

## **SPECIAL TOWN MEETING OCTOBER 18, 2010**

Pursuant to the warrant issued by the Board of Selectmen, duly served and legally posted by a constable of the Town, Moderator Gordon W. Goodfellow opened the meeting at 7:05 PM at Apponequet High School in the Gymnasium, Auditorium and the Cafeteria after 100 registered voters had been checked in. Tellers had been appointed and sworn in by Town Clerk, Janet L. Tracy. They included Gymnasium: Robert Canessa, Leanne Cataldo, Gail Evirs, Joanne Upham and Scott Holmes. Auditorium: Daniel Hopkins, William Rocha and Bruce Spooner. Cafeteria: Mike Nolan and Joseph Chamberlain.

We began with the Pledge of Allegiance to the Flag and we held a Brief moment of silence in memory of the following: **MYRTLE SIMAS-** Lakeville School Committee- 1971-1975. **MARVIN H. PURDY-** Vocational Education Committee- 1990-1991 and **ROBERT M. DARLING-** Assistant Board of Health Agent- 1985 & 1988; Temporary Assistant Building Inspector- 1985-1986; Assistant Building Inspector- 1986-1989; Building Commissioner- 1989-2006; Special Assistant Health Agent- 1993-2000; Board of Health Agent- 1990-1992 & 1994; Senior Center Advisory Board- 1990-1991; Assistant Local Water Resources Management Official- 1992-2000; Town Office Building Study Committee- 1992-1995; ADA Building Compliance Committee- 1996-1997; Senior Center Building Committee- 2000-2001; Library Building Committee- 2003; Public Safety Town Office Building Feasibility Committee- 2003-2004; Master Plan Implementation Committee- 2005-2006; Interim Zoning Enforcement Officer- 2007.

Mr. Goodfellow read his usual ground rules of identifying oneself, going to the microphone to speak and submitting motions in writing. Then he entertained a motion that if a two-thirds vote is required by statute, the Moderator be authorized to declare a 2/3 vote in the same manner as a majority vote is declared; provided however, that if a vote so declared is immediately questioned by seven or more voters, the Moderator shall verify it by taking a count - so moved and seconded and passed unanimously.

A motion was then made to allow non-residents to speak or to be heard- so moved and seconded and passed unanimously. Then he entertained a motion to waive the reading of the entire warrant- so moved.

A motion was made from the floor to take the articles out of order and have Article #6 and Article #7 precede Article #1. After much discussion, a vote was taken and the motion failed. **243 Yes to 901 No**

**Article 1:** It was voted that the Town transfer and/ or appropriate from available funds, certain sums of money in order to defray unanticipated costs for Fiscal Year 2011 for various accounts in the General Fund and Landfill Enterprise and all as set forth on the document entitled, "Article #1 Special Town Meeting Transfers October 18, 2010".

**ARTICLE #1**  
**Special Town Meeting Transfers**  
**October 18, 2010**

<b>Transfer/ Appropriate From:</b>		<b>Transfer/ Appropriate To:</b>	
Wage & Personnel Board	\$98,604.00	Police Department Wages	\$38,838.00
		Fire Department Wages	\$20,318.00
		Highway Department Wages	\$3,856.00
		Treasurer/ Collector Wages	\$665.00
		Treasurer/ Collector Department Wages	\$9,184.00*
		Town Clerk Wages	\$587.00
		Assistant Town Clerk Wages	\$3,120.00*
		Assessors Department Wages	\$4,177.00*
		Selectmen Department Wages	\$5,261.00*
		Accountant Department Wages	\$1,909.00*
		Building Department Wages	\$981.00
		Animal Shelter Wages	\$459.00
		Board of Health Department Wages	\$1,349.00
		Council on Aging Wages	\$1,681.00*
		Veterans Agent Wages	\$137.00
		Library Wages	\$5,029.00*
Unemployment	\$3,926.00	Fire Department Wages	\$3,926.00
<b>Subtotal</b>	<b>\$102,530.00</b>	<b>Subtotal</b>	<b>\$101,477.00</b>
	<b>LANDFILL ENTERPRISE</b>		
		Landfill Wages	\$1,053.00
<b>TOTALS</b>	<b>\$102,530.00</b>	<b>TOTALS</b>	<b>\$102,530.00</b>
*Departments with restored hours			

**Passed by Majority**

**Article 2:** It was voted that the Town vote in favor of allowing Bruce Malenfant a hearing before the Lakeville Board of Selectmen regarding his suspension from the Lakeville Police Department.

**1314 Yes to 45 No**

**Article 3:** To see if the Town will vote to accept Commercial Drive 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 Field Engineering Co., Inc. on file with the Town Clerk entitled 'Roadway Acceptance Plan, Commercial Drive and Riverside Drive, Lakeville, MA" dated August 17, 2010.

**After much discussion, a motion was made to table the article indefinitely.**

**1363 Yes to 7 No**

**Article 4:** To see if the Town will vote to accept Riverside Drive 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 Field Engineering Co., Inc. on file with the Town Clerk entitled 'Roadway Acceptance Plan, Commercial Drive and Riverside Drive, Lakeville, MA" dated August 17, 2010.

**After much discussion, a motion was made to table the article indefinitely.**

**Passed by 2/3<sup>rd</sup> votes**

**Article 5:** It was voted to accept Chrisjenn Brooke Lane 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 Azor Land Sciences Inc., on file with the Town Clerk entitled "Road Layout and As Built Plan in the Town of Lakeville, MA dated August 20, 2008.

**Passed by Majority**

**Article 6:** To see if the Town will vote to amend the Zoning By-Law by adding an Industrial-C Overlay District by: inserting new Section 3.1.10 as follows in Section 3.1, Zoning Districts; inserting new Section 3.2.9 as follows in Section 3.2, Location of Districts; and Section 7.9 as follows in Section 7.0, Special Regulations; or take any other action relative thereto:

**Section 3.1.10** Industrial-C Overlay

**Section 3.2.9** Industrial-C Overlay: for district designation, see Section 7.9.2.

**7.9 Industrial-C Overlay District Regulations**

**7.9.1 Title and Purpose**

The purpose of the Industrial-C Overlay District is to encourage and to authorize the development of large land areas for use as warehousing and distribution centers by means of an association of a variety of building types and uses, with conditions and safeguards to prevent detrimental effects and impacts upon neighboring land uses and upon the Town of Lakeville generally. No land shall be re-zoned to be within the Industrial-C Overlay District unless it contains an aggregate land area of at least fifty acres.

The Industrial-C Overlay District is an overlay district superimposed over the underlying district(s). The Industrial-C Overlay District does not restrict the rights of owners that choose to develop any lot pursuant to the underlying zoning district. If a property owner elects to use the Industrial-C Overlay District for development purposes, the development shall conform to all applicable requirements of this By-law, including the requirements of any regulations or guidelines that may be developed to support this by-law. The provisions of the underlying zoning district(s), and the provisions of this By-Law generally, including bulk and dimensional requirements, shall apply within the Industrial-C Overlay District, except if inconsistent with the Industrial-C Overlay District regulations set forth below, in which case the provisions of the Industrial-C Overlay District shall govern over any conflicting zoning requirements of the underlying zoning district(s). This By-Law shall not prohibit uses

permitted as of right or by Special Permit in the underlying zoning districts.

### **7.9.2 District Designation**

The Industrial-C Overlay District shall overlay the land shown as Assessors' Map 60 Block 7, Lots 1, 52, 53, 54, 55, and 56.

### **7.9.3 Permitted Uses as Principal Activities in the Industrial-C Overlay District**

Those uses permitted in the respective underlying zoning district(s), as well as the following uses, shall be permitted within the Industrial-C Overlay District:

- 1) Warehouse and Distribution Facility;
- 2) Business Offices.

All permitted uses are subject to Section 7.9.5, "General Regulations in the Industrial-C Overlay District".

### **7.9.4 Accessory Uses**

The following uses shall be allowable as accessory to the above principal activities:

- 1) Restaurant or Cafeteria, provided it is contained within an existing building used primarily for one or more of the permitted principal activities stated in Section 7.9.3 and not in a freestanding building by itself.
- 2) Parking and Access Drives for all permitted uses, as well as any and all utilities necessary to support such permitted uses, including but not limited to a Wastewater Treatment Facility.

### **7.9.5 General Regulations in the Industrial-C Overlay District – Applicable to Uses Permitted.**

**7.9.5.1 Minimum lot area** - shall not be less than fifty acres.

**7.9.5.2 Lot Coverage** – a maximum of 60% of the lot may be covered by structures, parking, and paved areas. For the purposes of determining lot coverage, properties in the Industrial-C Overlay District shall be exempt from the requirements of Section 5.2.2.1.

**7.9.5.3 Parking Lot Access** – The restrictions set forth in Section 6.5.1 regarding the maximum number of entry/exit points shall not apply to the Industrial-C Overlay District.

**7.9.5.4 Multiple Buildings on a Lot** – Within the Industrial-C Overlay District, multiple principal structures may be constructed within a single lot with site plan review.

**7.9.5.5 Site Plan Approval** – The applicant shall submit a site plan to the Planning Board in accordance with the requirements set forth in Section 6.7 of this By-Law. Where Section 6.7 is inconsistent with this Section of the By-Law, this Section of the By-Law shall control.

**7.9.5.6 Site Plan Approval** for a project with the Industrial-C Overlay District shall be conducted as a public hearing, and notice of the hearing shall be given to abutters. All costs associated with the notice and hearing shall be borne by the petitioner.

#### **7.9.5.7 Design Standards**

- a. A building height of up to 50 feet is permitted within the Industrial-C Overlay District, provided that appropriate restrictions and buffering requirements are set forth in a Development Agreement between the applicant and the Board of Selectmen on terms acceptable to the Planning Board.
- b. The applicant shall construct sound attenuation structures to minimize any noise generated by the proposed use, particularly where the proposed use abuts residential properties. Said structures shall be designed to be consistent in quality, color and design with the predominant materials of the building and landscape.

- c. If the proposed Site Plan includes roadways or fire lanes within the required setback of the underlying zoning district, the setback shall be increased to sixty feet for the front and rear yard setback and fifty feet for side setbacks.
- d. Loading docks, truck parking, outdoor storage, utility meters, HVAC units, dumpsters, trash compaction and other service functions shall be oriented to reduce the visual and acoustic impacts of these functions upon adjacent properties and public and private rights-of-way. Any screening materials shall be equal to and consistent in quality, color and design with the predominant materials of the building and landscape.
- e. Notwithstanding the requirements of Section 5.1, and 7.9.5.2, lot coverage may be increased to 80% if the applicant complies with the Design Standards of this Section including site and design requirements pursuant to Section 7.9.5.8.

**7.9.5.8** In connection with Site Plan approval for any project within the Industrial-C Overlay District, the Planning Board may incorporate, as a condition to such approval, site and building design requirements that have been accepted by both the applicant and the Planning Board and expressed in the form of a written contract or covenant between the applicant and the Board of Selectmen on terms acceptable to the Planning Board.

A motion was made to amend Article #6 by voting "*Secret Ballot*" because of intimidation, and after a lengthy discussion a vote was taken, and the amendment to Article #6 passed.

**851 Yes to 634 No**

After much discussion, a motion was made to call the question and the motion was seconded. A vote was taken and the motion to call the question passed.

**1336 Yes to 23 No**



Moderator Gordon instructed the voters the procedures regarding voting by **secret ballot**, we began to vote.

After the votes were cast the Board of Registrars counted the ballots and the results were: **704 Yes to 727 No (Article #6 Failed)**

**Article 7:** To see if the Town will vote to amend the "Agreement between the Towns of Freetown and Lakeville, Massachusetts with Respect to the Formation of a Regional School District," most recently amended in 2001, to create a PK-12 Regional School District, including, but not limited to, the establishment of the manner of nominating and electing members of the Regional School Committee, establishment of a Regional Finance Committee, the location and leasing of schools in both Towns, the apportionment and payment of costs incurred by the District, student transportation responsibilities, admission of additional towns, withdrawal from the District, termination of the Agreement, and the incurring of debt, all as on file with the Town Clerk.

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

**66 Yes to 261 No**

After much discussion, a motion was made to call the question and the motion was seconded. A vote was taken and the motion to call the question passed.

**291 Yes to 17 No**

A vote was taken on Article #7 and the motion failed. **142 Yes to 174 No**

Motion to dissolve came at 12:47 PM.

A true copy of the record

Attest: **Janet Tracy, Town Clerk**