be secured from the Board of Health and meet the requirements of the State Environmental Code, Title 5.

## Chapter 228 Solid Waste

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville 5-16-1977, AG approved 10-28-1977. Amendments noted where applicable.]

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§ 228-1 Disposal restrictions.

No person shall dispose of garbage, refuse, bottles, cans or rubbish on a public highway, or within 20 yards thereof; on private property without permission; on property of the Town of Lakeville except in an area designated for such disposal by the Board of Health; or in inland waters, or within 20 yards of such waters.

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§ 228-2 Violations and penalties.

Whoever violates the provisions of this regulation shall be subject to a fine of \$50 for each offense.

## Chapter 234 Stormwater Management

[HISTORY: Adopted by Town Meeting of the Town of Lakeville as indicated in article histories. Amendments noted where applicable.]

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### Article I



## Nonstormwater Discharges to Storm Drain System

[Adopted 5-8-2006 ATM, AG approved 6-14-2006]

### § 234-1 Objective.

- A. The objective of this bylaw is to prevent nonstormwater discharges to the Town of Lakeville's municipal storm drain system through the regulation of nonstormwater discharges to the storm drain system to the maximum extent practicable as required by federal and state law. Nonstormwater discharges are a major concern because they can impair the water quality of fresh water bodies, including streams, rivers and wetlands; contaminate drinking water supplies; alter or destroy aquatic habitat; and increase flooding.
- B. This bylaw seeks to prevent the introduction of pollutants into the municipal storm drain system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process by:
- (1) Regulating the contribution of pollutants to the municipal storm drainage system from stormwater discharges by any user;
  - (2) Prohibiting illicit connections and discharges to the municipal storm drainage system;
  - (3) Establishing legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this bylaw;
  - (4) Prohibiting discharges into the municipal storm drainage system that may or can create a condition that is harmful to public safety and welfare.

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### § 234-2 Definitions.

For the purposes of this bylaw, the following shall mean:

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### AUTHORIZED ENFORCEMENT AGENCY

The Building Commissioner and the employees and designees of the Town's Building Department are the authorized enforcement agency designated to enforce this bylaw.

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### BEST MANAGEMENT PRACTICES (BMPs)

Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

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### CLEAN WATER ACT

The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

### CONSTRUCTION ACTIVITY

Activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of five acres or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

Deleted: Construction Permits.

### HAZARDOUS MATERIALS

Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when

improperly treated, stored, transported, disposed of, or otherwise managed.

## ILLEGAL DISCHARGE

Any direct or indirect nonstormwater discharge to the storm drain system, except as exempted in § 234-7 of this bylaw.

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## ILLICIT CONNECTIONS

Any surface or subsurface drain or conveyance which allows an illegal discharge to enter the municipal storm drain system, including, but not limited to, any conveyances which allow any nonstormwater discharge, including sewage, process wastewater, and wash water, to enter the storm drain system and any connections to the storm drain system from indoor drains, sinks or toilets, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency.

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## INDUSTRIAL ACTIVITY

Activities subject to NPDES industrial permits as defined in 40 CFR 122.26(b)(14).

Deleted: Industrial Permits

## NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT

A permit issued by EPA [or by the Commonwealth of Massachusetts under authority delegated pursuant to 33 U.S.C. § 1342(b)] that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

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## NONSTORMWATER DISCHARGE

Any discharge to the municipal storm drain system that is not composed entirely of stormwater.

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## PERSON

Any individual, partnership, association, firm, company, trust, corporation, agency, authority, department of political subdivision of the commonwealth or the federal government, to the extent permitted by law, and any officer, employee or agent of such person.

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## POLLUTANT

Any element or property of sewage, agricultural, industrial, or commercial waste, runoff, leachate, heated effluent or other matter whether originating at a point or nonpoint source that is or may be introduced into any storm drain system, waters of the commonwealth and/or waters of the United States. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; rock, sand, salt and soils; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

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## PREMISES

Any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

## STORM DRAINAGE SYSTEM

A system used to collect and/or convey stormwater, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures owned or operated by the Town of Lakeville.

## STORMWATER

Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

## WASTEWATER

Any sanitary waste, sludge, septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing comes in direct contact with or results from the production or use of any raw material, intermediate product, by-product or waste product.

## WATERCOURSE

A natural or man-made channel through which water flows or a stream of water, including a brook or underground stream.

## WATERS OF THE COMMONWEALTH

All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters and groundwater.

### § 234-3 Applicability.

This bylaw shall apply to all water entering the storm drainage system owned or operated by the Town of Lakeville unless explicitly exempted by the Building Commissioner.

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### § 234-4 Authority.

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and MGL c. 83, §§ 1 and 10, as amended by St. 2004, c. 149, §§ 135 to 140, and the Federal Clean Water Act, 40 CFR 122.34.

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### § 234-5 Responsibility for administration.

The Building Commissioner as the authorized enforcement agency shall administer, implement, and enforce the provisions of this bylaw. Any powers granted or duties imposed upon the Building Commissioner may be delegated, in writing, by the Building Commissioner to persons or entities acting in the beneficial interest of or in the employ of the Town under the Building Commissioner.

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### § 234-6 Severability.

The provisions of this bylaw are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

### § 234-7 Prohibited activities.

#### A. Prohibition of illegal discharges.

(1) No person shall discharge or cause to be discharged into the municipal storm drainage system or watercourses any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

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(2) The commencement, conduct or continuance of any illegal discharge to the storm drainage system is prohibited except as provided as follows and further provided that the exempt source is not a significant contributor of a pollutant to the storm drainage system; notwithstanding the last previous phrase, all firefighting activities are exempt:

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(a) The following discharges are exempt from discharge prohibitions established by this bylaw: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater,

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foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air-conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated), firefighting activities, and any other water source not containing pollutants.

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- (b) Discharges specified in writing by the Building Commissioner, as the authorized enforcement agency, as being necessary to protect public health, safety, welfare or the environment.

- (c) Dye testing is an allowable discharge, but requires a written notification to the Building Commissioner prior to the time of the test.

- (d) The prohibition shall not apply to any nonstormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drainage system.

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#### B. Prohibition of illicit connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited.

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- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

- (3) A person is considered to be in violation of this bylaw if the person connects a line conveying sewage to the storm drainage system or allows such a connection to continue.

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- C. Time for compliance. Residential property owners shall have 90 days from the effective date of this bylaw to comply with its provisions, provided good cause is shown for the failure to comply with the bylaw during that period.

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#### § 234-8 Suspension of municipal storm drainage system access.

- A. Suspension due to illegal discharges in emergency situations. The Building Commissioner, as the authorized enforcement agency, may, without prior notice, suspend municipal storm drainage system discharge access to any person or property when such suspension is necessary to stop an actual or threatened discharge which presents or may present an imminent risk of harm to public health, safety or welfare; to the environment; to the municipal storm drainage system or waters of the commonwealth or the United States. If the violator fails to comply with an emergency suspension order, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the municipal storm drainage system or waters of the commonwealth or the United States, and/or to minimize risk of harm to public health, safety or welfare or to the environment.

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- B. Suspension due to the detection of illegal discharge. Any person discharging to the Town's storm drainage system in violation of this bylaw may have their access terminated if such termination would abate or reduce an Illegal discharge. The Building Commissioner, as the authorized enforcement agency, shall notify a violator of the proposed termination of its storm drainage system access. The violator may petition the Building Commissioner for reconsideration and a hearing regarding such notice of termination. A person commits an offense if the person reinstates municipal storm drainage system access to premises terminated pursuant to this section, without the prior approval of the Building Commissioner.

§ 234-9 **Industrial or construction activity discharges.**

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Building Commissioner prior to the allowing of discharges to the municipal storm drainage system.

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§ 234-10 **Monitoring of discharges.**

A. Applicability. This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

B. Access to facilities.

- (1) The Building Commissioner, as the authorized enforcement agency, shall be permitted to enter and inspect facilities subject to regulation under this bylaw as often as may be necessary to determine compliance with this bylaw. If a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the Building Commissioner or his/her authorized representatives.
- (2) Facility operators shall allow the Building Commissioner ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- (3) The Building Commissioner shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Building Commissioner to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (4) The Building Commissioner has the right to require the discharger to install monitoring equipment as determined by the Building Commissioner. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Building Commissioner and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (6) Unreasonable delays in allowing the Building Commissioner access to a permitted facility is a violation of a stormwater discharge permit and of this bylaw. A person who is the operator of a facility with an NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Building Commissioner reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this bylaw.
- (7) If the Building Commissioner has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this bylaw, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this bylaw or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Building Commissioner may seek issuance of a search warrant from any court of competent jurisdiction.

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§ 234-11 **Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.**

The Building Commissioner, as the authorized enforcement agency, shall adopt requirements identifying best management practices (BMPs) for any activity, operation or facility which may cause or contribute to

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pollution or contamination of stormwater, the storm drainage system, or waters of the commonwealth or the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drainage system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for premises which are, or may be, the source of an illicit discharge may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal storm drainage system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

#### § 234-12 Watercourse protection.

Every person owning premises through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the premises free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

#### § 234-13 Notification of spills.

Notwithstanding other requirements of local, state or federal law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drainage system, or waters of the commonwealth and United States, said person shall take all necessary steps to ensure containment and cleanup of such release. In the event of such a release of oil or hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the Building Commissioner, as the authorized enforcement agency, in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Building Commissioner within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

#### § 234-14 Enforcement; violations and penalties; appeal.

The Building Commissioner, as the authorized enforcement agency, shall enforce this bylaw, regulations, order, violation notices, and may pursue all criminal and civil remedies for such violations.

- A. Civil relief. If a person violates the provisions of the bylaw, regulations, permit, notice or order issued hereunder, the Building Commissioner may seek injunctive relief in a court of competent jurisdiction, restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. Civil penalties may be imposed to the maximum permitted by law, including up to \$5,000 a day, under MGL c. 83, § 10.
- B. Orders. The Building Commissioner may issue a written order to enforce provisions of this bylaw or regulations thereunder, which may include elimination of illicit connections or illegal discharges to the storm drainage system; performance of monitoring, analyses and reporting; an order to cease and desist illicit connections and/or illegal discharges, practices or operations; and remediation of contamination in connection therewith. If the Building Commissioner determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that should the violator or property owner fail to

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abate or perform remediation within the specified deadline, the work may be done by a governmental agency or contractor, in which event such work and expenses thereof shall be charged to the violator.

C. Criminal penalty. Any person who violates any provision of this bylaw, regulation, order or permit issued hereunder shall be punished by a fine of not more than \$300 per day. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

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D. Noncriminal disposition.

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(1) Whoever violates any provision of this bylaw may be penalized by a noncriminal disposition as provided in MGL c. 40, § 21D. The noncriminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department, which is subject to a specific penalty. Without intending to limit the foregoing, it is the intention of this section that the following bylaws and regulations be included within the scope of this subsection; that the specific penalties, as listed herein, shall apply in such cases and that, in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this section, the municipal personnel listed for each section, if any, shall also be enforcing persons for such section. The Building Commissioner, Town of Lakeville Police Department, or any designated agent of the Building Commissioner shall be considered an enforcing person for the purpose of this section.

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(2) A violation of the bylaw and regulatory provisions may be dealt with in a noncriminal manner as provided by Subsection **D(1)** above. Each day on which any violations exist shall be deemed to be a separate offense.

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(3) The fine schedule is:

(a) First offense, \$100;

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(b) Second offense, \$200;

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(c) Third and subsequent offenses, \$300.

E. Appeals. The decision or order of the Building Commissioner, as the authorized enforcement agency, may be appealed to the Planning Board within 20 days of the date of the decision or order. The Planning Board shall consider the request at a meeting after written notice is given to abutters, paid for by the person, at least seven days prior to the said meeting.

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F. Remedies not exclusive. The remedies listed in this bylaw are not exclusive of any other remedies available under applicable federal, state or local law.

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## Chapter 239 Streets and Sidewalks

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville as indicated in article histories. Amendments noted where applicable.]

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### Article I Curb Cuts

[Adopted 6-16-2003, AG approved 9-9-2003]



§ 239-1 **Permit required.**

[Amended 6-10-2013, AG approved 7-26-2013; 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

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No person shall construct any opening, driveway or entrance in or on any Town way, for any purpose, without a written permit therefor from the Select Board, or its designee, and in accordance with regulations adopted by the Select Board,

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§ 239-2 **Standards.**

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

The Select Board may adopt and from time to time amend reasonable regulations governing alignment, width, profile, and construction of the portions of driveways constructed within any Town rights-of-way, so as to ensure drainage adequacy and safety of access and egress, and requiring that written permits be issued by the Select Board, for all future driveways, entrances or relocation of existing entrances.

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§ 239-3 **Violations and penalties.**

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

Whoever violates this bylaw shall be subject to a fine of \$300 for each violation. Enforcement of violations of this section shall be the Select Board,

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## Article II Excavations and Trenches

[Adopted 12-8-2008 STM, AG approved 3-30-2009]

§ 239-4 **Authority.**

In conformity with the provisions of 520 CMR 14.00, the Town of Lakeville hereby establishes the following procedures,

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§ 239-5 **Permits for work in public ways.**

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

The Department of Public Works Director shall be charged with the responsibility of issuing trench permits for all work involving excavation in a public way by any Town agency, Town contractor, private utility, or other legitimate entity. Such excavation permit shall be additional to the required street opening permit issued by the Select Board,

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§ 239-6 **Permits for septic systems.**

The Board of Health shall be charged with the responsibility of issuing trench permits for all qualifying septic system installations.

§ 239-7 **Permits for excavations in private ways.**

The Building Commissioner shall be charged with the responsibility of issuing trench permits for all qualifying excavations conducted by any party in a private way or private common drive, as well as qualifying nonseptic excavations of any description on private or public property.

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§ 239-8 **Fees.**

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

The Select Board shall have the authority to establish fees for the issuance of such permits.

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# Chapter 251

## Vehicles

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville as indicated in article histories. Amendments noted where applicable.]

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### Article I

#### Storage of Unregistered Vehicles

[Adopted 11-8-2000, AG approved 1-12-2001]

##### § 251-1 Storage in front yard prohibited.

Under no circumstance will an unregistered car, truck or other motor vehicle or parts thereof or accessory thereto be stored in any front yard.

##### § 251-2 Storage restrictions.

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

No person shall keep more than one unregistered motor vehicle, as defined in MGL c. 90, § 1, in, on or about a lot owned by him or under his control, excepting vehicles kept wholly within a garage or other similar structure and vehicles stored on premises licensed under MGL c. 140, as amended, or unless permitted by the Select Board pursuant to the following requirements and conditions. The Select Board shall consider the following conditions in determining whether authorization shall be granted:

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- The district in which the premises are located.
- The dimensions of the person's lot.
- The location of the vehicle or vehicles on the lot.
- The proximity of the abutters dwelling.
- The visibility of the vehicle or vehicles from a street or way.
- Whether the keeping of the vehicle or vehicles on the premises is in the best interests of the Town.

##### § 251-3 Application for approval.

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

Any person desiring authorization under this bylaw shall submit an application, in writing, to the Select Board. The Board or designee of the Board shall inspect the premises and proposed location of the unregistered vehicle or vehicles. The Board may then issue a written permit to store an additional vehicle or vehicles. Said permit shall state the conditions under which said vehicle or vehicles may be kept on the premises. The Board may upon proof of a violation of any condition revoke any permit so granted.

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##### § 251-4 Violations and penalties.

- Violation of any provision of this section shall be subject to a criminal penalty not to exceed \$300, or, when enforced by noncriminal disposition pursuant to MGL. c 40, § 21D, as follows:
  - First offense: \$100.
  - Second offense: \$200.

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(3) Third offense and subsequent offenses: \$300.

B. In any case, each day of violation shall constitute a separate offense.

**§ 251-5 Exception.**

This section shall not apply to premises licensed under Chapter 140B of the General Laws.

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Article II

**Parking for Handicapped and Disabled Veterans**

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[Adopted 6-16-2003, AG approved 9-9-2003]

**§ 251-6 Parking required; number of spaces.**

Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees shall reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by MGL c. 90, § 2, according to the following formula:

Deleted: Section two of Chapter 90 of the Massachusetts General Laws...

**If the number of parking spaces in any such area is:**

More than 15 but not more than 25	1 parking space
More than 25 but not more than 40	5% of such spaces but not less than 2
More than 40 but not more than 100	4% of such spaces but not less than 3
More than 100 but not more than 200	<u>3%</u> of such spaces but not less than 4
More than 200 but not more than 500	2% of such spaces but not less than 6
More than 500 but not more than 1,001	1 <u>1/2%</u> of such spaces but not less than 10
More than 1,000 but not more than 2,000	1% of such spaces but not less than 15
More than 2,000 but less than 5,000	3/4 of 1% of such spaces but not less than 20
More than 5,000	1/2 of 1% of such spaces but not less than 30

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**§ 251-7 Identification of spaces; specifications.**

Parking spaces designed as reserved under the provisions of § 251-6 shall be located, constructed and identified in accordance with the provisions of 521 CMR 23.00.

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Deleted: above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required. Unauthorized Vehicles May be Removed at Owner's Expense"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be 12 feet wide or two-eighths foot wide areas with four feet of cross hatch between them

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Deleted: ; and for each subsequent offense,

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Deleted: of Chapter 266 of Massachusetts General Law.

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**§ 251-8 Blocking spaces prohibited.**

Leaving unauthorized vehicles within parking spaces designated for use by disabled veterans or handicapped persons as required by § 251-6 or § 251-7 or in such a manner as to obstruct a curb ramp designated for use by handicapped persons as a means of egress to a street or public way shall be prohibited.

**§ 251-9 Violations and penalties.**

The penalty for violation of this bylaw shall be not less than \$100 nor more than \$300, and the vehicle may be removed according to the provisions of MGL c. 266, § 120D. Enforcement of violations of this bylaw shall be any officer of the Police Department.

# Chapter 270

## Zoning

[HISTORY: Adopted by the Town Meeting of the Town of Lakeville, as amended through 6-3-2019 ATM. Amendments noted where applicable.]

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### Article I

#### Purpose and Scope

§ 270-1.1 Purpose.  
[Amended 6-6-2016, AG approved 7-21-2016]

Deleted: of zoning by-law

This bylaw, which shall be known and cited as the "Lakeville, Massachusetts, Zoning Bylaw," is hereby adopted for the purpose of promoting health, safety, convenience, morals and/or welfare of the inhabitants of the Town of Lakeville, for lessening the dangers of congestion and fire, to conserve the value of the land and buildings, to encourage the most appropriate use of land and for other purposes stated in Chapter 40A of the General Laws of the Commonwealth of Massachusetts, as amended from time to time.

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§ 270-1.2 Applicability.

Deleted: of zoning by-law.

No building or structure in the Town of Lakeville shall hereafter be erected, reconstructed, altered, enlarged, moved or changed in use, nor shall the use of any land be changed, except in conformity with the provisions of this bylaw for the district in which such building, structure or land is or shall be located. All buildings, structures and uses not hereby specifically or generally permitted in a district, nor permitted by special permit, nor exempt by state laws or legally nonconforming, are hereby expressly prohibited.

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Deleted: Special Permit

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§ 270-1.3 Construal of provisions.

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The provisions of this bylaw shall be deemed to be minimum requirements adopted for the purposes stated in § 270-1.1. Whenever any other by-law of the Town of Lakeville or any law or regulation of the Commonwealth of Massachusetts imposes greater restrictions than this bylaw, such other by-law, law or regulation shall prevail to the extent of such greater restrictions.

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§ 270-1.4 Severability.

The provisions of this bylaw shall be held to be severable, and the invalidity of any section or any provision hereof shall not invalidate any other section.

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### Article II

#### Definitions

§ 270-2.1 Terms defined.

In this bylaw, the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings: Words used in the present tense include the future, and the plural numbers and words include the singular; the word "lot" includes the word "plot"; the word "may" is intended to be permissive; the word "shall" is mandatory and directive; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied." The word "person" includes a corporation or partnership as well as an individual.

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#### ACCESSORY APARTMENT

An independent living unit containing a kitchen, bathroom, living area and independent means of egress, built into or attached to an existing single-family dwelling (referred to herein as the "principal dwelling") and subordinate in size to the principal dwelling.

[Added 6-15-2009, AG approved 8-18-2009]

#### ACCESSORY BUILDING OR USE

A building and/or use customarily incidental or subordinate to and located on the same lot with the principal building or use.

#### ADULT BOOKSTORE

An establishment having as a substantial or significant portion of its stock-in-trade, books, magazines, videos, visual materials and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31, as amended.

**Deleted:** Section 31 of Chapter 272 of the Massachusetts General Laws

[Added 6-17-1996, AG approved 9-10-1996]

#### ADULT MOTION-PICTURE THEATER

An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31, as amended.

**Deleted:** Section 31 of Chapter 272 of the Massachusetts General Laws...

[Added 6-17-1996, AG approved 9-10-1996]

#### ADULT USE MARIJUANA ESTABLISHMENT

A marijuana cultivator, craft marijuana cooperative, marijuana product manufacturer, independent testing laboratory, marijuana research facility, marijuana transporter, or any other type of licensed marijuana-related business, as such uses are or may be defined in 935 CMR 500.02. For purposes of this bylaw, adult use marijuana establishment shall not include a marijuana retailer or a registered marijuana dispensary.

**Deleted:** A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter

**Deleted:** By-Law, Adult Use Marijuana Establishment

**Deleted:** Marijuana Retailer

**Deleted:** Registered Marijuana Dispensary

[Added 6-4-2018, AG approved 7-2-2018]

#### ADULT USE MARIJUANA RETAILER

An entity licensed to purchase and transport cannabis or marijuana product from an adult use marijuana establishment and to sell or otherwise transfer this product to adult use marijuana establishments and to consumers.

**Deleted:** Adult Use Marijuana Establishment

**Deleted:** Adult Use Marijuana Establishments

[Added 6-4-2018, AG approved 7-2-2018]

#### ALTERATIONS

Any construction, reconstruction or other action resulting in a change in the structural parts or height, number of stories or exits, size, use or location of a building or other structure.

#### AUTO OR BOAT SALES, RENTAL OR SERVICE

An establishment involving auto or boat sales, rentals or service, including, but not limited to, a body or paint shop, auto or boat dealership, and repair/service garage.

**Deleted:** ;

[Added 4-30-2018 STM, AG approved 6-8-2018]

#### AWNINGS

An awning with lettering or logo advertising the name of the business shall constitute a sign. All such awnings over doorways and windows shall only count as one sign.

[Added 5-16-2022 ATM by Art. 8, AG approved 10-19-2022]

## BUILDING

An enclosed structure, either a principal building or shed, garage, stable, or other accessory building.

## BUILDING HEIGHT

The vertical distance measured from the average ground level adjacent to the building to the highest point of the building. Maximum building height shall not apply in any district to chimneys, ventilators, spires or other ornamental features of buildings, which features are in no way used for living purposes.

## BUILDING STORY

That part of the building above the basement or cellar and between the top of any tier of floor beams and the top of the tier of floor or roof beams next above.

## BUILDING, HALF-STORY

A story in a sloping roof the area of which at a height of four feet above the floor does not exceed two-thirds of the floor area of the story immediately below it.

## CHANGEABLE COPY SIGNS

Signs with letters which can be manually or mechanically moved in order to change the message or wording of the sign.

[Added 5-16-2022 ATM by Art. 8, AG approved 10-19-2022]

## COMMON DIRECTORY SIGN

Where more than one business or use is located in a building, only one freestanding sign may be erected, which shall serve all of the businesses or uses at that location.

[Added 5-16-2022 ATM by Art. 8, AG approved 10-19-2022]

## DIRECTIONAL SIGNS

Shall be solely for pedestrian or vehicular traffic. Directional signs shall indicate parking entrances, exits, drive-throughs, etc. They shall not include any other information, advertising, or logos.

[Added 5-16-2022 ATM by Art. 8, AG approved 10-19-2022]

## DRIVE-THROUGH FACILITY

A commercial establishment which provides a service directly to the occupants of a motor vehicle or where the customer drives a motor vehicle onto the premise and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle.

[Added 6-11-2007, AG approved 9-12-2007]

## DWELLING

A building designed or used exclusively as the living quarters for one or more families.

## DWELLING UNIT

Living quarter for a single family with living, sanitary and sleeping facilities independent of any other unit.

## DWELLING, SINGLE-FAMILY

A building occupied by a single family and having no party wall or walls in common with an adjacent structure.

Moved down [12]: ¶

A story in a sloping roof the area of which at a height of four feet above the floor does not exceed two-thirds of the floor area of the story immediately below it.¶

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### **ELECTRONIC MESSAGE BOARDS**

Electronically controlled signs that display lighted messages that change at intermittent intervals. Images which refresh must be displayed for at least 20 seconds and may refresh or change, no more than three times in one minute.

**[Added 5-16-2022 ATM by Art. 8, AG approved 10-19-2022]**

### **ELECTRONIC OUTDOOR ADVERTISING**

A use whereby an outdoor sign or billboard, whether double-faced, back-to-back, or V-shaped, with a screen(s) that serves to advertise, direct or call attention to any business, article, substance, or service, or anything that is digitally or electronically projected, on or by a structure of any kind on real property or upon the ground itself, and that advertises services, products or commodities that are not available on said real property or parcel.

**[Added 5-16-2022 ATM by Art. 8, AG approved 10-19-2022]**

### **FACILITY**

A site or works for the storage, treatment, dewatering, refining, incinerating, reclamation, stabilization, solidification, disposal or other process where hazardous wastes can be stored, treated or disposed of; however, not including a municipal or industrial wastewater treatment facility if permitted otherwise under this bylaw.

**Deleted:** these by-laws

**[Added 5-10-1982]**

### **FAMILY**

One or more individuals living together as a single housekeeping unit.

### **FARM**

Any tract of land used for the production of crops or the rearing of livestock or poultry.

### **FILLING STATION**

An establishment involving on-site distribution of fuel to be sold retail and primarily used to power vehicles for transportation purposes.

**[Added 4-30-2018 STM, AG approved 6-8-2018]**

### **FOREBAY**

A stormwater sediment trap or settling basin.

**[Added 6-14-2004, AG approved 9-16-2004]**

### **FREESTANDING SIGN**

Any sign supported by a structure permanently anchored to the ground which is independent from any building.

**[Added 5-16-2022 ATM by Art. 8, AG approved 10-19-2022]**

### **FRONTAGE**

That portion of a lot which is bounded by the street line or way, the sidelines and the minimum building setback line. The frontage must be suitable for development of an access route or driveway to the building site.



[Added 6-17-2002, AG approved 9-16-2002]

## HALL

A room or a building appropriate to the meetings of a fraternal, literary or other incorporated society.

## HAZARDOUS WASTE

A waste, or combination of wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in, mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety or welfare or to the environment when improperly treated, stored, transported, used or disposed of or otherwise managed; however, not to include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act of 1967, as amended, or source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954.

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[Added 5-10-1982]

## HOME OCCUPATION

"Home occupation" is the use of a room or rooms in a dwelling and/or accessory building on the premises for a business activity carried on by the person or persons who live in that dwelling. A "home occupation" is a profession, trade, craft, activity, or other legal use conducted for financial gain. Such use must be clearly incidental and subordinate to the primary residential use of the premises.

[Added 6-14-2004, AG approved 9-16-2004]

## INTERNALLY ILLUMINATED SIGN

A sign which is illuminated by means of a light source completely enclosed by the sign's panels.

[Added 5-16-2022 ATM by Art. 8, AG approved 10-19-2022]

## JUNK

Old (used) metal, glass, paper, plastic, wood, cloth, including trash, rubbish and useless materials.

[Added 6-17-1996, AG approved 9-10-1996]

## LOT

An area of land in one ownership with definite boundaries recorded in the Registry of Deeds or in the Land Court.

## LOT COVERAGE

That percentage of the lot area covered by the horizontal projection of the largest single floor area of the principal structure, plus all accessory structures, parking and loading areas and access roads.

## 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.

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## **PLACE FOR MANUFACTURING, ASSEMBLING, OR PACKAGING OF GOODS**

Those used primarily for heavy or light industry or the manufacture or assembly of a product, including processing, blending, fabrication, assembly, treatment and packaging.

[Added 6-13-2011, AG approved 9-14-2011]

## **PORTABLE SIGNS**

A sign or advertising display that is not permanent, affixed to a building, structure or the ground.

[Added 5-16-2022 ATM by Art. 8, AG approved 10-19-2022]

## **PROJECTIONS**

"Projections" shall mean cornices, eaves, gutters, outside chimneys, steps, bay windows and terraces.

## **PUBLIC EVENTS**

An entertainment event open to the general public such as outdoor concerts, winter carnivals, parades, etc.

[Added 5-16-2022 ATM by Art. 8, AG approved 10-19-2022]

## **REGISTERED MARIJUANA DISPENSARY (RMD)**

A medical marijuana treatment center as defined in 935 CMR 501.002 and regulated in 935 CMR 501.001 et seq.

**Deleted:** A Medical Marijuana Treatment Center

[Added 6-9-2014, AG approved 7-1-2014; amended 6-3-2019, AG approved 9-13-2019]

## **RENEWABLE AND ALTERNATIVE ENERGY RESEARCH AND DEVELOPMENT FACILITIES**

Those facilities used primarily for research, development and/or testing of innovative information, concepts, methods, processes, materials or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses.

[Added 6-13-2011, AG approved 9-14-2011]

## **SEASONAL/SUMMER RESIDENCE**

A dwelling with a substandard septic design not meeting minimum Title V requirements for a year-round residence.

**Deleted:** sub-standard

## **SETBACK**

The distance between the lot boundary line and the building or structure line, measured for the front, rear and side yards.

[Amended 6-19-2017 ATM, AG approved 9-19-2017]

## **SIGN**

Any words, lettering, parts of a letter, figures, numeral phrases, sentences, emblems, devices, trade names or trademarks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business or a commodity or product, which are located outdoors or otherwise visible to persons not on the premises.

## **SIGN AREA**

For a sign, the area shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed. Frames and structural members not designed as advertising or attention-getting devices shall not be included in computation of sign area. For a sign consisting of individual letters, designs or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest quadrangle which encompasses all of the letters, designs or symbols.

## **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.

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[Added 6-14-2004, AG approved 9-16-2004]

## **STREET**

An accepted Town way, or a way established by or maintained under county, state or federal authority, or a way established by a subdivision plan approved in accordance with the Subdivision Control Law, or a way determined by the Planning Board to have sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land.

## **STREET LINE**

The dividing line between the street right-of-way and abutting property.

## **STRUCTURE**

Any combination of materials attached to or requiring a fixed location on or in the ground. For the purposes of location on a lot, the following shall not be deemed to be structures prohibited within a setback required in the Zoning Bylaw: boundary walls and fences under seven feet in height, utility poles, support posts not over four feet in height for mailboxes and name signs and parking lots.

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[Amended 6-19-2017 ATM, AG approved 9-19-2017]

## **TATTOO OR BODY ART ESTABLISHMENT**

Commonly referred to as "tattoo parlors," where puncturing of the skin with needles and various colored compounds create a design.

[Added 6-11-2001, AG approved 9-19-2001]

## **TOWERS**

Any tower, including but not limited to telephone, radio, television, electronic, wind-generation and smokestacks, shall be limited to 35 feet above mean ground level on the lot in question in all districts except Industrial, where 45 feet shall be allowed.

Deleted: smoke stacks

[Added 6-17-1996, AG approved 9-16-1996]

## **WALL SIGN**

A sign attached parallel to or painted on the wall of a building.

[Added 5-16-2022 ATM by Art. 8, AG approved 10-19-2022]

## **WINDOW SIGN**

A permanent or temporary sign applied to, attached to, or inside a window or door which is visible from the exterior.

[Added 5-16-2022 ATM by Art. 8, AG approved 10-19-2022]

#### WIRELESS COMMUNICATIONS FACILITY

See Article IX, entitled "Wireless Communications Facility."

[Added 3-3-1999, AG approved 3-8-1999]

### Article III Establishment of Districts

#### § 270-3.1 Zoning districts.

[Amended 6-16-1997, AG approved 8-11-1997; 6-16-2003, AG approved 9-9-2003; 10-10-2006 STM, AG approved 11-6-2006; 6-23-2020 STM, AG approved 9-18-2020]

For the purposes of this bylaw, the Town of Lakeville is hereby divided into the following types of use districts:

- A. Residential.
- B. Business.
- C. Industrial.
- D. Floodplain Protection (Overlay).
- E. Water Resource Protection (Overlay).
- F. Planned Special Purpose (Overlay).
- G. Industrial-B.
- H. Mixed Use Development District (Overlay).
- I. The Residences at Lakeville Station Smart Growth Overlay District (SGOD).
- J. Marijuana Overlay District.

#### § 270-3.2 Location of districts.

[Amended 6-16-1997, AG approved 8-11-1997; 6-16-2003, AG approved 9-9-2003; 10-10-2006 STM, AG approved 11-6-2006; 6-15-2015, AG approved 9-11-2015; 6-23-2020 STM, AG approved 9-18-2020]

- A. The Residential, Business and Industrial Districts shall be shown on a map entitled "Map of the Town of Lakeville, Massachusetts, to accompany Protective Bylaw," dated March 10, 1958, as adopted and amended by vote of the Town. Said map, identified as to the date of adoption and the dates of adoption of any amendments and certified by the Town Seal and signature of the Town Clerk, together with any other maps which may be adopted as parts thereof by vote of the Town, shall be a part of this bylaw.
- B. The original of said map shall be kept in the custody of the Town Clerk, who may cause to be made and, if necessary, certify as to correctness copies thereof for use by the Town or for sale.

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C. 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. [Amended 5-10-2021 ATM by Art. 7, AG approved 8-16-2021]

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D. The Water Resource Protection District shall be considered to be superimposed over the entire Town.

E. The Planned Special Purpose District shall be bounded as follows:

(1) Northerly by Middleborough/Lakeville Town Line.

(2) Easterly by Route 18, Bedford Street.

Deleted: -

(3) Southerly by Taunton Street.

(4) Westerly by Cross Street.

F. Industrial-B.

(1) Any area rezoned industrial which, at the time of acceptance of this zone, having one-third or more of all existing road frontage through the zone currently in lesser use.

Deleted: Industrial,

(2) To change any currently zoned land to Industrial-B shall require the use of all rules and regulations as presently established by the Lakeville Zoning Bylaw.

Deleted: By-Laws

G. Mixed Use Development District (Lakeville Hospital). Refer to § 270-7.5A for district designation.

Deleted: District Designation.

H. "The Residences at Lakeville Station Smart Growth Overlay District" and Zoning Map by placing the parcels of land comprised of approximately 10.87 acres, more or less, and shown of Lakeville Assessor's maps as Parcels 62-3-7A, 62-3-7B, 62-3-7G, 62-3-101, and 62-3-10J within the newly created "The Residences at Lakeville Station Smart Growth Overlay District."

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I. The Marijuana Overlay District shall be comprised of parcels located within the Town's Industrial District as shown on the Town's Zoning Map.

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#### § 270-3.3 District boundaries.

Whenever a road, way, right-of-way, railroad or comparable man-made or man-designed area or feature, or any pond, stream, river, swamp, bog, marsh, or other body of water or comparable natural or quasi-natural geographic features are shown on the Zoning Map as a boundary between districts of different zoning, the geographic district boundary shall be on the center line of such feature. Any such feature lying totally within a designated zone shall be zoned as the other land around it. No part of the land or water area within the Town shall be unzoned.

### Article IV Use Regulations

#### § 270-4.0 Interpretation of use table.

A. Except as provided by law or in this bylaw, no building, structure or land shall be used except for the purpose permitted in the district as described in this section. Any use not listed shall be construed to be prohibited.

Deleted: By-Law

B. A use listed in § 270-4.1 is permitted as of right in any district under which it is denoted by the letter "Y" subject to such requirements as may be specified elsewhere in this bylaw. If designated in the table by the letters "SP," the use may be permitted as an exception only if the special permit granting authority so determines and grants a special permit therefor as provided in Article VII subject to such restrictions as set forth elsewhere in this bylaw and such further restrictions as said special permit granting authority may establish. The letter "N" shall designate that the use is not permitted.

§ 270-4.1 Table of Use Regulations: R-Residential; B-Business; I-Industrial; I-B Industrial-B.  
[Amended 6-1-1996, AG approved 9-10-1996; 6-16-1997, AG approved 8-11-1997; 3-3-1999, AG approved 3-8-1999; 6-11-2001 STM, AG approved 9-19-2001; 6-14-2004, AG approved 9-16-2004; 6-13-2005, AG approved 9-30-2005; 5-8-2006, AG approved 6-14-2006; 6-15-2009, AG approved 8-18-2009; 6-13-2011, AG approved 9-14-2011; 6-9-2014, AG approved 7-1-2014; 6-19-2017 ATM, AG approved 9-19-2017; 4-30-2018 STM, AG approved 6-8-2018; 11-13-2018 STM, AG approved 1-7-2019; 11-14-2022 STM by Art. 13, AG approved 2-24-2023; 11-14-2022 STM by Art. 18, AG approved 2-24-2023]

Residential Uses	R	B	I	I-B
Accessory <u>apartment</u>	Y	SP	N	SP
Single-family, detached dwellings	Y	SP	N	SP
Farm, garden, greenhouse or nursery, including the display and sale of natural products; when involving the raising and keeping of livestock other than for the private use of the residents, allowed only on parcels of 5 acres or larger.	Y	Y	Y	Y
Stand for the sale of agricultural products less than 5 acres	SP	SP	SP	SP
Religious, educational, or use by the Town of Lakeville	Y	Y	Y	Y
Mobile <u>home</u> other than allowed in § 270-8.7A and B	N*	N*	N	N
Alterations, otherwise prohibited, of a dwelling in existence as of January 1, 1978, for 2 families	SP	SP	N	N
Conversion of a seasonal home or nonresidential building for year-round residential occupancy, subject to Board of Health approval and to conditions and limitations on the occupancy and use	SP	SP	N	N
Hospital, convalescent or nursing home	SP	Y	N	N
Home for the elderly, residential care facility, charitable institution or use	SP	Y	N	N
Cemetery	SP	SP	SP	SP

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Residential Uses	R	B	I	I-B
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Golf <u>course</u>	SP	SP	SP	SP
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Riding <u>stable</u>	SP	SP	SP	SP
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Private <u>club</u> not conducted for profit and not containing sleeping quarters for more than 4 persons	SP	SP	SP	SP
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Recreational or sports facilities primarily for participatory, rather than spectator, sports, including day or seasonal camp for boys and girls	SP	SP	SP	SP
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Business Uses	R	B	I	I-B
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Large-scale retail building with 35,000 or more square feet of gross floor area and smaller retail stores within such building, subject to § 270-7.6	N	SP*	Y	Y
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Retail business, service or public utility not involving manufacture on the premises except of products the major portion of which is to be sold at retail by the manufacturer to the consumer, and provided further that not more than 10 operators shall be employed in such manufacture	N	Y	SP	SP
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Newspaper or job printing	N	Y	Y	Y
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Business or professional office or bank	N	Y	Y	Y
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Restaurant	N	Y	Y	Y
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Theater (seating capacity of less than 300), bowling alley or other commercial amusement, provided all business is conducted within the structure	N	Y	SP	Y
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Museum	SP	Y	Y	Y
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Hotel or <u>motel</u>	N	Y	Y	N
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Wholesale office or showroom with no on-site storage	N	Y	Y	Y
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Launderette	N	SP	N	N
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Funeral <u>home, mortuary</u> or <u>crematory</u>	N	Y	N	N
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Animal kennel or hospital	N	SP	N	N
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Residential Uses	R	B	I	I-B
Radio or television studio	N	Y	Y	Y
Bus or railroad terminal or passenger station	N	SP	SP	SP
Commercial parking facility	N	SP	SP	SP
Auto or boat sales, rentals or service	N	SP	N	N
Car <u>wash</u>	N	SP	N	N
Filling <u>station</u> allowed only in areas served by municipal water	N	SP	N	N
Storage of junk for commercial purposes	N	SP	SP	N
Drive through facility	N	SP	SP	N
<u>Licensed junk dealers (pursuant to the Town of Lakeville General Bylaws)</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>N</u>
Industrial Uses	R	B	I	I-B
Warehouse, offices or facilities for distributing merchandise	N	N	Y	Y
<u>Warehouse, offices or facilities for distributing merchandise over 100,000 sq. ft.</u>	<u>N</u>	<u>N</u>	<u>SP</u>	<u>SP</u>
Plant for manufacturing, processing, fabricating or assembly, provided that no such use shall be permitted which would be detrimental or offensive or tend to reduce property values in the same or adjoining districts by reason of dirt, odor, fumes, smoke gas, sewerage, refuse, noise, excessive vibration or danger of explosion or fire	N	N	Y	SP
Research laboratory				
Dry, <u>excluding</u> genetic or biological research	N	N	SP	SP
Wet, <u>including</u> genetic or biological research	N*	N*	N*	N*
Renewable and <u>alternative energy research</u>	N	N	Y	Y
Sale of new or used construction or materials handling equipment	N	Y	Y	N
Farm implements and machinery wholesaling	N	N	Y	SP

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Residential Uses	R	B	I	I-B
Lumber, feed or ice establishment wholesaling	N	N	Y	SP
Plumbing, electrical or carpentry shop or other similar service or repair establishment	N	SP	Y	Y
Water towers or reservoirs	N	SP	SP	SP
Steam laundry or dry-cleaning plant	N	SP	SP	SP
Fuel establishment involving storage and distribution to be sold wholesale to suppliers	N	N	SP	SP
Uses accessory to permitted ( <del>dry:</del> excluding genetic or biological research) scientific research and development, whether or not located on the same lot as the permitted use	N*	N*	SP	SP
Uses accessory to permitted ( <del>wet:</del> including genetic or biological research) scientific research and development, whether or not located on the same lot as the permitted use	N*	N*	N*	N*
Collection, treatment, storage, burial, incineration or disposal of hazardous waste	N	N	N	N
Adult bookstore/adult motion-picture theater	N	N	SP	N
Wireless communications facility	SP	SP	SP	SP
Tattoo or body art establishments	N	SP	SP	N
Towers over 45 feet	SP	SP	SP	SP
Land-based wind energy facilities	N	N	SP	SP

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## Article V Intensity Regulations

§ 270-5.0 ~~General provisions.~~  
[Amended 6-16-1997 ATM, AG approved 8-11-1997; 6-11-2007 ATM, AG approved 9-12-2007]

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Except as provided otherwise in this ~~bylaw~~, no structure hereafter erected, altered, or placed in any district shall be located on a lot having less than the minimum requirements set forth in the table below (see § 270-5.1), no more than one principal structure shall be built upon any lot, and no existing lot shall be changed as to size or shape so as to violate the requirements set forth below.

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§ 270-5.1 **Table of intensity regulations.**  
[Amended 6-17-1996, AG approved 9-16-1996; 6-21-1999, AG approved 8-23-1999; 6-14-2004, AG approved 9-16-2004; 7-19-2004, AG approved 8-27-2004; 6-19-2017 ATM, AG approved 9-19-2017; 4-30-2018 STM, AG approved 6-8-2018]

Requirements	Residential	Business	Industrial	Industrial-B
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Minimum Lot Dimension	70,000 sf. (52,500 <del>area</del> in square feet in of contiguous non-wetland as <del>defined</del> by MGL <del>c.</del> 131, <del>§</del> 40)	Same as Residential	Same as Business	3 Acres
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Frontage in feet	175	175	175	200
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Minimum <del>lot area</del> for <del>single-family dwelling</del>				3 acres*
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Minimum Setback Dimension

Front yard in feet	40	40	40	60
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Side yard in feet	20	40	40	40
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Rear yard in feet	20	40	40	40
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Maximum Height of Buildings

Number of stories	2.5	3	3	3
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Height in feet	35	35	35	35
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Maximum Percentage of Land Covered by Structures Parking and Paved Areas	25%	50%	50%	50%
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Maximum Height of Towers	35 feet	35 feet	45 feet	45 feet
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A. Front yard circle. No dwelling, building or structure having permitted use in any district shall be erected

on a lot unless the lot has an area within its bounds which encompasses a front yard circle with a minimum diameter of 160 feet and within which the frontage, or frontage at the required setback, must pass.

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- B. Exclusive use easements. Exclusive use easements where the exclusive use of a portion of a lot has been granted to someone other than the owner of the lot shall not be included in the required frontage or lot area. "Exclusive use" shall be when someone other than the owner of a lot has the sole right to use a portion of the lot, to the exclusion of the owner of the lot.

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- C. Density bonus. The maximum percentage of land covered by structures, parking and paved areas may be increased for any development in the Business and Industrial Districts, provided that said development receives approval from the Planning Board under § 270-7.6A Large scale development site plan review, as follows: up to 10% density bonus increase in lot coverage for full compliance with the standards of § 270-7.6C building design standards, and up to 10% additional density bonus increase in lot coverage for full compliance with § 270-7.6D site design standards, for a maximum of 70% total percentage of land covered by structures, parking and paved areas, and further provided that the calculation of the percentage of land covered includes the area of all impervious surfaces of any type located on the land receiving the density bonus.

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§ 270-5.2 Footnotes to intensity requirements.

[Amended 6-11-2001 STM, AG approved 9-19-2001; 6-14-2004, AG approved 9-16-2004; 6-5-2016, AG approved 7-21-2016]

- A. (Reserved (for future use))

- B. Any portion of a lot which is less than 50 feet in width or depth when measured from any point on a property sideline to any other point on an opposite sideline shall not be included in the determination of the required minimum area and/or frontage.

- (1) Any portion of a lot which falls within a wetland as defined by MGL c. 131, § 40, or any portion of a lot which will be used for drainage structures, including detention ponds, retention ponds, forebays, and drainage swales, shall not be included in the determination of the maximum percentage of land covered by structures, parking and paved areas (§ 270-5.1).

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- C. Corner clearance. Within the area formed by lines by intersecting ways and a line joining points on such lines 15 feet distant from their point of intersection, or, in the case of a rounded corner, the point of intersection of their tangents, no structure and no foliage shall be maintained between a height of two feet and eight feet above the plane through their curb grades.

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- D. In Business Districts adjacent to the boundary of a Residential District, there shall be provided, other than along a street, either:

- (1) A buffer strip no less than 40 feet wide. Such buffer strip shall be landscaped and planted with grass, shrubs, trees or other plants which provide a visual and acoustic screen, and may contain fences, ornamental and acoustic walls, driveways and walks, wells or septic systems, but no part of any building, structure or paved space intended or used as a parking area shall be located within such buffer strip, or,

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- (2) A buffer strip no less than 20 feet wide with an acoustical wall to prevent the sound level from increasing by more than 10 dB above ambient as defined in the Commonwealth of Massachusetts Division of Air Quality Control Policy regarding noise regulation. Such a wall must be located at least 10 feet from the property line between the business and residential property. Such buffer strip shall be landscaped and planted with grass, shrubs, trees or other plants which provide a visual and acoustic screen. Positioning of lights should be such that it is not offensive to any adjacent abutter.

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E. In Industrial Districts adjacent to the boundary of a Residential District, other than along a street, there shall be provided either:

(1) A buffer strip not less than 100 feet wide. Such buffer strip shall be landscaped and planted with grass, shrubs, trees or other plants which provide a visual and acoustic screen, and may contain fences, ornamental and acoustic walls, driveways and walks, wells or septic systems, but no part of any building, structure or paved space intended or used as a parking area shall be located within such buffer strip; or

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(2) A buffer strip no less than 50 feet wide with an acoustical wall to prevent the sound level from increasing by more than 10 dB above ambient as defined in the Commonwealth of Massachusetts Division of Air Quality Control Policy regarding noise regulation. Such a wall must be located at least 10 feet from the property line between the industrial and the residential property. Such buffer strip shall be landscaped and planted with grass, shrubs, trees or other plants which provide a visual and acoustic screen. Positioning of lights should be such that it is not offensive to any adjacent abutter.

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F. A buffer strip could be created on residential property abutting business or industrial zones provided said area be restricted by a deed covenant to use as a buffer area only for the abutting business or industrial property.

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G. Projections. Nothing herein shall prevent the projection of steps, stoops not exceeding 30 square feet in area, eaves, cornices, window sills, or belt courses into any required yard.

H. In the Business District, one side- or rear-yard setback on a nonconforming lot abutting another Business District property may be reduced by 50% by a special permit issued by the Planning Board. This may be only granted if the applicant can show to the satisfaction of the Board that the reduced setbacks are necessary to allow for the most desirable and efficient site design due to the nonconformity of the lot. [Added 11-14-2022 STM by Art. 12, AG approved 2-24-2023]

## Article VI General Regulations

### § 270-6.1 Nonconforming uses, structures and lots.

[Amended 6-17-1996, AG approved 9-10-1996; 6-8-1998, AG approved 7-3-1998; 6-4-2012, AG approved 7-18-2012; 6-6-2016, AG approved 7-21-2016; 6-19-2017 ATM, AG approved 9-19-2017; AG approved 8-20-1993]

The lawful use of any structure or land existing at the time of the enactment or subsequent amendment of this bylaw may be continued although such structure or use does not conform with provisions of the bylaw, subject to the following conditions and exceptions:

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A. Abandonment/nonuse.

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(1) A nonconforming use, building or structure, other than single- and two-family residential structures, which has been abandoned or not used for a period of two years shall lose its protected status and any future use shall conform with the bylaw, except in the case of land used for agriculture, horticulture, or floriculture, where such nonuse shall have existed for a period of five years; provided, however, that by the issuance of a special permit, the Zoning Board of Appeals may reestablish the protected nonconforming status of such use, building or structure.

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(2) A single- or two-family residential structure, which has been abandoned for a period of two years shall lose its protected status and any future use shall conform with the bylaw; provided, however, that by the issuance of a special permit, the Zoning Board of Appeals may reestablish the protected nonconforming status of such use, building or structure.

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B. Limitation on restoration. A nonconforming structure which has been unintentionally destroyed may be reconstructed. The reconstructed structure shall either be placed no nearer to any property line than the structure which it replaces, or the reconstructed structure may be extended up to the limits of the intensity regulations of Article V of the current bylaw. Wherever possible, the reconstructed structure shall conform to the intensity regulations of Article V of the current bylaw.

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C. Extension. Preexisting nonconforming structures or uses may be changed, extended or altered by special permit from the Board of Appeals, finding that such change, extension or alteration is not substantially more detrimental than the existing nonconforming structures or uses.

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(1) Changes, extensions or alterations to preexisting nonconforming structures on lots zoned residential of 15,000 square feet or more shall be exempt from the special permit requirement, except where the Building Commissioner determines that the proposed change, extension or alteration will intensify the nonconformity.

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(2) Additions to existing nonconforming residential structures shall be allowed on lots of 70,000 square feet or more, providing the addition complies to the setback requirements or is no closer to the property lines than the existing nonconforming residential structure.

D. Changes. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. On special permit from the Board of Appeals, the use of premises may be changed from one nonconforming use to another which is no more detrimental to the neighborhood.

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E. The construction of a building or operation of land use under a building permit or a special permit shall conform to any subsequent amendment to the bylaw adopted after the issuance of the permit, unless such construction or operation commences within a six-month period beginning with the issuance of the building or special permit and is substantially and continuously constructed until completion.

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F. No lot having 20,000 square feet or more of area may be considered to be nonconforming for accessory use to a permitted principal use on the same premises, provided lot coverage and setback requirements are not violated. Detailed plans showing buildings, wells, disposal areas, and other details may be required before a permit is issued by the Building Commissioner.

G. Any preexisting dwelling in a business- or industrial-zoned area shall be allowed all rights of use as if in a Residential District without special permit so long as all Residential District regulations are met.

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#### § 270-6.2 General prohibitions.

Any use permitted by right or special permit in any district shall not be conducted in a manner as to emit any dangerous, noxious, injurious, or otherwise objectionable fire, explosion, radioactive or other hazard; noise or vibration, smoke, dust, odor or other form of environmental pollution; electrical or other disturbance; glare, liquid or solid, refuse or wastes; conditions conducive to the breeding of insects, rodents, or other substance, conditions, or element in an amount as to affect adversely the surrounding environment.

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#### § 270-6.3 Accessory uses.

[Amended 11-13-2017 STM, AG approved 2-9-2018]

A. Uses accessory to a permitted principal use are permitted on the same premises.

B. No accessory building or structure shall be located within the required front, side or rear setback unless a special permit is granted by the Zoning Board of Appeals. Where a special permit is sought under § 270-7.4B for an accessory building or structure within the setback on a lawfully preexisting, nonconforming lot, the Zoning Board of Appeals shall additionally make a finding that the accessory building or structure shall not be substantially more detrimental to the neighborhood than the existing nonconformity.

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§ 270-6.4 Home occupation.

[Added 6-14-2004, AG approved 9-16-2004]

A. A home occupation is defined and regulated as follows:

- (1) "Home occupation" is the use of a room or rooms in a dwelling and/or accessory building on the premises for a business activity carried on by the person or persons who live in that dwelling. A "home occupation" is a profession, trade, craft, activity, or other legal use conducted for financial gain. Such use must be clearly incidental and subordinate to the primary residential use of the premises. The purpose of these standards is to strictly limit the size, type, and intensity of a proposed home occupation so that the residences and residential properties do not become retail, commercial, or industrial in appearance or character.
- (2) A home occupation is permitted upon the property owner filing an application with the Building Department for and receiving a home occupation permit reflecting the change of use, provided that the home occupation conforms to the following standards and requirements:
  - (a) The activities of the home occupation are primarily interior to the principal residential dwelling and/or accessory building, and do not substantially alter the residential appearance of the property.
  - (b) The home occupation shall be accommodated within an existing dwelling and/or accessory building, and said dwelling and/or accessory building shall not be expanded to accommodate the occupation. Any accessory structure associated with the business use, such as a garage or shed, must be only for the storage of supplies, materials, tools, equipment, and/or vehicles. Building of a garage, shed, or any structure specifically for use in or by the home occupation is not permitted.
  - (c) No more than 25% of the total usable floor area of the residence and accessory building shall be used for the home occupation, which includes usable basement floor area.
  - (d) No more than three people who are not residents of the dwelling shall be employed on the premises in the home occupation. All primary business activities connected with the home occupation shall occur inside the dwelling and/or accessory building or off the premises. For the purposes of this bylaw, any person who works at a business activity shall be considered as and counted as an employee of the home occupation. This includes, but is not limited to, a subcontractor, a fee-for-service contractor or professional, and/or a person who rents business space within the home occupation.
  - (e) No more than three commercial vehicles registered to the home occupation or to any employee shall be parked on the premises. Any such vehicles shall not be offensive as to noise, emissions, odors, or vibration to the residential community. No vehicle used in the home occupation shall exceed 26,000 lbs. gross vehicle weight (GVW) nor shall require a commercial driver's license (CDL). Any ancillary registered vehicle, such as a trailer, shall be considered as and counted as a commercial vehicle of the home occupation. Any such trailer shall have no more than a 6,000 lbs. GVW. The total GVW of any trailer and towing vehicle shall not exceed 26,000 lbs.
  - (f) No offensive noise, smoke, vibration, dust, odors, heat, light, or glare shall be produced by the home occupation.
- [1] There shall be no exterior announcement or display of the home occupation except for a single unlighted sign on the premises. This sign shall not exceed two square feet in area, as provided in § 270-6.6D(3). The sign shall conform in all other ways to the relevant portions of the Town bylaws.
- [2] Any and all products, supplies, materials, tools and/or equipment shall be stored in an appropriate storage shed or building or be visually screened from the street and abutting properties. Products, supplies, materials, tools and/or equipment allowed under this bylaw shall not include junk, scrap, waste

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or hazardous materials, and shall not create an undesirable or inappropriate environment in a residential area.

- (g) Vehicular traffic generated by the home occupation shall not increase in volume, type, noise, or hours normally expected in a residential neighborhood.
- (h) Acceptable off-street parking must be provided for employees and customers. No on-street parking is permitted for vehicles associated with a home occupation, including customers' or clients' vehicles.
- (i) All structures used for home occupations must comply with all applicable federal, state and local laws and regulations.
- (j) The owner of a home occupation will register said home occupation with the Town Clerk. Said registration does not constitute a business license, business permit, or business certificate.

**§ 270-6.5 Access, parking and loading.**

- A. Parking areas shall be accessible from a maximum of two separate entry/exit points, separated by a minimum of 50 feet and no closer than 50 feet from an intersection. Corner properties may have a third access point.
- B. Driveways and parking areas shall be adequately lighted during business hours.
- C. Parking space shall conform to the following standards:

- (1) Number of spaces. Off-street parking shall be provided according to the standards set forth in the following schedule.
- (2) Mixed uses. Where mixed uses occur, the parking spaces required shall be the sum of the requirements for the several individual uses, computed separately unless it can be demonstrated to the Board of Appeals under a special permit application that the need for parking occurs at different times and that adequate spaces will exist to handle the requirements for each use.
- (3) Parking space schedule: **[Amended 4-30-2018 STM, AG approved 6-8-2018]**

Land Use, Category	Minimum Number of Off-Street Parking Spaces
Handicapped <u>spaces</u>	1 per establishment and/or use, with a maximum of 10%, inclusive, of total parking required. These spaces shall be a maximum distance of 50 feet from any accessible entrance, suitably displayed, with a safe means of access/egress. This is in addition to the land uses and their required spaces within this section.
Residential	2 per dwelling unit.
Hotel or <u>motel</u>	1 per guest room, plus 1 for each employee.
Place of <u>assembly, church, meeting hall or room, club, lodge, and country club</u>	1 per each 4 seats of total seating capacity, or 1 per 400 square feet of gross floor area, whichever is greater, plus 1 for each employee.
Restaurant	1 per each 2 occupants based on the designed occupant load, plus 1 for each employee.

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Land Use, Category	Minimum Number of Off-Street Parking Spaces	Formatted Table
Stadium, <del>gymnasium, arena, auditorium</del>	1 per each 3 seats of total seating capacity, plus 1 for each employee	<del>Deleted:</del> Gymnasium, Arena, Auditorium
<del>Theater</del>	1 per each 2 seats of total seating capacity, plus 1 for each employee	<del>Deleted:</del> .
		<del>Deleted:</del> Theatre
Bank	1 per each 150 square feet of gross floor area or fraction thereof, plus 1 for each employee	<del>Deleted:</del> .
Commercial <del>establishments</del> serving the general public	1 per each 300 square feet of gross floor area or fraction thereof, plus 1 for each employee	<del>Deleted:</del> Establishments
		<del>Deleted:</del> .
Wholesale, <del>warehouse, or storage establishment</del>	1 per each employee on the largest shift	<del>Deleted:</del> Warehouse
Medical or <del>dental clinic or office</del>	3 per each doctor, plus 1 for each employee	<del>Deleted:</del> Storage Establishment
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Hospital	2 per bed at design capacity, plus 1 for each employee on the largest shift	<del>Deleted:</del> Dental Clinic
		<del>Deleted:</del> Office
Nursing <del>home</del>	1 per 2 beds	<del>Deleted:</del> .
		<del>Deleted:</del> .
Business, <del>trade, or industrial school or college</del>	1 per each 200 square feet of gross floor area in classrooms and other teaching stations, plus 1 for each employee	<del>Deleted:</del> Home
		<del>Deleted:</del> .
		<del>Deleted:</del> Trade
		<del>Deleted:</del> Industrial School
School or <del>college dormitory facilities</del>	1 space per person or ultimate dormitory resident capacity	<del>Deleted:</del> College
		<del>Deleted:</del> College Dormitory Facilities
Other <del>schools</del>	2 per classroom in an elementary and junior high school; 4 per classroom in a senior high school, plus any other <del>mixed-use requirements</del> , plus 1 for each employee	<del>Deleted:</del> Schools
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Office	1 per 300 square feet of gross floor area, or 1 per each employee, whichever is greater	
Golf <del>course</del>	2 per green, plus 1 for each employee	<del>Deleted:</del> Course
Tennis <del>court</del>	1 per 4-spectator capacity and 2 per court	<del>Deleted:</del> Court
Swimming <del>pool, skating rink</del>	1 per 4-spectator capacity, plus 1 per each 100 square feet of gross floor area	<del>Deleted:</del> Pool, Skating Rink
Sports <del>field</del>	1 per 4-spectator capacity.	<del>Deleted:</del> Field
Amusement <del>park</del>	1 per each 30 square feet of amusement area	<del>Deleted:</del> Park
		<del>Deleted:</del> .
Ranges (golf, batting, etc.)	1 1/2 per station.	

Land Use, Category	Minimum Number of Off-Street Parking Spaces
Campgrounds	2 1/2 per campsite
Public <u>utility</u>	1 for each 200 square feet of gross floor area
Manufacturing or <u>industrial</u> working <u>establishments</u>	1 per each employee in the largest shift
Any use permitted by these the bylaws not interpreted to be covered by this schedule	Closest similar use as determined by Building Commissioner

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(4) Dimensions. Each off-street parking space shall be a minimum of nine feet in width by 20 feet in length. Each off-street handicapped parking space shall be a minimum of 12 feet in width by 20 feet in length. In the case of angle parking, the measurement of the width shall be perpendicular to the parking line.

(5) Aisle and entrance dimensions. For business and industrial uses, the minimum width of aisles and entrance drives providing access to more than two spaces shall be at least 24 feet wide. On lots where one entrance and exit driveway or access is constructed, the access shall not exceed 54 feet in width. Where two driveways or accesses are constructed, the accesses shall each not exceed 30 feet in width. For automotive service stations, the maximum width shall be 32 feet for each driveway or access.

D. Driveways, parking areas, and storm drainage for business and industrial uses shall be constructed and paved according to the Rules and Regulations of the Planning Board Governing the Subdivision of Land, adopted under the Subdivision Control Law. No such driveway or parking area will be allowed to shed water upon Town ways.

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E. Adequate loading areas shall be provided for all structures.

#### § 270-6.6 Sign regulations.

[Amended 5-16-2022 ATM by Art. 8, AG approved 10-19-2022]

A. Purpose. To provide information to the public and for the identification of permitted activities from public ways, the erection and maintenance of signs shall be subject to regulation in order to preserve and enhance the visual appearance and character of the Town, to provide for the safety and general welfare of the public, and to prevent injurious and detrimental effects from the distracting demands for attention resulting from uncontrolled shapes, sizes, colors, motions, lighting, and inappropriate locations.

#### B. Permit required.

(1) No sign shall be erected, altered, or relocated without a permit issued by the Building Commissioner, except as otherwise provided herein.

(2) The applicant proposing to erect, alter or relocate a sign shall submit to the Building Commissioner a completed sign permit application, together with the required application fee and sketches of all proposed signs. The drawings shall specify the building and sign dimensions, colors, attachment methods, location of the signs, method of illumination and any other pertinent information which may be required.

(3) Sign permit fees shall be determined by the Select Board.

C. General sign regulations.

(1) No sign shall be located closer than 10 feet from the street right-of-way, and no closer than 30 feet from the side or rear property lines.

Moved down [13]: . General sign prohibitions.¶

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Moved down [14]: and all beacons and flashing devices whether a part of, attached to, or apart from a sign are prohibited. ¶

(2) No illumination shall be permitted which casts glare onto any residential premises, or onto any portion of a way so as to create a traffic hazard. ¶

Deleted: Signs, any part of which moves, flashes

Deleted: incorporates traveling or animated lights

Deleted: (3) Any sign which is considered

Moved down [15]: to be obstructive, hazardous, or dangerous because of age, damage, poor construction, or a potential danger in a severe storm must be removed immediately, but in no case later than seven days following receipt of written notice from the Building Commissioner. ¶

(4) No sign shall be attached to or obstruct any fire escape, fire or emergency exit; no sign shall be located as to obstruct free passage of light and air to any door, window, skylight, or other similar opening. ¶

Deleted: police department or fire department

(2) Signs shall be limited to a maximum height of 20 feet as measured from the crown of the road directly perpendicular to the sign.

(3) Signs shall be limited in number to two signs for each business or industrial establishment or company. Business or industrial sites containing more than one establishment (mill outlets, shopping centers, industrial parks, etc.) shall be limited to two signs per establishment, one of which shall be attached to the structure to designate the establishment within the structure, and the other attached to or part of a central common directory sign. Business and industrial subdivisions may have one entrance sign, not being a directory sign, in addition to the above. Signs for this common directory sign and for the business and industrial subdivision entrance sign may be double-sided and a maximum of 64 square feet in area.

**Deleted:** Industrial

(4) Unless permitted elsewhere in this bylaw, no sign may exceed 32 square feet in area.

**Deleted:** By-Law

(5) Signs erected upon or attached to a building shall not project:

(a) Horizontally more than two feet;

(b) Into or over any way;

(c) Above the highest part of the building, not exceeding 20 feet from ground level.

(6) No freestanding sign shall project more than two feet horizontally from its means of support.

**Deleted:** free-standing

(7) The colors red, green or yellow shall not be used in a manner that might confuse the meaning of stop signs, stop lights or other traffic signs.

**Deleted:** or

(8) Freestanding signs shall have landscaping at the base.

(9) All signs must be maintained; this includes awning material, lettering, lighting, and landscaping.

(10) Freestanding signs are permitted to have either a changeable copy sign or an electronic message board as part of its sign but not both.

(11) Wall signs shall not exceed 15% of the area of the wall it is attached to or 32 square feet, whichever is less.

(12) Window signs shall not exceed 30% of the total area of all windows and doors.

(13) One temporary subdivision sales sign not to exceed 32 square feet. This sale sign shall be removed upon the issuance of occupancy permits for 75% of the subdivision.

#### D. Exemptions.

(1) Flags or insignia of the United States or any political subdivision thereof or any other nation or country when not used for commercial promotion or display.

(2) Temporary posters, placards, or signs associated with a political campaign or current political issue associated with an election.

**Deleted:** . Any such sign must be removed within 48 hours after its relevance has expired

(3) Signs located on residential structures or driveways for the primary purpose of indicating the name or names of the resident.

**Deleted:** so long as they do not exceed two square feet and are...

(4) For sale, lease, or rent signs on real property or the signs of real estate agents or brokers.

**Deleted:** , so long as they do not exceed six square feet in area....

(5) Signs less than two square feet designating entry and egress from parking areas, and other directional traffic control and safety-related signs.

(6) Normal highway control signs, hazard signs, and other state-approved highway safety signs.

~~(7) Permanent subdivision or residential development identification signs shall not exceed 12 square feet. They may only be externally illuminated by spotlights and shall be set back 10 feet from property lines.~~

~~(8) One sign not exceeding 32 square feet on a building or project under construction, repair, or renovation identifying the contractor, architect, and/or owner. This sign shall be removed upon issuance of an occupancy permit for all or part of the building.~~

~~(9) Fuel pump information signs, only as required by state law, are allowed and shall not affect the computation of allowable number of signs or aggregate sign size on a property.~~

E. Temporary signs.

(1) Temporary exterior signs or mobile sign displays are permitted to advertise the opening of a business at a new location or to advertise a special event at its intended location.

(2) Such signs shall not exceed 32 square feet in area.

~~(3) Banners or portable signs may be allowed for special events but must be removed after the event has concluded.~~

Deleted: 3

~~(4) No two or more of such signs shall be closer than 500 feet apart.~~

~~(5) The combined total number of days that one or more temporary signs may be displayed on the premises shall not exceed 90 days in each twelve-month period per establishment.~~

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~~(6) Temporary signs shall be displayed in conformance with setback requirements for all signs.~~

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~~(7) At the end of the ninety-day period, the sign shall be removed by the initiative of the company, organization, or individual or their agents as indicated by the display of information.~~

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~~(8) All such temporary signs as herein described must meet the approval of the Building Commissioner regarding safety of construction, placement, mounting, and lighting. By written notice specifying the corrections needed, the Building Commissioner shall order the immediate action of the displayer to either correct the sign or have it removed.~~

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Deleted: If immediate action is not taken, the Building Commissioner may, at his own initiative or with the enlisted aid of any Town department, remove such sign.

F. ~~Special permits.~~

~~(1) Signs larger in area or higher than specified or a greater number of signs may be granted by special permit of the Board of Appeals.~~

Deleted: Off-premise signs, signs

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~~(2) A special permit may not be issued for signs prohibited by this bylaw in § 270-6.6G.~~

~~(3) Changeable copy signs, electronic message board signs, and internally illuminated signs or the portion of a sign that is changeable copy, an electronic message board or internally illuminated shall require a special permit.~~

~~(4) Changeable copy signs and electronic message boards shall not exceed 12 square feet. Only one of these types of signs are permitted per property.~~

~~(5) Common directory signs may be allowed to have one additional internally illuminated panel per~~

business, not to exceed 12 square feet.

- (6) Changeable copy signs, electronic message board signs and internally illuminated signs may not be illuminated during the overnight hours from 11:00 p.m. until 6:00 a.m., unless for a facility providing medical care or emergency services with hours of operation during these hours. In this case, the applicant can apply for a special permit to keep the sign illuminated.

G. General sign prohibitions.

Moved (insertion) [13]

- (1) Signs, any part of which moves, flashes, or incorporates traveling or animated lights, and all beacons and flashing devices whether a part of, attached to, or apart from a sign are prohibited.

Moved (insertion) [14]

- (2) No illumination shall be permitted which casts glare onto any residential premises, or onto any portion of a way so as to create a traffic hazard.

- (3) Any sign which is considered by the Building Commissioner, Police Department or Fire Department to be obstructive, hazardous, or dangerous because of age, damage, poor construction, or a potential danger in a severe storm must be removed immediately, but in no case later than seven days following receipt of written notice from the Building Commissioner.

Moved (insertion) [15]

- (4) No sign shall be attached to or obstruct any fire escape, fire or emergency exit; no sign shall be located as to obstruct free passage of light and air to any door, window, skylight, or other similar opening.

- (5) No sign shall be located in such a way that it prevents the driver of a vehicle from having a clear and unobstructed view, from an adequate and safe distance, of any official sign or approaching traffic.

- (6) Roof-mounted signs that are taller than two feet or extend over the peak of the roof.

- (7) No sign shall be attached to utility poles, trees, or traffic control signs or devices, except for public event banners or flags.

- (8) Portable signs except for temporary signs.

- (9) Electronic message boards or the electronic message board portion of a sign that exceeds 12 square feet.

- (10) Changeable copy signs or the portion of a sign that is changeable copy that exceeds 12 square feet.

- (11) Electronic outdoor advertising signs.

- (12) Internally illuminated signs greater than 24 square feet.

- (13) Freestanding signs exceeding 30 feet in height.

- (14) Signs not located at the location of the business or off-premises signs.

H. Removal of signs.

- (1) Any sign which is insecure, in danger of falling over or is deemed unsafe by the Building Commissioner shall be removed.

- (2) Abandoned signs shall be removed by the sign permit holder and/or the owner of the building or premises at which the abandoned sign is located within 90 days from the date the sign became abandoned.

I. Nonconforming signs.

(1) A lawfully existing nonconforming sign may have its surface and support renewed or replaced with new material without applying for a new permit if the replacement or renewal is for the same business and has the same dimensions and same location of the existing sign.

(2) All nonconforming signs shall be removed or shall be altered so as to conform with the following provisions:

(a) When the nature of the business changes and the sign is changed or modified in shape, size; or

(b) When the name of the business changes and the sign is changed or modified in shape or size.

(3) Any abandoned sign shall not be reestablished except in conformance with this bylaw.

#### J. Administration, violations, appeals.

(1) It shall be the duty of the Building Commissioner to administer this bylaw.

(2) Violations of the Sign Bylaw shall be enforced in accordance with Article VIII of this bylaw.

(3) Appeals of any decision taken by the Building Commissioner shall be made in accordance with Article VIII of this bylaw.

#### § 270-6.7 Site plan review.

[Added 6-11-2001 STM, AG approved 9-19-2001; amended 6-13-2005, AG approved 9-30-2005; 6-3-2019, AG approved 9-13-2019; 5-10-2021 ATM by Art. 8, AG approved 8-16-2021; 11-8-2021 STM by Art. 9, AG approved 12-15-2021; 5-16-2022 ATM by Art. 9, AG approved 8-29-2022]

##### A. Purpose.

(1) The purpose of this bylaw is to protect the public health, safety and welfare; to promote balanced growth; to protect property values; and to encourage development by providing the public and the Town with an opportunity to review and comment.

(2) 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.

B. Authority. The Planning Board shall hear and decide all applications for site plan review in accordance with the provisions of this § 270-6.7.

C. Applicability. Site plan review applies to the following:

(1) New construction of a structure to be occupied by a business, or industrial use;

(2) An addition to an existing structure occupied by a business or industrial use 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;

(3) A change in occupancy of an existing structure occupied by a business or industrial use which increases the previously approved occupant load by 10%;

(4) A change in use of an existing structure to a business or industrial use;

(5) New multifamily building construction of three or more units; and/or

(6) New construction, modification, or addition to any residential structure which will disturb more than

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**Deleted:** (1) The purpose of site

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(a) Protection

**Deleted:** 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

**Moved up [6]:** . ¶

B.

**Deleted:** (b) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas; ¶  
(c) Adequacy of the methods for disposal of wastes; ¶  
(d) Protection of environmental features on the site and in adjacent areas. ¶  
(e) 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; ¶  
(f) 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 watercourses during and after construction

**Deleted:** Procedure-business or industrial.¶

(1) \_\_\_\_ [Amended 5-10-2021 ATM by Art. 8, AG approval pending] ¶

(a)

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**Deleted:** (b) Applicants for a building permit subject to Subsection B shall submit six copies of a site plan as described herein to the Town Clerk for Planning Board approval. Failure of the Planning Board to act within 21 days of receipt of a site plan shall be deemed lack of opposition thereto. ¶

(2) The following information shall be required by the applicant for site plan review:¶

(a)



43,560 square feet of ground.

D. Submittal requirements.

- (1) Locus plan;
- (2) Location of structures within 200 feet of property lines;
- (3) Existing and proposed buildings, showing setbacks from property lines;
- (4) Floor plans, building elevations, siding types, roof materials, and colors;
- (5) Parking areas, driveways, and facilities for pedestrian movement, including parking calculations based on current regulations;
- (6) Utilities and lighting;
- (7) Landscaping, including trees to be removed and retained;
- (8) Loading areas, service areas, and refuse removal locations;
- (9) Drainage system design; drainage calculations and verification of soil types;
- (10) Existing and projected traffic volumes from the site and effect on the local road network;
- (11) Existing and proposed contour elevations in five-foot increments;
- (12) Location of well or public drinking water supply;
- (13) Location of septic system or sewer connection;
- (14) Location of wetlands, flagged for approval by the Conservation Commission;
- (15) Proposed and existing design and location of signs;
- (16) All information should pertain to existing and proposed;
- (17) 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;
- (18) Other plans, studies, or reports requested by the Planning Board that may be necessary to determine compliance with the provisions of this bylaw.

E. Review procedure.

- (1) Application. Applicants for a building permit subject to § 270-6.7C shall submit an application, abutters list, fees, and 14 copies of a site plan and an electronic copy as described herein to the Town Clerk for Planning Board approval. The Planning Department shall distribute the plans and application to the following departments for review and comment:
  - (a) Police Department.
  - (b) Fire Department.
  - (c) Board of Health.

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**Deleted:** c

**Deleted:** d) Building

**Deleted:** e

**Deleted:** (f) Drainage system; ¶  
(g)

**Deleted:** h

**Deleted:** i

**Deleted:** unloading facilities; ¶  
(j) Provisions for

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**Deleted:** (q) 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; ¶  
(r)

**Deleted:** (s) 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; ¶  
(t)

**Deleted:** Erosion Control Plan

**Deleted:** Plan

**Deleted:** (3) In addition, at least 10 days prior to filing a site plan with the

**Deleted:** , 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:¶

(a) Police Chief. ¶

(b) Fire Chief. ¶

(c) Board of Health. ¶

(d) Conservation Commission. ¶

(e) Highway Surveyor. ¶

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**Deleted:** recommendation to the Planning Board pursuant to this section; ¶

**Deleted:** Chief

**Deleted:** Chief

(d) Conservation Commission.

**Deleted:** Building Department. ¶  
(e)

(e) DPW Director.

(f) Building Department.

**Deleted:** Highway Surveyor

(g) Select Board.

**Deleted:** Open Space Committee

(2) Hearings. The Planning Board shall give notice of a public hearing by publication of a notice in a newspaper of general circulation and by posting a notice at Town Hall at least seven days before the hearing. Notice shall also be sent to all abutters at least seven days prior to the hearing date. The public hearing shall be posted no later than 21 days after the receipt of a complete application. At the request of the applicant, these time periods may be extended.

**Deleted:** (h) Board of Selectmen. ¶  
(4) Said 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 on nearby property or on Town Roads or other infrastructure.

(3) Consultants. The Planning Board may require that any plans, reports, or studies be reviewed by outside consultants at the applicant's expense in accordance with MGL c. 44, § 53G.

#### F. Performance standards.

(1) Purpose. The following performance standards have been adopted in order to control the size, scale, and impacts of projects listed in § 270-6.7C: The Planning Board shall consider the 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. The Planning Board shall ensure that such standards are met during the review of any Planning Board site plan review application or those that also require a special permit.

(2) Preservation of landscape. The landscape shall be preserved in its natural state insofar as practicable by minimizing any grade changes and vegetation and soil removal.

(3) Off-street parking and loading. The plan shall comply with § 270-6.5 of this bylaw. Unless otherwise allowed by the Planning Board, construction materials and standards not specified within § 270-6.5 shall be consistent with those found within the Lakeville Subdivision Regulations. Provisions shall be made to accommodate areas for snow storage.

(4) Circulation. Driveways and internal circulation shall be safe, adequate and convenient for automotive as well as pedestrian and bicycle traffic. Sidewalks and parking lots shall meet Massachusetts Architectural Access Board Regulations and the American with Disabilities Act design standards. Site distances, driveway widths, grade, location, drainage, signage, islands, and other control structures, curb radii and intersection angles shall all be provided for review. The Planning Board reserves the right to require certain driveways to meet or exceed the road standards found in the Lakeville Subdivision Regulations.

(5) Site access. The Planning Board shall evaluate the safety of motorists, bicyclists, and pedestrians utilizing the site and the roadways leading into the site. To ensure the public's safety, the Planning Board may require sidewalks or pedestrian paths within and between developments. The Planning Board may also require the connection of adjacent properties via the use of connector drives.

(6) Architectural requirements. Consideration shall be given to ensure that buildings are appropriate in scale, massing, height, roofline, and building materials to ensure that the architecture shall be in harmony with the surrounding neighborhood and the Town. Rooftop mechanical installation shall be hidden from view from the street or abutting properties. See § 270-6.7G for specific standards.

(7) Screening, buffers and landscaping requirements. Notwithstanding whether or not the project is adjacent to a Residential District, the plan shall comply with § 270-5.2D(1), 270-5.2D(2), 270-5.2E(1) or 270-5.2E(2) of this bylaw. Plants should be indigenous to the area or be able to survive New England

winters. Salt-tolerant varieties shall be planted along roadways and parking areas.

- (8) Lighting. Lighting shall be designed to enhance public safety and provide for adequate and appropriate outdoor lighting. The design shall not produce unwanted glare, light trespass on abutting properties or an overillumination of the site. Lighting shall be full cutoff fixtures, dark-sky compliant except for sign lighting.
- (9) Service areas. Service areas and delivery locations shall be located so that delivery vehicles are parked outside the street right-of-way or in on-site driveways. The Board shall ensure that these areas do not impede on-site vehicular circulation. The Board may require that specific areas adjacent to buildings or areas of the businesses' operations be specifically reserved for loading or delivery operations. These areas cannot be counted for parking or utilized for access aisles. All service areas, dumpster and trash receptacle locations, and other similar uses shall be screened from the street and from public view, through a variety of materials such as walls, fences, plantings or a combination of these materials.
- (10) Utility service. All utility service transmission systems, including but not limited to water, sewer, natural gas, electrical, cable and telephone lines, shall, whenever practicable, be placed underground.
- (11) Drainage.
  - (a) All efforts shall be made to design the drainage system to utilize low-impact development (LID) methods. Developments not incorporating any LID design elements shall prove to the Board that the use of these drainage systems is not feasible for the project due to unique site characteristics or its location.
  - (b) Detailed drainage design and computations shall be provided in conformance with the Department of Environmental Protection, Massachusetts Stormwater Handbook (latest edition). Closed drainage systems shall be designed for a twenty-five-year storm event. Culverts, detention basins, and infiltration systems shall be designed for 100-year events.
  - (c) Post-development drainage rates shall not exceed predevelopment levels. Within the Water Resource Protection District, special attention shall be made to ensure water quality is not degraded. Easements shall be shown on the plan. If they are to be granted to the Town, a written easement and a specific easement plan of such for recording purposes is necessary.
- (12) Off-site improvements. The Planning Board may require applicants to make off-site improvements to public roads or other community facilities, or to make payments for the reasonable costs associated with the impacts of the proposed development. Such improvements may include but are not limited to the widening of streets and improvement of intersections providing access to the site; the installation of curb and sidewalks along streets serving the site; and drainage improvements necessitated by the development of the site.
- (13) Public safety. Buildings and adjacent grounds shall permit reasonable access and operation by fire, police and other emergency personnel and equipment. The Board may require fire lanes at locations providing access to buildings to ensure that these areas are open for fire vehicle access.
- (14) Construction standards. All construction specifications shall comply with the standards in the Lakeville Subdivision Regulations. Where these regulations do not cover construction items, construction shall be in accordance with Commonwealth of Massachusetts, Department of Transportation, Standard Specifications for Highways and Bridges (latest edition) or standard engineering practices as determined by the Board or its designee.
- G. Architectural standards. The following architectural requirements shall apply to all new structures. Additions or alterations to existing structures may be exempted from specific requirements at the reasonable discretion of the Planning Board, based on such factors as the cost, scope and extent of the

work, the relative proportion of the existing structure to be added or altered, and the goal of harmony with the existing structure or structures.

(1) Facades.

(a) For long front facades, vary the setback, height, and roof form of the building within the range provided by traditional buildings in the region to continue the established rhythm of facades on the street.

(b) In most cases, long facades should be avoided, generally extending no more than 50 feet without a change in the wall plane. Setbacks and projections of several feet in depth are most effective at visually breaking up large facades. Smaller setbacks used in conjunction with larger setbacks can be effective. The bulk and mass of the building should be broken down to a scale that reflects the context of the surrounding neighborhood.

(2) Siding.

(a) The following siding treatments most commonly found in New England shall be used: clapboard, vertical board, brick, stone, and wood shingles. Natural materials are preferred.

(b) The use of vinyl or aluminum is strongly discouraged in the Business District. Concrete block, stucco, adobe, or other nontraditional siding types are also discouraged. Sidings having a panelized or prefabricated appearance are unacceptable.

(3) Roofs. Roofs shall be of various pitched varieties commonly found in New England.

(a) Gable or hip roofs are most preferred. Shed and gambrel-style roofs are also acceptable. False mansard or other flat roofs are the least desirable. All roofs should have appropriate overhangs.

(b) Flat roofs should not be completely eliminated from consideration, but should only be built where the size of the building does not permit a pitched roof. When flat roofs are permissible, any rooftop mechanicals should be hidden from the main viewpoints on ground level.

(4) Roof materials. Roofs shall be constructed of materials which are commonly found in New England. Shingled roofs constructed of asphalt or wood shingles are preferred. Standing seam, copper, or other metal roofs are also acceptable. Multiple roof plain slopes are acceptable, as New England architecture often includes a variety of roof styles and plains; however, it should be limited. Roll roofing, built-up tar and gravel, plastic, or fiberglass roofing materials are not appropriate. On flat roofs that are not visible from public areas, other roof materials may be considered.

(5) Architectural features and details. Balconies, decks, covered porches, decorative shingles, bracketed eaves, columns, balustrades, towers, turrets, skylights, and arches are among the details to be considered. All features and details should be in proportion with the building. Use of metal, fiberglass, or plastic awnings is not appropriate.

(6) Windows and doors. All windows and doors shall be of a New England character. Large plate-glass windows are discouraged unless they are broken up with mullions or muttons. Mirrored glass or walls are not acceptable. Also, aluminum windows/wall systems with or without colored metal panels known as "curtain wall" systems are not acceptable. Windows and doorways should be encased with trim. Decorative trim is preferred.

(7) Lighting. Lighting for new developments whether mounted on the building or on poles shall be designed so as not to spill onto adjacent properties. Shielded lights are preferred or exposed-bulb fixtures, which are historic in character. Lighting elements shall be covered by globe or shielded. Low-level lighting is preferred over large high-level light fixtures. Lighting shall comply with the Town of Lakeville Outdoor

Lighting Bylaw.

- (8) Equipment. All roof-, wall- or ground-mounted mechanical equipment, trash collection or dumpster locations, delivery or loading areas, and outdoor storage areas shall be located outside primary visual corridors and screened from public view.

H. Decision, inspection, fees, and appeals.

- (1) Planning Board action. The Planning Board shall take final action on the site plan review application within 21 days of the close of the public hearing. Planning Board action shall be by majority vote. The Planning Board may attach reasonable conditions to mitigate any impact of the proposed development. Any disapproval shall state the reasons why the site plan does not meet the requirements of this bylaw.
- (2) Appeals. Any decision rendered by the Planning Board may be appealed by the applicant to a court of competent jurisdiction as set forth in MGL c. 40A, § 17, and no building permit specifically connected to the appeal may be issued until the appeal is resolved.
- (3) Expiration of site plan approval. Any approval of a site plan which has been granted pursuant to this bylaw shall expire two years from the date of final action, unless work in accordance with the site plan approval has not sooner commenced, except for good cause.
- (4) Extensions. The Planning Board may extend approvals for an additional two-year period, such extension not to be reasonably denied. Thereafter, extensions may be granted on a year-to-year basis. A request for extension, accompanied by a schedule of completion, shall be completed by the applicant and filed with the Planning Board in advance of the Planning Board placing the extension request on an agenda of a regular or special Planning Board meeting. Extensions may not be granted for plans which no longer conform to the Town of Lakeville Zoning Bylaw.
- (5) Compliance. No building permit shall be issued by the Building Commissioner for any development subject to this section and no construction or site preparation shall be started until the Planning Board decision has been filed with the Town Clerk and the plans have been endorsed by the Planning Board.
- (6) On-site construction. The Board shall require the inspection of site construction approved under this section. The applicant shall be responsible for the inspection fee. An applicant may make limited on-site changes to an approved site plan. Said changes shall be based on unforeseen conditions, situations, or emergencies. The Town Planner or designee of the Planning Board shall review the request and may approve limited on-site changes that are generally consistent with the approved site plan. The Planning Board shall review changes that are of such a nature or magnitude that they would unreasonably compromise the basis of approval. The Planning Board may review any request for on-site construction changes under general business and may either approve, modify or deny the requested on-site changes. Said request shall not be unreasonably denied. An as-built plan shall be submitted.
- (7) Regulations. The Planning Board may adopt and from time to time amend reasonable procedural regulations, application forms, standard construction detail drawings (as included in the Planning Board Subdivision Rules and Regulations), and specifications for the administration of this bylaw, without requiring Town Meeting approval.
- (8) Fees. The Planning Board may adopt reasonable application and administrative fees, technical review fees, and inspection fees for site plan review.

**§ 270-6.8 Hazardous wastes.**

**[Added 5-10-1982]**

The operation of hazardous waste facilities as defined in Article II, including the operation of such facilities

at commercial dump sites or sanitary landfills, is prohibited within the Town of Lakeville.

§ 270-6.9 **Expedited permitting.**

[Added 6-13-2011 ATM, AG approved 9-14-2011]

Renewable or alternative energy research and development facilities and renewable or alternative energy manufacturing facilities and/or renewable energy generation facilities as identified in Article II, subject to site plan review by the Planning Board, pursuant to § 270-6.7 (site plan approval) and subject to the dimensional requirements of Article V (dimensional regulations). Said site plan approval shall be an "expedited" application and permitting process under which said facilities may be sited within one year, from the date of initial application to the date of final approval by the Planning Board, unless mutually agreed upon by both parties to extend time of approval. For the purposes of this section, "renewable energy" shall be as defined in Article II.

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## Article VII Special Regulations

§ 270-7.1 **Floodplain District regulations.**

[Added 6-18-1990]

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A. 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.

B. Existing regulations.

- (1) All development in the district, including structural and nonstructural activities whether permitted by right or by special permit, must be in compliance with the following:
  - (a) 780 CMR of the Massachusetts State Building Code, which address floodplain and coastal high hazard areas.
  - (b) 310 CMR 10.00, Wetlands protection, Department of Environmental Protection.
  - (c) 310 CMR 13.00, Inland Wetlands Restriction, DEP.
  - (d) 310 CMR 15, Title 5, minimum requirements for the subsurface disposal of sanitary sewage, Department of Environmental Protection.
- (2) 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.

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C. Definitions. [Added 6-4-2012, AG approved 7-18-2012]

### **100-YEAR FLOOD**

See "[base flood](#)."

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### **AREA OF SPECIAL FLOOD HAZARD**

Is the land in the floodplain within a community subject to 1% 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**

The flood having a 1% chance of being equaled or exceeded in any given year.

### **DEVELOPMENT**

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 of materials. ([U.S. Code of Federal Regulations, Title 44, Part 59.](#))

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[Amended 5-10-2021 ATM by Art. 7, AG [approved 8-16-2021](#)]

### **DISTRICT**

Floodplain [District](#).

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### **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**

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.)

[Added 5-10-2021 ATM by Art. 7, AG [approved 8-16-2021](#)]

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### **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. ([U.S. Code of Federal Regulations, Title 44, Part 59.](#))

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[Added 5-10-2021 ATM by Art. 7, AG [approved 8-16-2021](#)]

### **FLOOD INSURANCE RATE MAP (FIRM)**

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.

Deleted: Official Map

### **FLOOD INSURANCE STUDY**

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**

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.](#))

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[Amended 5-10-2021 ATM by Art. 7, AG approved 8-16-2021]

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#### FUNCTIONALLY DEPENDENT USE

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 shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [(U.S. Code of Federal Regulations, Title 44, Part 59.) also (Referenced Standard ASCE 24-14).]

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[Added 5-10-2021 ATM by Art. 7, AG approved 8-16-2021]

#### HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [(U.S. Code of Federal Regulations, Title 44, Part 59.)]

[Added 5-10-2021 ATM by Art. 7, AG approved 8-16-2021]

#### HISTORIC STRUCTURE

Any structure that is:

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[Added 5-10-2021 ATM by Art. 7, AG approved 8-16-2021]

- (1) 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;
- (2) 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;
- (3) Individually listed on a state inventory of historic places in communities with historic preservation programs that have been certified either:
  - (a) By an approved state program as determined by the Secretary of the Interior; or
  - (b) Directly by the Secretary of the Interior in states without approved programs.

[(U.S. Code of Federal Regulations, Title 44, Part 59.)]

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#### LOWEST FLOOR

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 nonelevation design requirements of 60.3.

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#### MANUFACTURED HOME

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

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

#### 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.)~~

[Amended 5-10-2021 ATM by Art. 7, AG **approved 8-16-2021**]

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#### RECREATIONAL VEHICLE

A vehicle which is:

[Added 5-10-2021 ATM by Art. 7, AG **approved 8-16-2021**]

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(1) Built on a single chassis;

(2) ~~Four hundred~~ square feet or less when measured at the largest horizontal projection;

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

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

~~(U.S. Code of Federal Regulations, Title 44, Part 59.)~~

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#### REGULATORY FLOODWAY

See ~~"floodway."~~

#### 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.)~~

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[Amended 5-10-2021 ATM by Art. 7, AG **approved 8-16-2021**]

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#### START OF CONSTRUCTION

[Added 5-10-2021 ATM by Art. 7, AG **approved 8-16-2021**]

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(1) 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.

(2) 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.)~~

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## STRUCTURE

- (1) 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. (U.S. Code of Federal Regulations, Title 44, Part 59.) [Amended 5-10-2021 ATM by Art. 7, AG approved 8-16-2021]
- (2) 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.

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## SUBSTANTIAL DAMAGE

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% of the market value of the structure before the damage occurred.

## SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

- (1) Before the improvement or repair is started; or
- (2) 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.

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## 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.)

[Added 5-10-2021 ATM by Art. 7, AG approved 8-16-2021]

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## VARIANCE

A grant of relief by a community from the terms of a floodplain management regulation. (U.S. Code of Federal Regulations, Title 44, Part 59.)

[Added 5-10-2021 ATM by Art. 7, AG approved 8-16-2021]

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## VIOLATION

The failure of a structure or other development to be fully compliant with the community's floodplain 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. (U.S. Code of Federal Regulations, Title 44, Part 59.)

[Added 5-10-2021 ATM by Art. 7, AG approved 8-16-2021]

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#### **ZONE A**

An area of special flood hazard without water surface elevations determined.

[Amended 5-10-2021 ATM by Art. 7, AG approved 8-16-2021]

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#### **ZONE A1-30 and ZONE AE**

Area of special flood hazard with water surface elevations determined.

[Amended 5-10-2021 ATM by Art. 7, AG approved 8-16-2021]

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#### **ZONE AH**

Areas of special flood hazards having shallow water depths and/or unpredictable flow paths between one and three feet, with water surface elevations determined.

[Added 5-10-2021 ATM by Art. 7, AG approved 8-16-2021]

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#### **ZONE AO**

Area of special flood hazards having shallow water depths and/or unpredictable flow paths between one and three feet. (Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.)

[Added 5-10-2021 ATM by Art. 7, AG approved 8-16-2021]

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#### **ZONE A99**

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.)

[Added 5-10-2021 ATM by Art. 7, AG approved 8-16-2021]

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#### **ZONES B, C AND X**

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.)

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[Amended 5-10-2021 ATM by Art. 7, AG approved 8-16-2021]

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#### **ZONE V**

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

[Added 5-10-2021 ATM by Art. 7, AG approved 8-16-2021]

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#### **ZONE V1-30 and ZONE VE**

(For new and revised maps) Area of special flood hazards, with water surface elevations determined and with velocity, that is inundated by tidal floods (coastal high-hazard area).

[Added 5-10-2021 ATM by Art. 7, AG approved 8-16-2021]

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D. 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 nonresidential 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.

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

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- (1) Existing contour intervals of site and elevations of existing structures must be included on plan proposal.
- (2) 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.
- (3) 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. **[Added 6-4-2012, AG approved 7-18-2012]**
- (4) 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. **[Added 6-4-2012, AG approved 7-18-2012]**
- (5) Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A Zones. **[Added 6-4-2012, AG approved 7-18-2012]**
- (6) All subdivision proposals must be designed to assure that: **[Added 6-4-2012, AG approved 7-18-2012]**
  - (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.
- F. Notification of watercourse alteration. In a riverine situation, the Conservation Commission shall notify the following of any alteration or relocation of a watercourse: **[Added 6-4-2012, AG approved 7-18-2012]**

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- (1) Adjacent communities.
- (2) Bordering states (optional).

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- (3) NFIP State Coordinator.
- (4) Massachusetts Department of Conservation and Recreation, 251 Causeway Street, Suite 600-700, Boston, MA 02114-2104.
- (5) NFIP Program Specialist, Federal Emergency Management Agency, Region I, 99 High Street, 6th Floor, Boston, MA 02110.

G. Administration. [Added 5-10-2021 ATM by Art. 7, AG ~~approved 8-16-2021~~]

Deleted: approval pending

- (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.
- (2) Disclaimer of liability. The degree of flood protection required by this bylaw [ordinance] is considered reasonable but does not imply total flood protection.
- (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.
- (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 six months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:

Deleted: Floodplain Administrator.

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 02214

- (5) Variances to building code floodplain standards.
  - (a) 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.
  - (b) 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:
    - [1] 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
    - [2] Such construction below the base flood level increases risks to life and property.
  - (c) Such notification shall be maintained with the record of all variance actions for the referenced development in the ~~Floodplain Overlay District~~.
- (6) Variances to local ~~zoning bylaws~~ related to community compliance with the National Flood Insurance

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Program (NFIP). A variance from these floodplain bylaws must meet the requirements set out by state law, and may only be granted if:

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- (a) Good and sufficient cause and exceptional nonfinancial hardship exist;
- (b) The variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and
- (c) The variance is the minimum action necessary to afford relief.

Deleted: non-financial

- (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.

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- (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.

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- (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.

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- (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.

- (11) Local enforcement.

- (a) This bylaw shall be enforced by the Building Commissioner appointed by the Select Board, and upon any well-founded information as to a violation, immediate steps to enforce this bylaw 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 nonaction within 14 days of the receipt of such request. [Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

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- (b) When enforced in accordance with the provisions of MGL c. 40, § 21D, the penalty shall be as follows:

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- [1] First offense \$100;
- [2] Second offense \$200; and
- [3] Third offense \$300.

§ 270-7.2 **Water Resource Protection District regulations.**  
[Amended 5-10-1982; 6-11-2001 STM, AG approved 9-19-2001]

A. Purpose and application.

(1) For the purpose of protecting groundwaters and other water resources in the Town, there are hereby established water resource protection regulations as part of the Zoning Bylaw. These regulations apply throughout the Town.

Deleted: By-Law

(2) All uses and dimensional requirements and other provisions of this bylaw applicable to land, buildings, and uses in underlying zoning districts shall remain in force and effect, except that where the water resources protection regulations impose greater or additional restrictions and requirements, such restrictions and requirements shall prevail.

Deleted: by-law

B. Use regulations. Notwithstanding use regulations for a particular district, the uses listed below are prohibited. Such uses, where lawfully existing, may be continued but may not be expanded or altered without a special permit from the special permit granting authority (SPGA), which for the purpose of this section of the Zoning Bylaw is the Planning Board.

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(1) Outdoor storage of the following substances: salt, snow-melting chemicals, or hazardous substances such as pesticides, herbicides, and water-soluble and volatile chemical compounds. This prohibition shall include, without limitation, outdoor storage of materials containing or coated with such chemicals susceptible to being carried into surface or groundwaters.

(2) Disposal, use as fill in layers or in bulk, or stockpiling of any demolition materials, waste or residue typically known as "sludge," "waste sludge," "fly ash," or any other substance that contains hazardous chemicals or other compounds that are hazardous.

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§ 270-7.3 **Planned Special Purpose District regulations.**  
[Added 5-13-1985, AG approved 8-5-1985]

Deleted: special purpose district

A. Title and purpose. The purpose of the Planned Special Purpose District is to encourage and to authorize the mixed-use development of large land areas by means of an association of a variety of building types and uses which are subordinate and mutually related to an identified authorized principal activity, with conditions and safeguards to prevent detrimental effects and impacts upon neighboring land uses and upon the Town of Lakeville generally.

B. District designation.

(1) The PSP District shall be bounded:

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Northerly by Middleborough/Lakeville Town Line

Easterly by Route 18, Bedford Street

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Southerly by Taunton Street

Westerly by Cross Street

(2) The PSP District is an overlay district superimposed over the underlying district. This section shall only apply to the following uses on parcels of greater than 25 acres. This section shall not apply nor shall it prohibit uses permitted as of right or by special permit in the underlying use district.

Deleted: district

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C. Permitted uses as principal activities in the PSP District:

(1) Cranberry culture and related uses, including structures, canals, dams, dikes, bogs, ditches, roadways and reservoirs.



(2) Hotel and ~~motel facilities.~~

**Deleted:** Motel Facilities.

(3) Medical ~~facilities.~~

**Deleted:** Facilities

(4) Town of Lakeville ~~municipal facilities.~~

**Deleted:** Municipal Facilities.

(5) Museum, ~~library or data storage facilities.~~

**Deleted:** Library

**Deleted:** Data Storage Facilities.

(6) Office ~~buildings.~~

**Deleted:** Buildings

(7) Recreational ~~facilities.~~

**Deleted:** Facilities

(8) Scientific ~~research facilities~~ as it relates to other principal activities.

**Deleted:** Research Facilities

All permitted uses are subject to Subsection E of this section, "General ~~regulations.~~"

**Deleted:** Regulations".

D. Accessory uses. The following uses shall be allowable as accessory to the above principal activities:

(1) Banks.

(2) Barber/~~beauty shops.~~

**Deleted:** Beauty Shops

(3) Tourist ~~shops.~~

**Deleted:** Shops

(4) Dry/~~cleaning shop.~~

**Deleted:** Cleaning Shop.

(5) Medical/~~dental office.~~

**Deleted:** Dental Office

(6) Restaurants.

E. General regulations in the PSP District ~~applicable to uses permitted.~~

**Deleted:** -

(1) Minimum lot area ~~shall not be less than 25 acres.~~

**Deleted:** -

(2) Buffer zones.

(a) A buffer zone, not less than 100 feet in depth, ~~shall be continuously maintained along all exterior boundary lines.~~

(b) ~~"Buffer zones,"~~ defined for the purposes of this ~~bylaw~~ as designated areas providing or designed to provide visual and special protection for adjoining land areas, shall have natural vegetation or grass, bushes and trees suitably landscaped. Driveways, roads or walkways shall be allowable within 100 feet of existing streets for access purposes. No parking access shall be built within the buffer zone.

**Deleted:** by-law

(c) Informational signs, fences, hedges and earthen berms may be maintained within a buffer zone, to be of appropriate design and location.

(3) Site plan approval.

(a) For the purposes of determining compliance with provisions of the PSP ~~District~~, the applicant shall submit a site plan to the Planning Board of the Town of Lakeville prepared 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 man-made 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 zones and landscaped areas.

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(b) Streets shall be constructed and utilities designed and installed in accordance with the Rules and Regulations of the Planning Board in effect at the time of the filing of the site plan.

(4) The site plan, including construction of roads and utilities, may be approved at any regular or specially posted meeting of the said Planning Board.

**Deleted:** Site Plan -

§ 270-7.4 Special permits.

[Amended 5-12-1980; 5-10-1982; 6-17-1996, AG approved 9-10-1996; 6-16-1997, AG approved 8-11-1997; 6-21-1999, AG approved 8-23-1999; 6-11-2001 STM, AG approved 9-19-2001; 6-6-2016, AG approved 7-21-2016; 11-13-2017 STM, AG approved 2-9-2018; 6-4-2018, AG approved 7-2-2018; 6-3-2019, AG approved 9-13-2019; amended 11-13-2018 STM, AG approved 1-7-2019; 6-23-2020 STM, AG approved 9-18-2020]

A. General provisions.

(1) Certain specific uses, buildings and structures identified in other sections of this bylaw 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, as designated herein.

**Deleted:** By-Law

**Deleted:** Special Permit

**Deleted:** Special Permit Granting Authority

(a) Special permits shall only be issued for uses, buildings and structures which are in harmony with the general purpose and intent of this bylaw and subject to its general or specific provisions and only if the special permit granting authority finds that the following conditions are met:

**Deleted:** Permits

**Deleted:** By-Law

**Deleted:** Special Permit Granting Authority

[1] The use is not noxious, harmful or hazardous, is socially and economically desirable and will meet an existing or potential need.

[2] The advantages of the proposed use outweigh any detrimental effects, and such detrimental effects on the neighborhood and the environment will not be greater than could be expected from development which could occur if the special permit were denied.

[3] The applicant has no reasonable alternative available to accomplish this purpose in a manner more compatible with the character of the immediate neighborhood.

(b) The special permit granting authority shall determine that the proposal generally conforms to the principles of good engineering, sound planning, and correct land use, and that the applicant has the means to implement the proposal if a special permit is granted.

**Deleted:** Special Permit Granting Authority

**Deleted:** principals

**Deleted:** Special Permit

(c) The special permit granting authority shall have the power to impose reasonable conditions and modifications, including limitations of time and use, as a condition of a special permit, and may secure compliance or performance by requiring the posting of a bond or other safeguards.

**Deleted:** Special Permit Granting Authority

**Deleted:** Special Permit

(d) Golf courses, once allowed, shall be permitted to make modifications and additions to principal buildings and construct accessory buildings, provided all other requirements are complied with.

**Deleted:** Courses

(2) Application.

(a) 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.

**Deleted:** Special Permits

**Deleted:** Special Permit Granting Authority

**Deleted:** Rules

**Deleted:** Regulations

(b) The plans shall include, but not be limited to, pertinent information where applicable in regard to the following: lot boundaries, names of abutting owners, streets contiguous to the site, vegetation, existing and proposed roadways, existing and proposed buildings, location of sources of water, sewage disposal, parking, ponds, wetlands, known permanent monuments and other cross sections, profiles and contour

maps required to describe the proposal. The plans shall be prepared by a registered engineer. The site shall show existing, intermediate, and final ground levels with those of adjacent properties, and shall indicate natural surface water flows and drainage ditches, if any.

- (c) Any dwelling preexisting or allowed by a special permit in a Business-zoned area shall be allowed all rights of use as if in a Residential District without a special permit so long as all residence district regulations are met.
- (3) Distribution of plans.
- (a) Copies of the project plan will be referred to the following boards or individuals within 14 days for their review and input:
  - [1] Conservation Commission.
  - [2] Board of Health.
  - [3] Highway Surveyor.
  - [4] Building Inspector.
  - [5] Fire Chief.
  - [6] Chief of Police.
  - [7] Town Planner.
  - [8] Planning Board.
  - [9] Board of Appeals.
- (b) Comments from these officials must be received by the special permit granting authority within 35 days of the plan's distribution, or else the special permit granting authority will assume their acceptance of the plan. Failure of any of these Town officials to report on the proposal does not in any way exempt the applicant from compliance with the rules and regulations administered by those boards or individual officials.
- (4) Public hearing. A public hearing will be held after the time allowed for review by Town officials, and within 65 days after submission of plans. Publication and notices of the public hearing to abutters and costs of conducting the hearing will be borne by the applicant.
- (a) Planning Board associate member. There shall be one associate member recommended by the Planning Board and appointed annually by the Select Board for a one-year term. The Chair may designate the associate member to sit on the Board for purposes of acting on special permit applications in the case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Board. [Added 11-14-2022 STM by Art. 9, AG approved 2-24-2023]
- (5) Decisions. Special permits will be granted or disapproved within 90 days after the date of the public hearing.
- B. Specific uses by special permit. No special permit shall be issued except in accordance with the following conditions and requirements for each specific use:
  - (1) Uses accessory to permitted scientific research or development.

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**Deleted:** Special Permit Granting Authority

**Deleted:** Special Permit Granting Authority

**Deleted:** Rules

**Deleted:** Regulations

**Deleted:** Permits

**Deleted:** Special Permit

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(a) SPGA; Board of Appeals; all districts.

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**Deleted:** All Districts

(b) Compatible with other uses nearby, adequate access and parking. May be permitted on a lot other than the locus of the principal use.

(2) Stand for the sale of agricultural products.

(a) SPGA; Board of Appeals; all districts.

**Deleted:** -

**Deleted:** All Districts

(b) Must be limited to sale of products grown on the premises, safe and adequate access and parking.

(3) Adult bookstore/adult motion-picture theater.

(a) SPGA; Board of Appeals; Industrial District.

**Deleted:** -

(b) Adult bookstores and motion-picture theaters may not be located within 1,000 feet of each other and 500 feet of the nearest lot lines of:

[1] A Residential District.

**Deleted:** residential district.

[2] Any establishment licensed under the provisions of MGL c. 138, § 12.

**Deleted:** Section 12 of Chapter 138 of the General Laws.

(c) Adult bookstores, motion-picture theaters and all advertising signs shall not be located within 50 feet of a public or private way and must be set back a minimum of 50 feet from all property lines.

(d) The application must include the following information:

[1] Name and address of the legal owner of the bookstore or theater;

[2] Name and address of all persons having lawful, equity or security interests in the bookstore or theater;

[3] Name and address of the manager;

[4] The number of employees;

[5] Proposed security precautions; and

[6] The physical layout of the premises.

(e) Special permits for adult bookstores/adult motion-picture theaters shall not be granted to any person convicted of violating the provisions of MGL c. 119, § 63, or MGL c. 272, § 28.

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**Deleted:** Mass. General Laws Chapter

**Deleted:** Section

**Deleted:** Use Marijuana Establishments

**Deleted:** Marijuana Retailers

**Deleted:** Registered Marijuana Dispensaries

**Deleted:** -

**Deleted:** Marijuana Uses

**Deleted:** Adult Use Marijuana Establishments, Marijuana Retailers...

**Deleted:** Registered Marijuana Dispensaries

**Deleted:** Special Permit

(g) A special permit for adult bookstores/adult motion-picture theaters shall lapse within one year, including the time required to pursue or await the determination of an appeal filed pursuant to MGL c. 40A, § 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

(4) Marijuana uses. Adult use marijuana establishments, and marijuana retailers, and registered marijuana dispensaries. SPGA; Zoning Board of Appeals; \*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. All allowed uses and special permit uses in the underlying district shall remain allowed by right or by special permit as designated in § 270-4.1, Table of Use Regulations. [Amended 11-8-2021 STM by Art. 11; AG approved 2-24-2022]

- (b) Marijuana uses shall not be located within 500 feet of a public or private school providing education in kindergarten or Grades 1 through 12. The distance under this section shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the marijuana use is or will be located.

**Deleted:** Uses

**Deleted:** grades

**Deleted:** Marijuana Use

- (c) Adult use and medical cultivation and manufacturing establishments shall be separated from adjacent uses by a fifty-foot buffer strip, unless the applicant can demonstrate, and the Zoning Board of Appeals finds, that adequate buffering can be provided in a narrower buffer strip.

**Deleted:** Cultivation

**Deleted:** Manufacturing Establishments

**Deleted:** Applicant

- (d) Marijuana uses shall be located only in a permanent building and not within any mobile facility, with the exception of the transporting of marijuana and marijuana products under a marijuana transporter license.

**Deleted:** Uses

**Deleted:** Marijuana Transporter

- (e) The application for marijuana use special permit shall include the following:

**Deleted:** Application

**Deleted:** Marijuana Use Special Permit

- [1] A detailed floor plan of the proposed marijuana use that identifies the square footage available and describes the functional areas of the facility;

**Deleted:** Marijuana Use

- [2] Detailed site plans that include the following information:

**Deleted:** Site Plans

- [a] Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, signage and all other provisions of this bylaw;

**Deleted:** By-Law

- [b] Convenience and safety of vehicular and pedestrian movement on the site to provide secure and safe access and egress to and from the site;

- [c] Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected be substantially affected by on-site changes;

- [d] Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises;

- [e] Site design such that it provides convenient, secure and safe access and egress for clients and employees arriving to and from the site;

**Deleted:** .

- [f] Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and

- [g] Adequacy of water supply, surface and subsurface drainage and light.

- [3] A copy of the written operating procedures as required by 935 CMR 500.105 and/or 935 CMR 501.105, which shall include, at a minimum, the following:

**Deleted:** Written Operating Procedures

- [a] Security measures in compliance with 935 CMR 500.110 and/or 935 CMR 501.110, to the extent such information may be made publicly available;

- [b] Employee security policies;

- [c] Proposed hours of operation and after-hours contact information;

- [d] Proposal for storage of marijuana;
- [e] Emergency procedures, including a disaster plan in case of fire or other emergencies;
- [f] Policies and procedures for preventing the diversion of marijuana to individuals younger than 21 years old;
- [g] Policies and procedures for energy efficiency and conservation in accordance with 935 CMR 500.105, and a plan for implementation of such policies;
- [4] A copy of proposed waste disposal procedures;

(f) The Zoning Board of Appeals may impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality and odor control, and significant environmental resources, preserve the character of the surrounding area, and ensure the marijuana uses are operating under best management practices for energy use, waste disposal and environmental impact. In addition to any specific conditions applicable to the applicant's marijuana uses imposed by the Zoning Board of Appeals, the following conditions shall apply to any special permit granted under this bylaw, unless otherwise stated by the Zoning Board of Appeals:

[1] The Zoning Board of Appeals may set the hours of operation, but if none are specifically specified in the special permit, hours of operation shall be limited to 8:00 a.m. to 6:00 p.m.

[2] Marijuana uses shall not generate outside odors from the cultivation, processing or manufacturing of marijuana or marijuana products.

[3] The security plan and emergency procedures shall be approved by the Police Chief and Fire Chief prior to commencing operations. the Applicant shall be required to certify to Police Chief and Fire Chief on an annual basis that there are no changes to the security plan and emergency procedures for the marijuana uses.

[4] The permit holder shall provide to the Zoning Enforcement Officer and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.

[5] Marijuana uses may not operate, and the special permit will not take effect, until the applicant has obtained all final license approvals or final certificates of registration from the Cannabis Control Commission.

[6] Marijuana uses may not operate, and the special permit will not be valid, unless the applicant has entered into a host community agreement with the Town relative to any adult use marijuana establishment, marijuana retailer or RMD permitted under this bylaw.

[7] A special permit granted under this section shall have a term limited to the duration of the applicant's ownership and use of the premises for the approved marijuana use. A special permit may be transferred only with the approval of the Zoning Board of Appeals in the form of an amendment to the special permit.

[8] The special permit shall lapse upon the expiration or termination of the applicant's license by the Cannabis Control Commission.

(g) The permit holder shall notify the Zoning Enforcement Officer and SPGA, in writing, within 48 hours of the cessation of operation, expiration or termination of the permit holder's license or certificate of registration with the Cannabis Control Commission for any marijuana use.

**Deleted:** Marijuana Uses

**Deleted:** Applicant's Marijuana Uses

**Deleted:** Special Permit

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**Deleted:** Uses

**Deleted:** Security Plan

**Deleted:** Emergency Procedures

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**Deleted:** Security Plan

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**Deleted:** Special Permit

**Deleted:** Applicant

**Deleted:** Uses

**Deleted:** Special Permit

**Deleted:** Applicant

**Deleted:** Host Community Agreement

**Deleted:** Adult Use Marijuana Establishment, Marijuana Retailer...

**Deleted:** By-Law

**Deleted:** Special Permit

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**Deleted:** Marijuana Use.

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**Deleted:** Special Permit

**Deleted:** Applicant's

**Deleted:** Marijuana Use

(5) Accessory building or structure located within the required front, side or rear setback.

(a) SPGA; Board of Appeals; all districts.

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**Deleted:** All Districts

(b) The Board of Appeals may impose certain restrictions, including but not limited to size, height and/or number of buildings or structures.

(6) Alterations, otherwise prohibited, of a dwelling in existence as of January 1, 1978, for two families.

(a) SPGA; Board of Appeals; Residential, Business Districts.

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(b) Dwelling in existence as of January 1, 1978; the dimensions and appearance of a single-family dwelling will be preserved; separate sanitary and kitchen facilities and adequate privacy provided; not incompatible with adjacent nonresidential uses if in a Business or Industrial District.

**Deleted:** district

(7) Animal kennel or hospital.

(a) SPGA; Board of Appeals; Business District.

**Deleted:** -

(b) Subject to applicable General Laws and local bylaws. Must not create nuisance to adjacent properties.

**Deleted:** By-Laws

(8) Auto or boat sales, rentals or service.

**Deleted:** Boat

(a) SPGA; Board of Appeals; Business District. [Amended 5-16-2022 ATM by Art. 10, AG approved 8-29-2022]

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**Deleted:** Industrial Districts

(b) Must be compatible with the surrounding areas, subject to site plan review by the Planning Board.

(9) Bus or railroad terminal or passenger station.

(a) SPGA; Planning Board; Business District.

**Deleted:** -

(b) Requires submission of site plan as described in § 270-6.7. Adequate provisions must be made for access and parking. Location shall be suitable for traffic generated. Must be compatible with the character of the district.

(10) Car wash.

(a) SPGA; Board of Appeals; Business District.

**Deleted:** -

(b) Subject to a site plan review by the Planning Board, which site plan shall be incorporated into the special permit. Drainage must be contained on-site. Suitable provisions shall be made for proper discharge of water into the ground so as not to pollute groundwater.

**Deleted:** Special Permit.

(11) Cemetery.

(a) SPGA; Board of Appeals; all districts.

**Deleted:** -

**Deleted:** All Districts

(b) Subject to a site plan review by the Planning Board and to approval by the Board of Health and conforming to applicable General Laws. Site plan shall be incorporated into the special permit by reference.

**Deleted:** Special Permit

(12) Commercial parking facility.

(a) SPGA; Planning Board; Business, Industrial Districts.

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(b) Requires submission of site plan as described in § 270-6.7. Adequate provision shall be made for access.

(13) Conversion of seasonal home or nonresidential building for year-round residence.

(a) SPGA; Board of Appeals; Residential, Business Districts.

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(b) Subject to Board of Health approval; must demonstrate adequacy of water supply, sewage disposal, and indoor and outdoor space without overloading the capacity of land or endangering water quality. Lot size, as well as soils and topography, shall be considered, and engineering analysis may be required. Conditions and limitations may be imposed on the number of occupants and other use characteristics for the protection of the residents, the neighborhood and the environments.

(14) Drive-through facility. [Added 6-11-2007, AG approved 9-12-2007; amended 4-30-2018 STM, AG approved 6-8-2018]

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(a) SPGA; Board of Appeals; Business, Industrial Districts.

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(b) The petitioner shall demonstrate that the proposed facility will cause no traffic hazard, congestion, or interference with the flow of traffic especially at and near intersections and that the proposed facility will have no detrimental effects on neighboring businesses or residences, as determined by the SPGA.

(15) Filling station.

(a) SPGA; Board of Appeals; Business District.

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(b) The petitioner shall demonstrate:

Deleted: .

[1] That the proposed filling station will cause no traffic hazard, congestion or interference with the flow of traffic especially at and near intersections;

[2] That adequate provisions will be made to minimize pollution due to oil, gasoline and other chemical spills, fumes and particulates; and

[3] That there will be no outdoor storage of materials except as provided by the special permit and no parking of unregistered or wrecked vehicles.

Deleted: Special Permit

(16) Golf course.

(a) SPGA; Board of Appeals; all districts.

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(b) Subject to site plan review by the Planning Board, which site plan shall be incorporated into the special permit by reference; adequate parking; no inappropriate commercial accessory use shall be permitted; no driving or "pitch-and-putt" ranges, so-called, to be deemed a golf course.

Deleted: All Districts

Deleted: Special Permit

(17) Home for the elderly, residential care facility, charitable institution or use.

(a) SPGA; Board of Appeals; Residential District.

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(b) Subject to site plan review by the Planning Board, which site plan shall be incorporated into the special permit by reference; approval of the Board of Health and Fire Chief required, as provided by General Laws.

(18) Hospital, convalescent, or nursing home.

Moved (insertion) [16]

(a) SPGA; Board of Appeals; Residential District.

Deleted: Special Permit



(b) Subject to site plan review by the Planning Board, which site plan shall be incorporated into the special permit by reference; approval of the Board of Health and Fire Chief required, as provided by General Laws.

(19) Launderette.

(a) SPGA; Board of Appeals; Business District.

(b) Requires connection to public water supply.

(20) Nonconforming use, changes to.

(a) SPGA; Board of Appeals; all districts.

(b) Proposed use is no more objectionable to the neighborhood than the existing use.

(21) Nonconforming use, extension or alteration.

(a) SPGA; Board of Appeals; all districts.

(b) Such extension or alteration must not be substantially more detrimental than the existing nonconforming use.

(22) Parking, mixed uses reduction.

(a) SPGA; Board of Appeals; Industrial District.

(b) Must be demonstrated that the need for parking occurs at different time and that adequate spaces will exist to handle the requirements for each use.

(23) Plumbing, electrical or carpentry shop or other similar service or repair establishment.

(a) SPGA; Board of Appeals; Business District.

(b) The use must be consistent with the character of the district.

(24) Private club not conducted for profit.

(a) SPGA; Board of Appeals; all districts.

(b) Shall not contain sleeping quarters for more than four persons; conditional on obtaining the required local and other licenses.

(25) Recreational or sports facilities primarily for participatory, rather than spectator, sports, including day or seasonal camps for boys and girls.

(a) SPGA; Board of Appeals; all districts.

(b) Camps must be for recreational purposes; subject to site plan review by the Planning Board, which site plan shall be incorporated by reference into the special permit; also subject to limitation to a specified capacity and to an annual Board of Health permit.

(26) Research laboratory.

(a) SPGA; Board of Appeals; Industrial District.

**Moved up [16]:** (18) Hospital, convalescent, or nursing home.¶

**Deleted:** (a) SPGA - Board of Appeals; Residential District. ¶  
(b) Subject to site plan review by the Planning Board, which site plan shall be incorporated into the Special Permit by reference; approval of the Board of Health and Fire Chief required, as provided by General Laws. ¶

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**Deleted:** Club

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**Deleted:** All Districts

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**Deleted:** All Districts

**Deleted:** Special Permit

**Deleted:** -

(b) Shall not create any dangerous, noxious, injurious or otherwise objectionable hazard, noise or vibration, smoke dust, odor or other form of environmental pollution and shall not adversely affect the surrounding environment.

(27) Retail business, service or public utility not involving manufacture on the premises except of products the major portion of which is to be sold at retail by the manufacturer to the consumer, and provided further that not more than 10 operators shall be employed in such manufacture.

(a) SPGA; Board of Appeals; Industrial District.

Deleted: -

(b) The use must not be inconsistent with or detrimental to the character of the district.

(28) Riding stable or riding school.

(a) SPGA; Board of Appeals; all districts.

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Deleted: All Districts

(b) Subject to annual Board of Health certification as required by General Laws; adequate buffers and fencing from adjacent properties; number of horses stabled shall be limited by the special permit.

Deleted: Special Permit

(29) Signs, larger, higher or a greater number than specified.

(a) SPGA; Board of Appeals; all districts.

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Deleted: All Districts

(b) Requires a business to have unusual requirements or a long name requiring a larger sign and the special permit will not be detrimental to the character of the neighborhood of the Town, unduly distracting, blocking visibility of traffic or other business or scenic views.

Deleted: Special Permit

(30) Single-family detached dwelling.

Deleted: Signs, off-premise.¶

(a) Business District.

(a) SPGA - Board of Appeals; all districts. ¶  
(b) Applies to signs not exempt from local regulation by Chapter 93 of General Laws and not advertising the premises on which located or the occupant thereof or the goods and services available thereon; must advertise a business commodity or service available in Lakeville; shall not exceed 12 square feet in area; must be found to be appropriate for the location; Special Permit to be limited to a time period of not less than three years and subject to renewal. ¶  
(31)

[1] SPGA; Board of Appeals.

[2] Dwelling must be set back at least 60 feet from property lines. Must be compatible with adjacent uses.

(b) Industrial-B.

[1] SPGA; Board of Appeals.

Deleted: -

[2] Dwelling must be set back at least 60 feet from property lines. Minimum three acres with 200 feet frontage. Must be compatible with adjacent uses. Maximum lot coverage 10%.

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[3] Dwelling with apartment must be set back at least 60 feet from the property lines and have a minimum of three acres with 200 feet of frontage, and must be compatible with adjacent uses.

Deleted: ;

(31) Steam laundry or dry-cleaning plant.

Deleted: 32

(a) SPGA; Board of Appeals; Business, Industrial District.

Deleted: -

(b) Suitable provision must be made to ensure that operation will not create excessive noise or other nuisance and for proper discharge of water into ground so as not to pollute groundwater. Must conform to applicable General Laws.

(32) Storage of junk for commercial purposes.

Deleted: 33

(a) SPGA; Board of Appeals; Business, Industrial Districts.

Deleted: -

- (b) Must be enclosed with a building or adequately screened by a solid fence or dense planting not less than six feet high; shall be located not less than 300 feet from any street, park, bathing beach, playground, school, church or cemetery, or such greater distance as the Board of Appeals may prescribe, and not in view therefrom; subject to an annual license by the Select Board, if so required by General bylaws.  
[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

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Deleted: of Selectmen

(33) Tattoo or body art establishments.

- (a) SPGA: Select Board; Business Districts, Industrial Districts. [Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

- (b) Must be in a building not used for dwelling purposes or within any interior space or unit shared with another business. A public hearing as well as Board of Health approval will be required. Must be compatible with surrounding areas.

(34) Theater (seating capacity of less than 300).

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- (a) SPGA: Board of Appeals; Industrial District.

- (b) Subject to site plan review by the Planning Board, which site plan shall be incorporated into the special permit. Adequate provision shall be made for access and parking. Proposed use must be compatible with the character of the district. Must conform to applicable General Laws.

Deleted: Special Permit.

(35) Water resource protection.

Deleted: 36

- (a) SPGA: Planning Board; all districts.

Deleted: -

- (b) The Planning Board, as special permit granting authority as authorized in § 270-7.2, shall adopt rules and regulations relative to the issuance of special permits. Such rules shall include but need not be limited to requirements for: 1) Site plan showing the extent of impervious areas, water supply, drainage and layout and design of disposal facilities; 2) provisions and conditions designed to prevent or correct conditions detrimental to water resources, health, safety and welfare; 3) provisions and conditions to control cause of pollution to ground and surface waters. The rules and regulations of the Planning Board relative to the issuance of special permits shall provide for notice to and review by the following local boards: Select Board, Board of Health and Conservation Commission. [Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

Deleted: Special Permit Granting Authority

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(36) Water towers or reservoirs.

- (a) SPGA: Board of Appeals; Industrial District and Business District.

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- (b) Must not be detrimental to character of district.

(37) Warehouse, offices or facilities for distributing merchandise over 100,000 square feet. [Added 11-14-2022 STM by Art. 13, AG approved 2-24-2023]

- (a) SPGA: Planning Board.

- (b) A single building or combination of buildings that exceed a total of 100,000 square feet, located on one lot, shall require a special permit from the Planning Board.

§ 270-7.5 Mixed Use Development District regulations.

Deleted: use development district

[Added 6-16-2003, AG approved 9-9-2003; amended 6-13-2005, AG approved 11-2-2005]

- A. Title and purpose. The purpose of the Mixed Use Development District is to encourage and to authorize

the mixed-use development of large land areas by means of an association of a variety of building types and uses, with conditions and safeguards to prevent detrimental effects and impacts upon neighboring land uses and upon the Town of Lakeville generally. No land shall be re-zoned to be within the Mixed Use Development District unless it contains an aggregate land area of at least 25 acres.

B. District designation.

- (1) The Mixed Use Development District shall overlay the land shown as Lot 1 on Assessor's Map 60 (with the balance shown on Assessor's Map 62), which land is more specifically described as follows:

The land with the buildings thereon situated in Lakeville, Plymouth County, Commonwealth of Massachusetts, on the westerly side of Main Street (Route 105) comprising about seventy-three (73) acres of land, more or less, and now or formerly known as the Lakeville State Hospital and formerly as Lakeville State Sanatorium and bounded and described as follows:

Beginning at the most northerly corner of the premises to be described at land now or formerly of Richmond Family Trust and on the southerly sideline of Rhode Island Road;

Thence S 34° 56' 40" E, a distance of 1005.56 feet by land of said Richmond Family Trust and by land now or formerly of Stillman K. Leonard to a point;

Thence N 88° 54' 05" E, a distance of 294.36 feet by land of said Leonard to a point on the westerly sideline of Main Street (Route 105);

Thence the following eight courses by the westerly and northerly sidelines of Main Street:

Southerly on a curve to the right with a radius of 1970.00 feet for an arc distance of 111.70 feet to a Massachusetts Highway Bound;

S 13° 16' 05" W, a distance of 116.78 feet to a Massachusetts Highway Bound;

Southerly on a curve to the right with a radius of 1970.00 feet for an arc distance of 243.55 feet to Massachusetts Highway Bound;

S 20° 21' 05" W, a distance of 71.44 feet to a Massachusetts Highway Bound;

Southerly on a curve to the right with a radius of 1000.00 feet for an arc distance of 458.37 feet to a Massachusetts Highway Bound;

S 46° 36' 50" W, a distance of 241.93 feet to a Massachusetts Highway Bound;

S 46° 59' 20" W, a distance of 512.93 feet to a Massachusetts Highway Bound;

S 46° 08' 49" W, a distance of 6.17 feet to a point at land now or formerly of Bruce A. Benoit;

Thence N 43° 04' 23" W, a distance of 2634.80 feet by various owners as shown on the aforementioned plan to a point on the southerly sideline of Rhode Island Road;

Thence the following six courses by the southerly sideline of Rhode Island Road:

N 68° 16' 47" E, a distance of 78.74 feet to a concrete bound;

Easterly on a curve to the right with a radius of 2238.25 feet for an arc distance of 678.64 feet to a concrete

bound;

N 85° 39' 07" E, a distance of 202.14 feet to a concrete bound;

Easterly on a curve to the right with a radius of 1560.18 feet for an arc distance of 353.92 feet to a concrete bound;

Easterly on a curve to the left with a radius of 838.52 feet for an arc distance of 609.30 feet to a concrete bound;

Easterly on a curve to the right with a radius of 1564.50 feet for an arc distance of 12.89 feet to the point of beginning.

The above described premises contain 73.3 acres more or less.

- (2) The Mixed Use Development District is an overlay district superimposed over the underlying district(s). The provisions of the underlying zoning district(s), and the provisions of this bylaw generally, each as in effect as of June 16, 2003, including bulk and dimensional requirements, will apply within the Mixed Use Development District, except if inconsistent with the Mixed Use Development District regulations set forth below, in which case the provisions of this § **270-7.5** will govern over any conflicting zoning requirements of the underlying zoning district(s). This § **270-7.5** shall not prohibit uses permitted as of right or by special permit in the underlying zoning districts.

**Deleted:** By-Law

**Deleted:** Special Permit

C. Permitted uses as principal activities in the Mixed Use Development District.

- (1) Those uses permitted in the respective underlying zoning district(s), as well as the following uses, shall be permitted within the Mixed Use Development District:

- (a) Office buildings.

**Deleted:** Buildings

- (b) Medical facilities, including medical or dental offices.

**Deleted:** Facilities

- (c) Research and development (R&D) facilities, provided that, in the absence of municipal sewerage, laboratory operations associated with such facilities are limited to so-called "dry" operations for developing and testing certain electronic and other "hi-tech" products, along with prototype production. In a case where the R&D use is served by a municipal sewerage, so-called "wet" laboratory operations, in conjunction with biotech and other similar uses, shall be permitted.

**Deleted:** Medical

**Deleted:** Dental Offices.

**Deleted:** Development

**Deleted:** Facilities

- (d) Age-qualified housing, in which each dwelling unit contains, at the commencement of occupancy, at least one occupant who is at least 55 years of age. Age-qualified housing shall provide a minimum of one parking space per dwelling unit.

**Deleted:** Qualified Housing

**Deleted:** Dwelling Unit

**Deleted:** Qualified Housing

**Deleted:** Dwelling Unit

- (e) Supermarket, as a retail business use, but only if a retail business use is permitted in the underlying zoning district.

- (2) All permitted uses are subject to Subsection E, "General regulations in the Mixed Use Development District."

**Deleted:** Regulations

**Deleted:** ". "

D. Accessory uses. The following uses shall be allowable as accessory to the above principal activities:

- (1) Restaurant or cafeteria.

**Deleted:** Cafeteria

**Deleted:** Distribution

**Deleted:** Office

- (2) Warehouse and distribution, as accessory to office or research and development uses.

**Deleted:** Research

**Deleted:** Development

- (3) Parking and access drives for all permitted uses in the Mixed Use Development District, as well as any

**Deleted:** Access Drives

and all utilities necessary to support such permitted uses, whether or not on the same lot as the principal use.

E. General regulations in the Mixed Use Development District, applicable to uses permitted.

**Deleted:** mixed use development district -

(1) Minimum lot area shall not be less than three acres.

**Deleted:** -

(2) Buffer zones. The provisions of § **270-5.2D** of this bylaw shall not apply to zoning boundaries internal to the Mixed Use Development District.

**Deleted:** By-Law

(3) Lot coverage for office and R&D uses. For all office and R&D uses located outside of the Business District, a maximum of 60% of the upland area of the lot may be covered by structures, parking, and paved areas.

(4) Parking lot access. The restrictions set forth in § **270-6.5A** regarding the maximum number of entry/exit points for a parking area shall be understood as applying to individual lots within the Mixed Use Development District, and shall apply only to entry/exit points along a public way.

(5) Shared parking/reduced size parking spaces. Parking spaces serving a principal or accessory use need not be located on the same lot as such use. When determining parking requirements for a shared parking arrangement, the Planning Board, during site plan review, may reduce the applicable requirements upon determining that the multiple uses, whether due to differing peak hours of operation or otherwise, will generate a "staggered" demand for parking, so that the parking proposed by the applicant is sufficient to meet the anticipated need. The Planning Board may, during site plan review, reduce the depth of required parking spaces from nine feet by 20 feet to nine feet by 18 feet to facilitate internal landscaping of parking areas.

(6) Multiple buildings on a lot. Within the Mixed Use Development District, multiple principal structures may be constructed within a single lot.

(7) Site plan approval.

(a) For the purposes of determining compliance with provisions of the Mixed Use Development District, the applicant shall submit a site plan to the Planning Board of the Town of Lakeville, which site plan shall be prepared in accordance with the requirements set forth in § **270-6.7** of this bylaw.

**Deleted:** By-Law

(b) When filing the site plan with the Planning Board, the applicant also shall be required to submit the site plan for review by various boards and officers within the Town of Lakeville, as set forth in § **270-6.7B** of this bylaw.

**Deleted:** By-Law

(8) Site plan review for a project within the Mixed Use Development District shall be conducted as a public hearing, and notice of the hearing shall be given to abutters.

**Deleted:** Plan

(9) In connection with site plan approval for any project within the Mixed Use Development District, the Planning Board may incorporate, as a condition to such approval, site and building design requirements that previously have been accepted by both the applicant and the Planning Board and expressed in the form of a written contract or covenant between the applicant and the Planning Board. A building height of up to 45 feet is permitted within the Mixed Use Development District, provided that appropriate restrictions and buffering requirements are set forth in a development agreement between the applicant and the Planning Board.

**Deleted:** Site Plan

**Deleted:** Development Agreement

§ 270-7.6 Large-scale "big box" design standards.  
[Added 6-13-2005, AG approved 11-2-2005]

Large-scale retail buildings that occupy 35,000 or more square feet and smaller retail stores within such buildings are subject to the following requirements:

Deleted: .

A. Procedure. The following standards shall apply to all developments requesting a density bonus pursuant to § 270-5.1C, and to all retail buildings of 35,000 or more square feet. A site plan complying with the requirements of § 270-6.7A and B must be submitted to the Planning Board showing compliance with the Building design and site design standards set out below. During site plan review, the Planning Board shall have the authority to waive requirements of this § 270-7.6 based upon its determination that the specific development plan proposed by the applicant contains architectural and site elements that effectively screen the use, soften the building facade, and generally promote visual interest and pedestrian accessibility, thereby meeting the intent of this § 270-7.6.

Deleted: (2)(a)

Deleted: (b)

Deleted: Design

Deleted: Site Design Standards

B. Definitions.

#### ARCADE

An area contiguous to a public or private right-of-way or plaza that is open and unobstructed, and that is accessible to the public at all times. Arcades may include features such as building columns, landscaping, statuary and fountains. Arcades do not include off-street loading/unloading areas, driveways or parking areas.

#### ARTICULATE

To give emphasis to or distinctly identify a particular element. An articulated facade gives emphasis to various elements, by means of changes in setback, materials, roof pitch or height.

#### BERM

An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise or provide a buffer from adjoining uses.

#### BREEZEWAY

A structure for the principal purpose of connecting a main building or structure on a property with other buildings.

#### BUFFER

See also "screen." An area provided to reduce the conflict between two different land uses by mitigating undesired views, noise and glare and providing greater privacy to neighboring land uses. Buffers may consist of, but are not limited to, plant materials, walls, fences and/or buffer strips of sufficient land area to separate the uses.

Deleted: .

#### BUFFER STRIP

A portion of a lot or property used to visually separate one use from another through the use of vegetation, distance or other approved method.

#### BUILDING MASS

The building's volume or bulk and is typically used in reference to structures of considerable size.

#### DORMER

A window set vertically in a gable projecting from a sloping roof.

#### FACADE

The portion of any exterior elevation on the building extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building.

#### FRONT YARD

The portion of the lot extending the full width of the lot and measured between the front lot line and a parallel line across a building face. Corner and double lots shall adhere to the front yard setback(s) for each frontage.

**GABLE**

A triangular wall section at the end of a pitched roof, bounded by the two roof slopes.

**HIP ROOF**

Roof with sloping ends and sides.

**MANSARD ROOF**

Roof with two slopes on each of the four sides, the lower steeper than the upper.

**PARAPET**

The portion of a wall that extends above the roofline.

**PEDESTRIAN WALKWAY**

A surfaced walkway, separate from the traveled portion of a public or private right-of-way or parking lot/driving aisle.

**PORTICO**

A porch or walkway with a roof supported by columns, often leading to an entrance to a building.

**PUBLIC OR PRIVATE RIGHT-OF-WAY**

Any public or private road or access easement providing public access to any development, but excluding any service road or internal driving aisle (i.e., within parking lots).

**SCREEN**

See also "buffer." A device, the purpose of which is, to block views. A screen shall be constructed of opaque materials and be of a height sufficient to effectively obstruct view.

Deleted: ".

**STREETSCAPE**

All elements of a development or area that are in view from other points along a public or private right-of-way.

C. Required building design standards.

- (1) Facades and exterior walls. Buildings with a facade of 100 feet or more in length shall incorporate wall projections or recesses of a minimum of three feet in depth for a minimum of 20 contiguous feet within each 100 feet of facade length, and shall extend over 20% of the facade. Buildings shall use features such as arcades, display windows, entry areas, or awnings along at least 60% of the facade.
- (2) Smaller retail stores. The following standard shall apply to separate stores contained within a larger building, where each smaller retail store occupies less than 35,000 square feet of gross floor area, and has its own separate, exterior customer entrance(s):
  - (a) Windows shall be projected or recessed at least four inches and must include visually prominent sills, shutters, or other such forms of framing for at least 60% of the length of the building facade of each store.
- (3) Detail features. Building facades shall include a repeating pattern that incorporates at least three of the elements listed below, one of which shall repeat horizontally. All pattern elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.



- (a) Color change.
- (b) Texture change.
- (c) Material module change.
- (d) Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.

(4) Roofs. ~~Rooflines shall be varied with a change in height every 100 feet in the building length.~~ Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view. Alternative lengths and designs may be allowed as determined by the Planning Board.

**Deleted:** Roof lines

(5) Materials and colors. Exterior building materials and colors shall be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.

(a) Predominant exterior building materials shall be, without limitation as follows:

[1] Brick.

[2] Wood (~~white cedar, red cedar, or other natural material manufactured into shingles, clapboard, or solid wood siding~~).

**Deleted:** White

[3] Sandstone.

[4] Native stone.

[5] Tinted, textured, concrete masonry units.

(b) Facade colors shall be low reflectiveness and of subtle, neutral, or earth-tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors is prohibited.

(c) Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be used for building trim or accent areas.

(d) The following are prohibited as predominant or accent exterior materials:

[1] Smooth-faced concrete block.

[2] Tilt-up concrete panels.

[3] ~~Prefabricated~~ steel panels.

**Deleted:** Pre-fabricated

(6) Entryways. Each building on a site shall have clearly defined, highly visible customer entrances incorporating no fewer than three of the following features:

(a) Canopies or porticos.

(b) Overhangs.

(c) Recesses/projections.

(d) Arcades.

(e) Raised corniced parapets over the door.

- (f) Peaked roof forms.
- (g) Arches.
- (h) Outdoor patios.
- (i) Display windows.
- (j) Architectural details such as tile work and moldings which are integrated into the building structure and design.
- (k) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- D. Required site design standards.
  - (1) Entrances.
    - (a) All sides of a building that directly face an abutting public or private right-of-way shall feature at least one customer entrance. Where a building directly faces more than two abutting public or private rights-of-way, this requirement shall apply only to two sides of the building as determined by the Planning Board.
    - (b) Where additional stores will be located in the building, each such store shall have at least one exterior customer entrance, which shall conform to the above requirements for entryways.
    - (2) Parking lot orientation. No more than 60% of the parking area for the entire development shall be located between any facade and the primary external abutting public or private right-of-way unless the parking area is screened from view by perimeter structures and/or landscaping.
    - (3) Building back and sides. Any back or side building facade visible from a public or private right-of-way shall be built in accordance with Subsection C design standards. Notwithstanding the provisions of § 270-5.1, the minimum front and rear setback distance in Business, Industrial and Industrial-B Districts shall be 60 feet. Where a facade faces adjacent residential uses, an earthen berm shall be installed of at least six feet in height and containing, at a minimum, a double row of evergreen or deciduous trees planted at intervals of 15 feet on center. Additional landscaping may be required by the Planning Board to effectively buffer adjacent land uses as it deems appropriate.
    - (4) Outdoor storage, trash collection, and loading areas.
      - (a) Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall be screened so as to not be visible from public or private rights-of-way.
      - (b) No areas for outdoor storage, trash collection or compaction, loading, or other similar uses shall be located within 20 feet of any public or private right-of-way, public sidewalk, or internal pedestrian walkway.
      - (c) Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and screened from view from adjacent properties and public or private rights-of-way. Screening materials shall be equal to and consistent in quality, color and design with the predominant materials of the building and landscape.
      - (d) Nonenclosed areas for the storage and sale of seasonal inventory shall be permanently sited and screened with walls, fencing and/or covering materials that are equal to and consistent in quality, color

**Deleted:** Design Standards.

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and design with the predominant materials of the building and landscape.

- (e) Temporary sales/displays, such as Christmas trees, landscape materials, shall conform to all requirements of the zoning district.
- (5) Pedestrian flows.
  - (a) Pedestrian walkways of at least six feet in width shall be provided along all sides of the lot that abut a public or private right-of-way, excluding ~~state~~ and ~~federal~~ roads or highways, unless the Planning Board determines that one or more of such walkways are not necessary for safety or convenience.
  - (b) Continuous internal pedestrian walkways, no less than five feet in width, shall be provided from any external public sidewalk and from the nearest public or private right-of-way to the principal customer entrance to each building on the site. At a minimum, such walkways shall connect major points of pedestrian activity, including, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50% of walkway length.
  - (c) Sidewalks of at least five feet in width shall be provided along the full length of each building facade that contains a customer entrance, and along any facade abutting a public parking area. Such sidewalks shall be located at least six feet from the facade of the building in order to provide space for foundation landscaping, except where architectural features such as arcades or entryways are part of the facade.
  - (d) Internal pedestrian walkways required by Subsection ~~D(5)(b)~~, above, shall provide weather protection features such as awnings or arcades for each customer entrance and shall not extend into any driving aisle or parking area.
  - (e) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of appropriate signage and distinctive and durable, low-maintenance surface materials such as pavers, bricks, or scored concrete applied in a manner that enhances pedestrian safety and comfort and the attractive appearance of the walkways.
- (6) Central features and community spaces.
  - (a) Each retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkways, outdoor play area, kiosk area, water feature, clock tower, steeple, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Planning Board, adequately enhances such community and public spaces. Such areas shall have direct access to the public sidewalk network and shall be constructed of materials that are equal in quality to the predominant materials of the building and landscape.
  - (b) Although Lakeville does not currently maintain a public bus system, areas should be provided or designed to accommodate possible (future) bus service and the growing number of private bus services (i.e., nursing home/assisted living, Housing Authority, etc.)

**§ 270-7.7 Smart Growth Overlay Districts (SGODs).**  
**[Amended 4-30-2018 STM, AG approved 6-8-2018]**

A. Purpose. The purposes of this section are:

- (1) To establish Smart Growth Overlay Districts (SGODs) to encourage smart growth in accordance with the purposes of ~~MGL c. 40R~~;

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Deleted: G. L. Chapter

- (2) To promote the public health, safety, and welfare by encouraging diversity of housing opportunities;
- (3) To increase and provide for a range of housing not presently available in the Town that would provide housing choices for households of all incomes, ages, and sizes in order to meet the goal of preserving municipal character and diversity;
- (4) To promote the economic health and vitality of the Town by encouraging the revitalization preservation, reuse, renovation, and repurposing of underutilized historic structures, where applicable, to benefit the general health and welfare of our residents and the region;
- (5) To maintain or increase the supply of affordable dwelling units;
- (6) To encourage the creation of new multifamily and residential developments in appropriate locations at appropriate densities; and
- (7) To maintain a consistently high level of design quality; and
- (8) Enable the Town to receive zoning incentive payments and/or density bonus payments in accordance with MGL c. 40R; 760 CMR 59.06.
- B. Definitions. For purposes of SGODs, the following definitions shall apply. All capitalized terms shall have the meaning set forth below, which are intended to be in accordance with the definitions established under the Governing Laws, or, as applicable, as otherwise set forth in the Zoning Bylaw, or as set forth in the Plan Approval Authority (PAA) Regulations. To the extent that there is any conflict between the definitions set forth in this section or the PAA Regulations and the Governing Laws, the terms of the Governing Laws shall govern.

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Deleted: Zoning Incentive Payments

Deleted: Density Bonus Payments

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#### ACCESSORY ROOFTOP ELEMENTS

Building elements that would ordinarily be located on a rooftop, including but not limited to railings, roof access hatches, mechanical equipment and elevator head houses.

#### ADMINISTERING AGENT OR MONITORING AGENT

The local housing authority or other qualified housing entity designated by the PAA pursuant to this section to review and implement the affordability requirements affecting projects under this section.

Deleted: Projects

#### AFFORDABLE HOMEOWNERSHIP UNIT

An affordable housing unit required to be sold to an eligible household.

Deleted: Affordable Housing

Deleted: Eligible Household

#### AFFORDABLE HOUSING

Housing that is affordable to and occupied by eligible households.

Deleted: Eligible Households

#### AFFORDABLE HOUSING RESTRICTION

A deed restriction for affordable housing meeting the statutory requirements in MGL c. 184, § 31, and the requirements of this section.

Deleted: Affordable Housing

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#### AFFORDABLE RENTAL UNIT

An affordable housing unit required to be rented to an eligible household and that meets the requirements of this section.

Deleted: Affordable Housing

Deleted: Eligible Household

#### APPLICANT

The individual or entity that submits a project for plan approval.

Deleted: Project

Deleted: Plan Approval

#### AS-OF-RIGHT

A use allowed in a SGOD without recourse to a special permit, variance, zoning amendment, or other

form of zoning relief. A project that requires plan approval by the PAA pursuant to this section shall be considered an as-of-right project.

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Deleted: Plan Approval

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#### COMMERCIAL USES

Nonresidential. For purposes of this section, commercial uses are found in mixed-use developments and are uses that are accessory to the housing development, such as first floor retail or services.

Deleted: Commercial Uses

Deleted: Mixed Use Developments

#### DEPARTMENT or DHCD

The Massachusetts Department of Housing and Community Development, or any successor agency.

Deleted: OR

#### DEVELOPABLE LAND

An area of land that does not include:

- (1) Substantially developed land;
- (2) Open space;
- (3) Future open space;
- (4) Rights-of-way of existing public streets, ways, and transit lines;
- (5) Land currently in use for governmental functions (except to the extent that such land qualifies as underutilized land); or
- (6) Areas exceeding one-half acre of contiguous land that are:
  - (a) Protected wetland resources under federal, state, or local laws;
  - (b) Rare species habitat designated under federal or state law;
  - (c) Characterized by steep slopes with an average gradient of at least 15%; or
  - (d) Subject to any other local ordinance, bylaw, or regulation that would prevent the development of residential or mixed-use development projects at the as-of-right residential densities set forth in the Smart Growth Zoning.

Deleted: Developed Land,

Deleted: Space,

Deleted: Open Space

Deleted: Underutilized Land

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Deleted: Mixed-Use Development Projects

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#### ELIGIBLE HOUSEHOLD

An individual or household whose annual income is less than or equal to 80% of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD) or any successor agency, adjusted for household size, with income computed using HUD's rules for attribution of income to assets, if applicable.

#### FUTURE OPEN SPACE

Those areas within an SGOD that the Town of Lakeville may designate or require to be identified and designated to be set aside in the future as dedicated perpetual open space through the use of a conservation restriction (as defined in MGL c. 184, § 31, or other effective means), consistent with the Town's Open Space Plan. Such future open space shall not exceed 10% of developable land area where such land in an SGOD is less than 50 acres or 20% where such land in an SGOD is 50 acres or more.

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Deleted: Open Space

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#### GOVERNING LAWS

General Laws Chapter 40R, and 760 CMR 59.00, as they may be amended from time to time, or applicable successor regulation.

#### MIXED-USE DEVELOPMENT PROJECT

A project containing a mix of residential uses and nonresidential uses, as allowed by this section, and subject to all applicable provisions of this section.

Deleted: Project

## MULTIFAMILY RESIDENTIAL USE

A residential building in which there are four or more residential dwelling units.

## PAA REGULATIONS

The rules and regulations of the PAA adopted pursuant to Subsection I(2).

## PLAN APPROVAL

Standards and procedures which projects utilizing the provisions of a SGOD must meet, pursuant to Subsections I through L and the Governing Laws.

Deleted: Projects

## PLAN APPROVAL AUTHORITY (PAA)

The local approval authority authorized under Subsection I to conduct the plan approval process for purposes of reviewing project applications and issuing plan approval decisions within SGODs.

Deleted: Plan Approval

Deleted: Project

Deleted: Plan Approval

## PROJECT

A residential or mixed-use development undertaken within SGODs in accordance with the requirements of this section.

Deleted: Residential

Deleted: Mixed-Use Development

## PUBLIC OPEN SPACE

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

## RESIDENTIAL PROJECT

A project that consists solely of residential, parking, and accessory uses.

Deleted: Project

## SGOD/SGODS

One or more Smart Growth Overlay Districts established under this section pursuant to MGL Chapter 40R.

Deleted: G. L.

## ZONING BYLAW

The current effective Zoning Bylaw of the Town of Lakeville.

C. Establishment and location. The SGODs are overlay districts consisting of the land, respectively shown on the Zoning Map as set forth on the map entitled "Town of Lakeville Smart Growth Zoning Overlay District(s) (C.40~~U~~)," dated August 7, 2006, prepared by Southeastern Regional Planning and Economic Development District (SRPEDD) and map entitled "Town of Lakeville Smart Growth Zoning Overlay District (A) (C.40R~~U~~)," dated January 18, 2018, prepared by Southeastern Regional Planning and Economic Development District (SRPEDD), and on file with the Town Clerk, and further defined as follows:

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(1) Districts. The SGODs shall include the following district(s) and subdistricts therein:

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(a) The Lakeville Station - Nemasket River Smart Growth Overlay District. An overlay district containing two subdistricts with the Residences at Lakeville Station Sub-District (f.k.a. "The Residences at Lakeville Station Smart Growth Overlay District") having a land area of approximately 11 acres in size, being Assessor's Parcels 62-3-7A, 62-3-7B, 62-3-7G, 62-3-10I, and 62-3-10J, that is superimposed over the underlying zoning district and is shown on the Zoning Map as set forth on the map entitled "Town of Lakeville Smart Growth Zoning Overlay District (C.40R~~U~~)," dated August 7, 2006, prepared by Southeastern Regional Planning and Economic Development District (SRPEDD); and the Nemasket River Sub-District having a land area of approximately 22 acres in size, being Assessor's Parcels 62 3-

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7F, 62 3-10A, 62 3-7H, 62 3-10E, 62 3-10K, 62 3-10D, 62 3-10B, and 62 3-10C, that is superimposed over the underlying zoning district and is shown on the Zoning Map as set forth on the map entitled "Town of Lakeville Smart Growth Zoning Overlay District (A) (C.40R)," dated January 18, 2018, prepared by Southeastern Regional Planning and Economic Development District (SRPEDD). These maps are hereby made a part of the Zoning Bylaw and are on file in the office of the Town Clerk.

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- (b) [Any additional SGODs as may be approved from time to time by a future Town Meeting]

D. Applicability.

- (1) The SGODs are overlay districts superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) shall remain in full force, except for those projects undergoing development pursuant to this section. Within the boundaries of an SGOD, a developer may elect either to develop a project in accordance with the requirements of an SGOD, or to develop a project in accordance with the regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) or other applicable overlay district(s). Where a project proposed pursuant to this section falls within a Floodplain District or Water Quality Protection District as set forth in §§ 270-7.1 and 270-7.2 of the Zoning Bylaw, the project shall comply with the applicable provisions of those sections, including any special permit(s) as may be required.

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- (2) An applicant seeking to develop a project located within an SGOD must submit an application for plan approval in accordance with the provisions of the Governing Laws and this section. Notwithstanding anything to the contrary in the Zoning Bylaw, such project shall not be subject to any other provisions of the Zoning Bylaw, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations.

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- E. Permitted uses. The following uses are permitted: as-of-right for projects seeking plan approval per the provisions of SGODs. Any other use of land or buildings in connection with a project in SGODs is prohibited.

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- (1) The Residences at Lakeville Station Sub-District:

- (a) Residential uses which may include:

- [1] Two-family, three-family, multifamily residential use(s);

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- [2] Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g., parking garages); and

- [3] Accessory uses customarily incidental to any of the above permitted uses.

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

Deleted: Mixed-Use Development Project

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- (c) Future open space.

(2) The Nemasket River Sub-District:

(a) Residential uses which may include:

[1] Two-family, three-family, multifamily residential use(s);

**Deleted:** Multifamily

[2] Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g., parking garages); and

[3] Accessory uses customarily incidental to any of the above permitted uses.

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

**Deleted:** Mixed-Use Development Project

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(c) Future open space.

F. Affordable housing. For all projects, not less than 20% of housing units constructed shall be affordable housing. Twenty-five percent of rental dwelling units constructed in a rental project or rental portion of a project must be affordable rental units. For purposes of calculating the number of units of affordable housing required within a project, any fractional unit shall be deemed to constitute a whole unit. A project shall not be segmented to evade the affordability threshold set forth above. Affordable housing shall be subject to the following requirements:

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(1) Monitoring agent. A monitoring agent, which may be the local housing authority or other qualified housing entity, shall be designated by the PAA in its plan approval. In a case where the monitoring agent cannot adequately carry out its administrative duties, upon certification of this fact by the PAA or by DHCD such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the designating official/PAA or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such monitoring agent shall ensure the following, both prior to issuance of a building permit for a project within a SGOD, and on a continuing basis thereafter, as the case may be:

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(a) Prices of affordable homeownership units are properly computed; rental amounts of affordable rental units are properly computed;

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(b) Income eligibility of households applying for affordable housing is properly and reliably determined;

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(c) The housing marketing and resident selection plan conforms to all applicable requirements, has been approved by DHCD specifically with regard to conformance with MGL c.40R and 760 CMR 59.00, and is properly administered;

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(d) Sales and rentals are made to eligible households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and

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(e) Affordable housing restrictions meeting the requirements of this section are approved by DHCD, specifically with regard to conformance with MGL c.40R and 760 CMR 59.00, and recorded with the Plymouth County Registry of Deeds.

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(2) Submission requirements.

(a) As part of an application for plan approval for a project within an SGOD, the applicant must submit the following documents to the PAA and the monitoring agent:

[1] Evidence that the project complies with the cost and eligibility requirements of Subsection F(3);

[2] Project plans that demonstrate compliance with the requirements of Subsection F(4);

[3] A form of affordable housing restriction that satisfies the requirements of Subsection F(5); and

[4] A narrative document and marketing plan that establishes that the proposed development of housing is appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly.

(b) These documents in combination shall include details about construction related to the provision, within the development, of units that are accessible to the disabled.

(3) Cost and eligibility requirements. Affordable housing shall comply with the following requirements:

(a) Affordable housing required to be offered for rent or sale shall be rented or sold to and occupied only by eligible households.

(b) For an affordable rental unit, the monthly rent payment, including utilities and parking, shall not exceed 30% of the maximum monthly income permissible for an eligible household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable housing program rent limits approved by the DHCD shall apply.

(c) For an affordable homeownership unit, the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowners' association fees, insurance, and parking, shall not exceed 30% of the maximum monthly income permissible for an eligible household, assuming a family size equal to the number of bedrooms in the unit plus one.

(d) Prior to the granting of any building permit for a project, the applicant must demonstrate, to the satisfaction of the monitoring agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town of Lakeville.

(e) There shall be a local preference applied in the selection of residents for a project to the extent allowable by applicable laws, regulations, and guidelines and to the extent it is approved by DHCD and any other applicable regulating authority(ies) for the project.

(4) Design and construction. Units of affordable housing shall be finished housing units. Units of affordable housing shall be dispersed proportionately throughout the project of which they are a part, across all unit types and be comparable in initial construction quality and exterior design to the other housing units in the project. The bedroom-per-unit average for the affordable housing must be equal to or greater than the bedroom-per-unit average for the unrestricted/market-rate units.

(5) Affordable housing restriction. Each project shall be subject to an affordable housing restriction which is recorded with the appropriate Registry of Deeds or registry district of the Land Court and which contains the following:

(a) Specification of the term of the affordable housing restriction, which shall be perpetual;

(b) The name and address of the monitoring agent, with a designation of its power to monitor and enforce

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- the affordable housing restriction;
- (c) A description of the affordable homeownership unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of affordable rental units in a project or portion of a project which are rental. Such restriction shall apply individually to the specifically identified affordable homeownership unit and shall apply to a percentage of rental units of a rental project or the rental portion of a project with the initially designated affordable rental units identified in, and able to float subject to approval by DHCD in accordance with, the corresponding Affirmative Fair Housing Marketing Plan (AFHMP) and DHCD's AFHMP guidelines.
- (d) Reference to a housing marketing and resident selection plan to which the affordable housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and resident selection plan may provide for local preferences in resident selection to the extent consistent with applicable laws, regulations, and guidelines and to the extent it is approved by DHCD and any other applicable regulating authority(ies) for the project. The plan shall designate the household size appropriate for a unit with respect to the number of bedrooms and provide that a preference for such unit shall be given to a household of the appropriate size;
- (e) A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of eligible households compiled in accordance with the housing marketing and resident selection plan;
- (f) Reference to the formula pursuant to which the maximum rent of a rental unit or the maximum resale price of a homeownership unit will be set;
- (g) Designation of the priority of the affordable housing restriction over other mortgages and restrictions, provided that a first mortgage of an affordable homeownership unit to a commercial lender in an amount less than maximum resale price may have priority over the affordable housing restriction if required by then-current practice of commercial mortgage lenders as reasonably determined by DHCD;
- (h) A requirement that only an eligible household may reside in affordable housing and that notice of any lease of any affordable rental unit shall be given to the monitoring agent;
- (i) Provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the monitoring agent;
- (j) Provision that the restriction on an affordable homeownership unit shall run in favor of the monitoring agent and/or the Town, and/or a nonprofit organization acceptable to both the Town and DHCD, in a form approved by Town Counsel, and shall limit initial sale and resale to and occupancy by an eligible household;
- (k) Provision that the restriction on affordable rental units in a rental project or rental portion of a project shall run with the rental project or rental portion of a project and shall run in favor of the monitoring agent and/or the Town, and/or a nonprofit organization acceptable to both the Town and DHCD, in a form approved by Town Counsel, and shall limit rental and occupancy to an eligible household;
- (l) Provision that the owner or manager of affordable rental units shall file an annual report to the monitoring agent, in a form specified by that agent, certifying compliance with the affordability provisions of this section and containing such other information as may be reasonably requested in order to ensure affordability; and
- (m) A requirement that residents in affordable housing provide such information as the monitoring agent may reasonably request in order to ensure affordability.
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(6) Costs of housing marketing and selection plan. The housing marketing and selection plan may make provision for payment by the project applicant of reasonable costs to the monitoring agent to develop, advertise, and maintain the list of eligible households and to monitor and enforce compliance with affordability requirements. Such payment shall not exceed 1/2% of the amount of rents of affordable rental units (payable annually) or 1% of the sale or resale prices of affordable homeownership units (payable upon each such sale or resale), as applicable.

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(7) Age restrictions. Nothing in this subsection shall permit restrictions on age upon projects unless proposed or agreed to voluntarily by the applicant. However, the PAA may, in its review of an application for plan approval, allow a specific project within an SGOD designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such project shall be in compliance with all applicable federal, state and local fair housing laws and regulations and not less than 25% of the housing units in such a restricted project shall be restricted as affordable units. Any project which includes age-restricted residential units shall comply with applicable federal, state and local fair housing laws and regulations.

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(8) Twenty-percent requirement. Not less than 20% of all residential units constructed within an SGOD project shall be reserved as affordable housing units, and the PAA may require as a condition to approval of the project for such housing development that recordable instruments be prepared and recorded to ensure that the total number of affordable housing units constructed in the district equals not less than 20% of the total number of all units constructed as part of projects within the SGOD.

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(9) Segmentation. The PAA may require that certificates of occupancy be withheld for any housing units if it believes that the development of housing projects is being segmented to evade the size threshold for affordability.

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(10) Phasing. For any project that is approved and developed in phases, the percentage of affordable units in each phase shall be at least equal to the minimum percentage of affordable housing required for such project under Subsection F. Where the percentage of affordable housing is not uniform across all phases, the unit dispersal and bedroom proportionality requirements under Subsection F shall be applied proportionately to the affordable housing provided for in each respective phase.

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(11) No waiver. Notwithstanding anything to the contrary herein, the affordability provisions in an SGOD shall not be waived without the express written approval of DHCD.

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G. Density and dimensional requirements. Notwithstanding anything to the contrary in this Zoning Bylaw, the dimensional requirements applicable in the SGODs are as follows:

(1) The Residences at Lakeville Station Sub-District:

(a) Minimum densities.

[1] For single-family residential: at least eight dwelling units per acre of developable land;

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[2] For two-family and/or three-family residential: at least 12 dwelling units per acre of developable land;

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[3] For multifamily residential: at least 20 units per acre of developable land.

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

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(c) Dimensional requirements:

#### Minimum Lot Area

Single-family residential	5,000 square feet
Two-/three-family residential	7,000 square feet
Multifamily residential	40,000 square feet
Neighborhood business	40,000 square feet

#### Minimum Lot Frontage

Single-family residential	50 feet
Two-/three-family residential	50 feet
Multifamily residential	100 feet
Neighborhood business	100 feet

#### Building Height

All uses, minimum	1.5 stories (18 feet)
All uses, maximum	3 stories (55 feet)

#### Minimum Setbacks

All residential uses, front yard	20 feet
Neighborhood business uses, front yard	None
All residential uses, side yard	20 feet
Neighborhood business uses, side yard	None
All uses, rear yard	20 feet

#### Maximum Setbacks

All uses - front yard	40 feet
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#### Maximum Lot Coverage

Single-family residential	30%
Two-/three-family residential	40%
Multifamily residential	50%
Neighborhood business	75%

[1] The PAA may waive these dimensional requirements in accordance with this section where the PAA deems it appropriate to the project and the neighborhood.

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[2] For the purposes of this subsection, frontage and front yard setbacks shall be determined with respect to public and private streets, as well as to private ways providing similar access.

[3] Access: Individual buildings or parcels within a project site shall have coordinated street access.

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[4] In the Residences at Lakeville Station Sub-District, front yards may not be used for parking, regardless of the principal use of the building.

(2) Nemasket River Smart Sub-District.

(a) Maximum densities.

[1] For single-family residential: up to eight dwelling units per acre of developable land;

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[2] For two-family and/or three-family residential: up to 12 dwelling units per acre of developable land;

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[3] For multifamily residential: up to 25 units per acre of developable land.

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(b) Where a project involves an entire block or multiple contiguous blocks, maximum densities shall be calculated on the development of the area as a whole.

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(c) Dimensional requirements.

#### Minimum Lot Area

Single-family residential	5,000 square feet
Two-/three-family residential	7,000 square feet
Multifamily residential	40,000 square feet
Neighborhood business	40,000 square feet

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#### Minimum Lot Frontage

Single-family residential	50 feet
Two-/three-family residential	50 feet
Multifamily residential	100 feet
Neighborhood business	100 feet

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#### Building Height

All uses, minimum	1.5 stories (18 feet)
All uses, maximum	4 stories (55 feet)

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#### Minimum Setbacks

All residential uses, front yard	10 feet
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Neighborhood business uses, front yard None

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All residential uses, side yard 10 feet

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Residential detached 5 feet

Neighborhood business uses, side yard None

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All uses, rear yard 20 feet

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#### Maximum Lot Coverage

Single-family residential 30%

Two-/three-family residential 40%

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Multifamily residential 50%

Neighborhood business 75%

(d) The PAA may waive these dimensional requirements in accordance with this section where the PAA deems it appropriate to the **project** and the neighborhood.

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(e) For the purposes of this subsection, frontage and front yard setbacks shall be determined with respect to public and private streets, as well as to private ways providing similar access.

(f) Access. Individual buildings or parcels within a **project** site shall have coordinated street access.

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(3) Notes for dimensional requirements for all SGODs (unless otherwise noted):

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

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

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

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

[1] Front, side, or rear yards of **neighborhood business** buildings may be used as seasonal outdoor seating areas for businesses, provided that such areas are regularly cleaned and maintained, with trash removed on a daily basis. Seasonal outdoor seating areas may be installed during warm weather months. All

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related temporary furnishings and fixtures, including but not limited to tables, chairs, umbrellas, light fixtures, freestanding signs and menu boards, etc., shall be stored indoors off season; however, any fencing, bollards, planters, or other means of delineating the boundaries of such outdoor seating areas may remain in place permanently.

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

H. Parking and loading requirements. The following requirements are applicable for projects within an SGOD.

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- (1) Parking spaces. Unless otherwise approved by the PAA, the following number of off-street parking spaces shall be both the minimum and maximum provided by use, either in surface parking, within garages or other structures, or, as may be permitted below, on-street. The following requirements shall apply:
  - (a) Residential project. Two parking spaces per residential unit.
  - (b) Nonresidential uses. A 20% reduction in required spaces may be permitted when the applicant submits information on peak times by use, confirming that uses are compatible relative to parking demand. On-street parking in front of a building may be utilized to help fulfill this requirement.
  - (c) Barrier-free access. For multifamily residential and nonresidential uses, provide a minimum of one handicapped accessible parking space per establishment and/or use, up to a maximum of 10%, inclusive, of total parking required. Handicapped accessible spaces may be located on-street or off-street, and in any case shall be located no further than 50 feet from any accessible entrance and be clearly marked, with a safe and accessible means of access/egress.
  - (d) On-street parking. On-street parking is not generally available in the SGOD.
  - (e) Off-street parking. Off-street parking as an accessory use shall only be provided at the sides or the rear of a building. Residential parking should be clearly marked or separated from nonresidential parking. Surface parking lots and/or private garages may be provided for all uses. For multifamily and nonresidential uses, pedestrian connections shall be provided from all side or rear parking facilities to the front of the building. Where a parking facility is located behind and serves multiple adjacent buildings, pedestrian connections to the street shall be provided at regular (maximum 400-foot) intervals between buildings. The PAA may allow for additional visitor parking spaces beyond the two minimum spaces per unit if deemed appropriate given the design, layout and density of the proposed residential or other development. The PAA may allow for a decrease in the required parking as provided in this section.
- (2) Shared parking. Notwithstanding anything to the contrary herein, the use of shared parking to fulfill parking demands noted above that occur at different times of day is strongly encouraged. The minimum parking requirements above may be reduced by the PAA through the plan approval process if the applicant can demonstrate that shared spaces will meet demands by using accepted methodologies (e.g., the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies identified in the PAA regulations or the Governing Laws).
- (3) Reduction in parking requirements. Notwithstanding anything to the contrary herein, the required amount of parking or loading may be reduced by the PAA through the plan approval process if the applicant can demonstrate that the lesser amount of parking or loading will not cause excessive congestion, endanger public safety, or that a lesser amount of parking will provide positive environmental or other benefits, taking into consideration:

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

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- (4) Location of parking. Any surface parking lot shall, to the maximum extent feasible, be located at the rear or side of a building, relative to any principal street, public open space, or pedestrianway.

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#### I. Plan approval of projects: general provisions.

- (1) Plan approval. All applicants for projects proposed to be developed in accordance with this section shall submit an application for plan approval to the PAA to be reviewed for consistency with the purpose and intent of the applicable SGOD. Such plan approval process shall be construed as an as-of-right review and approval process as required by and in accordance with the Governing Laws.
- (2) Plan approval authority (PAA). The Planning Board, consistent with MGL Chapter 40R and 760 CMR 59.00, shall be the plan approval authority (the "PAA"), and it is authorized to conduct the plan approval process for purposes of reviewing project applications and issuing plan approval decisions within SGODs.
- (3) PAA regulations. The plan approval authority may adopt administrative rules and regulations relative to plan approval. Such rules and regulations must be approved by the Department of Housing and Community Development.
- (4) Project phasing. An applicant may propose, in a plan approval submission, that a project be developed in phases, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase, and subject to the approval of the PAA. Any phased project shall comply with the provisions of Subsection F(10).

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#### J. Plan approval procedures.

- (1) Preapplication. Prior to the submittal of a plan approval submission, a "concept plan" may be submitted to help guide the development of the definitive submission for project buildout and individual elements thereof. Such concept plan should reflect the following: areas of developable and undevelopable land; overall building envelope areas; open space and natural resource areas; general site improvements, groupings of buildings, proposed land uses; and conceptual designs of any new construction, if available. The concept plan is intended to be used as a tool for both the applicant and the PAA to ensure that the proposed project design will be consistent with the design standards and other requirements of the applicable SGOD.
- (2) Required submittals. An application for plan approval shall be submitted to the PAA on the form provided by the PAA and accompanied by an application fee if required, which shall be as set forth in

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the PAA regulations. The application shall be accompanied by such plans and documents as may be required and set forth in the PAA regulations. For any project that is subject to the affordability requirements of Subsection F, the application shall be accompanied by all materials required under Subsection F. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals 40 feet or larger, or at a scale as approved in advance by the PAA and must show the following:

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- (a) The perimeter dimensions of the lot(s) comprising the site locus; Assessor's Map, lot and block numbers.
- (b) All existing and proposed buildings, structures, building setbacks, parking spaces, driveway openings, distance between buildings, plan view exterior measurements of individual buildings, driveways, service areas and open areas.
- (c) Internal roads, sidewalks and parking areas (width dimensions of paving and indication of number of parking spaces).
- (d) All facilities for sewage, refuse and other waste disposal and for surface water drainage.
- (e) All proposed landscaping features, such as fences, walls, planting areas and walks on the lot and tract.
- (f) Existing major natural features, including streams, wetlands and all trees six inches or larger in caliper ("caliper" is girth of the tree at approximately chest height).
- (g) Scale and North arrow (minimum scale of one inch equals 40 feet).
- (h) Total site area in square footage and acres and area to be set aside as public open space, if appropriate.
- (i) Percentage of lot coverage (including the percentage of the lot covered by buildings) and percentage of open space, if appropriate.
- (j) The proposed residential density in terms of dwelling units per acre and types of proposed commercial uses in terms of the respective floor area, and recreation areas, and number of units proposed by type (number of one-bedroom units, two-bedroom units, etc.).
- (k) Location sketch map (indicate surrounding streets and properties and any additional abutting lands owned by the applicant).
- (l) Representative elevation sketches of buildings (indicate height of building and construction material of the exterior facade).
- (m) Typical unit floor plan for residential uses. (Floor plan should be indicated for each type of unit proposed. The area in square feet of each typical unit should be indicated.)
- (n) Developer's (or authorized representative's) name, address and phone number.
- (o) Any other information, which may include traffic, school, tax, or utility impacts, in order to adequately evaluate the scope and potential impacts of the proposed project.
- (3) Filing. An applicant for plan approval shall file the required number of copies of the application form and the other required submittals as set forth in the PAA regulations with the Town Clerk, and a copy of the application including the date of filing certified by the Town Clerk shall be filed forthwith with the

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- (4) Circulation to other boards. Upon receipt of the application, the PAA shall immediately provide a copy of the application materials to the Select Board, Board of Appeals, Building Commissioner, Board of Health, Conservation Commission, Fire Department, Police Department, Highway Department, the monitoring agent (for any project subject to the affordability requirements of Subsection F), and other municipal officers, agencies or boards for comment, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a copy of the plan and application for approval. [Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

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

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- (6) Peer review. The applicant shall be required to pay for reasonable consulting fees to provide peer review of the plan approval application, pursuant to MGL c. 40R, § 11(a). Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the applicant forthwith.

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K. Plan approval decisions.

(1) Plan approval.

- (a) Plan approval shall be granted where the PAA finds that:

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- [1] The applicant has submitted the required fees and information as set forth in the PAA regulations; and

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- [2] The project as described in the application meets all of the requirements and standards, including affordability requirements, and the PAA regulations, or a waiver has been granted therefrom; and

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- [3] Any extraordinary adverse potential impacts of the project on nearby properties have been adequately mitigated.

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- (b) For a project subject to the affordability requirements of Subsection F, compliance with condition K(1)(a)[2] above shall include written confirmation by the monitoring agent that all requirements of that subsection have been satisfied. The PAA may attach conditions to the plan approval decision that are necessary to ensure substantial compliance with this section and the PAA's approval, or to mitigate any extraordinary adverse potential impacts of the project on nearby properties.

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- (2) Plan disapproval. A plan approval application may be disapproved only where the PAA finds that:

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- (a) The applicant has not submitted the required fees and information as set forth in the PAA regulations; or

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- (b) The project as described in the application does not meet all of the requirements and standards set forth in this section and the PAA regulations, or that a requested waiver there from has not been granted; or

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- (c) It is not possible to mitigate adequately significant adverse project impacts on nearby properties by means of suitable conditions.

(3) Waivers. Upon the request of the applicant, the plan approval authority may waive dimensional and other requirements of this section, subject to compliance with MGL c. 40R and 760 CMR 59.00, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the applicable SGOD, or if it finds that such waiver will allow the project to achieve the density, affordability, mix of uses, and/or physical character allowable under this section. Waivers may not be granted for a reduction in allowable density and affordability requirements.

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(4) Project phasing. The PAA, as a condition of any plan approval, may allow a project to be phased at the request of the applicant, or it may require a project to be phased for the purpose of coordinating its development with the construction of planned infrastructure improvements (as that term is defined under 760 CMR 59.00), or to mitigate any extraordinary adverse project impacts on nearby properties. For projects that are approved and developed in phases, the proportion of affordable to market rate units shall be consistent across all phases where the project contains the minimum percentage of affordable units applicable under Subsection F. Where the percentage of affordable units in a phased project exceeds the minimum required under Subsection F, each phase must at least contain the minimum percentage of affordable units proportionately applicable to that phase under Subsection F.

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

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

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#### L. Changes in plans after approval by PAA.

(1) Minor change. After plan approval, an applicant may apply to make minor changes in a project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the applicant for filing with the Town Clerk.

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(2) Major change. Those changes deemed by the PAA to constitute a major change in a project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for plan approval pursuant to Subsections I through L.

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(3) As-built plans. Prior to the issuance of any occupancy permits, the applicant shall submit "as-built" plans to the PAA, the PAA's consulting engineer and the Lakeville Building Commissioner to confirm that the project has been constructed in substantial conformity with the prior approved plan and that the applicant has complied with the conditions stated in this section and in the plan approval.

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M. Administration, enforcement, and appeals. The provisions of this section shall be administered by the Building Commissioner, except as otherwise provided herein. Any legal appeal arising out of a plan approval decision by the PAA under this section shall be governed by the applicable provisions of MGL Chapter 40R. Any other request for enforcement or appeal arising under this section shall be governed by the applicable provisions of MGL Chapter 40A.

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

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#### § 270-7.8 Accessory apartment.

[Added 6-15-2009 ATM, AG approved 8-18-2009]

A. Purpose and intent. The purpose of this § 270-7.8 is to:

- (1) Provide an opportunity for family members who choose to live in close proximity, but separate from other family members, to remain within that family environment;
- (2) Provide for the health and security concerns of elder or disabled homeowners who wish to remain in their homes;
- (3) Protect residential stability, property values and the single-family character of neighborhoods; and
- (4) Make it possible for the Town to supervise and monitor such additions for code compliance and safety.

B. Accessory apartments are allowed by right in Residential and by special permit in Business and Industrial\_B Districts when added within or attached to a preexisting single-family dwelling in compliance with all the requirements of this bylaw. In no case shall more than one accessory apartment be allowed on any lot.

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C. The owner of a single-family dwelling may apply directly to the Building Commissioner for the construction and occupation of an accessory apartment. Applications shall meet the following requirements:

- (1) Only one accessory apartment per lot shall be permitted.
- (2) The accessory apartment shall contain no more than 33 1/3% of the entire proposed structure and in any case not to exceed 1,000 square feet.
- (3) The accessory apartment shall be designed so that the appearance of the structure remains that of a single-family dwelling, subject further to the following conditions:
  - (a) All additional stairways to second or third stories shall be enclosed within the exterior walls of the structure;
  - (b) Any new entrance shall be located on the side or in the rear of the structure;
  - (c) Where there are two or more existing entrances on the front facade of the principal dwelling, if modifications are made to any entrance, the result shall be that one appears to be the principal entrance

and other entrances appear to be secondary.

- (4) The accessory apartment shall contain a kitchen, bathroom and living room area and a maximum of one bedroom. It shall be constructed in a manner consistent with the appearance of the existing structure.
  - (5) The accessory apartment shall not be used for commercial accommodations or seasonal rentals.
  - (6) Sufficient and appropriate space for at least one parking space shall be constructed to serve the accessory apartment. Said parking space shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the existing driveway.
  - (7) The accessory apartment and the principal dwelling shall be serviced and monitored by common utilities.
  - (8) A plot plan, prepared by a registered land surveyor, of the existing dwelling unit and the proposed accessory apartment shall be submitted with the building permit application. The plan shall show the location of all structures on the lot along with septic system, well and drainage structures.
- D. Prior to the issuance of an occupancy permit, the accessory apartment shall meet all building code requirements and shall have properly installed and maintained fire safety devices for the protection of all occupants in the entire structure.

## Article VIII **Administration**

### **§ 270-8.1 Enforcement.**

[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]

This bylaw shall be enforced by the Building Commissioner appointed by the Select Board, and upon any well-founded information as to a violation, immediate steps to enforce this bylaw 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 nonaction within 14 days of the receipt of such request.

### **§ 270-8.2 Board of Appeals.**

#### A. Membership: powers and duties.

- (1) The Board of Appeals shall consist of five citizens of the Town appointed by the Select Board.  
[Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]
- (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 Select Board 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. [Amended 11-8-2021 STM by Art. 9, AG approved 12-15-2021]
- (6) No member shall act in any case in which he may have a personal or financial interest.

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**Deleted:** § 270-7.9 Development Opportunities (DO) District. ¶

**[Added 6-4-2012 ATM, AG approved 7-18-2012] ¶**

A. 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.

**Deleted:** 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. ¶

(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. ¶

(2) 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 list. ...

**Deleted:** Procedures. The special permit granting authority (SPGA) for this District shall be subject to the provisions of § 270-7.4 of this By-law applicable to the granting of special permits, including without limitation the requirement to ...

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(7) 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 bylaw, with the powers and duties as defined herein and in Chapter 40A of General Laws.

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B. 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.

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C. 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 bylaw 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 bylaw 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 bylaw, as provided in MGL c. 40A, § 10.

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D. 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 bylaw, 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 14 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 MGL c. 40A, § 11.

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#### § 270-8.3 Conformance required; lapse of special permit.

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 determination of any court appeal, the special permit shall lapse and become void.

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#### § 270-8.4 Appeals.

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 20 days after such decision has been filed with the Town Clerk.

#### § 270-8.5 Violations and penalties.

[Added 6-5-2000, AG approved 7-5-2000]

Any person violating any provisions of this bylaw, any of the conditions under which a permit is issued, or any decision rendered by the Board of Appeals may be fined not more than \$50 for each offense. Each day that such violation continues shall constitute a separate offense. When enforced in accordance with the provisions of MGL c. 40, § 21D, the penalty shall be as follows: first offense \$100; second offense \$200; and third offense \$300.

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#### § 270-8.6 Legal aspects.

A. The invalidity of any section or provision of this bylaw shall not affect the validity of any other provision thereof.

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B. This bylaw may be amended by a two-thirds vote of any Town meeting following the procedure provided by Chapter 40A, including a duly advertised public hearing by the Planning Board.

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C. Amendments shall take effect upon being voted by the Town Meeting, provided they are subsequently approved by the Attorney General or 90 days elapses after referral to the Attorney General without such



approval, and provided further that such amendments are published or posted as provided in MGL c. 40, § 32. In the event an amendment is disapproved by the Attorney General, the provisions of this bylaw in effect prior to such amendment shall be deemed to have been and remain in force.

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#### § 270-8.7 Temporary licenses.

[Added 6-16-2003, AG approved 9-9-2003; amended 6-14-2004, AG approved 9-16-2004; 6-3-2019, AG approved 9-13-2019; 6-23-2020, AG approved 9-18-2020]

Notwithstanding the other provisions of this bylaw, the owner and occupier of a residence which has been unintentionally destroyed or the owner of a conforming lot under this bylaw 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 12 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 months and may be reserved by written request 30 days prior to expiration for an additional six months due to unforeseen circumstances or other unavoidable delays.

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A. 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, nonpaying guests for a period not to exceed three months. Such license shall be nonrenewable. Any such mobile home shall be subject to the provisions of the State Sanitary Code.

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B. 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.

C. 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 Building Commissioner.

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D. Definitions.

#### 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.

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#### 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.

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### Article IX

#### Wireless Communications Facility

[Added 3-3-1999, AG approved 3-8-1999]

#### § 270-9.1 Purpose and intent.

The purpose of the Zoning Bylaw is to minimize adverse impacts of communication structures, monopoles, buildings and appurtenances on adjacent properties and residential neighborhoods; and to protect, to the

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maximum extent practicable, the rural character and aesthetic qualities of the Town of Lakeville, the property values of the community and safety of the citizens. This bylaw is promulgated under the authority of MGL c. 40A, the Home Rule Amendment of the Massachusetts Constitution and the 1996 Telecommunications Act, 47 U.S.C. § 332(c)(7)(A). A wireless communication facility shall not be placed, constructed, or modified except in accordance with the provisions of this Zoning Bylaw.

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#### § 270-9.2 Definitions.

##### COMMUNICATION BUILDING

Any building utilized primarily for the installation and operation of equipment for generating or receiving electromagnetic radiation and which is accessory to a communication structure.

##### COMMUNICATION MONOPOLE

Any cylindrical pole intended to support equipment used for the transmission and reception of electromagnetic radiation, including antennas, wiring or other devices attached thereto.

##### COMMUNICATION STRUCTURE

Any structure intended to support equipment used for the transmission and/or reception of electromagnetic radiation, including communication monopoles, antennas, wiring or other devices attached thereto. Such a structure shall not include a lattice or guy-wire-type tower.

##### WIRELESS COMMUNICATIONS FACILITY

A "wireless communications facility" ("WCF") shall mean a facility used for the purpose of commercial or public wireless communications uses, such as cellular telephone services, enhanced specialized mobile radio services, microwave communications, personal wireless communications services, paging services and the like, as defined in Section 704 of the Federal Telecommunications Act of 1996, as amended. Such facilities shall include towers, antennae; antennae support structures, panels, dishes, communication building, communication structure and accessory structures. For the purposes of this bylaw, a WCF shall not include the following accessory uses or structures: antennae or dishes used solely for residential household television and radio reception; dishes used for commercial or public purposes measuring two meters or less in diameter; nor amateur radio facilities, including towers less than 45 feet above ground, in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission (FCC), provided that the tower is not used or licensed for any commercial use.

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#### § 270-9.3 General requirements.

[Amended 11-17-2014 STM, AG approved 2-23-2015]

- A. No WCF shall be placed, constructed or modified except in compliance with this Zoning Bylaw.
- B. All new wireless communications facilities shall be co-located, to the maximum extent practicable and technologically feasible, with one or more existing wireless communication facilities, monopoles, buildings or other structure whose height, location and characteristics meet the needs of the proposed facility. An applicant shall demonstrate to the Zoning Board of Appeals that it has made a good-faith effort to co-locate its facility upon an existing structure or facility.
- C. All new wireless communication monopoles or support structures shall be designed, to the maximum extent practicable with existing technology and with height limits set forth in this chapter, for co-location of antennas and other necessary facilities for at least three other wireless communication providers, and shall offer space to all other providers at market rates. Any special permit granted for a new facility under this section shall be conditioned upon the written agreement of the facility operator to allow the co-location of at least three other wireless communication providers on commercially reasonable terms. If co-location facilities are not installed at the time of construction of the WCF, then,

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at the time of any addition of a co-located facility, the holder of the special permit and the new provider shall notify the Zoning Board and the Building Inspector that the installation has occurred and certify that the installation has been performed in accordance with the special permit for the WCF.

- D. In descending order of zoning district preference, a WCF shall be located in Industrial (including Industrial-B); Business and Residential.
- E. Any applicant proposing not to co-locate their facility or proposing to locate their facility in an Industrial District shall provide written evidence and documentation demonstrating why it is not feasible for their facility to be co-located with existing facilities or to be located in an Industrial District, or any other district having preference over the proposed location.
- F. In no event shall any WCF be located closer than one mile to any other such WCF, unless the applicant can show that there is no existing space on one of the existing facilities which can be leased or procured.
- G. The height of the monopole, measured from the mean finished ground level at the base of the facility, shall not exceed 125 feet in an Industrial District and shall not exceed 75 feet in Business or Residential Districts. The Zoning Board may allow a greater height if such modification provides adequate safety, promotes co-location or improves the design, and will not significantly impact the character and appearance of the neighborhood.
- H. In all areas zoned Business, Industrial and Industrial-B, the setbacks for the WCF shall be a minimum of 1 1/2 times or 150% the height of the monopole and 500 feet from the lot line of the nearest residential use. Said distance shall be measured from the base of the WCF to the lot line of the nearest residential use. The Zoning Board may allow a lesser setback if such modification provides adequate safety, promotes co-location or improves the design, and will not significantly impact the character and appearance of the neighborhood.
- I. In Residential Districts, the setbacks shall be a minimum four times the height of the tower, but not less than 500 feet. Said distance shall be measured from the base of the WCF to the nearest residential structure. The Zoning Board may allow a lesser setback if such modification provides adequate safety, promotes co-location or improves the design, and will not significantly impact the character and appearance of the neighborhood.
- J. All structures associated with a WCF shall be removed within one year of the cessation of said use.
- K. Certification, by an independent test consultant, stipulating the WCF is in compliance with the FCC shall be conducted within 10 days of completion of construction of the facility and once a year after that date. The monitoring shall be based on Cobbs Test Protocol or such comparable test standards as approved by the Zoning Board.
- L. As a condition of the special permit for the placement, construction or modification of a WCF, a carrier shall provide a bond of not less than \$250,000, in a form acceptable to the Town, or shall place into escrow a sum of money sufficient to cover the costs of removing the WCF from the subject property and, furthermore, said funds shall be held by the Town Treasurer or an independent escrow agent to be appointed by the carrier and the Zoning Board. The amount of the surety shall be certified by an engineer, architect or other qualified professional registered to practice in the Commonwealth of Massachusetts. The carrier shall authorize and, as necessary, shall provide the authorization of the owner of the property to allow the Town or the escrow agent to enter upon the subject property to remove the WCF when the WCF has been abandoned or discontinued.
- (1) A WCF shall be deemed to be abandoned or discontinued if it has not been used for the purpose for which it was constructed for a period of one year or more. Once abandonment or discontinuance has occurred, the carrier shall remove the WCF from the subject property within 90 days. In the event that

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the carrier fails to remove the WCF, the Town shall give notice to the carrier and, if appropriate, the independent escrow agent that the facility shall be removed forthwith and the Town or the escrow agent, after affording written notice seven days in advance to the carrier, shall remove the WCF.

- (2) The special permit shall further state that, in the event the amount of surety is insufficient to cover the costs of removal, the Town may place a lien upon the property to cover the difference in cost.
- M. The applicant shall provide to the Zoning Board a contact for emergencies, and said contact person and phone number and the owner of the facility and phone number shall be posted on the fence surrounding the wireless communication facility.
- N. A WCF shall be setback a minimum of 1,000 feet from any school; said distance shall be measured from the property line for the WCF to the nearest property for the school.
- O. Any proposed extension in height, addition of cells, antennas or panels, construction of a new facility or other modifications, shall be subject to a new application for an amendment to the special permit unless the extension or modification does not substantially change the physical dimensions of the facility.

**§ 270-9.4 Design provisions.**

Design provisions for such facilities shall include, but are not limited to:

- A. No new WCF shall be placed or constructed that uses a lattice-type construction which requires three or more legs or guy wire supports or both without a special permit from the Zoning Board of Appeals.
- B. No monopole or other facility structure shall contain any sign or other devices for the purpose of advertisement.
- C. All monopoles, antennae, antennae support structures, and similar facilities shall be of neutral colors that are harmonious with, and blend with, the natural features, buildings and structures of the surrounding environment. Such structures shall be constructed out of nonreflective materials.
- D. All building mounted facilities shall be designed and located so as to appear to be an integral part of the existing architecture of the building and shall be of colors that match and/or blend with those of the building.
- E. The related unmanned equipment and/or building(s) shall not contain more than 400 square feet of gross floor area or be more than 10 feet in height.
- F. There shall be a minimum of one parking space for each facility, to be used in connection with the maintenance of the site, and not to be used for the permanent storage of vehicles or other equipment.
- G. All wireless communications facilities shall be protected against unauthorized climbing or other access by the public. The fencing shall be compatible with the scenic character of the surrounding area and shall not be constructed of barbed wire or razor wire.
- H. No wireless communications facility shall be constructed to a height that requires aircraft lighting or special painting to enhance visibility. No tower shall be artificially lighted.
- I. Applicants shall submit eight view lines showing a one-mile radius from the site, beginning at true North and continuing clockwise at forty-five-degree intervals. Said view lines shall, to the extent feasible, be taken from existing vantage points commonly used by the public, such as public ways, buildings or facilities. The submittal shall include unaltered photographs taken from eye level, five feet above grade, which show the existing condition of these view lines, as well as accurate scale perspective elevation drawings, computer-altered photographs or other accurate representations showing said view

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lines with the facility in place.

- J. Landscape plans submitted with the application shall identify all existing vegetation, shall indicate which vegetation is to be removed or altered, and shall show all proposed new vegetation and other landscape treatments.
- K. All wireless communications facilities shall be sited in such a manner that the view of the facility from adjacent abutters, residential neighbors and other areas of Town shall be as limited as possible.
- L. Satellite dishes and/or antenna shall be situated on or attached to a structure in such a manner that they are screened, preferably not being visible from abutting streets, if feasible. Freestanding dishes or antenna shall be located on the landscape in such a manner so as to minimize visibility from abutting streets and residences and to limit the need to remove existing vegetation. All equipment shall be colored, molded and/or installed to blend into the structure and/or the landscape.

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**§ 270-9.5 Environmental standards.**

- A. No hazardous waste shall be discharged on the site of any WCF. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least 110% of the volume of the hazardous materials stored or used on the site.
- B. Ground-mounted equipment for a WCF shall not generate noise in excess of 50 dB at the property line. Roof-mounted or side-mounted equipment for WCF shall not generate noise in excess of 50 dB at ground level at the base of the building closest to the antenna.

**§ 270-9.6 Application process.**

- A. All special permit applications for wireless communications facilities shall be made and filed on the applicable application form available from the Lakeville Zoning Board of Appeals.
- B. Applications for special permits may be approved or approved with conditions if the petitioner can fulfill the requirements of these regulations to the satisfaction of the Zoning Board and upon finding the Zoning Board that:
  - (1) The proposed use will be in harmony with the general purpose and intent of the Zoning Bylaw;
  - (2) The specific site is an appropriate location for such use;
  - (3) The use as developed will not adversely affect the neighborhood;
  - (4) There will be no nuisance or serious hazard associated with the use; and
  - (5) Adequate appropriate facilities will be provided for proper operation of the proposed use.
- C. When considering an application for a WCF, the Zoning Board shall place great emphasis on the proximity of the facility to residential dwellings and its impact on these residences. New facilities shall only be considered after finding that existing (or previously approved) facilities cannot accommodate the proposed user(s).
- D. A locus plan at a scale of one inch equals 40 feet which shall show all property lines, the exact location of the proposed structure(s), streets, landscape features, residential dwellings and neighborhoods and all buildings within 500 feet of the facility.
- E. The following information shall be prepared by one or more professional engineers:
  - (1) A description, including illustrations and photographs, of the monopole and the technical, economic and

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other reasons for the proposed location, height and design.

- (2) Confirmation that the monopole complies with or is exempt from all applicable federal and state standards.
- (3) A description of the capacity of the monopole, including the number and type of panels, antennae and/or transmitter receivers that it can accommodate, and the basis for these calculations.
- F. Material describing a specific plan for a balloon or similar test, including the date and time, as well as rain date and time. The Zoning Board shall approve the plan and specify the manner by which applicant shall give notice to the public.
- G. In addition to the filing fees, the applicant shall pay any reasonable additional cost of retaining professional services if such services are deemed necessary by the Zoning Board.
- H. Any special permit granted under this section shall lapse within two years of the date of the grant, not including the time required to pursue or await the termination of an appeal referred to in MGL c. 40A, § 17, if substantial use thereof has not sooner commenced except for good cause, or in the case of permit for construction, if construction has not begun within two years of the date of grant, except for good cause.

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#### § 270-9.7 Exemptions.

The following are types of WCF are exempt from this chapter:

- A. A television antenna or satellite dish which is accessory to a use permitted as of right in a business or residential district, provided such use does not include the provision of wireless communications services for a fee. Such antenna or dish must be:
- (1) Less than two meters in diameter; and
- (2) Not visible from any neighboring property or public way;
- B. A WCF installed wholly within and not protruding from the interior space of an existing building or structure, excluding building used for residential use.
- C. A WCF installed on the roof of an existing building, providing no part of the facility extends more than 10 feet above the existing roof and the roof of such building is at a higher elevation than any other structure within 1,000 feet.
- D. Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the FCC, provided that:
- (1) The tower is not used or licensed for any commercial purpose.
- E. Towers and antennas erected by the Town of Lakeville for public safety communication purposes.

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#### § 270-9.8 Severability.

If any section of this bylaw is ruled invalid by a court contempt jurisdiction, such ruling will not affect the validity of the remainder of the bylaw.

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## Article X

### Large-Scale Ground-Mounted Solar Photovoltaic Installations Overlay District

[Added 6-13-2011 ATM, AG approved 9-14-2011]

§ 270-10.1 **Purpose; applicability.**

- A. The purpose of this article is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations. The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.
- B. Applicability. This article applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this article. This article also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

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§ 270-10.2 **Definitions.**

**AS-OF-RIGHT SITING**

That development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development shall be subject to site plan review to determine conformance with local zoning ordinances or bylaws. Projects cannot be prohibited but can be reasonably regulated by the Planning Board through site plan review.

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**BUILDING INSPECTOR**

The Inspector of Buildings, Building Commissioner, or local inspector, or person or board designated by local ordinance or bylaw charged with the enforcement of the zoning ordinance.

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**BUILDING PERMIT**

A construction permit issued by an authorized Building Inspector; the building permit evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws, including those governing ground-mounted large-scale solar photovoltaic installations. Building permits will be issued after site plan review by the Planning Board.

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**DESIGNATED LOCATION**

The locations designated by Town Meeting, in accordance with MGL c. 40A, § 5, where ground-mounted large-scale solar photovoltaic installations may be sited as-of right. To include all I (Industrial Districts) as shown on the Lakeville Zoning Map (as revised August 2009). This map is hereby made a part of this Zoning Bylaw and is on file in the office of the Town Clerk.

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**LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION**

A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

**ON-SITE SOLAR PHOTOVOLTAIC INSTALLATION**

A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

**RATED NAMEPLATE CAPACITY**

The maximum rated output of electric power production of the photovoltaic system in direct current (DC).

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**SITE PLAN REVIEW**

Review by the site plan review authority to determine conformance with local zoning ordinances or bylaws.

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## SITE PLAN REVIEW AUTHORITY

For purposes of this bylaw, "site plan review authority" refers to the body of local government designated as such by the municipality. The Planning Board is the site plan review authority.

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## SOLAR PHOTOVOLTAIC ARRAY

An arrangement of solar photovoltaic panels.

## ZONING ENFORCEMENT AUTHORITY

The person or board charged with enforcing the zoning ordinances or bylaws. The Building Commissioner is the zoning enforcement authority.

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### § 270-10.3 General requirements for all large-scale solar power generation installations.

The following requirements are common to all solar photovoltaic installations to be sited in designated locations.

- A. Compliance with laws, ordinances and regulations. The construction and operation of all large-scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.
- B. Building permit and building inspection. No large-scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.
- C. Fees. The application for a building permit for a large-scale solar photovoltaic installation must be accompanied by the fee required for a building permit.
- D. Renewable or alternative energy research and development facilities, and renewable or alternative energy manufacturing facilities subject to site plan review by the Planning Board, pursuant to §§ 270-7.3 and 270-10.3E, Site plan review, and subject to the dimensional requirements of § 270-10.3I, Dimension and density requirements. Said site plan approval shall be an "expedited" application and permitting process under which said facilities may be sited within one year from the date of initial application to the date of final approval by the Planning Board.
- E. Site plan review.
  - (1) Ground-mounted solar photovoltaic installations shall undergo site plan review by the site plan review authority prior to construction, installation or modification as provided in this section.
    - (a) General. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts.
    - (b) Required documents. Pursuant to the site plan review process, the project proponent shall provide the following documents:
      - [1] A site plan showing:
        - [a] Property lines and physical features, including roads, for the project site;
        - [b] Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
        - [c] Blueprints or drawings of the solar photovoltaic installation signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts, showing the proposed layout of the system and any

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**Deleted:** Alternative Energy Manufacturing Facilities Subject to Site Plan Review

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potential shading from nearby structures;

- [d] One- or three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code-compliant disconnects and overcurrent devices;

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- [e] Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;

- [f] Name, address, and contact information for proposed system installer;

- [g] Name, address, phone number and signature of the project proponent, as well as all coproponents or property owners, if any;

- [h] The name, contact information and signature of any agents representing the project proponent; and

- [i] Documentation of actual or prospective access and control of the project site (see also Subsection F);

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- [ii] An operation and maintenance plan (see also Subsection G);

- [iii] Zoning district designation for the parcel(s) of land comprising the project site [submission of a copy of a Zoning Map with the parcel(s) identified is suitable for this purpose];

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- [iv] Proof of liability insurance; and

- [v] Description of financial surety that satisfies Subsection M(3).

- (2) The site plan review authority may waive documentary requirements as it deems appropriate.

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- F. Site control. The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

- G. Operation and maintenance plan. The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.

- H. Utility notification. No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the site plan review authority that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

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- I. Dimension and density requirements.

- (1) Setbacks. For large-scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

- (a) Front yard. The front yard depth shall be at least 40 feet.

- (b) Side yard. Each side yard shall have a depth at least 40 feet.

- (c) Rear yard. The rear yard depth shall be at least 40 feet.

(d) Buffer strips. As set forth in § 270-5.2E(1) and (2), when abuts a Residential District.

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(2) Appurtenant structures. All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

J. Design standards.

(1) Lighting. Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. All aspects of construction not specifically listed must comply with all municipal bylaws. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.

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(2) Signage.

(a) Signs on large-scale ground-mounted solar photovoltaic installations shall comply with a municipality's sign bylaw. A sign consistent with a municipality's sign bylaw shall be required to identify the owner and provide a twenty-four-hour emergency contact phone number.

(b) Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation. All signage must conform with § 270-6.6.

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(3) Utility connections. All utility connections from the solar photovoltaic installation shall be made underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

(4) Installation. All aspects of installation not specifically listed must conform with existing Town bylaws.

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K. Safety and environmental standards.

(1) Emergency services. The large-scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

(2) Land clearing, soil erosion and habitat impacts. Clearing of natural vegetation shall be limited to construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws. Unit of clearing must be shown on site plan and be accepted by the site plan review authority.

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L. Monitoring and maintenance.

(1) Solar photovoltaic installation conditions. The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be



maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

- (2) Modifications. All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the site plan review authority.

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M. Abandonment or decommissioning.

- (1) Removal requirements. Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with § 270-10.3M(2) of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the site plan review authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

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- (a) Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or revegetation of the site as necessary to minimize erosion. The site plan review authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

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- (2) Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the site plan review authority. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.

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- (3) Financial surety. Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined by the site plan review authority, but in no event to exceed more than 125% of the cost of removal, disposal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal and disposal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

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## Article XI

### Land-Based Wind Energy Facilities

[Added 6-13-2011 ATM, AG approved 9-14-2011]

#### § 270-11.1 Purpose.

- A. The purpose of this article is to provide standards for the placement, design, construction, operation, monitoring, modification and removal of wind facilities that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such facilities.

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B. The provisions set forth in this article shall take precedence over all other bylaws, when considering applications related to the construction, operation, and/or repair of land-based wind energy facilities.

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#### § 270-11.2 Applicability.

This article applies to all utility-scale and on-site wind facilities proposed to be constructed after the effective date of this article. This article also pertains to physical modifications to existing wind facilities that materially alter the type, configuration, or size of such facilities or related equipment.

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#### § 270-11.3 Definitions.

[Added 6-9-2014 ATM, AG approved 7-1-2014]

#### BUILDING INSPECTOR

The Inspector of Buildings, Building Commissioner, or local inspector charged with the enforcement of the State Building Code.

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#### BUILDING PERMIT

The permit issued in accordance with all applicable requirements of the Massachusetts State Building Code (780 CMR).

#### HEIGHT

The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.

#### RATED NAMEPLATE CAPACITY

The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a nameplate on the equipment.

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#### SITE PLAN REVIEW AUTHORITY

The Planning Board is hereby designated as the site plan review authority to review site plans.

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#### SPECIAL PERMIT REQUIREMENTS

Development of all land-based wind energy facilities, except those within the definition of renewable and alternative energy research and development facilities in Article II of this bylaw, shall require the issuance of a special permit and shall meet all requirements for site plan approval under §§ 270-6.7 and 270-11.5B. The special permit granting authority for land-based wind energy facilities shall be the Planning Board.

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#### UTILITY-SCALE WIND ENERGY FACILITY

A commercial wind energy facility, where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets.

#### WIND ENERGY FACILITY

All of the equipment, machinery, and structures together utilized to convert wind to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads.

#### WIND MONITORING OR METEOROLOGICAL TOWER

A temporary tower equipped with devices to measure wind speed and direction, to determine how much electricity a wind energy facility can be expected to generate.

#### ZONING ENFORCEMENT AUTHORITY

The Building Commissioner is the person or board charged with enforcing the Zoning Bylaw within the Town of Lakeville.

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§ 270-11.4 **General requirements for all wind energy facilities.**

The following requirements are common to all wind energy facilities to be sited in designated locations:

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- A. Compliance with laws, ordinances and regulations. The construction and operation of all such proposed wind energy facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements.
- B. Building permit and building inspection. No wind energy system shall be erected, constructed, installed or modified as provided in this section without first obtaining a building permit.
- C. Fees. The application for a building permit for a wind energy system shall be accompanied by the fee required for a building permit.

§ 270-11.5 **Site plan review.**

- A. No wind energy facility shall be erected, constructed, installed or modified as provided in this section without first undergoing site plan review by the site plan review authority.

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- (1) General. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts.

- (2) Required documents. Pursuant to the site plan review process, the project proponent shall provide the following documents:

- (a) A site plan showing:

- [1] All property lines, physical features, existing and proposed topography at two-foot contour intervals of the site parcel;

- [2] A site plan at a scale of not greater than one inch equals 40 feet and to include a North arrow and locus on the plan;

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- [3] Outline of all existing buildings, including purpose (e.g., residence, garage, etc.) on site parcel and all adjacent parcels where practical, within 500 feet of the site parcel, including distances from the wind facility to each building shown;

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- [4] Location of the proposed tower, foundations, guy anchors, access roads, and associated equipment;

- [5] Location of all existing and proposed roads, both public and private, and including temporary roads or driveways, on the site parcel and adjacent parcels within 500 feet of the site parcel;

- [6] Any existing overhead utility lines;

- [7] Existing areas of tree cover, including average height of trees, on the site parcel and any adjacent parcels within a distance, measured from the wind turbine foundation, of 1.5 times the height of the wind turbine;

- [8] Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting (other than FAA lights), screening vegetation or structures;

- [9] Tower foundation blueprints or drawings signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts;

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- [10] Tower blueprints or drawings signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts;

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[11] One- or three-line electrical diagram detailing wind turbine, associated components, and electrical interconnection methods, with all National Electrical Code-compliant disconnects and overcurrent devices;

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[12] Documentation of the wind energy facility's manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed), and foundation type/dimensions;

[13] Name, address, phone number and signature of the applicant, as well as all coapplicants or property owners, if any;

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[14] The name, contact information and signature of any agents representing the applicant; and

[15] A maintenance plan for the wind energy facility.

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(b) A locus map consisting of a copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000, showing the proposed facility site, including turbine sites, and the area within at least two miles from the facility. Zoning district designation for the subject parcel should be included; submission of a copy of a Zoning Map with the parcel identified is suitable for this purpose;

(c) Proof of liability insurance;

(d) Certification of height approval from the FAA;

(e) A statement that evidences the wind energy facility's conformance with § 270-11.11F listing ambient sound levels at the site and maximum projected sound levels from the wind energy facility; and

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(f) Description of financial surety that satisfies § 270-11.13C.

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B. The site plan review authority may waive documentary requirements as it deems appropriate.

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#### § 270-11.6 **Site control.**

The applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for installation and operation of the proposed wind energy facility. Control shall include the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.

#### § 270-11.7 **Operation and maintenance plan.**

The applicant shall submit a plan for maintenance of access roads and stormwater controls, as well as general procedures for operational maintenance of the wind facility.

#### § 270-11.8 **Utility notification.**

No wind energy facility shall be installed until evidence has been given that the utility company that operates the electrical grid where the facility is to be located has been informed of the customer's intent to install an interconnected, customer-owned generator. Off-grid systems shall be exempt from this requirement.

#### § 270-11.9 **Temporary meteorological towers (met towers).**

A building permit shall be required for stand-alone temporary met towers. No site plan review shall be required for met towers.

#### § 270-11.10 **Design standards.**

A. Appearance, color and finish. Color and appearance shall comply with Federal Aviation Administration (FAA) safety requirements.

B. Lighting. Wind turbines shall be lighted only if required by the FAA. Lighting of other parts of the wind

energy facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be shielded from abutting properties. Except as required by the FAA, lighting of the wind energy facility shall be directed downward and shall incorporate full ~~cutoff~~ fixtures to reduce light pollution.

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C. Signage.

(1) Signs on wind energy facilities shall comply with the Town's ~~Sign Bylaw~~. The following signs shall be required:

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- (a) Those necessary to identify the owner, provide a twenty-four-hour emergency contact phone number, and warn of any danger.
- (b) Educational signs providing information about the facility and the benefits of renewable energy.
- (2) Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.

D. Utility connections. Reasonable efforts, as determined by the ~~site plan review authority~~, shall be made to place all utility connections from the wind energy facility underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

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E. Appurtenant structures. All appurtenant structures to wind energy facilities shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking, and building coverage requirements. All such appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and contained within the turbine tower whenever technically and economically feasible. Whenever reasonable, structures should be shaded from view by vegetation and/or located in an underground vault and joined or clustered to avoid adverse visual impacts.

F. Height. The maximum height of wind energy facilities shall not exceed 225 feet in height.

§ 270-11.11 **Safety and environmental standards.**

A. Emergency services. The applicant shall provide a copy of the project summary, electrical schematic, and site plan to the ~~Police and Fire Departments~~, and/or the local emergency services entity designated by the local government. Upon request, the applicant shall cooperate with local emergency services in developing an emergency response plan. All means of disconnecting the wind energy facility shall be clearly marked. The applicant or facility owner shall identify a responsible person for public inquiries or complaints throughout the life of the project.

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B. Unauthorized access. Wind energy facilities shall be designated to prevent unauthorized access. For instance, the towers of wind turbines shall be designed and installed so that step bolts or other climbing features are not readily accessible to the public and so that step bolts or other climbing features are not installed below the level of eight feet above the ground. Electrical equipment shall be locked where possible.

C. Setbacks. A wind turbine may not be sited within:

- (1) A distance equal to three times the height of the wind turbine from buildings, critical infrastructure, or private or public ways that are not part of the wind energy facility;
- (2) A distance equal to three times the height of the turbine from the nearest existing residential structure; or

(3) A distance equal to three times the height of the turbine from the nearest property line.

D. Setback waiver. The site plan review authority may reduce the minimum setback distance as appropriate based on site-specific considerations, or written consent of the affected abutter(s), if the project satisfies all other criteria for the granting of a building permit under the provisions of this article.

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E. Shadow/flicker. Wind energy facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses.

F. Sound. The operation of the wind energy facility shall conform with the provisions of the Department of Environmental Protection's Division of Air Quality Noise Regulations (310 CMR 7.10).

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G. Land clearing, soil erosion and habitat impacts. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind energy facility or otherwise prescribed by applicable laws, regulations, and bylaws.

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#### § 270-11.12 Monitoring and maintenance.

A. Wind energy facility conditions. The applicant shall maintain the wind energy facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The project owner shall be responsible for the cost of maintaining the wind energy facility and any access road(s), unless accepted as a public way.

B. Modifications. All material modifications to a wind energy facility made after issuance of the required building permit shall require approval by the site plan review authority.

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#### § 270-11.13 Abandonment or decommissioning.

A. Removal requirements. Any wind energy facility which has reached the end of its useful life or has been abandoned shall be removed. The owner/operator shall physically remove the facility no more than 150 days after the date of discontinued operations. The applicant shall notify the site plan review authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

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(1) Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.

(2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

(3) Stabilization or revegetation of the site as necessary to minimize erosion. The site plan review authority may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption of vegetation.

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B. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the wind energy facility shall be considered abandoned when the facility fails to operate for more than one year without the written consent of the site plan review authority. If the applicant fails to remove the facility in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the facility.

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C. Financial surety. Applicants for utility-scale wind energy facilities shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the facility and remediate the landscape, in an amount and form determined to be reasonable by

the site plan review authority, but in no event to exceed more than 125% of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

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# Derivation Table

## Chapter DT Derivation Table

In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where chapters and articles of the 1994 Bylaw Revision have been included in the 2023 Code, or the reason for exclusion.

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§ DT-1 Derivation Table of 1994 Bylaw Revision to 2023 Code.

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Chapter/Title from 1994 Bylaw Revision	Location in <u>2023</u> Code
Ch. I, General Provisions	Ch. 1, Art. I
Ch. II, Town Meetings	Ch. 74
Ch. III, Town Officers	
Sec. 1-3	Ch. 53
Sec. 4-6	Ch. 15, Art. I
<u>Sec. 7</u>	<u>Repealed (repeal pending)</u>
<u>Sec. 8</u>	Ch. 53
Sec. 9	Ch. 15, Art. II
Sec. 10	See Ch. 1, Art. II
Sec. 11	Ch. 15, Art. II
Sec. 12-14	Ch. 28
Sec. 15-16	Ch. 15, Art. II
Sec. 17-17A	Repealed 1-31-1994
Sec. 18	Ch. 53
Sec. 19-23	Ch. 120, Art. I
Sec. 24, 24(a), 24(b)	Ch. 1, Art. II

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**Chapter/Title from 1994 Bylaw Revision****Location in 2023 Code****Deleted: 2022**Sec. 25 Ch. **15**, Art. **IV**Sec. 26 Ch. **53**Sec. 27 Ch. **15**, Art. **V**Sec. 28 Ch. **15**, Art. **VI**Ch. IV, Records and Reports Ch. **66**Ch. V, Removal of Earth Ch. **140**Affordable Housing Trust Fund Ch. **7**Animal Control Bylaw Ch. **107**Board of Health Ch. **15**, Art. **III**Burglar Alarm Systems, Regulation and Registration of Ch. **102**Burial Grounds and Lots, Care of Ch. **125**Community Preservation Committee Ch. **15**, Art. **VII**Curb Cut Bylaw Ch. **239**, Art. **I**Demolition Bylaw Ch. **133**Disorderly Conduct and Obstruction by People; Alcoholic Beverages; and Ch. **206**  
Defacing MarksDisposal of Surplus Property Ch. **60**Door-to-Door Sales Ch. **210**Electric Wiring Ch. **120**, Art. **III**Excavation and Trench Safety Ch. **239**, Art. **II**Fire Alarm and Fire Protection Systems Secured Key Access Ch. **156**, Art. **I**Handicapped and Disabled Veteran Parking Ch. **251**, Art. **II**Junk, Old Metals or Secondhand Articles Ch. **169**Licenses and Permits of Delinquent Taxpayers, Denial, Refusal or  
Suspension of Ch. **176**, Art. **I**Manufactured Housing Communities Rent Control Bylaw Ch. **187**



Chapter/Title from 1994 Bylaw Revision	Location in <u>2023</u> Code
Marihuana or Tetrahydrocannabinol, Public Consumption of	Ch. <b>191</b>
Motor Boats on Loon Pond, Ban on the Use of	Ch. <b>115</b>
Motor Vehicle Dealer's License, Class II	Ch. <b>176</b> , Art. <b>II</b>
Non-Stormwater Discharges to the Municipal Storm Drainage System of the Town of Lakeville	Ch. <b>234</b> , Art. <b>I</b>
Oil and Gas Burning Equipment	Ch. <b>199</b>
Outdoor Lighting	Ch. <b>180</b>
Paint Ball Gun	Ch. <b>152</b>
Refuse, Disposal of	Ch. <b>228</b>
Right-to-Farm Bylaw	Ch. <b>145</b>
Sanitary Sewage Disposal	Ch. <b>222</b>
Sealer of Weights & Measures Fees	Ch. <b>148</b> , Art. <b>II</b>
Street Numbering	Ch. <b>120</b> , Art. <b>III</b>
Stretch Energy Code	Ch. <b>120</b> , Art. <b>IV</b>
Town Clerk Fees	Ch. <b>148</b> , Art. <b>I</b>
Unregistered and Ungaraged Vehicles	Ch. <b>251</b> , Art. <b>I</b>
Zoning Bylaw	Ch. <b>270</b>

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## Disposition List

### Chapter DL Disposition List

The following is a chronological listing of legislation of the Town of Lakeville adopted since the 2023 publication of the Code, indicating for each its inclusion in the Code or the reason for exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] The last legislation reviewed for the original publication of the Code was Article 19 of the November 14, 2022, Special Town Meeting.

§ DL-1 Disposition of legislation.

<u>Enactment</u>	<u>Adoption Date</u>	<u>Subject</u>	<u>Disposition</u>
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