

LAKEVILLE BOARD OF HEALTH REGULATION

NOISE CONTROL

Section 001 SHORT TITLE

This Board of Health Regulation may be cited as the "Noise Control Board of Health Regulation for the Town of Lakeville".

Section 002 DECLARATION OF FINDINGS, POLICY AND SCOPE

(a) Whereas excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and whereas a substantial body of science and technology exists by which excessive sound may be substantially abated; and whereas the people have a right to and should be ensured an environment free from excessive sound that may jeopardize their health or welfare or safety or degrade the quality of life; now, therefore, it is the policy of the Town of Lakeville to prevent excessive sound which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

(b) Scope.

This Board of Health Regulation shall apply to the control of all sound originating within the limits of the Town of Lakeville.

1. Provisions in this Board of Health Regulation shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency or to the emission of sound in the performance of emergency work or in training exercises related to emergency activities.

2. Non commercial public speaking and public assembly activities as guaranteed by State and Federal constitutions shall be exempt from the operation of this Board of Health Regulation.

SECTION 003 DUTIES AND RESPONSIBILITIES OF TOWN DEPARTMENTS

(a) Department Actions

All Town departments and agencies shall, to the fullest extent consistent with other laws, carry out their programs in such a manner as to further the policy of this Board of Health Regulation.

(b) Departmental Compliance with Other Laws

All Town departments and agencies shall comply with Federal and State laws and regulations and the provisions and intent of this Board of Health Regulation respecting

the control and abatement of noise to the same extent that any person is subject to such laws and regulations.

SECTION 004 PROHIBITIONS AND MEASUREMENT OF NOISE EMISSIONS

(a) Use Restrictions

1. The following devices shall be prohibited from use during the hours of **10:00 P.M. to 5:00 A.M.** every day of the year:

All electric motor and internal combustion engine devices employed in yard and garden maintenance and repair.

Turf maintenance equipment employed in the maintenance of golf courses, snow blowers and snow removal equipment, and any equipment being used for agricultural purposes are exempt from this section.

2. The following devices shall be prohibited from use during the hours of **7:00 P.M. to 6:00 A.M.** every day of the year:

(a) All devices employed in **CONSTRUCTION** or **DEMOLITION**.

(b) **Vehicular Sources:** Maximum Noise Levels Measurements shall be made at a distance of 50 (fifty) feet from the closest point of pass-by of a source of 50 (fifty) feet from a stationary vehicle.

MAXIMUM NOISE LEVEL dB

Stationary Run-up or Speed
Speed Limit 35 mph limit
Vehicle Class or less 35-45 mph
All vehicles over 10,000 lbs. 86 90
GVWR or GCWR
All motorcycles 82 82

Automobiles and light trucks 75 75

(c) Construction and Maintenance Equipment:

Maximum Noise Levels

Noise measurements shall be made at 50 (fifty) feet from the source. The following Noise Levels shall not be exceeded:

Maximum Maximum
Noise Noise

Construction Item Level dB Maintenance Item Level dB

Backhoe, bulldozer 90 Chipper (running 90
concrete mixer, concrete mixer, full
dumptruck, loader, speed but not chipping)
paver, pneumatic tools, leaf vacuum
roller, scraper.

Air compressor 85 Chainsaw, solid waste 85
compactor, tractor
tractor (full-size)

Generator 80 Home tractor, leaf 80
blower, snow blower

Electric drills, 75 Lawn mower, 75
power tools, trimmer
sanders, saws, etc.

(d) Fixed Plant Equipment

No person owning, leasing or controlling the operation of any source of noise of the type listed below shall willfully, negligently or through failure to provide necessary equipment or facilities or to take necessary precautions, permit the establishment or continuation of a condition of noise pollution.

The following sources, and any other similar noise producing device not specified here, shall be considered as sources of noise pollution:

Air conditioners, pumps, fans, furnaces, compressors, engines and similar fixed plant equipment.

Noise measurements shall be made at the boundary of the property in which the offending source is located or at the boundary line of the complainant.

(e) Electronic Devices and Musical Instruments

No person owning, leasing or controlling the operation of any electronic device shall willfully or negligently permit the establishment or condition of noise injury or noise pollution.

In public spaces, the existence of noise injury or noise pollution is to be judged to occur at any location a passerby might reasonably occupy. When the offending noise source is

located on private property, noise injury or noise pollution judgments shall be made at the property line within which the offending source is located.

Any and all decibel levels of sound caused by playing non-electronic musical instruments between 8:00 A.M. and 7:00 P.M. shall be exempt.

(f) Animals

No person owning, keeping or controlling any animal shall willfully, negligently or through failure to provide necessary equipment or facilities or to take necessary precautions, permit the existence of noise pollution or noise injury.

(g) Additional Noise Sources

No person shall emit noise so as to cause a condition of noise pollution or noise injury.

(h) Alternative Measurement Procedures

If it is not possible to make a good noise level measurement at the distance specified in Section 004, measurement may be made at an alternate distance and the level at the specified distance subsequently calculated. Calculations shall be made in accordance with established engineering procedures.

(i) Tonal Sound Corrections

When a tonal sound is emitted by a noise source, the limit on maximum noise levels shall be 5 dB lower than specified.

(j) Maximum Noise Level Exclusions

The following devices shall be exempt from maximum noise limitations (for time limits see Section

(a):

jack hammers

pavement breakers

pile drivers

rock drills providing that effective noise barriers are used to shield nearby areas from excessive noise.

However, noise shields shall not be required for devices located on public or private rights of way.

(k) Motor Vehicle Alarms

(d) In some instances, when it can be demonstrated that bringing a source of noise into compliance with the provisions of this Board of Health Regulation would create undue hardship on a person or the community, a special permit may be granted for an exemption from this Board of Health Regulation. A person seeking a special permit shall make written application within 5 (five) days of receiving notification from the Town that (s)he is in violation of the provisions of this Board of Health Regulation. If the Board of Health find; that sufficient controversy exists regarding the application, a public hearing may be held.

(e) If the Board of Health, or designee, orders abatement of a noise source not complying with this Board of Health Regulation, a person who feels (s)he cannot meet the stated time schedule for compliance may file an application for an extension of time. A written application shall be filed within 5 (five) days of receipt of notification of violation and shall propose a new compliance schedule. A person who claims that the allowance of an extension of time would have adverse effects may file a statement with the Board of Health, or designee, to support this claim. If the Board of Health, or designee; find that sufficient controversy exists regarding the application, a public hearing may be held.

SECTION 006 HEARINGS

Resolution of controversy shall be based upon the information supplied by both sides in support of their individual claims and shall be in accordance with the procedures defined in the appropriate guidelines issued by the Board of Health, or designee.

SECTION 007 APPEALS

Appeals from a decision of the Board of Health, or designee, shall be to the Superior Court. Judicial review shall be limited to whether the decision was supported by substantial evidence.

SECTION 008 PENALTIES

(a) Any person who violates any provision of this Board of Health Regulation if convicted, shall be guilty of a misdemeanor and shall be fined an amount not to exceed \$50.00 (fifty dollars), or the offending source shall be confiscated by the appropriate agency until the fine is paid, or for 60 (sixty) days, whichever is sooner, and if unclaimed, may be sold at auction by the Police Department. Removal and storage costs of the offending source shall be in addition to the fine.

(b) Each day that the offense continues shall be considered to be a separate violation.

SECTION 009 DEFINITIONS

(a) Construction and Demolition: Any site preparation, assembly erection, substantial repair, alteration, destruction or similar action for public or private rights-of-way, structures, utilities, or similar property.

(b) Electronic Devices: Any radio, tape recorder or player, television, phonograph, public address system, loud speaker, amplified musical instrument and any other similar device.

Exemption: two-way communication radios.

(c) Emergency: Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

(d) Emergency Work: Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

(e) Gross Vehicle Weight Rating (GVWR): The value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating, (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

(f) Motorcycle: Any unenclosed motor vehicle having two or three wheels in contact with the ground, including, but not limited to, motor scooters and minibikes.

(g) Motor Vehicle: Any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, campers, go-carts, snowmobiles, dune buggies, or racing vehicles, but not including motorcycles.

(h) Noise Injury: Any sound that:

(a) endangers the safety of, or could cause injury to the health of humans; or

(b) endangers or injures personal or real property.

(i) Noise Level: All measurements shall be made with a Type I or II sound level meter as specified under ANSI standards.

(j) Noise Pollution: If a noise source increases noise levels 10 dB or more above the background noise level, it shall be judged that a condition of noise pollution exists.

However, if the noise source is judged by ear to have a tonal sound, an increase of 5 dB above background noise level is sufficient to cause noise pollution.

(k) TONAL SOUND: Any sound that is judged by a listener to have the characteristics of a pure tone, whine, hum or buzz.

SECTION 010 SEVERABILITY

If any provisions of this article or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of this article and the applicability of such provision to other persons or circumstances shall not be affected thereby.



Town of Lakeville

Board of Health

346 Bedford Street

Lakeville, Mass. 02347

BOARD OF HEALTH

(508) 946-3473

(508) 946-8805

FAX: (508) 946-0112-3971

(Town Seal)

The following is a summary outline of the Lakeville Board of Health Regulation - "Noise Control" that the Lakeville Board of Health voted to adopt on September 14, 2005, and shall be effective **January 1, 2006**. A complete set of these rules and regulations are on file at the Lakeville Board of Health Office:

1. Short Title
2. Declaration of Findings, Policy and Scope
3. Duties and Responsibilities of Town Departments
4. Prohibitions and Measurement of Noise Emissions
5. Permits for Exemptions from this Board of Health Regulation
6. Hearings
7. Appeals
8. Penalties
9. Definitions
10. Severability

William E. Garvey, Jr. Chairman

Edward P. Gibney, Jr., Member

Jennifer Turcotte, Member

BOARD OF HEALTH

150 California Street
Newton, MA 02458
(617) 558-0500
Dec. 15, 22, 29, 2005

NOTICE OF MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Scott Carabin to Citizens Mortgage Corporation, dated September 6, 2002 and recorded with the Plymouth County Registry of Deeds at Book 22803, Page 41, of which mortgage Chase Home Finance, LLC successor by merger to Chase Manhattan Mortgage Corporation is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 2:00 p.m. on January 13, 2006, on the mortgaged premises located at 180 Wareham Street, Middleboro, Plymouth County, Massachusetts, all and singular the premises described in said mortgage.

TO WIT:

The land in Middleborough, Plymouth County, Massachusetts, together with any buildings thereon, bounded and described as follows:

Beginning at a stake and nail on the southwest side of Wareham Street, said stake being North 49 degrees 30' West 150.00 feet from the southeasterly corner of the land now or formerly of Gordon E. MacNeill;

Thence by the southwest side of Wareham Street, North 49 degrees 30' West, 75 feet to a stake and nail;

Thence South 30 degrees 15' West, 150.00 feet;

Thence South 49 degrees 30' East, 75.00 feet to a stake and nail for a corner;

Thence North 30 degrees 15' East, 150 feet to the point of beginning.

For mortgagor's title see deed recorded with Plymouth County Registry of Deeds in Book 22803, Page 39.

These premises will be sold and conveyed subject to and with the benefit of all rights, rights of way, restrictions, easements, covenants, liens or claims in the nature of liens, improvements, public assessments, any and all unpaid taxes, tax titles, tax liens, water and sewer liens and any other municipal assessments or liens or existing encumbrances of record which are in force and are applicable, having priority over said mortgage, whether or not reference to such restrictions, easements, improvements, liens or encumbrances is made in the deed.

TERMS OF SALE:

A deposit of Five Thousand (\$5,000.00) Dollars by certified or bank check will be required to be paid by the purchaser at the time and place of sale. The balance is to be paid by certified or bank check at Harmon Law Offices, P.C., 150 California Street, Newton, Massachusetts 02458, or by mail to P.O. Box 610389, Newton Highlands, Massachusetts 02461-0389, within thirty (30) days from the date of sale. Deed will be provided to purchaser for recording upon receipt in full of the purchase price. The description of the premises contained in said mortgage shall control in the event of an error in this publication.

Other terms, if any, to be announced at the sale.

CHASE HOME FINANCE, LLC
SUCCESSOR BY MERGER TO

CHASE MANHATTAN
MORTGAGE CORPORATION

Present holder of said mortgage

By its Attorneys,

HARMON LAW OFFICES, P.C.

Ernest H. Pelletier, Jr., Esquire

150 California Street

Newton, MA 02458

(617) 558-0500

Dec. 22, 29, 2005

Jan. 5, 2006

not as shown on plan entered Salem Heights dated 2/17/87 and recorded with Plymouth Registry of Deeds Plan Book 30 page 599, which lots have been previously conveyed.

The description of the property contained in the mortgage shall control in the event of an error in this publication.

Also excepting lot 1 and lot 6 of the Salem Heights Plan dated 2/17/87 as they have been previously released from the mortgage.

For Mortgagors' Title see deed dated October 20, 1997, and recorded in Book 11352 at Page 295 with the Plymouth County Registry of Deeds.

TERMS OF SALE: Said premises will be sold and conveyed subject to all liens, encumbrances, unpaid taxes, tax titles, municipal liens and assessments, if any, which take precedence over the said mortgage above described.

FIVE THOUSAND (\$5,000.00) Dollars of the purchase price must be paid in cash, certified check, bank treasurer's or cashier's check at the time and place of the sale by the purchaser. The balance of the purchase price shall be paid in cash, certified check, bank treasurer's or cashier's check within thirty (30) days after the date of sale.

Other terms to be announced at the sale.

Schechtman Halperin Savage, LLP
86 Weybosset Street
Providence, RI 02903

Attorney for Beneficial Mortgage Co.
of Massachusetts

Present Holder of the Mortgage
(401) 272-1400

Dec. 8, 15, 22, 2005



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William E. Garvey, Jr., Chairman

Edward P. Glibney, Jr., Member

Jennifer Turcotte, Member

BOARD OF HEALTH

Dec. 22, 2005



The Lakeville Planning Board will conduct a Public Hearing for the proposed redevelopment of the former Lakeville State Hospital, 43 Main Street, Lakeville, MA. The meeting will be held in the new library meeting room, 4 Precinct Street, at 8:00 PM on January 9, 2006. Site plans are available for review at the Selectmen's office. The Selectmen's office is open Monday thru Friday 9 AM - 4 PM.

Dec. 22, 2005

for Residential Funding Corporation
Present holder of said mortgage,
By its Attorneys,
Partridge, Snow & Hahn, LLP
180 South Main Street
Providence, RI 02903
(401) 861-8293
Dec. 15, 22, 29, 2005

MORTGAGEE'S NOTICE OF SALE OF REAL ESTATE

Premises:

14 JEANINE STREET

LAKEVILLE, MASSACHUSETTS

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Thomas DeGregorio to RBMO, Inc., A Delaware Corporation dated July 14, 2000 and recorded with Plymouth County Registry of Deeds in Book 18898, Page 284, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction on the 11th day of January, 2006, A.D. at 10:00 A.M. at or upon the mortgaged premises, 14 JEANINE STREET, LAKEVILLE, MASSACHUSETTS, as described below, being all and singular the premises described in said mortgage.

TO WIT:

The land, with the buildings thereon, situated in Lakeville, Plymouth County, Massachusetts, bounded and described as follows:

Beginning at the Northeastern corner of the land hereby conveyed at a point in the south line of Jeanine Street, one hundred thirty and 31/100 (130.31) feet westerly therein from a stake at the intersection of said south line of Jeanine Street and the west line of Charles Street;

Thence Southerly one hundred eleven and 01/100 (111.01) feet in the west line of Lot 50 on plan hereinafter mentioned;

Thence Westerly fifty (50) feet in said south line parallel to south line of Jeanine Street;

Thence Northerly one hundred eleven and 1/100 (111.01) feet to said south line of Jeanine Street;

Thence Easterly fifty (50) feet in said south line of Jeanine Street to the point of beginning.

Being Lot 51 on plan of Lakeview Heights surveyed for Leo Richard et al, by Samuel H. Coise, Surveyor, dated June 17, 1942 and filed in the Plymouth County Registry of Deeds, Plan Book 6, Page 436;

Meaning and intending to convey the same premises conveyed by deed dated June 1, 1995 and recorded June 2, 1995 in Book 13612 at Page 151.

TERMS OF SALE: Said premises will be sold and conveyed subject to all outstanding municipal or other public taxes, tax titles, assessments, liens or claims in the nature of liens, rights of tenants and parties in possession, and existing encumbrances of record, if any, which take precedence over the said mortgage above described.

FIVE THOUSAND DOLLARS and NO/100 (\$5,000.00) must be paid by certified, bank, treasurer's or cashier's check at the time and place of the sale by the purchaser as a deposit. The balance of the purchase price is to be paid in cash, or by certified check, bank cashier's check or bank treasurer's check within 30 days thereafter at the Law Offices of Shapira & Kreisman, Chiswick Park, 490 Boston Post Road, Sudbury, MA 01776 (978) 443-8800. The description for the premises contained in said mortgage shall control in the event of a typographical error in this publication.

Other terms to be announced at the sale.

Mortgage Electronic Registration
Systems, Inc. as Nominee for
HomeSide Lending, Inc.
PRESENT HOLDER OF
SAID MORTGAGE
Dec. 15, 22, 29, 2005