

ANNUAL TOWN MEETING

JUNE 11, 2007

Pursuant to the warrant issued by the Board of Selectmen, duly served and legally posted by a constable of the Town, Moderator Gordon W. Goodfellow opened the meeting at 7:34 pm; immediately upon adjournment of the Special held ahead of the Annual, using the same tellers and rules.

Entertaining a motion to waive the reading of the entire warrant we began.

Article 1: It was voted that the Town raise and appropriate \$146,322.00 to pay the salaries of all elected officers as follows:

Moderator	\$ 150.00
Selectmen – Chair	\$4,000.00
Second Member	\$3,000.00
Third Member	\$3,000.00
Assessors – Chair	\$4,000.00
Second Member	\$3,000.00
Third Member	\$3,000.00
Board of Health – Chair	\$4,000.00
Second Member	\$3,000.00
Third Member	\$3,000.00
Treasurer/Collector	\$61,525.00
Town Clerk	\$54,647.00

Unanimous

Prior to taking up Article #2, Gordon explained that he would be reading totals only from the warrant booklet and if someone had a question within that department, they should put a “hold” on it and we would return to all questions at the end of the reading.

Article 2: It was voted that the Town raise and appropriate \$12,553,057, appropriate \$159,087 from free cash; transfer and appropriate \$400,000 from the stabilization fund; transfer and appropriate \$16,528 from the Massachusetts Water Pollution Abatement Trust; transfer and appropriate \$2,500 Expendable Cemetery Trust Interest; appropriate \$45,000 from free cash and transfer to Park Enterprise; appropriate \$71,505 to Park Enterprise and \$375,000 to Landfill Enterprise from revenues/expenses to defray town expenses for the fiscal period July 1, 2007 to June 30, 2008 inclusive.

182 to 1

**ARTICLE 2-TOWN EXPENSES
GENERAL GOVERNMENT - 100**

Selectmen Personnel	\$226,594
Selectmen Expenses	\$29,800
Finance Committee Expenses	\$1,000
Accounting Personnel	\$103,387
Accounting Expenses	\$52,920
Assessors Personnel	\$113,788
Assessors Expenses	\$27,370
Treasurer & Collector Personnel	\$121,027
Treasurer & Collector Expenses	\$37,500
Law Expenses	\$40,000
Wage & Personnel Board Expenses	\$600
Town Clerk Personnel	\$40,520
Town Clerk Expenses	\$1,300
Elections Expenses	\$10,000
Registration Expenses	\$6,800

Conservation Commission Personnel	\$10,600
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Planning Board Expenses	\$250
Appeals Board Expenses	\$650
Historic Town House Expenses	\$3,400
Town Office & Fire Station Expenses	\$120,000
Town Reports Expenses	\$1,000
Cable TV Advisory Expenses	\$3,000
Other General Government Expenses	\$18,002
TOTAL – GENERAL GOVERNMENT – 100	\$969,508

PUBLIC SAFETY – 200

Police Department Personnel	\$1,355,218
Police Department Expenses	\$134,900
Fire Department Personnel	\$808,236
Fire Department Expenses	\$101,785
Building Inspector Personnel	\$103,384
Building Inspector Expenses	\$5,100
Gas Inspector Expenses	\$8,000
Plumbing Inspector Expenses	\$8,000
Sealer of Weights & Measures Expenses	\$1,600
Electrical Inspector Expense	\$15,000
Animal Inspector Expense	\$6,000
Civil Defense Personnel	\$4,080
Civil Defense Expenses	\$2
Animal Shelter/Dog Officer Personnel	\$68,294
Animal Shelter/Dog Officer Expenses	\$18,800
TOTAL - PUBLIC SAFETY – 200	\$2,638,399

EDUCATION – 300

TOTAL – SCHOOL K - 4	300	\$4,955,613(HOLD)
PUBLICS WORKS – 400		
Highway Department Personnel		\$418,897
Highway Department Expenses		\$122,600
Snow & Ice Personnel		\$10,000
Snow & Ice Expenses		\$30,000
Street Lighting Expenses		\$14,000
Cemetery services Expenses		\$2,500
TOTAL – PUBLIC WORKS – 400		\$597,997
HEALTH & HUMAN SERVICES – 500		
Board of Health Personnel		\$145,995
Board of Health Expenses		\$21,200
Brd of Health Visiting Nurse Expense		\$4,000
Council on Aging Personnel		\$107,924
Council on Aging Expenses		\$27,300
Veteran's Benefits Personnel		\$5,367
Veteran's Benefits Expenses		\$15,150
TOTAL HEALTH & HUMAN SERV - 500		\$326,936
CULTURE & RECREATION -600		
Library Personnel		\$170,750
Library Expenses		\$95,500
Historic Library Building		\$3,000
Historical Commission Expenses		\$500
TOTAL CULTURE & RECREATION -600		\$269,750
DEBT SERVICE – 700		
TOTAL - DEBT SERVICE – 700		\$1,021,868
TOTAL COUNTY & STATE ASSMTS -800		157,725

UNCLASSIFIED – 900

Regional Assessment Expense	\$1,587
Unemployment Expense	\$1,000
Employee Benefits	\$2,158,514
Property & Liability Insurance Expense	\$190,000
TOTAL – UNCLASSIFIED – 900	\$2,508,826

GRAND TOTAL/TOWN EXP – 100-900	\$13,288,897
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PARK ENTERPRISE / EXPENSE

Park Enterprise Personnel	\$52,229
Park Enterprise Expenses	\$64,276

TOTAL-PARK ENTERPRISE REVENUE	(\$116,505)
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LANDFILL/TRANSFER ENTER EXPENSES

Landfill/Transfer Enterprise Personnel	\$150,500
Landfill/Transfer Enterprise Expense	\$204,500
Landfill/Transfer Capped Expense	\$20,000

TOTAL-LANDFILL ENTERPRISE EXP	(\$375,000)
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GRAND TOTAL:	21,703,860
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Unanimous

A “hold” was placed on the School K-4 Budget. A motion was made by the Lakeville School Committee to see if the Town will vote to

transfer from available stabilization funds a sum of Nine Three Thousand Four Hundred Dollars (\$93,400.00) to increase the FY08 operating Budget of the Lakeville Elementary School. After much discussion, Principal Laurie Hunter of the Assawompset Elementary School presented a slide show regarding K-4 school budget needs and recommendations. A vote was taken and the motion passed.

151 to 35

Article 3: It was voted that the Town raise and appropriate for the use of the Trustees for the County Co-operative Extension Service the sum of Two Hundred Dollars (\$200.00), and to set the length of the term of the Town Director at one year as provided in MA General Laws Chapter 128, Sections 41 and 42.

Unanimous

Article 4: It was voted that the Town raise and appropriate the sum of Five Hundred Eighty Thousand Seven Hundred Sixty Seven Dollars (\$580,767.00) as the share of the Town of Lakeville in the Plymouth County Retirement Association.

Unanimous

Article 5: It was voted that the Town raise and appropriate the sum of Six Hundred Seventy Three Thousand Sixty Six Dollars (\$673,066.00) as the Town's share of the 2007-2008 maintenance and operating budget for the Old Colony Regional Vocational High School District, to be used in conjunction with an appropriation for the same purpose by the Towns of Acushnet, Carver, Mattapoisett, and Rochester.

Unanimous

Article 6: It was voted that the Town raise and appropriate the sum of Five Million Seven Hundred Ninety Eight Thousand Eight Hundred Ninety Eight Dollars (\$5,798,898.00) as the Town's share of the 2007-2008 maintenance and operating budget for the Freetown-Lakeville Regional School District, consisting of the Non-excluded Debt Assessment of Ninety Three Thousand Three Hundred Sixty Four Dollars (\$93,364.00), the Excluded Debt Assessment of Five Hundred Sixty Four Thousand Six Hundred Fifty Nine Dollars (\$564,659.00), and the Operating Cost Assessment of Five Million One Hundred Forty Thousand Eight Hundred Seventy Five Dollars (\$5,140,875.00) to be used in conjunction with an appropriation for the same purpose by the Town of Freetown.

Unanimous

Article 7: It was voted that the Town raise and appropriate the sum of Eighty One Thousand Seven Hundred Sixty Two Dollars (\$81,762.00) for the payment of vocational education tuitions and related transportation for students enrolled in vocational educational programs other than at Old Colony Vocational School.

Unanimous

Article 8: It was voted that the Town raise and appropriate the sum of Seven Hundred Seventeen Thousand Seven Hundred Sixty Eight Dollars (\$717,768.00) to cover the cost of tuition for special education students enrolled in out-of-district placements.

Unanimous

Article 9: It was voted that the Town raise and appropriate the sum of Thirty Thousand Dollars (\$30,000.00) for the purpose of

funding the Fiscal Year 2008 Recertification of Values as mandated by the Massachusetts Department of Revenue.

Unanimous

Article 10: It was voted that the sum of Four Hundred Fifty Six Thousand Dollars (\$456,000) be and hereby is appropriated to pay costs of the following Capital Improvements and items of Capital Equipment:

Ambulance	\$110,000
Fire Chief Vehicle	\$ 25,000
Deputy Chief Vehicle	\$ 23,000
Skidder Highway	\$ 25,000
Superintendent of Streets Vehicle	\$ 20,000
Two (2) Cruisers Police	\$ 55,000
Special Needs Van School	\$ 23,000
Two (2) Copiers School	\$ 12,000
Roll Off Truck Transfer Station	\$140,000
Three (3) Roll Containers Trans. Sta	\$ 13,000
Backstop TW Camp Park Dept.	\$ <u>10,000</u>
TOTAL	\$456,000

and for the payment of any and all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, be and hereby is authorized to borrow said amount under and pursuant to Chapter 44, Sections 7 and 8 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and provided, further, that in the case of the borrowings for Transfer Station equipment described above, the amounts needed to repay such borrowings shall, in the first instance, be derived from Transfer Station revenues.

Unanimous

Article 11: It was voted that the Town raise and appropriate the sum of Two Thousand Four Hundred Dollars (\$2,400.00) for the purpose of leasing for a term of five (5) years one (1) new Administrative Vehicle for the use of the Office of the Assessors.

Unanimous

Article 12: It was voted that the Town accept under the provisions of General Laws, Chapter 90, Section 34, an apportionment in the amount of Two Hundred Seventy Eight Thousand Nine Hundred Fifty Five Dollars (\$278,955.00).

Unanimous

Article 13: To see if the Town will vote to raise and appropriate and/or transfer from appropriated and/ or unappropriated available funds in the treasury a sum of money for the purpose of adding to the Stabilization Fund pursuant to the provisions of General Laws Chapter 40, Section 5B or take any action relative thereto.

Postponed Indefinitely

Article 14: It was voted that the Town raise and appropriate Fifty Thousand Dollars (\$50,000.00) to the Reserve Fund.

Unanimous

Article 15: It was voted that the Town transfer and appropriate the sum of Twenty Three Thousand Three Hundred Twelve Dollars (\$23,312.00) for the purpose of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with the Board

of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that project and financing costs shall be repaid by the property owners, in accordance with those agreements, as well as take any other action necessary to carry out the projects.

Unanimous

Article 16: It was voted that the sum of Twenty Seven Million Eight Hundred Thirty Thousand Dollars (\$27,830,000) is hereby appropriated for the purpose of financing the construction of a Sewer Project for the shorefront communities on the Western side of Long Pond, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow Twenty Seven Million, Eight Hundred Thirty Thousand Dollars (\$27,830,000) and issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Selectmen determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Board of Selectmen, is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

FAILED

Moderator entertained a motion to waive the reading of Article #17, so moved.

Article 17: It was voted that the Town amend the Zoning By-Law by adding the following new Section:

OUTDOOR LIGHTING

1.0 Statement of Need and Purpose

Good outdoor lighting at night benefits everyone. It increases safety, enhances the Town's night time 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 By-Law that recognizes the benefits of outdoor lighting and provides clear guidelines for its installation so as to help maintain and compliment the Town's character. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of Lakeville.

This By-Law 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.

All business, residential, and community driveway, sidewalk and property luminaries 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.

2.0 Definitions

For the purposes of this By-Law, terms used shall be defined as follows:

- 2.1 **Direct Light:** Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminary.
- 2.2 **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.
- 2.3 **Flood or Spot light:** Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.
- 2.4 **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.
- 2.5 **Glare:** Light emitting from a luminary with an intensity, great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.
- 2.6 **Height of Luminary:** The height of a luminary shall be the vertical distance from the ground directly below the centerline of the luminary to the lowest direct-light-emitting part of the luminary.

- 2.7 **Indirect Light:** Direct light that has been reflected or has scattered off of other surfaces.
- 2.8 **Lamp:** The component of a luminary that produces the actual light.
- 2.9 **Light Trespass:** The shining of light by a luminary beyond the boundaries of the property on which it is located.
- 2.10 **Lumen:** A unit of luminous flux. One foot candle is one lumen per square foot.
- 2.11 **Luminary:** For the purposes of the By-Law, the lumen-output values shall be the INITIAL lumen output ratings of a lamp. This is a complete lighting system, and includes a lamp or lamps and a fixture.
- 2.12 **Outdoor Lighting:** The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.
- 2.13 **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 7 days, with at least 180 days passing before being used again.

3.0 Regulations

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

3.1 Control of Glare – Luminaire Design Factors

- 3.1.1 A. Any luminaries with a lamp or lamps rated at a total of MORE than 1800 lumens, and all flood or spot luminaries 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 luminaries.
- 3.1.2 Any luminaries with a lamp or lamps rate at a total of MORE than 1800 lumens, and all flood or spot luminaries 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 luminaries may not exceed 25 feet.

3.2 Outdoor Advertising Signs

- 3.2.1 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 Section 2.2. Bottom-mounted outdoor advertising-sign lighting shall not be used.
- 3.2.2 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.

3.2.3 Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this Code within two (2) years from the date of adoption of this By-Law.

3.2.4 Prohibitions. Electrical illumination of outdoor advertising off-site signs between the hours of 11:00 PM and sunrise is prohibited.

3.3 Recreational Facilities

3.3.1 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:

A.) All fixtures used for event lighting shall be fully shielded as defined in Section 2.2 of this Code, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.

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

3.4 Prohibitions

3.4.1 A. 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.

3.4.2 Searchlights. The operation of searchlights for advertising purposes is prohibited.

3.4.3 Outdoor Advertising Off-Site Signs. Electrical illumination of outdoor advertising off-site signs is prohibited between the hours of 11:00 PM and sunrise.

3.5 Temporary Outdoor Lighting

3.5.1 Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the Board of Selectmen after considering:

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. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Board of Selectmen, who shall consider the request at a duly called meeting of the Board of Selectmen. Prior notice of the meeting of the Board of Selectmen shall be given to the applicant and to the Lakeville Building

Commissioner. The Board of Selectmen shall render its decision on the temporary lighting request within two (2) weeks of the date of the meeting.

4.0 Effective Date of Nonconforming Luminaires

4.1 This ordinance shall take effect immediately upon approval by the voters of the Town of Lakeville at an Annual or Special Town Meeting.

4.2 Luminaries that direct light toward streets or parking lots that cause disability glare to motorists or cyclists should be either shielded or re-directed within 120 days of notification or within two (2) years of the Town's adoption of this By-Law so that the luminaries do not cause a potential hazard to motorists or cyclists.

5.0 New Construction and Site Plan Review

5.1 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 By-Law. 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 By-Laws or rules and regulations of the Planning Board of this jurisdiction upon application for the required permit:

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

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.

5.2 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.

5.3 Subdivision Plan Certification. If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plan shall contain a statement certifying that the applicable provisions of the Town of Lakeville Outdoor Lighting Code will be adhered to.

5.4 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 building official (or his designee), together with adequate information to assure compliance

with this code, which must be received prior to substitution.

6.0 Violations, Legal Actions, and Penalties

6.1 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.

6.2 Violations and Legal Actions. If after investigation, the Code Enforcement Officer finds that any provision of the Ordinance 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 Code Enforcement Officer may institute actions and proceedings, either legal or equitable, to enjoin, restrain, or abate any violations of this By-Law and to collect the penalties for such violations.

6.3 Penalties: A violation of this By-Law or any provision thereof; shall be punishable by a civil penalty as defined in Section 2.4 A-B of the General By-Laws of the Town of Lakeville, of not less than fifty dollars nor more than three hundred dollars 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 paragraph B shall constitute a separate offense for the purpose of calculating the civil penalty.

James Marot, Chairman of the Planning Board noted that Section 6.0, Subsection 6.3, "Section 2.4"- should be amended to read 24. There was no objection to this change.

Unanimous

During the discussion of Article #18, a motion was made to modified the article by adding the words "*in a residential district*" after the word "*lot*" and before the words "*and no existing lot shall be changed*". After a brief discussion, the motion failed by majority.

Article 18: It was voted that the Town amend the Zoning By-Law Section 5.0 INTENSITY REGULATIONS by deleting the word ***such*** from the phrase: "no more than one principal structure shall be built upon any such lot", or take any action relative thereto:

The Section would then provide: 5.0 **INTENSITY REGULATIONS**

Except as provided otherwise in this By-Law, 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 5.1), no more than one (1) 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.

100 to 13

Article 19: It was voted that the Town amend the Zoning Bylaws, by adding the following under Section 2.0 Definitions, as follows:

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.

Fast Food Restaurant: Any restaurant serving the majority of its food in disposable containers, packages or other similar wrapping, for consumption on or off the premises.

128 to 0

Article 20: It was voted that the Town amend Section 4.1.2 of the Zoning Bylaws, Table of Use Regulations, Business Uses as follows:

	R	B	I	I-B
Drive through facility	N	SP	N	N
Fast food restaurant <i>(Allowed only in areas served by municipal water)</i>	N	SP	N	N

Unanimous

Moderator entertained a motion to waive the reading of Article #21.
So moved.

Article 21: It was voted that the Town amend the Section 7.4.6 of the Zoning By-Law, Specific Uses by Special Permits, by adding the following:

Drive - through facility

SPGA – Board of Appeals; Business District
A Drive through facility shall be subject to site plan Approval by the Planning Board as a condition of Approval from the Zoning Board of Appeals.
The petitioner shall demonstrate the need for the following conditions or findings:
1) Evidence of reasonable public need not adequately met by existing facilities within 1.5 miles of the proposed location.

- 2) That the proposed facility will cause no traffic hazard, congestion or interference with the flow of traffic especially at and near intersections.
- 3) That the number of vehicles served will be limited to those specified in the permit as governed by the rules and regulations of the Board of Appeals and the Planning Board as may be adopted regulating such facilities.

Fast Food Restaurant

SPGA – Board of Appeals; Business District

A Fast Food Restaurant shall be subject to Site Plan Approval by the Planning Board as a condition of Approval from the Zoning Board of Appeals.

The petitioner shall meet the following conditions and findings:

- 1) Fast Food Restaurants shall only be allowed in areas served by a municipal water supply.
- 2) Evidence of reasonable public need not adequately met by existing facilities within 1.5 miles of the proposed location.
- 3) That the proposed facility will cause no traffic hazard, congestion or interference with the flow of traffic especially at and near intersections.
- 4) That the number of vehicles served will be limited to those specified in the permit as governed by the rules and regulations as may be adopted regulating such facilities.
- 5) A detailed traffic impact analysis shall be submitted, done by a registered professional engineer qualified in traffic engineering.

Unanimous

Article 22: It was voted that the Town amend the official Zoning Map by including all of the land being shown as lots 1-7 inclusive, as well as the public way shown as **Lori Lane** into the Business District, such land is shown on a plan entitled, Proposed Layout of Land of Stanley W. Kazlauskis dated 8-30-1961 and is recorded at

the Plymouth County Registry of Deeds in Plan Book 12 at Page 611 and is further described as follows:

- NORTHEASTERLY by land now formerly of John B. Giberti and now or formerly of the Commonwealth of Massachusetts, as shown on the plan hereinbefore mentioned, 757.71 feet;
- SOUTHEASTERLY by land now or formerly of the Commonwealth of Massachusetts, as shown on the plan hereinbefore mentioned, 229.68 feet;
- SOUTHWESTERLY by land now or formerly of Frederick E. Standish, as shown on the plan hereinbefore mentioned, 757.71 feet;
- NORTHWESTERLY by Main Street, as shown on the plan hereinbefore mentioned, 229.68 feet;

123 to 5

Motion to dissolve came at 9:25 P.M.

A true copy of the record

Attest: **Janet L. Tracy, Town Clerk**