

ANNUAL SPRING TOWN MEETING and SPECIAL TOWN MEETING MINUTES
TOWN OF WAREHAM

APRIL 26, 2021 Postponed until June 12, 2021
(GENERAL BUSINESS PORTION)

11:00A.M. Decas School, 760 Main St

MAY 4, 2021
(ELECTION)

DESIGNATED POLL LOCATIONS 8:00 O'CLOCK A.M. to 8:00 O'CLOCK P.M.

COMMONWEALTH OF MASSACHUSETTS

Town Meeting was called to order by Moderator Claire Smith in the Cafetorium of Decas School at 11:02am, Saturday, June 12, 2021. After the Pledge of Allegiance and a moment of silence for Wareham residents who have died Town Meeting began.

Consent Agenda: Approve Articles 2, 3 (see Art 3), 18 and 21. Pass over Article 1.

Consent Agenda passes with a hold being called on Art 3

ARTICLE 1 - ELECTION OF OFFICERS

To choose the following officers: one Selectman for a term of three (3) years, two Assessors for a term of three (3) years, two School Committee members for a term of three (3) years, one Deputy Moderator for a term of three (3) years, one Sewer User Commissioner for a term of three (3) years, one Sewer Non-User Commissioner for a term of three (3) years, or to do or act in any manner relative thereto.

Election was held on May 4, 2021 (Consent Agenda)

ARTICLE 2 - RECURRING BUSINESS

- A. To see if the town will vote to authorize the Board of Selectmen and/or the Town Administrator to apply for, accept and enter into contracts from time to time for the expenditure of any funds allotted or otherwise available to Wareham by the Commonwealth of Massachusetts or the U.S. Government under any State or Federal Grant program or activity, or to do or act in any manner relative thereto.

- B. To see if the Town will authorize its Town Treasurer/Collector to enter into

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compensating balance agreements for fiscal year 2022 pursuant to Chapter 44, Section 53F of the General Laws, or to do or act in any manner relative thereto.

- C. To hear the reports of the Selectmen, School Committee, and the Capital Planning Committee, and any other reports from officers and committees who consider it expedient to do so, or to do or act in any manner relative thereto.
- D. To see if the Town will vote to expend interest earned from loan repayments made between the Town of Wareham and Wareham residential property owners as authorized under Chapter 111, Section 127B1/2 and/or Chapter 29C of the General Laws for use for the administration of the Septic Loan Program and for additional so-called betterment loan projects, or to do or act in any manner relative thereto.

Passed by Consent Agenda

ARTICLE 3 - COMPENSATION OF CERTAIN OFFICIALS

To see if the Town will vote pursuant to G.L. c. 41, Section 108 to set the compensation of elected officials, and further, to set the compensation of certain appointed officials, or to do or act in any manner relative thereto.

Town Clerk : \$85,000

Registrar : \$700

Moderator : \$120 per diem

Taken out of consent agenda by hold being called

Motion to accept passed by majority

ARTICLE 4 – FY22 REVOLVING FUNDS

To see if the Town will vote to approve all of the following G.L. c. 44, Section 53½ revolving funds, or to do or act in any manner relative thereto:

<u>Revolving Fund</u>	<u>Authorizing to Spend Fund</u>	<u>Revenue Source</u>	<u>Use of Fund</u>	<u>FY22 (current) Spending Limit</u>	<u>Disposition of FY 21(prior) Fund Balance</u>
COA/ Transportation	COA/ Transportation	User Fees/	Transportation	200,000	Unencumbered balance from FY21 funds transferred to FY22 revolving fund
Library	Library	Fines/fees/	Supplies, books	20,000	Unencumbered balance from FY21 funds

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		Fund Raising			transferred to FY22 revolving fund
COA/Social Programs/Daycare	COA/Social Programs	User Fees/ Fund Raising	Programs, supplies, equipment, contracted instructors and any other related expenses	50,000	Unencumbered balance from FY21 funds transferred to FY22 revolving fund
COA/Activities	COA/Activities	User Fees/ Fund Raising	Programs, supplies, equipment, contracted instructors and any other related expenses	50,000	Unencumbered balance from FY21 funds transferred to FY22 revolving fund
Hammond Rental	Director of Municipal Maintenance	Rent from former Hammond School	Operating costs of buildings and grounds	50,000	Unencumbered balance from FY21 funds transferred to FY22 revolving fund
Recycling	Chair of Recycling Committee with approval of Town Administrator	User Fees/ Fund Raising	Programs, supplies, equipment, contracted instructors and any other related expenses	50,000	Unencumbered balance from FY21 funds transferred to FY22 revolving fund
Shellfish Propagation	Shellfish Constable and Town Administrator	Shellfish permits fees + 20% of all fees derived from shellfish permits	Shellfish Propagation and enhancement of shellfish resources	30,000	Unencumbered balance from FY21 funds transferred to FY22 revolving fund
Board of Health	Health Department	Fees from Rental Inspection program	Fund Rental Inspection Program	75,000	Unencumbered balance from FY21 funds transferred to FY22 revolving fund
Treasurer	Director of Finance	Tax Title Collections	Necessary and related Tax Title Fees	150,000	Unencumbered balance from FY21 funds transferred to FY22 revolving fund
Code Enforcement	Building Commissioner	Fines, Fees and Funds from Enforcement	Fund Code Enforcement	100,000	Unencumbered balance from FY21 funds transferred to FY22 revolving fund
Solid Waste and Recycling	Town Administrator, Municipal Maintenance Director	Beginning 7/1/2019 all revenue from solid waste and recycling programs including sticker fees and any other revenue associated with solid waste, recycling, bulky items and white goods	Pay for all operational and disposal costs of solid waste, recycling, bulky items white goods and associated costs, including assessments for transfer station	2,500,000	Unencumbered balance from FY21 funds transferred to FY22 revolving fund
Tremont Nail Factory Buildings & Grounds	Director of Municipal Maintenance	Rent, Fees, Charges, Fund Raising	Operating costs of buildings and grounds	500,000	Unencumbered balance from FY 21 funds transferred to FY22 revolving fund

Motion to accept passed by majority

ARTICLE 5 - OCCASIONAL REPORTS

To receive and hear reports regarding the Redevelopment Authority or any other reports from committees who deem it necessary, or to do or act in any other manner relative

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thereto.

Motion to accept passed unanimously

ARTICLE 6 – FY22 CAPITAL PLAN

To see if the Town of Wareham will vote to raise and appropriate and/or 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 and equipment and repairs to and improvements to town buildings, facilities and waterways, or to do or act in any manner relative thereto.

Department	Description	Cost	Funding Source
WPCF	VACTOR VACUUM TRUCK	\$430,000	FY22 WPCF Budget – Capital Line
WPCF	DUMP TRUCK	\$225,000	FY22 WPCF Budget – Capital Line
WPCF	PICKUP TRUCK	\$55,000	FY22 WPCF Budget – Capital Line
WPCF	SCADA (SUPERVISORY CONTROL AND DATA ACQUISITION) REPAIRS	\$200,000	FY22 WPCF Budget – Capital Line
WPCF	GENERATOR PLATFORM GRANT MATCH	\$57,358	FY22 WPCF Budget – Capital Line
		\$967,358	

Motion to accept passed by majority

ARTICLE 7 – FY22 BUDGET

To see if the Town will vote to raise and appropriate from levy, state and local receipts, the sum of \$61,665,718 and transfer \$875,000 from Water Pollution Control Enterprise Fund to fund the FY22 budget presented in the Administration Handout.

Motion to accept as read in warrant and in the format as required by DOR
Motion passed by majority

ARTICLE 8 - EMERGENCY MEDICAL SERVICES BUDGET

To see if the Town will vote to appropriate \$1,402,180 to the Emergency Medical Services salaries and wages account, \$387,125 to the Emergency Medical Services general

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expense account, and further, to authorize a sum of money in estimated receipts of the Emergency Medical Services to be used to offset said appropriation in accordance with M.G.L. Chapter 44, Section 53E, or to do or act in any manner relative thereto.

Motion to accept passed by majority

ARTICLE 9 - UPPER CAPE COD REGIONAL TECHNICAL SCHOOL

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$3,637,529 as its share of the operating and capital costs of the Upper Cape Cod Regional Technical High School District for the Fiscal Year July 1, 2021 through June 30, 2022, or to do or act in any manner relative thereto.

Motion to accept passed unanimously

ARTICLE 10 - WPCF ENTERPRISE FUND

To see if the Town will vote to appropriate \$6,375,982 from the Water Pollution Control Enterprise revenues and \$1,272,880 WPCF betterment revenue/betterment reserves to defray WPCF Direct Costs and that \$875,000 as appropriated under Article 7 of the 2021 Spring Town Meeting be used for WPCF indirect costs, to fund the total Fiscal Year 2022 operation cost of the WPCF Enterprise Fund.

Motion to accept passed unanimously

ARTICLE 11 - UNION CONTRACTS

To see if the Town will vote to approve and fund the Collective Bargaining Agreement between the Town of Wareham and Wareham Sergeants, NEPBA Local 181.

Motion to accept passed by majority

ARTICLE 12 - SIGN ZONING BY-LAW AMENDMENT

To see if Town Meeting will vote to amend the Wareham Zoning By-Laws, Article 11: Signs, by deleting **Article 11** in its entirety and replacing Article 11 with language on file in the office of the Town Clerk, or to take any other action relative thereto.

To see if Town Meeting will vote to delete the existing Article 11 Signs zoning bylaw and replace with the following text:

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ARTICLE 11:

SIGNS

1110 PURPOSE

The purpose of this article is to promote the safety, comfort and wellbeing of the users of the streets, roads and highways in the Town of Wareham by:

1110. 1. Reducing the potential distractions and obstructions of signs that would adversely affect traffic safety and alleviating hazards caused by signs projecting over or encroaching upon public ways.
- 1110.2. Discouraging excessive visual competition in signage and ensuring that signs aid orientation.
- 1110.3. Preserving and enhancing the character of the Town by requiring new and replacement signage that is:
 1. Creative and distinctive,
 2. Compatible to the surrounding area and surrounding architecture,
 3. Appropriate to the type of activity to which it pertains,
 4. Expressive of the identity of individual proprietors or of the community as a whole,
 5. Appropriately sized in its context, so as to be easily read.

1120 PERMIT REQUIREMENTS

- 1121 General. Except as otherwise provided herein, no sign shall be erected, altered or relocated without a permit issued by the Director of Inspectional Services.
- 1122 Where multiple signs are to be attached to a building, the exact location of the signs on the building shall be subject to approval by the Director of Inspectional Services at the time the permit is issued, unless the sign is located in the Historic Districts or unless the sign permit is being issued pursuant to a decision of the Zoning Board of Appeals.
- 1122 Signs in Historic Districts. Each application with respect to a sign within an Historic District must be accompanied by a certificate of appropriateness from the Historic District Commission, unless such sign is exempt from the requirement of such certificate.
- 1123 Applications. The applicant must submit to the Director of Inspectional Services a completed sign permit application, together with all supporting materials specifying building and sign dimensions, materials of which the sign is composed, colors, attachment methods, and the position of the sign. A permit shall be issued only if the sign conforms to the provisions of this bylaw and all other applicable laws.
- 1124 Fees. Fees for sign permits shall be paid in accordance with the schedule of fees for permits.
- 1125 Nullification. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months from the date of the permit provided, however, that the Director of Inspectional Services may, in their discretion, issue extensions covering a period not to exceed one year from the date of issue of the original permit.

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- 1126 Inspection. Any sign may be inspected periodically by the Director of Inspectional Services for compliance with this bylaw.
- 1127 Existing Signs. Existing signs are classified into one of four separate categories:
- 1127.1. Conforming signs that comply with all provisions of this bylaw in its most recently amended form.
 - 1127.2. Prohibited signs, as specified in Section 1160.
 - 1127.3. Non-conforming signs, which do not comply with one or more provisions of this bylaw in its form, but which are not described as prohibited signs in this Bylaw
 - 1127.4. Historic and historic landmark signs
- 1128 Alteration of Existing Signs. Non-conforming signs which are enlarged, redesigned, replaced, or altered in any way including repainting in a different color, shall comply immediately with all provisions of this bylaw; and provided further that any such sign which has deteriorated to such an extent that the cost of restoration would exceed thirty-five (35) percent of the replacement value of the sign at the time of replacement shall not be repaired or rebuilt or altered except to conform to the requirements of this bylaw.
- 1129 Removal of Signs. The Director of Inspectional Services may order the removal of any new sign erected or maintained in violation of this bylaw. Fourteen (14) days notice in writing shall be given to the owner of such sign, or of the building, structure, or premises on which such sign is located, to remove the sign or to bring it into compliance with the bylaw.

1130 ADMINISTRATION AND PENALTIES

- 1131 Enforcement. The Zoning Enforcement Officer is hereby authorized to enforce all of the provisions of this bylaw.
- 1132 Failure to Act on Permit. If no sign permit has been issued within thirty (30) days after the application therefor has been made, it shall be deemed to be denied.
- 1133 Zoning Board of Appeals.
- 1133.1 Right of Appeal. Any applicant for a permit, any person who has been ordered by the Director of Inspectional Services to incur expense in connection with a sign, or any person aggrieved by refusal, order, or decision of the Director of Inspectional Services, may appeal to the Zoning Board of Appeals within 20 days from the date of such refusal, order, or decision. After notice given to such parties as the Board shall order, the Zoning Board of Appeals shall hold a public hearing. Applying the standards in clause (2) below, where applicable, and interpreting this bylaw, the Board shall affirm, annul or modify such refusal, order, or decision. The action of the Director of Inspectional Services may be annulled or modified only by a majority decision of the Board. If the action of the Inspector is modified or annulled, the Director of Inspectional Services shall issue a permit or order in accordance with the decision of the Board.
- 1133.2 Variances. The Zoning Board of Appeals may vary the provisions of this bylaw in specific cases where
- 1. Variance is necessary to comply with other applicable laws,
 - 2. The Zoning Board of Appeals determines that the circumstances involved with a particular sign were not contemplated by the bylaw; or
 - 3. Unnecessary hardship will result to the owner of the sign,

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provided that the requested relief may be granted without substantially derogating from the intent and purpose of this bylaw.

1133.3 Any decision to vary the provisions of this bylaw shall be by majority and shall specify any variance allowed and the reasons therefor. Each decision of the Zoning Board of Appeals shall be filed in the office of the Town Clerk within thirty days after the hearing and a copy of the decision shall be sent by mail or delivered to the appellant and any other person appearing at the hearing and so requesting in writing. Failure to file such a decision within thirty days after the hearing shall not be deemed to be approval of any variance sought.

1133.4 Conditions and Safeguards. The Board may include appropriate conditions in furtherance of this bylaw in a permit issued under this bylaw.

1134 Penalties. Any sign owner or owner of property on which a sign is located who violates or permits a violation of this bylaw, may be subject to fines as established under the Non-Criminal Disposition Bylaw, said fine to begin after the later of:

1134.1 The date of issuance of any written notice given by the Director of Inspectional Services or

1134.2 The date of conclusion of any appeal therefrom. Each day the violation persists shall constitute a separate offense.

1140 ILLUMINATION

1141. Exterior illumination of signs shall be so shaded, shielded or directed that they shall not reflect or shine on or into neighboring premises or into any public street.

1142 The intensity of such light shall be deemed acceptable if it does not exceed a factor of three (3) above the ambient light intensity at any point on the ground when measured with an incident light meter and the following procedure:

1142.1 The intensity of the sign illumination, in foot candles, is measured with all normal background and ambient illumination on.

1142.2. With the sign turned off, the same measurement is repeated.

1142.3 The ratio of the measurement in (1) to that in (2) shall not exceed 3.

1143 No sign shall be illuminated between the hours of 11:00 P.M. and 7:00 A.M. unless authorized by the Zoning Board of Appeals.

1150 SIGNS ALLOWED IN ALL DISTRICTS

The following categories of signs are allowed in all districts under this bylaw in addition to any other sign allowed under this bylaw and, unless otherwise provided, such signs may be erected, altered or relocated without a permit issued by the Director of Inspectional Services pursuant to this bylaw:

1151 Non-Commercial Signs. Non-commercial signs, subject to the following conditions:

1151.1 No such sign shall be affixed to a tree or utility pole or otherwise erected in a public way;

1151.2 Non-commercial signs may be erected in the Town's right of way adjacent to a private property by the property owner only if

1. There is no protrusion of the sign into the public walkway or roadway;

2. Placement of the sign will not damage any plantings that are in the area; and

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3. Placement does not pose a hazard to passersby
- 1151.3. Non-commercial signs may be erected on other Town Property only pursuant to such other administrative policy governing the placement of signs on Town property duly enacted by the Board of Selectmen or the Town Administrator;
1. The non-commercial sign complies with relevant sections of this bylaw;
 2. Any such non-commercial sign must be no larger than the largest commercial sign permitted in the district in which it is located; and
 - 3 The number of non-commercial signs permitted on one property shall be no more than the number of commercial signs permitted on the property pursuant to this bylaw, however non-commercial signs shall not count toward the allowable square footage or allowable number of signs on a parcel of land.
1152. Cautionary Signs. A sign containing cautionary messages such as "Beware of Dog" or "No Trespassing," provided such sign does not exceed two (2) square feet in area.
1153. Directional and Traffic Safety Signs. A sign indicating "entrance," "exit," "parking" or similar traffic directional information, provided such signs are erected on a lot pursuant to a federal, state, or local law or regulation. Such signs shall not be counted in calculating the maximum number of signs allowed on a property.
1154. Street Banners. A Street banner which is placed within the Town right-of-way in the WV-1 or OV-1 district providing notice of a public, non-commercial event and displayed in a location designated by the Town Administrator subject to their approval for a period of time not to exceed 14 consecutive days, the first of which shall occur not more than 13 days prior to such entertainment or event. All such banners shall be removed within 24 hours after such entertainment or event.
- 1155 Construction and Real Estate Subdivision Signs. Pursuant to a permit issued by the Director of Inspectional Services, a temporary sign identifying construction or real estate subdivisions provided such sign otherwise conforms to the requirements for signs in the district in which it is located.
- 1157 Non-Commercial Building Signs. One sign, including bulletin or announcement board, identification sign or entrance marker is allowed for the principal entrance to a noncommercial building, not exceeding twelve (12) square feet in area. One additional sign, not exceeding twelve (12) square feet in area is also allowed if the establishment has frontage on a second public way. Up to nine (9) additional square feet of signage is also allowed to provide additional information to users on the site, provided that no single sign exceeds three (3) square feet.
1158. Restaurant Menus. In addition to other signs permitted by this bylaw, restaurants and other food service establishments may post an actual menu on the building where the premises are located near the main entrance door of the establishment without obtaining a permit under this bylaw.
- 1159 Gasoline Service Station Signs. Gasoline service stations may maintain product identification signs, provided the total area of said signs does not exceed nine (9) square feet with no single sign to exceed three (3) square feet.

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1160 PROHIBITED SIGNS

- 1161 Signs, other than historic markers or historic signs, which advertise a commercial activity, business, product or service not produced or conducted, or no longer produced or conducted, on the premises upon which the sign is located are prohibited. No such sign shall remain in place or on vacated premises for more than ninety days from the date the vacancy commenced, unless otherwise permitted by this bylaw.
1162. Signs which contain or consist of pennants, ribbons, streamers, spinners, other moving devices, strings of light bulbs or other similar devices are prohibited.
- 1163 Signs which have blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color, are prohibited.
- 1164 Signs illuminated by other than a stationary white or off-white steady light are prohibited.
- 1165 Signs which are pasted or attached to utility poles, trees, fences, or structures such as overpasses and bridges are prohibited. Signs pasted or attached to other signs are prohibited unless such subsidiary portions are an integral part of the total sign design.
1166. Mechanically activated signs, other than rotating barber poles, are prohibited.
1167. No free standing sign or part thereof shall be more than twenty (20) feet above ground level. No projecting or wall sign or part thereof may be higher than the wall to which it is attached. Roof mounted signs are prohibited, except that signs may be placed upon a Mansard roof or the roof of a porch provided the twenty (20) foot height limit is complied with.
1168. Signs which are not permanently affixed to a building, structure, or the ground including, but not limited to those used in conjunction with gasoline service station and automobile dealerships, 'sandwich board' or A-frame signs (except when permitted under 8(h)), and signs mounted on a truck or trailer chassis with or without wheels whose primary function is as a sign and not for the transport of goods or merchandise, are prohibited.
- 1169 Signs on a marquee or canopy are prohibited.

1170. SIGNS ALLOWED IN ZONING DISTRICTS.

In the zoning districts, only the following signs are permitted in addition to those allowed under section 1150:

1171 Signs in Residential Districts

- 1171.1 A sign of not more than two (2) square feet in area, displaying the street number, the name of the occupant of the property or historical references, if any, without the need for a permit under this bylaw. Signs up to four (4) square feet may include identification of a home occupation, or other accessory use approved pursuant to the Zoning Bylaw.
- 1171.2 Signs pertaining to the lease or sale of a lot or building without the need for a permit under this bylaw, provided that such signs do not exceed a total area of nine (9) square feet nor more than three and a half (3-½) feet in any dimension, until such time as all lots, apartments or houses have been rented or sold.
- 1171.3 One contractor's sign, not exceeding nine (9) square feet in area (except as otherwise provided by law) maintained on the property while construction is in progress, and containing information relevant to the project. Such sign shall not require a permit under

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this bylaw and shall be removed promptly after completion of construction.

1171.4 One sign identifying each public entrance to a subdivision or multi-family development such as apartments or town houses, of not more than nine (9) square feet in area, nor more than three and a half (3½) feet in any dimension.

1171.5 For agriculture, floriculture and related uses, one identification sign shall be in accordance with the requirements for signs in the business districts.

1172 Signs in Business and Commercial Districts

1172.1 Total Sign Area. Unless otherwise hereinafter provided, the total area of all signs erected on a lot shall not exceed one and one-half (1½) square feet in area for each horizontal linear foot of the building face(s) parallel to, or substantially parallel to, a street line. However, if the primary facade is on a parking area, then said facade shall be used to determine the amount of allowable signage.

1172.2 Principal Signs. No more than two principal signs shall be allowed for each business establishment. A principal sign may be a flat wall sign, a projecting sign, or a freestanding sign.

1. The total area of all flat wall signs shall not exceed seventy-five (75) square feet on any one wall of the business establishment. Flat wall signs shall not project more than twelve (12) inches from the face of the wall. Subject to the approval of the Director of Inspectional Services, a flat wall sign may be located anywhere on any wall of a building, provided that it does not conceal any part of a window, and that its length does not exceed seven-eighths (7/8) of the facade of the business establishment.

2. A projecting sign shall not extend beyond the curb line or more than 50 inches, exclusive of any supporting structure from the building. A projecting sign shall not be less than 10 feet from the ground level at the base of the building, over a vehicular way, 10 feet over a sidewalk, or a lesser distance so long as public safety is not endangered nor more than 20 feet from the ground level to the top of the sign. Allowable area of a projecting sign will be computed as one-half (½) square foot for each horizontal linear foot of the facade of the establishment on which it hangs. Such sign shall not extend above the building, nor be more than twelve (12) square feet in area.

3. A freestanding sign shall not exceed fifty (50) square feet of area when the establishment fronts on Route 28, or more than twenty-five (25) square feet of area when the establishment fronts on a street other than Route 28. No more than one freestanding sign shall be permitted on a lot. A freestanding sign shall not extend over a public way.

1172.3 Secondary Signs. If a business establishment consists of more than one building and has secondary frontage on a street or parking area, a secondary sign may be affixed to one wall of each building or to the second side. Secondary signs shall not exceed one square foot for each horizontal linear foot of secondary frontage on a street or parking lot, and said area shall be in addition to the allowed total sign area for each building under 1172.1, but the size of the sign shall not exceed the maximum size allowed.

1172.4. Directories. Where there are three (3) or more businesses on a lot, or there are businesses without an entrance on the street frontage, a directory may be permitted for the purpose of traffic

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direction and control. The size of the directory shall not exceed nine (9) square feet plus one and one-half (1½) square feet per business establishment. Such a directory shall be included in the calculation of total permitted sign area for the lot.

1172.5 Awnings. Retractable, fabric awnings projecting from the wall of a building for the purpose of shielding the doorway or windows from the elements may include signage on the valance. Such signage shall not be included in the calculation of the total permitted sign area for the lot, provided that no lettering or symbol is greater than six (6) inches in height. No awning may extend within two (2) feet of a curbline.

1172.6 Temporary Sale Signs. In a business district, temporary signs, advertising special promotions or sale of merchandise, may be attached to or located only within the interior of a window or door, and shall not require a permit under this bylaw or be considered in calculating the total permitted sign area for the lot.

1172.7 Signs Painted on Windows. In a business district, painted script describing a commercial product and not including the name of the business. Such signage shall not require a permit under this bylaw or be included in the calculation of the total permitted sign area for the lot.

1172.8 Sandwich Boards. One "A" frame Sandwich Board sign per building shall be permitted (including within the public right-of-way, sidewalk only, except in conditions of snow or ice), in addition to the other signs permitted under this bylaw, such signs shall not require a permit under this bylaw, subject to the following conditions:

1. The sign shall only be displayed in front of the place of business, adjacent to the buildings only, and not along the curb.
2. The sign shall not exceed 24" in width and 48" in height.
3. The sign shall not protrude on the sidewalk in such a way as to obstruct pedestrian traffic or reduce the open sidewalk width to less than four feet.
4. The sign shall be free of sharp corners, protrusions and devices which could inadvertently cause injury.
5. In response to specific safety concerns, the Police Department may prohibit sidewalk displays in designated areas during holiday parades or other specified times or days due to sidewalk congestion.
6. Commercial sandwich-board signs may be displayed only during business hours and must be removed from the sidewalk thereafter.

1173. Signs in Industrial Districts

1173.1 In Industrial districts the same restrictions on signs shall apply as in Business and Commercial districts.

1173.2 A directory sign, not exceeding one hundred (100) square feet in area may be placed at each public entrance to an industrial park and no more than one freestanding sign for the purpose of traffic direction and control may be erected, and shall not be included in the total permissible sign area calculations for the lot(s) within the industrial park.

1174. Signs in Institutional Districts

1174.1 Total Sign Area. Unless otherwise hereinafter provided, the total area of all signs erected on a lot shall not exceed one square foot in area for each horizontal linear foot of the building face(s) parallel to, or substantially parallel to, a street line, up to 50 linear feet. If the primary facade is on a parking area, then said

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facade shall be used to determine the amount of allowable signage.

1174.2. Principal Signs. No more than two (2) principal signs shall be allowed for each business establishment. A principal sign may be a flat wall sign, a projecting sign, or a freestanding sign.

1. The total area of all flat wall signs shall not exceed seventy-five (75) square feet on any one wall of the business establishment. Flat wall signs shall not project more than twelve (12) inches from the face of the wall. Subject to the approval of the Director of Inspectional Services, a flat wall sign may be located anywhere on any wall of a building, provided that it does not conceal any part of a window, and that its length does not exceed seven-eighths (7/8) of the facade of the business establishment.

2. A freestanding sign shall not exceed eighteen (18) square feet of area. No more than one freestanding sign shall be permitted on a lot. A freestanding sign shall not extend over a public way, shall be no more than 12 feet high, and shall clear the ground by seven (7) feet.

1180. DEFINITIONS

1181. "Sign" means any object, device, display or structure, or part thereof, which is placed outdoors or which is visible from the outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. "Sign" shall include, without limiting the generality of the foregoing, billboards, pennants, ribbons, streamers, moving devices, strings of lights, awnings, marquees, canopies, vending machines, and similar devices. "Sign" as regulated herein shall not include:

1. National or state flags,
2. Athletic scoreboards,
3. Official announcements or signs of U.S., Massachusetts or Town government approved by the Board of Selectmen, or
4. Temporary holiday decorations.

1182 "Area of Sign" means the area of a freestanding or attached sign and shall include all lettering and accompanying symbols or designs, together with the background, whether open or enclosed, on which they are displayed. The area shall not include basic supporting framework and bracing. The area of a sign painted directly upon a building shall include all lettering and accompanying designs or symbols, together with any background of a different color than the finished material of the building face on which the sign is painted. The area of a sign consisting of individual letters or symbols attached to, or painted directly on, a building, wall, or window shall be the area of the smallest rectangle which encompasses all of the letters or symbols. A double-faced sign shall be deemed to be one sign having an area equal to the area of one side.

1183 "Business Establishment" means as independent economic unit, in a single physical location, where a business is conducted.

1184 "Temporary Signs" means signs erected for a period not to exceed sixty (60) consecutive days.

1186 Other terms, including the names of districts, shall, where

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applicable, have the meanings given to them in the Wareham Zoning By-Law.

1190. INTERPRETATION AND CONFLICT

1191 These regulations are not intended to interfere with, abrogate or annul any other bylaw, regulation, statute, or other provision of law. Where any provision of these regulations imposes permissible restrictions different from those imposed by any other regulation, bylaw, or other provision of law, whichever provisions are more restrictive or impose higher standards shall apply.

1192 SEVERABILITY

The invalidity of any section or provision of this bylaw, or its application to any sign, shall not invalidate any other section or provision, or application of this bylaw.

or to take any other action relative thereto.

Motion to accept passed unanimously

ARTICLE 13 - DEFINITION OF A 2-FAMILY OR DUPLEX DWELLING

To see if the Town will vote to amend Section 340.4 entitled "Residential Uses" of the Zoning By-Laws of the Town of Wareham, by adding the language shown in bold italics, or to take any other action relative thereto.

Section 340.4

2-family dwelling

A building containing two dwelling units, ***sharing a common demising wall, floor or ceiling***, constructed on a single lot.

Also known as a duplex.

3 to 4 family dwelling

A dwelling containing at least three but no more than four separate dwelling units, ***each unit sharing a common demising wall***, floor or ceiling, with its neighbors.

5 or more family dwelling

A dwelling containing five or more separate family dwelling units, each unit containing a minimum of 650 square feet of livable floor space, exclusive of closets and bathrooms, ***each unit sharing a common demising wall, floor or ceiling***, with its neighbors.

Motion to accept passed unanimously

ARTICLE 14 - DRIVE THROUGHS IN CS DISTRICT

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To see if Town Meeting will vote to amend the Zoning By-Laws, by changing the lines for:

"Restaurant Drive through" and "Non-food Drive in/ Drive through establishment,"

In the 'CS' column for both lines change the 'N' not permitted, to "SPZ" allowed by Special Permit from the Zoning Board of Appeals

and

amend section 386 by adding "Strip Commercial" to the first line so that it reads:

"A Drive-through Restaurant and Non-food Drive In/Drive through establishment shall be permitted in the General Commercial [CG] and Strip Commercial [CS] districts by Special Permit issued after the following conditions are met:"

or to take any other action relative thereto.

**Motion to accept failed by hand count: Yes 103 No 102
(2/3rds vote required not met)**

ARTICLE 15 – AMEND ZONING BY-LAW RE: SETBACKS FOR MARIJUANA TESTING LABS FROM SCHOOLS

To see if Town Meeting will vote to amend the Zoning By-Laws as follows:

Amend Article 390, by adding a new section, 392.1, to read as follows:

'An exception shall be made for an existing laboratory adding independent marijuana product testing to its services. This use may be authorized by Special Permit in the district in which it is located.'

And by adding a new section 395.1 to read as follows:

'As allowed by 935 CMR 500.110. 3 Buffer Zone, there shall be a zero-foot setback from a public or private school, where the proposed marijuana establishment is an independent marijuana testing laboratory.' or to take any other action relative thereto.

Motion to accept passed unanimously

ARTICLE 16 - WAREHAM VILLAGE 1 REINVESTMENT SUBDISTRICT REZONING

To see if the Town will vote to amend the Zoning By-Law, by adding a new WV-1R Reinvestment Subdistrict including the following parcels, or portions of parcels shown on the Town of Wareham Assessor's Map 47:

Lots 1056, 1057, 1058, 1059, 1064-A, 1064-D, 1072, 1073, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103-A, 1103-B, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1137, 1138, 1139, 1140,

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1141, 1142, 1143-A, 1143-B, 1144, 1145, 1146, 1147, 1148-A, 1148-B, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1161;
and, further, to amend the ZONING MAP to create a new WAREHAM VILLAGE REINVESTMENT SUBDISTRICT / WV-1R; all as shown on file in the office of the Town Clerk in a document titled "VILLAGE 1: REINVESTMENT SUBDISTRICT / WV-1R"; or to take any other action relative thereto.

Motion made to have Wareham Redevelopment Authority further study this article : Motion for further study passed unanimously

ARTICLE 17 - TOWN MEETING ENDORSEMENT OF 2020 MASTER PLAN

To see if the Town will vote to accept the following Resolution to endorse the 2020 Wareham Master Plan:

Whereas the 2020 Wareham Master Plan for the town of Wareham has been created with the input of the Wareham citizens, local government representatives, and town administration;

And whereas the Wareham Planning Board has approved said 2020 Wareham Master Plan, consisting of 20 Goals and 52 specific strategies, in 8 different categories as outlined by Massachusetts General Laws Chapter 41, Section 81D;

And whereas the Wareham Master Plan has been posted on the Town of Wareham Planning Board website at the following URL:

https://www.wareham.ma.us/sites/warehamma/files/uploads/wareham_master_plan_final_2020-01-27.pdf

Now, therefore, be it hereby resolved that the 2020 Wareham Master Plan, as approved by the Wareham Planning Board on January 27, 2020, is endorsed by the Wareham Town Meeting.

Motion to accept passed by majority

ARTICLE 18 - FY 2022 COMMUNITY PRESERVATION FUND RESERVES

To see if the Town will vote to reserve for future appropriation from Community Preservation Funds FY 2022 estimated annual revenues for the following amounts (1) \$65,000 .00 for administrative expenses ; (2) \$130,000.00 to Open Space Reserves; (3)\$130,000.00 to Historical Preservation Reserves; and (4) \$130,000.00 to Affordable Housing Reserves or to do or act in any manner relative thereto.

Approved in Consent Agenda

ARTICLE 19 - WAREHAM LITTLETON DRIVE CPA FUNDING REQUEST

To see if the Town will vote to appropriate from the Community Preservation Undesignated Funds or any other available monies in the Community Preservation Act Fund, under the category of Affordable Housing, a grant to Pennrose, LLC , 50 Milk Street, Boston, a grant for the sum of \$830,000. , to construct 83 affordable housing units, and further to authorize the Wareham Redevelopment Authority to acquire on behalf of the Town of Wareham a 40 year affordable deed restriction on the land and structures at 4 Littleton Drive (Assessors map 56, lot1) or to do or act in any manner relative thereto.

**Motion to further study article failed:
Main Motion to accept original article declared failed**

ARTICLE 20 - HARBOR SERVICES PERMITS RECEIPTS RESERVED FOR APPROPRIATIONS ACCOUNT

To see if the Town will vote to transfer the sum of \$67,900.00 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.

Motion to accept passed by majority

ARTICLE 21 - HARBOR SERVICES PERMITS RECEIPTS RESERVED FOR APPROPRIATIONS ACCOUNT

To see if the Town will authorize, under General Laws Chapter 44, Section 21C, upon the recommendation of the Board of Selectmen, transfer the sum of \$3,800.00 from the Harbor Services Permits Receipts Reserved for Appropriations Account to be transferred to the Harbormaster's Maintenance and Improvements account to pay for the payment of the Bond Anticipated Note interest for the previously authorized Onset Floating Dock Project, or take any other action relative thereto.

Consent Agenda

ARTICLE 22 - TOWN CHARTER CHART 1

To see if the Town will vote to authorize the Board of Selectmen to petition the Legislature for Special Legislation that amends the Wareham Home Rule Charter as

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shown in a document on file in the Office of the Town Clerk titled "Proposed Charter Changes Chart 1, Fall Town Meeting 2020" and as further shown in a document titled "Town of Wareham Charter Review Group Final Report 2020" dated September 16, 2020, or to take any other action relative thereto.

Motion to accept passed unanimously

ARTICLE 23 - TOWN CHARTER CHART 2

To see if the Town will vote to authorize the Board of Selectmen to petition the Legislature for Special Legislation that amends the Wareham Home Rule Charter as shown in a document on file in the Office of the Town Clerk titled "Proposed Charter Changes Chart 2, Fall Town Meeting 2020" and as further shown in a document titled "Town of Wareham Charter Review Group Final Report 2020" dated September 16, 2020, or to take any other action relative thereto with respect to the following subcategories.

Subcategories:

- a) Definitions
- b) Transitional Provisions
- c) Capital Planning
- d) Sewer
- e) Assessors
- f) Charter Changes
- g) Town Clerk
- h) Town Administrator
- i) Road Commissioners

Holds were placed on 3-6(a) Town Clerk Appt vs Elected
 3-7(b, d) Sewer Commission
 3-9 Road Commissioners
 4-4(a) removals and suspensions
 7-6 Definitions

Discussions were held: Motion to accept holds

3-6(a) passed

3-7(b,d) passed

3-9 failed

4-4(a) passed

7-6 passed

Main motion to accept all un-held as proposed in

warrant passed by majority

ARTICLE 24 - BAN OF SALES OF 'NIPS'

To see if the town will vote to adopt the following ban on the sale of miniature single use containers for alcoholic beverages as a general by-law and to insert into the Wareham Town By-Law Division XIII Article 1. The sale of alcoholic beverages in containers less than or equal to 100 milliliters is prohibited within the Town of Wareham effective May 11, 2022, or to take any action relative there to.

Motion passed by majority

ARTICLE 25 - PETITION ARTICLE: NAMING OF THE NEW ELEMENTARY SCHOOL LOCATED AT 63 MINOT AVENUE, WAREHAM, MA

To see if the Town will vote to name the new elementary school currently under construction at 63 Minot Ave and scheduled to open January 2022 as the "Wareham Elementary School".

Motion passed by majority

ARTICLE 26 – PETITION ARTICLE: LOCAL INITIATIVE PROGRAM – LOCAL ACTION UNITS – AFFORDABLE HOUSING - NEW CONSTRUCTION (830) & EXISTING CONSTRUCTION (840)

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.

**Motion for further study failed
Main motion to accept passed by majority**

++++
Annual Town Meeting was dissolved at which point Special Spring Town Meeting was convened.

Consent agenda: Accept Art 5 and pass over Art 6
Consent Agenda passed unanimously

ARTICLE 1 - BUDGET TRANSFERS

To see if the Town will vote to transfer sums of money within the budget lines as voted in Article 7 of the 2020 Spring Annual Town Meeting and further transfer from available funds to said budget lines, or to take any other action relative thereto.

From Health Insurance to Veteran's Assessments \$35,000

Motion to accept passed unanimously

ARTICLE 2 - FUND PARKING PROGRAM

To see if the Town will vote to \$90,000 from the Receipts Reserved for Appropriation Parking at Onset Pier Account to Fund the Parking Programs and Onset projects, with such funds to be distributed by the Town Administrator or to take any action relative thereto.

Motion to accept passed unanimously

ARTICLE 3 - SPRING 2021 CAPITAL

To see if the Town of Wareham will vote to raise and appropriate \$195,000 from certified free cash for Municipal Maintenance Backhoe, Natural Resources Animal Control Vehicle and Inspectional Services Inspection vehicle.

Motion to accept passed unanimously

ARTICLE 4 - TRANSFER OF AVAILABLE FUNDS

To see if the Town will vote to transfer \$100,000 from Certified Free Cash to be used as the Town's matching portion for grants

Motion to accept passed unanimously

ARTICLE 5 - PEG ACCESS RECEIPTS TO WAREHAM COMMUNITY TV

To see if the Town will vote to transfer \$338,641.51 from the PEG Access receipts Reserved for Appropriation account to Wareham Community Television (WCTV), or to

do or act in any manner relative thereto.

Passed in consent agenda

ARTICLE 6 - HOME RULE PETITION FOR SOLAR/WIND TAXATION

To see if the Town will vote to petition the Legislature for a special act in substantially a similar form to the following:

An Act relative to the town of Wareham.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Notwithstanding the provisions of Section 5, Clause Forty-Fifth of Chapter of the General Laws, as appearing in the General Official Edition, and notwithstanding the provisions of any general or special law to the contrary, the Town of Wareham is hereby authorized, pursuant to Section 4 of Chapter 59 of the General Laws, as appearing in the 2019 General Official Edition, to assess, as personal property, a solar or wind system that is capable of producing more than twenty-five kilowatts AC (25kwAC), and which power produced by said solar or wind powered system is more than 125 per cent of the annual electricity needs of the real property upon which it is located and contiguous or non-contiguous real property within the same municipality that is owned or leased by the owner of the real property on which the solar or wind powered system is located.

Section 2. In lieu of the payment of the tax authorized in Section 1 hereof, the owner of any such solar or wind powered system, which is taxable as personal property in the Town of Wareham, may execute an agreement for payment in of lieu taxes with the Town of Wareham.

Section 3. Notwithstanding any provision of any general or special law to the contrary, the Town of Wareham acting through its Board of Selectmen, its Board of Assessors, and pursuant to authority granted by its Town Meeting, may execute an agreement for the payment in lieu of taxes with the owner of a solar or wind power system in the Town of Wareham; provided, however, that, unless otherwise provided by the agreement, a notice of the payment in lieu of taxes owed for each fiscal year shall be mailed to the owner, and due on the dates by which a tax assessed under the General Laws, as appearing in the 2019 General Official Edition would be payable without interest. The term of said payment in lieu of tax agreement shall not be for a period greater than 20 years from the date of installation of the system unless said payment in lieu of tax agreement contains express provisions setting forth the reasons that justify a term longer than 20 years; provided further, that an exemption shall not be

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allowed for any year within that period where the solar or wind powered system is not capable of producing energy as required herein.

Section 4. Annually and not later than March 1, each owner of a solar or wind powered system described in Section 1 hereof, shall execute and deliver an affidavit under oath to the Board of Assessors of the Town of Wareham stating the (i) type of system; (ii) capacity of the system; (iii) percentage of the annual electricity needs of the real property that were met by the system; and (iv) power generated for the previous year.

Section 5. Notwithstanding the provisions hereof, or any general or special law to the contrary, the owner of a solar or wind powered system and the Town of Wareham shall not be required to amend, modify, or renegotiate an existing payment in lieu of tax agreement that was entered into or executed before the effective date of this act.

Section 6. This act shall become effective on July 1, 2021.

Or to do or act in any manner relative thereto

Passed over in consent agenda

ARTICLE 7 - SOLAR PILOTS

To see if the Town will vote to approve a Payment in Lieu of Tax ("PILOT") Agreement as negotiated between the Town of Wareham and the developer of the projects under Borrego as listed below and to further authorize the Board of Selectmen and the Town Administrator to take such actions as may be necessary under State law to effectuate said Agreement:

140 Tihonet Road
150 Tihonet Road
27 Charge Pond Road

Motion for further study failed
Main motion to accept passed by majority

ARTICLE 8 - MARIJUANA DELIVERY OPERATORS BY-LAW

To see if Town Meeting will vote to amend the zoning bylaws as follows:

Add a new section 393.1 to read:

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393.1 The number of Marijuana Delivery Operators shall be limited to three [3] such establishments.

Hand count: Passed by 2/3rds majority: yes 101 no 30

ARTICLE 9 - UPDATES TO FEMA FLOODPLAIN BY-LAWS

Replace the Floodplain Overlay District, section 420 et seq. with the following:

420.1. Purpose

The purposes of the Floodplain Overlay District are to:

1. Ensure public safety through reducing the threats to life and personal injury
2. Eliminate new hazards to emergency response officials
3. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
4. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
5. Reduce costs associated with the response and cleanup of flooding conditions
6. Reduce damage to public and private property resulting from flooding waters

420.2. FEMA FIRM and FIS

The Floodplain Overlay District is herein established as an overlay district. The District includes all special flood hazard areas within Wareham on the Plymouth County Flood Insurance Rate Map (FIRM) dated July 6, 2021 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 6, 2021. The effective FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner, and Conservation Commission.

420.3. Abrogation and Greater Restriction

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any other less restrictive, and possibly conflicting local bylaws or codes.

420.4. Disclaimer of Liability

The degree of flood protection required by this bylaw is considered reasonable but does not imply total protection from flood damage and harm.

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420.5. Severability

If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the bylaw shall remain effective.

420.6. Floodplain Administrator

The Town of Wareham designates the Building Commissioner as the official Floodplain Administrator for the Town.

420.7. New Technical Data

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s).

Notification shall be submitted to:
FEMA Region I Risk Analysis Branch Chief
99 High St., 6th floor, Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator

MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114

420.8. Variances to State Building Code Floodplain Standards

The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to any variance of floodplain regulations granted, and will maintain this record in the community's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that:

1. the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and
2. such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

420.9. Variances to Wareham Zoning Bylaws

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if:

1. Good and sufficient cause and exceptional non-financial hardship exist;

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2. The variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and
3. The variance is the minimum action necessary to afford relief.

After grant of a variance under this bylaw, the Town shall issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for each \$100 of insurance coverage, and,
2. Such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the Floodplain Overlay District.

[420.10. Permit Required for Development in the Floodplain Overlay District](#)

The Town of Wareham requires a permit for all proposed construction or other development in the Floodplain Overlay District, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other alteration that might increase flooding or adversely impact flood risks to other properties.

[420.11. Other Permits](#)

The proponent must acquire all necessary of local, state and federal permits that may be necessary in order to carry out the proposed development in the Floodplain Overlay District, and must submit a completed checklist demonstrating that all necessary permits have been acquired.

[420.12. Subdivisions and Development](#)

All subdivisions and development proposals in the Floodplain Overlay District shall be reviewed to assure that:

1. Such proposals minimize flood damage.
2. Utilities and facilities are located and constructed to minimize flood damage.
3. Adequate drainage is provided.

[420.13. Base Flood Elevation for Projects](#)

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When proposing subdivisions or other development in the Floodplain Overlay District, which is greater than 50 lots or 5 acres (whichever is less), the proponent must provide the Base Flood Elevations for each developable parcel shown on the submitted plans.

420.14. Unnumbered A Zones

In A Zones, in the absence of FEMA Base Flood Elevations data, the Building Department will obtain, review and utilize base flood elevation data available from a Federal, State, or other source as the basis for requiring new construction, substantial improvements, or other development, to elevate residential and nonresidential structures to or above base flood level.

420.15. Floodway Encroachment

In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

420.16. Watercourse Alterations or Relocations

In a riverine area, the Building Commissioner shall notify the following of any alteration or relocation of a watercourse:

1. Adjacent Communities, especially upstream and downstream
2. NFIP State Coordinator at:

Massachusetts Department of Conservation and Recreation
251 Causeway Street, 8th floor
Boston, MA 02114

3. NFIP Program Specialist at:

Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

420.17. Building in the V and AO zones

No development or redevelopment shall be permitted within the V-Zone or AO-Zone or their equivalent, unless the development is reconstruction of a damaged structure, or it is demonstrated that potential development will not increase the base elevation of the flood waters by more than one foot.

420.18. AO and AH Zones Drainage Requirements

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided

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around structures, to guide floodwaters around and away from proposed structures.

420.19. Recreational Vehicles

In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be:

1. Elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements, or,
2. Be on the site for less than 180 consecutive days, or,
3. Be properly licensed and highway ready.

420.20. Local Enforcement

The Floodplain Overlay District is established as an overlay to all other districts. The Floodplain Overlay District bylaw is part of a federal requirement for communities that choose to participate in the National Flood Insurance Program. However, the State already administers regulations that address many floodplain management requirements. It is important that variances granted to this bylaw do not erroneously allow variances to State requirements.

All development in the Floodplain Overlay District, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with the following codes:

1. 780 CMR- Massachusetts Statewide Building Code
2. 310 CMR- Department of Environmental Protection Regulations

And add the following definitions to Article 16 of the Zoning Bylaw

Definitions for the National Flood Insurance Program Floodplain Management regulations

National Flood Insurance Program (NFIP) definitions are found in Title 44 of the Code of Federal Regulations, section 59.1. The definitions below refer to their source; if the definition is from the State Building Code, it is from the 9th Edition, which meets the minimum standards of the NFIP.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway.

FLOOD HAZARD BOUNDARY MAP (FHBM.) An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without

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cumulatively increasing the water surface elevation more than a designated height.
[Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and

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shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]
START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

ZONES, FLOOD – These definitions do not need to be included in local bylaws.

Definitions of Flood Zones

The community shall use the pertinent definitions for flood zones delineated within the community. All of these terms are defined in the US Code of Federal Regulations, Title 44, Part 64.3.

ZONE A means an area of special flood hazard without water surface elevations determined

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ZONE A1-30 and ZONE AE means area of special flood hazard with water surface elevations determined

ZONE AH means areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined

ZONE AO means area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. (Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.)

ZONE A99 means area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined.)

ZONES B, C, and X means areas of minimal or moderate flood hazards or areas of future-conditions flood hazard. (Zone X replaces Zones B and C on new and revised maps.)

ZONE V means area of special flood hazards without water surface elevations determined, and with velocity, that is inundated by tidal floods (coastal high hazard area)

ZONE V1-30 and ZONE VE (for new and revised maps) means area of special flood hazards, with water surface elevations determined and with velocity, that is inundated by tidal floods (coastal high hazard area)

And amend the Zoning Bylaws section 222 as follows:

Replace Zoning Bylaw section 222 with the following:

The Floodplain Overlay District is herein established as an overlay district. The District includes all special flood hazard areas within Wareham on the Plymouth County Flood Insurance Rate Map (FIRM) dated July 6, 2021 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 6, 2021. The effective FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner, and Conservation Commission.

Motion to accept passed by majority

ARTICLE 10 - WETLAND BY-LAW AMENDMENT

To see if Town Meeting will vote to amend DIVISION VI ARTICLE I WAREHAM WETLAND PROTECTIVE BY-LAW as follows (proposed new language in bold type):

Add to section XVII. Buffer Zone, C. Exceptions, 2., a new section d. to read;

2. The No Activity Zone requirements set forth in this Section shall not apply to:

a. Structures or site work that is defined as the normal maintenance or improvement of

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Land In Agricultural Use under 310 CMR 10.04, "Agriculture".

b. Projects requiring Chapter 91 Licenses, freshwater dock projects, repairs of existing Chapter 91 Licensed structures, or other coastal engineering structures deemed by the Conservation Commission to be necessary to protect the interests of the Massachusetts Wetlands Protection Act and this By-law.

c. Projects involving the repair, but not expansion of, existing and lawfully located buildings and structures, including roads, culverts, utilities, septic systems, or storm water drainage structures.

d. Public and private projects within the WV-1 zoning district for water-dependent uses and development or alterations of land previously altered with structures and/or fill such as filled tidelands, bulkheads, piers, marina facilities, parkland, and public access. Permission for development in these areas will be granted under the remaining standards of the bylaw as necessary to protect the interests of the Massachusetts Wetlands Protection Act and this By-law.

Hand count: Motion to accept passed by majority Yes 91 No 60

ARTICLE 11 - WETLAND BY-LAW AMENDMENT

To see if Town Meeting will vote to amend DIVISION VI ARTICLE I WAREHAM WETLAND PROTECTIVE BY-LAW as follows (proposed new language in bold type):

Section IV. Conditional Exemptions:

B. Other than stated in this section, the exceptions provided in the Wetlands Protection Act (G.L. Ch. 131, §40) and Regulations (310 CMR 10.00) shall not apply under this bylaw, **however, all the exceptions shall be available for application to municipal projects relating to replacement, repair and maintenance of existing Town roadways, facilities, installations and fixtures.**

**Motion by Selectmen to further study, seconded
Motion to amend previous motion and approve Art 11 as printed in warrant
passed**

Main motion to accept as printed in warrant passed by majority

ARTICLE 12 - WPCF FUNDING REQUEST

To see if the Town will vote to appropriate a sum of \$500,000.00 from WPCF Retained Earnings to pay the cost of 2 generators; to do or act in any manner related thereto.

Motion passed unanimously

ARTICLE 13 - WPCF FUNDING REQUEST

To see if the Town will vote to appropriate a sum of \$11,036.38 from WPCF Retained Earnings to pay an outstanding Weston and Sampson invoice (\$11036.38) dated 4/20/2020; to do or act in any manner related thereto.

Motion passed unanimously

ARTICLE 14 - ADDITIONAL LIQUOR LICENSE 59 MAIN STREET

To see if the Town will vote to petition the General Court for an additional all-alcohol liquor license to be drunk on premise only at 59 Main Street, Wareham, MA; such license will not count against the Town's liquor license quota, or to take any action relative thereto.

Motion passed unanimously

ARTICLE 15 - ADDITIONAL LIQUOR LICENSE 176 MAIN STREET

To see if the Town will vote to petition the General Court for an additional all-alcohol liquor license to be drunk on premise only at 176 Main Street, Wareham, MA; such license will not count against the Town's liquor license quota, or to take any action relative thereto.

Motion passed unanimously

ARTICLE 16 - WAREHAM VILLAGE 1 LIQUOR LICENSE DISTRICT

To see if the Town will vote to petition the General Court to authorize the issuance of up to five (5) pouring licenses pursuant to M.G.L. c.138, to be used only in the Wareham Village 1 Zoning District, said District having been laid out and designated as an area in need of economic stimulus by the Board of Selectmen, or to take any action relative thereto.

Motion passed by majority

ARTICLE 17 - AMENDMENT TO SOLAR BY-LAWS

To see if Town Meeting will vote to amend the Wareham Zoning By-Laws, section 590,

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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 passed by majority

Meeting dissolved at 4:41PM

Respectfully submitted by:

**Michele Bissonnette
Town Clerk**