

**WAREHAM**  
**ANNUAL TOWN MEETING**  
**OCTOBER 24, 2022**  
**&**  
**FINANCE COMMITTEE REPORT**



Raymond Cormier waves from the window of his dad's 1946 Chevrolet truck at the Harvest Moon Festival in Onset.  
(Photo by Sawyer Smock-Pollitt)

## **Chairman's Message:**

**Cover Photo:** Young Raymond Cormier's smiling wave from his father's antique truck certainly conveys his anticipation of a day of fun at the Harvest Moon Festival in Onset ending with a grand show of fireworks. That young man's photo in the truck made a statement, memories of where that truck has been (and yes I remember riding in the back of a similar truck and drinking out of a hose...but that's another story) and of all the activities and events we used to be able to enjoy. On this day we had a taste of everything, the music of reggae, rock, bluegrass from the newly restored Lilian Gregorman Bandstand. Food, pizza in a cone? Baked cookies (oh they were good) from Fornos Bakery. Huge assortment of craft vendors offering a variety of handmade items.

This type of event, and the many others that we enjoy within our community are possible only through the generosity of our local businesses and many, many people, and organizations. One, Wareham Community Events Committee (CEC), has a link: <https://wareham.ma.us/community-events-committee>

Our tax dollars supported this event through the CEC, Chaired by Lori C. Benson and members Linda Gay, Jean Connaughton, Kevin Costa, Town Administrator Derek Sullivan, and Selectmen Alan Slavin. They also support other activities such as the Onset Bay Association, Buzzards Bay Coalition, and the Onset Cape Verdean Festival just to name a few. Source of their funding is our Hotel/Motel taxes. In the past they have been able to distribute upwards of \$45,000 a year through an application process which they advertise in the spring.

**WPCF:** Probably the most critical Department to our wellbeing as a community. They are requesting, via three different articles, some six million dollars, to preform engineering studies. The overall project will be more then sixty million dollars (\$60,000,000) but to be eligible for any grants or reimbursement they require certain studies be performed to verify certain needs. Borrowing, and the cost of any borrowing, will be absorbed through the WPCF EDU rate structure. Our system must conform to some very strict measurements monitored by the EPA and other agencies. If we consistently exceed those measurements, without taking any actions to control or eliminate them, the Federal Government can assume control of our facility and force us to implement the needed improvements....at our expense.

Our plant, and parts of the collection system, are some 50 years old. The collection system is leaking (I&I) and as a result the plant is treating rainwater, causing it to exceed its processing capacity. The processing plant is desperately in need of upgrades. The last major upgrades were in 1989 and 1999.

The current moratorium may last years. This is not good for our community. Existing construction activity is allowed only if there is an existing sewer 'stub' at that location. Although expensive, very expensive, we cannot exist as a viable community without an efficient, operating, sewer system.

**General Government:** We have some serious issues, expensive issues, that we are going to have to deal with soon. A new Police Station: there are least two or three proposals under discussion. Decas School: how do we use that facility in the best interest of the Town? School Department wants to replace the roof on the Middle School. Maintenance Department, Police Department, Sewer Department, to name a few, are all understaffed. How they accomplish the tasks required of them is amazing.

**Wareham:** Who are we? We are a community that comes together and works for our common good. We are 39 Committees, staffed completely by volunteers, that manage the affairs of our community. WCTV gives us the opportunity to observe many of those Committees from our homes. Through the efforts of our paid staff, we can remember our loved ones with Christmas trees, enjoy our clean beaches, play a round of golf, enjoy a concert at the bandshell. Despite all our problems, we have a nice place to live, because we have each other.

## **Wareham Finance Committee:**

Bernard R. Pigeon, Chairman

Matthew Rose, Clerk

Dominic A. Cammarano, Jr

Thomas Worthen

Julie Moran

Norma Scogin, Vice Chairman

Gerald Stefanski

Joseph R, Smith Jr.

Thomas Hannon

## **EXPLANATION OF FREE CASH & STABILIZATION FUND**

**Free Cash** - Remaining, unrestricted funds from operations of the previous fiscal year including unexpended free cash from the previous year, actual receipts in excess of revenue estimates shown on the tax recapitulation sheet, and unspent amounts in budget line-items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash. The calculation of free cash is based on the balance sheet as of June 30, which is submitted by the

community<sup>1</sup>'s auditor, accountant, or comptroller. Important: free cash is not available for appropriation until certified by the Director of Accounts. (Additional from MA Department of Revenue) DOR recommends that communities understand the role free cash plays in sustaining a strong credit rating and encourages the adoption of policies on its use. Under sound financial policies, a community would strive to generate free cash in an amount equal to 3-to-5 percent of its annual budget. Free cash would not be depleted in any year, so that the following year's

calculation would begin with a positive balance. Conservative revenue projections and departmental appropriations would be orchestrated to produce excess income and departmental turn backs. As a non-recurring revenue source, a prudent use of free cash would be to fund one-time expenditures, a capital purpose or to replenish other reserves. If projected as a revenue source to support the ensuing year's operations, the amount used would be restricted to a percentage of total free cash. However, DOR also recommends that free cash not be available to supplement current year departmental operations. By eliminating the expectation of additional resources later in the fiscal year to back-fill budgets, department heads will produce more accurate and realistic annual appropriation requests. <http://www.mass.gov/dor/docs/dls/mdmstuf/technical-assistance/best-practices/>

**Stabilization Fund** - A special account created to provide a reserve for municipal purposes. It is typically considered as a town's savings account or a "rainy day fund", to be used to balance budget shortfalls in years when local revenues or state aid is low, or when unique or unexpected expenses arise, or for any other purpose that Town Meeting authorizes. To deposit or withdraw money from the Stabilization Fund, Town Meeting must approve the amount by a 2/3 vote.

## TOWN MEETING RULES of ORDER

Page Reference	Rank	Table of Basic Points of Motions	Seconded Required	Debateable	Amendable	Vote Required	May Reconsider	May Interrupt
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### PRIVILEGED MOTIONS

131	1	Dissolve or adjourn sine die	Yes	No	No	Maj.	No	No
128	2	Adjourn to a fixed time or recess	Yes	Yes	Yes	Maj.	No	No
127	3	Point of no Quorum	No	No	No	None	No	No
125	4	Fix the time to (or at) which to adjourn	Yes	Yes	Yes	Maj.	Yes	No
123	5	Question of privilege	No	No	No	None	No	Yes

### SUBSIDIARY MOTIONS

104	6	Lay on the table	Yes	No	No	2/3	Yes	No
102	7	The previous question	Yes	No	No	2/3	No	No
101	8	Limit or extend debate	Yes	No	No	2/3	Yes	No
99	9	Postpone to a time certain	Yes	Yes	Yes	Maj.	Yes	No
96	10	Commit or refer	Yes	Yes	Yes	Maj.	Yes	No
93	11	Amend (or substitute)	Yes	Yes	Yes	Maj.	Yes	No
91	12	Postpone indefinitely	Yes	Yes	No	Maj.	Yes	No

### INCIDENTAL MOTIONS

109	Same rank as motion out of which they arise	Point of order	No	No	No	None	No	Yes
110		Appeal	Yes	Yes	No	Maj	Yes	No
113		Decision of a question	Yes	Yes	Yes	Maj	No	No
114		Separate consideration	Yes	Yes	Yes	Maj	No	No
115		Fix the method of voting	Yes	Yes	Yes	Maj	Yes	No
116		Nominations to committees	No	No	No	Plur	No	No
118		Withdraw or modify a motion	No	No	No	Maj	No	No
120		Suspension of rules	Yes	No	No	2/3 †	No	No

### MAIN MOTIONS

66	None	Main motion	Yes	Yes	Yes	Var.	Yes	No
77	•	Reconsider or rescind	Yes	•	No	Maj	No	No
105	None	Take from the table	Yes	No	No	Maj	No	No
52	None	Advance an article	Yes	Yes	Yes	Maj	Yes	No

- Same rank and debatable to same extent as motion being reconsidered
- † Unanimous if rule protects minorities; out of order if rule protects absentees



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Division XIII Article 1 Waterways Rules

Amended and Restated Agreement Carver, Marion and Wareham Regional

Refuse Disposal District

Amendment of Zoning By-Law Art, 12, MS4 Regulations

Amendment of Zoning By-Law Art 6, Corrections

Wareham Middle School overall Roof Plan

FALL TOWN MEETING WARRANT  
TOWN OF WAREHAM  
OCTOBER 24, 2022

WAREHAM ELEMENTARY SCHOOL  
63 MINOT AVENUE  
WAREHAM, MA

7:00 PM

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS

TO EITHER OF THE CONSTABLES OF THE TOWN OF WAREHAM

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the legal voters of the Town qualified to vote in Town affairs to meet at Wareham Elementary School, 63 Minot Ave, Wareham, MA on Monday, October 24, 2022, at 7:00 p.m. to act on the following articles:

**ARTICLE 1 - APPROVE AND FUND FY23 CAPITAL PLAN**

To see if the Town will vote to transfer a sum of money from available funds and authorize borrowing subject to MGL Chapter 44, Sections 7 or 8 or any other enabling authority, for the purpose of capital improvement projects including replacement of vehicles, equipment, repairs to and improvements to town buildings, facilities, streetlights and waterways as presented in the Administration Capital Plan, or to take any action relative thereto.

Inserted by the Board of Selectmen at the request of the Town Administrator

Explanation:

**NOTE:** Although listed here as a group requested by Capital Planning, they will not all be funded from Free Cash but from the respective sources Town Meeting has established.

<b><u>Department</u></b>	<b><u>Description</u></b>	<b><u>Cost</u></b>	<b><u>Funding</u></b>
Police Dept	Purchase and Equip 7 Vehicles	\$459,000 with an annual lease payment of \$150,000	3-year Capital, Lease Payments in Annual WPD Capital Budget
Inspectional Services	Purchase and equip 3 fuel efficient vehicles	\$100,000	FY23 Certified Free Cash
Municipal Maintenance	Upgrade, repair replace streetlights Period lights	\$225,000	FY23 Certified Free Cash
		Total borrowing costs	\$450,000
		Total Free cash	\$325,000

**OCTOBER 24, 2022  
FALL TOWN MEETING WARRANT (CONT'D)**

The Board of Selectmen recommends approval of this Article: 4-0-0

The Finance Committee recommends approval of this Article: 7-0-0

Finance Committee Recommendation:

Capital expenditures typically include equipment, building repairs and asset maintenance costing greater than \$25,000 that are needed to run the Town safely and efficiently. Health and safety are given a priority. Capital needs are identified by department heads and reviewed by the capital Planning Committee prior to approval for acceptance on the 5-year Capital Plan. The final list of items to be funded under the Capital Plan is made by the Town Administrator based upon Town-wide priorities and available free cash as well as outside funding sources.

**See appendices for copy of current Capital 5-Year Plan**

**ARTICLE 2 - TRANSFER OF FREE CASH**

To see if the Town will vote to transfer a sum of money from Certified Free Cash to the Plymouth County OPEB Trust Fund, Plymouth County Retirement, Stabilization Fund, Collective Bargaining Reserve, Emergency Management, Derelict/Tax Title Properties, Unemployment Reserve and General Insurance or to take any other action relative thereto.

Inserted by the Board of Selectmen at the request of the Town Administrator

Explanation:

This action is in keeping with the Board of Selectmen policy (Policy No. 13-04) of maintaining these accounts in the best interest of Town of Wareham fiscal practices.

A. Plymouth County Other Post-Employment Benefits Trust Fund	\$300,000
B. Stabilization Fund	\$150,000
C. Emergency Management	\$100,000
D. Derelict/Tax Title Properties	\$100,000
E. General Insurance Budget Line	<u>\$100,000</u>
Total	\$750,000

The Board of Selectmen recommends approval of this Article: 4-0-0

The Finance Committee recommends approval of this Article: 7-0-0

Finance Committee Recommendation:

Wareham has maintained a policy of yearly contributions to the Stabilization Fund with the goal of maintaining a financial reserve of 3-5% of the fiscal year operation budget. In addition, the Town is working to reduce the deficit in the Plymouth County Other Post Employment Benefits Trust Fund (OPEB). The Emergency Management Fund and Derelict/Tax Title Properties Fund are new funds which will be responsible for items currently expensed in various departments operating budget. The General Insurance budget line is an unanticipated increase for school building insurance.



**OCTOBER 24, 2022  
FALL TOWN MEETING WARRANT (CONT'D)**

**ARTICLE 3 - PRIOR YEAR BILLS & DEFICITS**

To see if the Town will vote to raise and appropriate or transfer from available funds or by any combination of the foregoing, a sum of money to pay unpaid bills and deficits of prior fiscal years, or to take any other action relative thereto.

Inserted by the Board of Selectmen at the request of the Town Administrator

**Explanation:**

There is a deadline for all vendors to submit their invoices that allows Accounting to pay the invoices out of funds from the fiscal year in which the services were performed. If the vendor is unable to submit their invoice in a timely manner the Administration must request permission from Town Meeting to pay those invoices out of available funds.

The Board of Selectmen recommends approval of this Article:

The Finance Committee recommends approval of this Article:

**Finance Committee Recommendation:**

There are no requests to appropriate monies for prior year's bills nor correct any deficits. No action is needed.

**ARTICLE 4 - PEG ACCESS RECEIPTS TO WAREHAM COMMUNITY TV**

To see if the Town will vote to transfer a sum of money from the PEG Access receipts Reserved for Appropriation account to Wareham Community Television (WCTV), or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Town Administrator

**Explanation:**

This is a "housekeeping" Article. Legislation requires the Cable companies to deposit their licensing fees with the Town in which they serve. Twice a year the Town of Wareham Town Meeting is requested to approve the transfer those monies to WCTV to maintain their operations. Currently the amount is \$287,780.88.

The Board of Selectmen recommends approval of this Article: 4-0-0

The Finance Committee recommends approval of this Article: 7-0-0

**Finance Committee Recommendation:**

Comcast and Verizon pay the Town of Wareham for the right to sell cable services. PEG stands for Public, Educational and Government access channels available in Wareham which are paid for by the Town using fees collected from Comcast and Verizon who collect fees from their users. A vote of Town Meeting is required to transfer those monies to Wareham Community TV (WCTV) to support the PEG access channels in Town. This is a direct transfer of funds and has no impact on our taxes. These monies enable WCTV to provide equipment and manpower in support of School, Municipal and Community activities.

**OCTOBER 24, 2022  
FALL TOWN MEETING WARRANT (CONT'D)**

**ARTICLE 5 - UNION CONTRACTS**

To see if the Town will vote to approve and fund Collective Bargaining Agreements between the Town of Wareham and:

- A. AFSCME Council 93 AFL-CIO Local 30 Wareham Library Employees;
- B. Massachusetts Labor's Public Employees Council Union 1249 of the Labor's International Union of North America Wareham Clerical Union;
- C. Massachusetts Labor's Public Employees Council Union 1249 of the Labor's International Union of North America Wareham Municipal Maintenance Department and Town Custodians Union;
- D. Massachusetts Labor's Public Employees Council Union 1249 of the Labor's International Union of North America Wareham Foreman's Union;
- E. Wareham Professional Firefighters EMT Association, IAFF, Local 2895;
- F. Wareham Dispatchers Union, NEPBA;
- G. Wareham Police Union, MCOP Local 423;

or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Town Administrator

**Explanation:**

These Unions represent our employees that have either resolved, or are continuing, their contract negotiations with the Administration.

The Board of Selectmen recommends approval of this Article:

The Finance Committee recommends approval of this Article:

**Finance Committee Recommendation:**

No contracts were available for review prior to our report going to the printer.

At the 2021 Annual Town Meeting, Article 2 established a Collective Bargaining Reserve of \$200,000 dollars. As of this date, negotiation is in progress with two collective bargaining units whose agreements expired 7/1/22. Once agreements are reached, the reserve is adequate for retro pay to 7/1/22.

**ARTICLE 6 – OCCASIONAL REPORTS**

To receive and hear reports from committees who deem it necessary, or to do or act in any other matter relative thereto.

Inserted by the Board of Selectmen

**Explanation:**

When Town Meeting approves a proposal or appropriation, they may require an update from time to time or final report from the entity which is authorized to manage the proposal or appropriation.

The Board of Selectmen recommends approval of this Article:

The Finance Committee recommends approval of this Article:

**OCTOBER 24, 2022  
FALL TOWN MEETING WARRANT (CONT'D)**

Finance Committee Recommendation:

A prior Town Meeting has charged the Decas Study Committee with making a final report at the October 24, 2022, Annual Town Meeting. Any other Committee wishing to present a report will make arrangements with the Moderator.

**ARTICLE 7 - RETURN UNUSED FUNDS FROM CANCELLED PROJECT**

To see if the Town will vote to transfer \$200,000.00 to the Community Preservation Undesignated Funds account from the Tremont Nail Freight Building Restoration project unexpended funds which were approved at the 2018 Special Spring Town Meeting (Article 8) or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation Committee

Explanation:

This project has been completed and has been cancelled. Unexpended funds must be returned to the Community Preservation Fund.

The Community Preservation Committee recommends approval of this Article: 4-0-0

The Board of Selectmen recommends approval of this Article: 4-0-0

The Finance Committee recommends approval of this Article: 8-0-0

Finance Committee Recommendation:

The original appropriation request was for \$200,000 from CPC under their 'Historical Preservation' category. This project was never initiated and is no longer necessary.

**ARTICLE 8 - TREMONT NAIL REMEDIATION PROJECT**

To see if the Town will vote to appropriate from the Community Preservation Undesignated Funds, or any other monies available in the Community Preservation Act Fund under the category of Historic Preservation, the sum of \$146,250.00, for the Long Term Debt Principal (\$130,000.00) and Interest (\$16,250.00), and the sum of \$80,958.99, for the Short Term Debt Principal (\$76,000.00) and Interest (\$4,958.99) on the bond approved at the 2018 Fall Town Meeting (Article 11), for the cleanup of contamination at the Tremont Nail Factory site, total payment from CPA undesignated fund is \$227,208.99, or to take any action relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation Committee

Explanation:

Community Preservation Funds are used to pay both the principal and interest on the Tremont Nail Remediation bond (\$1,430,000) approved at the 2018 Fall Town Meeting for the cleanup of the Tremont Nail Factory site. Total payment from CPA undesignated fund is \$227,208.99.

**OCTOBER 24, 2022  
FALL TOWN MEETING WARRANT (CONT'D)**

The Community Preservation Committee recommends approval of this Article: 4-0-0  
The Board of Selectmen recommends approval of this Article: 4-0-0  
The Finance Committee recommends approval of this Article: 8-0-0

Finance Committee Recommendation:

This is an ongoing obligation that CPC has committed its funds to with the approval of Town Meeting.

**ARTICLE 9 - 2021 COMMUNITY PRESERVATION FUND RESERVES ADJUSTMENT**

To see if the Town will vote to reserve for future appropriation from Community Preservation Undesignated Funds the amount of \$21,800.00 to Affordable Housing Reserve or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation Committee

Explanation:

Community Preservation Committee (CPC) is required by law to reserve 10% of the fiscal year's revenue for Historical Preservation, Affordable Housing and Open Space/Recreation Reserves. In FY2022 we estimated CPA revenue of \$1,300,000 however, the state increased its CPA funding and the total funding for FY2022 was \$1,518,000, for an increase of \$280,000. We need to increase the FY2022 amount in Affordable Housing Reserves by 10% of the \$218,000. Undesignated funds were approved for both Historic Preservation and Open Space/Recreation projects so an increase in these reserves are not required.

The Community Preservation Committee recommends approval of this Article: 4-0-0  
The Board of Selectmen recommends approval of this Article: 4-0-0  
The Finance Committee recommends approval of this Article: 8-0-0

Finance Committee Recommendation:

This is a CPC 'housekeeping' request that is required by the enabling legislation.

**ARTICLE 10 - LITTLE HARBOR COUNTRY CLUB LAND ACQUISITION**

To see if the Town will vote to appropriate from the Community Preservation Undesignated Funds, or any other monies available in the Community Preservation Act Fund under the category of Open Space, the sum of \$139,051.11, for the Long Term Debt Principal (\$100,000.00) and Interest (\$39,051.11) payments on the bond approved at the 2/23/22 Special Town Meeting (Article 1), for the acquisition of 54 acres including the Little Harbor Country Club or to take any action relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation Committee

Explanation:

Community Preservation Funds are to pay the principal and interest of the bond (\$1,000,000) approved by the 2/23/22 Special Town Meeting for the acquisition of 54 acres of the Little Harbor Country Club property. This action is like that taken to support the remediation of Tremont Nail.



**OCTOBER 24, 2022  
FALL TOWN MEETING WARRANT (CONT'D)**

The Community Preservation Committee recommends approval of this Article: 4-0-0  
The Board of Selectmen recommends approval of this Article: 4-0-0  
The Finance Committee recommends approval of this Article: 8-0-0

Finance Committee Recommendation:

This is an ongoing obligation that CPC has committed its funds to with the approval of Town Meeting.

**ARTICLE 11 - WATERWAYS RULES**

To see if the Town will vote to amend the Town's General Bylaws by deleting, in its entirety, Division IV, Article 1, Sections 2, 2A and 2B; and further to insert a new Division XIII, Article 1, Titled Waterways Rules: a copy of which is on file in the Office of the Town Clerk, or to take any other action thereto.

Inserted by the Board of Selectmen at the request of the Harbormaster

Explanation:

The proposed Waterways Rules replace, clarify, and add to existing municipal bylaws relative to use of the waterways for safe boating, regulation of access to municipal waterways and waterfront amenities including municipal mooring fields. The Rules expand the definitions section to clarify terms used in the Rules, increases some fines for repeat violations of Waterway Rules and imposes mooring waiting list fees. The Rules prohibit use of moorings for houseboats, supplements and modifies rules and specifications for municipal mooring use for boats and other recreational water devices, updates the mooring application, waiting list and renewal process, addresses mooring installations and adds temporary float or raft moorings to the existing mooring permitting and inspection process. The Rules provide specifications for helical anchor, mooring buoys and pennants, addresses proof of, and changes to vessel ownership, mooring transfers, surrender and abandonment as well as vacant moorings and winterization of mooring gear. The Rules provide for concurrent approval by the Harbormaster with other applicable authorities of specifications for moorings located in certain sensitive water habitats and address's location of fish carts, swim lines, etc. in Wareham waters.

The Board of Selectmen recommends approval of this Article: 4-0-0  
The Finance Committee recommends approval of this Article: 8-0-0

Finance Committee Recommendation

The proposed Waterway Rules represent a comprehensive set of rules which incorporate and expand existing bylaws to provide more consistent and clear regulations addressing access to and enjoyment by the public of Wareham's waterways. The Waterway Rules will allow the Wareham Department of Natural Resources and Harbormaster to monitor and regulate the use and misuse of the Town's waterways and waterfront amenities, including mooring fields and dinghy docks, for safe boating and other purposes more effectively. The Rules clarify the process by which a resident may access a mooring waiting list, and apply for and obtain a mooring permit, and regulate the installation, use, maintenance, and routine inspection of town moorings, allows for imposition of fees associated with the mooring process and increase penalties for repeated violations of safe boating rules.

**OCTOBER 24, 2022  
FALL TOWN MEETING WARRANT (CONT'D)**

**See Appendices for a complete copy of the new By-Law**

**ARTICLE 12 - HARBOR SERVICES PERMIT RECEIPTS RESERVED FOR  
APPROPRIATIONS ACCOUNT-PATROL BOAT OUTBOARD MOTORS**

To see if the Town will vote to transfer the sum of \$23,000.00 from the Harbor Services Permits Receipts Reserved for Appropriations Account, to be transferred to the Harbormaster's Maintenance and Improvements account or take any other action relative thereto.

Inserted by the Board of Selectmen at the request of the Harbormaster

Explanation:

The funding request will be used to make the final financing payment of principal and interest to retire the debt on two outboard motors for a Town Department of Natural Resources/Harbormaster patrol boat.

The Board of Selectmen recommends approval of this Article: 4-0-0

The Finance Committee recommends approval of this Article: 8-0-0

Finance Committee Recommendation:

The requested transfer of funds from the Harbor Services Permits Receipts Reserved for Appropriations Account will be used to make the final loan payment on two outboard motors on a patrol boat of the Town Department of Natural Resources/Harbormaster.

**ARTICLE 13 - HARBOR SERVICES PERMIT RECEIPTS RESERVED FOR  
APPROPRIATIONS ACCOUNT-ONSET PIER FLOATING DOCKS**

To see if the Town will vote to transfer the sum of \$58,750.00 from the Harbor Services Permits Receipts Reserved for Appropriations Account, to be transferred to the Harbormaster's Maintenance and Improvements account or take any other action relative thereto.

Inserted by the Board of Selectmen at the request of the Harbormaster

Explanation:

Debt service for Onset Pier Floating Docks, \$58,750.00. The funding request is for the principal and interest payment towards a permanent bond used to replace the Onset Pier Floating Dock System.

The Board of Selectmen recommends approval of this Article: 4-0-0

The Finance Committee recommends approval of this Article: 8-0-0

**OCTOBER 24, 2022  
FALL TOWN MEETING WARRANT (CONT'D)**

Finance Committee Recommendation:

The requested funds will be used to make the principal and interest payment on the permanent bond which was issued to pay for upgrades to the Onset Pier which was replacement of the floating dock system.

**ARTICLE 14 - HARBOR SERVICES PERMIT RECEIPTS RESERVED FOR  
APPROPRIATIONS ACCOUNT-PATROL BOAT UHF COMMUNICATION & OTHER  
REPAIRS, REPLACEMENTS AND MAINTENANCE**

To see if the Town will vote to transfer the sum of \$37,000.00 from the Harbor Services Permits Receipts Reserved for Appropriations Account, to be transferred to the Harbormaster's Maintenance and Improvements account or take any other action relative thereto.

Inserted by the Board of Selectmen at the request of the Harbormaster

Explanation:

This request will allow the Harbormaster department to fund the following projects and needs:

Patrol Boat UHF Communication Upgrade - \$9,500.00

Replace outdated base style communications radios in two patrol vessels. Two patrol vessels are equipped with two UHF radios that provide communication access for Police, Fire, and EMS as well as neighboring towns. The radios to be replaced are 13 years old.

Repair, replace and maintenance to equipment, markers moorings, docks, pier and public access areas \$27,500.00.

This covers costs of general upkeep, replacement and maintenance to department equipment, navigational aids, municipal moorings, docks and piers; disposal of marine debris, update to safety equipment such as lifejackets, towlines and other associated equipment.

The Board of Selectmen recommends approval of this Article: 4-0-0

The Finance Committee recommends approval of this Article: 8-0-0

Finance Committee Recommendation:

Of the requested total transfer of \$37,000 from the Harbor Services Permits Receipts Reserved for Appropriations Account to the Harbormaster's Maintenance and Improvements account, \$9,500 of the requested funds will be used to upgrade outdated/obsolete base style UHF radios on two Department patrol boats which will continue to provide communication access for municipal Police, Fire and EMS personnel and also access by neighboring towns. The balance of the funds, \$27,500 will be used for routine maintenance and replacement of various equipment used by the Department as well as navigational aids, municipal moorings, docks and piers, disposal of marine debris and update of safety equipment as needed such as lifejackets, towlines and other related equipment. All these are necessary to ensure the safety of our waterways.

**ARTICLE 15 - ENGINEERING COST FOR WPCF PROJECT – CLARIFIER UPGRADES**

To see if the Town will vote to raise and appropriate and/or transfer \$2,000,000 (2 million) from available funds and authorize borrowing subject to MGL Chapter 44, Sections 7 or 8 or any other enabling authority, for the purpose of developing engineering plans for capital improvement project for secondary clarifier upgrades/replace, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Sewer Commissioners

**Explanation:**

To begin this project, it is required that engineering plans be developed. Without them the WPCA would be unable to apply for approvals from respective agencies which may oversee this project or any funds through grant applications. This is part of a larger project the WPCF is proposing.

The Board of Sewer Commissioners recommend approval of this Article: 5-0-0

The Board of Selectmen recommends approval of this Article: 4-0-0

The Finance Committee recommends approval of this Article: 7-0-0

**Finance Committee Recommendation:**

Our Wastewater Treatment Facility needs some major repairs. Much of the equipment needs to be updated or replaced. The Clarifier is an important part of the process. One of the units has been broken for a couple of months and the rest are very close to not being usable. WPCF is asking for \$2,000,000 to conduct a study and design replacements for these units. The design phase is the first step and necessary to apply for funding. Failure to act can lead the town to incur severe penalties and fines from state and federal sources.

**ARTICLE 16 - ENGINEERING COST FOR WPCF PROJECT - HEADWORKS**

To see if the Town will vote to raise and appropriate and/or transfer \$2,000,000 (2 million) from available funds and authorize borrowing subject to MGL Chapter 44, Sections 7 or 8 or any other enabling authority, for the purpose of developing engineering plans for a capital improvement project to replace the headworks or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Sewer Commissioners

**Explanation:**

To begin this project, it is required that engineering plans be developed. Without them the WPCA would be unable to apply for approvals from respective agencies which may oversee this project or any funds through grant applications. This is part of a larger project the WPCF is proposing.

The Board of Sewer Commissioners recommend approval of this Article: 5-0-0

The Board of Selectmen recommends approval of this Article: 4-0-0

The Finance Committee recommends approval of this Article: 7-0-0



**OCTOBER 24, 2022  
FALL TOWN MEETING WARRANT (CONT'D)**

Finance Committee Recommendation:

The first step at the Wastewater Treatment Facility is called the head unit. The head unit uses steps to remove solid waste from the incoming sewer lines. Items like wipes that are flushed cause damage to the pumps and equipment and can be screened here. The WPCF is requesting \$2,000,000 to begin the process of repairing or replacing these units. The design phase is the first step and necessary to apply for funding. Failure to act can lead the town to severe penalties and fines from state and federal sources.

**ARTICLE 17 - ENGINEERING COST FOR WPCF PROJECT – SWIFT’S BEACH  
SMITH ST LINES**

To see if the Town will vote to raise and appropriate and/or transfer \$2,000,000 (2 million) from available funds and authorize borrowing subject to MGL Chapter 44, Sections 7 or 8 or any other enabling authority, for the purpose of developing engineering plans for the conversion of gravity sewer lines to low-pressure sewer lines that feed to the Swifts Beach’s Smith Street pump station, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Sewer Commissioners

Explanation:

To begin this project, it is required that engineering plans be developed. Without them the WPCA would be unable to apply for approvals from respective agencies which may oversee this project or any funds through grant applications. This is part of a larger project the WPCF is proposing.

The Board of Sewer Commissioners recommend approval of this Article: 5-0-0

The Board of Selectmen recommends approval of this Article: 4-0-0

The Finance Committee recommends approval of this Article: 7-0-0

Finance Committee Recommendation:

The Wastewater Treatment Facility is requesting \$2,000,000 to design and prepare for a sewer line replacement in Swifts Beach Smith St area. Much like the one approved by the town in the spring of 2022 the existing lines are on average 10'-12' down. The replacement would bring these lines to about 4' and use solid piping limiting the infiltration of tide waters. This replacement would also use grinder pumps to help stop the use of sump pumps and help keep solid waste (like wipes) from damaging the main pumps. This upgrade will help stabilize the treatment plant.

**ARTICLE 18 - RESCIND ARTICLE FOR LINE FORCE MAIN FROM NARROWS TO  
WPCF**

To see if the Town will vote to rescind 22 Spring Town article # 17 for \$3,000,000 to line the force main from Narrows to WPCF or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Sewer Commissioners

**OCTOBER 24, 2022  
FALL TOWN MEETING WARRANT (CONT'D)**

Explanation:

The original funding request was inadequate when the bids were examined. The original article, as it was written, did not allow for increased funding without Town Meeting approval.

The Board of Sewer Commissioners recommend approval of this Article: 5-0-0

The Board of Selectmen recommends approval of this Article: 4-0-0

The Finance Committee recommends approval of this Article: 7-0-0

Finance Committee Recommendation

The Wastewater Treatment Facility is requesting the town rescind the decision of voters from the spring of 2022. The Line Force Main still needs to be replaced but when the project was put out to bid the bids came back higher than anticipated. This decision would cancel the use of \$3,000,000 for this project allowing the WPCF to request a larger amount.

**ARTICLE 19 - LINE FORCE MAIN FROM NARROWS TO WPCF**

To see if the Town will vote to raise and appropriate and/or transfer \$6,000,000 (6 million) from available funds and authorize borrowing subject to MGL Chapter 44, Sections 7 or 8 or any other enabling authority, for the purpose of a capital improvement project to line the force main sewer line from the Narrows pump station to the WPCF for a distance of 1.9 miles, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Sewer Commissioners

Explanation:

The Narrows force main is a critical asset that transports raw sewage from the Narrows pump station (critical asset) to the wastewater plant for treatment. The force main, installed in 1972, has reached its life expectancy of 50 years. In 2018 the force main was assessed for corrosion. The assessment revealed 41 percent to 71 percent of pipe wall thickness loss due to advanced internal corrosion.

The Sewer Commissioners recommends approval of this article: 5-0-0

The Board of Selectmen recommends approval of this article: 4-0-0

The Finance Committee recommends approval of this article: 7-0-0

Finance Committee Recommendation:

The Wastewater Treatment Facility is requesting up to \$6,000,000 to replace the Line Force Main. This is the same project as requested in the spring of 2022. The original bids came in higher than anticipated and to complete the project the higher amount is needed. 7 years ago an independent study of this line was conducted showing deterioration between 18-97%. This line is in critical condition and the repair or replacement is desperately needed. The plan to use what's called a slip lining is still our best option and most affordable.

Six years ago, this line was tested and evaluated by a third-party company and at the highest point by Wareham elementary was 47-97% deteriorated and 18-48% deteriorated at the lowest point by the Narrows pump station. The recommendation at that time was to replace it in 5 years.

**OCTOBER 24, 2022  
FALL TOWN MEETING WARRANT (CONT'D)**

The decision was made to utilize a special form of slip lining that will be pulled through the length of the main with a life expectancy of 50-100 years. This option was the most affordable with an estimated 5 million dollars saving over a full replacement. This is a necessity as the pipe is reaching the point of critical failure and if ignored will lead to greater problems.

**ARTICLE 20 - AMENDED AND RESTATED AGREEMENT CMW REGIONAL  
REFUSE DISPOSAL DISTRICT**

To see if the Town will vote to adopt the Amended and Restated Carver, Marion and Wareham Regional Refuse Disposal District Agreement, a copy of which is on file in the Office of the Town Clerk or take any other action related thereto.

Inserted by the Board of Selectmen

**Explanation:**

There are some former employees of the District and we have a contractual obligation for their medical and retirement. In addition, the District also has responsibilities for insurance on the landfill as well as maintenance.

The Board of Selectmen recommends approval of this Article: 4-0-0

The Finance Committee recommends approval of this Article: 7-0-0

**Finance Committee Recommendation:**

The Finance Committee recommends approval of this Article. The district has continuing responsibilities for its former employees and the landfill.

**See Appendices for complete copy of contract**

**ARTICLE 21 - AMENDMENT OF ZONING BYLAW ART. 13, SEC 1381**

To see if Town Meeting will vote to amend the Zoning By-Laws to include the following change to Article 1381 under Non-Conforming Lots, to broaden the requirements for compliance from setbacks to all zoning standards:

**1380 NON-CONFORMING LOTS**

**1381** Existing lots lawfully laid out by plan or deed which complied at the time of layout with applicable provisions of zoning by-laws, if any, may be built upon for single or two family residential purposes; provided that:

1. Said lots have at least 5000 square feet, 50 feet of frontage, and were not held in common ownership and/or control after November 19, 1951.
2. For lots that were held in common ownership or under common control, said lots may be buildable for single- or two-family residential Use provided that such lots have 7500 square feet and 75 feet of frontage and were lawfully laid out by plan or deed prior to November 19, 1951 or conformed to **setback zoning** requirements in effect as of January 1, 1976. This protection is available to not more than three adjoining lots.

**OCTOBER 24, 2022  
FALL TOWN MEETING WARRANT (CONT'D)**

3. The buildings to be located thereon are to be set back equal to the setback in effect at the time of lot creation or endorsement. For lots laid out prior to November 19, 1951, structures must meet the **setback zoning** requirements of the first published regulation in effect for the applicable zoning district.
4. Said lots are buildable under other applicable state and local regulations i.e. Conservation, Health, Fire, etc.
5. If said lots are shown on a subdivision plan as defined in Subdivision Control Law, and have been approved by the Planning Board, said lots must be in compliance with all applicable sections of M.G.L. Ch. 40A, Ch. 41, and all of the aforementioned provisions noted in this By-law.

or take other action relative thereto.

Inserted by the Board of Selectmen at the request of the Planning Director

Explanation:

This request changes two words which will broaden the requirements for compliance.

The Board of Selectmen recommends approval of this Article: 4-0-0

The Finance Committee recommends approval of this Article: 7-0-0

Finance Committee Recommendation:

The Finance Committee recommends approval of this article. The proposed change from the word “setback” to the word “zoning” clarifies that the compliance requirements for non-conforming lots apply to all zoning requirements, not just setbacks, and is appropriate.

**ARTICLE 22 - AMENDMENT OF ZONING BYLAW ART. 12, NEW MS4 REGULATIONS**

To see if Town Meeting will vote to amend the Zoning Bylaw in conformance with the U.S. EPA’s MS4 Permit by amending the sections of the Wareham Zoning By Laws, a copy of which is on file in the Office of the Town Clerk, or to take any other action thereto.

Inserted by the Board of Selectmen at the request of the Planning Director

Explanation:

This article will amend our existing by-law to conform with the EPA’s MS4 permitting process.

The Board of Selectmen recommends approval of this Article: 4-0-0

The Finance Committee recommends approval of this Article: 7-0-0

Finance Committee Recommendation:

The Finance Committee recommends approval of this article. The changes are required to comply with the US EPA’s MS4 permit (storm sewer discharge).

**See appendices for complete copy of new By-Law**



**ARTICLE 23 - ZONING BY-LAWS-MORATORIUM ON MARIJUANA SOCIAL CONSUMPTION ESTABLISHMENTS**

To see if Town Meeting will vote to amend the Zoning By-Laws, by voting to reaffirm the moratorium on Marijuana Social Consumption Establishments, given that the conditions for the first moratorium adopted October 2019 and ended on October 2020, have not changed, and to so approve the following text:

399. Because State program development for cannabis businesses is on-going and State regulations have not been finalized, a one-year moratorium on issuance of any permits for Social Consumption marijuana establishments shall be in force from the date of Town Meeting vote.

or take any action relative thereto.

Inserted by the Board of Selectmen at the request of the Planning Director

**Explanation:**

The State Cannabis Commission has not yet formulated their regulations on this issue. When they do this will give the Town an opportunity to review and take any action they deem in the best interest of Wareham.

The Board of Selectmen recommends approval of this Article: 4-0-0

The Finance Committee recommends approval of this Article: 7-0-0

**Finance Committee Recommendation:**

Although permitted, the State has not formalized their regulations regarding this issue. A moratorium will allow the Town to wait until the State has released their regulations and avoid any conflict with local regulations.

**ARTICLE 24 - ZONING BY-LAWS FOR SIGNS**

To see if Town Meeting will vote to amend the Zoning By-Laws for Signs by adding the following addition to Article 11, Section 1172. Signs in Business and Commercial Districts:

9. Window signs shall not exceed more than 25% of the total window glass area of the wall of each business facing each street or parking lot in which they are displayed.

or take any action relative thereto.

Inserted by the Board of Selectmen at the request of the Planning Director

**Explanation:**

When the original "Signs By-Law" was rewritten this section was inadvertently left out. This seeks to make the By-Law complete.

The Board of Selectmen recommends approval of this Article: 4-0-0

The Finance Committee recommends approval of this Article: 7-0-0

**Finance Committee Recommendation:**

This article is for the safety of our first responders and the public.

**ARTICLE 25 - AMENDMENT OF ZONING BYLAW ART. 6, CORRECTIONS**

To see if the Town will amend Article 6 – Density and Dimensional Regulations, a copy of which is on file in the Office of the Town Clerk, or to take any other action thereto.

Inserted by the Board of Selectmen at the request of the Planning Director

Explanation:

Adjusts the general requirements for Lot Area, Frontage, Setback and Height.

The Board of Selectmen recommends approval of this Article: 4-0-0

The Finance Committee recommends approval of this Article: 7-0-0

Finance Committee Recommendation:

The Finance Committee recommends approval of this Article.

**See Appendices for copy of new MS4 Regulations**

**ARTICLE 26 - BOILER REPLACEMENT PROJECT, WAREHAM HIGH SCHOOL**

To see if the Town of Wareham (the “Town”) will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Building Committee for the boiler replacement project at Wareham High School, 7 Viking Dr., Wareham, MA 02571, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town has applied for a school construction grant from the Massachusetts School Building Authority (“MSBA”). The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA’s Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town.

Inserted by the Board of Selectman at the request of the Superintendent of Public Schools

Explanation:

It is estimated that the total cost for replacement of the boiler system (actual boilers) will be \$2,462,614 dollars. We have been advised that some 71.58% (\$1,762,739 dollars) is eligible for reimbursement from the MSBA. The Town cost for this project would be approximately \$773,206 dollars.

The School Committee recommends approval of this Article: 5-0-0

The Board of Selectmen recommends approval of this Article: 4-0-0

The Finance Committee recommends approval of this Article: 7-0-0

**OCTOBER 24, 2022  
FALL TOWN MEETING WARRANT (CONT'D)**

Finance Committee Recommendation:

The Finance recommends approval of this Article. There are currently 6 boilers at the High School but only 3 are operational. One is used for domestic water and two provide heat for the building. They will be replaced with 5 boilers. Current FY2023 budget has estimated \$88,616 dollars for the fiscal year. Apparently, the Architectural firm conducting the survey did not calculate a potential savings.

**ARTICLE 27 - ROOF REPLACEMENT PROJECT, WAREHAM MIDDLE SCHOOL**

To see if the Town will appropriate \$1,500,000 to pay costs of replacing a portion of the Wareham Middle School roof, as well the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, or do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Superintendent of Public Schools

Explanation:

The School Department has indicated that, as a result of a thorough review of the entire roof(s) the entire roof(s) of the Wareham Middle School are in need of replacement. They have solicited estimates for the entire project and reviewed estimates of potential reimbursement from Massachusetts School Building Authority (MSBA). To complete the entire project, it is estimated to cost approximately \$8,395,996 dollars. **Not all sections** of the roof would qualify for reimbursement from the MSBA, they prefer roofs that are 30 years old or older. But, for the entire project, we have the potential to receive approximately \$3,104,375 dollars leaving some \$5,364,952 dollars to be raised and appropriated from the Town.

**Note: This is information only, it is not what the School Department is requesting this evening.**

The School Department has opted to break the project into two (2) sections. As noted in the Roof plan found in the appendix of this report, the roof layout is broken down into 22 sections. Each section represents a 'roof' that is at a different level than the adjoining roofs. As an example, the gym roof is higher than the adjoining sections of the building that house the locker and supply rooms. This portion of the project request covers roof Sections F, J, and K with a total estimated cost of \$1,500,000 dollars. These sections are the most critical in that are actively leaking during most rains. These sections are not, **not** eligible for reimbursement.

The School Department will submit an Article for the Annal Spring Town Meeting to request funds to complete the remaining Wareham Middle Schools Roof Replacement.

The School Committee recommends approval of this Article: 5-0-0

The Board of Selectmen recommends approval of this Article: 4-0-0

The Finance Committee recommends approval of this Article: 7-0-0

**OCTOBER 24, 2022  
FALL TOWN MEETING WARRANT (CONT'D)**

Finance Committee Recommendation:

The roof sections requested in the Article are F, J, and K. They have active leaks and have caused the cancellation of school. This is truly a critical issue and must be addressed as soon as possible. We understand these sections are not eligible for reimbursement from the MSBA but are extremely critical.

**See Appendices for Complete Middle School roofing plan with replacement outlined.**

**OCTOBER 24, 2022  
FALL TOWN MEETING WARRANT (CONT'D)**

**PETITIONED ARTICLES**

Note: These articles are reproduced exactly as presented, in accordance with the law.

**ARTICLE 28 – RESCIND ARTICLE 17, 2021 FALL TOWN MEETING**

To see if the Town will vote to rescind its prior vote approving Article 17 from the Fall 2021 Town Meeting, and, further, to authorize the Board of Selectmen to notify the state legislature of the vote of rescission and to request no further action to be taken toward legislature approval of Article 17 or to take any other action relative thereto.

Inserted by Sam Corbitt et al.

Finance Committee Recommendation: Refer to Town Meeting

**PETITION FOR TOWN MEETING ACTION**

RECEIVED

**PETITION CONTACT INFORMATION:**

Contact Person: Sam Corbett  
Address: 4 Tawatha Ln  
Wareham  
Daytime Phone: 508 784 8217

SEP 20 2022

Town of Wareham  
BOARD OF SELECTMEN

Honorable Board of Selectmen  
Wareham, Massachusetts

SEP 20, 2022

We, the undersigned registered voters of the Town of Wareham, do hereby petition the Board of Selectmen to insert the following article in the Warrant for the Annual Town Meeting:

ARTICLE: To see if the Town will vote to rescind its  
prior vote approving Article 17 from the Fall 2021  
Town Meeting, and further, to authorize the Board of  
Selectmen to notify the state legislature of the vote  
of rescission and to request no further action to be taken  
toward legislative approval of Article 17 or to take any other action  
relative thereto

SIGNATURE OF REGISTERED VOTER (10 FOR REGULAR & 100 FOR A SPECIAL TOWN MEETING)

PRINT NAME	SIGNATURE	ADDRESS	PRECINCT
* <u>Sam Corbett</u>	<u>[Signature]</u>	<u>4 Tawatha Ln</u>	<u>4</u> ✓
<u>David Heard</u>	<u>[Signature]</u>	<u>24 Elizabeth Ln</u>	<u>3</u> ✓
<u>DAN BUTLER</u>	<u>[Signature]</u>	<u>1 HIDDEN COVE LN</u>	<u>1</u> ✓
<u>James R. G. Berti</u>	<u>[Signature]</u>	<u>17 BERRY RD</u>	<u>3</u> ✓
<u>James R. G. Berti</u>	<u>[Signature]</u>	<u>17 BERRY RD</u>	<u>3</u> ✓
<u>Kathleen Bird</u>	<u>[Signature]</u>	<u>3 Stillman Meadows Dr.</u>	<u>3</u> ✓
<u>Michael P. Bird</u>	<u>[Signature]</u>	<u>205 CHARGE POND RD</u>	<u>4</u> ✓
<u>Christopher Smith</u>	<u>[Signature]</u>	<u>12 Fellowship Circle</u>	<u>5</u> ✓
<u>James Brandolini</u>	<u>[Signature]</u>	<u>16 Fearing Hill Rd</u>	<u>5</u> ✓
<u>Chris Barrasso</u>	<u>[Signature]</u>	<u>7 Lushman Rd</u>	<u>3</u> ✓
<u>Alex Estes</u>	<u>[Signature]</u>	<u>6 Eldridge Ct</u>	<u>1</u> ✓
<u>Chris McArthur</u>	<u>[Signature]</u>	<u>22 High Dam Road</u>	<u>4</u> ✓
<u>Christine L. Bird</u>	<u>[Signature]</u>	<u>205 CHARGE POND ROAD</u>	<u>4</u> ✓

To be completed by the Registrar of Voters:

IT IS CERTIFIED THAT 13 OF THE ABOVE SIGNATURES CHECK AND THUS 13 NAMES ARE QUALIFIED VOTERS IN THE TOWN OF WAREHAM.

[Signature]  
SIGNATURE

\*THE FIRST SIGNATORY ON THE FIRST LINE OF THE PETITION IS THE PETITIONER OF THE ARTICLE AND WILL BE LISTED AS SUCH ON THE TOWN MEETING WARRANT.



**TOWN OF WAREHAM  
OFFICE OF THE TOWN CLERK**

54 Marlon Road  
Wareham, Massachusetts 02571  
(508) 291-3100, Ext. 3140  
Fax: (508) 291-6511

December 7, 2021

The following is a true copy attest of the vote on Article 17 of the Annual Fall Town meeting held on October 25, 2021

**ARTICLE 17- CHANGE THE MAKE UP AND MANNER OF SELECTION TO THE  
WAREHAM REDEVELOPMENT AUTHORITY**

To see if the Town will vote to petition the Legislature to amend Chapter 38 of the acts of 2018, AN ACT RELATIVE TO A WAREHAM REDEVELOPMENT AUTHORITY, as follows:

By striking out Section 3 (b) and inserting in place thereof the following:

Section (b)(i). Notwithstanding chapter 121B of the General Laws, the redevelopment authority of the Town shall be managed, controlled and governed by a Board of Commissioners that shall not be on any other Board, Committee or Commission in Town that deals with land use, adjudicatory or financial matters and shall consist of five (5) voting members, three (3) of which shall be elected for a five (5) year term, so arranged that an equal number of terms expire each year.

The two (2) appointed members shall be appointed by the Board of Selectmen, each shall have credentials to represent one of the following areas: (1) a business representative, (2) an environmental representative, and (3) a representative with accounting / financial planning experience.

The Town Administrator and the Director of Planning and Community Development may act as ex-officio members, who may attend all meetings, and have a voice, but no vote on matters before the Commission.

By striking out Section 3 (c) and inserting in place thereof the following:

Section 3 (c)(i). Upon the initial election of the Board of Commissioners (the one receiving the most votes for five years, the one receiving the second highest votes for four years, the one receiving the third highest votes for two years) they shall be administered the oath of office by the Clerk of the Town of Wareham, and the membership of the existing members who are on the Authority by virtue of their position in Town Shall cease. The existing citizens-at-large member shall maintain his/her existing appointment. A certificate and duplicate certificate to that effect shall be promptly filed by the Town Clerk to the State Secretary. A certificate so filed shall be conclusive evidence of the change in membership of the authority referred to therein. Upon receipt of the certification, the State Secretary shall issue a revised certificate of organization to the authority that was originally issued under Chapter 38 of the Actos of 2018.

Sponsored by Brenda Eckstrom

**Motion to accept amended version as presented passes unanimously.**

**Motion to accept amended version passes by hand count**

**Yes 104 No 74**

Respectfully submitted by:

Michele Bissonnette  
Town Clerk

WRA Reinvestment Worksheet  
FY 23

Sources	Amount	Period
<b>Rental Income</b>		
4 Recovery Road	\$ 67,200	year
Littleton Dr	\$ 5,000	year
Subtotal	\$ 72,200	
<b>Sale of Land</b>		
Littleton Dr	\$ 250,000	1 time
Bay Pointe	\$ 600,000	1 time
Subtotal	\$ 850,000	
<b>Grants</b>	\$ 250,000	year
Subtotal	\$ 250,000	
<b>Total Sources</b>	<b>\$ 1,172,200</b>	
<b>Uses</b>		
Slum & Blight E Wareham	\$ 85,000	1 time
RR Xing Design Fee	\$ 75,000	1 time
4 Recovery Road Repayment	\$ 250,000	1 time
Eminent domain	\$ 500,000	
Fiber Optic Plan	\$ 25,000	1 time
Merchat's Way Clean-up	\$ 10,000	Recurring
Onset Bluff's Clean-up	\$ 10,000	
Subtotal	\$ 955,000	
Legal Fees	\$ 35,000	year
Incentives/Marketing	\$ 25,000	
Insurance	\$ 4,550	year
Misc.	\$ 25,000	
Subtotal	\$ 89,550	
<b>Total Uses</b>	<b>\$ 1,044,550</b>	



WRA Reinvestment Worksheet  
FY 23

Sources	Amount	Period
Rental Income		
4 Recovery Road	\$ 67,200	year
Littleton Dr	\$ 5,000	year
Subtotal	\$ 72,200	
Sale of Land		
Littleton Dr	\$ 250,000	1 time
Bay Pointe	\$ 600,000	1 time
Subtotal	\$ 850,000	
Grants	\$ 250,000	year
Subtotal	\$ 250,000	
<b>Total Sources</b>	<b>\$ 1,172,200</b>	
Uses		
Slum & Blight E Wareham	\$ 85,000	1 time
RR Xing Design Fee	\$ 75,000	1 time
4 Recovery Road Repayment	\$ 250,000	1 time
Eminent domain	\$ 500,000	
Fiber Optic Plan	\$ 25,000	1 time
Merchat's Way Clean-up	\$ 10,000	Recurring
Onset Bluff's Clean-up	\$ 10,000	
Subtotal	\$ 955,000	
Legal Fees	\$ 35,000	year
Incentives/Marketing	\$ 25,000	
Insurance	\$ 4,550	year
Misc.	\$ 25,000	
Subtotal	\$ 89,550	
<b>Total Uses</b>	<b>\$ 1,044,550</b>	

**BOS ARTICLE FOR TOWN MEETING: To see if the Town will vote to rescind its prior vote approving Article 17 from the Fall 2021 Town Meeting, and, further, to authorize the Board of Selectmen to notify the state legislature of the vote of rescission and to request no further action to be taken toward legislature approval of Article 17.**

The Wareham Redevelopment Authority (WRA) was created by the Massachusetts legislature via Chapter 38 of the Acts of 2018, as a successor to the Community and Economic Development Authority (CEDA). Our WRA was intentionally created by Special Act rather than in accordance with G.L. c.121B, after a 2017 Town Meeting where voters overwhelmingly approved the article authorizing the creation of the WRA, and the Board of Selectmen submitted the bill to our General Court members for filing. The main difference is that our current WRA is not an elected authority.

Wareham's WRA as presently established consists of two Selectmen to be chosen by the Board of Selectmen, the Town Administrator, the Director of Planning and Community Development, and one citizen at large. Care is taken to make sure that the Selectmen and citizens at large who are chosen have strong backgrounds that best serve the WRA such as in areas of planning, banking, economics, development, communications, law, etc.

The citizens who approved the original article at the time of creating the WRA understood the negative consequences of following the 121B law as it stood, which is why the Selectmen proposed the Special Act. We now ask the citizens to rescind the article that passed at the last Town Meeting creating an elected Redevelopment Authority for the same reasons.

1. Most importantly, elections do not always attract the most qualified candidates for the positions. Furthermore, in Wareham, often elected positions are uncontested, indicating either a lack of qualified candidates, a lack of interest, or a lack of candidates in general running for office.
2. In Article 17, the Director of Planning and Community Development would simply have an ex officio role. This position is crucial to an efficiently operating WRA. However, without having any authority, or requirement to even attend meetings, our WRA may have no qualified official present. Recently in Carver, the WRA had to rely on their town planner who wasn't always available causing much frustration to its members.
3. The Town Administrator is also restricted to an ex officio role in the article that is now before the legislature. Removing the TA from the process is not only illogical but denies the authority of years of

institutional knowledge of the Town's finances, grant opportunities, land and property availability and so forth. His current position on the WRA has played a major role in its success.

4. The law allows for the WRA to employ counsel and staff including directors, secretarial staff, etc. Wareham does not have the funding available, nor can we depend on elected members to have the qualifications, nor the time or desire to attend to such positions. Financial costs to the town were a major consideration when the Special Act was crafted, and over time saved Wareham considerable funds. Our current WRA has no need to hire outside staff or counsel.

5. The current WRA, in a short time, has several major successes, and there is no reason to believe that it will not continue as it is constructed. For a new authority with no experience to establish itself, we can expect it to take years before it can produce such progress.

**Since its inception in March 2018, the WRA has accomplished the following:**

1. The redevelopment of property known as Littleton Drive. This previously 16-acre failed subdivision of land owned by the town and lain dormant for over 15 years will be developed by Penrose Hosing Development Company providing 38 senior affordable housing units as well as an additional 52 units of affordable housing and 3 at market rates.
2. Prepared a Redevelopment Strategy guidance document that identified and prioritized four areas of town in need of redevelopment.
3. Had oversight of creations of a Slum and Blight Study for Onset Village and updated a Slum and Blight Study for Wareham Village (the top two priority areas identified in the Redevelopment Strategy guidance document)
4. Engaged in the redevelopment and environmental cleanup of the Tremont Nail Factory. This mixed use property will be developed by the Bentley Company with an annual estimated income of \$120,000 and be a northern anchor for the WV1 Rezoning concept.
5. Proposes to submit an article to the Spring 2023 Town Meeting which will create a Wareham Village 1, a portion of town from the beginning of Main Street to the Tremont Nail Factory. This plan of redevelopment includes a new marina and is enhanced by the new Tobey Hospital ER and other new businesses such as the brewery café, and wine bistro.
6. Completed a \$630,000 sale of a WRA parcel at Bay Pointe giving it sufficient funds to execute substantial redevelopment opportunities identified in the Redevelopment Strategy document. The WRA collected 9 \$90,000 rent while property was owned.

7. Successfully rents another property it owns at the Industrial Park for \$63,000 a year, with an escalation clause of 3% annually.
8. Held two public hearings on the ideas and concepts envisioned for WVI.
9. Held two public hearing on the Parker Mills Dam, looking to give information and gather thoughts from reseidents.

## Section 7: Officers and executive director of housing and redevelopment authorities; compensation of members

Section 7. A housing or redevelopment authority shall elect from among its members a chairman and a vice-chairman, and may employ counsel, an executive director who shall be ex officio secretary of the authority, a treasurer who may be a member of the authority and such other officers, agents and employees as it deems necessary or proper, and shall determine their qualifications, duties and compensation, and may delegate to one or more of its members, agents or employees such powers and duties as it deems necessary or proper for the carrying out of any action determined upon by it. So far as practicable, a housing or redevelopment authority shall make use of the services of the agencies, officers and employees of the city or town in which such authority is organized, and such city or town shall, if requested, make available such services, except, that in the city of Boston, the housing authority may contract with said city for the assignment of thirty-seven police officers of the police department of said city to police the buildings and grounds owned by said authority with the proviso that said authority shall reimburse said city for one third of the cost thereof.

A housing authority may compensate its members for each day spent in the performance of their duties and for such other services as they may render to the authority in connection with projects commenced prior to July first, nineteen hundred and sixty-five. Such compensation shall not exceed fifty dollars a day for the chairman and forty dollars a day for a member other than the chairman, provided that the total sum paid to all the members in any one month or year shall not exceed two per centum of the gross income of the housing authority during such month or year, respectively, nor shall the total sum paid in any year exceed twelve thousand five hundred dollars in the case of the chairman or ten thousand dollars in the case of a member other than the chairman. Such compensation shall be allocated by the housing authority among its various projects commenced prior to July first, nineteen hundred and sixty-five, in such manner and amounts as it deems proper. Members of a housing authority shall be allowed, or be reimbursed for, all expenses properly incurred by them within or without the city or town in the discharge of their duties. Such expenses shall be allocated by the housing authority among its various projects in such manner and amounts as it deems proper.

For the purposes of chapter two hundred and sixty-eight A or paragraph (7) of section forty-four D of chapter one hundred and forty-nine, each housing and redevelopment authority shall be considered a municipal agency and, without limiting the power of a city council or board of aldermen or board of selectmen to classify additional special municipal employees pursuant to said chapter, each member of such an authority, and any person who performs professional services for such an authority on a part-time, intermittent or consultant basis, such as those of architect, attorney, engineer, planner, or construction, financial, real estate or traffic expert, shall be considered a special municipal employee.

Any compensation paid to a tenant member of a housing authority for services as a member shall be included as income in determining rent, and the tenant shall be subject to appropriate rent increases, as provided for in authority policy and as regulated by the department; provided, however, that such compensation shall not be considered income for purposes of determining continued occupancy.

## Section 11: Powers of operating agencies

Section 11. Each operating agency shall have the powers and be subject to the limitations provided in sections one to sixteen, inclusive, shall have the powers necessary or convenient to carry out and effectuate the purposes of the relevant provisions of the General Laws and shall have the following powers in addition to those specifically granted in this chapter:—

(a) To sue and be sued; to have a seal; to have corporate succession;

(b) To act as agent of, or to cooperate with the federal government in any clearance, housing, relocation, urban renewal or other project which it is authorized to undertake;

- (c) To receive loans, grants and annual or other contributions from the federal government or from any other source, public or private;
- (d) To take by eminent domain under chapter seventy-nine or chapter eighty A, or to purchase or lease, or to acquire by gift, bequest or grant, and hold, any property, real or personal, or any interest therein, found by it to be necessary or reasonably required to carry out the purposes of this chapter, or any of its sections, and to sell, exchange, transfer, lease or assign the same; provided, that in case of a taking by eminent domain under said chapter seventy-nine, the provisions of section forty of said chapter shall be applicable, except that the security therein required shall be deposited with the mayor of the city or the selectmen of the town in which the property to be taken is situated. Except as herein otherwise provided, the provisions of chapters seventy-nine and eighty A relative to counties, cities, towns and districts, so far as pertinent, shall apply to operating agencies, and the members of a housing or redevelopment authority shall act on its behalf under those chapters.
- (e) To clear and improve any property acquired by it;
- (f) To engage in or contract for the construction, reconstruction, alteration, remodeling or repair of any clearance, housing, relocation, urban renewal or other project which it is authorized to undertake or parts thereof;
- (g) To make relocation payments to persons and businesses displaced as a result of carrying out any such project;
- (h) To borrow money for any of its purposes upon the security of its bonds, notes or other evidences of indebtedness, and to secure the same by mortgages upon property held or to be held by it or by pledge of its revenue, including without limitation grants or contributions by the federal government, or in any other lawful manner, and in connection with the incurrence of any indebtedness to covenant that it shall not thereafter mortgage the whole or any specified part of its property or pledge the whole or any specified part of its revenues;
- (i) To invest in securities legal for the investment of funds of savings banks any funds held by it and not required for immediate disbursement;
- (j) To enter into, execute and carry out contracts with any person or organization undertaking a project under chapter one hundred and twenty-one A;
- (k) To enter, with the approval of the mayor or board of selectmen and the department, into agreements with the federal government relative to the acceptance or borrowing of funds for any project it is authorized to undertake and containing such covenants, terms and conditions as the operating agency, with like approval, may deem desirable; provided, however, that nothing herein shall be construed to require approval by the mayor or selectmen or the department of requisition agreements and similar contracts between an agency and the federal government which are entered into pursuant to an agreement approved by them;
- (l) To enter into, execute and carry out contracts and all other instruments necessary or convenient to the exercise of the powers granted in this chapter;
- (m) To make, and from time to time amend or repeal, subject to the approval of the department, by-laws, rules and regulations, not inconsistent with pertinent rules and regulations of the department to govern its proceedings and effectuate the purposes of this chapter;
- (n) To join or cooperate with one or more other operating agencies in the exercise, either jointly or otherwise, of any of their powers for the purpose of financing, including the issuance of bonds, notes or other obligations and the giving of security therefor, planning, undertaking, owning, constructing, operating or contracting with respect to any project or projects authorized by this chapter located within the area within which one or more of such authorities are authorized to exercise their powers; and for such purpose to prescribe and authorize, by resolution, any operating agency so joining and cooperating with it to act in its behalf in the exercise of any of such powers; and
- (o) To lease energy saving systems that replace non-renewable fuels with renewable energy such as solar powered systems.

**To see if the Town will vote to rescind its prior vote approving Article 17 from the Fall 2021 Town Meeting, and, further, to authorize the Board of Selectmen to notify the state legislature of the vote of rescission and to request no further action to be taken toward legislature approval of Article 17.**

**Citizen's petition article  
Sam Corbitt.**

RECEIVED

SEP 20 2022

Town of Wareham  
BOARD OF SELECTMEN

**I will get you the signatures tomorrow**

**ARTICLE 29 - ACT ON RECOMMENDATIONS OF THE DECAS SCHOOL  
STEERING COMMITTEE**

To see if the Town will vote to approve and accept the recommendations of the Decas School Steering Committee as presented and authorize such action by the Town Administrator as is required to implement the committee's recommendations.

If any section or part of a section, provision or application of this warrant article is to be determined illegal, invalid or unenforceable and / or unconstitutional, such determination shall not affect the validity of any other section, provision or application of this warrant article which is operable without the offending section, provision or application.

Inserted by Jonathan Dallmeyer et al.

Finance Committee Recommendation: Refer to Town Meeting



RECEIVED

SEP 20 2022

**ARTICLE #** \_\_\_\_\_

**TITLE:** ACT ON RECOMMENDATIONS OF THE DECAS SCHOOL STEERING COMMITTEE  
Town of Wareham  
BOARD OF SELECTMEN

**WARRANT ARTICLE:**

WAREHAM TOWN CLERK  
2022 SEP 20 PM3:26

To see if the Town will vote to approve and accept the recommendations of the Decas School Steering Committee as presented and authorize such action by the Town Administrator as is required to implement the committee's recommendations.

If any section or part of a section, provision or application of this warrant article is to be determined illegal, invalid or unenforceable and / or unconstitutional, such determination shall not affect the validity of any other section, provision or application of this warrant article which is operable without the offending section, provision or application.

**MOTION:** I move favorable action on article # \_\_\_\_\_, for the Town to approve and accept the recommendations of the Decas School Steering Committee as presented and authorize such action by the Town Administrator as is required to implement the committee's recommendations.

**EXPLANATION:** This motion honors the two previous affirmative town meeting votes taken on the subject of repurposing the former Decas School for community needs. On September 21, 2021, town meeting voted unanimously to create a committee to make recommendations on use of the former Decas School to the Town Meeting body "no later than fall Town Meeting" and to fund a \$15,000 study to "investigate the costs and requirements of transforming the John W. Decas School into a center to benefit the community."

Per the vote, recommendations were to include but not be limited to "Council on Aging and associated programming, a senior center, municipal meeting space, adult education, public library, training and enrichment programs, Veterans' services, senior affordable housing, passive and active recreation, youth programming and sports, daycare, coworking flex-space, health and wellness services, and other such uses to benefit the community." Again, the vote was unanimous.

On April 25, 2022, the Decas Steering Committee presented an interim report to the Town Meeting body recommending that the Council on Aging be moved to the former Decas School by July 1, 2022, that RFPs for community use of the space be issued, and that the Decas School Steering Committee and the John W. Decas Community Center Foundation be provided access to the building to ready it for new occupancy. At the same meeting, voters approved these three items by majority vote.


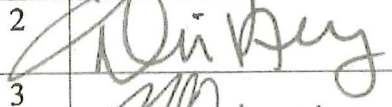
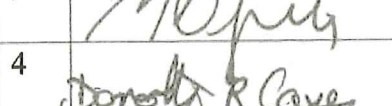
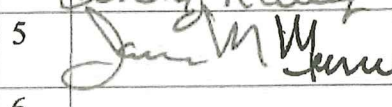
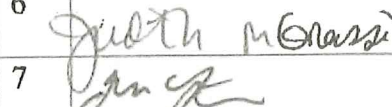






To date, no action has been taken to implement the mandate of voters to repurpose the former Decas School for community needs. No RFPs have been issued for use of space and the Council on Aging has not been moved. In fact, an alternate proposal developed by the Town Administrator in a parallel process to the Town Meeting commissioned Decas study has now been voted on 5-0-0 in the affirmative by the Select Board in direct contradiction to the will of

the voters. No vote has ever been taken by Town Meeting directing the Town Administrator or Select Board to study or implement a move of the Town Hall offices to the former Decas School. No study has identified what this would cost or how this would be implemented. This warrant article is as much about defending the democratic process and the power vested to the Town's most representative legislative body, Town Meeting, as it is about making the sensible, cost-saving decision to repurpose an existing building, recently improved with taxpayer dollars as a multi-generational community center to serve the needs of citizens now and for years to come.

**PETITIONER:** Jonathan Dallmeyer

Contact information: Jonathan Dallmeyer jonathan.dallmeyer@gmail.com phone: (413) 446-5424

We, the following citizens, petition the Town of Wareham to vote to approve and accept the recommendations of the Decas School Steering Committee as presented at Fall 2022 Town Meeting and authorize such action by the Town Administrator as is required to implement the committee's recommendations per the above warrant article:

No	Signature	Printed Name	Address	Precinct
1		Jonathan Dallmeyer	504 Main St	5 ✓
2		DIANE KENNEY	10 Old Woods Rd	6 ✓
3		Missy Drizick	185 Onset Ave	✓
4		DOROTHY R. CASEY	26 JUNIPER ST	3 ✓
5		James M. Munise	2526 Cranberry Hwy	4 ✓
6		JUDITH M. GRASSI	34 Church Ave G-12	6 ✓
7		Jared Fredericks	12 Morse Ave	5 ✓
8		John Fredericks	12 Morse Ave	5 ✓
9		Linda Jackson	14 Morse Ave	5 ✓
10		Hanna Goncalves Dowling	8 Baysberry Rd	6 ✓
11		DON DOWLING	8 Baysberry Rd	6 ✓

RECEIVED

SEP 20 2022



We, the following citizens, petition the Town of Wareham to vote to approve and accept the recommendations of the Decas School Steering Committee as presented at Fall 2022 Town Meeting and authorize such action by the Town Administrator as is required to implement the committee's recommendations per the above warrant article: (continued from pg. 1)

No	Signature	Printed Name	Address	Precinct
12	<i>Laura J. Ullian</i>	Laura Jo Ullian	12 State St, #7L 02358	3 ✓
13	<i>Sharon Thurston</i>	SHARON THURSTON	26 Ivy St Wareham MA	3 ✓
14	<i>G. Taylor</i>	Gary Taylor	15 Waltham Ave	2 ✓
15	<i>Sharon Boyer</i>	Sharon Boyer	2 Cameron St Buzzards Bay, MA	2 ✓
16	<i>Mabel Griffin</i>	Mabel Griffin		no address
17	<i>Janet M. Sheehan</i>	62 PO Janet M. Sheehan	62 Parkwood Dr	3 ✓
18	<i>MaryAnn Jackson</i>	MaryAnn Jackson	50 Hideaway Ln	6 ✓ Not this voter @ address
19	<i>Patricia Black</i>	PATRICIA BLACK	445 MAIN ST.	5 ✓ 11
20	<i>Leslie Edwards Davis</i>	Leslie Edwards Davis	8 Trinity Lane	1 ✓


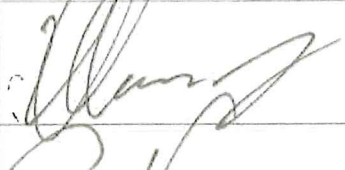


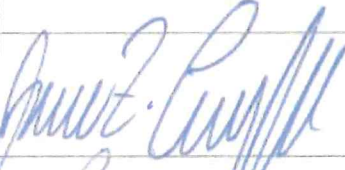

- 21 Joan Kinniburgh Joan Kinniburgh 48 West Blvd 3 ✓  
 22 W. Frederick Guigas W. Frederick Guigas 48 West Blvd 3 ✓  
 23 Kathleen M. Pappalardo KATHLEEN M. PAPPALARDO 87 FEARING HILL RD 5 ✓

RECEIVED

SEP 20 2022

Town of Wareham  
BOARD OF SELECTMEN

We, the following citizens, petition the Town of Wareham to vote to approve and accept the recommendations of the Decas School Steering Committee as presented at Fall 2022 Town Meeting and authorize such action by the Town Administrator as is required to implement the committee's recommendations per the above warrant article: (continued from pg. 1)

<u>No</u>	<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>	<u>Precinct</u>
24		Nancy McHale	87 Fearing Hill Rd Wareham, MA 02576	5 ✓
25		Dominic A. Cammaruso Jr	22 West Blvd Dorset, MA 01922	3 ✓
26		Gail Cammaruso	22 West Blvd Dorset, MA 01922	3 ✓
27		Maria Campbell	19 Parker Dr Wareham, MA	1 ✓
28		JAMES F. CAMPBELL	19 PARKER DR. WAREHAM, MA 02571	1 ✓
29		Trace Williams	138 Glen Charlie E. Wareham	6 ✓

RECEIVED

SEP 20 2022

Town of Wareham  
BOARD OF SELECTMEN

**OCTOBER 24, 2022  
FALL TOWN MEETING WARRANT (CONT'D)**

**ARTICLE 30 - HEAR THE REPORT OF THE DECAS SCHOOL STEERING  
COMMITTEE**

To see if the Town will hear the Report of the Decas Steering Committee.

Inserted by Jonathan Dallmeyer et al.

Finance Committee Recommendation: Refer to Town Meeting



RECEIVED

SEP 20 2022





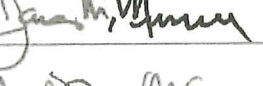

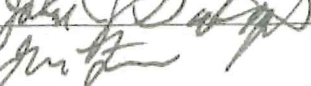
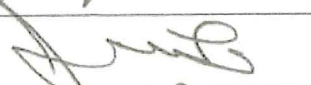
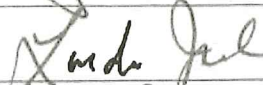



Town of Wareham  
BOARD OF SELECTMEN**ARTICLE #** \_\_\_\_\_**TITLE:** HEAR THE REPORT OF THE DECAS SCHOOL STEERING COMMITTEE**WARRANT ARTICLE:**WAREHAM TOWN CLERK  
2022 SEP 20 PM 3:25

To see if the Town will hear the Report of the Decas Steering Committee.

**MOTION:** I move the Town hear the report of the Decas Steering Committee.**EXPLANATION:** Because Article 16 of the 2021 fall Town Meeting authorizing committees to put articles on the warrant has not passed the Legislature, we want to be assured that Town Meeting can hear the Report of the Decas Steering Committee.**PETITIONER:** Jonathan Dallmeyer

Contact information: Jonathan Dallmeyer jonathan.dallmeyer@gmail.com phone: (413) 446-5424

We, the following citizens, petition the Board of Selectmen to place the above article to let the body hear the Decas Steering Committee report on the Fall Town Warrant.

<u>No</u>	<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>	<u>Precinct</u>
1		Jonathan Dallmeyer	509 Main St	5 ✓
2		Diane Kenney	10 Old Woods Rd	6 ✓
3		Missy Dzickel	185 Onset Ave	2 ✓
4		Joan Kinniburgh	48 West Blvd	3 ✓
5		James M. White	2526 Cranberry Hwy	4 ✓
6		Judith McGrassi	34 Church Ave G12	6 ✓
7		John Santogal	34 Church Ave B11	6 ✓
8		Jared Frederick	12 Morse Ave	5 ✓
9		John Frederick	12 Morse Ave	5 ✓
10		Linda Jackson	14 Morse Ave	5 ✓
11		Hanna Gonzalez	8 Boysenberry Rd	6 ✓
12		DON DOWLING	8 Boysenberry Rd	6 ✓

RECEIVED

SEP 20 2022

Town of Wareham  
BOARD OF SELECTMEN

We, the following citizens, petition the Board of Selectmen to place the above article to body hear the Decas Steering Committee report on the Fall Town Warrant.

(continued from pg. 1)

WAREHAM TOWN CLERK  
2022 SEP 20 PM 3:25

No	Signature	Printed Name	Address	Precinct
13	<i>Sharon Thurston</i>	SHARON THURSTON	26 IYI ST WAREHAM MT	3 ✓
14	<i>Sharon Frank</i>	SHARON FRANK	WEST WAREHAM, NH	4 NO address
15	<i>May Jo Cicerone</i>	MAY JO Cicerone	22 Depot St	6 ✓
16	<i>G. Taylor</i>	Gary Taylor	15 Warrisa Ave	2 ✓
17	<i>Dorothy R Case</i>	DOROTHY R CASEY	25 JUNIPER ST	3 ✓
18	<i>Laura Jo Ullian</i>	Laura Jo Ullian (Ullian)	12 State St. #7L 02538	3 ✓
19	<i>W. Fredrick Engas</i>	W. Fredrick Engas	48 West Blvd	3 ✓
20	<i>Leslie Edwards Davis</i>	Leslie Edwards Davis	8 Trinity Lane	1 ✓

21 *Kathleen M. Pappalardo* KATHLEEN M. PAPPALARDO 87 Fearing Hill Rd 5 ✓

RECEIVED




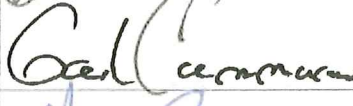


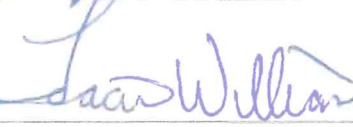
SEP 20 2022

Town of Wareham  
BOARD OF SELECTMEN

We, the following citizens, petition the Board of Selectmen to place the above article to let the body hear the Decas Steering Committee report on the Fall Town Warrant.

WAREHAM TOWN CLERK  
2022 SEP 20 PM3:26

(continued from pg. 1)

<u>No</u>	<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>	<u>Precinct</u>
22		Nancy McHale	87 Fearing Hill Rd W. Wareham, MA 02576	5 ✓
23		Annie Hayes	52 Farmeis Lane W. Wareham	5 ✓
24		Dominic Cummings Sr.	22 West Blk onset MA. 02558	3 ✓
25		Gail Cummings	22 West Blk onset MA 02558	3 ✓
26		MARCIA Campbell	19 Parker Dr Wareham, MA 02571	1 ✓
27		JAMES F. CAMPBELL	19 PARKER DR. Wareham, MA 02571	1 ✓
28		Tracie Williams	138 Glen Charlie Rd E Wareham	6 ✓



## **APPENDICES**

Dept & Rank	DESCRIPTION	FY2023	FY2024	FY2025	FY2026	FY2027	EXTRA ORDINARY
<b>Board of Health</b>							
1'23	vehicle - pickup/suv	40000					
1'25	vehicle - pickup/suv			40000			
1'27	vehicle - pickup/suv					40000	
<b>Total BO Health</b>		<b>40000</b>	<b>0</b>	<b>40000</b>	<b>0</b>	<b>40000</b>	
<b>EMS</b>							
F21	<b>*New Ambulance (3 yr lease) (100k)</b>						
1'24	New Ambulance (3 yr lease)		110000	110000			
1'26	New Ambulance				300000		
<b>Total EMS</b>		<b>0</b>	<b>110000</b>	<b>110000</b>	<b>300000</b>	<b>0</b>	
<b>Natural Resources</b>							
F17	*dog park (apply for 180k grant)(20k)						
F19	*shangri-la playground (220k)						
F19	*westfield soccer fields (40k)						
SS21	*animal control officer vehicle (70k)						
F21	*replace parking kiosks (11) (110k)						
F21	*onset pier survey (188k)						
F21	*swift beach playground (250k)						
SXS22	*little harbor land and equipment (2.6m)						
SS22	*mobility mats (60k)						
1'24	2 patrol vehicles 3/4 ton 4X4 w/equipment		150000				
2'24	Onset pier renovation engineering		660000	200000	200000		
3'24'	engineering Tempest Knob boat ramp		65000				
1'25	replace patrol boat 25'			450000			
1'26	non certified harbor plan				65000		
1'27	besse park pier renovations (fy27)					495000	
2'27	work boat/motor replacement					92000	
3'27	dredging Tempest Knob boat ramp					500000	
future	renovate Onset pier						11.0M
<b>Total Natural Resources</b>		<b>0</b>	<b>875000</b>	<b>650000</b>	<b>265000</b>	<b>1087000</b>	<b>10.0M</b>
<b>Wareham free Library</b>							
SS22	*roof (580k)						
2'24	hvac		400000				
3'24	gutters		16000				
1'25	carpeting			39100			
<b>Total Library</b>		<b>0</b>	<b>416000</b>	<b>39100</b>	<b>0</b>	<b>0</b>	

Dept & Rank	DESCRIPTION	FY2023	FY2024	FY2025	FY2026	FY2027	EXTRA ORDINARY
<b>Inspection Services</b>							
SS21	*vehicle - SUV(20k)						
1'23	3 toyota hybrids rava 4 le	100000					
<b>Total Inspection Services</b>		<b>100000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>IT-Systems</b>							
F19	*2 vertial servers (380k)						
1'23	Computer/Peripheral/Firewall/ Switch replacements	50000					
2'23	gps tracking	20000					
3'23	video surveillance - library	24000					
4'23	move town hall to decas school	300000					
1'24	Computer/Peripheral/Firewall/ Switch replacements		50000				
2'24	cloud - cyber vault backup		35000				
3'24	police body cam #1		116200				
1'25	Computer/Peripheral/Firewall/ Switch replacements			50000			
2'25	police body cam #2			116200			
3'25	police-record/dispatch software			200000			
4'25	move police to town hall			300000			
5'25	Document mgmt systems			40000			
1'26	Computer/Peripheral/Firewall/ Switch replacements				50000		
2'26	police body cam - #3				116200		
1'27	Computer/Peripheral/Firewall/ Switch replacements					50000	
2'27	virtual server replacement					300000	
<b>Total IT-systems</b>		<b>394000</b>	<b>201200</b>	<b>706200</b>	<b>166200</b>	<b>0</b>	
<b>Municipal Maint.</b>							
ongoing	LED street lights	50000	50000	50000	50000	50000	
F21	*2- 1 ton 3500 rack body truck/ plow (180k)						
2'23	chipper box truck	125000					
3'23	leaf vac	90000					
1'24	Mechanical/vac Sweeper		250000				
2'24	185 cfm compressor		25000				
1'25	10 wheeler			250000			
2'25	wacker sidewalk machine			85000			
3'25	low bed trailer			45000			
4'25	4500 service truck			80000			
1'26	l ton truck 3500 with plow				65000		
2'26	1 ton truck 3500 with plow				65000		
3'26	park mower				45000		
4'26	6 wheeler class 8 with plow				225000		

Dept & Rank	DESCRIPTION	FY2023	FY2024	FY2025	FY2026	FY2027	EXTRA ORDINARY
1'27	6 wheeler class 8 with plow					225000	
2'27	2500 truck with plow					60000	
3'27	material stacker					90000	
<b>Total Municipal Maintenance</b>		<b>265000</b>	<b>325000</b>	<b>510000</b>	<b>450000</b>	<b>425000</b>	
<b>Police</b>							
S18	*police radio project (159k)						
F19	* 2 atvs (25k)						
F19	*radio repeaters and mobil radios (50k)						
F19	*3 cruisers (149k)						
F19	*study/design safety complex (165k)						
F20	*safety - ballistic vests/radio equipment/tasers(98.5k)						
ongoing	Cruiser Replacement (capital lease)		170000	170000	170000	170000	
ongoing	operational equipment (tasers&mobil radios&portable radios& defibrillators,computers)		38500	38500	38500	38500	
1'23	utility vehicle - gator	28000					
2'23	police body cameras	350000					
F21	*firearms/ecw and equipment (55k)						
F21	*unmarked cruiser (40k)						
F21	*radio equipment (50k)						
F21	*2 police cruisers (130k)						
1'24	parking lot refurb		100000				
2'24	perimeter fencing		40000				
3'24	new station - study and drawings		150000				
future	Construction of Safety Complex - Police						9.0M
<b>Total police</b>		<b>378000</b>	<b>498500</b>	<b>208500</b>	<b>208500</b>	<b>208500</b>	<b>9.0M</b>
<b>Town Bldgs</b>							
SS18	* tremont freight building (200k)						
F18	*tremont nail soil clean up (1.4m)						
F19	* replace Onset bandshell (333k)						
F21	*auditorium ceiling (40k)						
F21	ms4 compliance (100k)						
SS22	*hammond school roof (324k)						
SS22	*msc front roof (664k)						
1'23	3 vehicle charging stations	30000					
2'23	library and hammond building evaluations	100000					
5'23	Hammond school siding	320000					
4'23	police station restoration	530000					
6'23	msc front hvac	250000					
1'24	rebuild Center Cemetery building		90000				
2'24	resurface town hall/multi -service lots		200000				
3'24	ms4 compliance		25000				
1'25	new mmd office building			500000			

Dept & Rank	DESCRIPTION	FY2023	FY2024	FY2025	FY2026	FY2027	EXTRA ORDINARY
2'25	install fire alarms in town hall			80000			
3'25	replace 3 roofs at Tremont nail factory			450000			
4'25	update fire system at Tremont nail factory			400000			
5'25	ms4 compliance			25000			
1'26	replace boilers at town hall				250000		
2'26	replace boilers at msc				250000		
4'26	msc - generator upgrade				150000		
5'26	msc - elevator upgrade				50000		
1'27	Everett school restoration					400000	
2'27	West Wareham school restoration					400000	
future	Parker Mill dam						1.0M
future	Elm St bridge						.7M
future	Tremont Dam						1.5 M
<b>Total Town Bldgs</b>		<b>1100000</b>	<b>315000</b>	<b>1455000</b>	<b>700000</b>	<b>800000</b>	<b>3.2M</b>
<b>Town Cemeteries</b>							
1'23	upgrade Agawam cemetery	35000					
2'23	upgrade Centre cemetery	55000					
1'24	Agawam land clearing and stumping		100000				
2'24	Centre land clearing and stumping		100000				
1'25	Agawam preparation for grave lots			400000			
2'25	Centre preparation for grave lots			400000			
<b>Total Town Cemeteries</b>		<b>90000</b>	<b>200000</b>	<b>800000</b>	<b>0</b>	<b>0</b>	
<b>School Dept</b>							
F18	*replace minot school (90M)						
ongoing	new vans/buses		400000	400000	400000	400000	
F21	*fire alarm system hs (280k)						
F21	*3 buses (330k)						
1'23	replace high school boiler	800000					
2'23	replace high school roof - partial	2300000					
3'23	replace high school roof - complete	5400000					
4'23	replacement 5 steel doors hs/ms	25000	25000	25000	25000	25000	
5'23	feasibility study hs boiler	75000					
6'23	feasibility study ms and hs roof	90000					
7'23	technology hs/ms	80000					
8'23	4 vans	136000					
<b>Total School Dept</b>		<b>8906000</b>	<b>425000</b>	<b>425000</b>	<b>425000</b>	<b>425000</b>	
<b>total Town Roads</b>		<b>9100000</b>					
<b>WPCF</b>							
SS20	*hynes field force main testing (150K)						

Dept & Rank	DESCRIPTION	FY2023	FY2024	FY2025	FY2026	FY2027	EXTRA ORDINARY
SS20	*clarifiers update (250k)						
SS20	*rehab wet well narrows (150k)						
SS20	*grants-narrows and lined basin (400k)						
F20	*odor control (4500k)						
F20	*denit filter (2000k)						
SS21	*2 generators(500K)						
S22	*narrows force main replacement (3m)						
S22	*ruggles install solid system (3m)						
ongoing	Generators	500000	500000	200000	200000	200000	
ongoing	rehab pump stations	550000	550000	550000	550000	550000	
ongoing	aeration tanks structure/values	500000	500000	100000	100000	100000	
ongoing	replace clarifiers	425000	425000	425000	425000	425000	
ongoing	Kettle stations pump replacements	200000	200000	200000	200000	200000	
ongoing	infra structure pipe replacement	2000000	2000000	2000000	2000000	2000000	
ongoing	repair manholes	100000	100000	100000	100000	100000	
1'23	narrows force main replacement	6000000					
2'23	headworks engineerng	2000000					
3'23	clarifier engineering	2000000					
4'23	smith st low pressure engineering	2000000					
5'23	ground water discharge evaluation	115000					
1'24	scada replacement		4000000				
2'24	aeration blowers - pump stations		2000000				
3'24	sludge holding tanks all 8)		618000				
4'24	biofilter tank 5 eq basin		300000				
5'24	biofilter greaszilla building		180000				
1'25	12th street pipe replacement			1000000			
2'25	3 pump stations coastal resilience (grant 1.5m wip)			2000000	2000000	2000000	
3'25	replacement fire alarm system			150000			
4'25	aeration blowers - pump stations			2000000			
5'25	lining force mains			10000000			
1'26	septage tanks				528000		
	onset beach infra structure/collection						4M
	update plant capacity						2.5 M
<b>Total WPCF</b>		<b>16390000</b>	<b>11373000</b>	<b>18725000</b>	<b>6103000</b>	<b>5575000</b>	<b>6.5M</b>

<b>SUMMARY</b>							
total bo health		40000	0	40000	0	40000	
total EMS		0	110000	110000	300000	0	0
total natural resources		0	875000	650000	265000	1087000	11M
total library		0	416000	39100	0	0	
total inspection		100000	0	0	0	0	
total it-system		394000	201200	706200	166200	0	

## Wareham 5 Year Capital Plan Fall Town Meeting 2022 (Draft 10/15/2022)

Dept & Rank	DESCRIPTION	FY2023	FY2024	FY2025	FY2026	FY2027	EXTRA ORDINA RY
	<i>total municipal</i>	<b>265000</b>	<b>325000</b>	<b>510000</b>	<b>450000</b>	<b>425000</b>	
	<i>total police</i>	<b>378000</b>	<b>498500</b>	<b>208500</b>	<b>208500</b>	<b>208500</b>	<b>9.0M</b>
	<i>total town bldgs</i>	<b>1100000</b>	<b>315000</b>	<b>1455000</b>	<b>700000</b>	<b>800000</b>	<b>3.2M</b>
	<i>total town cementeries</i>	<b>90000</b>	<b>200000</b>	<b>800000</b>	<b>0</b>	<b>0</b>	
	<i>total school dept</i>	<b>8906000</b>	<b>425000</b>	<b>425000</b>	<b>425000</b>	<b>425000</b>	
	<i>board of health</i>	<b>40000</b>	<b>0</b>	<b>40000</b>	<b>0</b>	<b>40000</b>	
	<i>total town roads</i>	<b>9100000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
	<i>Total Town-excludes not in plan&amp; WPCF</i>	<b>20413000</b>	<b>3365700</b>	<b>4983800</b>	<b>2514700</b>	<b>3025500</b>	<b>23.2M</b>
	<i>total wpcf</i>	<b>16390000</b>	<b>11373000</b>	<b>18725000</b>	<b>6103000</b>	<b>5575000</b>	<b>6.5M</b>

# **DIVISION XIII**

## **Article 1**

### **WATERWAYS RULES**

#### **1.01 PURPOSE**

1. The Town of Wareham's Waterways Rules have been established in order to provide efficient utilization of harbor areas, to improve the safety of moored vessels, and to provide adequate space for the enjoyment of all the users of the harbors. This will be done by controlling the placement of moorings, establishing standards for mooring tackle, and by establishing regular, systematic mooring inspections.

#### **1.02 DEFINITIONS**

Boat or Vessel – Includes every description of water craft, including seaplanes and personal watercraft, when navigating or moored on the water, used or capable of being used as a means of transportation on the water, whether propelled by power, sail, or manually

CMR - Code of Massachusetts Regulations

Dinghy - Any vessel whose primary purpose is to travel to and from a larger vessel.

Dinghy Dock - Any structure built out into the water for use as a landing place limited to Dinghies.

Dinghy Rack – Any structure built on land for use as a storage place limited to Dinghies

Diver – Any swimmer using snorkel tubes, self-contained underwater breathing apparatus, or other diving equipment, also see SCUBA.

Great Ponds – Any pond or lake that contained more than 10 acres in its natural state. Great Ponds that once measured 10 acres or greater in their natural state, but which are smaller now, are still considered great ponds.

Harbormaster – This will mean the Harbormaster, or designees, duly empowered by the General Laws of the Commonwealth and appointed by the Board of Selectmen.

Harbor Service Permit – An annual permit issued by the Harbormaster for an assigned mooring location with or without a vessel, vessel at a slip or dock whether commercial or private, a temporary float or raft, or outhaul mooring.

Headway Speed-The slowest speed at which a motorboat may be operated and maintain steerage, but not to exceed 6 MPH.

Houseboat- A boat that has been designed or modified to be used primarily as a dwelling or home.

Immediate Family Member – Spouse and children.

Kayak Rack – Any structure built and placed on land by the town to store kayaks by permit.



Landing - A location for loading or unloading passengers or equipment from a vessel, including vessel launch ramps.

LOA- Length Overall.

MGL - Massachusetts General Laws.

Mooring - Any semi-permanent anchorage installation, consisting of a heavy anchor, a mooring buoy, and a pennant.

Mooring Buoy - A buoy marking a mooring within the guidelines of the Waterways Rules.

Mooring Inspector - An appointment by the Harbor Master to assist the Harbor Master in the inspection of mooring equipment.

Outhaul Mooring - A line or other device by which an object is secured in place seaward of the Mean High Water (MHW) line.

Pennant - The line by which a vessel is made fast to the mooring buoy.

Personal Watercraft - Includes every description of watercraft propelled by an internal combustion engine commonly referred to as "jet skis" and watercraft shaped like a surfboard propelled by the wind, commonly referred to as "wind surfers".

Person - Will include individuals, corporations, societies, associations, partnerships, agencies, and trusts.

Pier - Any structure built out into the water for use as a landing place.

SCUBA - Any Self -Contained Underwater Breathing Apparatus. A diving apparatus with compressed air tanks for breathing underwater.

Steerage-The action of steering a boat or vessel.

Tender-See dinghy.

Vessel- See Boat

Wake - The disturbed water that any vessel leaves astern.

Winter Stick - A winter mooring marker.

### **103.0 HARBOR SERVICES PERMIT GENERAL RULES, MOORING SPECIFICATIONS, HARBOR SERVICE PERMIT RENEWALS, MOORING SPECIFICATIONS, HELICAL ANCHOR, MOORING CHAIN, CHAIN SPECIFICATIONS, PENNANT SPECIFICATIONS**

#### **103.1 HARBOR SERVICES PERMIT GENERAL RULES**

1. No person will keep any vessel within the waters of the Town of Wareham, held by mooring or dock, without first obtaining a Harbor Service Permit from the Harbormaster. This will

- include all personal watercraft. No vessel may be anchored in the waters of Wareham for more than six (6) consecutive days without a Harbor Service Permit. Anchoring will be prohibited within all designated mooring areas. Anchorage will be at the discretion of the Harbormaster.
2. There will be a fee for the Harbor Service Permit assessed annually, with such fee or fees being established by the Board of Selectmen in accordance with Massachusetts General Laws, Chapter 40, Section 22F.
  3. The Town of Wareham Department of Natural Resources will bill each Harbor Service Permit holder, indicating the due date of the fee. The invoice will be payable in full within 30 days.
  4. The Harbormaster will issue a Harbor Service Permit decal for the vessel listed on the permit and the permit decal will be displayed to identify that the annual fee has been paid. The Harbor Service Permit will be displayed on the vessel in a location that is clearly visible at all times.
  5. Applications for a new Harbor Service Permit may be obtained at the Town of Wareham Department of Natural Resources or on-line. A fee will be charged for all Harbor Service Permit applications. There will also be an annual fee for applicants to stay on the 'waiting list.' A city or town implementing 310 CMR 9.07 will not discriminate against any citizen of the Commonwealth on the basis of residency, race, religion, sex, age, disability, or other illegal distinction. Methods for mooring assignment which are appropriate include, but are not limited to, one or more of the following: 1. date of application; 2. physical characteristics of vessels, e.g., size and type; 3. purpose of vessel use, e.g., commercial vs. recreational or public vs. private.
  6. Visiting boat owners who are registered in another state are allowed to boat in Massachusetts for up to 60 consecutive days without obtaining a Massachusetts registration and title. If a vessel is kept in excess of the 60 consecutive days the vessel must obtain a Massachusetts registration and title certificate. All out of state registrations assigned to moorings and dock spaces will be submitted to the Massachusetts Department of Revenue for review of excise tax.
  7. All fees collected by the Department of Natural Resources will be deposited in a Harbormaster receipt reserved for appropriation account and to be used to defray the costs of operating the department.

#### **103.2 MOORING SPECIFICATIONS**

1. All moorings will meet the minimum standards as set forth below prior to placement. These standards are established for normal weather conditions. In the event of gale winds or stronger and/or extreme tides, it is the mooring owner's responsibility to ensure appropriate precautions are taken.
2. The Town of Wareham Department of Natural Resources realizes that mooring loads are variable, that it is impossible to say that all vessels of equal length require the same size mooring, and such standards cannot be applied to all vessels. The Harbormasters of the Department of Natural Resources reserves the right to require a vessel owner to increase the minimum mooring standard for any vessel should they feel the minimum standard would be inadequate for the vessel because of unusual design, such as but not limited to weight, windage, or draft. Furthermore, the Town of Wareham will not be held liable for any damage inflicted if a minimum standard mooring fails.

3. No permit for a mooring, float or raft may authorize unreasonable interference with the public rights to use waterways for any lawful purposes including fishing, fowling, and navigation in tidelands and Great Ponds.
4. All approved installations will require the mooring system be inspected by a town approved mooring inspector prior to placement. Once the mooring system is inspected, with the approval of the Harbormaster, the available space within the requested harbor location may be designated.
5. The Harbor Service Permit number will be permanently labeled on the mooring ball and on the winter stick for identification purposes. Any mooring ball or winter stick that is not identifiable will be considered abandoned and removed from the waterways.

### **103.3 HARBOR SERVICE PERMIT RENEWAL**

1. Harbor Service Permit invoices will be mailed annually April 1<sup>st</sup> and are due and payable by May 1<sup>st</sup>. Any Harbor Service Permit not renewed prior to May 1<sup>st</sup> will be determined past due. An additional late fee of \$75.00, (or as may be amended from time to time by the Board of Selectmen) will be added to the Harbor Service Permit invoice. Any Harbor Service Permit that is not paid by June 1st shall be considered abandoned and all mooring rights may be revoked at the discretion of the Harbormaster.

### **103.4 MOORING SPECIFICATIONS**

1. The below listed specifications are minimum standards for normal weather conditions. Under storm conditions vessels should be removed from the waterways. Unless otherwise approved by the Harbormaster, all new and replacement mooring anchors will be of the type and minimum holding application listed below:

<u>Length of</u> <u>Vessel</u>	<u>Mushroom</u> <u>Anchor</u>	<u>Pyramid</u>	<u>Helix</u>
Under 12'	75 lbs.	75 lbs.	
12' to 14'	100 lbs.	100 lbs.	
15' to 19'	200 lbs.	200 lbs.	
20' to 24'	300 lbs.	300 lbs.	
25' to 27'	500 lbs.	500 lbs.	
28' and greater	Helical mooring required.		

### **103.5 HELICAL ANCHOR**

1. Helical moorings may be used in lieu of any application. Helical moorings may only be installed by a town approved helical installer.
2. A helical mooring and eco mooring band must be used in all areas where eelgrass is present.
3. The following specifications will be considered the minimum allowable specifications of a helix mooring system.
  - A. The shaft must be a minimum of 1 1/2" thick and at least six feet in length.

- B. The shaft and helix must be of galvanized or other non-corrosive metal, such as stainless steel.
- C. The shaft must be designed to allow the bottom chain to swivel around the shaft and to be replaced when necessary.
- D. There will be a minimum of 2 helixes attached to each shaft with the lower helix being a minimum of 8" in diameter and the top helix being a minimum of 8" in diameter.
- E. All chain and pennant specifications will remain consistent with the chain and pennant specifications.
- F. It will be the responsibility of the Mooring Installer to assure that the proper size and length helix is used according to sub-soils within a given mooring area and for the vessel to be moored.
- G. All helix moorings will be installed as close to flush with the bottom surface as possible with no more than 6" protruding above the bottom surface.
- H. All helix moorings installed will meet the manufacturer's recommended installation criteria.
- I. In the event the Harbormaster determines that a helical mooring is not appropriate to the area and is unable to meet the installation criteria set forth by the manufacturer, then the Harbormaster may permit an alternate mooring system for the vessel.

#### 103.6 MOORING CHAIN

1. All mooring chain will be manufactured of galvanized iron or stainless steel and will meet the minimum size and length specified listed below: Any/all shackle(s) used will be secured with stainless steel wire.
2. Navy / Anchor chain may be used to substitute all or a portion of the heavy chain requirements.
3. The use of Jaw Swivels and quick links are not allowed in any mooring system.
4. Concrete blocks are prohibited from being used as a form of mooring within the Town of Wareham.

#### 103.7 MINIMUM CHAIN SPECIFICATIONS

<u>Length of Vessel</u>	<u>Bottom Chain</u>	<u>Top Chain</u>	<u>Navy Chain</u>	<u>**ECO Mooring System</u>
Under 12'		3/8"	2X maximum water depth	
12' to 14'	1/2"	3/8"		
15' to 24'	5/8"	1/2"		
25' to 34'	3/4"	5/8"		
35' to 44'	1"	3/4"		
45' and greater	To be determined by Harbormaster and Installer /Manufacturer specifications			

1. \*\*In lieu of traditional chain moorings, an Elastic Environmental Mooring System may be permitted by the Harbormaster using the guidelines of the Manufacturer's Specifications. Any area identified to have eelgrass will be required to use an environmentally friendly mooring system to preserve the eelgrass.
2. The length of the heavy chain will be equal to 1.5 times the maximum depth of water at the mooring location during high tide.
3. The length of the light chain will be equal to the maximum water depth at the mooring location during high tide, except as specified above for boats under 12 feet in length.

#### 103.8 PENNANT SPECIFICATIONS

1. Pennants will be 2.5 times the distance from the water line to the bow cleat.
2. Pennants will be constructed of nylon or polyester (Dacron) rope and will be the minimum diameter as listed below:

##### Length of Vessel

15' and under	3/8"
15' to 24'	1/2"
25' to 34'	5/8"
35' to 44'	3/4"
45' to 54'	1"
55' and greater **	

\*\* - To be determined by Harbormaster and Mooring System Installer.

3. If the vessel is equipped with proper cleats a double pennant bridle is recommended for added safety. For larger vessels this may be required by the Harbormaster.
4. The use of polypropylene rope for pennants is prohibited.
5. Pennants will be periodically inspected for wear and/or damage.
6. The use of chafe gear on pennants is required and will cover an area of one foot on either side of the bow chocks.

#### 104.0 MOORING APPLICATION, WAITING LIST, PROOF OF OWNERSHIP, MOORING TRANSFERS, MOORING USE, CHANGE OF VESSEL, VACANT OR MOORING ONLY, NON-ISSUANCE OF A HARBOR SERVICE PERMIT, VOLUNTARY SURRENDER OF MOORING, HOUSEBOATS

##### 104.1 MOORING APPLICATION

1. Any person desiring to place a new mooring, mooring outhaul, float, or request to relocate an existing mooring will submit an application to the Harbormaster of the Wareham Department of Natural Resources. The application will contain such information as the Harbormaster may deem necessary.

2. A mooring application will be considered by its filing date, regardless of residency or reason for the application. The applicant will notify the Harbormaster of any changes to the application and changes must be submitted in writing. A non-refundable application fee and renewal fee will be set from time to time by the Board of Selectmen.

#### **104.2 WAITING LIST**

1. The Wareham Department of Natural Resources will maintain a waiting list for mooring space subject to the following:
2. Annually, each applicant will request in writing of the Harbormaster, prior to July 1<sup>st</sup> to remain on the waiting list. The renewal fee must accompany the request. Any application not renewed by the deadline (July 1<sup>st</sup>), will be removed from the waiting list.
3. The waiting list will be a public document and will be available for viewing.
4. The applicant at the top of the waiting list for each mooring field location list, will be assigned the next available appropriate location, as determined by the Harbormaster. If it is determined by the Harbormaster that the area is not suitable for the proposed vessel the mooring application may be denied. Suitable will mean the location has adequate water depth and scope for the vessel listed on the application.
5. Upon receiving written approval for a mooring from the Harbormaster, the applicant must accept or deny the approval within ten (10) business days. Any application approval that goes unanswered will be deemed to be declined. The Harbormaster may grant an extension of time for good cause. A request for an extension of time will be made in writing to the Harbormaster and will not exceed seven (7) days past the deadline date.
6. Upon notifying the Harbormaster, the approved applicant will have fourteen (14) days to schedule the installation of the approved mooring. If the mooring is not installed within thirty (30) days then the application will be considered declined and the space will be assigned to the next suitable application on the waiting list. The Harbormaster may grant an extension of time for good cause.

#### **104.3 PROOF OF VESSEL OWNERSHIP**

1. Proof of ownership will be submitted to the Wareham Department of Natural Resources annually with the Harbor Service Permit invoice renewal. The Harbor Service Permit holder must own the vessel using the issued permit, except for commercial/rental moorings, as described in the Waterways Rules.
2. Vessels that are co-owned must provide a notarized letter to the Harbormaster listing the Harbor Service Permit Holder as the primary owner and all additional owners. In addition, all State and Federal vessel documentation must reflect the same primary owner as the Harbor Service Permit.
3. Proof of vessel ownership must be one of the following:
  - A. For a Registered Vessel:
    - 1) A copy of the current boat registration. Expired registrations will not be accepted.
    - 2) Registration information must contain the same information as listed on the Harbor Service Permit.

B. For a Documented Vessel:

- 1) A copy of the current USCG documentation papers. Expired documents will not be accepted.
- 2) Documentation information must contain the same information as listed on the Harbor Service Permit.

C. For a boat without a motor or an unregistered vessel

- 1) A photo of the vessel will be provided
- 2) Hull Identification Number (HIN) and an etching on a piece of paper
- 3) Signed "Statement of Ownership" form issued by the Wareham Department of Natural Resources.

\*Note: if a photo of a current boat is on file already, a duplicate photo is not required.

#### **104.4 MOORING TRANSFERS**

1. Harbor Service Permits involving a mooring or outhaul are transferable only to a surviving immediate family member (Spouse or children of the Harbor Service Permit Holder.)
2. The Harbormaster may, at his discretion, transfer a mooring or outhaul permit from the holder to an immediate family member. The request for a transfer must be submitted in writing to the Harbormaster. Upon approval by the Harbormaster the transferred mooring and all associated mooring gear must be re-inspected and must meet all current mooring requirements, as determined by boat size.
3. Any increase in vessel size larger than that previously registered to the mooring must be approved by the Harbormaster.
4. Transferred moorings will be subject to all Town of Wareham Waterways Rules.
5. Vessels with a change of ownership have no entitlement to the mooring space previously assigned to said vessel.

#### **104.5 MOORING USE**

1. The Harbormaster reserves the right to move any mooring within the town's designated mooring fields or reorganize any mooring field.
2. If the Harbormaster determines that any mooring area has reached its capacity, the Harbormaster may declare that area closed to any new moorings, in the best interests of the Town.
3. No vessel assigned to a private mooring will be permitted to raft with another vessel while unattended, with the exception of tenders or dinghies.
4. The Harbormaster has the right to deny and /or prevent any vessels from rafting on a mooring if it is determined by the Harbormaster that: unfavorable weather conditions exist, that rafting may cause damage or injury, or create a navigational hazard, or violates any local, state or federal laws.
5. No person, other than the rightful owner, owner's mooring service provider, or the Harbormaster, will pull or remove or otherwise tamper with any mooring.

6. The Harbormaster may remove and dispose of any abandoned, unidentifiable or unpermitted moorings, should he determine it is the best interest of the Town of Wareham.
7. No recreational moorings will be rented or be used at any point by any vessel other than the one assigned to said mooring. Moorings found in violation may be subject to fines and the Harbor Service Permit holder's mooring rights may also be revoked.

#### **104.6 CHANGE OF VESSEL**

1. Any application for the change of a vessel from its assigned mooring must be submitted to the Harbormaster in writing prior to the change. The Harbormaster may order the removal of any vessel not assigned to a properly permitted mooring, said removal to be accomplished within 24 hours.
2. If the Harbormaster determines that the mooring is inadequate for the vessel size and/or may cause damage, injury or obstruct navigation he may order its immediate removal. The Harbormaster may contract a private tow company to remove the vessel, at the owner's expense.
3. Upon approval by the Harbormaster, the new vessel information will be in the current Harbor Service Permit holder's name and all mooring gear will be updated with the most current mooring requirements, as identified within the Waterways Rules, prior to placing the approved vessel on the mooring.
4. If the proposed vessel is determined by the Harbormaster to be inappropriate for the existing mooring location, an application for a new location will be submitted to the Wareham Department of Natural Resources. The application will be placed on the mooring waiting list as of the date it was received.
5. Having an existing mooring location does not guarantee a spot for a new vessel.

#### **104.7 VACANT MOORING / MOORING ONLY**

1. The owner of a mooring permit will notify the Department of Natural Resources regarding any mooring that will remain vacant for the current boating season. No Harbor Service Permit sticker will be issued until a boat is replaced on the mooring.
2. No mooring located within an area that has an active waiting list shall be permitted to remain vacant for more than one (1) season. Any subsequent years may not be approved. Vacancy will be subject to the Harbormaster's prior review and approval.
3. Moorings, even if vacant, shall be maintained as required by the Waterways Rules.
4. Moorings that remain in this status without the approval of the Harbormaster will be considered abandoned. The Harbormaster will order the mooring and all associated ground tackle to be removed from the waterways. The vacated location may be assigned to the next suitable application on the waiting list.

#### **104.8 NON-ISSUANCE OF ANY HARBOR SERVICE PERMIT**



1. If in the opinion of the Harbormaster any mooring, mooring outhaul, float or raft and its associated equipment are inadequate or unsafe, remains uninspected, if it will endanger other vessels, persons or property, if there is insufficient space available within the waterways to place a proposed mooring, or if it will interfere with navigable channels, no permit will be issued.

#### **104.9 VOLUNTARY SURRENDER OF MOORING**

1. A party wishing to surrender his Harbor Service Permit must notify the Harbormaster in writing.
2. The mooring holder will remove all hardware from the water within seven (7) days of notification to the Harbormaster, at the owner's expense.
3. The Harbormaster may order the removal of the mooring at the owner's expense if not removed within the allowed time frame.
4. Owners of surrendered moorings that neglect to remove the surrendered mooring, and equipment, within fourteen (14) days of the date of surrendering may be fined.
5. Any mooring that is not removed after the fourteen (14) days will be considered abandoned. The Harbormaster may remove and dispose of said mooring and gear.

#### **104.10 HOUSEBOATS**

1. No person will anchor, place on a mooring, or secure to any dock or pier a houseboat within the waters of the Town of Wareham.

### **105.0 MOORING INSTALLATION, MOORING INSPECTION, MOORING INSPECTOR, BUOY, WINTER STICKS, OUTHAULS, TEMPORARY FLOATS, RAFTS, PIERS AND DOCKS, FISH CARTS AND STAKES**

#### **105.1 MOORING INSTALLATION**

1. All new mooring installations are required to have an inspection completed by an independent mooring inspector approved by the Harbormaster.

#### **105.2 MOORING INSPECTION**

1. All existing moorings will be inspected every three years. The Harbormaster will maintain a list of approved mooring inspectors. It is recommended that the mooring holder regularly inspect mooring gear for any wear throughout the season.
2. The Harbormaster may require all moorings being inspected to be lifted for visual inspection by an approved mooring inspector to determine the condition of the mooring. In lieu of lifting moorings, the Harbormaster may allow an underwater inspection by an approved mooring inspector. The diver may be qualified, certified and approved by the Harbormaster.
3. The inspection "due date" will be listed on the yearly Harbor Service Permit renewal form. It is the responsibility of the Harbor Service Permit holder to keep the inspection current and will be completed by the listed date.

4. If a mooring goes uninspected past the listed “due date” the mooring will be deemed unusable by the Harbormaster until a satisfactory inspection is completed and submitted to the Harbormaster.
5. All moorings, outhauls, temporary floats / rafts and commercial moorings will be inspected by a Town of Wareham Approved Mooring Inspector during the following time-frames:
  - A. *New or Existing Mooring Inspection: At installation and every third year thereafter.*
  - B. *Mooring Outhaul Inspection: At installation and every third year thereafter.*
  - C. *Temporary Floats and Rafts Inspection: At installation and every third year thereafter.*
  - D. *All Commercial/Rental Mooring Inspection: At installation and every third year thereafter.*
6. Any mooring that has failed an inspection will be deemed unusable until all corrective measures are taken and a “passed” mooring inspection form is submitted to the Harbormaster by an Approved Inspector.
7. *The Harbor Service Permit holder is responsible for all expenses to correct the reason for the failed inspection report within fourteen (14) calendar days of the inspection findings.*
8. If the inspection indicates that any chain, shackles or mooring have become damaged or worn down by one-third (1/3) of the original size or more, the failed equipment will be replaced before the permit is issued.
9. No Harbor Service Permit will be renewed if the inspection is overdue or the Harbormaster has not received a “pass” inspection form.
10. All corrective measures will be completed under the guidelines of the current mooring hardware minimum requirements.
11. Any mooring that is determined to be overdue for inspection in excess of thirty (30) days will be considered abandoned. The mooring and all associated ground tackle will be removed *from the waterways at the owner’s expense and the mooring privileges will be revoked.* The vacated area may be issued to the next suitable vessel from the waiting list, determined by the Harbormaster.
12. The Harbormaster may inspect any mooring within the Town of Wareham and order its immediate replacement or repair if it does not conform to the current requirements for a mooring in the Town of Wareham.
13. Concrete blocks are not allowed as moorings.
14. A new inspection will be required for any modifications made to an inspected mooring by a certified inspector within fourteen (14) days of said changes.

### 105.3 MOORING INSPECTORS

1. The Harbormaster will maintain a list of approved Mooring Inspectors. A Mooring Inspector will demonstrate to the Harbormaster knowledge of the Town of Wareham Waterways Rules and Regulations. Applications to become a Mooring Inspector may be obtained from the Harbormaster.
2. Mooring Inspectors will abide by all Federal, State, and Local laws, rules, regulations, conditions, and lawful orders of the Harbormaster.
3. Mooring inspections will not be sub-contracted unless written permission is granted by the Harbormaster. The Mooring Inspector will assume all liability and responsibility for the mooring inspection report and certify that all work performed meets the requirements listed within the Town of Wareham Waterways Rules and Regulations.
4. Requirements to become a Mooring Inspector:
  - A. *Completed application submitted to the Harbormaster.* Any application that is determined by the Harbormaster to be incomplete will not be processed. The Harbormaster will issue a decision within thirty (30) days of when the application was received.
  - B. Minimum of one (1) year experience in mooring service work
  - C. Local knowledge of the waterways
  - D. Three business/personal references
  - E. Must have a Mooring Service Vessel or platform, as approved by the Harbormaster
5. All approved mooring inspectors offering underwater dive services will hold a current Diver's Certificate and be able to perform repairs and inspections.
6. *Mooring Inspectors will provide the Town of Wareham with a current liability insurance policy each year with a minimum of \$500,000 in Marine Operator's Legal Liability coverage.*
7. All Mooring Inspectors will submit the completed Town of Wareham inspection form within seven (7) days of completing the inspection. Incomplete mooring inspection forms will not be accepted.
8. Any approved Mooring Inspector that fails to abide by these regulations, the lawful direction of the Harbormaster, or where it is determined the inspector's actions were negligent, may be subject to fines and the removal of the inspector from the approved mooring inspector list.

#### **105.4 MOORING BUOY**

1. All mooring buoys must be spherical or conical in shape. They must be white with a blue reflective stripe/band, which is visible above the water at all times.
2. Mooring buoys must have a minimum diameter of 16" inches or large, with enough buoyancy to support the required tackle.
3. Mooring buoys must have a minimum of 40% of their volume above the surface of the water at all tidal levels.

4. Metal buoys are not permitted.
5. Mooring buoys must have the Harbor Service Permit number labeled on the buoy for identification purposes.
6. The mooring buoy must be in good, visible condition. Any mooring buoy that is partially or fully submerged will be repaired within seven (7) days of notice given by the Harbormaster. Any mooring buoy that remains in violation will be considered a navigational hazard and will be removed from the waterways at the owner's expense.

#### **105.5 WINTER STICKS**

1. Winter Sticks must be installed on every mooring before December 1<sup>st</sup>. Winter Sticks reduce the risk of mooring drag in the event of formed ice and protects the mooring gear from unnecessary and preventable wear on the chain or eco-mooring band.
2. All winter sticks must be removed prior to May 15<sup>th</sup> of each year and any mooring having a winter stick attached after June 1<sup>st</sup> will be considered abandoned.
3. Failure to update the winter stick to an approved mooring ball after June 1<sup>st</sup> will result in the removal of the mooring and the mooring privileges will be revoked.
4. No winter sticks will be set prior to September 15<sup>th</sup>. Any mooring that is not being used for the holding of a vessel will be required to have a winter stick correctly attached prior to December 1<sup>st</sup>.
5. Winter sticks must be white in color and permanently marked with the Harbor Service Permit number
6. All winter sticks must have a blue reflector or reflective tape that is visible on all sides of the winter stick.
7. Winter sticks must be attached with rope or line to the chain of the mooring. The line must be two (2) times the length of the mean high-water depth at the mooring location.
8. Mooring chain must not be suspended in the water column during wintering to prevent unnecessary wearing of the chain links.
9. Commercial Mooring Service Providers providing winter sticks must have their contact info listed on the winter stick and be subject to all winter stick rules and regulations.
10. Winter sticks must float in a vertical position at all tides and no less than eighteen (18") inches will be visible at all times above surface.

#### **105.6 OUTHAULS**

1. Other than as currently appearing on the Harbormaster's grandfathered outhaul list, no outhauls will be placed on any public beach or shoreline.
2. Applications for outhauls must be submitted in the same fashion as an application for a mooring. A written letter granting permission from the property owner must accompany the application if the applicant does not own the landward portion of the outhaul.
3. If a shoreline is owned, managed, or held by an association, a letter from the association granting permission to install an outhaul must accompany the application.
4. Private property outhauls may be transferred only with the permission of the Harbormaster

5. Vessels no greater than thirteen feet (13') LOA may be placed on an outhaul and only one vessel may utilize the outhaul.
6. Outhaul posts should be a minimum of two inch (2") galvanized pipe and must not exceed four inches (4"), or wooden equivalent. Posts must be identified by the Harbor Services Permit number assigned to the permit holder. The Harbor Service Permit number will be visible on both the seaward and the landward sides of the post.
7. Outhaul Post Locations: The landward post should not exceed a distance of two feet (2') above the Mean High Water (MHW) line and the seaward post should not exceed a depth of two and one-half feet (2.5') at Mean Low Water (MLW) or not exceed fifty (50') feet LOA from landward post to seaward post. Outer most seaward posts must be marked with blue or white reflectors or reflective tape. The seaward post will be visible at all times and not impede and/or be a navigational hazard.
8. A mushroom, Dormor/pyramid or helical mooring may be used to substitute the seaward post with the approval of the Harbormaster. A minimum mooring size will be used as defined in the Waterways Rules and Regulations.
9. Outhauls will be inspected every three year by an Approved Mooring Inspector.
10. All outhauls will be required to obtain a Harbor Service Permit and a determined yearly fee will apply.

#### **105.7            TEMPORARY FLOATS AND RAFTS**

1. In accordance with Massachusetts General Laws Chapter 91 Section 10A, the placement of temporary floats and/or rafts held by anchors or bottom moorings is subject to a permit issued by the Harbormaster. Applications may be obtained by the Harbormaster and the Harbormaster may deny any application if, in the determination of the Harbormaster, it may cause a navigational hazard, the proposed area is within an area with sensitive shellfish habitat, or may cause damage, harm or could pose a negative environmental impact.
2. All such floats or rafts must be identified with the assigned permit number affixed to the landward and open waterside of the float or raft in a contrasting color.
3. Permit numbers must be no less than three inches (3") block style lettering per digit.
4. All floats or rafts must have white or blue reflectors or reflective tape on all four sides.
5. All new and existing floats, rafts, and associated ground tackle are required to be inspected by an approved Mooring Inspector every three years.
6. Temporary floats or rafts must not be placed in any mooring field to hold vessels. (This does not include jet ski ramp style floats.)
7. Floats or rafts must not exceed 144 square feet (12' X 12' max) and will be constructed in a square with all four sides equal in size for maximum stability. Aquaculture operations will be exempt from this size regulation.
8. Permit fees will be paid annually. All fees will be reviewed by the Harbormaster. Any recommended fee change will be reviewed and established by the Board of Selectmen.

9. All temporary floats or rafts held by ground anchor must not be set prior to May 1<sup>st</sup> and must be removed prior to October 1st.
10. All approved floats must be properly insured for liability purposes and the Town of Wareham shall not be held responsible or liable for any rafts or floats causing damage, injury or death.

#### **105.8 PIER AND DOCKS**

1. Every pier and/or dock in or upon the waterways within the Town of Wareham will be licensed in accordance with applicable federal, state, and local laws and regulations.

#### **105.9 FISH CARTS AND STAKES**

1. No person shall place fish carts and/or stakes in the waters of the Town of Wareham without the approval of the Harbormaster. All carts and stakes will be plainly marked according to the law, so that they will be visible at all times.
2. Stakes shall not be placed so that they are used for mooring of any vessel.

### **106.0 MARINAS, COMMERCIAL/RENTAL MOORINGS, YACHT CLUBS**

#### **106.1 MARINAS, COMMERCIAL OR RENTAL MOORINGS, YACHT CLUBS**

1. Marinas, Commercial/Rental Moorings, and Yacht Clubs must purchase a Harbor Service Permit for each vessel located at a dock or slip as well as each mooring, regardless of vessel occupancy. Commercial will mean any dock, slip or mooring that may be used to generate revenue.
2. All vessels in commercial dockage space or on a commercial mooring will be charged the commercial Harbor Service Permit rate determined annually by the Board of Selectmen.
3. Slips, docks and moorings used by shareholders of a yacht club in which the shareholder secures their vessel shall be subject to the non-commercial Harbor Service Permit rates and rules. The Harbormaster may request documentation to make the determination of the commercial / non-commercial Harbor Service Permit fee.
4. All Commercial Moorings will have the proper federal permits. All documentation will be provided to the Harbormaster annually by July 1<sup>st</sup>.
5. The Harbormaster may provide commercial Harbor Service Permits to each Marina and Yacht Club for distribution vessels located at docks or slips and all commercial moorings.
6. The Harbor Service Permit will be displayed on the vessel.
7. All marinas, commercial moorings, and yacht club moorings must meet the minimum requirements as defined in Waterways Rules and Regulations for the size of vessel that will be assigned as a commercial mooring. All moorings must be inspected as defined in the mooring inspection process of the Town of Wareham, Waterways Rules.

8. All marinas and yacht clubs must have a Hurricane Preparedness Plan, and a copy must be provided to the Harbormaster and appropriate fire department. Both agencies must be notified immediately if any changes are made.

## **107.0 MOORINGS IN LEASED AQUACULTURE SITES, EELGRASS BEDS, SENSITIVE SHELLFISH HABITAT, CONCURRENT APPROVALS**

### **107.1 MOORINGS IN LEASED AQUACULTURE SITES**

1. Moorings may only be placed in a leased aquaculture site with written permission from the shellfish aquaculture permit holder and approval of the Harbormaster. The shellfish aquaculture holder may not remove, alter, tamper with or hinder the mooring or its intended use.
2. Written approval from the Shellfish Aquaculture holder will be submitted with the mooring application to the Harbormaster.
3. In the best interest of the intended use of a leased aquaculture site, a shellfish aquaculture holder may request an existing mooring be adjusted to a more suitable location within the leased boundaries of the aquaculture site. The shellfish aquaculture holder and mooring owner will submit the request in writing to the Harbormaster for consideration and explain the reasoning for the request.
4. Vessels must operate only at headway speed within any aquaculture site.

### **107.2 EELGRASS BEDS**

1. Any new or replacement moorings within an area determined to have eelgrass and/or is acknowledged by the most current eelgrass surveys conducted by the Massachusetts Department of Environmental Protection or the United States Army Corp. of Engineers will be required to install an environmentally friendly mooring system. This practice will reduce chain drag and minimize bottom disruption to allow healthy growth of eelgrass.

### **107.3 SENSITIVE SHELLFISH HABITAT**

1. Areas determined by the Harbormaster/Shellfish Constable to be significant to shellfish habitat will require any new or replacement moorings, outhauls, floats or rafts to utilize an environmentally friendly mooring or anchoring system to cause the least amount of impact to the shellfish habitat.
2. An application for a mooring may be denied by the Harbormaster, if it is the best interest of preserving the shellfish habitat.

### **107.4 CONCURRENT APPROVALS**

1. Any approval by the Harbormaster shall not be deemed to have waived other approvals that may be required by local, state or federal agencies.

## **108.0 SWIM LINES, PRIVATE AIDS TO NAVIGATION, NAVIGATIONAL HAZARDS, NAVIGATIONAL CHANNELS AND FAIRWAYS**

#### **108.1 SWIM LINES**

1. Swim lines are considered a Private Aid To Navigation (PATON) by the United States Coast Guard.
2. All private swim lines must maintain the proper federal permits required of a PATON.
3. No swim line may be placed on or within the Town of Wareham Waterways without the approval of the Harbormaster and the United States Coast Guard.
4. Approved swim lines must not be placed earlier than May 30<sup>th</sup> and will be remove each year before September 15th.

#### **108.2 PRIVATE AIDS TO NAVIGATION (PATON)**

1. All Aids to Navigation that are not federally maintained by the United States Coast Guard are considered Private Aids To Navigation (PATON). Any PATON placed within the Town of Wareham waterways must obtain the proper permits issued by the United States Coast Guard. A copy of the issued permit must be filed with the Harbormaster.
2. No Private Aids to Navigation are to be placed within the Town of Wareham waterways without the permission of the Harbormaster and the United States Coast Guard.
3. No vessel may tie to any Aids to Navigations or anchor/moor in a position that would hinder the view of navigating vessels.

#### **108.3 NAVIGATIONAL HAZARDS**

1. Any object placed within the waters of the Town of Wareham, which is determined by the Harbormaster *to be a navigational hazard, will be removed immediately, with or without notification.* This does not include legal and allowable fishing gear, race buoys, data collection markers or any similar equipment.

#### **108.4 NAVIGATIONAL CHANNELS AND FAIRWAYS**

1. No vessel will anchor, moor or obstruct a navigational channel or fairway.
2. No lobster pots, crab pots, eel pots, nets, seines, trawls or traps are to be set in any navigational channels or fairways at any time.
3. Towing of water-skiers or waterway recreation devices designed for being towed by a watercraft with people onboard within the navigational channels or fairways is prohibited.

### **109.0 VESSELS LEFT OF TOWN OF WAREHAM PROPERTY, BEACH, OR SHORELINE, PUBLIC DINGHY DOCKS**

#### **109.1 VESSELS LEFT ON TOWN OF WAREHAM PROPERTY, BEACHES OR SHORELINE**



1. No unattended vessel shall be left for 24 hours or more on any public property, beach or shoreline without obtaining a permit from the Harbormaster.
2. Only vessels used as tenders are permitted to be left in designated areas.
3. All permitted vessels must be placed within designated areas determined by the Harbormaster and approved by the Board of Selectmen and the Town Administrator. Vessels must not exceed ten (10'.0") LOA and the beam will not exceed (5') five feet. Permits are non-transferrable.
4. No kayaks may be kept or stored on any town property at any time when the kayak is not in use. This does not include temporary landing of kayaks that are actively being used.
5. All vessels shall display the Permit decal in a visible location.
6. The Harbormaster has the authority to determine a designated vessel area to be at capacity. A waiting list will be maintained in chronological order and additional mooring locations will be assigned using that chronological order.
7. All applicants on the waiting list shall renew their application in writing to the Harbormaster no later than July 1<sup>st</sup>. Any application not renewed by July 1<sup>st</sup> will be removed from the waiting list. An application fee shall be submitted with the application.
8. No vessel will be stored on any peat banking, marsh grass areas, sensitive wetland habitat, or grass lawn of any Town of Wareham public property.
9. No anchoring devices may be placed in or on public property without the Harbormaster's approval.
10. Vessels must be stored in a position that will prevent the collection of rainwater.
11. The Town of Wareham has the right to remove any anchoring device from public property at any time at the owner's expense.
12. All vessels approved to be on Town of Wareham property will not be placed earlier than May 1<sup>st</sup> and must be removed by October 1<sup>st</sup>. Vessels not removed will be removed from the beach and stored at the owner's expense.
13. The Harbormaster has the authority to order the removal of all vessels within 24 hours prior to any weather that may cause coastal flooding. If vessels are not removed the Harbormaster may remove and store the vessel at the owner's expense.
14. The Town of Wareham may remove any vessel left on Town property, beaches or shorelines that is determined to be a hazard to persons or property; when the property owner is unknown; the vessel is not legally permitted or if placed within an unapproved area.
15. All removed vessels will be subject to a removal and storage fee, said fee will be determined by the Board of Selectmen. Documentation must be provided for proof of ownership prior to releasing the vessel. All removal and storage fees must be paid in full prior to the Harbormaster releasing the vessel to the owner.

16. Vessels that have been removed and remain unclaimed within thirty (30) days of removal may be considered abandoned and considered property of the Town of Wareham. The abandoned property will be auctioned or disposed of by the Town of Wareham.
17. The Town of Wareham is not liable for any damages caused in the removal of any vessel.

## **109.2 PUBLIC DINGHY DOCKS**

1. Only dinghies which have a dinghy dock permit may be stored at a public floating dingy dock. The permit will only be issued to a Harbor Service Permit holder for the sole purpose of traveling to and from their vessel that is actively moored and located within the vicinity of the public dinghy dock.
2. *Dinghy Dock Permits will be billed and renewed within the same time-frame and guidelines as the Harbor Service Permit. Any Dinghy Dock Permit not renewed by May 1<sup>st</sup> may be revoked and the permit may be assigned to the next person on the waiting list.*
3. All fees will be assessed annually and may be subject to change at the approval of the Board of Selectmen.
4. The Harbormaster has the authority to determine that a public dinghy dock is at capacity. A waiting list will be maintained in chronological order and additional permits (vacant locations) will be assigned using the chronology of date application received.
5. Applicants must renew their application prior to July 1<sup>st</sup> of each year to remain on the waiting list. It is the responsibility of the applicant to keep the application current.
6. Only one dinghy dock permit will be issued to a Harbor Service Permit holder regardless of *the number of moorings held by the applicant. No Dinghy Dock Permit will be issued if the applicant's primary vessel is not actively moored.*
7. The dinghy permit decal will be placed in a location visible at all times. Any vessel not displaying the permit may be removed at the owner's expense. Dinghy dock permits are non-transferable.
8. All vessels left at a public dinghy dock must be in a good, seaworthy condition. Vessels may be checked regularly for dewatering needs.
9. The Harbormaster may remove any vessel that is determined to be in a neglected state that may cause damage or harm to the environment or other persons/property; and/or the owner fails to comply within 24 hours to the orders of the Harbormaster. Any vessel removed by the Harbormaster may be subject to removal and storage charges.
10. The Harbormaster has the right to cut or remove any device securing the dinghy.
11. All dinghies must be removed from the designated Dinghy Dock Area when the permit holder's main vessel has been removed from the water for the season. All vessels located on the dinghy docks must be removed by December 1<sup>st</sup> and must not be replaced prior to April 1<sup>st</sup> unless approved by the Harbormaster or until said permit is paid in full for the current year. Vessels not removed may be considered abandoned and removed at the owner's expense.

12. In the event of severe weather, the Harbormaster may order all vessels to be removed 24 hours prior to the anticipated severe weather event. Any vessel not removed when ordered will be removed at the owner's expense.
13. Any Harbor Service Permit holder that does not actively have a primary vessel on a mooring for the season as defined in 104.7 (Vacant Mooring / Mooring Only) must not place a dinghy for that season, unless the primary vessel is returned to the mooring. The dingy space will only be held vacant for one season. Consecutive vacant seasons on the dinghy dock will not be granted and the space will be issued to the next person on the dinghy dock waiting list.
14. Any violations of the dinghy dock rules will result in the revocation of the said dinghy dock permit. Any vacated spot will be assigned to the next applicant on the waiting list.
15. The Town of Wareham is not responsible for any lost, stolen, or damaged personal property.

## **110.0 USE RESTRICTIONS OF TOWN DOCKS, FLOATS, PIERS, LANDINGS AND SHORELINES**

### **110.1 USE RESTRICTIONS OF TOWN DOCKS, FLOATS, PIERS, LANDINGS AND SHORELINES**

1. Except in an emergency, no vessel may be "made fast" to any of the Town's public docks, floats or piers for a period of time in excess of the posted time or without the permission of the Harbormaster. No vessel may be left at any town dock overnight without the permission of the Harbormaster. Any vessel found in violation may be subject to removal by the Harbormaster at the owner's expense. In the event of an emergency, the Harbormaster shall be notified immediately if the vessel is secured to a public facility.
2. Scaling or cleaning of fish or shellfish on any of the Town's ramps, floats, piers, or docks is prohibited unless an area has previously been designated by the Harbormaster.
3. Swimming, jumping, or diving from any of the Town of Wareham boat ramps, piers, bridges, or docks is prohibited.
4. No person may leave any personal property upon any Town landing, float, pier, or dock for longer than is necessary to load or unload.
5. No "warp" or "line" shall be passed across channels or docks so as to obstruct or interfere with vessels navigating the area.
6. Except during a maritime emergency immediately affecting those aboard or others in the immediate vicinity, no vessel, unseaworthy vessel, mooring or other object will be deliberately anchored, maintained, abandoned, sunk, moored, docked or otherwise placed in the waters or along the shores within the Town of Wareham, where it might constitute a hazard. Any object in violation will be ordered by the Harbormaster to be removed or relocated. If corrective action is not taken when ordered, the Harbormaster may remove such object or relocate it at the owner's expense, in addition to any fines imposed.
7. No vessels may be left in or on any dock, float, pier or landing owned by the Town of Wareham from December 1<sup>st</sup> to April 1<sup>st</sup> without the approval of the Harbormaster. Any vessel that is not approved by the Harbormaster may be ordered to be removed. The

Harbormaster may remove any vessel that has not been removed, or when the owner is unknown or unable to be located, at the expense of the owner.

8. Vessel owners/operators will be held responsible for any damage caused by them or their vessels to any Town of Wareham property.
9. Any vessel removed by the Harbormaster that remains unclaimed after 30 days will be considered abandoned and may be disposed of by the Town of Wareham.
10. The Town of Wareham is not responsible for any lost, stolen, or damaged property left on Town of Wareham property.

## **111.0 REFUELING OF VESSEL**

### **111.1 REFUELING OF VESSELS**

1. The refueling of vessels will be in accordance with Massachusetts General Law Chapter 148, Code of Massachusetts Regulations 527 Section 15.00, and NFPA1 or by any other laws found applicable by Local Fire Departments and the Massachusetts Fire Marshal.
2. With the exception of transferring approved portable fuel tanks to open boats, no person will refuel or cause fuel to be added to any fuel tank aboard any vessel at any Town of Wareham landing, dock, beach, mooring or pier.
3. Commercial vessels operating with a dockage contract issued from the Town of Wareham at the Onset Pier or any commercial fishing vessel with proof of a current liability insurance policy that is legally moored within the Town of Wareham Waterways may be permitted to receive diesel fuel only from a properly-permitted vehicle with permission of the Harbormaster and Fire Department.
4. The owner of any properly-permitted vehicle used to refuel a vessel will have such liability insurance in the form and amount as may be required by the Town of Wareham and the Fire Department. The approved fueling vehicle will be required to carry initial spill containment equipment and will be available in the event of the discharge of fuel. Commercially approved fueling will only be allowed at Onset Pier under the direct supervision of the Harbormaster and/or Fire Department.

## **112.0 VESSEL OPERATION, VESSEL LANDING ON PUBLIC BEACH, AIRCRAFT**

### **112.1 VESSEL OPERATION**

1. No vessel will be operated at any time on the water of the Town of Wareham at a speed greater than is reasonable and proper, having regard to the lives and safety of the public; visibility; the traffic density; the maneuverability of the vessel; the state of wind, water and current; or the proximity of navigational hazards.
2. A vessel will not be operated at more than headway speed:
  - A. When the operator's vision is obscured under a bridge, around bends, curves or in any other manner.

- B. When the vessel is being operated within three hundred feet (300') of a swimming beach, unless operating in an area designated for higher speeds.
  - C. When the vessel is being operated within one hundred fifty feet (150') of a mooring, anchorage area, anchored vessel, marina, boat launching facility, floating docks, rafts or floats.
  - D. *When the vessel is operated in an area posted as a restricted speed area.*
  - E. In any inner harbor, except in areas designated for higher speeds.
3. Boat operators within sight of a diver's flag shall proceed with caution. No vessel will proceed at a speed exceeding three (3) miles per hour within a one hundred fifty-foot (150') radius of a displayed diver's flag.
4. Negligent Operation may be any or all of the following:
- A. Exceeding speed in a restricted area
  - B. Unreasonable jumping, or attempting to jump the wake of another vessel
  - C. Following within one hundred fifty feet (150') of a water skier
  - D. Weaving through congested vessel traffic
  - E. Crossing unreasonably close to another vessel.
  - F. Towing a water skier or any person or object in any manner from a Personal Watercraft.
5. Personal Watercraft will be operated at headway speed when within one hundred fifty feet (150') of a shoreline, any moored or anchored vessels, swimming areas, docks, floats or rafts.

#### **112.2 VESSEL LANDING ON PUBLIC BEACH**

- A. No vessel may land on any public bathing beach except in the event of an emergency.

#### **112.3 AIRCRAFT**

- 1. Seaplanes, float planes, or aircraft adapted to water will only be allowed to operate from or upon waterways in the Town of Wareham that are approved by the FAA as a suitable landing site, or in the event of an emergency. The Harbormaster will be notified prior to the scheduled takeoff or landing of any seaplane or aircraft adapted to water. All No Wake/Headway Speed areas must be adhered to.

### **113.0 MULTI-USE AREAS, RECREATION DEVICES DESIGNED FOR BEING TOWED, INFLATABLE TRAMPOLINES, SAILBOARD & KITEBOARDS, SPEED, VESSEL RAFTING, DIVERS**

#### **113.1 MULTI-USE AREAS**

1. The Town of Wareham has designated the following multi-use recreation areas.
  - A. Sunset Cove - An area in the center of Sunset Cove, excluding all mooring areas
  - B. Wareham River - excluding mooring areas
  - C. Onset Bay - An area south of an imaginary line between Onset Island and Wickets, excluding the mooring areas and buoyed navigational channel.
  - D. Broad Cove – Designated No Wake / Headway Speed Area

#### **113.2 RECREATON DEVICES**

1. Recreational activities involving persons being towed behind a vessel must operate in a safe and prudent manner.
2. Recreational activities involving persons being towed are prohibited within one hundred fifty feet (150') of bathers, divers, piers, floats, docks, rafts, moored or anchored vessels or within mooring fields. The tow vessel will be responsible for its wake and will abide by all Federal, State and Local laws, rules and regulations.
3. Recreational activities involving persons being towed are prohibited from all navigational channels and fairways except for crossing, when safe to do so.
4. Recreational activities involving persons being towed are subject to all regulations within areas defined as Multi-Use Areas.
5. The Town of Wareham considers recreational activities involving persons being towed behind a vessel to be a dangerous recreational activity that should only be attempted within strict compliance with Massachusetts General Law Chapter 90B and all other applicable Federal, State and Local laws and requirements.
6. Recreation activities, including water skiing within the inner-harbor areas, is limited to multi-use areas.

#### **113.3 INFLATABLE WATER TRAMPOLINES**

1. Inflatable water trampolines may only be placed with the permission of the Harbormaster.
2. Inflatable water trampolines must be removed when not in use or during weather events where the inflatable water trampoline may break free, or cause a navigational hazard.
3. Any inflatable water trampoline not removed when ordered to be removed may be removed by the Harbormaster at the owner's expense.

#### **113.4 SAILBOARDS/KITEBOARDS**

1. Sailboards and kiteboards must be operated at a safe distance away from any swimming

area, pier, dock/float, mooring area, or moored vessels.

2. Sailboards and kiteboards may not be operated within marked channels or fairways except for direct crossing when it is safe to do so.

#### **113.5        SPEED**

1. No person will operate any vessel in excess of speed limits posted by the Harbormaster or as defined in the Massachusetts General Laws. For the purpose of enforcement, areas posted as “Slow No Wake” and/or “5 MPH” will mean that the vessel will be operated at no greater speed than headway speed. Headway speed will be the slowest speed at which a vessel may be operated to maintain steerage, but in no case should this speed exceed five miles per hour (5 MPH).
2. The Harbormaster has the authority to extend restricted speed area at any time in the best interests of public safety.
3. The Harbormaster may recommend new designated speed restrictions on any body of water within the Town of Wareham with the approval of the Board of Selectmen or within the guidelines of a speed restriction determined by Massachusetts General Laws.

#### **113.6        RAFTING OF VESSELS**

1. Rafting of vessels may be permitted under good weather conditions and with adequate scope and anchors deployed.
2. Rafted vessels must not be left unattended
3. The Harbormaster may reduce the number of vessels rafted or order the vessels to anchor separately at any time.
4. Vessels must not raft on moorings if the Harbormaster has determined the mooring is not adequate for an additional vessel, or it might cause damage to surrounding vessels.

#### **113.7        DIVERS**

1. No person shall dive within the waters of the Town of Wareham without displaying an “Alpha” or red and white diver’s flag which is clearly visible within a radius of three hundred feet (300’).
2. No diver shall be further than one hundred feet (100’) from the diver’s flag at any time while at or under the surface of the water.
3. No person shall dive within any navigational channels within Wareham’s waterways without notifying the Harbormaster.

### **114.0                FRESH WATER PONDS, GREAT PONDS, LAKES AND RIVERS,                              RULES, AND OPERATION**

#### **114.1                FRESH WATER PONDS, GREAT PONDS, LAKES AND RIVERS, RULES AND                              OPERATION**

1. The use of internal combustion engines of more than ten (10) horsepower is prohibited on Blackmore Pond, Horseshoe Mill Pond, Tremont Pond and all waterways less than thirty (30) acres in size.
2. The use of internal combustion engines of more than fifty (50) horsepower is prohibited on Spectacle Pond (Pine Lake) and Dick's Pond (Silver Lake).
3. All *moorings, floats, rafts or docks in or upon any pond, lake or river* will have a permit issued by the Harbormaster in accordance with M.G.L. Chapter 91 Section 10A and will meet all requirements within the Waterway Rules and Regulations.
4. All vessels operating in or upon any pond, lake or river will abide by all Federal, State and local laws, rules and regulations.

## **115.0 COMPATIBILITY WITH OTHER GOVERNMENTAL REGULATIONS, ENFORCEMENT, PENALTIES**

### **115.1 COMPATIBILITY WITH OTHER GOVERNMENTAL REGULATIONS**

1. Nothing contained herein will be held or construed to supersede or conflict with, or interfere with, or limit jurisdiction of the United States Government or the Commonwealth of Massachusetts, or limit or conflict with their laws and/or regulations.
2. Commonwealth of Massachusetts Regulations, such as, but not limited to, the most current version of Chapter 90B, including other referenced Regulations, are a part of the Town of Wareham Waterways Rule by reference.

### **115.2 ENFORCEMENT**

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1. The provisions of these regulations will be enforced by the Harbormaster, Assistant Harbormaster, Deputy Harbormaster, Natural Resource Officer or any Wareham Police Officer.

### **115.3 PENALTIES**

1. The Harbormaster, Assistant Harbormaster, Deputy Harbormaster, Natural Resource Officer and any Police Officer of the Town of Wareham, hereinafter referred to as the enforcing officer(s), taking cognizance of a violation of a specific by-law, or rule which he is empowered to enforce, as an alternative to initiating criminal proceedings, may elect to give to the offender a written notice to appear before the clerk of the Wareham District Court at any time during office hours, not later than twenty-one (21) days after the date of such notice.
2. Such notice will be in triplicate and will contain the name and address, if known, of the offender, name or number of the vessel, if appropriate, the specific offense charged, and the time and place for his required appearance. Such notice will be signed by said officer and also signed by the offender acknowledging receipt, if practicable, in accordance with MGL Chapter 40 Section 21D (Non-Criminal Disposition of Violations)
3. The penalty for each violation of such rules will be:



A. First Offense	\$50.00
B. Second Offense	\$100.00
C. Each Subsequent Offense	\$300.00

3. Each day of violation will constitute a separate offense.

## **116.0 SEVERABILITY CLAUSE**

### **116.1 SEVERABILITY CLAUSE**

1. In the event that any provisions, sections or clause of these rules is hereafter found to be invalid, such invalidity will not affect the validity of the remaining portions of these rules.

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Sections with no annotation may have been rewritten or added to for clarification

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## **Current Boat Regulations adopted 1999**

Found in Town of Wareham By-laws Div !V , Article 1, sections 2, 2A, 2B

Listed Under Boat Regulations, and Marina/Boat yard operation

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Piers and docks

Bridges

Channels and fairways

Aids to navigation

Personal Watercraft

Compatibility with other governmental regulations

Enforcement

Penalties

Severability clause

AMENDED AND RESTATED AGREEMENT  
CARVER MARION AND WAREHAM  
REGIONAL REFUSE DISPOSAL DISTRICT

The Towns of Carver and Wareham hereby amend and restate in full that certain agreement entered into by them and the Town of Marion on February 7, 1973, as amended and restated in April 1995, by which they established and affirmed the Carver, Marion, Wareham Regional Refuse District (the "District"); and as further amended in September 2020 by agreement between the District and the Town of Marion for that town's withdrawal from the District, that agreement for Withdrawal of the Town of Marion attached hereto as Appendix A, and made a part of this Agreement; intending hereby to supersede those agreements and all previous amendments to those agreements.

SECTION I -THE REGIONAL REFUSE DISPOSAL DISTRICT  
COMMITTEE

(A) *Composition*

The powers and duties of the Regional Refuse District shall be vested in and exercised by a Regional Refuse Disposal District Committee, hereinafter sometimes referred to as "the Committee" which consist of three members from each of the member towns. All appointments to the Committee shall be made by the Boards of Selectmen of each member town. All members of the Committee shall serve until their successors are appointed and qualified.

(B) *Membership*

In every year in which the term of office of a member expires, the member Town involved shall appoint one member to serve on the Committee for a term of three years from May 1 of the year in which the appointment is required to be made.

(C) *Vacancies*

If a vacancy occurs among the members appointed under subsection I (B), the member Town involved shall, within thirty days after such vacancy occurs, appoint a member to serve for the balance of the unexpired term.

Any member wishing to resign from the Committee shall file with the Committee a written notification of resignation with a copy thereof to the Board of Selectmen and the Town Clerk of the Town which he represents. No vacancy shall exist by resignation without compliance with the above provision.

(D) *Organization*

At its first meeting in a calendar year, the Committee shall organize and choose by ballot a chairman from among its own membership.

The Committee shall (i) appoint a treasurer and secretary, who may be the same person, but who need not be members of the Committee, (ii) choose such other officers as it deems advisable, (iii) determine the terms of office of its officers (except the chairman, who shall be elected as provided above) (iv) describe the powers and duties of any of its officers, and (v) fix the time for its regular meetings and provide for the calling of special meetings.

(E) *Powers and Duties*

Except as limited by the terms of this Agreement, including the limitation on the functions of the District as set forth in Section II, the Committee shall have all the powers and duties conferred and imposed upon regional refuse disposal district committees by law and conferred and imposed upon it by this Agreement, and other additional powers and duties as are specified in sections 44A and 44K inclusive of Chapter 40 of the

General Laws and any amendments thereof or additions thereto, now or hereafter enacted, or as may be specified in any other applicable general law or special law.

(F) *Quorum*

The quorum for the transaction of business shall be a majority of the Committee, but a number less than a majority may adjourn.

SECTION II - REGIONAL REFUSE DISPOSAL FACILITIES

The District is the licensed operator of the Carver, Marion, Wareham Regional Landfill located in Carver, Massachusetts.

The District owns a transfer station and public convenience facility located on Route 28, Cranberry Highway, Rochester, Massachusetts. From time to time, the District, acting through the Committee, may lease the transfer station or assign the operation of the transfer station to a third party, including, but not limited to, a member Town of the District.

In addition to those functions that the Committee may adopt from time to time, the principal ongoing functions of the District shall be the maintenance and monitoring of the Carver Marion Wareham landfill located in Carver, Massachusetts; the maintenance of insurance coverage to protect the District and its member towns from liability for environmental claims relating to that landfill; the payment of the ongoing salaries and benefits of current employees, and the pensions and related benefits of former employees; the disposal of assets; and other functions necessary to effect the winding-down of the District's former waste disposal activities.

### SECTION III - APPORTIONMENT AND PAYMENT OF COSTS

#### (A) *Apportionment of Costs*

Operating costs shall be apportioned equally among the member towns and charged annually.

#### (B) *Times of Payment of Apportioned Costs*

Each member Town shall pay to the District in each fiscal year its proportionate share, certified as provided by subsection IV (B) of the capital and operating costs. The annual share of each member Town shall be paid in such amounts and at such times that at least the following percentages of such annual share shall be paid on or before the dates indicated, respectively:

July 10	25%
October 10	50%
January 10	75%
April 10	100%

### SECTION IV - BUDGET

#### (A) *Tentative Annual Budget*

The Committee shall annually prepare a tentative budget for the ensuing fiscal year, attaching thereto provisions for any installment of principal or interest to become due in such fiscal year on any bonds or other evidence of indebtedness of the District and any other capital costs to be apportioned to the member towns. The Committee shall mail a copy thereof to the Chairman of the Board of Selectmen and the finance or advisory committee, if any, of each member Town on or before November 15<sup>th</sup> in such Town on or before November 15<sup>th</sup> in such detail as the Committee may deem advisable.

(B) *Final Operating and Maintenance Budget*

The Committee shall adopt an annual operating and maintenance budget, including debt and interest charges and any other current capital costs as separate items, on or before December 21<sup>st</sup> for the ensuing fiscal year and the Committee shall apportion the amounts necessary to be raised in order to meet the said budget in accordance with the provisions of Section III. The amount so apportioned to each member Town shall, prior to December 31<sup>st</sup> of each year preceding the fiscal year to which said budget relates, be certified by the district treasurer to the treasurer of such towns, and such towns shall, at the next annual meeting, appropriate the amounts so certified.

(C) *Stabilization Accounts*

Commencing with the first fiscal year of this Agreement, the Committee shall establish and fund an account in the amount of \$150,000.00 to pay for post-employment benefits, including health insurance, for retirees. These accounts shall be maintained from year to year, and the funds therein shall be spent-down, to pay only for post-employment benefits, including health insurance, for retirees. None of the funds in the account shall be used for any other purpose, and none of those funds shall be distributed to the member towns pursuant to Section VIII, until all retiree obligations have been met, and no further retiree obligations are anticipated. Except as provided herein these accounts shall be subject to all applicable laws.

(D) *Long Term Financial Planning*

The Committee shall prepare and maintain, and shall annually review and up-date, an analysis of expected assets and liabilities for the then following five year period, and may supplement that analysis to cover such longer time periods as the Committee may deem appropriate. In the event the Committee determines that there will be no additional expenses beyond the five-year period, the Committee will so state and enumerate the reasons for such a determination.

## SECTION V - AMENDMENTS

### (A) *Limitation*

This Agreement may be amended from time to time in the manner herein-after provided, but no such amendment shall be made which shall substantially impair the rights of the holders of any bonds or other notes or other evidence of indebtedness of the District then outstanding, or the rights of the District to procure the means for payment thereof.

### (B) *Procedure*

Any proposal for amendment may be initiated by a vote of a majority of all members of the Committee. The secretary of the Committee shall mail or deliver a notice in writing to the Board of Selectmen of each of the member towns that a proposal to amend this Agreement has been made and shall enclose a copy of such proposal. Such amendment shall take effect upon its acceptance by all the member towns, acceptance by each Town to be by a majority vote of the Board of Selectmen.

## SECTION VI - FISCAL YEAR

Except as may otherwise be provided by law, the fiscal year of the District shall be the same as the fiscal period of the member towns and the word "year" or "fiscal year" as it relates in this Agreement to a fiscal or budget period shall be the fiscal year of the District. If the fiscal year of the District shall be other than the calendar year, the dates on or before which the respective percentages of the annual share of each member Town shall be paid as provided in subsection III (F) shall be adjusted so that not less than 25% thereof shall be paid not later than the tenth day of the first month of such fiscal year, 50% shall be paid not later than the tenth day of the fourth month of such fiscal year, 75% shall be paid



not later than the tenth day of the seventh month of such fiscal year and 100% shall be paid not later than the tenth day of the tenth month of such fiscal year.

## SECTION VII - INCURRING OF DEBT

Within seven days after the date on which the Committee authorizes the incurring of debt, other than temporary debt in anticipation of revenue to be received from member towns, the said Committee shall cause written notice of the date of said authorization, the sum authorized and the general purpose or purposes for authorizing such debt, to be given to the Board of Selectmen of each member town. The notice for which provision is herein made shall be deemed to have been duly given to a Board of Selectmen of a member Town if delivered to the Chairman of said Board or, if mailed, by registered or certified mail within the time specified, postage prepaid and addressed to the Chairman of said Board at the Selectmen's office or at his last, known permanent address in such Town. Within 180 days after the date on which the Committee authorized the incurring said debt, each member Town shall hold a Town meeting for the purpose of expressing approval or disapproval of the amount of said debt and, if at such Meeting a majority of the voters present and voting thereon express disapproval of the amount authorized by the Committee, the said debt shall not be incurred and the Committee shall thereupon prepare another proposal which may be the same as any prior proposal and an authorization to incur debt therefor.

## SECTION VIII - DISTRIBUTION TO MEMBER TOWNS

### (A) *Distribution to Member Towns*

Upon a determination by the Committee that there will be no future operational costs beyond those anticipated for the then current fiscal year, the

Committee shall distribute all surplus cash to the member towns. For the purpose of this paragraph surplus cash shall mean cash on hand in excess of the amount needed to pay anticipated costs for the then current year. Any distribution authorized under this Section VIII must be approved by a vote of two thirds (2/3) of the members of the Committee, including an affirmative vote of approval by at least one member from each of the member towns.

(B) *Distribution of Cash*

Cash distributions shall be apportioned to the member towns in the ratios that their respective total equalized tax valuations, averaged over the last five full years prior to the date of distribution, bear to each other.

(C) *Charges Against Distribution*

In the event a member Town has failed to pay any amount due under the provision of Section III (F) a distribution under this provision will first be credited toward the amount owed to the District by that member town.

## SECTION IX - SALE OF SURPLUS SUPPLIES OR REAL PROPERTY

(A) *Sale of Surplus Supplies*

The Committee may from time to time determine to sell surplus supplies. The Committee shall first offer to sell any such surplus supply to the member towns. Any member Town may buy such supply at a price established by generally accepted appraisal methods. In the event more than one of the member towns wishes to purchase a surplus supply the Committee shall receive sealed bids from those member towns and shall sell such supply to the Town submitting the highest bid which equals or exceeds the appraised value. The terms of payment by a purchasing Town shall be determined by agreement between the Committee and that town, and may include payment

over time, and the payment due may be carried as a charge to be made against future disbursements payable by the District to the purchasing town.

*(B) Sale of Real Property*

The Committee may from time to time determine to sell real property. The Committee shall first offer to sell any such real property to the member towns. The price for such property shall be the average of the values determined by two independent appraisals using generally accepted appraisal methods. Any member Town may buy such real property at that price. In the event more than one of the member towns wishes to purchase the real property the Committee shall receive sealed bids from those member towns and shall sell such real property to the Town submitting the highest bid which equals or exceeds the appraised value. The terms of payment by a purchasing Town shall be determined by agreement between the Committee and that town, and may include payment over time, and the payment due may be carried as a charge to be made against future disbursements payable by the District to the purchasing town.

SECTION X - DISSOLUTION

The Committee may at any time determine to petition the legislature to dissolve the District provided that such petition shall be approved by a vote of two thirds (2/3) of the members of the Committee, and that such petition for dissolution will provide that (i) liability for the on-going obligations of the District shall be apportioned to the member towns in the same proportions as set forth in Section III (A); (ii) the remaining assets of the District shall be distributed to the member towns pursuant to the provisions of Section VIII; and (iii) the member towns will continue to be jointly liable in the proportions set forth in this Agreement for any claims arising against the District prior to its dissolution, and each of the towns shall have a cause of action against the others for indemnity to

enforce such proportional liability.

#### SECTION XI - EFFECTIVE DATE

This Agreement shall become effective on upon its having been accepted by the Town meetings of both member towns.

**CERTIFICATES OF VOTE ATTACHED**

**TOWN OF CARVER**

I, \_\_\_\_\_, Town Clerk for the Town of Carver, hereby certify that on \_\_\_\_\_, 20\_\_\_\_, at a meeting properly noticed and held, the Town of Carver voted to accept this AMENDED AND RESTATED AGREEMENT.

## **TOWN OF WAREHAM**

I, \_\_\_\_\_, Town Clerk for the Town of Wareham, hereby certify that on \_\_\_\_\_, 20\_\_\_\_, at a meeting properly noticed and held, the Town of Wareham voted to accept this AMENDED AND RESTATED AGREEMENT.

OCTOBER 24, 2022  
FALL TOWN MEETING WARRANT (CONT'D)

**ARTICLE 22 - AMENDMENT OF ZONING BYLAW ART. 12, NEW MS4 REGULATIONS**

To see if Town Meeting will vote to amend the Zoning Bylaw in conformance with the U.S. EPA's MS4 Permit by amending the following sections of the Wareham Zoning By Laws

A. Article 590 et seq. Solar Arrays

593.4 A stormwater management plan detailing the existing environmental and hydrological conditions of the site, proposed alterations of the site and all proposed components of the drainage system and any measures for the detention, retention, or infiltration of water, for the protection of water quality and protection from flooding **shall be prepared in accordance with Article 1260 et seq. of these Zoning Bylaws, including the Massachusetts Stormwater Management Handbook Vol 1 and 2, including any updates thereto.**

B. Article 7

Industrial Design Standards

752.17 Site Drainage and Stormwater Retention

Site drainage and stormwater retention shall conform to the Commonwealth of Massachusetts Department of Environmental Protection's Stormwater Pollution Prevention guidelines as most recently amended, **including the Massachusetts Stormwater Management Handbook Vol 1 and 2, including any updates thereto, and shall be prepared in accordance with Article 1260 et seq. of these Zoning Bylaws.**

C. Article 15 SITE PLAN REVIEW

1541 NATURAL FEATURES AND STORMWATER MANAGEMENT

Finish site contours, and stormwater management system shall approximate the character of the natural site and the proposed development shall attempt to achieve the following objectives:

1. reduce the volume of cut and fill;
2. reduce the number of removed trees;
3. reduce the pollutants reaching the water table;
4. reduce the area of wetland vegetation displaced;
5. reduce soil erosion;
6. reduce the area of impervious surface;
7. reduce the amount of stormwater runoff from the site;
8. reduce the pollutant loading in the stormwater runoff from the site;
- and
9. **conform to the stormwater management design standards found in Article 1260 et seq. of this Zoning Bylaw.**

1566.9 Revisions to Approved Plans

4. Project Completion, Prior to receipt of an occupancy permit, the applicant shall:
  1. Provide a written certification from a registered professional engineer in the Commonwealth of Massachusetts that the stormwater management system was constructed and completed in accordance with the approved

**OCTOBER 24, 2022  
FALL TOWN MEETING WARRANT (CONT'D)**

**site plan in accordance with the Massachusetts Stormwater Handbook Vol. 1 and 2, and any subsequent update thereto, and in accordance with Article 1260 et seq. of these Zoning Bylaws.**

2. Construct or install any improvements required by the Special Permit Granting Authority to the satisfaction of the Zoning Enforcement Officer.

**D. Article 12 Performance Standards**

**1211 Land Clearing, Grading and Stormwater Management**

- 1 Protect the health, safety and property of the residents of the Town by regulating clearing and grading activities associated with land development preserving existing trees and vegetation, preventing erosion and sedimentation of inland and coastal wetlands, ponds and other water bodies, controlling stormwater runoff by complying with MS4 program requirements as listed in article 1260 et seq., and minimizing fragmentation of wildlife habitat and loss of vegetation;

**A. Article 12 Performance Standards**

Add a new section 1260 et seq. that lists the MS4 requirements as follows:

**1260 ANALYSIS OF DEVELOPMENT IMPACT: STORMWATER RUNOFF IN COMPLIANCE WITH MS4**

**1261. PURPOSE**

The purpose of this bylaw is to comply with the standards of the U.S. EPA's MS4 permit for Massachusetts, regulating all stormwater discharges into or from the municipal system.

**1262. APPLICABILITY**

1. An MS4 Stormwater Management Permit under this Article 1260 will be necessary for all new development and redevelopment projects of one acre [43,560 sq.ft.] or more, and to projects of less than one acre when part of a larger common plan of development that would disturb one or more acres.
2. The Permitting Authority under Section 1260 shall be the Planning Board. However, where the development requires a special permit, variance or comprehensive permit from the Zoning Board of Appeals, the Zoning Board of Appeals shall be the Permitting Authority.
3. Where another permit is necessary, this permit will be reviewed concurrently with that permit review.

**1263. DEFINITIONS**

1. "Best Management Practices (BMPs)" - A structural, nonstructural, or managerial technique recognized to be the most effective and practical means to prevent and reduce non-point source pollutants. BMPs should be compatible with the productive use of the resource to which they are applied, and should be cost-effective. A project will be compliant if found in conformance with the Massachusetts Stormwater Handbook Vol. 1 and 2 and any subsequent updates thereto.



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FALL TOWN MEETING WARRANT (CONT'D)**

2. "Redevelopment" means replacement, rehabilitation, or expansion of existing structures, improvement of existing roads or reuse of degraded or previously developed areas.

**1264. REVIEW AND DECISION**

Upon receipt of a completed application and required plans as described in Section 1217 of this Bylaw, the Permitting Authority shall transmit one copy each to the Conservation Commission, Zoning Enforcement Officer and Municipal Maintenance department. Within 30 days of receipt of completed application and plans, these agencies shall submit recommendations to the Permitting Authority. If reports are not received within the thirty [30] day period, this shall be deemed a lack of opposition thereto.

**1265. EXEMPTIONS**

The provisions of this By-Law shall not apply to the following activities:

1. Normal maintenance and improvement of land in agricultural use as defined in 310 CMR Sec. 10.02 of the Wetlands Protection Regulations
2. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling
3. Repair or replacement of an existing roof of a single-family dwelling
4. Construction of any fence that will not alter existing terrain or drainage patterns
5. Construction of utilities other than drainage which will not alter terrain, ground cover or drainage patterns
6. Emergency repairs to stormwater management facility or practice that poses a threat to the public health or safety or as deemed necessary by the special permit granting authority
7. Any work or projects for which all necessary approvals and permits have been issued before the effective date of this bylaw.

**1266. APPLICATION REQUIREMENTS**

The Permitting Authority will require the submission of some or all of the information listed in section 1217. The Permitting Authority may waive the requirements or request additional information as necessary to determine compliance with the standards of this bylaw.

**1267. REVIEW STANDARDS**

- 1 The purpose of the evaluation is to compare existing to proposed stormwater runoff conditions relative to the ten Massachusetts Stormwater Management Standards which are:
  1. No new stormwater conveyances (e.g., outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.
  2. Post-development peak discharge rates may not exceed pre-development peak discharge rates.
  3. The annual recharge from the post-development Site shall approximate the annual recharge from pre-development conditions based on soil type.
  4. For land uses with higher potential pollutant loads, source control and pollution prevention shall be implemented to eliminate or reduce the

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FALL TOWN MEETING WARRANT (CONT'D)**

discharge of stormwater runoff from such land uses to the maximum extent practicable.

5. Stormwater discharges within the Zone II or Interim Wellhead Protection Area of a public water supply, and stormwater discharges near or to any other critical area, require the use of the specific source control and pollution prevention measures and the specific structural stormwater best management practices determined by the Department to be suitable for managing discharges to such areas, as provided in the Massachusetts Stormwater Handbook.

6. A redevelopment project is required to meet the following Stormwater Management Standards 2, 3, 4, 5, and 6 only to the maximum extent practicable.

7. A plan to control construction-related impacts including erosion, sedimentation and other pollutant sources during construction and land disturbance activities (construction period erosion, sedimentation, and pollution prevention plan) shall be developed and implemented.

8. A long-term operation and maintenance plan shall be developed and implemented to ensure that stormwater management systems function as designed.

9. All illicit discharges to the stormwater management system are prohibited.

2. Require stormwater management systems on newly developed sites to meet the following performance standards:

1. The stormwater management system shall retain the volume of runoff equivalent to, or greater than, one (1) inch multiplied by the total post-construction impervious surface area on the site

2. Remove 90% of the average annual load of Total Suspended Solids (TSS) generated from the total post-construction impervious area on the site

3. Remove 60% of the average annual load of Total Phosphorus (TP) generated from the total post-construction impervious surface area on the site.

4. Use the best available method to determine precipitation frequency for the 2-year, 10-year, 25-year, and 100-year, 24-hour storm event. The Permitting Authority will have the right to approve the method used.

5. Erosion and sedimentation controls shall be constructed in accordance with the Massachusetts Stormwater Handbook Vol, 1 and 2, and any subsequent updates thereto.

3. Require stormwater management systems on redeveloped sites to meet the following performance standards

1. The stormwater management system shall retain the volume of runoff equivalent to, or greater than, 0.80 inch multiplied by the total post-construction impervious surface area on the site

2. Remove 80% of the average annual post-construction load of Total Suspended Solids (TSS) generated from the total post-construction impervious area on the site

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FALL TOWN MEETING WARRANT (CONT'D)**

3. Remove 50% of the average annual load of Total Phosphorus (TP) generated from the total post-construction impervious surface area on the site.
  4. Use the best available method to determine precipitation frequency for the 2-year, 10-year, 25-year, and 100-year, 24-hour storm event. The Permitting Authority will have the right to approve the method used.
  5. Erosion and sedimentation controls shall be constructed in accordance with the Massachusetts Stormwater Handbook Vol, 1 and 2, and any subsequent updates thereto.
- 4 Stormwater Management System Design
1. Runoff from impervious surfaces shall be recharged on the site by stormwater infiltration basins, vegetated swales, constructed wetlands or similar systems covered with natural vegetation. Runoff shall not be discharged directly to rivers, streams, or other surface water bodies. Dry wells shall be used only where other methods are not feasible. All such basins and wells shall be preceded by oil, grease, and sediment traps. The inlets of all catch basins shall be fitted with filter fabric during the entire construction process to minimize siltation or such basins shall be designed as temporary siltation basins with provisions made for final cleaning.
  2. For discharges to waters impaired for phosphorous, require that BMPs be optimized for phosphorous removal. Requires the use of EPA Region 1 BMP Performance Extrapolation Tool for BMPs and any subsequent update thereto.
  3. For discharges to waters impaired for nitrogen, require that BMPs be optimized for nitrogen removal. Requires the use of EPA Region 1 BMP Performance Extrapolation Tool for other BMPs. and any subsequent update thereto.
  4. For discharges to waters impaired for solids, oil and grease (hydrocarbons), or metals, require that: Stormwater management systems designed on commercial and industrial land use area draining to the water quality limited waterbody incorporate designs that allow for shutdown and containment where appropriate to isolate the system in the event of an emergency spill or other unexpected event. Also require any stormwater management system designed to infiltrate stormwater on commercial or industrial sites to provide the level of pollutant removal equal to or greater than the level of pollutant removal provided through the use of biofiltration of the same volume of runoff to be infiltrated, prior to infiltration.
  5. Require regulated projects to comply with the Massachusetts Stormwater Standards and the Massachusetts Stormwater Handbook Vol. 1 and 2, and any subsequent update thereto.
  6. Include the following requirements for construction site stormwater runoff:
    1. Projects must implement erosion and sediment controls including best management practices appropriate to site conditions, and efforts to minimize the area of land disturbance;

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2. Projects must control wastes, including discarded building materials, concrete truck wash-out, chemicals, litter, and sanitary wastes;
  7. The Permitting Authority or its appointee may inspect sites and implement sanctions to ensure compliance.
- 5 As-built drawings will be submitted no later than six months after completion of construction projects. Said as-builts shall depict all on site controls, both structural and non-structural, designed to manage the stormwater associated with the completed site.
- 6 The applicant shall be required to conduct regular inspections of all erosion and sedimentation control measures on the site to ensure that they are properly functioning as well as to inspect after severe storm events.
1268. **REQUIRED SECURITY**  
The Permitting Authority may require a performance guarantee in a form acceptable to the Town to cover the costs associated with compliance with section 1219 of this By-Law.
1269. **MONITORING AND INSPECTIONS**  
Prior to commencement of construction, and during construction, inspections will be made in accordance with section 1220 of this Bylaw.
1270. **ENFORCEMENT**  
The Town may take any or all of the enforcement actions prescribed in this By-Law to ensure compliance with, and/or remedy a violation of this By-Law; and/or when immediate danger exists to the public or adjacent property, as determined by the Zoning Enforcement Officer. The Town, in carrying out any necessary enforcement actions, may use securities described in Section 1221 above.
1271. **OPERATION AND MAINTENANCE**  
The Owner(s) of the property shall be required to file an operation and maintenance agreement, which shall run the life of the project, and so be filed on the land records. Maintenance shall include inspection and cleaning of the stormwater management system at least twice yearly.
- or to take any action relative thereto.

Inserted by the Board of Selectmen at the request of the Planning Director

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## ARTICLE 6: Density and Dimensional Regulations

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### 610 GENERAL REQUIREMENTS

#### 611 LOT AREA, FRONTAGE, SETBACK AND HEIGHT REQUIREMENTS

All principal and accessory buildings **except as otherwise noted** shall be subject to the requirements outlined in Section 620.

No principal building or accessory building thereof shall be erected on any lot:

1. with less than the minimum area or street frontage;
2. with less than the minimum setback distance from the front street line or side and rear lot lines;
3. that exceeds the maximum allowed height;
4. that exceeds the maximum percent coverage allowed for the building or lot;
5. with less than the minimum distance between the use and other residential uses.

#### 612 LOT AREA CALCULATIONS FOR ZONING COMPLIANCE

In all zoning districts, no principal building shall be erected on any lot created after the effective date of this By-Law which has less than eighty percent (80%) of the minimum required lot area as contiguous upland, not including Riverfront areas as defined in the Massachusetts Wetlands Protection Act, for the zoning district in which it is located, (added October 25, 2004)

#### 613 ONE PRINCIPAL RESIDENTIAL BUILDING PER LOT

In all districts, not more than one principal residential building with accessory structures having a residential use allowed in the respective district shall be erected, placed or converted on any lot, except where multiple family dwellings, apartments or condominiums are allowed by Special Permit, the Special Permit may provide for more than one principal building.

#### 614 CORNER CLEARANCE

Between the lines on intersecting streets and a line joining points on such lines fifteen (15) feet distance from their points of intersection or, in the case of a rounded corner, the point of intersection of their tangents, no building, structure or planting may be maintained above a height three (3) feet above the plane through their curb grades.

#### 615 LOT SHAPE FACTOR

All lots created for building purposes after the effective date of this By-Law shall be shaped so that they can contain within the buildable upland area a circle of a diameter not less than the frontage requirements of the zoning district within which the lot is located. In addition, any portion of a lot, which is narrower in width than thirty (30) feet, shall not be counted toward the required lot area. IN cases where the Planning Board believes that proposed lots do not meet the Lot Shape Factor criteria and will not be detrimental to the intent of this regulation, the Planning Board has the authority to waive this requirement (added October 25, 2004)

### 620 TABLE OF DIMENSIONAL REGULATIONS

Minimum and maximum lot and building dimensions shall be as specified in the following tables, subject to further provisions of this Article.



## 622 VILLAGE DISTRICTS

	OV1	OV2	WV1	WV2
<b>Lot Area</b> min, in square feet				
1-family dwelling	5,000	10,000	7,500	15,000
2-family dwelling	5,000	10,000	7,500	15,000
Other residential use				
First dwelling unit	5,000 5,000 B+B	10,000 10,000 B+B	10,000 10,000 B+B note 1	15,000 10,000 B+B
Each additional unit	1,000 2,000 B+B	4,000 4,000 B+B	2,000 2,000 B+B notes 2 & 3	2,000 4,000 B+B
Non-residential use	5,000	15,000	5,000	15,000
<b>Frontage</b> min, in feet				
1-family dwelling	50	50	75	75
2-family dwelling	50	50	75	75
Other residential use	50	50	75	75
Non-residential use	50	50	75	75
<b>Front Setback</b> min, in feet				
1-family dwelling	*4	*4	*4	*4
2-family dwelling	*4	*4	*4	*4
Other residential use	*4	*4	*4	*4
Non-residential use	*4	*4	*4	*4
<b>Side/Rear Setback</b> min, in feet				
1-family dwelling	10	10	10	10
2-family dwelling	10	10	10	10
Other residential use	10	10	10	10
Non-residential use	10	10	10	10
<b>Height</b> max, in feet				
1-family dwelling	35	35	40	35
2-family dwelling	35	35	40	35
Other residential use	35	35	40	35
Non-residential use	35	35	40	35
<b>Building Coverage</b> max, by % of actual Lot Size				
1-family dwelling	30	20	30	20
2-family dwelling	30	20	30	20
Other residential use	30	NR -	30	20
Non-residential use	30	NR -	30	20
<b>Impervious Surface Coverage</b> max, by % of actual Lot Size				
1-family dwelling	70	50	70	50
2-family dwelling	70	50	70	50
Other residential use	70	50	70	50
Non-residential use	70	50	70	50

NA = use is Not Allowed  
B+B = Bed and Breakfast

### NOTES

1. 2,000 square feet if in an existing structure
2. 2,000 square feet for each additional unit up to 40 units and 7,500 square feet for each unit beyond 40
3. 1,000 square feet if an existing structure
4. The front setbacks in Village Districts shall be the average of the setbacks of five (5) residential structures on either side of the subject property.

NA = use is Not Allowed

1. For a motel, one acre plus 3,000 square feet for each additional unit, in excess of 12
2. For a motel, 50 feet
3. Maximum 3 stories
4. For each additional dwelling unit, beginning with the third

## 624 OTHER DISTRICTS

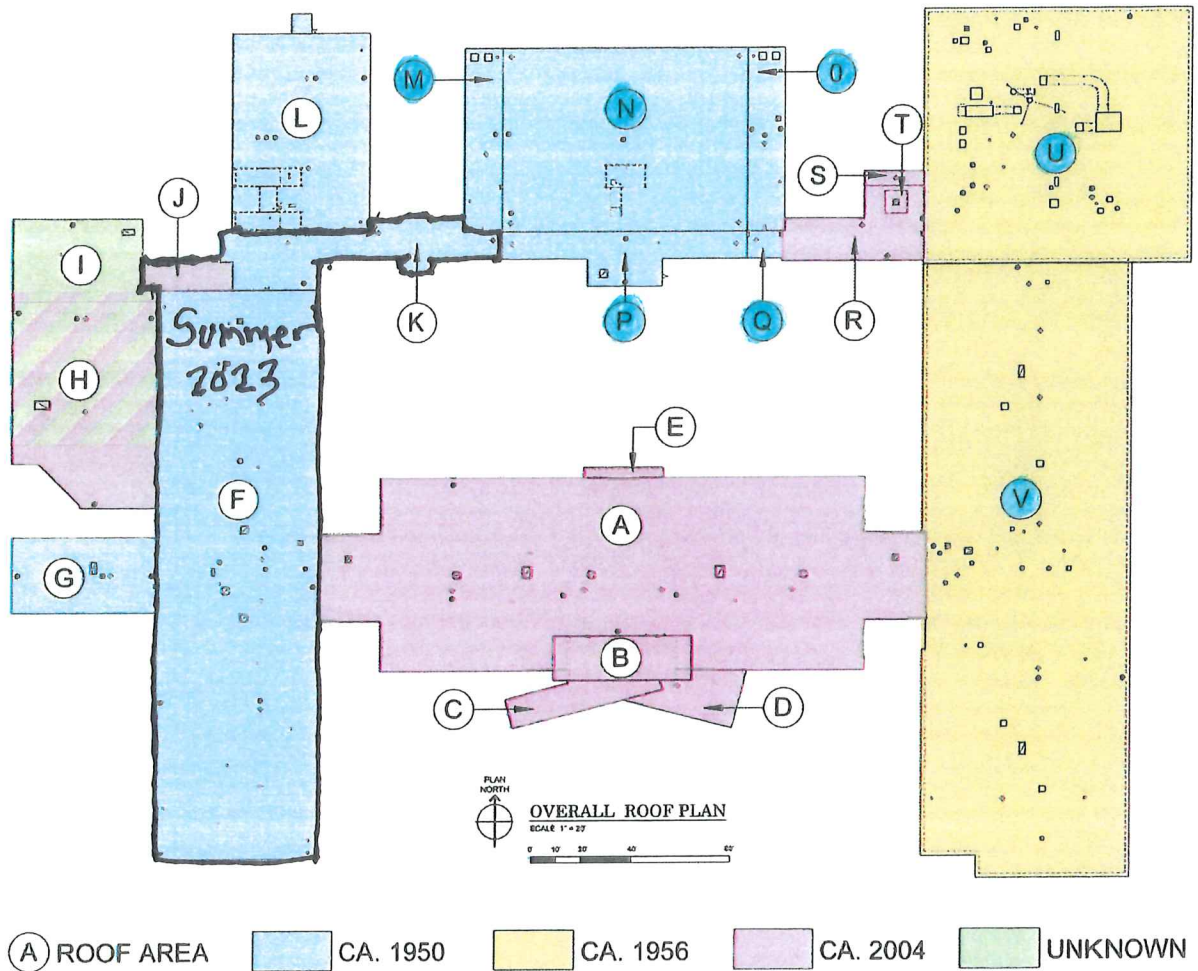
	CR	MAR	INST	IND	BDOD
<b>Lot Area</b> min, in square feet					
1-family dwelling	NA	30,000	30,000	NA	NA
2-family dwelling	NA	45,000	45,000	NA	NA
Other residential use	NA	NA	30,000	NA	NA
Non-residential use	30,000 note1	30,000	30,000	-	87,120
Non-residential use on septic				NA	
Non-residential use on sewer				30,000	
<b>Frontage</b> min, in feet					
1-family dwelling	NA	150	150	NA	NA
2-family dwelling	NA	200	150	NA	NA
Other residential use	NA	NA	150	NA	NA
Non-residential use	50	150	100	150	100
<b>Front Setback</b> min, in feet					
1-family dwelling	NA	20	20	NA	NA
2-family dwelling	NA	20	20	NA	NA
Other residential use	NA	NA	20	NA	NA
Non-residential use	10	20	20	-	25
Non-residential use on Route 28				50	
Non-residential use all other allowed locations				20	
<b>Side/Rear Setback</b> min, in feet					
1-family dwelling	NA	10	10	NA	NA
2-family dwelling	NA	10	10	NA	NA
Other residential use	NA	NA	10	NA	NA
Non-residential use	10	10	20	40 20	10
<b>Height</b> max, in feet					
1-family dwelling	NA	35	30	NA	NA
2-family dwelling	NA	35	30	NA	NA
Other residential use	NA	NA	30	NA	NA
Non-residential use	60	45	NA -	50	40 note 2
<b>Building Coverage</b> max, by % of actual Lot Size					
1-family dwelling	NA	45	30	NA	NA
2-family dwelling	NA	45	30	NA	NA
Other residential use	NA	NA	30	NA	NA
Non-residential use	NR -	45	NR -	50	25 note 3
<b>Impervious Surface Coverage</b> max, by % of actual Lot Size					
1-family dwelling	NR NA	60	60	NA	NA
2-family dwelling	NA	60	60	NA	NA
Other residential use	NA	NA	60	NA	NA
Non-residential use	NR -	60	60	70	65
<b>Distance from Residential</b> min, in feet					
1-family dwelling	NA	50	NR -	NA	NA
2-family dwelling	NA	50	NR -	NA	NA

628 EXISTING SMALL LOTS	CATEGORY 1	CATEGORY 2	CATEGORY 3
<b>Lawfully existing Lots in RESIDENTIAL DISTRICTS</b>			
<b>Lot Area</b> range, in square feet	0-5,000	5,001–10,000	10,001–15,000
<b>Front Setback</b> min, in feet	AA	20	20
<b>Side Setback</b> min, in feet	10	10	10
<b>Rear Setback</b> min, in feet	10	10	10
<b>Building Coverage</b> max, by percentage	30	25*	17*
<b>Lawfully existing Lots in VILLAGE DISTRICTS</b>			
<b>Lot Area</b> range, in square feet	0-5,000	5,001–10,000	10,001–15,000
<b>Front Setback</b> min, in feet	AA	AA	AA
<b>Side Setback</b> min, in feet	10	10	10
<b>Rear Setback</b> min, in feet	10	10	10
<b>Building Coverage</b> max, by percentage	25	20*	17*

AA = Average Alignment

\* Total floor area shall be less than the maximum allowed by the prior, smaller size category





**Figure II-01:** Building Plan – Ages and Roof Areas.

1. Structural and Architectural:

As discussed above, Wareham Middle School has evolved via a number of phases of construction and modifications since the early 1950s. CGKV has identified twenty-two distinct roof areas – roof areas separated by a difference in elevation and/or construction date (see Figure II-01). Based on our review of available documentation and onsite observations, existing structural and roof assemblies are summarized as follows:

AREA 'A' – CA. 2004 MAIN ADDITION:

1. TUBE STEEL COLUMNS & WIDE FLANGE BEAMS PRIMARY STRUCTURE.
2. 24K5 JOISTS OVER CLASSROOMS; W10 BEAMS AT CORRIDORS & END BAYS.