

ANNUAL TOWN MEETING JUNE 4, 2012

Pursuant to the warrant issued by the Board of Selectmen, duly served and legally posted by a constable of the Town, Moderator Aaron Burke opened the meeting immediately upon adjournment of the Special held ahead of the Annual, using the same tellers and rules.

Mr. Burke read his usual ground rules of identifying oneself, going to the microphone to speak and submitting motions in writing.

A motion was then made to allow non-residents to speak or to be heard- so moved and seconded and passed unanimously.

Article 1: It was voted that the Town raise and appropriate \$142,755.00 to pay the salaries of all elected officers as follows:

Selectmen- Chair	\$2,000.00
Second Member	\$1,500.00
Third Member	\$1,500.00
TOTAL	\$5,000.00

Assessors- Chair	\$2,000.00
Second Member	\$1,500.00
Third Member	\$1,500.00
TOTAL	\$5,000.00

Board of Health- Chair	\$2,000.00
Second Member	\$1,500.00
Third Member	\$1,500.00
TOTAL	\$5,000.00

Treasurer/ Collector	67,823.00
Town Clerk	\$59,932.00

TOTAL	\$142,755.00
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Passed by Majority

Prior to taking up Article #2, Mr. Burke 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.

A motion to amend Article 2 to raise the 1% raise for the non-union employees to a 3% raise was made and seconded. After a lengthy discussion the motion was withdrawn and seconded.

Another motion to amend Article 2 was made and seconded and is as follows:

I move that the Town vote to raise and appropriate \$7,012,698, appropriate \$471,184 from Free Cash, transfer and appropriate \$16,515 from the Massachusetts Water Pollution Abatement Trust, transfer and appropriate \$23,781 from Receipts Received for Appropriation for the sale of school vans, transfer and appropriate \$45,199 from Non-Conforming Lots balance, transfer and appropriate \$25,000 from General Fund tax levy to Park Enterprise, transfer and appropriate \$34,000 from Park Retained Earnings, and appropriate Estimated Receipts of \$64,047 to Park Enterprise, transfer and appropriate \$45,000 from Landfill Enterprise Retained Earnings, and appropriate Estimated Receipts of \$288,000 to the Landfill Enterprise, transfer and appropriate \$288,00 from Water Enterprise Retained Earnings to defray town expenses for the fiscal period July 1, 2012 to June 30, 2013 inclusive.

Motion Fails

Article 2: It was voted that the Town raise and appropriate \$6,975,713 and appropriate \$471,184 from Free Cash, transfer and appropriate \$16,515 from the Massachusetts Water Pollution Abatement Trust, transfer and appropriate \$23,781 from Receipts Received for Appropriation for the sale of school vans, transfer and appropriate \$45,199 from Non-Conforming Lots balance, transfer and appropriate \$25,000 from General Fund tax levy to Park Enterprise, transfer and appropriate \$34,000 from Park Retained Earnings and appropriate Estimated Receipts of \$64,047 to Park Enterprise, transfer and appropriate \$45,000 from Landfill Enterprise Retained Earnings, and appropriate Estimated Receipts of \$288,000 to the Landfill Enterprise, transfer and appropriate \$288,000 from Water Enterprise Retained Earnings to defray town expenses for the fiscal period July 1, 2012 to June 30, 2013.

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

Selectmen Personnel	\$211,963
Selectmen Expenses	\$13,000
Finance Committee Expenses	\$900
Accounting Personnel	\$109,645
Accounting Expenses	\$75,075
Assessors Personnel	\$133,957
Assessors Expenses	\$33,205
Treasurer & Collector Personnel	\$127,932
Treasurer & Collector Expenses	\$36,600
Law Expenses	\$40,000
Wage & Personnel Board Expenses	\$10,700
Town Clerk Personnel	\$51,850
Town Clerk Expenses	\$1,430

Elections Expenses	\$14,400
Registration Expenses	\$9,200
Conservation Commission Personnel	\$24,745
Conservation Commission Expenses	\$1,800
Planning Board Expenses	\$2,150
Appeals Board Expenses	\$300
Historic Town House Expenses	\$4,500
Town Office & Fire Station Expenses	\$146,000
Town Reports Expenses	\$600
Cable TV Advisory Expenses	\$2,000
Other General Government Expenses	\$14,002

TOTAL – GENERAL GOVERNMENT – 100	\$1,065,954
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PUBLIC SAFETY – 200

Police Department Personnel	\$1,200,650
Police Department Expenses	\$154,500
Fire Department Personnel	\$867,904
Fire Department Expenses	\$90,471
Building Inspector Personnel	\$108,046
Building Inspector Expenses	\$5,200
Gas Inspector Expenses	\$11,000
Plumbing Inspector Expenses	\$16,500
Sealer of Weights & Measures Expenses	\$1,600
Electrical Inspector Expense	\$22,000
Animal Inspector Expense	\$6,000
Emergency Management Expenses	\$5,000
Animal Shelter/Dog Officer Personnel	77,705
Animal Shelter/Dog Officer Expenses	\$17,725

TOTAL - PUBLIC SAFETY – 200	\$2,584,301
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EDUCATION – 300

TOTAL – SCHOOL K - 4 300

PUBLICS WORKS – 400

Highway Department Personnel

Highway Department Expenses

Snow & Ice Personnel

Snow & Ice Expenses

Street Lighting Expenses

Cemetery services Expenses

TOTAL – PUBLIC WORKS – 400

HEALTH & HUMAN SERVICES – 500

Board of Health Personnel

Board of Health Expenses

Board of Health Visiting Nurse Expense

Council on Aging Personnel

Council on Aging Expenses

Veteran's Benefits Personnel

Veteran's Benefits Expenses

TOTAL HEALTH & HUMAN SERV - 500

CULTURE & RECREATION -600

Library Personnel

Library Expenses

Historic Library Building

Historical Commission Expenses

TOTAL CULTURE & RECREATION -600

DEBT SERVICE – 700

TOTAL - DEBT SERVICE – 700

TOTAL COUNTY & STATE ASSMTS -800

\$0

\$418,073

\$101,000

\$10,000

\$30,000

\$20,000

\$10,000

\$589,073

\$132,889

\$8,964

\$2,000

\$102,914

\$19,470

\$5,541

\$13,250

\$285,028

\$187,765

\$85,888

\$3,500

\$450

\$277,603

\$1,035,234

MEMO \$163,691

UNCLASSIFIED - 900

Regional Assessment Expense	\$1,713
Unemployment Expense	\$5,000
Employee Benefits	\$1,523,486
Property & Liability Insurance Expense	\$165,000
TOTAL – UNCLASSIFIED – 900	\$1,693,486

GRAND TOTAL/TOWN EXP – 100-900	\$7,696,083
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PARK ENTERPRISE / EXPENSE

Park Enterprise Personnel Expenses	\$50,727
Park Enterprise Expenses	\$72,320
TOTAL-PARK ENTERPRISE REVENUE	<u><u>(-\$123,047)</u></u>

LANDFILL/TRANSFER ENTER EXPENSES

Landfill/Transfer Enterprise Personnel	\$100,216
Landfill/Transfer Enterprise Expense	\$217,784
Landfill/Transfer Capped Expense	\$15,000

TOTAL-LANDFILL ENTERPRISE REVENUE	<u><u>(-\$333,000)</u></u>
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WATER ENTERPRISE EXPENSES

Water Enterprise Personnel Expense	\$14,683
Water Enterprise Expense	\$53,206
Water Enterprise Capital Improvements	\$220,111

TOTAL-WATER ENTERPRISE REVENUE	<u><u>(-\$288,000)</u></u>
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GRAND TOTAL:	<u><u>\$21,613,274</u></u>
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Passed by Majority

Article 3: It was voted that the Town raise and appropriate for the use of the Trustees for the *Plymouth County Co-operative Extension Service* the sum of Two Hundred Dollars (\$200), and to set the length of the term of 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 Eight Hundred Forty Two Thousand Eight Hundred Eighty Eight Dollars (\$842,888.00) 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 Eight Hundred Ninety Two Thousand Four Hundred Dollars (\$892,400.00) as the Town's share of the 2012-2013 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 replace Section XIII of the Regional Agreement of the *Old Colony Regional Vocational Technical High School District* with the following as recommended by the Old Colony Regional Vocational Technical High School District Committee:

SECTION XIII INCURRING OF DEBT

Within seven **(7)** days after the date on which the Committee authorizes the incurring of debt, other than temporary debt in anticipation of revenue to be received from member towns, the said Committee shall cause written notice of the date of said authorization, the sum authorized, and the general purpose or purposes for authorizing such debt, to be given to the Board of Selectmen of each member town. The notice for which provision is herein made shall be deemed to have been duly given to a Board of Selectmen of a member town if delivered to the Chairman of said Board or if mailed by registered or certified mail within the time specified, postage prepaid and addressed to the Chairman of said

Board at the Selectman's Office or at his last known permanent address in such town. Within sixty **(60)** days after the date on which the Committee authorized the incurring of said debt, each member town shall hold a town meeting for the purpose of expressing approval or disapproval of the amount of said debt and if at such meeting a majority of the voters present and voting thereon express disapproval of the amount of said debt and if at such meeting a majority of the voters present and voting thereon express disapproval of the amount authorized by the Committee, the said debt shall not be incurred and the Committee shall thereupon prepare another proposal which may be the same as any prior proposal and an authorization to incur debt therefor.

Unanimous

Article 7: It was voted that the Town raise and appropriate the sum of Ten Million Nine Hundred Eighty One Thousand Eight Hundred Seventeen Dollars and Fifty Four Cents (\$10,981,817.54) as the Town's share of the 2012-2013 maintenance and operating budget for the *Freetown-Lakeville Regional School District*, consisting of the Non-excluded Debt Assessment of Forty Eight Thousand Seven Hundred Eighty Nine Dollars and Seventy Six Cents (\$48,789.76), the Excluded Debt Assessment of Seven Hundred Eighty Six Thousand Six Hundred Forty Six Dollars and Thirty Cents (\$786,646.30), the Operating Cost Assessment of Nine Million Six Hundred Sixty Thousand Nine Hundred Fifty Five Dollars and Twenty Four Cents (\$9,660,955.24), and the Transportation Assessment of Four Hundred Eighty Five Thousand Four Hundred Twenty Six Dollars and Twenty Four Cents (\$485,426.24) to be used in conjunction with an appropriation for the same purpose by the Town of Freetown.

Unanimous

Article 8: It was voted that the Town raise and appropriate the sum of Two Hundred Eighty Four Thousand Seven Hundred Seventy Four Dollars (\$284,774.00) for the payment of vocational education tuitions and related transportation for students enrolled in vocational educational programs **other than** at Old Colony Vocational Technical School.

Passed by Majority

Article 9: It was voted that the Town raise and appropriate the sum of Twenty Eight Thousand Six Hundred Forty Nine Dollars (\$28,649.00) and transfer Eleven Thousand Three Hundred Fifty One Dollars (\$11,351.00) from the amount appropriated under Article #10 of the Annual Town Meeting on June 7, 2010 to cover the cost of contractual obligations upon *retirement of Town Employees*.

Unanimous

Article 10: It was voted that the Town raise and appropriate the sum of Five Thousand Dollars (\$5,000.00) for the purpose of adding to the *Other Post Employment Benefits Liability Trust Fund (GASB 45)*, pursuant to the provisions of M.G.L. Chapter 32B Section 20.

Unanimous

Article 11: It was voted that the Town raise and appropriate the sum of Eighteen Thousand Seven Hundred and Fifty Dollars (\$18,750.00) for the purpose of funding the *Fiscal Year 2015 Recertification of Values* as mandated by the Massachusetts Department of Revenue.

Unanimous

Article 12: It was voted that the Town accept the provisions of the third sentence of M.G.L. c.59, §2A(a), as inserted by Section 40 of Chapter 653 of the Acts of 1989 (Assessment of New Construction), to commence with FY2013. **Passed by Majority**

Article 13: It was voted that the Town appropriate the sum of Two Hundred Ninety Four Thousand Dollars (\$294,000) to pay costs of the various capital improvements and equipment as follows: equipment for Town network, used pumper for the use of the Fire Department, self contained breathing bottles (SCBA) for use of the Fire Department, two (2) new cruisers for the use of the Police Department, Stormwater System Mapping for the Highway Department, and replacement of septic system at the Highway Barn,

Equipment for Town Network (Back-up Batteries)	\$10,000
Pumper for Fire Dept (Used 10yrs old or less)	\$150,000
Self Contained Breathing Bottles (SCBA) for Fire Dept.	\$27,000
Two (2) New Police Cruisers	\$65,000
Stormwater System Mapping-Highway Dept.	\$22,000
Replace Septic System at Highway Barn	<u>\$20,000</u>
TOTAL	\$294,000

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 and 8 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

Unanimous

Article 14: It was voted that the Town accept under the provisions of General Laws, *Chapter 90*, Section 34, an apportionment in the amount of Three Hundred Seventy One Thousand Sixty Three Dollars (\$371,063.00).

Unanimous

Article 15: 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.

A motion was made to postpone this matter indefinitely, it was seconded, and the motion passed unanimously.

Article 16: It was voted that the Town raise and appropriate the sum of Thirty Eight Thousand Two Hundred Fifty Dollars (\$38,250.00) for the purpose of adding to the *Debt Service/Capital Projects Stabilization Fund* pursuant to the provisions of General Laws, Chapter 40, Section 5B.

Passed by 2/3rds vote

Article 17: It was voted that the Town raise and appropriate Ninety Thousand Dollars (\$90,000) to the *Reserve Fund*.

Unanimous

Article 18: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money 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 M.G. L.; 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, or take any action relative thereto.

A motion was made to postpone this matter indefinitely, it was seconded, and the motion passed unanimously.

Article 19: It was voted that the Town transfer the care, custody, management and control of the parcel of Town-owned land located at the end of *Nook Street* and described in a deed recorded with the Plymouth Registry of Deeds in Book 18061, Page 203, from the Board of Selectmen for the purpose of sale at public auction to the Board of Selectmen for the purpose of sale at a private sale and for the purpose of conveyance of a water line easement, and, further, to authorize the Board of Selectmen to convey to the Clark Shores Water Corporation a permanent easement in gross over a portion of said parcel for the purpose of installing and maintaining a water line to the Corporation's public wells, on such terms and conditions, and for such consideration, which may be nominal consideration, as the Board of Selectmen shall determine to be appropriate

Unanimous

Article 20: To see if the Town will amend its General By-laws by deleting the current Leash Law and to include a new section regulating Animal Control as follows:

ANIMAL CONTROL BYLAW

A. LEASHING OF DOGS

1. 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.
2. 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 (6) feet when off the property of the owner/keeper.

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.

B. BARKING DOGS

1. 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 thirty (30) minutes. This section is not meant to preclude a dog from acting as a watchdog on its owner/keeper's property.
2. The Lakeville Animal Shelter is exempt from the provisions of this by-law.

C. DEFECATION BY DOGS

1. 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.
2. 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.
3. This by-law 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.

D. VICIOUS DOGS

1. Any dog that, without provocation, bites a human being or kills or maims a domestic animal may be declared vicious by the Board of Selectmen. 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/keeper's property.
2. A dog shall not be declared vicious if the Board of Selectmen determines any of the following:
 - (a) the person's skin was not broken.
 - (b) 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.
 - (c) The dog was being teased, tormented, abused or assaulted by the injured person or animal prior to attacking or biting.
 - (d) The dog was protecting or defending a human being in its immediate vicinity from attack or assault

E. CONTROL OF LIVESTOCK

A person who owns or is in control of any goat, sheep, swine, horse, cow or cattle shall not permit such animal to go at large in any of the streets or parks of the Town or on a premises not owned by them.

F. VIOLATIONS

Violations of this by-law may be enforced through all lawful means in law or equity, including but not limited to noncriminal disposition pursuant to M.G.L. c. 40, § 21D, as follows: first offense no fine; second offense \$15.00; third offense \$25.00 and fourth and continuing offense(s) \$35.00. 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).

A motion was made to amend Article 20 to table SECTION E, and after a lengthy discussion, the motion to amended Article 20 passed by majority.

Amended-Article 20: It was voted that the Town amend its General By-laws by deleting the current Leash Law and to include a new section regulating Animal Control as follows:

ANIMAL CONTROL BYLAW

A. LEASHING OF DOGS

1. 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.
2. 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 (6) feet when off the property of the owner/keeper.
3. 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.

B. BARKING DOGS

- 1 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

thirty (30) minutes. This section is not meant to preclude a dog from acting as a watchdog on its owner/keeper's property.

- 2 The Lakeville Animal Shelter is exempt from the provisions of this by-law.

C. DEFECATION BY DOGS

1. 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.
2. 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.
3. This by-law 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.

D. VICIOUS DOGS

- 1 Any dog that, without provocation, bites a human being or kills or maims a domestic animal may be declared vicious by the Board of Selectmen. 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/keeper's property.
- 2 A dog shall not be declared vicious if the Board of Selectmen determines any of the following:

- (a) the person's skin was not broken.
- (b) 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.
- (c) The dog was being teased, tormented, abused or assaulted by the injured person or animal prior to attacking or biting.
- (d) The dog was protecting or defending a human being in its immediate vicinity from attack or assault

E. VIOLATIONS

Violations of this by-law may be enforced through all lawful means in law or equity, including but not limited to noncriminal disposition pursuant to M.G.L. c. 40, § 21D, as follows: first offense no fine; second offense \$15.00; third offense \$25.00 and fourth and continuing offense(s) \$35.00. 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).

Passed by Majority

Article 21: It was voted that the Town amend the Zoning By-laws, Section 5.1.3 with deleted language stricken and new language underlined as follows:

General; and access, ~~septic or drainage~~ easements shall not be included in the required frontage or lot area.

Passed by 2/3rds majority vote

Article 22: To see if the Town will vote to amend the Zoning By-laws, Section 6.1.2, with deleted language stricken and new language underlined, as follows:

Section 6.1.2 Limitation on Restoration - A non-conforming building structure which has been destroyed by fire or other act of God may be reconstructed ~~repaired or rebuilt~~, but the restoration shall not exceed 105% of the

~~original living area and height. The reconstructed building~~
~~and shall be placed no nearer the street than the building~~
~~structure which it replaces. The reconstructed structure~~
~~may be extended up to the limits of the Intensity~~
~~Regulations of Section 5.0 of the current By-law.~~
~~Wherever possible, the replaced or repaired reconstructed~~
~~structure building shall conform to the Intensity Regulations~~
~~of Section 5.0 intensity requirements of the current By-~~
~~Law.~~

A motion was made and seconded to amend Article 22 to read “The reconstructed *structure*” instead of “The reconstructed *building*” after a lengthy discussion, the motion to amended Article 22 passed by majority.

Amended- Article 22: It was voted that the Town amend the Zoning By-laws, Section 6.1.2, with deleted language stricken and new language underlined, as follows:

Section 6.1.2 Limitation on Restoration - A non-conforming ~~building structure~~ which has been destroyed by fire or other act of God may be ~~reconstructed repaired or rebuilt, but the restoration shall not exceed 105% of the original living area and height.~~ The reconstructed structure and shall be placed no nearer the street than the ~~building structure~~ which it replaces. The reconstructed structure may be extended up to the limits of the Intensity Regulations of Section 5.0 of the current By-law. Wherever possible, the replaced or repaired reconstructed structure building shall conform to the Intensity Regulations of Section 5.0 intensity requirements of the current By-Law.

Passed by Majority

Article 23: It was voted that the Town amend the Zoning By-laws, Section 6.1.3, with deleted language stricken and new language underlined, as follows:

Section 6.1.3 Pre-existing non-conforming structures or uses may be 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 non-conforming use.

- a. Changes, extensions or alterations to pre-existing non-conforming 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.
~~Residential lots of 20,000 square feet or more shall be exempt from the above Special Permit except when a violation of the By-Law is believed to exist.~~
- b. Additions to existing non-conforming 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 non-conforming residential structure. ~~that what already exists.~~

Passed by 2/3rds Majority

Article 24: It was voted that the Town amend the Zoning By-laws to delete Section 6.1.8 in its entirety:

Demolition and replacement of an existing residential structure may be allowed on lots of 20,000 square feet or more in area with Board of Appeals approval provided new construction is in compliance with Section 5.1 Minimum Setback Dimension, Maximum Building Height, Maximum Percentage of Lot Coverage, and subject to Board of Health approval. Non-conforming structures on lots of less than 20,000 square feet shall satisfy the requirements of 6.1.2 Limitations on Restoration.

Passed by 2/3rds Majority

A motion was made to waive the reading of the entire Article 25, but to insert Section 7.1.6 –so moved.

Article 25: It was voted that the Town amend the Town of Lakeville Zoning By-laws, Section 7.1 Flood Plain District Regulations, as follows:

Section 3.2.3: Delete the current language in its entirety and replace it with the following: “The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Lakeville designated as Zone A and AE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Lakeville are panel numbers 25023C0311J, 25023C0313J, 25023C0314J, 25023C0318J, 25023C0408J, 25023C0409J, 25023C0417J, 25023C0419J, 25023C0425J, 25023C0426J, 25023C0427J, 25023C0428J, 25023C0429J, 25023C0431J, 25023C0433J, 25023C0434J, 25023C0436J, 25023C0437J, 25023C0441J, and 25023C0442J dated July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk.”

Section 7.1.2: Delete the text in the first bullet: “780 CMR 3107 of the Massachusetts State Building Code which address floodplain and coastal high hazard areas;” and replace it with: “780 CMR of the Massachusetts State Building Code which address floodplain and coastal high hazard areas;” and delete “302 CMR 6.00” from the third bullet (Inland Wetlands Restriction) and replace it with: “310 CMR 13.00”.

Section 7.1.3: Delete references to Zone AO, AH, A1-30, A99, VO or V1-30, VE or V in the second sentence. Delete the definition of Flood Hazard Boundary Map (FHBM). Amend the definition of “Lowest Floor” to insert the term “NFIP Regulations” before “60.3.” Delete the definition of “Floodway” and replace it with “FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.” Insert the following definitions:

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

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

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

DISTRICT means floodplain district.

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

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

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

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

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

the applicable non-elevation design requirements of NFIP Regulations 60.3.

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

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

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

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

REGULATORY FLOODWAY - see **FLOODWAY**

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

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. **STRUCTURE**, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction,

alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

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

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

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

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

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

Section 7.1.5: Insert the following language after Section 7.1.5.3:

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

encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

- 7.1.5.6 Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A Zones.
- 7.1.5.7 All subdivision proposals must be designed to assure that:
 - a) such proposals minimize flood damage;
 - b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - c) adequate drainage is provided to reduce exposure to flood hazards.

7.1.6 *Insert the following language as a new Section 7.1.6:*

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

- Adjacent Communities
- Bordering States (optional)
- NFIP State Coordinator
- Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

Unanimous

Article 26: It was voted that the Town accept the provisions of Chapter 43D of the Massachusetts General Laws, as amended pursuant

to Section 11 of Chapter 205 of the Acts of 2006, and to approve the filing of an application with the Interagency Permitting Board for the designation of a parcel of land at 43 Main Street in Lakeville, Massachusetts, which parcel is shown on Lakeville's Town Assessors Map 60, Block 7, Lot 1 and known as the Lakeville Hospital site, as a Priority Development Site **Passed by Majority**

Article 27: It was voted that the Town amend the Zoning By-laws to insert a new Section 7.9 entitled "Development Opportunities (DO) District" as follows:

7.9 DEVELOPMENT OPPORTUNITIES (DO) DISTRICT

7.9.1 Purpose

The purpose of the Development Opportunities (DO) District is to authorize the innovative use of certain portions of a defined overlay district for activities appropriate to large land areas by the issuance of a special permit with safeguards and conditions to prevent detrimental effects and impact upon neighboring properties, natural resources and upon the Town of Lakeville as a whole. The intent of the DO District is to provide opportunities for economic development expansion in a planned multi-use district while protecting the natural resources of the Town. The Development Opportunities District is an overlay district superimposed over those underlying districts as shown on the zoning map of the Town of Lakeville.

7.9.2 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.

7.9.2.1 The following uses shall be permitted by special permit in the DO District:

- a. Manufacturing and industrial uses including processing, fabrication and assembly;

- b. High technology activities;
- c. Warehouses, wholesale distribution centers;
- d. Municipal and public service facilities;
- e. Transportation terminal;
- f. Hotel or motel;
- g. Research and development;
- h. Office building;
- i. Medical center;
- j. Trade or professional school;
- k. Country Club;
- 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.

7.9.2.2 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 listed uses, allowed by special permit. The accessory uses must be subordinate in use and importance to the primary use. Any retail sales facility may only sell the same product line that is

authorized by the special permit for the primary use.

7.9.3 GENERAL REGULATIONS

- 7.9.3.1. The Planning Board shall be the special permit granting authority (SPGA) in the DO District.
- 7.9.3.2 No special permit shall be granted unless the total land area, including streets, of the subject property consists of twenty-five or more acres.
- 7.9.3.3 Any of the following changes shall require modification of the special permit from the Planning Board. The procedure, standards and requirements to obtain modification shall be the same as that for issuance of a special permit:
 - a. Any change in the exterior boundaries of the land or the size of the area which is the subject of the special permit;
 - b. Any change in the boundary or boundaries of any lot within the land area which is the subject of a special permit;
 - c. Relocation or grade alteration of a street;
 - d. Construction of a building or structure not provided for by the special permit or any addition to, alteration of or change in the exterior of any building or structure;
 - e. Any change in use(s) allowed by a special permit or commencement on land (which is the subject of a special permit) of a use which is permitted as of right or by special permit in the underlying district.
- 7.9.3.4. Subparagraph 7.9.3.3 shall not be construed to require modification in the event all or a part of the land which is the subject of a special permit

is sold or conveyed unless such sale or conveyance creates a new lot boundary or boundaries within the area which is the subject of a special permit different from a boundary or boundaries existing prior to such sale or conveyance.

7.9.4 PROCEDURES

The special permit granting authority (SPGA) for this District shall be subject to the provisions of Section 7.4 of this By-law applicable to the granting of special permits, including without limitation the requirement to make the affirmative findings of Section 7.4. The SPGA shall not grant a special permit unless it determines affirmatively the following:

- A. that water and sewerage facilities will be adequate to service the activities without a detrimental effect upon municipal services in any other area of the town.
- B. that the activities are consistent with the comprehensive plans of the Planning Board for the general development of the Town of Lakeville as a whole as well as for the DO District.
- C. that the activities are compatible with or separated by sufficient space or topographical features from adjacent areas.
- D. that resources of open space, surface and ground waters are protected and preserved.
- E. that public health and safety are secured.

7.9.5 CONSTRUCTION

Streets and utilities to be constructed pursuant to a special permit shall be designed and installed in accordance with the Rules and Regulations Governing the Subdivision of Land of the Planning Board in effect at the time of the filing of an application for a special permit or authorized revision as the case may be.

7.9.6 RULES AND REGULATIONS OF THE SPGA

The SPGA may provide for informal pre-application hearings for the consideration of preliminary plans. All special permits shall be exercised in conformity with rules and regulations of the Planning Board. Within 14 days of the receipt of an application, the SPGA shall refer applications and information, data to the Board of Selectmen, The Board of Health, the Chiefs of the Police and Fire Departments, the Conservation Commission, and to other municipal Boards and Officials as the SPGA shall deem appropriate. Such regulations may include, but need not be limited to the following provisions:

- A. Site Plans: The applicant for a special permit shall submit a site plan prepared in accordance with 6.7 of the zoning bylaws, 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 strips, landscaped areas and such other requirements as the SPGA may require.
- B. Potential Hazardous Uses: The SPGA may adopt criteria in its regulations to be used to evaluate dangerous or objectionable elements at the point of origin or at any point beyond for fire and explosive hazard, radioactivity, electrical disturbance, smoke, fly ash, fumes, other sources of air pollution, and liquid and solid wastes; and to evaluate noise and vibration at the lot lines and at specified points, both for daytime and nighttime use.
- C. Traffic Impact Study: To assist the SPGA in the evaluation of the effect of a proposed activity requiring a special permit, the SPGA may require the applicant to furnish information relative to

proposed access routes and the relation to existing public ways; an analysis of existing traffic conditions using data relative to road widths and capacities, traffic volumes, and conditions at critical intersections. Traffic counts will include average daily volumes and the peak hour AM and PM volumes. Projected future traffic information shall include volume and distribution related to major land developments within one mile of the proposed site. The SPGA may require the applicant to provide a traffic impact analysis of the operating levels of roadways and intersections both before and after the proposed development and including the associated cost to the town necessary to meet the impact of development related traffic; and also an analysis of the impact of heavy trucking upon roadways and bridges on proposed access routes, together with recommendations for improvements to cope with anticipated traffic impact.

- D. Phased Development: The SPGA may require that development under a special permit be authorized in phases, that certain uses shall be commenced within twelve months after the grant of the special permit, and that other uses shall be commenced only when a specified proportion of the initial phases have been substantially completed.
- E. Dimensional Provisions: The SPGA may adopt regulations relative to densities of land use, the bulk and height of structures, yard sizes, lot areas, setbacks, open spaces, parking, use of signs and other dimensional criteria.
- F. The SPGA may require an applicant to pay reasonable fees to meet the cost of hearings, notices, publication, peer review by consultants and other costs of administration.

- G. The SPGA may waive strict compliance with its regulations when in the judgment of the SPGA such action is in the public interest and consistent with the intent and purposes of the zoning bylaws.

57 YES to 19 NO

Article 28: To see if the Town will amend the Zoning Bylaws, Section 2.0 to insert the following definitions:

Animal Kennel: One pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes and including any shop where dogs are on sale, and also including every pack or collection of more than three (3) dogs six (6) months old or over owned or kept by a person on a single premises irrespective of the purpose for which they are maintained, provided, however, that a veterinary hospital shall not be considered a kennel unless it contains an area for the selling of dogs, or for the boarding of dogs for other than medical or surgical purposes, or take any other action relative thereto.

A motion was made to postpone this matter indefinitely, it was seconded, and the motion passed unanimously.

Article 29: To see if the Town will amend the Zoning Bylaws, Section 4.1.2, Business Uses to allow Animal Kennels by special permit in all districts:

CURRENT

	<u>R</u>	<u>B</u>	<u>I</u>	<u>I-B</u>
Animal Kennel or hospital	N	SP	N	N

PROPOSED

	<u>R</u>	<u>B</u>	<u>I</u>	<u>I-B</u>
Animal Kennel or hospital	SP	SP	SP	SP
Or take any other action relative thereto.				

A motion was made to postpone this matter indefinitely, it was seconded, and the motion passed unanimously.

Article 30: To see if the Town will amend the Zoning Bylaws, Section 7.4.6 to delete the current language regulating Animal Kennels and replace it with new language as follows:

CURRENT

SPGA – Board of Appeals, Business District

Subject to applicable General Laws and local By-laws. Must not create nuisance to adjacent properties.

PROPOSED AMENDMENT

SPGA – Board of Appeals, All Districts

An animal kennel qualifying for protection under M.G.L. c.40A §3 shall be permitted as of right.

- A. Pre-Hearing Inspection: No later than 14 days prior to the public hearing, the Animal Control Officer shall inspect the proposed kennel and determine that:
 - 1. The proposed licensed site contains sufficient and suitable space for the keeping of the number of dogs proposed, including both indoor and outdoor areas.
 - 2. The proposed areas on the site where the dogs will be kept are a minimum of 100 feet from the nearest neighboring residential dwelling.
 - 3. The proposed building to shelter the dogs shall contain suitable indoor shelter for the dogs and include adequate running water and an impervious floor suitable for sanitary maintenance.
 - 4. The proposed site contain suitable outside exercise area where dogs would be permitted to roam. Such outside exercise areas shall have a fenced in enclosure not less than four (4) feet high or an acceptable run.
 - 5. The proposed site meets all current noise and sanitary Town bylaws and regulations.
 - 6. The kennel owner/operator to demonstrate proof that all dogs on the proposed kennel site at the time of the application are properly licensed and have current vaccination records.
- B. All special permits granted for animal kennels shall contain the following conditions:

1. The kennel site is subject to inspection as permitted by law by the Animal Control Officer and/or Inspector of Animals, the Health Agent or their designees regarding compliance with the conditions of the Special Permit on an annual basis or at such time a complaint is received from the community or in the case of an emergency. Annual reports and complaint investigation reports shall be submitted to the Town Clerk and the Animal Control Officer for their review.
2. The licensee shall maintain current health and vaccination records for each dog in the kennel. The licensee may also be required to keep such other logs and records as directed by the Animal Control Officer and/or Inspector of Animals. Such records shall be available to the Animal Control Officer and/or Inspector of Animals upon request.
3. The licensee shall maintain a certificate signed by a licensed veterinarian that each dog in the kennel six (6) months of age or older has a current rabies vaccination.
4. The licensee shall comply with the Town of Lakeville Animal Control By-Law when a dog is allowed to roam outside of the fenced in exercise enclosures.
5. While at large, each dog in a kennel must wear a collar or harness tag securely attached. The tag shall have the number of the license, the name of the issuing Town and the year the license was issued.

Or take any action relative thereto.

A motion was made to postpone this matter indefinitely, it was seconded, and the motion passed unanimously.

Motion to dissolve came at 10:06 PM.

A true copy of the record

Attest: Janet Tracy, Town Clerk