

MINUTES OF MEETING OF THE BOARD OF SELECTMEN

Date of Meeting: April 27, 2021
Date of Transcription: April 29, 2021
Transcribed by: Cassandra Slaney

1. CALL MEETING TO ORDER BY CHAIRMAN

This meeting was held remotely due to COVID-19.

2. ROLL CALL

Selectmen Present: Peter W. Teitelbaum, Esq., Chairman
Judith Whiteside, Clerk
Alan H. Slavin
Patrick G. Tropeano
James M. Munise

Also Present: Derek Sullivan, Town Administrator
Richard Bowen, Town Counsel (7:03p.m.)

3. PLEDGE OF ALLEGIANCE

4. ANNOUNCEMENTS

The Boys and Girls Club of Greater New Bedford has made a decision to close the Wareham Boys and Girls Club by the end of April. Selectman Teitelbaum stated that there will be discussion at next week's meeting regarding future plans for the club.

The Wareham Council on Aging continues to offer free lunches on Tuesdays and Thursdays. Please call the Council the week before you want to take advantage of this offer.

Coffee and conversation takes place each Tuesday from 9 to 10 at the rear of the Multi-service center.

May Garden therapy do it yourself kits, created and donated by The Wareham Garden Club will be available for pickup at the front of the Wareham Free library on May 14th. To reserve one call 508-291-3130.

Hip hop dance exercise for seniors is coming May 18th at 1 p.m. Space is limited so call 508-291-3130 to reserve a space.

Outdoor exercise is every Tuesday at 1 PM in the library courtyard.

There is also Chair yoga every Thursday at 2 in front of the library. Both of these happenings are weather permitting.

The Library Book sale will be May 20, 21 and 22.

SELECTMEN MEETING MINUTES-4/27/2021 (CONT'D)

Free community shred and electronics recycling day.

Plymouth County Federal Credit Union is hosting a free event on May 15th from 9 am to 12 pm at 2203 Cranberry Highway, W. Wareham. There will be a charge of \$25 for each TV and \$20 for each monitor to be recycled. Cash only. You do not need to be a member to participate.

Wareham High school DECA program is hosting a fashion show outdoors in front of the school May 13th at 4 pm. Donation of \$5 for the general public and \$2 for students.

There is also a tailgate auction fundraiser Wednesday May 23 from 1 to 3:30 in the high school parking lot. More information can be found through the school website.

A new free family beach playgroup program is set to begin on Onset Beach. The program is sponsored by the Onset Bay Center and the Wareham Coordinated Family and Community Engagement Council. Each meeting of the play group will feature sensory activities and crafts aimed at three- to five-year-olds. The group will meet from 10 to 11 a.m. May 12 will be all about the ocean. On June 9, kids will learn about hermit crabs and shellfish. Space is limited to ten families per session, registration is required. To sign-up, go to www.onsetbaycenter.org or email garofoli@savebuzzardsbay.org. Free parking for these events is available on the Onset Pier.

Go for a walk on Onset Beach while reading a story at a series of StoryWalk events. The Onset Bay Center and the Wareham Coordinated Family and Community Engagement Council are hosting a series of four StoryWalks this spring. A StoryWalk is a guided walk with laminated pages from children's books for families to read together along the way. The StoryWalks will be from 10 a.m. to 1 p.m. on one Saturday each month. In case of rain, the events will be held the following day.
May 15th - "Crab Moon" on the beach.

June 12th - "Boats on the Bay"

No prior registration is required for these free events. For more information, go to www.onsetbaycenter.org or email garofoli@savebuzzardsbay.org.

Free food for children continues at the Gleason Family Y as well as every Tuesday and Friday from 3:30 to 5:30. Food distribution will also be at The Woods at Wareham from 10 to 11:30, and Brandy Hill Apartments from 12 to 1:30. No ID is required. Please take advantage of the program.

Staples will laminate your covid registration card for you for free.

If you have had your vaccinations you can register at vsafer.cdc.gov and participate in providing feedback about your experience in terms of any side effect.

The Conservation Commission is having a hearing on the 29th concerning article 10 and 11 for the special town meeting regarding wetlands regulations.

SELECTMEN MEETING MINUTES-4/27/2021 (CONT'D)

Town Meeting is scheduled for May 8th at 11 a.m.

Town Election is May 4th from 8:00 a.m. to 8:00 p.m.

Precinct 1 & 6 is at the Town Hall

Precinct 2 & 3 is at Hammond School

Precinct 4 & 5 is at the Redmen Hall, on Main Street, across from Decas School.

Handicap parking is also available.

5. CITIZEN'S COMMENTS

Present Before the Board: Jared Chadwick

Mr. Chadwick read a letter expressing his concern regarding the Boys and Girls Club closing and support for future plans to re-open the Club.

Present Before the Board: Don Jepson

Mr. Jepson encouraged the Board to exercise their right of first refusal regarding the Chapter 61A items on the agenda because of the opportunities it would allow for the Town and the potential benefit it would have to the taxpayers.

Present Before the Board: Dave Ferrari, Lead Pastor, The Bridge Church

Pastor Ferrari stated that with the closing of the Boys and Girls Club and the impact this closure has on the parents and their children, the Church could potentially keep it operating possibly until the end of the school year until the Town decides what to do.

6. BOARD'S COMMENTS

Tax bills are due Monday, May 3rd.

7. APPOINTMENTS/REAPPOINTMENTS/INTERVIEWS

a. Conservation Commission

i. Denise Schulz

MOTION: Selectman Whiteside moved to appoint Denise Schulz as an associate member to the Conservation Commission for a term to expire no later than June 30, 2022. Selectman Tropeano seconded. Roll Call: Selectman Slavin-yes, Selectman Munise-yes, Selectman Tropeano-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

8. LICENSES AND PERMITS

a. Request for a Temporary Outdoor Seating All Alcohol Beverage License.

i. el Tulense, Inc. d/b/a El Mariachi, 207 Main Street, Wareham.

MOTION: Selectman Whiteside moved to approve the request for a Temporary Outdoor Seating All Alcohol Beverage License for el Tulense, Inc. d/b/a El Mariachi, 207 Main Street, Wareham. Selectman Tropeano seconded. Roll Call: Selectman Slavin-yes, Selectman Munise-yes, Selectman Tropeano-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

SELECTMEN MEETING MINUTES-4/27/2021 (CONT'D)

- b. Second Hand Dealers License
 - i. AJ Marks Jewelers
 - ii. Clam Shack Antiques
 - iii. Heidi's Boutique & Consignments
 - iv. The Friends of the Wareham Free Library

MOTION: Selectman Whiteside moved to approve the application from Heidi's Boutique & Consignments, 45 Main Street, Wareham for a Second Hand Dealers License. Selectman Slavin seconded. Roll Call: Selectman Slavin-yes, Selectman Tropeano-yes, Selectman Munise-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Whiteside moved to approve the Second Hand Dealers License renewals for AJ Marks Jewelers, Clam Shack Antiques and the The Friends of the Wareham Free Library. Selectman Slavin seconded. Roll Call: Selectman Slavin-yes, Selectman Tropeano-yes, Selectman Munise-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

9. TOWN BUSINESS

- a. COVID-19 update.

Mr. Sullivan stated that South Coast Hospital Group will be opening a vaccination center in the Multi-Service Center or the auditorium by May 6th pending confirmation. As of April 25th, there have been 57 new confirmed cases. Wareham continues to still be in the red risk category.

- b. Trash Disposal Update.

Bills have been mailed to homeowners. Transfer station stops have slightly declined due to the start of curbside pick-up.

- c. Vote whether to exercise right of first refusal/assignment pursuant to M.G.L. c.61A, s. 14 for the following properties owned by the A.D. Makepeace Co. as described in Notices of Intent: Conversion of Use received March 23, 2021:
 - 27 Charge Pond Road

MOTION: Selectman Whiteside moved to decline to exercise the Town of Wareham's right of first refusal and assignment of that right to a third party in accordance with M.G.L. Chapter 61A regarding property known as 27 Charge Pond Road, Wareham, belonging to the A.D. Makepeace Company described in a Notice of Conversion filing dated March 23, 2021. Selectman Tropeano seconded. Roll Call: Selectman Slavin-no, Selectman Tropeano-yes, Selectman Munise-no, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 3-2-0 (Selectman Slavin and Selectman Munise opposed)
140 Tihonet Road

MOTION: Selectman Whiteside moved to decline to exercise the Town of Wareham's right of first refusal and assignment of that right to a third party in accordance with M.G.L. Chapter 61A regarding property known as 140 Tihonet Road, Wareham,

SELECTMEN MEETING MINUTES-4/27/2021 (CONT'D)

belonging to the A.D. Makepeace Company described in a Notice of Conversion filing dated March 23, 2021. Selectman Tropeano seconded. Roll Call: Selectman Slavin-no, Selectman Tropeano-yes, Selectman Munise-no, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 3-2-0 (Selectman Slavin and Selectman Munise opposed)

150 Tihonet Road

MOTION: Selectman Whiteside moved to decline to exercise the Town of Wareham's right of first refusal and assignment of that right to a third party in accordance with M.G.L. Chapter 61A regarding property known as 150 Tihonet Road, Wareham, belonging to the A.D. Makepeace Company described in a Notice of Conversion filing dated March 23, 2021. Selectman Tropeano seconded. Roll Call: Selectman Slavin-no, Selectman Tropeano-yes, Selectman Munise-no, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 3-2-0 (Selectman Slavin and Selectman Munise opposed)

d. Approve FY21 Curbside commitment.

Mr. Sullivan stated that this approval is for the committed bills for curbside for the quarter.

MOTION: Selectman Whiteside moved to approve the FY21 Curbside Commitment of \$695,046.25. Selectman Slavin seconded. Roll Call: Selectman Slavin-yes, Selectman Munise-yes, Selectman Tropeano-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

e. Ratify hiring of Cheryl Ethier - Seasonal Community Service Officer and Greg Lucarelli - Seasonal Community Service Officer.

MOTION: Selectman Whiteside moved to ratify the hiring of Cheryl Ethier – Seasonal Community Service Officer and Greg Lucarelli – Seasonal Community Service Officer. Selectman Slavin seconded. Roll Call: Selectman Slavin-yes, Selectman Munise-present, Selectman Tropeano-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 4-0-1 (Selectman Munise present)

f. Continued discussion and vote to select The Bentley Companies as Tremont Nail Factory Master Developer.

MOTION: Selectman Whiteside moved to select The Bentley Companies as Tremont Nail Factory Master Developer. Selectman Slavin seconded. Roll Call: Selectman Slavin-yes, Selectman Tropeano-yes, Selectman Munise-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

g. Continued discussion and vote to execute lease of steel building at Tremont Nail Factory, 8 Elm Street to Aspen Blue, LLC, for the purpose of marijuana products manufacturing.

Present Before the Board: Patrick Casey

Mr. Casey stated that Aspen Blue has the provisional in Attleboro for retail for cultivation from manufacturing and provisional in Wellfleet for the retail. There is also

SELECTMEN MEETING MINUTES-4/27/2021 (CONT'D)

a cultivation permit in process for Mashpee. Aspen Blue Wareham will be a manufacturing facility that will involve ethanol processing and critical Co2.

MOTION: Selectman Whiteside moved to execute the leave of the steel building at Tremont Nail Factory, 8 Elm Street, Wareham for the purpose of marijuana products manufacturing. Selectman Slavin seconded. Roll Call: Selectman Slavin-yes, Selectman Tropeano-yes, Selectman Munise-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

- h. Continued discussion and vote to execute Marijuana Host Community Agreement with Aspen Blue, LLC, Tremont Nail Factory, 8 Elm Street.

MOTION: Selectman Whiteside moved to execute Marijuana Host Community Agreement with Aspen Blue Wareham LLC, Tremont Nail Factory, 8 Elm Street, Wareham. Selectman Slavin seconded. Roll Call: Selectman Slavin-yes, Selectman Tropeano-yes, Selectman Munise-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

- i. Request to place signs on Town property.

MOTION: Selectman Whiteside moved to approve the request to place signs on Town property as presented from Onset Bay Association. Selectman Tropeano seconded. Roll Call: Selectman Slavin-yes, Selectman Tropeano-yes, Selectman Munise-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

- j. Discussion with lead petitioners re: petition articles.

Present Before the Board: Nancy McHale, Lead Petitioner-
Ms. McHale explained that the petition article requests a vote of Town Meeting to amend article 590, Solar Energy Generation Facilities, subsection 594.1 pertaining to the development of ground mounted solar energy facilities. *(See attachment)*

Present Before the Board: Brenda Eckstrom-Lead Petitioner
Ms. Eckstrom explained that the petition article requests a vote of Town Meeting to amend the Wareham Zoning Bylaws. *(See attachment)*

- k. Continued discussion and vote to recommend articles for 2021 Special Spring Town Meeting.

MOTION: Selectman Whiteside moved to recommend the Budget Transfers article for the 2021 Special Spring Town Meeting warrant. Selectman Slavin seconded. Roll Call: Selectman Slavin-yes, Selectman Tropeano-yes, Selectman Munise-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

Attorney Bowen advised petitioners regarding the Amendment to Solar By-Laws article to establish a record providing proof that what is presented is reasonable. He explained the more proof provided, the more likely it is that a review in court would uphold the bylaw.

SELECTMEN MEETING MINUTES-4/27/2021 (CONT'D)

MOTION: *Selectman Whiteside moved to continue the meeting past 10:00 p.m. Selectman Slavin seconded. Roll Call: Selectman Slavin-yes, Selectman Tropeano-yes, Selectman Munise-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.*

VOTE: **5-0-0 (Unanimous)**

- I. Any other Town business not reasonably anticipated 48 hours prior to the posting of this meeting.

10. TOWN ADMINISTRATOR'S REPORT

Town Administrator had nothing to report.

11. LIAISON REPORTS/INITIATIVE REPORTS

As of April 30th face coverings will not be required outdoors as long as individuals stay properly distanced from one another. Masks are still required indoors.

May 10 reopenings

The following reopening guidelines will take effect on Monday, May 10:

- Large venues such as indoor and outdoor stadiums, arenas and ballparks, currently open at 12% capacity under Step 1 of Phase 4, will be permitted to increase capacity to 25%.
- Some outdoor Phase 4, Step 2 industries, including amusement parks, theme parks and outdoor water parks, will be permitted to operate at a 50% capacity after submitting safety plans to the Department of Public Health.
- Road races and other large, outdoor organized amateur or professional group athletic events will be permitted to take place with staggered starts after submitting safety plans to a local board of health or the DPH.
- Youth and adult amateur sports tournaments will be allowed for moderate- and high-risk sports.
- Singing will also be permitted indoors with strict distancing requirements at performance venues, restaurants, event venues and other businesses.

May 29 reopenings

The following changes are scheduled to take effect on May 29 (subject to public health and vaccination data):

- Gathering limits will increase to 200 people indoors and 250 people outdoors for event venues, public settings and private settings.
- Subject to public health and vaccination data, additional Phase 4, Step 2 industries will be permitted to open, including:
 - Street festivals, parades and agricultural festivals, at 50% of their previous capacity and after submitting safety plans to the local board of health
 - Bars, beer gardens, breweries, wineries and distilleries, subject to restaurant rules with seated service only, a 90-minute limit, and no dance floors

SELECTMEN MEETING MINUTES-4/27/2021 (CONT'D)

- Subject to public health and vaccination data, the restaurant guidance will be updated to eliminate the requirement that food be served with alcohol and to increase the maximum table size to 10.

August 1st reopenings

- Remaining industries will be permitted to open, including dance clubs and nightclubs; saunas, hot-tubs, steam rooms at fitness centers, health clubs and other facilities; indoor water parks; and ball pits.
- All industry restrictions will be lifted, and capacity will increase to 100% for all industries, with businesses encouraged to continue following best practices.
- Gathering limits will be rescinded.

The administration said it may consider re-evaluating the Aug. 1 date depending on vaccine distribution and public health data. The DPH will also continue to issue guidance as needed, including maintaining the mask requirement indoors.

12. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc.
- b. Approval of meeting minutes: April 13, 2021.

MOTION: Selectman Whiteside moved to approve the meeting minutes for April 13, 2021. Selectman Slavin seconded. Roll Call: Selectman Slavin-yes, Selectman Tropeano-yes, Selectman Munise-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

13. ADJOURNMENT

MOTION: Selectman Slavin moved to adjourn at 10:03 pm. Selectman Whiteside seconded. Roll Call: Selectman Slavin-yes, Selectman Munise-yes, Selectman Tropeano-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

14. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

Respectfully submitted
Cassandra Slaney
Department Assistant

The foregoing minutes were submitted to the Board of Selectmen on:

Attest:  Date Signed: 5-18-21
Judith Whiteside, Clerk

Date sent to the Town Clerk: 5/20/21

WARRANT ARTICLE:

Article # _____

TITLE: Local Initiative Program – Local Action Units – Affordable Housing - New Construction (830) & Existing Construction (840)

WARRANT ARTICLE: To see if the Town will vote to amend the Wareham Zoning Bylaws by adding the following Sections to Article 8, namely 830 through 844, or to take any relative action thereto: (attached)

MOTION: I move the Town amend its Zoning Bylaws by adding Sections 830 through 844 to Article 8

EXPLANATION: This proposed Bylaw is to help satisfy the Town's Affordable Housing needs by allowing its residents to have some control over, and benefit from, the State's 10% Affordable Housing Requirements.

PETITIONER: Brenda Eckstrom

CONTACT INFO: eckstromkenbren@aol.com 508-566-5124

DATE: March 2, 2021

To see if the Town will vote to amend the Wareham Zoning Bylaws by adding the following Sections to ARTICLE 8, Namely 830 through 844:

830. LOCAL INITIATIVE PROGRAM – LOCAL ACTION UNITS – AFFORDABLE HOUSING – NEW CONSTRUCTION

831: PURPOSE: To create a Local Initiative Program to provide the residents of Wareham the ability to have some control over, and to benefit from, the State's Affordable Housing Requirements by allowing residents to use the State's minimum zoning allowances, as conditioned within this zoning bylaw, to create affordable housing that shall be included in the Town's Subsidized Housing Inventory (SHI).

832: GENERAL PROVISIONS: A single family or two-family residence may be constructed, subject to the following standards and provisions, if 100% of the unit(s) are deed restricted as Affordable. "Affordable" is defined as being able to be bought or rental by someone whose total annual household income does not exceed 80% earnings of the Area Median Income (AMI) or less, as identified by HUD's median family incomes, derived from the American Community Survey and / or the Massachusetts Department of Housing and Community Development Income guidelines.

833: DEVELOPMENT STANDARDS – GENERAL

833.1: LOT SIZE: Any property to be developed under this bylaw shall consist of a lot that is shown on an Approved Plan, created and approved prior to January first, nineteen hundred and seventy-six, which contains at least five thousand (5,000) square feet of area and fifty (50) feet of frontage and shall be a lot that was joined in common ownership with others due to previous changes in the Town's zoning. The proposed lot shall conform with and compliment other lots and homes in the neighborhood.

833.2: SETBACKS: Development of the property shall comply with the pre-existing, non-conforming setbacks that existing properties in the same zoning area are required to abide by.

833.3: SIZE: The construction of the proposed dwelling shall have a footprint of at least fifteen percent (15%) of the lot area, but shall not exceed twenty percent (20%) of coverage. Based on a 5,000 square foot lot, the dwelling shall have a 750 to 1,000 square feet footprint. The dwelling shall not exceed 35 feet in height.

833.4: WATER and SEWER: The lot shall be served by a public water system adequate in terms of fire protection and domestic use. The lot shall also be within an area served by sewer, or shall be required to comply with Title V Sanitary Regulations without needing to obtain a Special Permit or Variance from the Board of Health.

833.5: PERMITTING: As this is a Local Initiative Program, the current owner of the existing property shall file a "Local Action Unit" Application with the Board of Selectmen, or their staff designee. As part of the application, the owner shall provide a copy of the original plan or Assessor's records that identify the lots that are currently joined under existing zoning, and a plan showing the proposed lot divided off the current property, and that the 5,000 square feet shall be satisfied by both the proposed lot and the contributing property.

833.6: FEES and APPROVALS: The Application Fee shall be \$100. The Inspectional Service (Building, Electricity, Plumbing) Fees, sewer connection fees, shall be calculated at fifty-percent of existing fees. The Board of Selectmen shall utilize staff to determine the appropriateness of the proposed Local Action Unit(s). The Board of Selectmen, or their staff designee, shall provide approval within 45 days of the application. If the proposal is rejected by a staff designee, the applicant may appeal to the Board of Selectmen. If it is rejected by the Board of Selectmen, the applicant may file an appeal in accordance with M.G.L. c. 40A, § 17.

833.7: DEED RESTRICTION REQUIREMENT: Once approved by the Town, the owner may do one of three options;

833.71: The current owner may choose to sell the newly recognized lot for a price not to exceed to ten percent (10%) of the sale price of an affordable three-bedroom home, as determined by the Massachusetts Department of Housing and Community Development for someone making 80% of the median income for the statistical market. A deed restriction, in a manner and form approved by the Board of Selectmen, shall be placed on the property at the time of the sale. A copy of the deed restriction shall be filed with the Registry of Deeds and the following Town Departments: Board of Selectmen, Inspectional Services, Assessors, Wastewater, and any other department the Board of Selectmen deem necessary.

833.72: The current owner may choose to develop the property themselves to sell. The property shall be deemed to have no value for determining costs of construction, but the owner shall be able to profit up to twenty percent (20%) of the construction costs. The total in construction costs and the twenty percent profit shall not exceed the Affordable Sales Price, as determined by DHCD for someone making 80% of the median income for the statistical market. A deed restriction, in a manner and form approved by the Board of Selectmen, shall be placed on the property at the time of the sale. A copy of the deed restriction shall be filed with the Registry of Deeds and the following Town Departments: Board of Selectmen, Inspectional Services, Assessors, Wastewater, and any other department the Board of Selectmen deem necessary.

833.73: The current owner may choose to develop the property, and keep it for rental income.

If the newly developed property is a single family dwelling, the rental price shall be determined by DHCD rental limits for someone making 80% of the median income for the statistical market. A deed restriction, in a manner and form approved by the Board of Selectmen, shall be placed on the property prior to a building permit is issued, and another in the Board of Selectmen's approved form, at the time of a occupancy permit is issued. A copy of the deed restriction shall be filed with the Registry of Deeds and the following Town Departments: Board of Selectmen, Inspectional Services, Assessors, Wastewater, and any other department the Board of Selectmen deem necessary.

If the newly developed property is a two-family dwelling, the rental price for each unit shall be determined by DHCD rental limits for someone making 60% of the median income for the statistical market. A deed restriction, in a manner and form approved by the Board of Selectmen, shall be placed on the property prior to a building permit is issued, and another in the Board of Selectmen's approved form, at the time of an occupancy permit is issued. A copy of the deed

restriction shall be filed with the Registry of Deeds and the following Town Departments: Board of Selectmen, Inspectional Services, Assessors, Wastewater, and any other department the Board of Selectmen deem necessary.

833.8: Once the Town has achieved its 10% affordable housing goal, it shall suspend this bylaw until the next Census which will determine if the Town has fallen below the 10% threshold, at which time, the Town shall re-institute this bylaw until the Town achieves the 10% threshold again.

840. LOCAL INITIATIVE PROGRAM – LOCAL ACTION UNITS – AFFORDABLE HOUSING – EXISTING PROPERTIES

841: PURPOSE: To create a Local Initiative Program to provide the residents of Wareham the ability to have some control over, and to benefit from, the State's Affordable Housing Requirements by allowing residents to participate in and benefit from creating additions into deed restricted affordable apartments; to be allowed to deed restrict existing "in-law" apartments as affordable; and to provide "Amnesty" to residents with illegal apartments, allowing them to bring the illegal apartment up to code without penalties and to deed restrict it affordable; as conditioned within this zoning bylaw, to create affordable units that shall be included in the Town's Subsidized Housing Inventory (SHI).

842: GENERAL PROVISIONS: A single family residence may construct an "in-law" apartment or add on a traditional apartment, subject to the following standards and provisions, if the unit is deed restricted as Affordable. "Affordable" is defined as being able to be bought or rental by someone whose total annual household income does not exceed 80% earnings of the Area Median Income (AMI) or less, as identified by HUD's median family incomes, derived from the American Community Survey and / or the Massachusetts Department of Housing and Community Development Income guidelines.

843: DEVELOPMENT STANDARDS – GENERAL

843.1: LOT SIZE: Any property that is to be developed under this bylaw shall consist of a lot with at least 50 feet of frontage and at least a 5,000 square foot lot. The proposed addition shall conform with and compliment other and homes in the neighborhood.

843.2: SETBACKS: The construction of an addition under this bylaw shall comply with the pre-existing, non-conforming setbacks that existing properties in the same zoning area are required to abide by.

843.3: SIZE: The construction of the addition shall limit the total dwelling footprint to no more than twenty percent (20%) of lot coverage. Based on a 5,000 square foot lot, the entire dwelling shall have a 750 to 1,000 square feet footprint. The dwelling shall not exceed 35 feet in height.

843.4: WATER and SEWER: The lot shall be served by a public water system adequate in terms of fire protection and domestic use. The lot shall also be within an area served by sewer, or shall

be required to comply with Title V Sanitary Regulations without needing to obtain a Special Permit or Variance from the Board of Health.

843.5: ACCESS and EGRESS: All units that are to be developed under this bylaw shall have a legal access and egress, as determined by the State Building Code.

843.6: "IN-LAW" CONVERSIONS: An "in-law" apartment for this bylaw shall be defined as an apartment that consists of one bedroom or less, with a kitchen area, bathroom and sitting area. Any property that was granted a Board of Appeals Special Permit or Variance in the past to construct an in-law apartment with conditions that it could not be rented, may apply for the in-law apartment to be counted as a "Local Action Unit." The applicant shall provide a copy of the Zoning Board Decision to the Board of Selectmen with the application. Upon approval, the Board of Selectmen, or its staff designee, shall grant a deed restriction that shall be filed with the Registry of Deeds allowing the "in-law" apartment to be rented, as long as the rent shall not exceed a rent that can be afforded by people who meet fifty percent (50%) of Area Median Income (AMI) as determined by the U.S. Department of Housing and Urban Development.

843.7: PERMITTING: As this is a Local Initiative Program, the current owner of an existing property shall file a "Local Action Unit" Application with the Board of Selectmen, or their staff designee. As part of the application, the owner shall provide a plot plan showing the proposed addition and the proposed floor plan. It shall not exceed two bedrooms. The Board shall also consider and approve plans of an existing home being modified or remodeled by the interior only, which takes a portion of the floor space and / or a level and make it an apartment. The rents shall not exceed rent that can be afforded by people who meet seventy percent (70%) of Area Median Income (AMI) as determined by the U.S. Department of Housing and Urban Development. The Deed Restriction shall be filed by the owner before an occupancy permit shall be issued.

843.8: FEES and APPROVALS: The Application Fee shall be \$100. The Inspectional Service (Building, Electricity, Plumbing) Fees, sewer connection fees, shall be calculated at fifty-percent (50%) of existing fees. The Board of Selectmen shall utilize staff to determine the appropriateness of the proposed Local Action Unit(s). The Board of Selectmen, or their staff designee, shall provide approval within 45 days of the application. If the proposal is rejected by a staff designee, the applicant may appeal to the Board of Selectmen. If it is rejected by the Board of Selectmen, the applicant may file an appeal in accordance with M.G.L. c. 40A, § 17.

843.9: DEED RESTRICTION REQUIREMENT: A copy of the deed restriction shall be filed with the following the Registry of Deeds and the following Town Departments: Board of Selectmen, Inspectional Services, Assessors, Wastewater, and any other department the Board of Selectmen deem necessary.

844.0: Once the Town has achieved it's 10% affordable housing goal, it shall suspend this by-law until the next Census which will determine if the Town has fallen below the 10% threshold, at which time, the Town shall re-institute this bylaw until the Town achieves the 10% threshold again.

Attachment to
4-27-21
Meeting minutes

An Affordable Solution to Affordable Housing

Proposed Zoning Bylaw Article



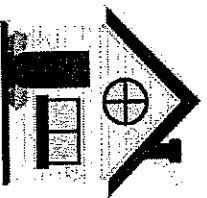
Objective:

To reach the State's requirement of 10% of housing deed restricted as "Affordable," which is defined as Housing targeted to, and affordable by, households that meet specific income eligibility levels, typically households earning no more than 80% of the Area's Median income (AMI), with as little impact to the town as possible.

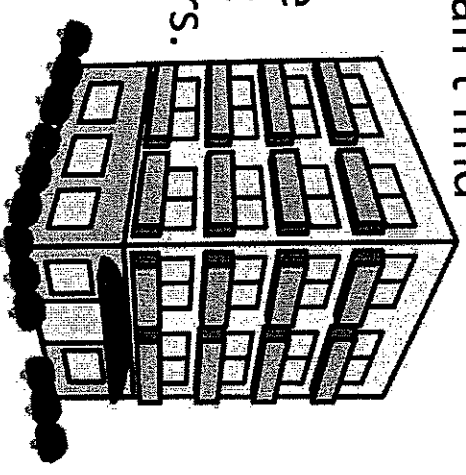
Wareham is in the Boston Statistical Market, so the 80% of the AMI is **\$66,650** for a single person; **\$95,200** for a family of 4 – these **ARE NOT** LOW INCOME, they are **MODERATELY** priced homes and apartments!

What reflects your view of Wareham more?

- A single family, 2 bedroom home sold to a young teacher for \$221,900, for her and her child to become part of a community



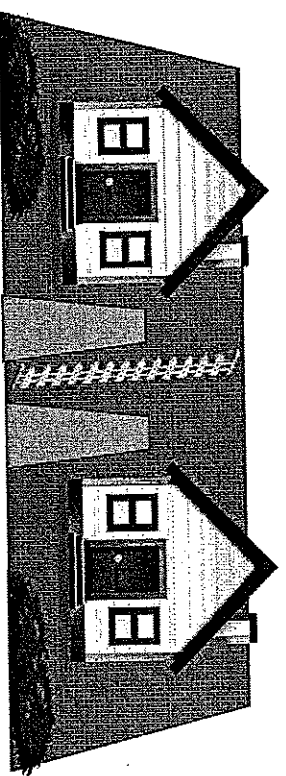
- A 4-unit apartment with 2 two-bedrooms and 2 three-bedrooms; at least 10 people, 4 cars, and if they can't find people who can't afford \$1,719, they ask the State if they can accept Section 8 vouchers.



They would both add ONE Affordable Unit to our Count!

830 in a Nutshell...

- Allow Wareham residents whose house is on a lot that is made up of multiple lots (oversized by neighborhood standards), to subdivide off a lot according to the original approved plan to be sold or developed as an affordable house, as long as the newly created lot has at least 50 foot frontage and at least 5,000 sqft.
- If an existing development was approved with 5,000 - 7,500 - 10,000 – 20,000 – 30,000 – 40,000 - sqft lots, then that is the minimum lot allowed. The newly created lot must complement other lots in the neighborhood and **MUST** have been an independent lot as shown on a **previously approved plan**.



Wareham Zoning

- Density & Dimensions
 - Were developed to limit growth in towns
 - In Wareham, buildable lot sizes jumped:
 - Buildable lots of 5,000 - 7,500 — 10,000 sf became 30,000 - 45,000 — 60,000 — 130,000 sf lots
 - People who bought multiple lots, whether to resell as investment or to sell to family to build beside them, lost the opportunity
 - Many towns tried to slow development by encouraging “sprawl”
- This is against SERPEDD recommendations
 - SMART GROWTH
 - Build where town services currently exist
 - Police, Fire, Water, Sewer, Schools, Bus Routes
 - Take advantage of compact building design.
 - Create a range of housing opportunities and **choices**.
 - Preserve open space, farmland, natural beauty, and critical environmental areas.

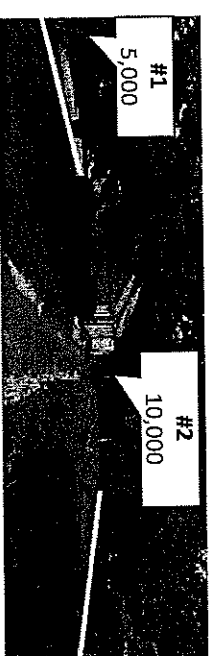
The Many Ways This Bylaw Will Benefit Wareham...and its Residents

- 100% of Units developed go towards our Affordable Inventory
- People choose if they want to participate program rather having a 40B shoved in their neighborhood
- More tax revenue, for Example:
 - 815 Main Street: 49 units: Average tax valuation per unit \$83,580
 - A 2 bedroom bungalow, on a 5,000 sf lot: valuation \$190,000
- A single family house adds \$100,000+ to the tax base vs. a unit in a traditional 40B development

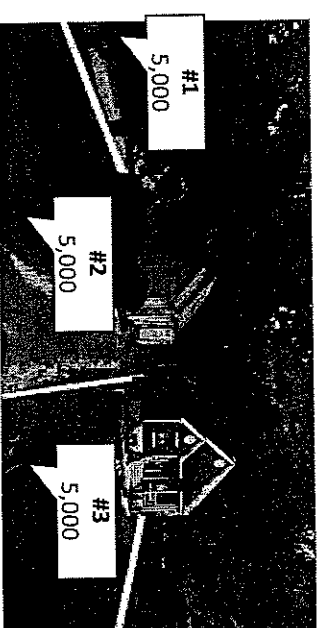
Example of how 830 works

(These are actual properties in Indian Heights)

- Currently, 2 homes on 15,000 sf of property
 - #1 - 2 bdrm bungalow, 5,000 sf lot:
 - valuation \$189,100 : \$80,300 of it is the land
 - #2 - 2 bdrm bungalow, 10,000 sf lot:
 - valuation \$197,700 : \$85,800 of it is the land
- **\$386,800 Total Valuation**



- If the owner of the 10,000 chooses, they can divide their lot to and create an affordable home.
 - #1 - 2 bdrm bungalow, 5,000 sf lot: valuation \$189,100
 - #2 - 2 bdrm bungalow, 5,000 sf lot: valuation \$192,200
 - (reduced by \$5,500 - difference between the land valuations)
 - #3 - NEW 2 bdrm home, new 5,000 sf lot \$220,000
 - Higher valuation because it's brand new & all up to code
- **\$606,800 Total Valuation**
- $\$220,000 \times \$11.16/1,000 = \$2,455.20$
- **\$2,455.20 MORE TAX REVENUE WITHOUT HAVING TO EXTEND SERVICES**



If Wareham needs 130 affordable units. What will 100% vs. 25% mean to construction in Wareham?

Under Proposed by law:

130 Houses

- 130 Houses built without:
 - the addition of one road
 - Expanding into open space
 - Changing the character of an area
 - Burdening an area

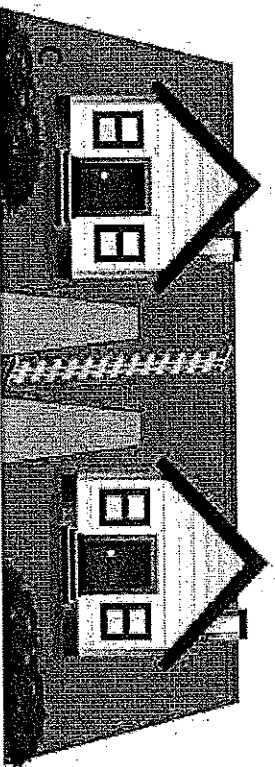
564 Market Rate Houses + 191

Affordable Houses = 755 Total Houses

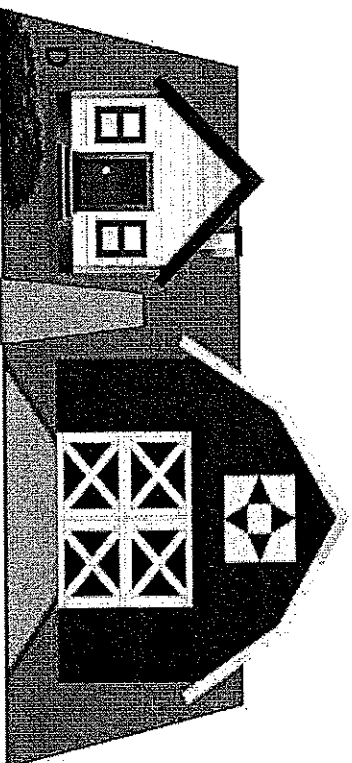
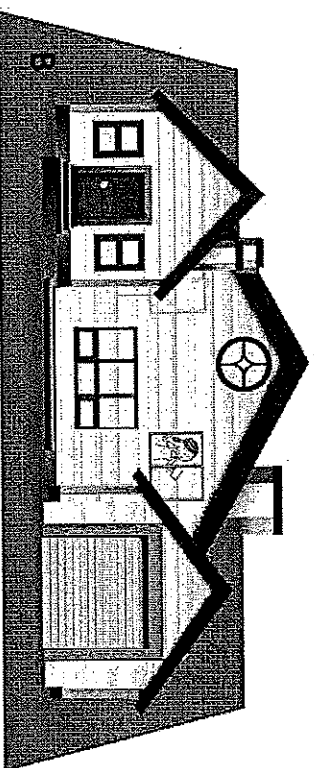
- Build 520 units for 130 affordable (25%)
 - 390 market rate units (need 39 more affordable)
- 156 units to hit 39 affordable (25%)
 - 117 market rate units (need 12 more affordable)
- 48 units to hit 12 affordable (25%)
 - 36 market rate units (need 4 more affordable)
- 16 units to hit 4 affordable (25%)
 - 12 market rate units (need 3 more affordable)
- 9 units to hit 3 affordable (25%)
 - 6 market rate units (need 2 more affordable)
- 4 units to hit 1 affordable (25%)
 - 3 market rate units (need 1 more affordable)
- 2 affordable to finish off

Concerns...

Could feel “crowded” and lose open space



By right, a neighbor with an “extra lot” could build something more unappealing or add to existing home

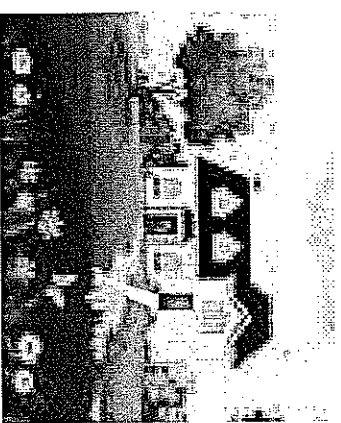
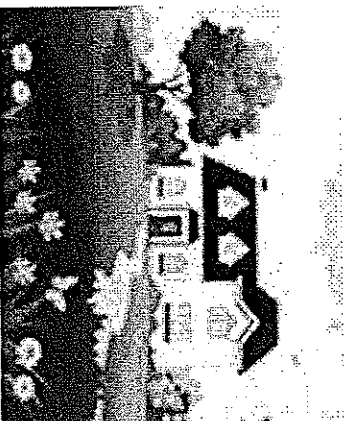


840: In-law Set-ups

- Multi-generational families living together used to be the backbone of American home life.
- Since the last couple of recessions, more people have parents living with them, or had children (with families) move back home.
- Some got permits to build in-law apts., some didn't but built anyway or just had them move into their house
- If they got a permit, ZBA conditions in-law apartments to be converted to be part of the home once a family member was no longer there.

In-law Set-ups

- By giving AMNESTY to those residents who built without a permit in exchange for them to deed restrict those units and to rent them out, it would be beneficial to:
 - The renter, who would have an affordable, legal place to live;
 - The property owner, who'd have a legal rental & would get an income stream;
 - The Town would get another unit for their Affordable Housing Count without burdening systems & services already in place.
- Currently, under our Zoning Bylaws, a homeowner can rent out up to 2 bedrooms in their house to "lodgers," is the burden of an in-law set up so different?



WHAT THE ZONING CHANGES COULD MEAN TO WAREHAM RESIDENTS

| Zoning Bylaw | Type of Property | Percentage of AMI | Current (2020) Maximum rent / purchase price (1, 2, 3 bedrooms) |
|-----------------|--------------------------------------|-------------------|---|
| 833.71 | Lot Only | 10% of 3 bedroom | \$25,750 |
| 833.72 | Owner Developed* | 80% | \$186,400 - \$221,500 - \$257,500 |
| 833.73 | Keep to rent, single family | 80% | \$1,517 - \$1,719 - \$1,927 |
| 833.73 | Keep to rent, 2 family | 60% | \$1,120 - \$1,266 - \$1,417 |
| 843.6 | In-law, studio | 50% | \$785 |
| 843.6 | In-law, 1 bedroom | 50% | \$922 |
| 843.7 | Addition, 2 bedroom apt | 70% | \$1,492 |
| 843.7 | Existing home, divided off 2bdtrn | 70% | \$1,492 |

* Cannot profit more than 20% of construction costs; prices are maximum selling prices for 1-2-3 bdtrns

Both Zoning Bylaws sunset when 10% is reached

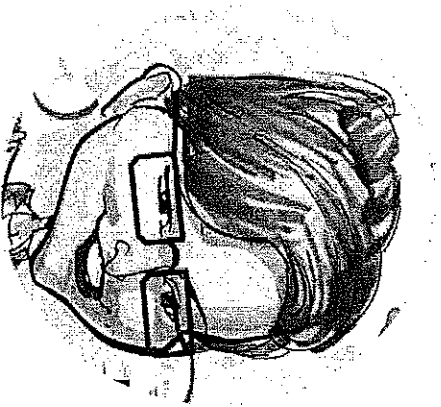
- Federal Census determine Affordable Counts (every 10 years)
 - 2020 Census was delayed, so we should get new numbers in 2021
- The State (DHCD) updates affordable units needed every 2 years.
- By implementing these bylaws now, we could fulfill the affordable count of 2021 by building or adding ONLY WHAT IS NEEDED!
- Then it sunsets.
- We could stave off all 40Bs (forced construction) until 2030!
- Implement / Fulfill / Sunset / Repeat every 10 years

A Favorable Vote on Article 26 will enable us to:

- 1 – meet Wareham’s 10% affordable unit quota;
- 2 - help people who are property rich, but cash poor;
- 3 - minimize impact on resources that 40Bs cause;
- 4 - expand tax revenues without eliminating open space;
- 5 - eliminate illegal apartments
- 6 - provide truly affordable housing for people who need it;
- 7 – Allow older residents or others to stay in their homes by allowing them to sell off a piece of qualified land for extra income.

Thank you!

Questions



Town of Wareham Board of Selectmen
Mr. Peter W. Teitelbaum, Esq.
Chairman
Selectmen's Office
54 Marion Road
Wareham, MA 02571

RECEIVED

MAR 25 2021

TOWN OF WAREHAM
BOARD OF SELECTMEN

March 25, 2021

Dear Chairman Teitelbaum,

Enclosed please find a Petition for Town Meeting Action signed by registered voters of Wareham and the Proposed Article. We ask that this petitioned article be included in the Special Town Meeting within the annual Spring Town Meeting currently scheduled for April 26, 2021.

This Petition Article requests a vote of Town Meeting to amend article 590 Solar Energy Generation Facilities of the Wareham Zoning By-Laws. The proposed Amendment would amend subsection 594.1.

The explanation for this proposal is that the existing Wareham Zoning By-Laws regarding the development of ground-mounted solar energy facilities were put in place at a time when solar farm development was just beginning. The 2014 MA State guidelines and model zoning regulations have been closely followed in our by-laws. These were designed to encourage solar farm development.

Wareham now has 19 large solar farms with approximately 7 in the permitting process. It is time to incorporate more recent guidance regarding the unintended consequences, such as ecological damage of inappropriately sited facilities, into Wareham's By-Laws. This proposed amendment is intended to encourage more appropriate siting of solar facilities.

Please contact me if you have any comments or questions regarding this petition. I am available to meet with you at your convenience to discuss this proposed amendment.

Respectfully submitted,



Nancy L. McHale
87 Fearing Hill Road
West Wareham, MA 02576
617-966-4386
nlmchale@verizon.net

cc: Town Clerk, Kenneth Buckland, Planning Department

Enclosures

2021 Special Town Meeting Article

Warrant Article:

Identifier: (to be determined by office: _____) Article # _____

Title: Amendment to Solar By-Laws

Warrant Article:

To see if Town Meeting will vote to amend the Wareham Zoning By-Laws, section 590, Solar Energy Generation Facilities, as follows:

Amend subsection 594.1.1 to read:

1. Be sited on a parcel of at least three (3) acres in size (no less than 130,680 square feet), and no more than ten (10) acres in size (no more than 435,680 square feet). The portion of the parcel used for solar generation facilities must have been previously cleared of trees for a period of at least five (5) years prior to the date of submission of the project for approval. Aerial photos that are date-time stamped or come from a government source may be used to show the time of clearing. The appropriate reviewing board will have the sole discretion in determining compliance with this standard.

Or to take any other action relative thereto.

Motion:

I move that the Town vote to amend the Wareham Zoning By-Laws in regard to Solar Energy Generation Facilities, subsection 594.1.1 to read:

1. Be sited on a parcel of at least three (3) acres in size (no less than 130,680 square feet), and no more than ten (10) acres in size (no more than 435,680 square feet). The portion of the parcel used for solar generation facilities must have been previously cleared of trees for a period of at least five (5) years prior to the date of submission of the project for approval. Aerial photos that are date-time stamped or come from a government source may be used to show the time of clearing. The appropriate reviewing board will have the sole discretion in determining compliance with this standard.

Explanation:

The Wareham Zoning By-Laws regarding to the development of ground-mounted solar energy facilities were put in place at a time when solar farm development was just beginning. The 2014 State guidelines and model zoning regulations have been closely followed in our by-laws. These were designed to encourage solar farm development.

Wareham now has 19 solar farms. It is time to slow down this type of development so that more recent guidance regarding the unintended ecological damage of inappropriately sited facilities can be incorporated into Wareham's By-Law.

This article is intended to have immediate impact on the large scale clear cutting of forests to accommodate large ground mounted solar energy facilities. It is intended to encourage more appropriate siting of facilities.

Submitted By: Citizen's Petition / Nancy McHale

Phone Number 617-966-4386 or Email: nlmchale@verizon.net

Date: _____**Reference Information:** Wareham Zoning By-Laws

https://www.wareham.ma.us/sites/g/files/vyhlf5146/f/uploads/2018_fall_tm_zoning_by-law.pdf

Petition Article Inserted by: _____