

SPECIAL TOWN MEETING

November 13, 2023

Pursuant to the Warrant issued by the Select Board, duly served and legally posted by a constable of the Town, Moderator Katie Goodfellow called the meeting to order at 6:37PM at Apponequet Regional High School Auditorium when 100 registered voters had checked in. Tellers had been appointed and sworn to the faithful performance of their duties by Town Clerk, Lillian M. Drane. They included in the Auditorium: Rita Garbitt, Ruth Gross, Michael Nicholas and Joseph Flemming.

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

A motion was then made to allow **non-residents**; Gregg Corbo, Town Counsel, Ari Sky, Town Administrator; Todd Hassett, Lakeville Town Accountant, Marc Resnik, Town Planner, Franklin Moniz, DPW Director and Mark Tisdell, President, Freetown/Lakeville Youth Softball League, to speak or to be heard- so moved, and seconded, motion PASSED by majority.

Then she entertained a motion to WAIVE the reading of the warrant, seconded; unanimous. We then proceeded to Article #1.

ARTICLE 1 (FY2023 PRIOR FISCAL YEAR TRANSFER):

It was voted that the Town transfer \$452.46 from Park Retained Earnings to pay for the following **unpaid bills** from prior fiscal year, as shown in Article 1 of the Special Town Meeting Warrant:

Unpaid Bill No	Department	Vendor	Amount	Purpose
1	Parks	Hi-Viz & Workgear	\$452.46	Staff T-Shirts
		TOTAL	<u>\$452.46</u>	

Finance Committee- Approved

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

ARTICLE 2:

It was voted that the Town raise and appropriate from taxation the sum of \$69,770.00 to supplement the appropriations for various Town Departments voted under Article 1 of the May 8, 2023 Annual Town Meeting for the fiscal year beginning July 1, 2023 as shown in Article 2 of the Special Town Meeting Warrant:

Line No.	Department	Budget Line Item	Amount	Purpose
1	Select Board	Salaries	\$ 2,250.00	Compensation (4th, 5 th member)
2	Select Board	Expenses	\$ 6,220.00	Expanded Board Startup Costs
7	Assessors	Salaries	\$ 13,800.00	Increase Staff Hours
34	Fire	Salaries	\$ 40,000.00	Emergency Overtime
72	Risk Management	Expenses	\$ 7,500.00	Premium Increases
		TOTAL	<u>\$69,770.00</u>	

Finance Committee- Approved

The motion PASSED unanimously.

ARTICLE 3: (FY23 Capital Projects)

It was voted that the Town transfer the sum of \$171,500.00 from Free Cash and the sum of \$30,000.00 from Solid Waste Retained Earnings, for a combined total of \$201,500.00 for the capital projects as shown in Article 3 of the Special Town Meeting Warrant, including any costs incidental or related thereto.

Line No	Department	Item	Amount
1.	Facilities	Betty's Neck Improvements	\$ 70,000.00
2.	Facilities	Town Hall Security	\$ 30,000.00
3.	Police	Boat Motor Replacement	\$ 19,000.00
4.	Public Works	MS-4 Permit Engineering	\$ 52,500.00
5.	Transfer Station	Brush/Tree Removal	\$ 30,000.00
		TOTAL	\$201,500.00

Finance Committee- Approved

The motion PASSED unanimously.

ARTICLE 4: (Debt Service/Capital Projects Stabilization Fund)

It was voted that the Town transfer the sum of \$2,150,000.00 from Free Cash to the Debt Service/Capital Projects Stabilization Fund.

Finance Committee- Approved

The motion PASSED unanimously.

Community Preservation Committee Chairman Nancy Yeatts, gave a CPC report on Article #5 as presented in the warrant.

ARTICLE 5: (Community Preservation Funds)

To see if the Town will vote to transfer from available funds in the Community Preservation Funds, the following amounts for projects as

recommended by the Community Preservation Committee, with each item to be considered a separate appropriation:

Line No.	Department	Project	Amount	Funding Source
1	Cemetery Commission	Gravestone Repairs	\$10,000.00	Reserve for Historic Resources
2	Historic Commission	Historic Town House Roof Replacement	\$30,000.00	<u>\$12,106.62</u> - Reserve for Historic Resources <u>\$17,893.38</u> - Undesignated Fund Balance
3	Park Commission	Jon Paun Park- Engineering and Architectural Plans for Improvements	\$25,000.00	<u>\$22,106.62</u> - Reserved for Open Space <u>\$2,893.38</u> - Undesignated Fund Balance.
TOTAL			<u>\$65,000.00</u>	

Finance Committee- Approved

DIVIDE ARTICLE:

After much discussion, a motion was made from the floor to **DIVIDE the article** by Seven (7) voters to three (3) parts to be debated and voted upon as separate items as follows:

- 5A- 1: Cemetery Commission: Gravestone Repairs- \$10,000
- 5B- 2: Historic Commission: Historic Town House Roof Replacement- \$30,000
- 5C- 3: Park Commission: Jon Paun Park Engineering and Architectural Plans for Improvements- \$25,000

We then proceeded to item **#5A-1: Cemetery Commission: Gravestone Repairs- \$10,000.** After much discussion a vote was taken, a motion was made and seconded, motion **PASSED unanimously.**

We then proceeded to item **#5B-2: Historic Commission: Historic Town House Roof Replacement- \$30,000.** After a lengthy discussion, a motion was made to AMEND item #5B-2 and reduce it to \$12,000 (*\$6,000 from Historic Resources and \$6,000 from Undesignated Fund Balance*),” so moved and seconded, motion **FAILED by majority.** We then

proceeded with item #5B-2: Historic Commission: Historic Town House Roof Replacement. Nancy LaFave, Historical Commission, Chair explained the conditions of the Historic Town House. She explained the project’s background, its current conditions, recommendations and grants. After a lengthy discussion and explanations from the Select Board and Todd Hassett, Town Accountant, a motion was made and seconded, motion **PASSED unanimously**.

We then proceeded to item **#5C-3: Park Commission- Jon Paun Park- \$25,000**. After much discussion and concerns from the floor, and explanations from Mark Tidel, President of the Freetown/Lakeville Softball League regarding the conditions of the fields and bathrooms, a motion was made and seconded, motion **PASSED unanimously**.

Line No.	Department	Project	Amount	Funding Source
1	Cemetery Commission	Gravestone Repairs	\$10,000.00- PASSED	Reserve for Historic Resources
2	Historic Commission	Historic Town House Roof Replacement	\$30,000.00- PASSED	<u>\$12,106.62-</u> Reserve for Historic Resources <u>\$17,893.38-</u> Undesignated Fund Balance
3	Park Commission	Jon Paun Park- Engineering and Architectural Plans for Improvements	\$25,000.00- PASSED	<u>\$22,106.62-</u> Reserved for Open Space <u>\$2,893.38-</u> Undesignated Fund Balance.
		TOTAL	<u>\$65,000.00</u>	

ARTICLE 6: (Change-General Bylaw: Annual Town Meeting)

It was voted that the Town amend Chapter II of the Town’s General Bylaws, Town Meetings (*Chapter 74 in the Town Code voted at the May 8, 2023 Annual Town Meeting*), to change the date of the annual Town Meeting to the second Monday in June and to change the date for submission of warrant articles for the annual Town Meeting to the second Monday of April, as shown below, with additions in **bold** and deletions in ~~strike through~~, said change to take effect for the 2024 Annual Town

Meeting, and further that the Town Clerk be permitted to make nonsubstantive changes to the numbering of this bylaw in order that it be in compliance with the numbering format of the Code of Lakeville (as voted at the May 8, 2023 Annual Town Meeting) when said Code takes effect, or take any other action relative thereto.

TOWN MEETINGS

Section 2: All business of the *Annual Town Meeting*, except the election of said officers and determination of such matters as are required by law to be elected or determined by ballot, shall be considered at an adjournment of such meeting, to be held on the second Monday of ~~May~~ June at 7:00 p.m.

Section 4: Any article shall be received for insertion in the annual warrant by the Select Board up to 4:00 p.m. on the second Monday of ~~March~~ April.

Finance Committee- Motion to recommend approval failed due to a tie vote at their November 6, 2023 remote meeting. No further vote was taken.

The motion PASSED unanimously.

Fire Chief, Michael O’Brien, explained Article #7 as presented in the warrant.

ARTICLE 7:(General Bylaw: New Section:Fire Alarm System By-Law)
It was voted that the Town amend the Lakeville General By-Laws by adding the following new section Fire Alarm System By-Law, to provide as follows and further that the Town Clerk be permitted to assign such numbering and make nonsubstantive changes to the format of this bylaw in order that it be in compliance with the numbering format in the version of the Town Bylaws currently in effect and/or in the Code of Lakeville (as voted at the May 8, 2023 Annual Town Meeting) when said Code takes effect:

Definitions.

The following definitions shall apply to this bylaw:

BURN-IN-PERIOD — A period of time when a newly installed or modified alarm system is placed in service. System faults and malfunctions are commonly identified and corrected during this time.

COMBINATION SYSTEM — An alarm system that provides different monitoring functions such as fire, intrusion, and mechanical functions.

FIRE ALARM SYSTEM — A system or portion of a combination system that consists of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals, capable of transmitting a fire alarm signal to the emergency response officials via telephone or radio.

FIRE ALARM SYSTEM MALFUNCTION — The transmittal of a fire alarm to the Lakeville Fire Department via the telephone or radio, which alarm is caused by a malfunction. For the purposes of this bylaw, a "malfunction" is defined as the failure of a fire alarm system to operate in the normal or usual manner due to improper installation or maintenance and/or mechanical defect(s) in the system, resulting in the transmittal of a needless alarm signal to the Lakeville Fire Department.

FIRE ALARM SYSTEM OWNER — An individual or entity who or which owns the title to and/or has on their property or its business a fire alarm system equipped to send a fire alarm signal to the Lakeville Fire Department. Excluded from this definition are single-family residential properties, two-family residential properties, municipal, county, state and federal properties.

HALF-YEAR PERIOD — January 1 through June 30 or July 1 through December 31, as the case may be, of any calendar year.

MALICIOUSLY INDUCED ALARM — The intentional activation of a Fire Alarm System without knowledge of fire or other emergency warranting an emergency response.

RADIO MASTER BOX OWNER — An individual or entity who or which has on their property or its business a fire alarm system equipped to send a fire alarm signal directly to Lakeville emergency response

officials via a master box.

Administrative rules.

The Fire Chief may promulgate such rules as may be necessary for the implementation of this bylaw.

Connection of fire alarm systems to Fire Department via radio master box.

- A. Before the fire alarm system is connected to the Lakeville Fire Department, the master box owner shall provide the Fire Chief or their designee with the following information:
 - (1) The name, address, and home and work telephone numbers of the master box owner;
 - (2) The street address where the radio master box is located;
 - (3) The names, addresses and telephone numbers of the persons or businesses protected by the fire alarm system connected to the radio master box; and
 - (4) The names, addresses and home and work telephone numbers of at least two persons other than the owner who can be contacted 24 hours a day, who are authorized by the master box owner to respond to an alarm signal and who have access to the premises in which the radio master is located.
- B. If at passage of this bylaw a fire alarm radio system has already been connected to the Lakeville Fire Department via a master box, the master box owner shall comply with the requirements of this section. Any master box owner found to be not in compliance with this section shall become compliant within 30 days of receipt of written notice of a citation for non-compliance. If a master box owner fails to comply with this section, they shall be punished by a fine of \$50 for each day of noncompliance.

Connection of station operating companies to Fire Department.

- A. Before the central station operating company is connected with the Lakeville Fire Department, it shall provide the Fire Chief or their designee with the following information:
 - (1) The name, address and telephone numbers of the central station operating company;
 - (2) The name, addresses and telephone numbers of the persons or businesses protected by the fire alarm system connected by the central station operating company;
 - (3) A copy of the central station operating company's certification from a nationally recognized listing company as a central station operating company;
 - (4) The names, addresses, and home and work telephone numbers of at least two persons who can be contacted 24 hours a day, who are authorized by the central station operating company to respond to an alarm signal and who have access to the premises from which the alarm signal is emitting to the central station operating company; and
 - (5) The name, address, home and work telephone numbers, and the location of the premises of each customer of the central station operating company who has a fire alarm system equipped to send a fire alarm signal to the central station operating company.
- B. If at the passage of this bylaw a central station operating company already has a direct connection to the Lakeville Fire Department, the operating company shall comply with the requirements of this section. Any operating company found to be not in compliance with this section shall become compliant within 30 days of receipt of written notice of a citation for non-compliance.
- C. If a central station operating company fails to comply with this section, the Fire Chief or their designee may assess a fine of \$50

for each day of noncompliance.

Updating information.

Every radio master box owner and every central station operating company shall be responsible for updating the information herein required to be provided to the Fire Chief or their designee. If the information provided changes, the radio master box owner and the central station operating company shall provide the Fire Chief or their designee information within 30 days. If a radio master box owner or a central station operating company fails to comply with this section, the Fire Chief or their designee shall assess a fine of \$50 for each day of noncompliance.

Testing of equipment.

No alarm system designed to transmit emergency messages directly to the Fire Department via radio master box shall be worked on, tested or demonstrated without obtaining permission from the Fire Department. Permission is not required to test or demonstrate alarm devices not transmitting emergency messages directly to the Fire Department. An unauthorized test shall constitute a false alarm.

Burn-in period.

A burn-in period of 30 days from final inspection will be granted, during which time no fines will be assessed.

Enforcement.

The Fire Chief Shall be the enforcement authority under this Bylaw and any regulations promulgated hereunder.

Violations and penalties.

- A.** Upon receipt of three or more false alarms within a six-month period from multifamily residential or from commercial/industrial properties, the Fire Chief or their designee may assess a fine pursuant to MGL c. 40, § 21D, against the fire alarm system owner.
- B.** The following acts and omissions shall constitute violations of this bylaw punishable by the fines as herein provided:

- (1) An alarm user whose alarm system transmits or otherwise causes more than three false alarms in a six-month period shall be assessed a fine according to the following schedule:
 - (a) Fourth false alarm: \$100.
 - (b) Fifth false alarm: \$150.
 - (c) Sixth false alarm: \$200.
 - (d) Seventh false alarm: \$250.
 - (e) Eighth and any subsequent false alarms: \$300.
- (2) An alarm user who fails to comply with any of the requirements of this bylaw relative to the testing of equipment shall be punished by a fine of \$300.

Severability.

If any clause, sentence, paragraph, or part of this bylaw or the application thereof to any persons or circumstances shall for any reason be adjudged by a court to be invalid, such judgment shall not affect, impair or invalidate the remainder and the application thereof to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall been rendered, and to the person or circumstances involved.

Finance Committee- Approved

The motion PASSED unanimously.

Planning Board Chairman Mark Knox, gave a Planning Board report on Articles #8, 9 and 10 as presented in the warrant.

ARTICLE 8:(Open Space Residential Development-OSRD)

To see if the Town will vote to amend the Town of Lakeville Zoning By-Laws by adding the following new Section, Open Space Residential Development, as shown below, and further to authorize the Town Clerk to assign such numbering and to make nonsubstantive changes to the format of this bylaw in order that it be in compliance with the numbering format of the version of the Zoning Bylaws currently in effect and/or the Code of Lakeville (as voted at the May 8, 2023 Annual Town Meeting) when said Code takes effect:

Open Space Residential Development

A. Purpose

- (1) To promote the most harmonious use of the land's natural features, resources and topography, which will promote the general health and safety of the public,
- (2) To discourage sprawled development, minimize environmental disruption, and provide a shorter network of streets and utilities which will promote a more efficient distribution of services; and
- (3) To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, and historical and archaeological resources.

B. Special Permit Required.

Open space residential development may be authorized, only by a special permit as granted by the Planning Board. The Board may approve, with conditions, or deny an application for an OSRD after assessing whether the OSRD better promotes the intent of this By-Law than a conventional subdivision.

C. Pre-Application Meeting.

A pre-application meeting is required to be held at any regular meeting of the Planning Board. Concept plans for the traditional

subdivision and open space plan shall be submitted for discussion. The Board shall invite representatives from the Conservation Commission and the Board of Health to attend. The intent of such meeting is to allow the Town the opportunity to discuss with the applicant and review each proposal prior to the special permit process. After the pre-application review, an applicant may then proceed to the preliminary plan review process.

D. Development Requirements

- (1) The minimum lot size of the development parcel shall be 20 acres.
- (2) The development shall be served by at least one of the following types of utilities: a municipal water supply, a privately-owned public water supply, a Wastewater Treatment Plant or a shared septic system. Approval for the desired system shall be obtained from the licensing/permitting authority prior to the issuance of the OSRD Special Permit.
- (3) Land area required for the Zone 1 of a public water supply and the land area required for the septic field and reserve area of a WWTP or shared septic system and the required buffer, as well as, any associated buildings shall be excluded from land area calculations. These areas shall be owned and maintained by a homeowners' association.

E. Dimensional and Design Requirements.

- (1) The number of building lots for the Open Space Residential Development may not exceed the number of building lots that may be approved on the property as permitted by Board of Health and Conservation Commission regulations, existing zoning, and a conventional subdivision per the Town of Lakeville Rules and Regulations of the Planning Board Governing the Subdivision of Land ("Subdivision Regulations").

- (2) Lots may be reduced in size to a minimum of 30,000 square feet of contiguous upland area. The general location of septic systems and wells shall be shown on the plans to ensure proper distances can be maintained to protect public health. The Health Department shall provide guidance to the Board on the proper location of these utilities.
- (3) Lots approved under this section do not have to comply with the requirements of Article V Intensity Regulations and instead shall comply with the requirements found in this Section.
- (4) All lots and structures shall comply with the following dimensional requirements:
- Frontage: 75 feet *
 - Front yard setback: 25 feet
 - Side yard setback: 20 feet
 - Rear yard setback: 25 feet
 - Maximum Height of buildings
 - Number of Stories 2.5
 - Height 35 Feet
 - Lot Coverage 40%
 - Towers are not permitted.
- Lots with on-site septic systems shall be limited to one bedroom per 10,000 sq. ft. of land area.
- * The Board may allow 20% of the lots to have the frontage reduced to 50 feet.
- (5) The width of each lot shall not be reduced to less than the required frontage from the street to building site on each lot.
- (6) All accessory structures and uses shall comply with the requirements of Article V of these bylaws unless otherwise provided for herein.

- (7) Strong emphasis shall be placed upon preserving and integrating the existing topography, natural features (such as rock outcrops, specimen trees and clumps of trees) and man-made features such as stonewalls into the plan.
- (8) Existing/proposed screening, distances between the OSRD and existing abutters and topography shall all be considered. The intent is to minimize impacts on existing abutters.
- (9) When determined necessary by the Board, screening and buffering shall be required. It may consist of landscaped berms, evergreen plantings, solid walls or fences complemented by suitable plantings, "no cut" provisions (for existing vegetation), or a combination of these items. The location of the screening/ buffering and species type(s) of vegetation shall be noted on the definitive plan.

F. Dedicated Open Space

- (1) A minimum of 50% of the upland area of the parcel shall become dedicated open space as described below. The Planning Board may reduce this figure to a minimum of 40% if it determines there are unique circumstances (re: shape of parcel, topography, wetlands, etc.) that would individually or together preclude the construction of the OSRD or that the open space to be provided is of exceptional value to the Townspeople. Roadway layouts shall be excluded from the open space land area calculations.
- (2) Uses for open space: The open space may be used for wildlife habitat and conservation and may also be used for the following additional purposes or a combination of these uses to the extent allowed by this By-Law: historic preservation, outdoor education, passive recreation, aquifer protection, stormwater management, agriculture, horticulture, forestry, and shall be served by suitable access for such purposes. Only 10% of the open space land may be used for new agriculture,

horticulture, or community gardens provided that only organic methods are employed. In subdivisions of 25 or more lots, the Board may require a portion of the site be developed for active recreation such as, but not limited to, playgrounds, sports fields, courts, etc. The Select Board must vote to accept this park prior to final approval, or the land shall remain as open space and be deeded to the Conservation Commission as open space.

- (3) Detention or retention basins may be located in the open space; however, this land area may not be counted towards the minimum open space required.
- (4) Dedicated open space may be utilized as natural courses for disposal for storm drainage from impervious surfaces. Other than minor berming (maximum 3-1 slopes which shall blend into the landscape) and riprap at pipe outflows, no significant disruptions of the land (contour changes greater than three feet) for drainage are permitted.
- (5) Dedicated open space may be in one or more parcels of a size and shape appropriate for its intended use. The parcels shall be laid out to promote convenient access by the homeowners within the OSRD and the general public. Wherever practical, parcels shall be accessible via upland areas. The adequacy of the open space land shall be determined by the Planning Board.
- (6) Public access to proposed preserved open space, including paths, shall be provided where appropriate. The plan shall show the location, construction details, and signage for pathways. Paths in OSRDs shall not be utilized for snowmobiles and other motorized travel (except for motorized wheelchairs), but may be used for cross-country skiing, snowshoeing, horseback riding, and other non-motorized modes of travel.
- (7) Parking for public access or facilities to serve the recreational uses shall be allowed on the open space land.

G. Ownership of Dedicated Open Space.

- (1) The open space shall, at the Planning Board's election be conveyed to:
 - a) The Town of Lakeville Conservation Commission or Select Board and accepted by it for open space, or a park, or
 - b) The Commonwealth of Massachusetts as part of a state forest, park or wildlife management area, or
 - c) A nonprofit organization, the principal purpose of which is the conservation of open space. In this case where the open space is not conveyed to the Town, a permanent conservation, agricultural or historical preservation restriction approved by Town Counsel and enforceable by the Town, conforming to the standards of the Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services shall be recorded to ensure that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadways except as permitted by this bylaw and approved by the Planning Board. Restrictions shall provide for periodic inspection of the open space by the Town. Such restriction shall be submitted to the Planning Board prior to approval of the project and at the Registry of Deeds/Land Court simultaneously with recording of the endorsed definitive subdivision plan. A management plan may be required by the Planning Board which describes how existing woods, fields, meadows, or other natural areas shall be maintained with good conservation practices.
- (2) Any land set aside as open space, or conserved as a condition of special permit, shall be permanently protected pursuant to Article 97 of the Articles of Amendment to the

Constitution of the Commonwealth of Massachusetts or a perpetual restriction under G.L. Chapter 184 Section 31-33. Unless conveyed to the Conservation Commission, the required open space shall be subject to a permanent Conservation, Watershed, or Agricultural Preservation Restriction conforming to the standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services or Department of Agricultural Resources in accordance with G.L. Chapter. 184 Section 31-33, approved by the Planning Board and Select Board and held by the Town of Lakeville, or a non-profit conservation organization qualified to hold conservation restrictions under G.L. Chapter 184, Section 31-33.

- (3) If necessary, such restrictions shall further provide for maintenance for the common land in a manner which will ensure its suitability for its function, appearance, cleanliness, and proper maintenance of drainage, utilities, and the like.
- (4) Where the boundaries of the open space are not readily observable in the field, the Planning Board shall require placement of surveyed bounds sufficient to identify the location of the open space.

H. Preliminary Subdivision and OSRD Concept Plan Application Process.

After the preapplication review, an applicant must file for preliminary subdivision approval and approval of the OSRD concept plan.

- (1) An application, a preliminary set of plans, illustrating a conventional subdivision plan and proposed OSRD shall be filed with the Lakeville Town Clerk and the Planning Board. The application shall be accompanied by 14 copies of the plans and any other supporting materials, which must be prepared and stamped by a professional civil engineer and landscape architect. This submittal shall

comply with the Subdivision Regulations. An electronic copy shall also be filed.

- (2) The preliminary subdivision plan shall be used by the Planning Board to determine the maximum number of lots which could be created via a conventional plan. The applicant must demonstrate to the satisfaction of the Board that all the lots shown on the preliminary plan comply with the applicable sections of the Lakeville Zoning By-Laws and Subdivision Regulations. This number will be the maximum allowed in an OSRD Special Permit and definitive subdivision plan submittal.
- (3) All lots shown on the preliminary conventional plan shall have at least one deep observation hole and percolation test dug according to 310 CMR 15.102 and 15.104 to determine the suitability of the lot for development. If necessary to determine whether a lot may be buildable, the Board of Health may require additional testing.
- (4) Prior to the submittal of the preliminary subdivision and OSRD concept plan, the applicant shall have the wetlands delineated on the site and a Resource Area Delineation approved by the Conservation Commission.
- (5) The burden of proof shall be upon the applicant to prove that all the proposed lot(s) are suitable for building. The Planning Board reserves the right to challenge the status of any lot and not allow such to be included in any definitive plan filing.
- (6) Formal percolation and depth to groundwater tests shall be conducted on a portion of the lots located on the OSRD development area. Depending on the results of these tests and after consultation with the Board of Health, the Board may require additional testing. The results of these tests shall be submitted with the application.

- (7) A preliminary sketch plan of the proposed OSRD shall be submitted. It shall contain the proposed location of the road(s), lots, drainage, and dedicated open space. General topography (with ten-foot contours maximum), major site features and adjacent streets shall also be shown.
- (8) The Planning Board shall hold a public hearing on the preliminary plan as required Governing the Subdivision Regulations.
- (9) The conceptual OSRD shall also be reviewed and discussed during the hearing process. Comments and recommendations shall be incorporated in plans included in any subsequent filings.
- (10) If the preliminary conventional and conceptual OSRD plans are approved, the Planning Board shall, insofar as practical under the law, allow the submittal of a combined special permit and definitive subdivision plan. A combined submission will not be authorized in those cases where either the conventional preliminary plan or proposed OSRD concept plan is not approved by the Planning Board.

I. Special Permit Application and Filings.

A special permit application for an OSRD shall include a definitive subdivision plan with 14 copies and an electronic copy. It shall be prepared in accordance with the Subdivision Regulations. Administrative and consulting review fees required by the Board shall be paid by the applicant. In addition, the applicant shall provide the following information:

- (1) A detailed analysis of the site, including wetlands, soil conditions, areas within the 100-year floodplain, trees over eight inches in diameter in areas identified by the Planning Board, and natural, and/or man-made features and other items as the Planning Board may request;

- (2) A description of the proposed design characteristics of the site pursuant to these regulations;
- (3) Drainage calculations meeting the requirements of the subdivision regulation and zoning bylaws.
- (4) If a common septic system is proposed, then septic tanks shall be required for each house lot. If necessary, easements shall be granted to the homeowners' association to allow for regular cleaning.
- (5) A copy of any restrictive covenant(s) for the preserved open space, association rules and regulations and/or other documentation relating to the creation of a homeowners' association or similar entity, if necessary.
- (6) The Planning Board may require other plans, studies, or reports as may be necessary for the Board to understand the impact of the proposal and determine compliance with the provisions of this By-Lay and the Subdivision Regulations.

J. Special Permit Decision.

- (1) The Planning Board shall conduct a public hearing in accordance with the provisions of these bylaws.
- (2) If the Planning Board disagrees with any recommendations of another Town of Lakeville Board, it shall state its reasons therefor in writing.
- (3) The Planning Board shall consider the approval criteria in this section to determine if it approves the plan as submitted.
- (4) The Planning Board may impose conditions as a part of any approval that furthers the purposes of this Section and these By-Laws.

- (5) The Planning Board shall require a performance guarantee pursuant to G.L. Ch.41 Section 81U. to secure the proper completion of all infrastructure, as well as, the fulfillment of any conditions of approval.

K. Approval Criteria.

The Planning Board may grant a special permit under this Section only if it finds that:

- (1) The proposed plan is in harmony with the intent and requirements of this Section and this By-Law.
- (2) Open space as required by this By-Law has been provided and generally conforms to the dedicated open space section of this bylaw.
- (3) Proposed uses of the open space comply with this By-Law.
- (4) Proposed open space will be dedicated in compliance with the Massachusetts General Laws and this By-Law and is suitably protected.
- (5) Approximate building sites have been identified and are not located closer than 100 feet to wetlands and waterbodies.
- (6) Proposed streets have been aligned to provide vehicular access to each house in a reasonable and economical manner. Lots and streets have been located to avoid or minimize adverse impacts on open space areas and to provide views of and access to the open space for the lots.
- (7) All lots meet the applicable dimensional requirements of this By-Law.

- (8) If required, all documents creating a homeowners' association has been submitted to the Board and approved by Town Counsel.
- (9) Any restriction or other legal documents (deeds, conservation restrictions, easements, etc.) necessary to permanently conserve the open space as required by the approval shall be recorded prior to the release of any lots in the subdivision and prior to the issuance of any building permits.
- (10) The development will not have a detrimental impact on the neighborhood or abutting properties; and
- (11) Other factors as determined appropriate by the Planning Board.

L. Revisions to Approved Special Permits.

Subsequent to granting of a special permit, the Planning Board may permit the relocation of lot lines or changes to landscaping within the project, provided that any change in the number of lots, street layout, square footage or composition of dedicated open space, or disposition thereof, will require further review and a public hearing.

Finance Committee- No Recommendation

Planning Board- Approved

After much discussion, a motion was made to postpone this matter indefinitely and to be brought forward to a future Town Meeting, it was seconded, and the motion passed unanimously.

ARTICLE 9:

It was voted that the Town amend the Lakeville Zoning By-Laws, 6.6, Sign Regulations (Section 270.6.6.F, by adding the following text in bold to subsection 6.6.6.3, Special Permits, and further to authorize the Town Clerk to make nonsubstantive changes to the numbering of this bylaw in order that it be in compliance with the numbering format of the Code of Lakeville (as voted at the May 8, 2023 Annual Town Meeting) when said Code takes effect:

6.6.6.3 Changeable copy signs, electronic message board signs, and internally illuminated or the portion of a sign that is changeable copy, an electronic message board or internally illuminated shall require a special permit **by the Zoning Board of Appeals.**

Finance Committee- No Recommendation

Planning Board- Approved

The motion PASSED by 2/3rds requirement (no count).

ARTICLE 10:

To see if the Town will vote to amend the Lakeville Zoning By-Laws Section by adding the following new section relative to the requirements for obtaining a Special Permit for certain types of signs, as shown below, and further to authorize the Town Clerk to assign such numbering and to make nonsubstantive changes to the format of this bylaw in order that it be in compliance with the numbering format in the version of the Zoning Bylaw currently in effect and/or the Code of Lakeville (as voted at the May 8, 2023 Annual Town Meeting) when said Code takes effect:

Signs - Changeable copy signs, electronic message board signs, and internally illuminated signs.

These signs must meet the following standards in order to receive a Special Permit by the Zoning Board of Appeals.

- (a) The parcel where the sign is proposed shall not abut properties on either side or across the street that are zoned Residential.

- (b) If the property cannot meet the above standard (a) a special permit may still be issued only if the sign is for a use that identifies municipal or public safety buildings, medical facilities, or retail stores that sell medical supplies.
- (c) It must be determined that the sign is not detrimental to the character of the neighborhood.

Amendment #1

After much discussion, a motion was made by the Planning Board and seconded to AMEND Article 10 as shown as follows, so moved, motion PASSED by majority:

ADD the words ‘or contain a single-family dwelling.’

So that the sentence reads: “The parcel where the sign is proposed shall not abut properties on either side or across the street that are zoned Residential or contain a single-family dwelling.” We then proceeded on the amended article

AMENDED- ARTICLE 10:

It was voted that the Town amend the Lakeville Zoning By-Laws Section by adding the following new section relative to the requirements for obtaining a Special Permit for certain types of signs, as shown below, and further to authorize the Town Clerk to assign such numbering and to make nonsubstantive changes to the format of this bylaw in order that it be in compliance with the numbering format in the version of the Zoning Bylaw currently in effect and/or the Code of Lakeville (as voted at the May 8, 2023 Annual Town Meeting) when said Code takes effect:

Signs - Changeable copy signs, electronic message board signs, and internally illuminated signs.

These signs must meet the following standards in order to receive a Special Permit by the Zoning Board of Appeals.

- (a) The parcel where the sign is proposed shall not abut properties on either side or across the street that are zoned Residential **or contain a single-family dwelling.**

- (b) If the property cannot meet the above standard (a) a special permit may still be issued only if the sign is for a use that identifies municipal or public safety buildings, medical facilities, or retail stores that sell medical supplies.
- (c) It must be determined that the sign is not detrimental to the character of the neighborhood

Finance Committee- No Recommendation

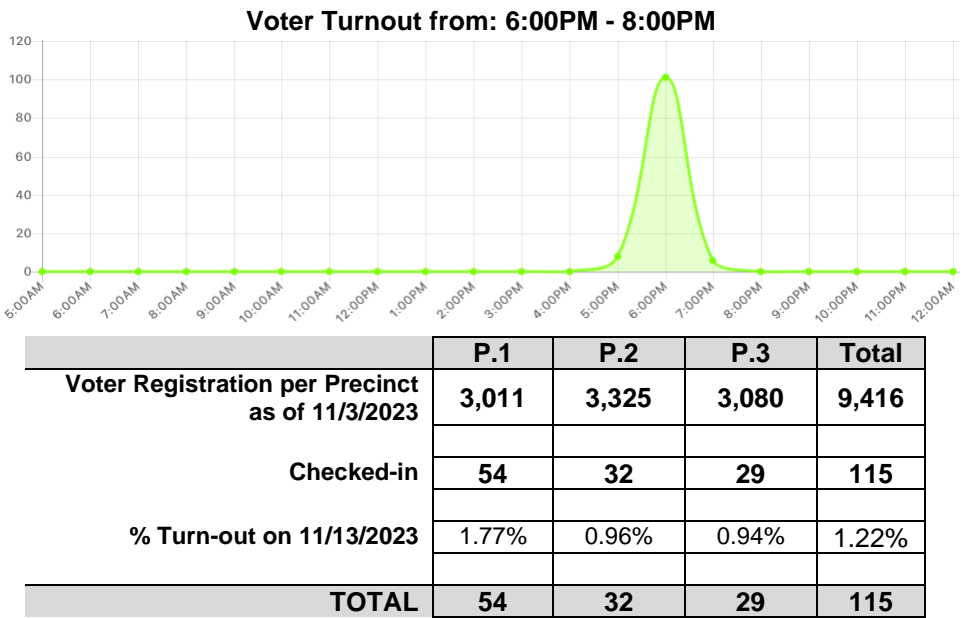
Planning Board- Approved

The motion **PASSED** by 2/3rds requirement (No count).

DISSOLVED:


All business on the Warrant having been acted upon, a motion to dissolve came at 7:52 PM.

Check lists (POLL PADS) were used and 115 voters, including 8 Town Meeting Members were checked on the lists as being present as follows:



A true copy of the record,

ATTEST:



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

Procedure to Check-In at the Special Town Meeting

To accelerate the check-in process at Lakeville's Special Town Meeting this year, check-in will now be accomplished by use of electronic Poll Pads. The use of these tablets will allow our election officers to check in a voter:

1. By manually entering the first three (3) letters of the voter's first and last name; or
2. By scanning the bar code on the back of the voter's driver's license. In this case, the Poll Pad matches the name and birth date of the person on the voter list with the name and birth date it reads from the bar code on the back of the license. No information from the scanned license is retained by the Poll Pad.

The Commonwealth of Massachusetts does not require that a voter present a license to check in at any Elections and Town Meetings.

The Poll Pads immediately talk to one another, eliminating any chance of a voter checking in more than once.

