



Town of Wareham, Massachusetts

2004 Annual Fall Town Meeting Warrant 10/25/04

FALL TOWN MEETING WARRANT TOWN OF WAREHAM

OCTOBER 25, 2004

**WAREHAM HIGH SCHOOL
7 VIKING DRIVE
WAREHAM, MA 02571 7:00 P.M.**

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH §.

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 25, 2004 to act on the following articles:

ARTICLE 1

To see if the Town will vote to raise and appropriate or appropriate and transfer from available funds a sum of money to supplement the Fiscal 2005 operating budget and adjust the Fiscal 2005 operating budget to reflect changes in State Aid, or to do or act in any manner relative thereto.

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

ARTICLE 2

To see if the Town will vote to appropriate and transfer a sum of money from available funds to the Stabilization Fund, or to do or act in any manner relative thereto.

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

ARTICLE 3

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

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

ARTICLE 4

To see if the Town will vote to appropriate and transfer from available funds a sum of money to pay unpaid bills of prior fiscal years, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

ARTICLE 5

To see if the Town will vote to raise and appropriate or to transfer \$10,000 from the Parking Meter Fund to the Municipal Maintenance Sign Materials account, or to do or act in any manner relative thereto.

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

ARTICLE 6

To see if the Town will vote to raise and appropriate or to transfer \$14,000 from the Parking Meter Fund to the Municipal Maintenance Line Painting account, or to do or act in any manner relative thereto.

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

ARTICLE 7

To see if the Town will vote to appropriate from available funds the sum of \$166,774.24 in accordance with Chapter 53 of the Acts of 1999, under Chapter 90 of Massachusetts General Laws, for the purpose of constructing, reconstructing and improving primary roads and local roads eligible for reimbursement, and all other eligible transportation enhancement projects, 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

To see if the Town will vote to appropriate and transfer \$20,000 from the Waterways Improvement and Maintenance fund to the Harbors and Beaches Maintenance account, or to do or act in any manner relative thereto.

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

ARTICLE 9

To see if the Town will vote to raise and appropriate or appropriate and transfer from available funds a sum of money to fund the economic conditions of collective bargaining between the Town and The Wareham Clerical Union for the period July 1, 2004 through June 30, 2007, or to do or act in any manner relative thereto.

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

ARTICLE 10

To see if the Town will vote to raise and appropriate or appropriate and transfer from available funds a sum of money to fund the economic conditions of collective bargaining between the Town and The Wareham Public Employees Union for the period July 1, 2004 through June 30, 2007, or to do or act in any manner relative thereto.

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

ARTICLE 11

To see if the Town will vote to adopt the following regulations governing motorized scooters, or to do or act in any manner thereto.

Motorized Scooter: Regulation

Section 1. As used in this section a motorized scooter shall mean any two-wheeled device that has handlebars, is designed to be stood or sat upon by the operator and is powered by an electric, gasoline or alcohol fueled motor that is capable of propelling the device with or without human propulsion. A "motorcycle" or "motorized bicycle" as defined in Massachusetts General Laws, Chapter 90, Section 1, are not motorized scooters.

Section 2. No motorized scooter shall be operated upon any way, or in any place to which the public has right of access, or in any place which the public has right of access as invitees or licensees within the Town of Wareham, by any person under sixteen years of age. Every person operating a motorized scooter must possess a valid driver's license or a learner's permit. Motorized scooters may not be operated at a speed in excess of twenty-five miles per hour.

Section 3. No person shall operate a motorized scooter on any sidewalk, public property, off-street recreational bicycle paths, schools, playgrounds, parks, or beaches within the town.

Section 4. No owner, lessee or person who has a motorized scooter under his/her custody, care or control, shall allow or permit any person to operate a motorized scooter on any sidewalk, public property, off-street recreational bicycle paths, schools, playgrounds, parks, or beaches within the town.

Section 5. Every person operating a motorized scooter must wear a helmet that meets current DOT standards. No person operating a scooter shall permit any other person to ride as passenger on such scooter.

Section 6. No person shall operate a motorized scooter upon any way, or in any place to which the public has a right of access, or in any place which the public has right of access as invitees or licensees, within the Town of Wareham, between the hours of one-half hour after sunset and one-half hour before sunrise.

Section 7. Whenever a police officer observes any person in violation of any section of this regulation, he or she may detain such person for purposes of the enforcement of this section and may remove such motor scooter to a secure area pending a disposition of such property by court order or otherwise by law.

Section 8. Any person who violates any section of this regulation shall be subject to a fine not to exceed \$100.00 for each offense.

Section 9. The provisions of this regulation are severable. If any provision of this regulation is declared invalid or inapplicable to any particular circumstances, that invalidity or inapplicability will not affect the enforceability of the remainder of this regulation.

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

ARTICLE 12

To see if the Town will vote to amend the Town Bylaws, Division V, Article II: Use of Public Sewers Required, Section 1, to allow certain property owners to postpone the sewer connection requirement, at their request, for no more than sixty (60) months:

Change From:

The owner of all houses, buildings or property used for human occupancy, employment, recreation or other purposes situated within the Town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located, a public sanitary or combined sewer of the Town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities and all other drains designed to carry sewage, directly with the proper public sewer in accordance with the provisions of the By-Law after reasonable notice in writing to do so by commissioners, said notice being not less than one (1) year.

Change To:

The owner of all houses, buildings or property used for human occupancy, employment, recreation or other purposes situated within the Town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located, a public sanitary or combined sewer of the Town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities and all other drains designed to carry sewage, directly with the proper public sewer in accordance with the provisions of the By-Law after reasonable notice in writing to do so by commissioners, said notice being not less than one (1) year.

An owner who, having received such notice to connect, and whose property subject to such notice is then being fully serviced by a Soil Absorption System (SAS) in full compliance with 310 C.M.R. §15.000, et seq. (Title V), and all other applicable regulations, and which SAS was first the subject of a Certificate of Compliance issued pursuant to said Title V no more than sixty (60) months prior to the date of such notice to connect, may, upon the owner's written notice of intent received by the commissioners, postpone the required connection to the public sewer to a date no later than sixty (60) months subsequent to the date of such notice to connect. Such postponement shall not be deemed to postpone or otherwise affect the assessment or payment of sewer betterments applicable to such property.

or to take any other action relative thereto.

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

ARTICLE 13

To see if the Town will vote to accept Massachusetts General Law, chapter 140, §139, which provides in pertinent part as follows:

No fee shall be charged for a license for a dog owned by a person aged 70 years or over in any city or town that accepts this provision.

or to do or act in any manner relative thereto.

Inserted by the Town Clerk

ARTICLE 14

To see if the Town will vote to revise the Town's By-Laws, Division II, Article III, "Regulation of Pawnbroking Activities" by deleting the section in its entirety and replacing it with the following, or to do or act in any manner relative thereto.

DELETE, DIVISION II, ARTICLE III, REGULATION OF PAWNBROKING ACTIVITIES:

Section 1. All persons who maintain a shop, conduct business or engage in the pawnbroking of any articles with the Town shall be licensed by the Selectmen as a Pawnbroker. All fees and provisions of any such license shall be prescribed by the Selectmen in conformance with the law.

Section 2. Every person so licensed under the preceding section, their employees and agents, shall record every pawn transaction in a ledger book provided by the Town, the format of which has been approved by the Chief of Police and the cost of which shall be borne by each licensee. The licensee shall require that every transaction be recorded immediately by printing in the ledger the date and time of any transaction, the identity of the employee making same, a complete description of the article received, and the dollar amount paid for any such transaction. The licensee shall obtain positive identification and record the full name, address, date of birth, social security number, complexion, height and a vehicle registration number of the customer who shall be required to sign the ledger avowing to the accuracy of the information listed. Every licensee shall also photograph, in color, any person pawning articles and keep the photographs with said books as part of his records. Said recording shall be made immediately in the ledger which must be kept on the premises and which shall be available for inspection by any police officer or an authorized agent of the licensing authority during normal business hours. The licensee shall cause to be delivered to the Wareham Police Department on a weekly basis, a copy of all transactions recorded in the ledger on the form provided. No licensee shall directly or indirectly purchase or receive by way of barter or exchange, or loan any article to a minor, being under 18 years of age, unless said minor is accompanied by their parent or legal guardian who shall provide positive identification and whose information and signature shall accompany that of the minor in the ledger book.

Section 3. The holder of a Pawnbroker's license shall display said license in a public area of the business for immediate examination by a police officer or agent of the licensing authority when requested. Licensees shall display a suitable sign identifying the name and nature of the business, which must be clearly visible to all persons passing the establishment in the normal course of travel. Any police officer of the Town, the Selectmen or their agents, may enter upon the premises of any licensee during normal business hours and inspect all records, articles, or inventory as permitted by M.G.L., C. 140.

Section 4. The provisions of Article III are severable. If any provision of Article III is declared to be invalid or inapplicable to any particular circumstances, that invalidity or inapplicability will not affect the enforceability of the remainder of Article III. (Article 40 of April 27, 1998 Town Meeting; Approved by the Attorney General August 17, 1998.)

REPLACE WITH:

DIVISION II, ARTICLE III, REGULATION OF PAWNBROKING ACTIVITIES

Section 1 The Board of Selectmen may license suitable persons to be pawnbrokers, pursuant to the law.

Section 2 The Board of Selectmen, shall license all persons as Pawnbrokers who maintain a shop; conduct business; or engage in the pawn broking of articles within the Town. The Selectmen in conformance with the law shall prescribe all fees and provisions of any such license.

Section 3 Every licensed pawnbroker, their employees and agents, shall record every pawn transaction in a ledger book provided by the Town, the format of which has been approved by the Chief of Police, the cost of which shall be borne by each licensee. The licensee shall require that every transaction be recorded immediately by printing in the ledger the date and time of any transaction, the identity of the employee making same, a complete description of the article received and the dollar amount paid for any such transaction. No entry made in said book shall be erased, obliterated or defaced.

The licensee shall obtain positive identification and record the full name, address, date of birth, social security number, complexion, height and a vehicle registration number of the customer, who shall be required to sign the ledger avowing to the accuracy of the information listed. Every licensee shall also photograph, in color, any person pawning articles and keep the photographs with said books as part of his records.

Section 4 Ledger books must be kept on the premises and shall be available for inspection by any police officer or an authorized agent of the licensing authority during normal business hours.

Section 5 The licensee shall cause to be delivered to the Wareham Police Department on a weekly basis, a copy of all transactions recorded in the ledger on the form provided. If, during the preceding week such pawnbroker has taken no articles in pawn, he/she shall make out and deliver to the Police Department, a report of such fact.

Section 6 No licensee shall directly or indirectly purchase or receive by way of barter or exchange, any article from a minor, being under 18 years of age, unless said minor is accompanied by their parent or legal guardian who shall provide positive identification and whose information and signature shall accompany that of the minor in the ledger book. No licensee shall make a loan, directly or indirectly to a minor.

Section 7 If any goods or articles pawned, pledged or otherwise received and in the possession of the pawnbroker are subsequently determined to be stolen property by a member of the Wareham Police Department or another law enforcement agency, or if the rightful owner identifies property in possession of a pawnbroker and the property so identified is confirmed to be stolen by a member of the Police Department or another law enforcement agency or upon direction by the Wareham Police Department, said property shall be returned to the rightful owner at no cost to such owner.

Section 8 The holder of a pawnbroker's license shall display said license in a public area of the business for immediate inspection by a police officer or agent of the licensing authority when requested. Licensees shall display a suitable sign identifying the name and nature of the business, which must be clearly visible to all persons passing the establishment in the normal course of travel.

Section 9 Any police officer of the Town, the Selectmen or their agents, may enter upon the premises of any licensee during normal business hours and inspect all records, articles or inventory as permitted by M.G.L., C. 140.

Section 10 The provisions of Article III are severable. If any provision of Article III is declared invalid or inapplicable to any particular circumstances, that invalidity or inapplicability will not affect the enforceability of the remainder of Article III.

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

ARTICLE 15

To see if the Town will vote to amend its Zoning Bylaws by ADDING A NEW SECTION 1443 entitled ORDER OF APPLICATIONS FOR PERMITS as follows:

1443. Order of applications for Permits

Whenever a use or structure requires a special permit pursuant to the requirements of this Bylaw or the applicant seeks a variance for use or dimension and the proposed or resulting use also requires license approval from the Board of Selectmen acting in their capacity as the Board of Selectmen and/or in other licensing capacities as the Local Licensing Authority, application shall be made first or simultaneously to the Local Licensing Authority for license/permit approval.

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

ARTICLE 16

To see if the Town will vote to amend its Zoning By-laws by **ADDING A NEW SECTION** under *Article 15 Site Plan Review*, which will read:

“1555 Relation to Conservation Commission Approvals

1551.1 The applicant shall submit to the Planning Board or other Permit Granting Authority in addition to other requirements for Site Plan Review, either:

- a. A Determination of Non-Applicability of Massachusetts Wetlands Protection Act, Massachusetts General Laws, Chapter 131, Section 40, and Wareham Wetland Protective By-Law issued by the Conservation Commission, as described in that Act, OR
- b. An Order of Conditions covering the proposed work, issued by the Conservation Commission, for the purpose of protecting those interests described in the Massachusetts Wetlands Protection Act and the Wareham Wetland Protective By-Law, Division VI, I (Purpose).

The Conservation Commission must issue A Notice of Resource Area Delineation (ANRAD), Determination of Applicability within 21 days of its receipt for a request for same. The Commission must hold a Public Hearing within 21 days of its receipt of an application (Notice of Intent) for an Order of Conditions and must issue the Order of Conditions within 21 days of the completion of the hearing.

1551.2 The Planning Board may issue Site Plan Review Approval only after receipt of the original or certified copy of either 1551.1 (a) or (b)".

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

ARTICLE 17

To see if the Town will vote to amend its Zoning Bylaws by **DELETING** in Article 16 Definitions, the definition for **PARKING SPACE**:

“PARKING SPACE: An off-street space at least 10 feet in width and 20 feet in length having an area not less than 200 square feet, plus 100 square feet of access and maneuvering space, whether inside or outside a structure for exclusive use as a parking stall for one motor vehicle”.

EXPLANATION: This is another housekeeping measure that clears up confusion between language in Article 9 **PARKING** and Article 16 **DEFINITIONS**. The language in Article 9 “**PARKING**” is sufficient.

Inserted by the Board of Selectmen at the request of the Zoning By-law Rewrite Committee

ARTICLE 18

To see if the Town will vote to amend its Zoning Bylaws by **DELETING** under Article 6: Density and Dimensional Regulations Section 612

“No principal building shall be erected on any lot created after the effective date of this By-Law which has less than eighty percent (80%) of the minimum required lot area for the zoning district in which it is located as contiguous upland that is within the Riverfront area as defined in the Massachusetts Wetlands Protection Act”. And:

Replacing it with:

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

EXPLANATION: The language proposed for deletion is a housekeeping issue that came up due to a typographical error within Section 612 at the April Town Meeting. This “new language” is actually the language from our existing By-Law, now in effect, which has served the Town quite well.

Inserted by the Board of Selectmen at the request of the Zoning By-law Rewrite Committee

ARTICLE 19

To see if the Town will vote to amend its Zoning Bylaws by ADDING A NEW SECTION under Article 6 **Density and Dimensional Regulations** which will read:

615 Lot Shape Factor

All lots created for building purposes after the effective date of this by-law (November 1, 2004) shall be shaped so that they can contain within the buildable upland area a circle of a diameter; are not less than the frontage requirements of the zoning district are within which the lot is located. In addition, any portion of a lot, which is narrower in width than thirty feet shall not be counted towards the required lot area. In cases where the Planning Board believes that proposed lots do not meet the Lot Shape Factor criteria and will not be detrimental to the intent of this regulation, the Planning Board has the authority to waive this requirement.

Inserted by the Board of Selectmen at the request of the Zoning By-law Rewrite Committee

ARTICLE 20

To see if the Town will vote to amend Article 6 of the Zoning By-Law entitled Density and Dimensional Regulations by replacing Tables 1 thru 17 with the following Tables, identified as Section 620 Table of Dimensional Regulations.

620 Table of Dimensional Regulations

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

621 Residential Districts

	R-130	R-60	R-43	R-30	MR-30
Minimum Lot Area (square feet)					
1-family dwelling	130,000	60,000	43,000	30,000	30,000
2-family dwelling	NA	NA	NA	45,000	45,000
Other residential use	NA	NA	NA	^a	30,000
Nonresidential use	130,000	60,000	43,000	30,000	30,000
Minimum Frontage (feet)					
1-family dwelling	200	180	180	150	150
2-family dwelling	NA	NA	NA	200	200
Other residential use	NA	NA	NA	^a	250

Nonresidential use	200	180	180	150	150
Minimum Front Setback (feet)					
1-family dwelling	20	20	20	20	20
2-family dwelling	NA	NA	NA	20	20
Other residential use	NA	NA	NA	^a	30
Nonresidential use	20	20	20	20	20
Minimum Side/Rear Setback (feet)					
1-family dwelling	10	10	10	10	10
2-family dwelling	NA	NA	NA	10	10
Other residential use	NA	NA	NA	^a	20
Nonresidential use	10	10	10	10	10
Maximum Height (feet)					
1-family dwelling	35	35	35	35	35
2-family dwelling	NA	NA	NA	35	35
Other residential use	NA	NA	NA	^a	35
Nonresidential use	35	35	35	35	35
Maximum Building Coverage (%)					
1-family dwelling	NR	NR	NR		
2-family dwelling	NA	NA	NA		
Other residential use	NA	NA	NA	^a	
Nonresidential use	NA	NA	NA		
Maximum Impervious Surface (%)					
1-family dwelling					
2-family dwelling	NA	NA	NA		
Other residential use	NA	NA	NA	^a	
Nonresidential use					

NA = Use not allowed NR = No regulation

^a In R-30 District, multiple family is only permitted as a Residential Cluster Development (see Article 8).

622 Village Districts

	OV1	OV2	WV1	WV2
Minimum Lot Area (square feet)				
1-family dwelling	5,000	10,000 ^a	10,000	

2-family dwelling	6,000	14,000 ^b	12,000 ^c	
Other residential use: ^d				
First dwelling unit	5,000	10,000 ^e	10,000 ^f	
Each additional unit	1,000 ^g	4,000 ^h	2,000 ^{i,j}	
Motel or hotel: ^k				
First unit	5,000	10,000 ^l	NA	
Each additional unit	1,000	2,000 ^m	NA	
Other nonresidential use	5,000 ⁿ	10,000 ^o	10,000	
Minimum Frontage (feet)				
1-family dwelling	50	50	75	
2-family dwelling	50	50	75	
Other residential use	50	50	75	
Nonresidential use	50	50	75	
Minimum Front Setback (feet)				
1-family dwelling	10	10	10	
2-family dwelling	10	10	10	
Other residential use	10	10	10	
Nonresidential use	10	10	10	
Minimum Side/Rear Setback (feet)				
1-family dwelling	10	10	10	
2-family dwelling	10	10	10	
Other residential use	10	10	10	
Nonresidential use	10	10	10	
Maximum Height (feet)				
1-family dwelling	35	35	40	
2-family dwelling	35	35	40	
Other residential use	35	35	40	
Nonresidential use	35	35	40	
Maximum Building Coverage (%)				
1-family dwelling	30		30	
2-family dwelling	30		30	
Other residential use	30		30	

Nonresidential use	30		30	
Maximum Impervious Surface (%)				
1-family dwelling	70		70	
2-family dwelling	70		70	
Other residential use	70		70	
Nonresidential use	70		70	

NA = Use not allowed NR = No regulation

30,000 square feet if not connected to the municipal sewerage system.

^b 42,000 square feet if not connected to the municipal sewerage system.

2,000 square feet for a 2-family dwelling in an existing structure.

The required lot area is the sum of (1) the area required for the first dwelling unit and (2) the area required for each additional unit multiplied by the number of units beyond the first unit.

^c 30,000 square feet if not connected to the municipal sewerage system.

2,000 square feet if in an existing structure.

And no more than 2,000 sq. ft. for each additional unit.

12,000 square feet if not connected to the municipal sewerage system.

2,000 square feet for each additional unit up to 40 units and 7,500 square feet for each unit beyond 40.

2,000 square feet if in an existing structure.

The required lot area is the sum of (1) the area required for the first unit and (2) the area required for each additional unit multiplied by the number of units beyond the first unit.

30,000 square feet if not connected to the municipal sewerage system.

6,000 square feet if not connected to the municipal sewerage system.

5,000 square feet for the first commercial unit, plus 1,000 square feet for each additional commercial unit.

30,000 square feet if not connected to the municipal sewerage system.

623 Commercial Districts

	CS	CG	CN
Minimum Lot Area (square feet)			
1-family dwelling	30,000		
2-family dwelling	45,000		
Other residential use	30,000		
Nonresidential use	30,000 ^a		
Minimum Frontage (feet)			
1-family dwelling	150		
2-family dwelling	200		
Other residential use	250		
Nonresidential use	150		
Minimum Front Setback (feet)			
1-family dwelling	20		
2-family dwelling	20		
Other residential use	30		
Nonresidential use	20 ^b		

Minimum Side/Rear Setback (feet)			
1-family dwelling	10		
2-family dwelling	10		
Other residential use	20		
Nonresidential use	10		
Maximum Height (feet)			
1-family dwelling	40		
2-family dwelling	40		
Other residential use	40		
Nonresidential use	40		
Maximum Building Coverage (%)			
1-family dwelling	40		
2-family dwelling	40		
Other residential use	40		
Nonresidential use	40		
Maximum Impervious Surface (%)			
1-family dwelling	65		
2-family dwelling	65		
Other residential use	65		
Nonresidential use	65		
Distance from Residential (feet)			
1-family dwelling	40		
2-family dwelling	40		
Other residential use	40		
Nonresidential use	40		

NA = Use not allowed NR = No regulation

^a For a motel, one acre plus 3,000 square feet for each additional unit in excess of 12.

^b For a motel, 50 feet.

624 Other Districts

	CR	MAR	INST	IND	BDOD
Minimum Lot Area (square feet)					
1-family dwelling	NA	30,000	30,000	NA	NA
2-family dwelling	NA	45,000	45,000	NA	NA

Other residential use	NA	NA	30,000	NA	NA
Nonresidential use	30,000 ^a	30,000	30,000	30,000	87,120
Minimum Frontage (feet)					
1-family dwelling	50	150	150	150	NA
2-family dwelling	NA	200	150	NA	NA
Other residential use	NA	NA	150	NA	NA
Nonresidential use	50	150	150	150	100
Minimum Front Setback (feet)					
1-family dwelling	10	20	20	20	NA
2-family dwelling	NA	20	20	NA	NA
Other residential use	NA	NA	20	NA	NA
Nonresidential use	10	20	20	20	25
Minimum Side/Rear Setback (feet)					
1-family dwelling	10	10	10	10	NA
2-family dwelling	NA	10	10	NA	NA
Other residential use	NA	NA	10	NA	NA
Nonresidential use	10	10	10	10	10
Maximum Height (feet)					
1-family dwelling	60	35	40	50	NA
2-family dwelling	NA	35	40	NA	NA
Other residential use	NA	NA	40	NA	NA
Nonresidential use	60	35	40	50	40 ^b
Maximum Building Coverage (%)					
1-family dwelling	NR	45	NR	50	NA
2-family dwelling	NA	45	NR	NA	NA
Other residential use	NA	NA	NR	NA	NA
Nonresidential use	NR	45	NR	50	25 ^c
Maximum Impervious Surface (%)					
1-family dwelling	NR	60	NR	70	NA
2-family dwelling	NA	60	NR	NA	NA
Other residential use	NA	NA	NR	NA	NA
Nonresidential use	NR	60	NR	70	65

Distance of any Structure from a Residential District (feet)					
1-family dwelling	NA	50	NR	50	NA
2-family dwelling	NA	50	NR	NA	NA
Other residential use	NA	NA	NR	NA	NA
Nonresidential use	NR	50	NR	50	NR

NA = Use not allowed NR = No regulation

^a For hotel, motel, or conference center, the minimum lot area shall be 30,000 square feet plus 1,000 square feet per guest unit if connected to the municipal sewerage system, or 30,000 square feet plus 6,000 square feet per guest unit if not connected to the municipal sewerage system.

^b The maximum height shall be the greater of 40 feet or three stories (exclusive of rooftop mechanical equipment).

^c The maximum allowed floor area ratio (FAR) shall be 0.75.

625 Accessory Buildings

	Residential Districts	OV1, WV1	OV2	SC	CR	MAR	INST	IND
Setback	5	5	5	5	5	5	5	5
Setback for accessory building located in rear of main structure:	Side	5	10	5	10	5	20	5
20	Rear	5	15	5	15	5	20	5
5	Height	35	15	35	15	60	15	40
15								

EXPLANATION: These Dimensional Tables consist of information that is contained within the existing By-Law, but which is difficult to interpret. A major goal of the Zoning By-law Rewrite Committee is to produce a “user-friendly” Zoning By-law that is easy to understand for town staff, boards and commissions and applicants that need to use the By-law for permitting purposes. This Article takes the information contained within our existing By-law and places it in an easy-to-read set of tables. As a result, our consultant has reformatted the same information into a more concise format, which is much easier to understand. Nothing that was approved at the 2004 April Town Meeting has changed. The next Article will request voters to approve changes to this same table, which the Zoning Rewrite Committee has recommended to Town Meeting.

Inserted by the Board of Selectmen at the request of the Zoning By-law Rewrite Committee.

ARTICLE 21

To see if the Town will vote to amend its Zoning By-Laws by reconfiguring Article 6 DENSITY AND DIMENSIONAL TABLES, labeled "620 Table of Dimensional Regulations" which includes Tables 621, 622, 623, 624 and 625 into the following table format:

620 Table of Dimensional Regulations

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

Residential Districts

	R-130	R-60	R-43	R-30	MR-30
Minimum Lot Area (square feet)					
1-family dwelling	130,000	60,000	43,000	30,000	30,000
2-family dwelling	NA	NA	NA	45,000	45,000

Other residential use	NA	NA	NA	^a	30,000
Nonresidential use	130,000	60,000	43,000	30,000	30,000
Minimum Frontage (feet)					
1-family dwelling	200	180	180	150	150
2-family dwelling	NA	NA	NA	200	200
Other residential use	NA	NA	NA		250
Nonresidential use	200	180	180	150	150
Minimum Front Setback (feet)					
1-family dwelling	100	60	40	20	20
2-family dwelling	NA	NA	NA	20	20
Other residential use	NA	NA	NA	20	30
Nonresidential use	20	20	20	20	20
Minimum Side/Rear Setback (feet)					
1-family dwelling	30	20	20	10	10
2-family dwelling	NA	NA	NA	10	10
Other residential use	NA	NA	NA	^a	20
Nonresidential use	10	10	10	10	10
Maximum Height (feet)					
1-family dwelling	35	35	35	35	35
2-family dwelling	NA	NA	NA	35	35
Other residential use	NA	NA	NA	35	35
Nonresidential use	35	35	35	35	35
Maximum Building Coverage (%)					
1-family dwelling	NR	NR	NR	25	25
2-family dwelling	NA	NA	NA	25	25
Other residential use	NA	NA	NA	NR	NR
Nonresidential use	NA	NA	NA	NR	NR
Maximum Impervious Surface (%)					
1-family dwelling	NR	NR	NR	NR	NR
2-family dwelling	NA	NA	NA	NR	NR
Other residential use	NA	NA	NA	NR	NR
Nonresidential use	NR	NR	NR	NR	NR

NA = Use not allowed NR = No regulation

In R-30 District, multiple family is only permitted as a Residential Cluster Development (see Article 8).

622 Village Districts

	OV1	OV2	WV1	WV2
Minimum Lot Area (square feet)				
1-family or 2-family dwelling	5,000	10,000	7,500	
Other residential use:				
First dwelling unit	5,000	10,000	10,000 ^a	
Each additional unit	1,000	4,000	2,000 ^b	
Bed & Breakfast:				
First unit	5,000 ^a	10,000	5,000 ^a	
Each additional unit	2,000 ^b	4,000	2,000 ^b	
Other nonresidential use	5,000 ^c	10,000	10,000	
Minimum Frontage (feet)				
1-family or 2-family dwelling	50	50	75	
Other residential use	50	50	75	
Nonresidential use	50	50	75	
Minimum Front Setback (feet)				
1-family or 2-family dwelling	d	d	d	
Other residential use	d	d	d	
Nonresidential use	d	d	d	
Minimum Side/Rear Setback (feet)				
1-family or 2-family dwelling	10	10	10	
Other residential use	10	10	10	
Nonresidential use	10	10	10	
Maximum Height (feet)				
1-family or 2-family dwelling	35	35	40	
Other residential use	35	35	40	
Nonresidential use	35	35	40	
Maximum Building Coverage (%)				
1-family or 2-family dwelling	30	20	30	
Other residential use	30	NR	30	
Nonresidential use	30	NR	30	
Maximum Impervious Surface (%)				

1-family or 2-family dwelling	70	50	70	
Other residential use	70	50	70	
Nonresidential use	70	50	70	

NA = Use not allowed NR = No regulation

^a 2,000 square feet if in an existing structure.

1,000 square feet if in an existing structure.

5,000 square feet for the first commercial unit, plus 1,000 square feet for each additional commercial unit.

The front setbacks in Village Districts shall be the average of the setbacks of the five (5) residential structures on either side of the subject property.

623 Commercial Districts

	CS	CG	CN
Minimum Lot Area (square feet)			
1-family dwelling	30,000		
2-family dwelling	45,000		
Other residential use	30,000		
Nonresidential use	30,000 ^a		
Minimum Frontage (feet)			
1-family dwelling	150		
2-family dwelling	200		
Other residential use	250		
Nonresidential use	150		
Minimum Front Setback (feet)			
1-family dwelling	20		
2-family dwelling	20		
Other residential use	30		
Nonresidential use	20 ^b		
Minimum Side/Rear Setback (feet)			
1-family dwelling	10		
2-family dwelling	10		
Other residential use	20		
Nonresidential use	10		
Maximum Height (feet)			
1-family dwelling	40		
2-family dwelling	40		

Other residential use	40		
Nonresidential use	40		
Maximum Building Coverage (%)			
1-family dwelling	40		
2-family dwelling	40		
Other residential use	40		
Nonresidential use	40		
Maximum Impervious Surface (%)			
1-family dwelling	65		
2-family dwelling	65		
Other residential use	65		
Nonresidential use	65		
Distance from Residential (feet)			
1-family dwelling	40		
2-family dwelling	40		
Other residential use	40		
Nonresidential use	40		

NA = Use not allowed NR = No regulation

^aFor a motel, one acre plus 3,000 square feet for each additional unit in excess of 12.

^bFor a motel, 50 feet.

624 Other Districts

	CR	MAR	INST	IND	BDOD
Minimum Lot Area (square feet)					
1-family dwelling	NA	30,000	30,000	NA	NA
2-family dwelling	NA	45,000	45,000	NA	NA
Other residential use	NA	NA	30,000	NA	NA
Nonresidential use	30,000 ^a	30,000	30,000	30,000	87,120
Minimum Frontage (feet)					
1-family dwelling	NA	150	150	NA	NA
2-family dwelling	NA	200	150	NA	NA
Other residential use	NA	NA	150	NA	NA
Nonresidential use	50	150	150	150	100

Minimum Front Setback (feet)					
1-family dwelling	NA	20	20	NA	NA
2-family dwelling	NA	20	20	NA	NA
Other residential use	NA	NA	20	NA	NA
Nonresidential use	10	20	20	20	25
Minimum Side/Rear Setback (feet)					
1-family dwelling	NA	10	10	NA	NA
2-family dwelling	NA	10	10	NA	NA
Other residential use	NA	NA	10	NA	NA
Nonresidential use	10	10	10	10	10
Maximum Height (feet)					
1-family dwelling	NA	35	40	NA	NA
2-family dwelling	NA	35	40	NA	NA
Other residential use	NA	NA	40	NA	NA
Nonresidential use	60	35	40	50	40 ^b
Maximum Building Coverage (%)					
1-family dwelling	NA	45	NR	NA	NA
2-family dwelling	NA	45	NR	NA	NA
Other residential use	NA	NA	NR	NA	NA
Nonresidential use	NR	45	NR	50	25 ^c
Maximum Impervious Surface (%)					
1-family dwelling	NA	60	NR	NA	NA
2-family dwelling	NA	60	NR	NA	NA
Other residential use	NA	NA	NR	NA	NA
Nonresidential use	NR	60	NR	70	65
Distance of any Structure from a Residential District (feet)					
1-family dwelling	NA	50	NR	NA	NA
2-family dwelling	NA	50	NR	NA	NA
Other residential use	NA	NA	NR	NA	NA
Nonresidential use	NR	50	NR	50	NR

NA = Use not allowed NR = No regulation

^bFor hotel, motel, or conference center, the minimum lot area shall be 30,000 square feet plus 1,000 square feet per guest unit if connected to the municipal sewerage system, or 30,000 square feet plus 6,000 square feet per guest unit if not connected to the municipal sewerage system.

The maximum height shall be the greater of 40 feet or three stories (exclusive of rooftop mechanical equipment).

^c The maximum allowed floor area ratio (FAR) shall be 0.75.

626 Accessory Buildings

	Residential Districts	Village Districts	Commercial Districts	CR	MAR	INST	IND	BDOD
Setback ^a								
Side	10	10	10	10	20	10	20^b	^c
Rear	15	15	15	15	20	15	20	^c
Height	15	15	15	15	15	15	15	^c

^a Accessory building(s) front setback shall be the same as the specified minimum setback for the principal structure.

^b Accessory buildings in the Industrial District shall be located to the rear of the principal building.

^c 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.

EXPLANATION: This amendment acts to change some of the figures in the dimensional tables put forth in the previous article (Article 19). These amendments act to address contemporary planning issues with increased building setbacks from the road and abutting properties.

These amended frontage and setback distances reflect, in several instances a more up-to-date view of how homes should be placed on lots in their respective zoning districts. These changes also act to protect neighboring homeowners from the visual effects of development on abutting lots. The only change in area requirements affects the Wareham Village District.

Inserted by the Board of Selectmen at the request of the Zoning By-law Rewrite Committee

ARTICLE 22

To see if the Town will vote to amend its Zoning By-laws by DELETING under Article 8, Alternate Residential Site Development at Section 812 Use Regulations Subsection 812.1:

“Except in the Residence R-130 District, the Planning Board may grant a Special Permit approving a Residential Cluster Development in all District s providing the development can be connected to Municipal Sewerage”.

And replacing it with the following:

“The Planning Board may grant a Special Permit approving a Residential Cluster Development in all Districts”.

EXPLANATION: Currently our Residential Cluster Development language does not allow this type of development in the R-130 District (3 acre) zoning; the very district that requires cluster type of development to preserve sensitive land areas. By the time sewer lines get to this district, all the land will be developed as conventional subdivisions since the current language prohibits cluster in the R-140 District. This language simply allows this type of development where it will do the Town the most good, by protection its natural resources and environmentally sensitive lands.

Inserted by the Board of Selectmen at the request of the Zoning By-law Rewrite Committee

ARTICLE 23

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the fiscal year 2005

Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for fiscal year 2005; and further to reserve for future appropriation amounts as recommended by the Community Preservation Committee: as sum of

money for the acquisition, creation and preservation of open space excluding land for recreational use, a sum of money for the acquisition, preservation, rehabilitation and restoration of historic resources, and a sum of money for the creation, preservation and support of affordable housing, or take any other action relative thereto and further to see if the Town will vote to rescind the action of Town Meeting from April 26, 2004 in which \$50,000 was appropriated in Article 28 for the purchase of land on Minot Avenue, or to do or act in any other manner thereto.

EXPLANATION: Under this article the projects, which are recommended for funding include:

1. Renovations to Oak Grove School \$150,000
 2. Feasibility study and schematic design for affordable housing units on Sandwich Road at Agawam Village \$20,000
 3. Feasibility and design development study for affordable condominiums at 113 Onset Avenue \$25,000
 4. Cemetery Mapping project \$10,512
 5. Swifts Beach \$245,000
- TOTALING \$450,512

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

ARTICLE 24

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise, for open space and historic preservation purposes under the Community Preservation Program the fee or other interests in land located at 36 Station Street in the Town of Wareham, Massachusetts shown as Assessors' Map 81, Lot 1018, containing 9.37 acres more or less, and more fully described in a deed recorded in the Plymouth County Registry of Deeds in Book 213147, Page 245, said land to be held, managed, and controlled by the Town and, as funding therefore to raise and appropriate, transfer from available funds, transfer from the Community Preservation Fund, and/or borrow a sum of money pursuant to Massachusetts General Laws, Chapter 44B or any other general or special law for said acquisition, and to authorize the treasurer with the approval of the Board of Selectmen to issue any bonds or notes that may be necessary for that purpose; and further to authorize the Board of Selectmen to convey currently at the closing and in perpetuity a conservation restriction to the Conservation Commission pursuant to Massachusetts General Laws, Chapter 184, Sections 31-33; or to take any other action relative thereto.

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

ARTICLE 25

To see if the Town will vote pursuant to Chapter 44, Section 53E-1/2 of the general laws to authorize the use of a revolving fund for the purpose of all day kindergarten tuition, programs, supplies, equipment, wages, salaries, fringe benefits and any related expenses, which fund shall be credited with receipts from user fees, proceeds of fund raising activities, donations and other related receipts under the authority and direction of the Superintendent of Schools, acting with the approval of the School Committee, such expenditures not to exceed \$175,000 expended in any fiscal year, and further that the unencumbered balance as of the close of the fiscal year 2004 in the existing kindergarten revolving account be transferred to the revolving fund established for fiscal year 2005, or to do or act in any manner relative thereto.

Inserted by the Wareham School Committee

This article proposes the creation of a revolving fund. Payments from the Commonwealth, appropriations from the town, tuition/fee payments from parents, fund raising, etc., will be recorded against this account. This account will also track related expenses and those payments will be made from this account. This article is necessary because the Commonwealth requires (Chapter 44, Section 53E-1/2) that the Town voters approve the creation of such an account and place a limit (\$175,000) on the expenditures (payments) made from the account. This account is proposed specifically for the tracking of receipts and expenditures relative to Wareham Public School All Day Kindergarten Programs.

ARTICLE 26

To see if the Town will vote pursuant to Chapter 44, Section 53E-1/2 of the general laws to authorize the use of a revolving fund for the purpose of special education tuition, programs, supplies, equipment, wages, salaries, fringe benefits and any related expenses, which fund shall be credited with receipts from the Massachusetts Department of Education Circuit Breaker Fund and other related receipts under the authority and direction of the Superintendent of Schools, acting with approval of the School Committee; such expenditures

not to exceed \$500,000 expended in any fiscal year, and further that the unencumbered balance as of the close of the fiscal year 2004 in the existing special education revolving account be transferred to the revolving fund established for fiscal year 2005, or to do or act in any manner relative thereto.

Inserted by the Wareham School Committee

This article proposes the creation of a revolving fund. Payments from the Commonwealth, appropriations from the Town, fund raising, etc., will be recorded against this account. This account will also track related expenses and payments will be made from this account. This article is necessary because the Commonwealth requires (Chapter 44, Section 53E-1/2) that the Town voters approve the creation of such an account and place a limit (\$500,000) on the expenditures (payments) made from the account. This account is specifically proposed for (only) the tracking of receipts and expenditures relative to Wareham Public Schools' Special Education Programs.

ARTICLE 27

To see if the Town will vote to appropriate and authorize borrowing a sum of money for the purpose of constructing a sewerage system in the Rose Point, Briarwood Beach, and Beaver Dam Estates section of town as shown in the "Comprehensive Wastewater Management Plan/Single Environmental Impact Report" dated March 2002, and on file with the Town Administrator, with said indebtedness to be in accordance with Chapter 44, Section 7 or 8 of Massachusetts General Law, or any other enabling authority; and further that the Board of Selectmen and Town Administrator be authorized to file applications for grants or loans in connection with said project; that the Board of Selectmen being the Board of Sewer Commissioners, is authorized to take all necessary action to carry out the project and take by eminent domain for and on behalf of the Town of Wareham under Massachusetts General Laws, Chapter 79 and 83, acquire by lease, purchase or otherwise hold any lands, rights-of-way and other easements, public or private in the Town of Wareham that may be necessary in the construction and maintenance of said sewerage system; and finally, that the Board of Selectmen be authorized to assess betterments for the total design and construction costs in accordance with Chapters 80 and 83 of Massachusetts General Laws, or any other enabling authority, or to act in any matter relative thereto.

Inserted by the Board of Selectmen

ARTICLE 28

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

Wareham, MA Town Meeting Resolution

USA Patriot Act Resolution

A society that will trade a little liberty for a little order will lose both and deserve neither. – Thomas Jefferson

Those who would deny liberty to others, deserve it not for themselves, and under a just God, surely will not long retain it. - Abraham Lincoln

WHEREAS: United States law is founded in the Declaration of Independence, the United States Constitution, and the Bill of Rights; and

WHEREAS: Wareham is a politically diverse and democratic community whose residents are committed to preserving the human rights and civil liberties enunciated in these founding documents; and

WHEREAS: Acts of terrorism against the United States on September 11, 2001, prompted President George W. Bush to declare a "war on terrorism," many aspects of which, in its domestic implementation, constitute an assault with few precedents on the following constitutional amendments:

* The First Amendment, which provides that no law shall be made "abridging the freedom of speech, or of the press, or the right of the people peaceable to assemble, and to petition the Government for a redress of grievances";

* The Fourth Amendment, which declares, "The right of people to be secure in their persons, houses, papers, and effects, against

unreasonable search and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath of affirmation, and particularly describing the place to be searched, and the persons or things to be seized”;

* The Fifth Amendment, which states that no person “shall be compelled in any criminal case to be a witness against himself, or be deprived of life, liberty, or property, without due process of law”;

* The Sixth Amendment, which guarantees defendants “the right to a speedy and public trial, by an impartial jury...and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process of obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense”;

* The Eighth Amendment, which states, “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted”; and

* The Fourteenth Amendment, which prohibits the government from denying “to any person within its jurisdiction, the equal protection of the laws”, and

WHEREAS: We believe these inalienable rights are now directly threatened by:

A. The USA PATRIOT Act, whose ambiguities and vast scope greatly strengthen the government’s power to invade and control the everyday lives of citizens and non-citizens alike. This Act:

* Inhibits constitutionally protected speech through vague and overly broad definitions of “terrorism” and creation of the new crime of “domestic terrorism,”

The interpretation of which resides exclusively in the hands of the Attorney General and the President (Sections 411, 412, 802, 808);

* Virtually eliminates judicial supervision of telephone and Internet surveillance (Sec. 216);

* Greatly expands the government’s authority to conduct secret searches (Sections 209, 213, 215, 218-220);

* Grants the FBI broad access to individual medical, mental health, financial, employment, and educational records without having to show evidence of a crime and without a court order; and

* Permits the FBI to track individual book borrowing in libraries and book purchases in stores and makes it a crime for librarians and vendors to reveal their knowledge of such tracking (Sec. 215);

B. Federal Executive Orders and government actions since September 11, 2001, which

* Permit wiretapping of conversations between federal prisoners and their lawyers;

* Eliminates Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities that in past targeted domestic groups and individuals);

* Establish secret military tribunals for terrorism suspects, including both citizens and non-citizens;

* Permit thousands of men, mostly of Arab and South Asian origin, to have been held for many months in secret custody, most without any charges filed against them, without publication of their identities and location in defiance of repeated congressional request and court orders; and

* Limit the release of public documents and records in many subject areas under the Freedom of Information Act (FOIA); and

C. The Homeland Security Act, which violates fundamental principles of open governance by:

* Exempting the Department from FOIA disclosure, thereby drastically restricting its responsibility to answer public questions;

* Empowering the Secretary of the Department to waive the safeguards contained in the federal Whistleblower Protection Act; and

* Empowering the Secretary of the Department to require vaccinations of the entire population with no exemptions (Dec.304c); and

WHEREAS: The provisions of the Constitution apply in wartime as in peace; and to violate or depart from them, under the plea of necessity or any other plea, is subversive of good government; and

WHEREAS: United States laws, that pre-existed 9/11/2001 would, if completely and effectively implemented, be sufficient to investigate terrorists and bring them to justice;

NOW, THEREFORE, BE IT RESOLVED: That the town of Wareham, Massachusetts, in its 2004 Annual Town Meeting assembled:

1. declares and affirms that the USA PATRIOT Act, the Homeland Security Act, and a number of recent federal Executive Orders contain provisions which, taken together, constitute an assault with few historic precedents upon the civil liberties and human rights established for the citizens of the United States of America;
2. maintains that its officials and employees must hold the United States Constitution, including the Bill of Rights, as the ultimate legal authority whenever its provisions conflict with those of the USA PATRIOT Act, the Homeland Security Act, or Federal Executive Orders, thereby upholding all constitutional rights, including due process, equal protection of the laws, and the freedoms of speech, religion, assembly, and the privacy of all Wareham residents;
3. urges the Governor of Massachusetts, all state and federal legislators, jurists, law enforcement officers and officials, and the citizens of Massachusetts take all legally appropriate action to revoke, rescind, and eliminate those provisions of the USA PATRIOT Act, the Homeland Security Act, and recent Executive Orders that diminish our civil liberties and human rights;
4. considers it vitally important that the U.S. Attorney's Office, the Federal Bureau of Investigation, the Massachusetts State Police, and any other Federal, State, and local law enforcement officials in possession of any such information report to the Wareham Board of Selectmen regularly and publicly the extent to and manner in which they have acted under the USA PATRIOT Act, the Homeland Security Act, and recent Executive Orders, including but not limited to disclosing:

* the names of any detainees held within the Commonwealth of Massachusetts of any Wareham residents detained within the town or elsewhere; the circumstances that led to each detention; the charges, if any, lodged against each detainee; and the names of counsel, if any, representing each detainee;

* the number of search warrants that have been executed in the town of Wareham without notice to the subject of the warrant pursuant to section 213 of the USA PATRIOT ACT;

* the extent of electronic surveillance carried out in the town of Wareham under powers granted by the USA PATRIOT Act;

* the extent to which federal authorities are monitoring political meetings, religious gatherings, or other activities within the town of Wareham that are protected by the First Amendment;

* the number of times education records have been obtained from public schools and institutions of higher learning in Wareham under section 507 of the USA PATRIOT Act; and

• the number of times individual borrowing records have been obtained from libraries and purchasing records have been obtained from book and video stores in the town of Wareham under section 215 of the USA PATRIOT Act; and

5. requests that the Town Clerk send a copy of this resolution to all Town residents and departments and to the Plymouth County District Attorney, the Massachusetts State Police, the Massachusetts Congressional and Statehouse delegations, the Attorney General and the Governor of the Commonwealth of Massachusetts, the local United States Attorney, the United States Attorney General and the President of the United States.

GRASSROOTS OPPOSITION TO THE USA PATRIOT ACT
222 Communities and States (27.8 million people) as of November 25, 2003

*State of	San Anselmo	*State of	Minnesota	North Carolina	*State of
Alaska	San Francisco	Hawaii	Duluth	Carrboro	Vermont
Anchorage	San Jose	Honolulu	Minneapolis	Chapel Hill	Athens
Bethel	San Mateo		Robbinsdale	Davidson	Brattleboro
Fairbanks	County	Idaho		Durham County	Burlington

Gustavus	San Rafael	Boise	Missouri	Durham	Dummerston
Homer	San Ramon	Idaho County	University City	Greensboro	Guilford
Juneau	Santa Barbara		Montana	Orange County	Jamaica
Kenai	Santa Clara	Illinois	Beaverhead		Marlboro
North Pole	County	Chicago County	Ohio		Montpelier
Skagway	Santa Cruz	Evanston	Bozeman	Oberlin	Newfane
Sitka	Santa Cruz		Dillon	Oxford	Putney
Soldotna	County	Indiana	Missoula	Yellow Springs	Rockingham
	Santa Monica	Bloomington		Warren	
Arizona	Saratoga		New Hampshire	Oregon	Westminster
Bisbee	Sausalito	Maine	Marlborough	Ashland	Waitsfield
Flagstaff	Sebastopol	Waterville	Peterborough	Astoria	Windham
Jerome	Soledad		Benton County		
Pima County	Sonoma	Maryland	New Jersey	Corvallis	Virginia
Tucson	South Pasadena	Baltimore	Princeton	Eugene	Alexandria
	Tehama County	Greenbelt	Borough	Gaston	Charlottesville
California	Ukiah	Montgomery Cty	Willingboro	Lane County	
Albany	Union City	Prince George's	Portland		Washington
Arcata	resolution	Watsonville	County	New Mexico	Port Orford
and ordinance	West Hollywood	Takoma Park	Albuquerque	Talent	Bainbridge Island
Berkeley	Yolo County		Aztec		Bellingham
Claremont		Massachusetts	Bayard	Pennsylvania	Jefferson County
Contra Costa	Colorado	Amherst	Farmington	Landsdowne	Olympia
County	Boulder	Arlington	Grant County	Philadelphia	Oroville
Cotati	Crestone	Ashfield	Las Vegas	Reading	Port Townsend
Davis	Denver	Brewster	Los Alamos	Wilkinsburg	Riverside
Dublin	Durango	Brookline	County	York	San Juan County
El Cerrito	Fort Collins	Cambridge		Rio Arriba County	Seattle
Emeryville	Ridgeway	Eastham	Santa Fe	Rhode Island	Snoqualmie
Fairfax	San Miguel	Leverett	Silver City	Middletown	Tonasket
Hayward County	Lincoln	Socorro	New Shoreham	Island	Vashon-Maury
Lake County	Telluride	Newton	Taos	South Kingstown	
Livermore		Northampton			West Virginia
Los Gatos	Connecticut	Orleans	New York	Tennessee	Huntington
Marin County	Bethany	Pittsfield	Albany	Blount County	
Mendocino	Hartford	Provincetown	Canton		Wisconsin
County	Mansfield	Shutesbury	Danby	Texas	Douglas County
Mill Valley	New Haven	Wellfleet	Ithaca	Austin	Madison
Mountain View		Wendell	Town of New	Sunset Valley	
Oakland	Delaware		Paltz		
Pacific Grove	Wilmington	Michigan	Village of New	Utah	
Palo Alto		Ann Arbor	Paltz	Castle Valley	
Pinole	Florida	Detroit	Rosendale		
Pleasanton	Alachua County	Ferndale	Schenectady		
Point Arena	Broward County	Ingham County	St. Lawrence Cty		
Porterville	Sarasota	Kalamazoo	Syracuse		
Richmond	Meridian	Urbana			
Sacramento	Township	Woodstock			
Salinas					

Source: Bill of Rights Defense Committee, www.bordc.org

NOTE: This article has been reproduced exactly as presented, in accordance with the law.

Inserted by Donald Jordan et al

You are hereby directed to serve this Warrant by posting attested copies thereof on or before Friday, September 17, 2004 in at least one public place in each precinct within the Town, and by publishing a copy of the Warrant by October 7, 2004.

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 at Wareham this 14th day of September in the year 2004.

WAREHAM BOARD OF SELECTMEN

A True Copy, Attest:

Robert E. Short
Constable of Wareham

Patrick G. Tropeano, Chairman

Bruce D. Sauvageau, Clerk

Mary Jane Pillsbury

R. Renée Fernandes-Abbott

Cynthia K. Chamberlain

Plymouth §. Date: September 17, 2004

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 17, 2004, and by causing this Warrant to be published on or before October 7, 2004.

Date: September 17, 2004

Robert E. Short
Constable of Wareham