

SPECIAL TOWN MEETING

April 30, 2018

Pursuant to the Warrant issued by the Board of Selectmen, duly served and legally posted by a constable of the Town, Moderator Gordon Goodfellow called the meeting to order at **7:03 P.M.** at Apponequet Regional High School Auditorium when 100 registered voters had been checked in. Tellers had been appointed and sworn in by the Town Clerk, Lillian M. Drane. They included Lorraine Carboni, David Goodfellow, Evagelia Fabian and Richard Nichols.

Mr. Goodfellow set his usual “ground rules” including identifying oneself, using a microphone when you speak, and putting your motions in writing. In lieu of the town’s by-law, the volume “*Town Meeting Time*” will be used for parliamentary procedures.

We began with the Pledge of Allegiance to the Flag of the United States of America. Then he entertained a motion to waive the reading of the warrant, seconded; unanimous. We then proceeded to Article #1.

ARTICLE 1:

It was voted that the Town transfer from available funds, certain sums of money in order to defray unanticipated costs for Fiscal Year 2018 for various accounts in the General Fund as set forth on page 30 of the Warrant.

**ARTICLE #1
SPECIAL TOWN MEETING TRANSFERS-
April 30, 2018**

SOURCE OF FUNDS (Transfer from):		USE OF FUNDS (Transfer to):	
GENERAL FUND			
Veterans Expenses	\$30,000.00	Information Technology Expenses	\$30,000.00
TOTALS :	\$30,000.00	TOTALS :	\$30,000.00

Finance Committee-Approved

The motion **PASSED** unanimously.

ARTICLE 2:

It was voted that the Town transfer the sum of \$50,000.00 from the Sale of Real Estate Account for the purpose of **designing and constructing renovations to the office space at the Town Office Building**, and any costs incidental or related there to, including but not limited to professional services, such as design, planning, architecture, and engineering costs, moving and temporary relocation costs, and furnishings, wiring and installation of equipment.

Finance Committee-Approved

The motion **PASSED** unanimously.

ARTICLE 3:

It was voted that the Town transfer the sum of \$170,000.00 from the Water Infrastructure Stabilization Fund for the purpose of designing and constructing a **water main extension on Bedford Street to the new Police Station**, and any costs incidental or related there to, including but not limited to professional services, such as design, planning, and engineering costs.

Finance Committee-Approved

The motion carried by 2/3rds requirement (151 Yes to 1 No), motion PASSED unanimously.

ARTICLE 4:

It was voted that the Town authorize the Board of Selectmen to enter into a contract for a period in excess of three (3) years with **ABC Disposal Services, Inc.** for the purpose of collection and disposal of solid waste under such terms and conditions as the Board of Selectmen deem to be in the best interest of the Town.

Finance Committee-Approved

The motion PASSED unanimously.

ARTICLE 5:

It was voted that the Town accept a deed **in lieu of foreclosure** from **Anthony Wade Corporation**, or the then current owner(s), pursuant to the provisions of M.G.L. Chapter 60, Section 77C, to one (1) parcel of land containing 21.75 acres more or less, as shown on the plan entitled "Subdivision of Land in Lakeville to be conveyed to Anthony Wade Inc." dated May 15, 1992, revised June 24, 1992, recorded with the Plymouth County Registry in Plan Book 35 Pages 540-543, which parcel is subject to a tax taking held by the Treasurer/Collector for unpaid real estate taxes, said parcel to be under the care, custody, control, and management of the Conservation Commission under Chapter 40, Section 8C of the General Laws and held for conservation and passive recreation purposes in perpetuity, and to authorize the Board of Selectmen to record

the deed, provided the Board of Selectmen determines that the deed and the acceptance will comply with the provisions of M.G.L. Chapter 60, Section 77C.

Finance Committee-Approved

The motion PASSED unanimously.

Articles #6 & #7 brought the largest interest and concerns regarding the position of the Town Clerk & Treasurer/Collector from an elected position to a position appointed.

ARTICLE 6:

To see if the Town will vote to authorize the Board of Selectmen to **petition the General Court** for special legislation to change to position of **Town Clerk** from an **elected position to a position appointed** by the Board of Selectmen; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition; or take any other action relative thereto

Finance Committee-**Do not** recommend approval

After a lengthy discussion and no amendments from the floor, we then proceeded with the motion.

The motion unanimously DEFEATED.

ARTICLE 7:

To see if the Town will vote to authorize the Board of Selectmen to **petition the General Court** for special legislation to change to position of **Treasurer-Collector** from an **elected position to a position appointed** by the Board of Selectmen; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition; or take any other action relative thereto.

Finance Committee-Approved

A motion was made to amend Article 7 as follows:

MOTIONS TO AMEND:

Motion 1

A motion was made by the Finance Committee to see if the town will vote to authorize the Board of Selectmen to petition the General Court for Special legislation, as set forth on page 33 of the Warrant from an elected position to a position appointed by the Board of Selectmen, upon the retirement of the current Treasurer/Collector. After much discussion, a vote was taken, seconded - **motion died** after a lengthy debate.

After much discussion and explanation from Town Counsel Corbo regarding Motion 1, he then suggested a friendly amendment to add a clause to the Special Act.

Again there was much discussion on the motion and an amendment to change Motion 1. We went back to discussion and a “call the question,” it was seconded and the motion passed, we then proceeded to amended Motion 1.

Motion 2

I moved to amend the proposed Special Act by deleting Section 2 and replacing it with the following: Section 2: Notwithstanding the provisions of Section 1, the incumbent holding the office of Treasurer/Collector on the effective date of this Act shall continue to hold office and perform the duties thereof until the expiration of the term for which he was elected, unless he sooner vacates office. After the term of the incumbent holding such office has expired or the office is sooner vacated, the Board of Selectmen shall appoint a Treasurer/Collector in the manner set forth in Section 1. **The motion FAILED**

After a lengthy discussion, we then proceeded with Article 7 (main motion) - Unanimously **DEFEATED**.

ARTICLE 8:

It was voted that the Town **amend** the **Zoning By-Law** by deleting Section **7.7 Smart Growth Overlay District** in its entirety and replacing it with a new Section 7.7 as provided for in the Planning Board Handout (Section 7.7, Smart Growth Overlay Districts (SGODs)). And further, to amend the **Town of Lakeville Zoning Map** to create a new **40R sub-district overlay** as shown map entitled "Town of Lakeville Smart Growth Zoning Overlay District (A) (C.40R)", dated January 18, 2018, prepared by Southeastern Regional Planning and Economic Development District (SRPEDD) as shown on page 34 of the Warrant.

This handout is the final Planning Board recommended language of Article 8. Following its public hearing, the Planning Board recommends changes in the published Warrant Article 8 and recommends Article 8 as written below. Additions are shown in **bold-underlined** and deletions are shown in ~~strikethrough~~ font.

Section 7.7 Smart Growth Overlay Districts (SGODs)

1. Purpose. The purposes of this Section are:

1. To establish Smart Growth Overlay Districts(SGODs) to encourage smart growth in accordance with the purposes of G. L. Chapter 40R;
2. To promote the public health, safety, and welfare by encouraging diversity of housing opportunities
3. To increase and provide for a range of housing not presently available in the Town that would provide housing choices for households of all incomes, ages, and sizes in order to meet the goal of preserving municipal character and diversity;
4. To promote the economic health and vitality of the Town by encouraging the revitalization preservation, reuse, renovation, and repurposing of underutilized historic structures, where applicable, to benefit the general health and welfare of our residents and the region;
5. To maintain or increase the supply of affordable dwelling units;
6. To encourage the creation of new multifamily and residential developments in appropriate locations at appropriate densities; and,

7. To maintain a consistently high level of design quality; and
8. Enable the Town to receive Zoning Incentive Payments and/or Density Bonus Payments in accordance with G.L. c.40R; 760 CMR 59.06.

2. Definitions. For purposes of SGODs, the following definitions shall apply. All capitalized terms shall have the meaning set forth below, which are intended to be in accordance with the definitions established under the Governing Laws, or, as applicable, as otherwise set forth in the Zoning Bylaw, or as set forth in the Plan Approval Authority (PAA) Regulations. To the extent that there is any conflict between the definitions set forth in this Section or the PAA Regulations and the Governing Laws, the terms of the Governing Laws shall govern.

Accessory Rooftop Elements: building elements that would ordinarily be located on a rooftop including but not limited to railings, roof access hatches, mechanical equipment and elevator head houses.

Administering Agent or Monitoring Agent: the local housing authority or other qualified housing entity designated by the PAA pursuant to this Section to review and implement the affordability requirements affecting Projects under this Section.

Affordable Homeownership Unit: an Affordable Housing unit required to be sold to an Eligible Household.

Affordable Housing: housing that is affordable to and occupied by Eligible Households.

Affordable Housing Restriction: a deed restriction for Affordable Housing meeting the statutory requirements in G.L. Chapter 184, Section 31 and the requirements of this Section.

Affordable Rental Unit: an Affordable Housing unit required to be rented to an Eligible Household and that meets the requirements of this Section.

Applicant: the individual or entity that submits a Project for Plan Approval.

As-of-right: a use allowed in a SGOD without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Project that requires Plan Approval by the PAA pursuant to this Section shall be considered an as-of-right Project.

Commercial Uses: Non-residential. For purposes of this Section Commercial Uses are found in Mixed Use Developments and are uses that are accessory to the housing development, such as first floor retail or services.

Department or DHCD: the Massachusetts Department of Housing and Community Development, or any successor agency.

Developable Land: an area of land that does not include: 1) Substantially Developed Land, 2) Open Space, 3) Future Open Space; 4) rights-of-way of existing public streets, ways, and transit lines; 5) land currently in use for governmental functions (except to the extent that such land qualifies as Underutilized Land); or 6) areas exceeding one-half acre of contiguous land that are (a) protected wetland resources under federal, state, or local laws, (b) rare species habitat designated under federal or state law; (c) characterized by steep slopes with an average gradient of at least 15%, or (d) subject to any other local ordinance, by-law, or regulation that would prevent the development of residential or Mixed-Use Development Projects at the As- of-right residential densities set forth in the Smart Growth Zoning.

Eligible Household: an individual or household whose annual income is less than or equal to 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD) or any successor agency, adjusted for household size, with income computed using HUD's rules for attribution of income to assets, if applicable.

~~**Governing Laws:** G.L. Chapter 40R, and 760 CMR 59.00, as they may be amended from time to time, or applicable successor regulation.~~

Future Open Space: those areas within a SGOD that the Town of Lakeville may designate or require to be identified and designated to be set aside in the future as dedicated perpetual Open Space through the use of a conservation restriction (as defined in M.G.L. c. 184 Section 31 or other effective means), consistent with the Town's Open Space Plan. Such Future Open Space shall not exceed ten percent (10%) of Developable Land area where such land in a SGOD is less than 50 acres or twenty percent (20%) where such land in a SGOD is 50 acres or more.

Governing Laws: G.L. Chapter 40R, and 760 CMR 59.00, as they may be amended from time to time, or applicable successor regulation.

Mixed-Use Development Project: a Project containing a mix of residential uses and accessory(?) non-residential uses, as allowed by this Section, and subject to all applicable provisions of this Section.

Multi-family residential use: A residential building in which there are four (4) or more residential dwelling units.

PAA Regulations: the rules and regulations of the PAA adopted pursuant to subsection 7.7.9.2.

Plan Approval: standards and procedures which Projects utilizing the provisions of a SGOD must meet, pursuant to subsections 7.7.9 through 7.7.12 and the Governing Laws.

Plan Approval Authority (PAA): The local approval authority authorized under subsection 7.7.9 to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within SGODs.

Project: a Residential or Mixed-Use Development undertaken within SGODs in accordance with the requirements of this Section.

Public Open Space: open space that is accessible to and available to the public on a regular basis, whether owned by the Town of Lakeville or other public or private entity.

Residential Project: a Project that consists solely of residential, parking, and accessory uses.

SGOD/SGODs: One or more Smart Growth Overlay Districts established under this Section pursuant to G. L. Chapter 40R.

Zoning Bylaw: the current effective Zoning Bylaw of the Town of Lakeville.

3. Establishment and Location. The SGODs are overlay districts consisting of the land, respectively shown on the Zoning Map as set forth on the map entitled “Town of Lakeville Smart Growth Zoning Overlay District(s) (C.40)” dated August 7, 2006 prepared by Southeastern Regional Planning and Economic Development District (SRPEDD) and map entitled “Town of Lakeville Smart Growth Zoning Overlay District (A) (C.40R)”, dated January 18, 2018, prepared by Southeastern Regional Planning and Economic Development District (SRPEDD), and on file with the Town Clerk, and further defined as follows:

3.1. Districts. The SGODs shall include the following District(s) and Sub-Districts therein:

A. The Lakeville Station – Nemasket River Smart Growth Overlay District:

An overlay district containing two Sub-Districts with the Residences at Lakeville Station Sub-District (f.k.a. The Residences at Lakeville Station Smart Growth Overlay District) having a land area of approximately 11 acres in size, being Assessor's Parcels 62-3-7A, 62-3-7B, 62-3-7G, 62-3-101, and 62-3-10J, that is superimposed over the underlying zoning district and is shown on the Zoning Map as set forth on the map entitled

"Town of Lakeville Smart Growth Zoning Overlay District (C.40R)", dated August 7, 2006, prepared by Southeastern Regional Planning and Economic Development District (SRPEDD); and the Nemasket River Sub-District having a land area of approximately 22 acres in size, being Assessor's Parcels 62 3-7F, 62 3-10A, 62 3-7H, 62 3-10E, 62 3-10K, 62 3-10D, 62 3-10B, and 62 3-10C, that is superimposed over the underlying zoning district and is shown on the Zoning Map as set forth on the map entitled "Town of Lakeville Smart Growth Zoning Overlay District (A) (C.40R)", dated January 18, 2018, prepared by Southeastern Regional Planning and Economic Development District (SRPEDD). These maps are hereby made a part of the Zoning By-law and is on file in the Office of the Town Clerk.

- B. [any additional SGODs as may be approved from time to time by a future Town Meeting]

4. Applicability

- 4.1.** The SGODs are overlay districts superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) shall remain in full force, except for those Projects undergoing development pursuant to this Section. Within the boundaries of a SGOD, a developer may elect either to develop a Project in accordance with the requirements of a SGOD, or to develop a project in accordance with the regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) or other applicable overlay district(s). Where a Project proposed pursuant to this Section falls within a Flood Plain District or Water Quality Protection District as set forth in Sections 7.1 and 7.2 of the Zoning Bylaw, the Project shall comply with the applicable provisions of those Sections, including any special permit(s) as may be required.
- 4.2.** An Applicant seeking to develop a Project located within a SGOD must submit an application for Plan Approval in accordance with the provisions of the Governing Laws and this Section. Notwithstanding anything to the contrary in the Zoning Bylaw,

such Project shall not be subject to any other provisions of the Zoning Bylaw, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations.

- 5. Permitted Uses.** The following uses are permitted: As-of-right for Projects seeking Plan Approval per the provisions of SGODs. Any other use of land or buildings in connection with a Project in SGODs is prohibited.

5.1. The Residences at Lakeville Station Sub-District:

- A. Residential uses which may include:
 - (1) two-family, three-family, Multi-Family residential use(s);
 - (2) parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g., parking garages); and
 - (3) accessory uses customarily incidental to any of the above permitted uses.
- B. Neighborhood businesses small-scale (a maximum of 20,000 square feet of gross floor area per building) retail, service, and office uses that **part of a Mixed-Use Development Project and** compatible with residential uses and are intended to serve commuters and local residential populations within the SGOD. Examples include, but are not limited to: news stand, grocery or specialty food store, bakery, delicatessen, coffee shop, restaurant, bank, hairdresser, barber shop, launderette or dry cleaners (dry cleaning performed off-site), tailor, health club or exercise facility, shoe repair, drug store, florist, liquor store, gift shop or specialty retail, hardware store, home goods and furnishings, personal care items, medical/professional/ small business offices (up to ten (10) employees), and home occupations.
- C. Future Open Space.

5.2. The Nemasket River Sub-District:

- A. Residential uses which may include:

- (1) two-family, three-family, Multi-Family residential use(s);
 - (2) parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g., parking garages); and
 - (3) accessory uses customarily incidental to any of the above permitted uses.
- B. Neighborhood businesses small-scale (a maximum of 20,000 square feet of gross floor area per building) retail, service, and office uses that **part of a Mixed-Use Development Project and** are compatible with residential uses and are intended to serve commuters and local residential populations within the SGOD. Examples include, but are not limited to: news stand, grocery or specialty food store, bakery, delicatessen, coffee shop, restaurant, bank, hairdresser, barber shop, launderette or dry cleaners (dry cleaning performed off-site), tailor, health club or exercise facility, shoe repair, drug store, florist, liquor store, gift shop or specialty retail, hardware store, home goods and furnishings, personal care items, medical/professional/ small business offices (up to ten (10) employees), and home occupations.
- C. Future open space.

6. Affordable Housing. For all Projects, not less than twenty percent (20%) of housing units constructed shall be Affordable Housing. Twenty-five (25%) of rental dwelling units constructed in a rental Project or rental portion of a Project must be Affordable Rental Units. For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit shall be deemed to constitute a whole unit. A Project shall not be segmented to evade the affordability threshold set forth above.

Affordable Housing shall be subject to the following requirements:

6.1. Monitoring Agent. A Monitoring Agent, which may be the local housing authority or other qualified housing entity, shall be designated by the PAA in its plan approval. In a case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the PAA or by DHCD such duties shall devolve to and thereafter be administered by a

qualified housing entity designated by the designating official/PAA or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such Monitoring Agent shall ensure the following, both prior to issuance of a Building Permit for a Project within a SGOD, and on a continuing basis thereafter, as the case may be:

- a. prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
- b. income eligibility of households applying for Affordable Housing is properly and reliably determined;
- c. the housing marketing and resident selection plan conforms to all applicable requirements, has been approved by DHCD specifically with regard to conformance with M.G.L. c.40R and 760 CMR 59.00, and is properly administered;
- d. sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
- e. Affordable Housing Restrictions meeting the requirements of this Section are approved by DHCD, specifically with regard to conformance with M.G.L. c.40R and 760 CMR 59.00, and recorded with the Plymouth County Registry of Deeds.

6.2 Submission Requirements. As part of an application for Plan Approval for a Project within a SGOD the Applicant must submit the following documents to the PAA and the Monitoring Agent:

- a. evidence that the Project complies with the cost and eligibility requirements of subsection 6.3;
- b. Project plans that demonstrate compliance with the requirements of subsection 6.4;
- c. a form of Affordable Housing Restriction that satisfies the requirements of subsection 6.5; and
- d. a narrative document and marketing plan that establishes that the proposed development of housing is appropriate for diverse populations, including households with children,

other households, individuals, households including individuals with disabilities, and the elderly.

These documents in combination shall include details about construction related to the provision, within the development, of units that are accessible to the disabled.

6.3 Cost and Eligibility Requirements. Affordable Housing shall comply with the following requirements:

- a. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
- b. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable housing program rent limits approved by the DHCD shall apply.
- c. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowners' association fees, insurance, and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.
- d. Prior to the granting of any Building Permit for a Project, the Applicant must demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town of Lakeville.
- e. There shall be a local preference applied in the selection of residents for a Project to the extent allowable by applicable laws, regulations, and guidelines and to the extent it is approved by DHCD and any other applicable regulating authority(ies) for the Project.

6.4 Design and Construction. Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be dispersed proportionately throughout the Project of which they are

a part, across all unit types and be comparable in initial construction quality and exterior design to the other housing units in the Project. The bedroom-per-unit average for the Affordable Housing must be equal to or greater than the bedroom-per-unit average for the unrestricted/market-rate units.

6.5 Affordable Housing Restriction. Each Project shall be subject to an Affordable Housing Restriction which is recorded with the appropriate Registry of Deeds or registry district of the Land Court and which contains the following:

- a. specification of the term of the Affordable Housing Restriction, which shall be perpetual;
- b. the name and address of the Monitoring Agent, with a designation of its power to monitor and enforce the Affordable Housing Restriction;
- c. a description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project with the initially designated Affordable Rental Units identified in, and able to float subject to approval by DHCD in accordance with, the corresponding Affirmative Fair Housing Marketing Plan (AFHMP) and DHCD's AFHMP guidelines.
- d. reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and resident selection plan may provide for local preferences in resident selection to the extent consistent with applicable laws, regulations, and guidelines and to the extent it is approved by DHCD and any other applicable regulating authority(ies) for the Project. The plan shall designate the household size appropriate for a unit with respect to the number of bedrooms and provide that a preference for such

- Unit shall be given to a household of the appropriate size;
- e. a requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and resident selection plan;
 - f. reference to the formula pursuant to which the maximum rent of a rental unit or the maximum resale price of a homeownership unit will be set;
 - g. designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions, provided that a first mortgage of an an Affordable Homeownership Housing Unit to a commercial lender in an amount less than maximum resale price may have priority over the Affordable Housing Restriction if required by then current practice of commercial mortgage lenders as reasonably determined by DHCD;
 - h. a requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease of any Affordable Rental Unit shall be given to the Monitoring Agent;
 - i. provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Monitoring Agent;
 - j. provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and/or the Town, and/or a non-profit organization acceptable to both the Town and DHCD, in a form approved by Town Counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
 - k. provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Monitoring Agent and/or the Town, and/or a non-profit organization acceptable to both the Town and DHCD, in a form approved by Town Counsel, and shall limit rental and occupancy to an Eligible Household;
 - l. provision that the owner or manager of Affordable Rental Units shall file an annual report to the Monitoring Agent, in a form specified by that agent, certifying compliance with the affordability provisions of this Section and containing such

- other information as may be reasonably requested in order to ensure affordability; and
- m. a requirement that residents in Affordable Housing provide such information as the Monitoring Agent may reasonably request in order to ensure affordability.

6.6 Costs of Housing Marketing and Selection Plan. The housing marketing and selection plan may make provision for payment by the Project Applicant of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements. Such payment shall not exceed one-half percent (1/2%) of the amount of rents of Affordable Rental Units (payable annually) or one percent (1%) of the sale or resale prices of Affordable Homeownership Units (payable upon each such sale or resale), as applicable.

6.7 Age Restrictions. Nothing in this subsection shall permit restrictions on age upon Projects unless proposed or agreed to voluntarily by the Applicant. However, the PAA may, in its review of an application for Plan Approval, allow a specific Project within a SGOD designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable federal, state and local fair housing laws and regulations and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable units. Any Project which includes age-restricted residential units shall comply with applicable federal, state and local fair housing laws and regulations.

6.8 Twenty Percent Requirement. Not less than twenty percent (20%) of all residential units constructed within a SGOD Project shall be reserved as Affordable Housing Units, and the PAA may require as a condition to approval of the Project for such housing development that recordable instruments be prepared and recorded to ensure that the total number of Affordable Housing Units constructed in the District equals not less than twenty percent (20%) of the total number of all units constructed as part of Projects within the SGOD.

6.9 Segmentation. The PAA may require that certificates of occupancy be withheld for any housing units if it believes that the development of housing Projects is being segmented to evade the size threshold for affordability.

6.10 Phasing. For any Project that is approved and developed in phases, the percentage of Affordable units in each phase shall be at least equal to the minimum percentage of Affordable Housing required for such Project under subsection 6. Where the percentage of Affordable Housing is not uniform across all phases, the unit dispersal and bedroom proportionality requirements under subsection 6 shall be applied proportionately to the Affordable Housing provided for in each respective phase.

6.11 No Waiver. Notwithstanding anything to the contrary herein, the affordability provisions in a SGOD shall not be waived without the express written approval of DHCD.

7. Density and Dimensional Requirements: Notwithstanding anything to the contrary in this Zoning Bylaw, the dimensional requirements applicable in the SGODs are as follows:

7.1. The Residences at Lakeville Station Smart—Growth Overlay Sub-District:

A. Minimum Densities:

- (1) For single-family residential: at least 8 dwelling units per acre of Developable Land;
- (2) For two-family and/or three-family residential: at least 12 dwelling units per acre of Developable Land;
- (3) For multi-family residential: at least 20 units per acre of Developable Land.

Where a Project involves an entire block or multiple contiguous blocks, minimum densities shall be calculated on the development of the area as a whole.

B. Dimensional Requirements:

Minimum Lot Area	
Single Family Residential	5,000 square feet
Two/Three Family Residential	7,000 square feet
Multi-Family Residential	40,000 square feet
Neighborhood Business	40,000 square feet
Minimum Lot Frontage	
Single Family Residential	50 feet
Two/Three Family Residential	50 feet
Multi-Family Residential	100 feet
Neighborhood Business	100 feet
Building Height	
All Uses – Minimum	1.5 stories (18 feet)
All Uses – Maximum	3 stories (55 feet)
Minimum Setbacks	
All Residential Uses – Front Yard	20 feet
Neighborhood Business Uses – Front Yard	None
All Residential Uses – Side Yard	20 feet
Neighborhood Business Uses – Side Yard	None
All Uses – Rear Yard	20 feet
Maximum Setbacks	
All Uses – Front Yard	40 feet
Maximum Lot Coverage	
Single Family Residential	30%
Two/Three Family Residential	40%
Multi-Family Residential	50%
Neighborhood Business	75%

The PAA may waive these dimensional requirements in accordance with this Section where the PAA deems it appropriate to the Project and the neighborhood.

For the purposes of this subsection, frontage and front yard setbacks shall be determined with respect to public and private streets, as well as to private ways providing similar access.

Access: Individual buildings or parcels within a Project site shall have coordinated street access.

In the Residences at Lakeville Station Sub-District, front yards may not be used for parking, regardless of the principal use of the building.

7.2. Nemasket River Smart Growth Overlay Sub-District:

- A. **Maximum** Densities:
- (1) For single-family residential: up to 8 dwelling units per acre of Developable Land;
 - (2) For two-family and/or three-family residential: up to 12 dwelling units per acre of Developable Land;
 - (3) For multi-family residential: up to 25 units per acre of Developable Land.

Where a Project involves an entire block or multiple contiguous blocks, **maximum** ~~minimum~~ densities shall be calculated on the development of the area as a whole.

B. Dimensional Requirements:

Minimum Lot Area	
Single Family Residential	5,000 square feet
Two/Three Family Residential	7,000 square feet
Multi-Family Residential	40,000 square feet
Neighborhood Business	40,000 square feet
Minimum Lot Frontage	
Single Family Residential	50 feet
Two/Three Family Residential	50 feet
Multi-Family Residential	100 feet
Neighborhood Business	100 feet
Building Height	

All Uses – Minimum	1.5 stories (18 feet)
All Uses - Maximum	4 stories (55 feet)
Minimum Setbacks	
All Residential Uses – Front Yard	10 feet
Neighborhood Business Uses – Front Yard	None
All Residential Uses – Side Yard	10 feet
Residential Detached	5 feet
Neighborhood Business Uses – Side Yard	None
All Uses – Rear Yard	20 feet
Maximum Setbacks	
All Uses – Front Yard	100 feet
Maximum Lot Coverage	
Single Family Residential	30%
Two/Three Family Residential	40%
Multi-Family Residential	50%
Neighborhood Business	75%

The PAA may waive these dimensional requirements in accordance with this Section where the PAA deems it appropriate to the Project and the neighborhood.

For the purposes of this subsection, frontage and front yard setbacks shall be determined with respect to public and private streets, as well as to private ways providing similar access.

Access: Individual buildings or parcels within a Project site shall have coordinated street access.

7.3. Notes for Dimensional Requirements for all SGODs (unless otherwise noted):

- A. Building Height: Height shall be measured from average grade to the cornice line of the roof. Accessory Rooftop Elements shall not be included in the calculation of height, but shall be restricted as to their location on the roof and may need to be screened so as to limit their visual impact. Accessory structures in side or rear yards, are permitted to be

only one (1) story in height.

- B. **Front Yard Setbacks:** Front yard setbacks shall be measured from the street frontage line to the primary façade, excluding front steps or stoops, porches, bay windows, enclosed main entrances, or other projecting elements. (Note, however, that no projecting element on any building may extend over a property line to intrude onto a public sidewalk.) Where a Neighborhood Business building is located at an intersection and may be considered to have more than one primary façade, then each primary facade may utilize a front yard setback.
- C. **Side Yard Setbacks:** The 5-foot minimum side yard setback may only be applied to detached residential buildings with three (3) or fewer units, and is intended to encourage the off-center siting of a house within its lot, resulting in substantial outdoor space where a porch and/or landscaped yard may be provided (in addition to a driveway); and also resulting in a visually varied streetscape.
- D. **Accessory Uses:** Uses accessory to a permitted principal use are permitted on the same premises, provided that no accessory building may be located in a required front, side, or rear yard setback area.
 - (1) Front, side, or rear yards of Neighborhood Business buildings may be used as seasonal outdoor seating areas for businesses, provided that such areas are regularly cleaned and maintained, with trash removed on a daily basis. Seasonal outdoor seating areas may be installed during warm weather months. All related temporary furnishings and fixtures, including but not limited to tables, chairs, umbrellas, light fixtures, freestanding signs and menu boards, etc., shall be stored indoors off season; however any fencing, bollards, planters, or other means of delineating the boundaries of such outdoor seating areas may remain in place permanently.
 - (2) All accessory buildings, including storage sheds, studios, greenhouses, workshops, etc., shall be located at the side

or rear of a building, preferably out of view from the street.
~~(3) In the Residences at Lakeville Station Smart Growth Overlay District, front yards may not be used for parking, regardless of the principal use of the building.~~

8. Parking and Loading Requirements: The following requirements are applicable for Projects within a SGOD.

8.1. Parking spaces. Unless otherwise approved by the PAA, the following ~~minimum~~ numbers of off-street parking spaces shall be **both the minimum and maximum** provided by use, either in surface parking, within garages or other structures, or, **as may be permitted below,** on-street. The following ~~minimum~~ requirements shall apply:

- A. Residential project: ~~One to~~ Two parking spaces per residential unit.
- B. Non-Residential Uses: A 20% reduction in required spaces may be permitted when the applicant submits information on peak times by use, confirming that uses are compatible relative to parking demand. On street parking in front of a building may be utilized to help fulfill this requirement.
- C. Barrier-Free Access: For multi-family residential and non-residential uses, provide a minimum of one handicapped accessible parking space per establishment and/or use, up to a maximum of ten percent (10%), inclusive, of total parking required. Handicapped accessible spaces may be located on-street or off-street, and in any case shall be located no further than 50 feet from any accessible entrance and be clearly marked, with a safe and accessible means of access/egress.
- D. On-Street Parking: On-street parking is not generally available in the SGOD.
- E. Off-Street Parking: Off-street parking as an accessory use shall only be provided at the sides or the rear of a building. Residential parking should be clearly marked or separated from non-residential parking. Surface parking lots and/or private garages may be provided for all uses.

For multi-family and non-residential uses, pedestrian connections shall be provided from all side or rear parking facilities to the front of the building. Where a parking facility is located behind and serves multiple adjacent buildings, pedestrian connections to the street shall be provided at regular (maximum 400 foot) intervals between buildings. The PAA may allow for additional visitor parking spaces beyond the two (2) ~~maximum~~ minimum spaces per unit if deemed appropriate given the design, layout and density of the proposed residential or other development. The PAA may allow for a decrease in the required parking as provided in this Section.

8.2 Shared Parking. Notwithstanding anything to the contrary herein, the use of shared parking to fulfill parking demands noted above that occur at different times of day is strongly encouraged. The ~~Minimum~~ parking requirements above may be reduced by the PAA through the Plan Approval process if the applicant can demonstrate that shared spaces will meet demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies identified in the PAA Regulations or the Governing Laws).

8.3 Reduction in Parking Requirements. Notwithstanding anything to the contrary herein, the ~~any minimum~~ required amount of parking or loading may be reduced by the PAA through the Plan Approval process if the applicant can demonstrate that the lesser amount of parking or loading will not cause excessive congestion, endanger public safety, or that a lesser amount of parking will provide positive environmental or other benefits, taking into consideration:

- a. the availability of surplus off street parking in the vicinity of the use being served and/or the proximity of a bus stop or transit station;
- b. the availability of public or commercial parking or loading facilities in the vicinity of the use being served;
- c. shared use of off street parking or loading spaces serving other uses having peak user demands at different times;

- d. age or other occupancy restrictions which are likely to result in a lower level of auto usage;
- e. impact of the parking or loading requirement on the physical environment of the affected area of the Project or adjacent areas or lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and
- f. such other factors as may be considered by the PAA.

8.4 Location of Parking. Any surface parking lot shall, to the maximum extent feasible, be located at the rear or side of a building, relative to any principal street, public open space, or pedestrian way.

9. Plan Approval of Projects: General Provisions

9.1. Plan Approval. All Applicants for Projects proposed to be developed in accordance with this Section shall submit an application for Plan Approval to the PAA to be reviewed for consistency with the purpose and intent of the applicable SGOD. Such Plan Approval process shall be construed as an as-of-right review and approval process as required by and in accordance with the Governing Laws.

9.2 Plan Approval Authority (PAA). The Planning Board, consistent with G.L. Chapter 40R and 760 CMR 59.00, shall be the Plan Approval Authority (the “PAA”), and it is authorized to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within SGODs.

9.3 PAA Regulations. The Plan Approval Authority may adopt administrative rules and regulations relative to Plan Approval. Such rules and regulations must be approved by the Department of Housing and Community Development.

9.4 Project Phasing. An Applicant may propose, in a Plan Approval submission, that a Project be developed in phases, provided that the submission shows the full buildout of the Project and all

associated impacts as of the completion of the final phase, and subject to the approval of the PAA. Any phased project shall comply with the provisions of subsection 6.10.

10. Plan Approval Procedures

10.1 Pre-application. Prior to the submittal of a Plan Approval submission, a “Concept Plan” may be submitted to help guide the development of the definitive submission for Project buildout and individual elements thereof. Such Concept Plan should reflect the following: areas of developable and undevelopable land; overall building envelope areas; open space and natural resource areas; general site improvements, groupings of buildings, proposed land uses; and conceptual designs of any new construction, if available. The Concept Plan is intended to be used as a tool for both the Applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards and other requirements of the applicable SGOD.

10.2 Required Submittals. An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA and accompanied by an application fee if required, which shall be as set forth in the PAA Regulations. The application shall be accompanied by such plans and documents as may be required and set forth in the PAA Regulations. For any Project that is subject to the affordability requirements of subsection 6.0, the application shall be accompanied by all materials required under subsection 6.0. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals forty feet (1"=40') or larger, or at a scale as approved in advance by the PAA and must show the following:

- a) The perimeter dimensions of the lot(s) comprising the site locus; Assessors Map, lot and block numbers.
- b) All existing and proposed buildings, structures, building setbacks, parking spaces, driveway openings, distance between buildings, plan view exterior measurements of individual buildings, driveways, service areas and open areas.
- c) Internal roads, sidewalks and parking areas (width dimensions of paving and indication of number of parking spaces).
- d) All facilities for sewage, refuse and other waste disposal and for surface water drainage.
- e) All proposed landscaping features, such as fences, walls, planting areas and walks on the lot and tract.
- f) Existing major natural features, including streams, wetlands and all trees six inches (6") or larger in caliper (caliper is girth of the tree at approximately chest height).
- g) Scale and North arrow (minimum scale of one inch equals 40 feet (1" = 40')).
- h) Total site area in square footage and acres and area to be set aside as public open space, if appropriate.
- i) Percentage of lot coverage (including the percentage of the lot covered by buildings) and percentage of open space, if appropriate.
- j) The proposed residential density in terms of dwelling units per acre and types of proposed commercial uses in terms of the respective floor area, and recreation areas, and number of units proposed by type (number of one (1) bedroom units, two (2) bedroom units, etc.).
- k) Location sketch map (indicate surrounding streets and properties and any additional abutting lands owned by the Applicant).

- l) Representative elevation sketches of buildings (indicate height of building and construction material of the exterior facade).
- m) Typical unit floor plan for residential uses. (Floor plan should be indicated for each type of unit proposed. The area in square feet of each typical unit should be indicated.
- n) Developer's (or authorized ~~his~~ representatives') name, address and phone number.
- o) Any other information which may include traffic, school, tax, or utility impacts in order to adequately evaluate the scope and potential impacts of the proposed project.

10.3 Filing. An Applicant for Plan Approval shall file the required number of copies of the application form and the other required submittals as set forth in the PAA Regulations with the Town Clerk, and a copy of the application including the date of filing certified by the Town Clerk shall be filed forthwith with the PAA.

10.4 Circulation to Other Boards. Upon receipt of the Application, the PAA shall immediately provide a copy of the application materials to the Board of Selectmen, Board of Appeals, Building Commissioner, Board of Health, Conservation Commission, Fire Department, Police Department, Highway Department, the Monitoring Agent (for any Project subject to the affordability requirements of subsection 6.0), and other municipal officers, agencies or boards for comment, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a copy of the plan and application for approval.

10.5 Hearing. The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of G.L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the Applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of

the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the Plan Approval application.

10.6 Peer Review. The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to G.L. Chapter 40R, Section 11(a). Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant forthwith.

11. Plan Approval Decisions

11.1. Plan Approval. Plan Approval shall be granted where the PAA finds that:

1. the Applicant has submitted the required fees and information as set forth in the PAA Regulations; and
2. the Project as described in the application meets all of the requirements and standards, including affordability requirements, and the PAA Regulations, or a waiver has been granted therefrom; and
3. any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For a Project subject to the affordability requirements of subsection 6.0, compliance with condition (2) above shall include written confirmation by the Monitoring Agent that all requirements of that subsection have been satisfied. The PAA may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with this Section and the PAA's approval, or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties.

11.2. Plan Disapproval. A Plan Approval application may be disapproved only where the PAA finds that:

1. the Applicant has not submitted the required fees and

- information as set forth in the PAA Regulations; or
2. the Project as described in the application does not meet all of the requirements and standards set forth in this Section and the PAA Regulations, or that a requested waiver therefrom has not been granted; or
 3. it is not possible to mitigate adequately significant adverse project impacts on nearby properties by means of suitable conditions.

11.3. Waivers. Upon the request of the Applicant, the Plan Approval Authority may waive dimensional and other requirements of this Section, subject to compliance with M.G.L. c. 40R and 760 CMR 59.00, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the applicable SGOD, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Section. Waivers may not be granted for a reduction in allowable density and affordability requirements.

11.4. Project Phasing. The PAA, as a condition of any Plan Approval, may allow a Project to be phased at the request of the Applicant, or it may require a Project to be phased for the purpose of coordinating its development with the construction of Planned Infrastructure Improvements (as that term is defined under 760 CMR 59.00), or to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, the proportion of Affordable to market rate units shall be consistent across all phases where the Project contains the minimum percentage of affordable units applicable under Section 6. Where the percentage of affordable units in a phased Project exceeds the minimum required under Section 6, each phase must at least contain the minimum percentage of affordable units proportionately applicable to that phase under Section 6.

11.5. Form of Decision. The PAA shall issue to the Applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject

of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If an application is approved by reason of the failure of the PAA to timely act, the Town Clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the Registry of Deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the Applicant.

11.6. Validity of Decision. A Plan Approval shall remain valid and shall run with the land indefinitely, provided that construction has commenced within two (2) years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Project.

12. Changes in Plans after Approval by PAA

12.1. Minor Change. After Plan Approval, an Applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and

written decision, and provide a copy to the Applicant for filing with the Town Clerk.

12.2. Major Change. Those changes deemed by the PAA to constitute a major change in a Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to subsections 7.7.9 through 7.7.12.

12.3. As-Built Plans. Prior to the issuance of any occupancy permits, the Applicant shall submit “as built” plans to the PAA, the PAA’s consulting engineer and the Lakeville Building Commissioner to confirm that the Project has been constructed in substantial conformity with the prior approved plan and that the Applicant has complied with the conditions stated in this Section and in the Plan Approval.

13. Administration, Enforcement, and Appeals. The provisions of this Section shall be administered by the Building Commissioner, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the PAA under this Section shall be governed by the applicable provisions of G. L. Chapter 40R. Any other request for enforcement or appeal arising under this Section shall be governed by the applicable provisions of G. L. Chapter 40A.

14. Severability If any provision of this Section is found to be invalid by a court of competent jurisdiction, the remainder of the Section shall not be affected but shall remain in full force. The invalidity of any provision of this Section shall not affect the validity of the remainder of the Town of Lakeville Zoning Bylaw.

Finance Committee-Approved

Carried by 2/3rds requirement (161 Yes to 0 No), motion PASSED Unanimously.

Planning Board members Sylvester Zienkiewicz, Barbara Mancovsky and Peter Conroy, gave Planning Board reports on Articles 9-17 as presented in the warrant.

ARTICLE 9:

It was voted that the Town **amend** the **Zoning By-Law** relative to **Drive–Through Facility** as follows:

- A. Amend Section 4.1 “Table of Uses Regulations” Sub-Section 4.1.2 Business Uses to delete certain language, shown in strikethrough, and insert new language, shown underlined, as follows:

4.1.2	<u>Business Uses</u>	R	B	I	I-B
	Drive-Through Facility	N	SP	N <u>SP</u>	N

- B. Amend Section 7.4 “Special Permits” Sub-Section 7.4.6 to delete certain language, shown in strikethrough, and insert new language, shown underlined as follows:

Drive-Through Facility

SPGA – Board of Appeals; Business, Industrial Districts

~~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 and that the proposed facility will have no detrimental effects on neighboring businesses or residences, as determined by the SPGA.

- 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.~~

or take any other action relative thereto.

Finance Committee- Approved

Planning Board– Recommends approval

Carried by 2/3rds requirement (127 Yes to 8 No), motion PASSED by requirement.

ARTICLE 10:

It was voted that the Town **amend** the **Zoning By-Law** relative to **Fast Food Restaurant** as follows:

- A. Amend Section 2.0 “Definitions” to delete certain language, shown in strikethrough as follows:

~~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. (Adopted June 11, 2007; approved by Attorney General September 12, 2007)~~

- B. Amend Section 4.1 “Table of Uses Regulations” Sub-Section 4.1.2 Business Uses to delete certain language, shown in strikethrough as follows:

4.1.2	<u>Business Uses</u>	R	B	I	I-B
	Fast food restaurant (Allowed only in areas served by municipal water) (Adopted 6/11/2007; approved by Attorney General 9/12/2007)	N	SP	N	N

- C. Amend Section 6.0 “General Regulations” Sub-Section 6.5.3.3 Parking Space Schedule to delete certain language, shown in strikethrough, and insert new language, shown underlined as follows:

Parking Space Schedule:

<u>Restaurant</u>	<u>One (1) per each two (2) occupants based on the designed occupant load, plus one (1) for each employee.</u>
Restaurant, Stadium, Gymnasium, Arena, Auditorium	One <u>(1)</u> per each three <u>(3)</u> seats of total seating capacity, plus one <u>(1)</u> for each employee.

- D. Amend Section 7.0 “Special Regulations” Sub-Section 7.4.6 Specific Uses by Special Permit to delete certain language, shown in strikethrough as follows:

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.~~
(Adopted at ATM June 11, 2007; approved by Attorney General September 12, 2007)

Finance Committee- Approved

Planning Board- Recommends approval

Carried by 2/3rds requirement (112 Yes to 4 No), motion PASSED by requirement.

ARTICLE 11:

It was voted that the Town **amend the Zoning By-Law** relative to **Filling Station and Auto or Boat Sales, Rental or Service**, as follows:

- A. Amend Section 2.0 "Definitions" to delete certain language, shown in strikethrough, and insert new language, shown underlined as follows:

Filling Station: **An establishment involving on-site distribution of fuel to be sold retail and primarily used to power vehicles for transportation purposes.** ~~A filling, service or gasoline station shall mean a place where motor fuels, lubricating materials and other automotive accessories and supplies are sold at retail and where motor vehicles are serviced and installation of batteries, tires and minor repairs of like nature are undertaken, but not including a body or paint shop, garage for major automotive repairs or a car wash.~~

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

- B. Amend Section 4.1 “Table of Uses Regulations” Sub-Section 4.1.2 Business Uses to delete certain language, shown in strikethrough, and insert new language, shown underlined as follows:

4.1.2	<u>Business Uses</u>	R	B	I	I-B
	Auto or boat sales, rentals or service <i>*(Adopted 6/16/1997; approved by Attorney General 8/11/1997)</i>	N	Y <u>SP</u>	SP* <u>N</u>	N

- C. Amend Section 4.1 “Table of Uses Regulations” Sub-Section 4.1.3 Industrial Uses to delete certain language, shown in strikethrough, and insert new language, shown underlined as follows:

4.1.3	<u>Industrial Uses</u>	R	B	I	I-B
	Fuel establishment involving storage and distribution to be sold wholesale to suppliers; allowed only in areas served by municipal water <i>(Adopted 5/8/2006; approved by Attorney General 6/14/2006)</i>	N	N	SP	SP

- D. Amend Section 6.0 “General Regulations” Sub-Section 6.5.3.3 Parking Space Schedule to delete certain language, shown in strikethrough, and insert new language, shown underlined as follows:

Parking Space Schedule:

Commercial Establishments serving the general public (except automotive service retail establishments)	One (1) per each 300 square feet of gross floor area or fraction thereof, plus one (1) for each employee.
Automotive Retail and Service	One per each 1,000 square feet of gross floor area or fraction

Establishments	thereof, plus one for each employee.
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Finance Committee- Approved

Planning Board- Recommends approval

Carried by 2/3rds requirement (115 Yes to 2 No), motion Passed by requirement.

Article 12:

It was voted that the Town **amend** the **Zoning By-Law** relative to **Upland Circle** as follows:

Amend Section 5.0 “Intensity Regulations” Sub-Section 5.1.2 **Upland Circle** to delete certain language, shown in strikethrough, and insert new language, shown underlined as follows:

5.1.2 ~~Upland~~ Front Yard Circle

No dwelling, building or structure having permitted use in any district shall be erected on a lot unless the lot has an area within its bounds which encompasses an **upland front yard** circle with a minimum diameter of 160 feet and within which the frontage, or frontage at the required set back must pass. ~~This by-law shall not apply to any buildable lot legally established and existing prior to May 11, 1998. (Adopted June 14, 2004; approved by Attorney General September 16, 2004)~~

Finance Committee-Approved

Planning Board- Recommends approval

Carried by 2/3rds requirement (105 Yes to 12 No), motion Passed by requirement.

Article 13:

To see if the Town will vote to **amend** the **Zoning Map**, as identified in Section 3.2.1 of the Zoning By-Law, as follows:

1. By changing the zoning from Industrial B district to Residential district of the following parcels identified below by Assessors Map and Parcel number, comprising of approximately 174.584 acres of land; as shown as lots numbered 1-33 on a map showing the affected parcels:

1. 117 Kingman Street Map 005-001-006	2. 119 Kingman Street Map 005-001-007	3. 121 Kingman Street Map 005-001-008
4. 123 Kingman Street Map 005-001-009	5. 125 Kingman Street Map 005-001-010	6. 53 Myricks Street Map 005-001-011
7. 55 Myricks Street Map 005-001-012	8. 57 Myricks Street Map 005-001-013	9. 59 Myricks Street Map 005-001-014
10. 61 Myricks Street Map 005-001-015	11. 63 Myricks Street Map 005-001-016	12. 65 Myricks Street Map 005-001-017
13. 67 Myricks Street Map 005-001-018	14. 69 Myricks Street Map 005-001-019	15. 47 Myricks Street Map 005-001-020
16. 49 Myricks Street Map 005-001-020A	17. Myricks Street Map 006-004-001	18. 1 Annie's Path Map 006-004-002
19. 2 Annie's Path Map 006-004-002-0	20. Annie's Path Map 006-004-002-0	21. 10 Reed Farm Road Map 006-004-002A
22. 14 Reed Farm Road Map 006-004-002B	23. 16 Reed Farm Road Map 006-004-002C	24. 18 Reed Farm Road Map 006-004-002D
25. 20 Reed Farm Road Map 006-004-002E	26. 6 Reed Farm Road Map 016-001-001	27. 4 Reed Farm Road Map 016-001-002
28. 83 Kingman Street Map 016-001-003	29. 1 Emmy's Way Map 016-001-004	30. 85 Kingman Street Map 016-001-004A
31. 89 Kingman Street Map 017-001-001	32. 91 Kingman Street Map 017-001-002	33. 87 Kingman Street Map 017-001-010

2. By changing the zoning from Industrial B district to Business district of the following parcels identified below by Assessors Map and Parcel number, comprising of approximately 66.094 acres of land; as shown as lots numbered 34-42 on a map showing the affected parcels:

34. 95 Kingman Street	35. 109 Kingman Street	36. 111 Kingman Street
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Map 005-001-001	Map 005-001-002	Map 005-001-003
37. 115 Kingman Street Map 005-001-005	38. 97 Kingman Street Map 017-001-004	39. 101 Kingman Street Map 017-001-005
40. 103 Kingman Street Map 017-001-006	41. 105 Kingman Street Map 017-001-007	42. 107 Kingman Street Map 017-001-008

Finance Committee- **Do not** recommend approval.

Planning Board- **Do not** recommend approval.

The motion unanimously DEFEATED

Article 14:

To see if the Town will vote to **amend** the **Town Zoning Map**, as identified in Section 3.2.1 of the Zoning By-Law, by changing the zoning from Business ("B") to Industrial ("I") for the following parcel identified below by Assessors Map and Parcel number, comprising of approximately 31.637 acres of land; as shown on a map showing the affected parcel:

5 Harding Street Map 022-002-009

or take any other action relative thereto.

Finance Committee- No comment

Planning Board- Approved

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

Article 15:

It was voted that the Town **accept Cedar Pond Road** as a Town Way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by gift, purchase or eminent domain, an easement or fee simple in the way and any related easements as shown on the road layout plan drawn by Sitec, Inc. on file with the Town Clerk as shown on Sheets 2, 3 and 4 of the plan entitled "Subdivision As-Built Plan, Cedar Pond Preserve in Lakeville, MA dated June 5, 2017".

Finance Committee-Approved

The motion PASSED unanimously.

Article 16:

It was voted that the Town **accept Quequechan Circle** as a Town Way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by gift, purchase or eminent domain, an easement or fee simple in the way and any related easements as shown on the road layout plan drawn by Sitec, Inc. on file with the Town Clerk as shown on Sheet 5 of the plan entitled "Subdivision As-Built Plan, Cedar Pond Preserve in Lakeville, MA dated June 5, 2017".

Finance Committee-Approved

The motion PASSED unanimously.

Article 17:

It was voted that the Town **accept Ron Circle** as a Town Way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by gift, purchase or eminent domain, an easement or fee simple in the way and any related easements as shown on the road layout plan drawn by Sitec, Inc. on file with the Town Clerk as shown on Sheet 3 of the plan entitled "Subdivision As-Built Plan, Cedar Pond Preserve in Lakeville, MA dated June 5, 2017".

Finance Committee-Approved

The motion PASSED unanimously.

All business on the Warrant having been acted upon, a motion to dissolve came at **8:32 PM.**

Check lists were used for the Special Town Meeting and **176 voters** including **10** Town Meeting Members were checked on the lists as being present as follows:

	P.1	P.2	P.3	Total
Voter Registration per Precinct as of 4/20/2018	2,431	2,591	2,725	7,747
Checked-In	49	87	40	176
% Turn-out on 4/30/18	2.01%	3.35%	1.46%	2.27%

**Articles 9 through 12 are Zoning By-Law amendments, pending approval by the Attorney General.

*** Articles 15 through 17 are Street Acceptances.

A true copy of the record.

Attest:

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