

FALL TOWN MEETING WARRANT
TOWN OF WAREHAM
OCTOBER 22, 2018

WAREHAM HIGH SCHOOL
7 VIKING DRIVE
WAREHAM, MA

7:00 PM

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS

TO EITHER OF THE CONSTABLES OF THE TOWN OF WAREHAM

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the legal voters of the Town qualified to vote in Town affairs to meet in the High School Auditorium, 7 Viking Drive, Wareham, MA on Monday, October 22, 2018 to act on the following articles:

ARTICLE 1 - APPROVE AND FUND FALL FY19 CAPITAL PLAN

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

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

ARTICLE 2 – TRANSFER OF FREE CASH

To see if the Town will vote to transfer a sum of money from Certified Free Cash to fund the following, or take any other action relative thereto:

- a. Stabilization Fund
- b. OPEB Trust Fund

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

ARTICLE 3 – FY18 UNPAID BILLS

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

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

ARTICLE 4 – TRANSFER OF MCKINNEY-VENTO FUNDS TO TRANSPORTATION REVOLVING ACCOUNT

To see if the Town will vote to approve the transfer of McKinney Vento revenue received in FY2019 into the School Transportation Revolving Account.

Inserted by the Board of Selectmen at the request of the School Department.

ARTICLE 5 – DECAS SCHOOL AT MINOT FOREST DEBT EXCLUSION

To see if the Town will vote to appropriate, borrow contingent upon the adoption of a Proposition 2 ½ debt exclusion, or transfer from available funds, a sum of money to be expended under the direction of the School Building Committee for a new Wareham Elementary School to be constructed on the existing Minot Forest school site located at 63 Minot Avenue in Wareham, Massachusetts. The project shall include demolition of the existing building, construction of a new building for grades PreK-4, and may include but not be limited to reconfiguration of the school site for related uses such as pedestrian pathways, parking, bus and other vehicle traffic routes; the school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) seventy-four and ninety-eight hundredths percent (74.98%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

Inserted by the Board of Selectmen at the request of the School Department.

ARTICLE 6 – HARBOR SERVICES PERMIT RECEIPTS RESERVED FOR APPROPRIATIONS ACCOUNT

To see if the Town will vote to transfer the sum of \$146,330.00 from the Harbor Services Permits Receipts Reserved for Appropriations Account, to be transferred into the Harbormaster's Maintenance and Improvements account or to take any other action relative thereto.

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

ARTICLE 7 – TRANSFER FROM PEG ACCESS RRFA ACCOUNT TO FUND WCTV

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

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

ARTICLE 8 – RETURN UNUSED FUNDS FROM COMPLETED PROJECTS

To see if the Town will vote to transfer to the Community Preservation Undesignated Fund account \$35,000.00 for a grant received from the West Wareham Affordable Housing and Open Space Fall 2016 town meeting article #15 and to transfer to the Community Preservation Historical Preservation Reserve account \$68.27 from the Methodist Meeting House Fall 14 article #24 or to do or act in any manner relative thereto.

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

ARTICLE 9 – HOUSE NUMBERING BY-LAW

To see if the Town will vote to amend the bylaw at Division III, Article 1 the following, or take any other action relative thereto:

Amend Section 5 by deleting the word "Selectmen" and insert in its place the phrase "Road Commissioners".

Delete the last sentence of Section 7.

Add the following:

Section 8. It shall be the duty of every owner and/or occupant of each house, building, and/or structure within the Town of Wareham to place thereon the number of said house, building, or structure.

Section 9. The size, color, location, and visibility of said numbers shall be as follows:

A. The minimum height of said number shall be 3 (3) inches in height.

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B. In order to be visible from the road, street, or way, the number shall be of a contrasting color and shall be reasonably visible to persons or vehicles approaching from either direction upon said road, street, or way.

C. The number shall be affixed to the front door or as close to the front door as possible.

D. Where there are multiple houses, buildings, or structures located off the road on private ways, private roads, or private lanes, the numbers shall be placed at the following locations:

i). The numbers shall be affixed to a post at the entrance to said private way, private road, or private lane.

ii). If the house, building, or structure is so far off the private way causing the numbers to be unidentifiable from the private way, then a post with the numbers affixed thereto shall be placed at the entrance of the driveway leading to the house, building or structure.

Section 10. Each new building shall be identified in accordance with this bylaw before a Certificate of Use and Occupancy is issued therefore.

Section 11. Upon notice of violation, an owner or occupant shall correct such violation within thirty (30) days.

Section 12. A first offense shall be punishable by a fine of \$100, and subsequent offenses punishable by a fine of \$300.

Section 13. The bylaw may be enforced by non-criminal disposition. This bylaw may be enforced by any Police Officer or the Building Commissioner.

Inserted by the Board of Selectmen.

ARTICLE 10 – LILLIAN GREGERMAN BANDSHELL

To see if the Town will vote to appropriate from the Community Preservation Undesignated Funds or any other monies available in the Community Preservation Fund under the category of Open Space/Recreation a grant to the Town, up to the sum of \$333,000 for the replacement of the Lillian Gregerman Bandshell at the Prospect Park, Onset, MA or to do or act in any manner relative thereto.

Inserted by the Board of Selectman at the request of the Community Preservation Committee.

ARTICLE 11 – TREMONT NAIL REMEDIATION

To see if the Town will vote to borrow up to the sum of \$1,430,000 for the cleanup of contamination at the Tremont Nail Factory site at 8 Elm Street, Wareham, MA and issue bonds or notes therefor, that such bonds or notes shall be issued pursuant to Chapter 44B, the Community Preservation Act, that while such bonds or notes shall be general obligations of the Town, the debt service on such bonds or notes is intended to be paid from funds reserved for Historical Preservation in the Community Preservation Fund or other Community Preservation Funds, or to do or act in any manner relative thereto.

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

ARTICLE 12 – COMMUNITY PRESERVATION FUND RESERVES ADJUSTMENT

To see if the Town will vote to reserve for future appropriation from Community Preservation Undesignated Funds the following amounts, \$11,400.00 to Open Space Reserves and \$11,400.00 to Affordable Housing Reserves or to do or act in any manner relative thereto.

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

ARTICLE 13 - AMEND ZONING BY-LAW ARTICLE 4: OVERLAY DISTRICTS

To see if the Town will vote to amend the Zoning By-Law, Article 4, Overlay Districts, to add a **Tremont Nail Factory Redevelopment Overlay District**, a copy of which is on file with the Town Clerk, or take any other action relative thereto.

Inserted by the Board of Selectmen at the request of the Wareham Redevelopment Authority.

ARTICLE 14 – AMEND ZONING BY-LAW ARTICLE 5: SUPPLEMENTAL REGULATIONS

To see if Town Meeting will vote to amend Article 5 by amending Section 530 – Unregistered Vehicle, Boat or Trailer, and add a new Section 535 – Outdoor Storage, or take other action relative thereto, as follows:

Remove:

530 Ungaraged Motor Vehicles

~~No person or property owner shall have or allow more than one unregistered motor vehicle, camper or trailer or parts thereof, ungaraged on any premises at any time unless so authorized in writing by the Board of Selectmen; and in no event shall any~~

~~such vehicle, or parts thereof, be stored or located in the front yard of such premises.~~

~~Any premises licensed under the provisions of General Laws, Chapter 140, Section 57 through 69, and any amendments thereto, shall be excepted from this subsection.~~

And Replace With:

530 Unregistered Vehicle, Boat, or Trailer

No person or property owner shall have or allow more than one unregistered vehicle, Vessel, trailer or parts thereof, not garaged on any premises at any time unless so authorized in writing by the Board of Selectmen. In no event shall any such vehicle, vessel, camper, trailer, or parts thereof be stored or located in the front yard of any premises within the town. A valid business certificate for sales of such equipment shall suffice as written permission from the Board of Selectmen. Any premises licensed under the provisions of General Laws, Chapter 140, Section 57 through 69, and any amendments thereto, shall be exempted from this subsection.

And Add:

535 Outdoor Storage

Outdoor storage which includes storage of construction, manufacturing, service wholesale equipment, materials, junk, or heavy motorized equipment of any type shall be completely enclosed by a solid fence or wall and concealed from public view. Fences or walls without proper licenses used for screening of such materials or junk shall be setback from the property lines equal to the required setback for the applicable zoning district.

Inserted by the Board of Selectmen at the request of the Director of Inspectional Services through the Director of Planning and Community Development.

ARTICLE 15 – AMEND ZONING BY-LAW ARTICLE 6: DENSITY AND DIMENSIONAL REGULATIONS

To see if Town Meeting will vote to amend Article 6 to amend Table 625 – Accessory Buildings, and add Table 628 – Tables of Dimensional Standards for Existing Small Lots, or take other action relative thereto, as follows:

A. Amend Article 6 Table 625 – Accessory Buildings:

625 ACCESSORY BUILDINGS

DISTRICT:	Residential Districts	Village Districts	Commercial Districts	MAR	INST	IND BDOD
SETBACKS:						
Front	Notes 1 & 2	Notes 1& 2	Notes 1 & 2	Note 2	Note 2	Notes 3 & 4
Side	10 [Note 1]	10	10	20	10	20 [Note 4]
Rear	15 [Note 1]	15	15	20	15	20 [Note 4]
HEIGHT:	20 [Note 1]	20	30	30	30	30 [Note 4]

Notes for Table 625:

1. For lots 10,000 SF in area and under, the limits shall be Side: 5 feet, Rear: 5 feet, and Height: 20 feet
2. Front setbacks of accessory buildings shall be equal to or greater than the existing principal building's front setback.
3. Accessory buildings in Industrial District shall be located to the rear of the principal building.
4. Accessory buildings in the Business Development Overlay District shall be subject to the same setback and height requirements as for principal buildings in the district, as specified in Section 624.

B. Add new Table 628 - Tables of Dimensional Standards for Existing Small Lots:

628 TABLES OF DIMENSIONAL STANDARDS FOR EXISTING SMALL LOTS

Undersized lots that are lawfully existing, as determined by the Building Commissioner, will be required to meet the following dimensions for lot line setbacks and Floor Area Ratio, based on the zoning district and actual lot size.

Lawfully Existing Lots in Residential Districts

Lots	Front setback	Side setback	Rear setback	F.A.R
0-5,000 sq. ft	AA	10'	10'	25%
5 - 10,000 sq ft	20'	10'	10'	16%
10 – 15,000 sq ft	20'	10'	10'	13%

- AA= Average Alignment of up to five dwellings on each side abutting the lot on the same block or street
- F.A.R. = Floor Area Ratio

Lawfully Existing Lots in Village Districts

Lots	Front setback	Side setback	Rear setback	F.A.R
0-5,000 sq. ft	AA	10'	10'	25%

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5 – 10,000 sq ft	AA	10'	10'	16%
10–15,000 sq ft	AA	10'	10'	13%

- AA= Average Alignment of up to five dwellings on each side abutting the lot on the same block or street
- F.A.R. = Floor Area Ratio

Inserted by the Board of Selectmen at the request of the Director of Inspectional Services through the Planning Board.

ARTICLE 16 – AMEND ZONING BY-LAW ARTICLE 11: SIGNS

To see if Town Meeting will vote to amend Article 11 SIGNS, or take other action relative thereto, as follows:

A. Amend Section 1119.4.10. Off-Premises Directional Signs

- By deleting "on a public or private way" and replacing with "on privately owned property with permission of property owner" and adding "traffic signs" after "light poles" so that it reads as follows:

"10. Off-Premises Directional Signs

Off-premises directory boards and/or informational and directional signs, for the purpose of locating businesses, may contain identification signs not larger than two (2) square feet for each business and may be permitted along public ways if a license is granted by the Director of Inspectional Services. The identification signs may be erected below one (1) sign that may not exceed eight (8) square feet. Off-premises directional signs that do not restrict visibility, and are not larger than six (6) square feet, may be displayed on **privately owned property with permission of property owner**, for a maximum of eighteen (18) hours for such one (1) – day events as yard sales, open houses, road races, lost pets, etc. However, they may not be placed on public trees, poles, light poles, **traffic signs**, etc. These signs may be erected as a matter of right without the necessity of a license or a sign permit. Exceptions - any sign under Town control on Town owned land is exempt from this provision."

B. Amend Section 1122 VIOLATIONS AND PENALTIES

- By adding to Section 1122. 1st paragraph, "In addition, such fines shall be attached to property tax bill by the Town Treasurer when submitted by the Director of Inspectional Services." so that it reads as follows:

1122. VIOLATIONS AND PENALTIES

Violations of any provision of this bylaw or any lawful order of the Director of Inspectional Services or his/her agent(s) shall be subject to a fine of not more than \$250.00 per offense. Each day that such violation continues shall constitute a separate offense. Enforcement shall be in accordance with Section 1111 of this bylaw. **In addition, such fines shall be attached to property tax bill by the**

Town Treasurer when submitted by the Director of Inspectional Services.

C. Delete Section 1133 OFF-PREMISES SIGNS

- Remove Section 1133, in its entirety [because 1133 is redundant with 1119.4.10.]

D. Amend Section 1135. POLITICAL SIGNS

- By adding new sections 1135.4. and 1135.5. to read as follows:

"4. Such signs may be placed up to 30 days before the election day.

5. Such signs are not allowed on town, state, county or utility company properties. Also see section 1119.4.10. for additional restrictions. "

Inserted by the Board of Selectmen at the request of the Planning and Community Development Director.

ARTICLE 17 – REQUEST FOR TRANSFER OF FUNDS

To see if the Town will vote to transfer a sum of money from Water Pollution Control Facility Capital funds into a Water Pollution Control Facility Grant Account for the purpose to fund the Town's portion of the Water Warriors Grant, or to take any other action relative thereto.

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

PETITIONED ARTICLES

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

ARTICLE 18 – STREET LAYOUT: MELWOOD DRIVE, WINDSOR DRIVE & WOODVILLE WAY

To see if the Town will vote to accept the layouts on file with the Town Clerk of the following roads as public ways: Melwood Drive, Windsor Drive and Woodville Way, and further that the Town authorize the Board of Selectmen to take by either eminent domain or accept as donations, portions of the privately owned property that include the layout of said roadways; or to do or act in any manner relative thereto.

Inserted by Barbara Morse, et al.

ARTICLE 19 - SECURING SERVICES OF A DREDGING CONSULTANT

To see if the town will vote to raise and appropriate, transfer or borrow, a sufficient sum of money not to exceed \$10,000 to contract with a marine dredging consultant to do research to identify areas within the Wareham River, outside the Federal Navigational Channel, that need to be dredged. The consultant is to develop a framework of how to proceed and produce a pathway to move forward or take any other action relative thereto.

Inserted by Donald Jepson, et al.

ARTICLE 20 – NEW HOUSING UNITS AT AGAWAM VILLAGE

To see if the Town will vote to transfer from the Community Preservation Affordable Housing Reserve fund up to the sum of \$650,000 and transfer from the Community Preservation Undesignated Fund up to the sum of \$330,000 or any other monies available in the Community Preservation Fund, to award a grant to the Wareham Housing Authority to construct up to six (6) new units of affordable senior public housing at the Agawam Village site at 57 Sandwich Road, Wareham, MA or to do or act in any manner relative thereto.

Inserted by Robert A. Powilatis, et al.

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You are hereby directed to serve this Warrant by posting attested copies thereof on or before September 13, 2018 in at least one public place in each precinct within the Town, and by publishing a copy of the Warrant by October 4, 2018.

Hereof fail not and make sure due return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 11th day of September in the year 2018.

WAREHAM BOARD OF SELECTMEN

Alan H. Slavin, Chairman

Patrick G. Tropeano, Clerk

Peter W. Teitelbaum, Esq.

Anthony R. Scarsciotti, Jr.

Mary Bruce

A True Copy

ATTEST:

DATE: September , 2018

Plymouth, S.S.

Steven P. Coughlin, Constable of Wareham

Pursuant to the within Warrant, I have notified the inhabitants of the Town of Wareham herein described, to meet at the time and place for the purpose within mentioned by posting attested copies thereof in at least one public place in each precinct within the Town on or before September 13, 2018, and by causing this Warrant to be published on or before October 4, 2018.

Date: September , 2018

Steven P. Coughlin, Constable of Wareham

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The original posting with return made was delivered to Mary Ann Silva, Town Clerk.

Date: September , 2018

Steven P. Coughlin, Constable of Wareham

In accordance with the Wareham Charter, Article 2 - Legislative Branch - Section 2-4, Town Meeting Warrants, Item (d), I have hand delivered a copy of the Warrant for the Annual Town Meeting to be held on October 22, 2018 at 7:00 o'clock p.m. to the Town Moderator, Chairman of the Finance Committee, Chairman of the Planning Board, Chairman of the Capital Planning Committee and Chairman of the Personnel Board.

Date: September , 2018

Steven P. Coughlin, Constable of Wareham

9/26/2018 6:04 PM