

## ANNUAL TOWN MEETING

June 15, 2009

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 7:10 pm; immediately upon adjournment of the Special held ahead of the Annual, using the same tellers and newly appointed tellers that were used in the cafeteria that included Joseph Chamberlain, Diana Slocombe and Robert Bouchard. Also same rules were applied.

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

**Article 1:** It was voted that the Town raise and appropriate \$137,666.00 to pay the salaries of all elected officers as follows:

	FY 10 Fin Com Recommendation Non-Contingent Appropriations	(Upon) FY10 Fin Com Recommendation Contingent Appro. \$1 Million Override	(Upon) FY10 Fin Com Recommendation Contingent Appro. \$1.7 Million Override
Selectmen– Chair	\$2,000.00	\$0	\$0
Second Member	\$1,500.00	\$0	\$0
Third Member	\$1,500.00	\$0	\$0
Assessors– Chair	\$2,000.00	\$0	\$0
Second Member	\$1,500.00	\$0	\$0
Third Member	\$1,500.00	\$0	\$0
Board of Health-Chair	\$2,000.00	\$0	\$0
Second Member	\$1,500.00	\$0	\$0

Third Member	\$1,500.00		
Treasurer/Collector	\$65,254.00	\$0	\$0
Town Clerk	\$57,412.00	\$0	\$0

**Passed by Majority**

Town Counsel explained to the voters the process of an override and the details of a pyramid override, and how the appropriations of a Non-contingent and contingent budgets would be allocated should they pass at the Special Override Election on Saturday, July 18, 2009.

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 \$11,851,759, appropriate \$200,000.00 from free cash, transfer and appropriate \$350,000 from the Water Infrastructure Improvements Stabilization Fund, transfer and appropriate \$16,528 from the from the Massachusetts Water Pollution Abatement Trust, transfer and appropriate \$12,500 from Expendable Cemetery Trust; appropriate \$85,000 to Park Enterprise; and raise \$40,000 from Park Enterprise Receipts, transfer \$20,000 from Park Retained Earnings, and raise \$25,000 from the tax levy; appropriate \$387,000 to the Landfill Enterprise and raise \$252,000 from Landfill Enterprise receipts and transfer \$135,000 from Landfill Enterprise Retained Earnings; to defray town expenses for the fiscal period July 1, 2009 to June 30, 2010 inclusive, all as set forth in the column captioned, “Fin Com Recommendation Non-Contingent Appropriations,” and further that the amounts shown in the column captioned “contingent Appropriations \$1 Million Override” be appropriated from the tax levy contingent upon the passage of a Proposition 2 ½ Referendum Question under General Laws Chapter 59, Section 21C; and the additional amounts shown in the column captioned “Contingent

Appropriations \$1.7 Million Override” be appropriated from the tax levy contingent upon the passage of a Proposition 2 ½ Referendum Question under General Laws Chapter 59, Section 21C, with the understanding that the vote taken hereunder shall authorize an override amount of not more than \$1.7 million.

477 Yes to 5 No

ARTICLE #2-

TOWN EXPENSES  
GENERAL  
GOVERNMENT – 100

	FY10 Fin Com Recomd. Non-Contingent Appropriations	FY10 Fin Com Recomd. Contingent Appropriations \$1 Million Override	FY 10 Fin Com Recomd. Contingent Appropriations \$1.7 Million Override
Selectmen Personnel	\$204,446	\$24,554	\$24,554
Selectmen Expenses	\$163,000(Hold)	\$0	\$0
Finance Committee Expenses	\$900	\$0	\$0
Accounting Personnel	\$100,778	\$1,286	\$1,286
Accounting Expenses	\$50,965	\$6,700	\$6,700
Assessors Personnel	\$103,922	\$11,000	\$11,000
Assessors Expenses	\$19,820	\$12,213	\$19,937
Treasurer & Collector Personnel	\$111,744	\$10,900	\$10,900
Treasurer & Collector Expenses	\$32,600	\$0	\$0
Law Expenses	\$40,000	\$0	\$0
Wage & Personnel Board Expenses	\$600	\$0	\$0
Town Clerk Personnel	\$39,529	\$6,176	\$6,176
Town Clerk Expenses	\$1,280	\$0	\$0
Elections Expenses	\$12,800	\$0	\$0
Registration Expenses	\$8,850	\$0	\$0
Conservation Commission Personnel	\$13,100	\$0	\$0

Planning Board Expenses	\$150 (Hold)	0	\$100
Appeals Board Expenses	\$300	\$0	\$350
Historic Town House Expenses	\$4,500	\$0	\$500
Town Office & Fire Station Expenses	\$126,00	\$7,000	\$17,500
Town Reports Expenses	\$500	\$0	\$500
Cable TV Advisory Expenses	\$5,000	\$0	\$0
Other General Government Expenses	\$52,002	\$0	\$0
<b>TOTAL GENERAL GOVERNMENT-100</b>	<b>\$1,092,786</b>	<b>\$79,829</b>	<b>\$99,503</b>
<b>PUBLIC SAFETY-200</b>			
Police Department Personnel	\$1,073,638(Hold)	\$242,448(Hold)	\$312,597(Hold)
Police Department Expenses	\$176,750	-\$8,000	\$0
Fire Department Personnel	\$775,947	\$39,665	\$77,946
Fire Department Expenses	\$82,025	\$8,000	\$17,384
Building Inspector Personnel	\$97,980	\$0	\$0
Building Inspector Expenses	\$5,200	\$0	\$0
Gas Inspector Expenses	\$11,000	\$0	\$0
Plumbing Inspector Expenses	\$16,500	\$0	\$0
Sealer of Weights & Measures Expenses	\$1,600	\$0	\$0
Electrical Inspector Expense	\$22,000	\$0	\$0

Animal Inspector Expense	\$5,400	\$0	\$600
Civil Defense Personnel	\$0	\$0	\$0
Civil Defense Expenses	\$850	\$0	\$1,000
Animal Shelter/Dog Officer Personnel	\$60,441	\$3,500	\$10,500
Animal Shelter/Dog Officer Expenses	\$17,740	\$182	\$160
<b>TOTAL PUBLIC SAFETY– 200</b>	<b>\$2,347,071</b>	<b>\$285,795</b>	<b>\$420,187</b>
<b>EDUCATION – 300</b>			
<b>TOTAL SCHOOL -K – 4 300</b>	<b>\$4,182,410(Hold)</b>	<b>\$522,801</b>	<b>\$671,113</b>
<b>PUBLICS WORKS –400</b>			
Highway Department Personnel	\$389,418	\$40,500	\$51,000
Highway Department Expenses	\$99,332	\$17,000	\$35,250
Snow & Ice Personnel	\$10,000	\$0	\$0
Snow & Ice Exp.	\$30,000	\$0	\$0
Street Lighting Expenses	\$14,000	\$0	\$0
Cemetery services Expenses	\$12,500	\$0	\$0
<b>TOTAL PUBLIC WORKS – 400</b>	<b>\$555,250</b>	<b>\$57,500</b>	<b>\$86,250</b>
<b>HEALTH &amp; HUMAN SERVICES – 500</b>			
Board of Health Personnel	\$127,032	\$16,662	\$22,683
Board of Health Expenses	\$6,264	\$0	\$10,641
Board of Health Visiting Nurse Expense	\$2,000	\$0	\$0
Council on Aging	\$94,353	\$13,926	\$16,926

<b>Personnel</b>			
<b>Council on Aging</b>			
<b>Expenses</b>	<b>\$17,174(Hold)</b>	<b>\$6,985(Hold)</b>	<b>\$10,956(Hold)</b>
<b>Veteran's Benefits</b>			
<b>Personnel</b>	<b>\$5,379</b>	<b>\$0</b>	<b>\$0</b>
<b>Veteran's Benefits</b>			
<b>Expenses</b>	<b>\$13,250</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			
<b>HEALTH &amp;</b>			
<b>HUMAN SERV - 500</b>	<b>\$265,452</b>	<b>\$37,573</b>	<b>\$61,206</b>
<b>CULTURE &amp;</b>			
<b>RECREATION -600</b>			
<b>Library Personnel</b>	<b>\$153,919(Hold)</b>	<b>\$28,448</b>	<b>\$28,804</b>
<b>Library Expenses</b>	<b>\$67,138(Hold)</b>	<b>\$13,000</b>	<b>\$26,460</b>
<b>Historic Library</b>			
<b>Building</b>	<b>\$3,000</b>	<b>\$0</b>	<b>\$0</b>
<b>Historical Comm.</b>			
<b>Expenses</b>	<b>\$450</b>	<b>\$0</b>	<b>\$50</b>
<b>TOTAL</b>			
<b>CULTURE &amp;</b>			
<b>RECREATION -600</b>	<b>\$224,507</b>	<b>\$41,448</b>	<b>\$55,314</b>
<b>DEBT SERVICE-700</b>			
<b>TOTAL</b>			
<b>DEBT SERVICE – 700</b>	<b>\$861,157</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			
<b>COUNTY &amp; STATE</b>			
<b>ASSMTS - 800</b>	<b>\$148,050</b>	<b>\$0</b>	<b>\$0</b>
<b>UNCLASSIFIED-900</b>			
<b>Regional</b>			
<b>Assessment Exp.</b>	<b>\$1,587</b>	<b>\$0</b>	<b>\$0</b>
<b>Unemployment</b>			
<b>Expense</b>	<b>\$440,000</b>	<b>-\$345,000</b>	<b>-\$427,000</b>
<b>Employee Benefits</b>	<b>\$2,312,141</b>	<b>\$120,054</b>	<b>\$150,254</b>
<b>Property &amp; Liability</b>			
<b>Insurance Expense</b>	<b>\$190,000</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			
<b>UNCLASSIFIED – 900</b>	<b>\$3,091,778</b>	<b>-\$224,946</b>	<b>-\$276,746</b>

<b>GRAND TOTAL/ TOWN EXP – 100-900</b>	<b>\$12,620,411</b>	<b>\$800,000</b>	<b>\$1,116,827</b>
<b>PARK ENTERPRISE/ EXPENSE</b>			
Park Enterprise Personnel	\$43,782	\$0	\$0
Park Enterprise Expenses	\$41,218	\$0	\$0
<b>TOTAL- PARK ENTERPRISE REVENUE</b>	<b>\$85,000</b>	<b>\$0</b>	<b>\$0</b>
<b>LANDFILL/TRANSFER ENTER EXPENSES</b>			
Landfill/Transfer Enterprise Personnel	\$160,725	\$0	\$0
Landfill/Transfer Enterprise Expense	\$211,275	\$0	\$0
Landfill/Transfer Capped Expense	\$15,000	\$0	\$0
<b>TOTAL- LANDFILL ENTERPRISE EXP</b>	<b>\$387,000</b>	<b>\$0</b>	<b>\$0</b>
<b>GRAND TOTAL:</b>	<b>\$21,985,096</b>	<b>\$1,000,000</b>	<b>\$1,700,000</b>

### 477 Yes to 5 No

The following budget line items totals were placed on “**hold**”:

- Selectmen Expenses
- Planning Board Expenses
- Police Department Personnel
- School K-4
- Council on Aging Expenses
- Library Personnel
- Library Expenses

A motion was then made to amend Article #2 to see if the Town will transfer from the Water Infrastructure Improvement Stabilization Fund \$1.35 Million to be used as follows:

- \$1 Million for K-4 Elementary Salaries
- \$300 Thousand for Police Salaries
- \$20 Thousand for Council on Aging
- \$30 Thousand for Library Personnel

After much discussion, a vote was taken, and the amendment to Article #2 failed by majority.

We then discussed the holds on Article #2, a vote was taken, and Article #2 passed by 2/3<sup>rd</sup>'s majority 477 Yes to 5 No.

**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.

**Passed by Majority**

**Article 4:** It was voted that the Town raise and appropriate the sum of Six Hundred Forty Two Thousand Four Hundred Sixty Five Dollars (\$642,465.00) as the share of the Town of Lakeville in the Plymouth County Retirement Association.

**Passed by Majority**



**Article 5:** It was voted that the Town raise and appropriate the sum of Six Hundred Fifty Nine Thousand One Hundred Nine Dollars (\$659,109.00) as the Town's share of the 2009-2010 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.

### **Passed by Majority**

**Article 6** To see if the Town will vote to raise and appropriate and/ or transfer from available funds the sum of Six Million Seven Hundred Ninety Three Thousand One Hundred Eighty One Dollars and Seventy Five Cents (\$6,793,181.75) as the Town's share of the 2009-2010 maintenance and operating budget for the Freetown-Lakeville Regional School District, consisting of the Non-excluded Debt Assessment of Forty Six Thousand Five Hundred Seven Dollars and Five Cents (\$46,507.05), the Excluded Debt Assessment of Seven Hundred Fifty Nine Thousand Eight Hundred Thirty Six Nine Hundred Eighty Six Thousand Eight Hundred Thirty Seven Dollars and Ninety Nine Cents (\$5,986,837.99) to be used in conjunction with an appropriation for the same purpose by the Town of Freetown, and/ or to take any action relative thereto.

### **Motion Failed**

A motion was made to amend Article 6, and after a lengthy discussion, the amended Article 6 passed by majority.

**Amended-Article 6:** It was voted that the Town raise and appropriate the sum of Six Million Five Hundred Ninety Six Thousand Seven Hundred Sixty Three Dollars (\$6,596,763.00) as the Town's share of the 2009-2010 maintenance and operating budget for the Freetown-Lakeville Regional School District, consisting of the Non-excluded Debt Assessment of Forty Six

Thousand Five Hundred Eight Dollars and Five Cents (\$46,508.05), the Excluded Debt Assessment of Seven Hundred Fifty Nine Thousand Eight Hundred Thirty Seven Dollars (\$759,837.00), and the Operating Cost Assessment of Five Million Six Hundred Thirty Thousand Four Hundred Nineteen Dollars (\$5,630,419.00), and the Transportation Assessment of One Hundred Fifty Nine Thousand, Nine Hundred Ninety Nine Dollars (\$159,999.00) to be used in conjunction with an appropriation for the same purpose by the Town of Freetown.

**Passed by Majority (215 Yes to 88 No)**

**Article 7:** It was voted that the Town raise and appropriate the sum of Eighty Nine Thousand Nine Hundred Forty Dollars (\$150,528.00) for the payment of vocational education tuitions and related transportation for students enrolled in vocational educational programs other than at Old Colony Vocational School.

**Passed by Majority**

**Article 8:** It was voted that the Town raise and appropriate the sum of Seven Hundred Seventy Six Thousand Two Hundred Ninety Three Dollars (\$776,293.00) to cover the cost of tuition for special education students enrolled in out-of-district placements.

**Passed by Majority**

**Article 9:** It was voted that the Town raise and appropriate the sum of Twenty Five Thousand Dollars (\$25,000.00) for the purpose of funding the Fiscal Year 2011 Recertification of Values as mandated by the Massachusetts Department of Revenue.

**Passed by Majority**

**Article 10:** It was voted that the Town hereby appropriate the sum of One Hundred Fourteen Thousand Five Hundred Dollars (\$114,500) to pay costs of capital improvements and equipment as follows:

Equipment, Technology and Licensing for Town Network	\$30,000
Sidearm Mower for the Highway Department	15,000
One (1) New Police Cruiser	29,000
One Copier for School Department	7,500
Technology Enhancement (Server) School Department	7,000
Three (3) Voting Machines for Town Clerk	<u>26,000</u>
TOTAL	\$114,500

and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(9) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. The amounts set forth above for each capital improvement or item of equipment are approximate in nature, and so long as sufficient funds are available to accomplish each capital improvement or acquire each item of equipment described above, the Selectmen may allocate amounts among the various capital improvements or items of equipment as needed to fully carry-out the purposes of this motion.

**255 Yes to 8 No**

**Article 11:** It was voted that the Town hereby appropriate the sum Ten Thousand Dollars (\$10,000.00) to pay costs of purchasing one Copier for the Town Offices, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(9) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

**251 Yes to 1 No**

**Article 12:** It was voted that the Town raise and appropriate the sum of Two Thousand Seven Hundred Eleven Dollars (\$2,711.00) 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.

**Passed by Majority**

**Article 13:** 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 Five Hundred Sixty Dollars (\$278,560.00).

**Unanimous**

**Article 14:** 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.

**It was unanimously voted to postpone this matter indefinitely**

**Article 15:** It was voted that the Town raise and appropriate Fifty Thousand Dollars (\$50,000.00) to the Reserve Fund.

**Passed by Majority**

**Article 16:** It was voted that the Town transfer and appropriate the sum of Fifty Seven Thousand Four Hundred Ninety Three Dollars and Ninety Cents (\$57,493.90) 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

### **Unanimous**

**Article 17:** It was voted that the Town accept the provisions of Mass. General Laws, Chapter 40, Section 42G through 42K.

### **Passed by Majority**

**Article 18:** It was voted that the Town hereby appropriate the sum of Four Million Eight Hundred Thousand Dollars (\$4,800,000.00) is hereby appropriated to pay costs of constructing an elevated water storage tank and a pump station, and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8(4) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that all or any portion of the borrowing authorized by this vote may be issued through the Massachusetts Water Pollution Abatement Trust (the "Trust"), and in that regard, the Selectmen are authorized to enter into a Loan Agreement and a Project Regulatory Agreement with the Trust to evidence this borrowing, and to execute and deliver all other documents incidental to any such borrowing through the Trust, and that the Board of Selectmen is authorized to assess betterments in accordance with Mass. General Laws, Chapter 40, Sections 42G through 42 I and 42K for such percentage of the total cost to the Town of this project as the Selectmen shall determine to be

appropriate upon all real property that obtains direct or remote benefit from said storage tank and pump station, whether by the provision of potable water or water for fire protection, or otherwise.

**221 Yes to 9 No**

**Article 19:** It was voted that the Town elect as provided in Mass. General Laws, Chapter 80, Section 13, that all assessments made under General Laws Chapter 80 shall bear interest at a rate of five (5) percent per annum.

**Unanimous**

**Article 20:** It was voted that the Town accept the provisions of Mass. General Laws Chapter 80, Section 13B, providing for the deferral of the payment of betterment assessments for owners eligible for exemption under General Laws Chapter 59, Section 5, Clause 41A.

**Unanimous**

**Article 21:** To see if the Town will vote to appropriate a sum of money for a Sewer Construction Project for the shorefront communities on the Western side of Long Pond, to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise; or take any other action relative thereto.

**Unanimously Rejected**

**Article 22:** It was voted that the Town authorize the Board of Selectmen to convey a perpetual conservation restriction encumbering a portion of a parcel of land, said parcel located at Howland Road, Lakeville and described in a deed recorded with the

Plymouth County Registry of Deeds in Book 18180, Page 228 and identified on Assessors Map 9, Block 2, Lot 5C, and said portion to be encumbered being shown as "Conservation Parcel" and "Access Easement (to Conservation Parcel)" on a plan titled "Conservation Plan of Land at Howland Road Lakeville, Massachusetts prepared by Prime Engineering, a copy of said plan is on file with the Town Clerk, to the Massachusetts Audubon Society, Inc., or other entity qualified to hold a conservation restriction, on such terms and conditions, and for such consideration, which may be nominal conservation, on such terms and conditions, and for such consideration, which may be nominal consideration, as the Board of Selectmen deems appropriate.

### **Unanimous**

**Article 23:** It was voted that the Town authorize the Board of Selectmen to grant a temporary, non-exclusive easement to Stephen R. Couet and Kathleen M. Couet in, upon, along and under a portion of the discontinued way known as Old Main Street (Route 105), as shown on a plan on file with the Town Clerk, for the purpose of accessing, maintaining and repairing the existing residential well located within said way, on such terms and conditions and for such consideration, which may be nominal consideration, and for such duration as the Selectmen deem appropriate.

### **Unanimous**

**Article 24:** It was voted that the Town rescind the vote on Article 17 of the Annual Town Meeting of June 27, 1991, which accepted the provisions of Mass. General Laws Chapter 48, Section 42A in its entirety; and instead vote to accept Mass. General Laws Chapter 48, Section 42, 43 and 44.

### **Unanimous**

**Article 25:** It was voted that the Town amend the General By-Law by adding a new section regarding Public Consumption of Marihuana or Tetrahydrocannabinol as follows:

**PUBLIC CONSUMPTION OF MARIHUANA OR  
TETRAHYDROCANNABINOL**

No person shall smoke, ingest, or otherwise use or consume marihuana or tetrahydrocannabinol (as defined in G.L. c. 94C, Section 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.

This by-law 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 G.L. c. 40, Section 21, or by non-criminal disposition pursuant to G.L. c. 40, Section 21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this by-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G.L. c. 94C, Section 32L.

**Passed by Majority**

A motion was made from the floor to adjourned the meeting to another night, after much discussion, a vote was taken and the motion was unanimously denied.



**Article 26:** To see if the Town will vote to amend the Zoning By-Law Section 6.6.2.1 to prohibit electronic message signs by adding new language as follows. The new text is underlined:

6.6.2.1 Signs, including electronic message signs that display lighted messages that are capable of changing at intermittent intervals, 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.

**Motion Failed (49 Yes to 135 No)**

**Article 27:** It was voted that the Town amend the Zoning By-Law Section 2.0 Definitions by deleting the definition for "Dwelling: Single-Family with an attached apartment" as follows:

**Dwelling: Single-Family with an attached apartment:** For the purpose of this Zoning By-law, a single-family detached dwelling with an attached apartment shall mean an apartment not to exceed 600 to 720 square feet of habitable which may include a kitchen or kitchenette and be accessible to and attached to the main dwelling area and shall have a common entrance and maintain a single-family appearance.

and adding a new definition for "Accessory Apartment" as follows:

**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.

**155 Yes to 6 No**

**Article 28:** It was voted that the Town amend Section 4.1 of the Zoning By-Law, Table of Use Regulations, by deleting the entry in Section 4.1.1 “Single-family, detached dwelling with an attached apartment” and replacing it with the entry “Accessory Apartment” so as to read as follows:

	<u>R</u>	<u>B</u>	<u>I</u>	<u>I-B</u>
Accessory Apartment	Y	SP	N	SP

**171 Yes to 2 No**

**Article 29:** It was voted that the Town amend the current Zoning By-Law by adding the following new Section 7.8 Accessory Apartment:

**7.8 ACCESSORY APARTMENT**

**7.8.1 Purpose and Intent**

The purpose of this Section 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.

**7.8.2** 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 pre-existing 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.

**7.8.3** 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:

**7.8.3.1** Only one (1) accessory apartment per lot shall be permitted.

**7.8.3.2** 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.

**7.8.3.3** 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 (2) or more existing entrances on the front façade 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.

**7.8.3.4** The accessory apartment shall contain a kitchen, bathroom and living room area and a maximum of one (1) bedroom. It shall be constructed

in a manner consistent with the appearance of the existing structure.

**7.8.3.5** The accessory apartment shall not be used for commercial accommodations or seasonal rentals.

**7.8.3.6** Sufficient and appropriate space for at least one (1) 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.

**7.8.3.7** The accessory apartment and the principal dwelling shall be serviced and monitored by common utilities.

**7.8.3.8** 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.

**7.8.4** 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.

**164 Yes to 5 No**

**Article 30:** To see if the Town will vote to amend the current Zoning By-Law by adding the following new Section 7.9, Neighborhood Business Overlay District as follows:

## **7.9 Neighborhood Business Overlay District**

### **7.9.1 Purpose and Intent**

The purpose of this Section 7.9 Neighborhood Business Overlay District, hereinafter referred to as the “NBOD”, shall be to provide sites for small scale service and retail establishments to support adjacent residential neighborhoods. The NBOD shall be an overlay district which shall not additionally restrict the rights of owners to exercise the uses allowed or permitted in the underlying zoning district unless the owner elects to develop pursuant to the NBOD. Any such NBOD development shall conform to all applicable requirements of the NBOD. The NBOD overlay district will permit personal service, retail or office establishments which conduct all business operations within an enclosed facility and do not present any adverse impact on appearance, peace or value of adjacent residential areas. Designs shall be in keeping with those existing and shall be enhanced with landscaping, minimizing the visibility of parking areas and avoiding the appearance of commercial structures. Any permitted use shall be of a boutique or small scale and low impact nature. All such uses shall operate with a minimum of noise, smoke, odor, traffic or other nuisances which would have a negative impact on adjacent residential uses. All permitted uses shall require a Special Permit issued to the business owner and shall not be transferable to a subsequent property owner.

### **7.9.2 Uses Permitted by Special Permit:**

Professional or Business Office  
Barber Shop / Beauty shop  
Tailor or pressing shop (no dry cleaning)  
Doctors/ Dentist office  
Real Estate Office  
Shoe repair or cobbler shop  
Antique sales and service  
Insurance office  
Bank or Financial institution  
Photographic / art studio  
Florist  
Tea House/Coffee Shop  
Veterinarian office (no Boarding)  
Dress making or weaving  
Bicycle sales and service  
Cabinet/Woodworking shop  
Craft and/or gift shop

### **7.9.3 Special Permit Requirements:**

The Board of Appeals shall be the Special Permit Granting Authority for projects proposed in the NBOD. Site Plan approval as required by section 6.7 will be required by the Planning Board for all permitted uses prior to any Special Permit being granted.

### **7.9.4 Intensity Regulations:**

**7.9.4.1.            Lot Area        70,000 sq. ft.**

**7.9.4.1.a**        Lots in existence prior to 2000 shall be allowed to be developed in the NBOD providing that such lot at the time, and still, contained a minimum of 20,000 sq. ft. and can meet all setback and other requirements of the NBOD.

- 7.9.4.2. Building Size** Maximum 5,000 sq. ft.
- 7.9.4.3. Minimum lot width** 100 ft.
- 7.9.4.4. Minimum setbacks** front 30 ft.– sides 15 ft. – rear 15 ft.
- 7.9.4.5 Maximum lot coverage:** 25% including parking and impervious areas.
- 7.9.4.6. Sign Requirements:** All signs shall be a maximum of 10 sq. ft. per side with no internally lit signs on the premises. No additional signs on or displayed from inside the structure for external use shall be permitted. Signs as allowed by 6.6.4.3 shall be monument style not taller than 6 feet and shall have the base surrounding the sign landscaped.
- 7.9.4.7. Parking:** All parking shall be located on the same lot and no on street parking shall be permitted. Parking areas designed to have more than 6 spaces according to the parking regulations of 6.5.3.3 shall be located in the rear yard and are subject to Planning Board review. No parking shall be located closer to any lot line than 20 ft.
- 7.9.4.8. Noise:** Public address speakers, amplified music or other sources of noise are not permitted outside the building.

- 7.9.4.9. Drainage:** All ground surfaces shall be constructed to prevent standing water or the discharge of run off onto adjacent property.
- 7.9.4.10. Landscape:** Landscaping shall be required to create a visual barrier from all property being granted a special permit from any neighboring property and to shield parking areas from the street. All landscaping shall be part of the site plan review and will be required to be placed on a plan for approval by the Planning Board.
- 7.9.4.11. Hours of Operation:** All businesses within the NBOD shall not open before 9:00 AM and shall not remain open beyond 8:00 PM. Hours of operation shall include the service of such businesses by vendors or service personnel. No business shall operate on Sunday except as may be allowed on a temporary basis by the Board of Selectmen.

**Motion Failed (80 Yes to 80 No)**

**Article 31:** To see of the Town will amend the Zoning Map to include the following parcels within the Residential Zone on Main Street and Bedford Street in the Neighborhood Business Overlay District: 0057-002-001, 0057-002-002, 0057-002-003, 0057-002-004, 0057-002-005, 0057-002-006, 0057-002-007, 0057-002-008, 058-001-017, 058-001-18, 058-001-19, or take any other action relative thereto.



**It was voted to postpone this matter indefinitely**

**Article 32:** To see if the Town will vote to amend the current Zoning By-Law Section 7.5.3 by deleting sub-section 4) as follows:

- 4) Age-Qualified Housing, in which each Dwelling Unit contains, at the commencement of occupancy, at least one occupant who is at least fifty-five years of age. Age-Qualified Housing shall provide a minimum of one parking space per Dwelling Unit.

And replacing it with a new sub-section 4) as follows:

- 4) Limited Occupancy Housing (LOH), which the Planning Board determines as part of Site Plan Review, is designed for adult-targeted households described as: (i) limited to a maximum of two (2) bedrooms including a first floor master bedroom; (ii) reflects an attractive building design and architectural features customarily found in adult-targeted households which design shall be approved by a Design Review Committee comprised of members of the Planning Board; (iii) provides for any recreational amenities to be oriented toward an adult population and not to include playgrounds or play furniture. Property owners of Limited Occupancy Housing units, through a viable association, shall be obligated for the development, operation and maintenance of common wastewater disposal systems, storm water systems, internal vehicular and pedestrian circulation systems and landscape maintenance. LOH shall provide a minimum of one (1) parking space per Dwelling Unit.

**Motion was Defeated (44 Yes to 114 No)**

There was a proposed amendment to Article 32 but town counsel stated that the amendment was outside the scope of the original

warrant and would need a public hearing. Town counsel made a recommendation to the moderator that the amendment was outside the scope of the original warrant.

**Article 33:** To see if the Town vote to amend the official Zoning Map by rezoning from R-Residential to B-Business land on County Street as described as follows:

Starting at the property corner of land now or formally owned by Henry W. & Nancy Lee Van Laarhoven proceeding N 56-14-25 W for a distance of 380 feet along the State Highway Layout (SHLO) of County Street; then proceeding N 46-05-50 W for a distance of 375.03 feet along the SHLO of County Street; then, proceeding N 60-02-45 W for a distance of 211.70 feet along the SHLO of County Street; then proceeding N 57-03-00 W for a distance of 1113.05 feet along the SHLO of County Street to the property corner of land now or formally owned by Wallace W. & Marian E. McCarroll; then, proceeding N 40-16-57 E for a distance of 430 feet; then proceeding in a southeasterly direction parallel to the metes and bounds as described above along the SHLO of County Street until intersecting the property line of land now or formally owned by Henry W. & Nancy Lee Van Laarhoven abutting land now or formally owned by Robert E. Sr. & Edward C. & Carolyn J. Ranahan; then proceeding S 38-45 W for a distance of 14 feet; and, then, proceeding S 41-30 W for a distance of 416 feet to the starting point on the SHLO of County Street.

**Motion was Defeated (39 Yes to 112 No)**

**Article 34:** To see if the Town will vote to amend the official Zoning Map by rezoning from R-Residential to B-Business land on County Street as described as follows:

Starting at the property corner of land now or formally owned by Robert & Sandra Doherty proceeding N 57-03-00 W for a distance of 963.03 feet along the SHLO of County Street to the property

corner of land now or formally owned by Wallace W. & Marian E. McCarroll; then, proceeding N 40-16-57 E for a distance of 430 feet; then proceeding in a southeasterly direction parallel to the metes and bounds as described above along the SHLO of County Street until intersecting the property line of land now or formally owned by Robert & Sandra Doherty abutting land now or formally owned by Mullien Hill Christian Academy Inc; then proceeding S 42-42-39 W for a distance of 178.38 feet; and, then, proceeding S 40-07-40 W for a distance of 251.72 feet to the starting point of the SHLO of County Street.

**Motion was Defeated (6 Yes to 125 No)**

**Article 35:** It was voted that the Town accept Anderson Way as a Town Way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by gift an easement or fee simple in the way and any related easements as shown on the road layout plan drawn by Azor Land Sciences, Inc. on file with the Town Clerk entitled "As Built Plan of Anderson Way in Lakeville, MA" dated April 23, 2009, or take any action relative thereto.

**Passed by Majority**

Motion to dissolve came at 12:25 A.M.

A true copy of the record

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