

SPECIAL TOWN MEETING

November 8, 2021

Pursuant to the Warrant issued by the Board of Selectmen, duly served and legally posted by a constable of the Town, Moderator Katie Goodfellow called the meeting to order at 7:01PM. at Apponequet Regional High School Auditorium when 100 registered voters had checked in. Tellers had been appointed and sworn in by the Town Clerk, Lillian M. Drane. They included Barbara Standish, Jaime Bissonnette, Geraldine Taylor and Rita Garbitt.

Mrs. Goodfellow set her 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 and then a motion was then made to allow non-residents, Gregg Corbo, Town Counsel, Richard Medeiros, Lakeville-Freetown Superintendent of Schools, Todd Hassett, Lakeville Town Accountant, Ari Sky Town Administrator and Kelly Howley Council on Aging Director, to speak or to be heard- so moved, seconded and passed unanimously. Then she 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 \$4,361.87 from Free Cash and \$155.00 from Park Retained Earnings to pay the following unpaid bills from the prior fiscal year:

Unpaid Bill No	Department	Vendor	Amount	Purpose
1.	Town Offices	Ricoh	\$353.37	Copier Services
2.	Legal Services	KP Law	\$3,938.50	Tax Title Services
3.	Police	M&S Automotive Repair, Inc.	\$70.00	State Inspection
4.	Park	Mr. Cesspool	\$155.00	Portable Restroom Rental
TOTAL			<u>\$4,516.87</u>	

Finance Committee- Approved

The motion carried by 9/10ths requirement, PASSED unanimously.

ARTICLE 2:

It was voted that the Town vote to raise and appropriate from taxation the sum of \$87,000 and transfer from Septic Loan Fund the sum of \$15,000 to supplement the appropriations stated below that were previously voted in Article 1 of the May 10, 2021 Annual Town Meeting for the Fiscal Year beginning July 1, 2021 for various Town Departments.

Line No	Department	Budget Line Item	Amount	Purpose
1.	Selectmen/Administration	Salaries	\$62,000	Asst Town Admin/Town Planner
2	Selectmen/Administration	Expenses	\$20,000	Housing Production Plan
9	Treasurer/Collector	Salaries	(\$9,500)	New Treasurer/Collector-started mid-October
10	Treasurer/Collector	Expenses	\$9,500	Interim Treasurer/Collector Contracted Services
30	Cable TV Advisory	Expenses	\$5,000	Verizon contract negotiation
65	Debt Service	Principal	\$15,000	Septic Loan Program
TOTAL			\$102,000	

Finance Committee- Approved

The motion PASSED unanimously.

ARTICLE 3: (Rescind borrowing Police Station)

It was voted that the Town rescind the borrowing authority for \$95,163 which constitutes the balance that is not going to be borrowed for the Police Station construction; Article 9 of the June 12, 2017 Annual Town Meeting.

Finance Committee- Approved

The motion PASSED unanimously.

After much discussion, Gregg Corbo explained that the Article needed minor changes due to the Massachusetts School Building Authority's ("MSBA") request as follows, and the motion which has the minor changes, is acceptable from a legal point of view and is within the scope of the article:

- 1. Delete "or any other sum" (Line 1 & 2)**
- 2. Add "specifically replacement of windows and doors" to follow "Assawompset Elementary School Building" (Line 4)**
- 3. Replace "Feasibility Study Agreement" with "Project Funding Agreement" (second line from the bottom).**

ARTICLE 4:

It was voted that the Town vote to appropriate the amount of Ninety Thousand Dollars (\$90,000) for the purpose of paying costs of developing a feasibility study and schematic design for the purpose of studying options for repairs, replacements and/or additions specifically replacement of windows and doors, to the **Assawompset Elementary School**, located at 232 Main Street in Lakeville, including the payment of all costs incidental or related thereto, and for which Town may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of Board of Selectmen. To meet this appropriation the Treasurer, with the approval of the Board of Selectmen is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. Any premium received by the Town upon the sale of any bonds or notes

approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payments of costs approved by this vote in accordance with G.L. c.44 §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs. The Board of Selectmen is authorized to apply for, accept, and expend any grants or loans in connection herewith, to enter into all agreements, execute any and all documents including contracts for more than three years, and take all action necessary to carry out this project. The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA.

Finance Committee-Approved

Carried by 2/3rds requirement (143 Yes to 0 No), motion PASSED unanimously.

ARTICLE 5: (Acceptance of MGL, C41, s110A)

It was voted that the Town vote pursuant to Massachusetts General Law **Chapter 41, Section 110A**, to allow the Office of the Town Clerk to remain closed on Saturdays and to treat Saturday as a legal holiday for the purposes of calculating the time frame for filing or taking other action required by law.

Finance Committee-Approved

The motion PASSED unanimously.

ARTICLE 6: (Articles Seeking Special Legislation)

It was voted that the Town vote to **amend** Lakeville General Bylaws, Chapter II, by adding the following new section 18 to be titled Articles Seeking Special Legislation, to require advance notice of the content of any request for special legislation, to provide as follows:

To enable adequate time for review, no article appearing on a warrant for an Annual or Special Town Meeting, requesting a petition to the General Court to enact special legislation shall be in order for consideration by Town Meeting unless the text of the special legislation sought is included as part of the article or as an appendix to the warrant, or is on file with the Town Clerk at least fourteen (14) days prior to the date of a Special Town Meeting and seven (7) days prior to the date of an Annual Town Meeting at which it will be considered.

Finance Committee-Approved

The motion PASSED unanimously.

Article 7 brought the largest interest and concerns regarding the acceptance and adoption of the Community Preservation Act (CPA) in Lakeville. Barbara Mancovsky of 17 Johnson Drive, presented a PowerPoint presentation regarding an overview of the surcharges, its functions and the State's funding for Community Preservation. After much discussion, and explanation from Town Counsel Gregg Corbo regarding the process to adopt the CPA, he explained that the Town would need the acceptance at Town Meeting and as well as a referendum question at the Annual Town Election on April 4, 2022. He stated that both would need to be accepted in order to adopt the CPA in Lakeville, after much discussion, we then proceeded with Article 7.

After a lengthy discussion a motion was made to "call the question," it was seconded, and the motion passed unanimously.

ARTICLE 7: Community Preservation Act (CPA)

It was voted that the Town vote to accept sections 3 to 7, inclusive, of Chapter 44B of the General Laws of Massachusetts, also known as the

Community Preservation Act, (hereinafter “the Act”), and beginning in Fiscal Year 2023, to assess a one percent (1%) surcharge on real property for the purposes permitted by said Act, which include enabling the town to (1) acquire, create and preserve open space, which includes land for parks, recreational uses, conservation areas and the protection of drinking water supplies; (2) create and rehabilitate local parks, playgrounds, and athletic fields; (3) acquire, preserve, rehabilitate and restore historic buildings and resources; and (4) create and preserve affordable housing; and further to adopt the following exemptions from the surcharge: (a) property owned and occupied as a domicile by a person who qualifies for low income housing or low or moderate income senior housing in the Town of Lakeville, as defined in Section 2 of said Act; (b) \$100,000 of the value of each taxable parcel of residential property; and (c) \$100,000 of the value of each taxable parcel of class three, commercial property, and class four industrial property as defined in GLc.59, section 2A. A taxpayer receiving a regular property tax abatement or exemption will also receive a pro rata reduction in the surcharge.

Finance Committee-Approved

The motion PASSED by majority (129 Yes to 28 No).

ARTICLE 8: (Community Preservation Committee Bylaw)

It was voted that the Town vote to **reaffirm** the vote at the June 13, 2005, Annual Town Meeting to adopt the Town's Community Preservation Committee bylaw, as published on the Town's website and on file at the Office of the Town Clerk, and by **amending** Section-6 of said bylaw by striking its text, and replacing it with the following; or take any other action relative thereto.

Section 6: Effective Date (Current Text)

Provided that the Community Preservation Act is accepted by the voters at the 2006 Annual Town Election, this by-law shall take effect upon approval by the Attorney General of the Commonwealth, and after all requirements of MGL Chapter 40 Section 32 have been met.

Section 6: Effective Date (Proposed Amendment)

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

Finance Committee-Approved

The motion PASSED unanimously.

ARTICLE 9: (Change of Title from Board of Selectmen to Select Board)

It was voted that the Town vote to **amend** the Bylaws of the Town of Lakeville to change the title of the **"Board of Selectmen" to "Select Board"** as follows:

1. Amend Chapter III of the Town's General Bylaws, by changing the title from "Selectmen" to "Select Board"
2. Delete the text of Section 9 of Chapter III and replace it with the following:

Current Text

Section 9. The Selectmen shall have general direction and management of property and affairs of the town in all matters not otherwise provided for by law or these by-laws.

Proposed Amendment

Section 9. The Select Board shall have all the powers and duties of a Board of Selectmen for purposes of the General Laws and any special acts applicable to the Town of Lakeville. The Select Board shall have general direction and management of property and affairs of the town in all matters not otherwise provided for by law or these by-laws.

3. Delete the words "Board of Selectmen" or "Selectmen" in each place they appear in the Town's General and Zoning Bylaws and insert in their place "Select Board".

Finance Committee-Approved

The motion PASSED by 2/3rds requirement (113 Yes to 16 No).

ARTICLE 10:

It was voted that the Town vote to **amend** Lakeville General Bylaws, Chapter 1, Section 27, to change the **composition of the Council on Aging** from an eleven (11) member board with one (1) alternate, to a nine (9) member Board with two (2) alternates, as shown below with additions in **bold** and deletions in ~~strike through~~; or take any other action relative thereto.

COUNCIL ON AGING

Section 27

Section 1. The Board of Selectmen shall appoint a Council on Aging for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in the Town of Lakeville, which shall include, but not be limited to, identifying the needs of the elderly population of the town; educating the community and enlisting support and participation of all citizens about these needs; and designing, promoting and implementing services to fill these needs.

Section 2. The Board of Selectmen shall appoint the Council on Aging consisting of Eleven (11) Members and One (1) alternate; **provided, however, that upon the effective date of an amendment to this By-law, the membership of the Council on Aging shall be changed to Nine (9) Members and Two (2) alternates.** Upon the effective date of an **amendment to** this By-law, the appointed incumbents serving at the time of adoption shall continue to serve for the remainder of their terms, unless the incumbent resigns or is removed prior to the end of their term, **and expiring terms and vacant seats shall not be re-filled until the membership reaches Nine (9) members.** Thereafter, the Board shall appoint Members for three-year terms. Members can be re-appointed for concurrent terms determined by the discretion of the Board and Appointees acceptance. The Members of the Council shall serve without pay.

The Alternates shall be appointed for a three (3) year term. The Chair may designate ~~the~~ **either or both** Alternates to sit on the Council in the

case of absence, inability to act or conflict of interest of any Member, or in the event of a vacancy on the Council until the vacancy is filled.

Whenever a vacancy shall occur in the membership of the Council, by reason of death, resignation, inability to act or for any other reason, the vacancy shall be filled in accordance with the provisions of Massachusetts General Laws, Chapter 41, Section 11. When an opening in the full membership occurs, an Alternate may be considered for appointment to full membership and a replacement Alternate may be appointed.

Section 3. The Council on Aging at its first annual meeting and thereafter, annually in June of each year, shall elect from its membership Chair, Vice Chair, Secretary and Treasurer. All members shall assist the Council on Aging Director in carrying out the business of the Council as needed.

Finance Committee-Approved

The motion PASSED unanimously.

ARTICLE 11:

It was voted that the Town vote to **amend** the Lakeville Zoning Bylaw, Section 7.4.6 “Marijuana Uses - Adult Use **Marijuana Establishments, and Marijuana Retailers, and Registered Marijuana Dispensaries** SPGA – Zoning Board of Appeals; Marijuana Overlay District” Sub-section A by adding the following shown in underline below;

- A.** All Marijuana Uses, including Adult Use Marijuana Establishments, Marijuana Retailers, and Registered Marijuana Dispensaries, shall require a Special Permit from the Zoning Board of Appeals, and shall only be permitted to locate within the Marijuana Overlay District, as shown on the Town’s Zoning Map. **All allowed uses and special permit uses in the underlying district shall remain allowed by right or by special permit as designated in Section 4.1, Table of Use Regulations.**

Finance Committee-Approved

The motion PASSED by 2/3rds requirement (113 Yes to 2 No).

Article 12, also brought interest and concerns and amendments regarding the new section of the Earth Work's definitions and cubic yards, we then proceeded with Article 12.

ARTICLE 12:

To see if the Town will vote to amend the Lakeville General Bylaws, Chapter 5, by deleting the section titled "**Earth Removal**" and replacing it with a new section entitled "Earth Work," as set forth below, or take any other action relative thereto.

**CHAPTER V
EARTH WORK.**

Section 1. Definitions.

Board – the Town of Lakeville Board of Selectmen

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

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

Earth Work – any Earth Removal, Stockpiling or Fill operation.

Fill – the use of Earth from another location for the purpose of changing the topography of a site.

Stockpiling – the keeping and storage of Earth brought to a site from another location for the purpose of using it.

Section 2. Permit Required.

No person, firm or corporation shall perform Earth Work in the Town of Lakeville without first obtaining a permit from the Board, as provided in this Bylaw.

Notwithstanding the provisions of the preceding paragraph, the following Earth Work projects may be undertaken without a permit:

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

Section 3. Procedure

An application for an Earth Work Permit shall be in writing, on a form provided by the Board, and shall include but not be limited to the following information:

1. The location of the proposed work.
2. The legal name and address of the owner of the property involved.
3. The legal name and address of the applicant (if different than the owner).
4. A plan and representative profiles of the area, prepared by a Registered Professional Engineer, from which final grades may be established.
5. The anticipated amount (in cubic yards) of earth work involved.
6. The reason for the project.
7. The type of work – Earth Removal, Stockpiling or Fill.
8. Previous earth removal activities on the property.

9. The source of Earth for Stockpiling and Fill projects

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

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

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

1. The finished leveling and grading shall be indicated on the approved plans as indicated and submitted to the Board, but in no event shall any grade be below the grade of any abutting and established way open to the public or private use, except that if on the authority of a Registered Civil Engineer it is determined by the Board that such a change in grade below the existing grade is advantageous to the proposed change in topography.
2. No Earth Work permit shall be approved by the Board if the work extends within four hundred (400) feet of a way open to the public whether public or private, or within one hundred (100) feet of a building or structure or property line, unless the Board is satisfied that such removal will not undermine the way or structure, or prove detrimental to the neighborhood.
3. The placing of topsoil and planting necessary to restore the area to usable condition. Cover of topsoil of not less than 4 inches in depth shall be replaced or allowed to remain.
4. The duration of the operation.
5. The construction of necessary fencing and other protections against nuisances and/or erosion.

6. Methods for the work.
7. Temporary structures.
8. Hours of operation.
9. Routes of travel or transportation of material.
10. Control of temporary or permanent drainage.
11. Disposition of boulders and tree stumps.
12. Set and maintain permanent monuments at each property corner.
13. Slopes shall not be steeper than 4 to 1.
14. Imported earth material and/or fill may not contain debris, rebar, concrete, other building materials, clay, seashells, asphalt, glass or any solid waste of any kind. Imported materials must be soil and/or clean fill.

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

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

Section 4. General Conditions.

Permits shall be in effect for a period of one (1) year from the date of issue.

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

All Earth Work operations shall be conducted in accordance with applicable federal, state and local laws concerning the operation, including but not limited to the requirements of the Conservation Commission. It shall be the applicant's responsibility to ensure compliance with such laws

and the issuance of a permit by the Board shall not authorize any Earth Work operation undertaken in violation of any other applicable statute, rule or regulation.

Section 5. Permit Renewals

An application for renewal of an Earth Work Permit shall be in writing, on a form provided by the Board, and shall be submitted to the Board at least forty-five (45) days prior to expiration of the permit, along with the applicable renewal fee.

Any application for renewal not submitted within the time required by this bylaw shall be treated as a new application.

Each renewal application includes all of the information required by the Board, and shall specify the number of cubic yards of material removed during the prior permit term and shall be accompanied by an elevation plan on a 50-foot grid prepared by a Registered Civil Engineer, showing before, after and proposed final elevations.

Upon receipt of a completed application and payment of the applicable fee, the Board may renew the Earth Work Permit without first conducting a public hearing, provided that all conditions of the permit and this bylaw have been complied with and the Applicant has not changed the scope of the project as originally approved. In all other cases, a public hearing shall be required in accordance with the procedure set forth in Section 3 of this bylaw.

Section 6. General Administration

The Board or its designated representatives may enter upon the premises involved from time to time to inspect and ensure proper conduct of the work.

The Board may adopt and may from time-to-time revise a schedule of reasonable fees to cover the costs associated with the administration of this bylaw.

The Board may engage engineers, scientists, financial analysts, planners, attorneys or other appropriate professionals, who can assist the Board in analyzing a project or application to ensure compliance with all relevant

laws, bylaws, standards and regulations. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decision or regulations, or inspecting a project during construction or implementation.

The Board may adopt and from time-to-time revise regulations for the imposition of reasonable fees for the employment of such outside consultants as set forth in M.G.L. c. 44, §53G.

The Board or its designated representatives reserve the right to inspect the applicant's records at any time.

Section 7. Enforcement

The Board may modify, suspend or revoke any permit issued pursuant to this bylaw for any violation of this bylaw, regulations of the Board adopted pursuant thereto or any conditions imposed by the Board. Such modification, revocation or suspension may take place after a hearing held by the Board of which the permit holder is given seven (7) days written notice. Such notice shall be deemed given upon mailing same, certified mail, return receipt requested, to the address listed on the permit application.

This bylaw may be enforced by the Town's Building Commissioner or his designee. Whoever violates any provision of this bylaw may be penalized by a noncriminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition bylaw. If noncriminal disposition is elected, then the non-criminal fine for each such violation, if not otherwise specified, shall be:

First Offense:	\$100
Second Offense:	\$200
Third and Subsequent Offenses:	\$300

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

Whoever violates any provision of this bylaw may be penalized by indictment or on complaint brought in the district court. Except as may be

otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be three hundred dollars (\$300). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

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

Section 8. Severability

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

MOTIONS TO AMEND:

AMENDMENT #1

During the discussion of Article #12, a motion was made to amend the article by changing the word in Section 1: Definitions from Board: Board of Selectmen to "Planning Board". After a much discussion, a vote was taken and seconded, and the amendment to Article #12 FAILED by majority.

AMENDMENT #2

When then discussed of the article, a motion was made to amend the article by changing Section 2, line item #2 from "5,000" cubic yards of earth in a single calendar year to "2,000" cubic yards of earth in a single calendar year. After much discussion, a vote was taken and seconded, and the amendment to Article #12 passed by majority. We then proceeded to the amended Article #12.

AMENDED- ARTICLE 12:

It was voted that the Town vote to amend the Lakeville General Bylaws, Chapter 5, by deleting the section titled "**Earth Removal**" and replacing it

with a new section entitled “Earth Work,” as set forth below, or take any other action relative thereto.

CHAPTER V

EARTH WORK

Section 1. Definitions.

Board – the Town of Lakeville Board of Selectmen

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

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

Earth Work – any Earth Removal, Stockpiling or Fill operation.

Fill – the use of Earth from another location for the purpose of changing the topography of a site.

Stockpiling – the keeping and storage of Earth brought to a site from another location for the purpose of using it.

Section 2. Permit Required.

No person, firm or corporation shall perform Earth Work in the Town of Lakeville without first obtaining a permit from the Board, as provided in this Bylaw.

Notwithstanding the provisions of the preceding paragraph, the following Earth Work projects may be undertaken without a permit:

1. Earth Work by any governmental entity, including but not limited to the Town of Lakeville;
2. Earth Work involving less than 2,000 cubic yards of earth in a single calendar year;
3. Earth Work in connection with agricultural use of land, including cranberry bog maintenance operations;

4. Earth Work that is merely incidental to the construction or installation of buildings, structures, swimming pools, septic systems, utilities, fences, athletic courts, driveways, parking lots, walkways and other construction or installations occurring on the site from which the earth is removed; provided that the project is being done in accordance with all required permits and approvals, the amount of earth removed does not exceed the amount needed for the construction or installation and the removal of earth does not result in topographical changes to the surrounding land; and
5. The transfer of earth from one portion of a parcel to another portion of the same parcel for purposes of improving the same.

Section 3. Procedure

An application for an Earth Work Permit shall be in writing, on a form provided by the Board, and shall include but not be limited to the following information:

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

Upon receipt of a completed application and payment of applicable fees, the Board may conduct a public hearing on the application. Notice of said hearing shall be provided, at the applicant's expense, to all abutters, owners of land directly opposite on any public or private street or way, and abutters to abutters within three hundred feet, and by publication in a

newspaper of general circulation in the Town once, at least seven days prior to the hearing.

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

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

1. The finished leveling and grading shall be indicated on the approved plans as indicated and submitted to the Board, but in no event shall any grade be below the grade of any abutting and established way open to the public or private use, except that if on the authority of a Registered Civil Engineer it is determined by the Board that such a change in grade below the existing grade is advantageous to the proposed change in topography.
2. No Earth Work permit shall be approved by the Board if the work extends within four hundred (400) feet of a way open to the public whether public or private, or within one hundred (100) feet of a building or structure or property line, unless the Board is satisfied that such removal will not undermine the way or structure, or prove detrimental to the neighborhood.
3. The placing of topsoil and planting necessary to restore the area to usable condition. Cover of topsoil of not less than 4 inches in depth shall be replaced or allowed to remain.
4. The duration of the operation.
5. The construction of necessary fencing and other protections against nuisances and/or erosion.
6. Methods for the work.
7. Temporary structures.
8. Hours of operation.
9. Routes of travel or transportation of material.
10. Control of temporary or permanent drainage.
11. Disposition of boulders and tree stumps.
12. Set and maintain permanent monuments at each property corner.

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

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

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

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

Section 4. General Conditions.

Permits shall be in effect for a period of one (1) year from the date of issue.

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

All Earth Work operations shall be conducted in accordance with applicable federal, state and local laws concerning the operation, including but not limited to the requirements of the Conservation Commission. It shall be the applicant's responsibility to ensure compliance with such laws and the issuance of a permit by the Board shall not authorize any Earth Work operation undertaken in violation of any other applicable statute, rule or regulation.

Section 5. Permit Renewals

An application for renewal of an Earth Work Permit shall be in writing, on a form provided by the Board, and shall be submitted to the Board at least

forty-five (45) days prior to expiration of the permit, along with the applicable renewal fee.

Any application for renewal not submitted within the time required by this bylaw shall be treated as a new application.

Each renewal application includes all of the information required by the Board, and shall specify the number of cubic yards of material removed during the prior permit term and shall be accompanied by an elevation plan on a 50-foot grid prepared by a Registered Civil Engineer, showing before, after and proposed final elevations.

Upon receipt of a completed application and payment of the applicable fee, the Board may renew the Earth Work Permit without first conducting a public hearing, provided that all conditions of the permit and this bylaw have been complied with and the Applicant has not changed the scope of the project as originally approved. In all other cases, a public hearing shall be required in accordance with the procedure set forth in Section 3 of this bylaw.

Section 6. General Administration

The Board or its designated representatives may enter upon the premises involved from time to time to inspect and ensure proper conduct of the work.

The Board may adopt and may from time-to-time revise a schedule of reasonable fees to cover the costs associated with the administration of this bylaw.

The Board may engage engineers, scientists, financial analysts, planners, attorneys or other appropriate professionals, who can assist the Board in analyzing a project or application to ensure compliance with all relevant laws, bylaws, standards and regulations. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decision or regulations, or inspecting a project during construction or implementation.

The Board may adopt and from time-to-time revise regulations for the imposition of reasonable fees for the employment of such outside consultants as set forth in M.G.L. c. 44, §53G.

The Board or its designated representatives reserve the right to inspect the applicant's records at any time.

Section 7. Enforcement

The Board may modify, suspend or revoke any permit issued pursuant to this bylaw for any violation of this bylaw, regulations of the Board adopted pursuant thereto or any conditions imposed by the Board. Such modification, revocation or suspension may take place after a hearing held by the Board of which the permit holder is given seven (7) days written notice. Such notice shall be deemed given upon mailing same, certified mail, return receipt requested, to the address listed on the permit application.

This bylaw may be enforced by the Town's Building Commissioner or his designee. Whoever violates any provision of this bylaw may be penalized by a noncriminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition bylaw. If noncriminal disposition is elected, then the non-criminal fine for each such violation, if not otherwise specified, shall be:

First Offense:	\$100
Second Offense:	\$200
Third and Subsequent Offenses:	\$300

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

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

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

Section 8. Severability

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

Finance Committee-Approved

The motion PASSED unanimously.

All business on the Warrant having been acted upon, a motion to dissolve came at **8:47PM**.

Check lists were used and **177 voters**, including **8** 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 10/29/2021	2,624	2,831	3,285	8,740
Checked-in	50	62	65	177
% Turn-out on 11/8/2021	2.0%	2.2%	2.0%	2.0%
TOTAL	50	62	65	177

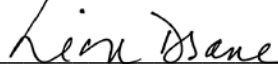
- **Article 5 & 7**; to be sent to Secretary of State-Acceptance of MGL Chapter Acceptance.
- **Article 6, 8, 9, 10, 11, & 12**; to be sent to Attorney General's Office; General & Zoning Bylaws, pending approval by the Attorney General.

Note: To preserve the option for Town Meeting to be held with a lower quorum due to the ongoing COVID-19 pandemic, the Board of Selectmen met on October 12, 2021 via a virtual platform with public access to allow the public to follow the deliberations in real time. *(To view this meeting in progress and attend/or participate in the discussion, it can be watch live on*

Facebook at <https://www.facebook.com/Lakecam/>. This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>.) After much discussion, the Board of Selectmen did not reduce the quorum requirement for this Special Town Meeting.

A true copy of the record,

ATTEST:



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