FALL TOWN MEETING WARRANT
TOWN OF WAREHAM

OCTOBER 24, 2011

WAREHAM HIGH SCHOOL
7 VIKING DRIVE
WAREHAM, MA 7:00 PM

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 24, 2011 to act on the following articles:

ARTICLE 1 – CAPITAL IMPROVEMENTS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the acquisition by purchase and/or lease of the following capital items or take any other action relative thereto:

	Item	Units	Total Cost	Department
a.	Defibrillators	40	84,000	Police
b.	Generator	1	40,000	Police
c.	Parking Program	1	75,000	Police
d.	Prisoner Transport Vehicle (6 mos. Payments of 3-yr lease)	1	10,700	Police
e.	4 Wheel Drive Vehicle (6 mos. Payments of 3-yr lease)	1	9,720	Police
f.	EMS Ambulance Rebuild	1	150,000	Emergency Medical Services
g.	Buses (12 mos. Payments of 3-yr lease)	7	91,000	School Department

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

ARTICLE 2 – REPAIRS TO WAREHAM FREE LIBRARY

To see if the Town will vote to raise and appropriate, transfer or borrow up to $50,000 to remedy building deficiencies that threaten the integrity and security of the library building, or to take any other action relative thereto.

Inserted by the Board of Selectman at the request of the Wareham Free Library Board of Trustees

ARTICLE 3 – DISTRIBUTION OF LOCAL OPTION MEALS TAX

To see if the Town will vote to petition the General Court for special legislation to allocate the .75% local option meal excise (per provisions of M.G.L. c. 64L s. 2(a) that was approved during the Spring Town Meeting 2011 article #18 to be used for Capital Items (as defined by the Wareham Town Charter) for the Town of Wareham and the Wareham School Department. The distribution of the revenue shall be 50% to the Town of Wareham and 50% to the Wareham School Department. The Town Treasurer shall have responsibility for receipt and distribution of said revenue. The existing Wareham Charter and By-Laws for bringing Capital Items before Town Meeting remain in force. This revenue is in addition to Wareham's annual budget for Capital Items.

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

ARTICLE 4 - TO FUND COLLECTIVE BARGAINING AGREEMENT – MLPEC WAREHAM DISPATCHERS UNION

To see if the Town of Wareham will vote to raise and appropriate or transfer from available funds to fund the Collective Bargaining Agreement between the Town and Massachusetts Labor's Public Employees' Council Union 1249 of the Labor's International Union of North America Wareham Dispatchers Union; or to do or act in any manner relative thereto.

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

ARTICLE 5 - TO FUND COLLECTIVE BARGAINING AGREEMENT – WAREHAM LIBRARY EMPLOYEES

To see if the Town of Wareham will vote to raise and appropriate or transfer from available funds to fund the Collective Bargaining Agreement between the Town and the AFSCME Council 93 AFL-CIO Local 30 Wareham Library Employees; 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 FUND COLLECTIVE BARGAINING AGREEMENT – WAREHAM MUNICIPAL MAINTENANCE DEPARTMENT AND TOWN CUSTODIANS

To see if the Town of Wareham will vote to raise and appropriate or transfer from available funds to fund the Collective Bargaining Agreement between the Town and the Massachusetts Laborers' Public Employees Union 1249 of the Laborers' International Union of North America; 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 FUND COLLECTIVE BARGAINING AGREEMENT – WAREHAM POLICE UNION

To see if the Town of Wareham will vote to raise and appropriate or transfer from available funds to fund the Collective Bargaining Agreement between the Town and Wareham Police Union; 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 FUND COLLECTIVE BARGAINING AGREEMENT – UNITED STEEL WORKERS AFL-CIO-CLC, LOCAL UNION 13507, DEPARTMENT HEADS UNION

To see if the Town of Wareham will vote to raise and appropriate or transfer from available funds to fund the Collective Bargaining Agreement between the Town and United Steelworkers, AFL-CIO-CLC, Local Union 13507, Unit 4; 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 FUND COLLECTIVE BARGAINING AGREEMENT – UNITED STEEL WORKERS AFL-CIO-CLC, LOCAL UNION 13507

To see if the Town of Wareham will vote to raise and appropriate or transfer from available funds to fund the Collective Bargaining Agreement between the Town and United Steelworkers, AFL-CIO-CLC, Local Union 13507, Unit 5; 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 – WATER POLLUTION CONTROL FACILITY CAPITAL IMPROVEMENTS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the acquisition by purchase and/or lease of the following

capital items or take any other action relative thereto:

	Item	Units	Total Cost	Department
a.	Electrical & HVAC	1	100,000	Water Pollution Control Facility
b.	Boom Truck Purchase	1	60,000	Water Pollution Control Facility

Inserted by the Board of Selectmen at the request of the Water Pollution Control Facility

ARTICLE 11 – TRANSFER OF FUNDS

To see if the town will vote to raise and appropriate or to transfer $79,000.00 from the Harbor Service Permit Reserved for Appropriations Account, to the Harbormaster Maintenance and Improvement account, or to do or act in any manner relative thereto.

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

ARTICLE 12 - COMMUNITY PRESERVATION ARTICLES

To see if the Town will vote to transfer from Community Preservation Fund FY 2012 Estimated annual revenues a sum of money to the Community Preservation fund reserves for future appropriation as follows: **$70,200** for Affordable Housing Reserve; **$5,100** for Administration; and **$240,149** for the FY 2012 Budgeted Reserve, or to do or act in any manner relative thereto.

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

ARTICLE 13

To see if the Town will vote to transfer **$55,000** into the Affordable Housing Reserve Fund from previously approved but unexpended appropriations as follows; (A) **$5,000** appropriated for the "Affordable Housing Restriction" approved under Article 45, Spring, 2010; and (B) **$50,000** appropriated to hire a consultant for the Agawam Village Reconstruction Project, approved under Article 43 Spring 2010, 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 14

To see if the Town will vote to appropriate from the Community Preservation Fund, FY 2012 estimated annual revenue, or any other available monies in the Community Preservation Fund, under Open Space, the sum of **$7,423** for payment for debt service

on the property known as Bryant Farm, and further to appropriate under Historic Preservation, the sum of **$104,128** for payment for debt service on the property known as Tremont Nail, both voted for purchase by Town Meeting in April 2004, 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 15

To see if the Town will vote to appropriate from the community Preservation Fund, FY 2012, Unallocated Fund, or any other available monies, under the category of Historic Preservation, the sum of **$163,000** for the replacement of two (2) rubber roofs, and the painting and protection of all exterior wooden surfaces on Memorial Town Hall, consistent with existing historic preservation restrictions on the property, 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 16

To see if the Town will vote to transfer, under the category of Open Space, from the FY 2012 estimated annual revenues or any other available monies, the sum of **$50,000** to the Wareham Conservation Fund, established by Town Meeting, Under MGL c40, section 8c (Article 47, spring 1963); for which the Conservation Commission, may use as necessary, provided however that any purchases made with such funds shall be subject to the restrictions and requirements of the Community Preservation Act, G.L. c 44B, 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 17

To see if the Town will vote to authorize the Community Events Committee to expend a sum of money, funds drawn from 70% of the Hotel/Motel Tax and 40% from the Parking Meter Fund to the Community Events Special Revenue Account. The funds will solely be used for the continuing support and assistance of community events, projects, activities, services, programs and public improvements which are of mutual interest to residents and visitors of the Town, or to do or act in any manner relative thereto.

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

ARTICLE 18 – EARTH REMOVAL REGULATIONS

To see if the Town will vote to amend the current Earth Removal Bylaw, so that the existing Bylaw is replaced with the following, or to do or act in any manner relative thereto.

DIVISION IV
ARTICLE III
EARTH REMOVAL REGULATIONS

Section 1. ***Purpose:*** To ensure that permanent changes in the surface contours of land resulting from the removal and realignment of earth materials will leave land in a safe and convenient condition for appropriate reuse without requiring excessive and unreasonable maintenance or resulting in damage to public and private property, as well as to provide that earth removal activities shall be conducted in a safe manner with due regard to safety and with minimal detrimental effect upon environment of the district in which the activities are located **and to ensure the protection of groundwater resources throughout the community including, but not limited to wellhead protection and the Plymouth-Carver aquifer.**

Section 2. ***Definitions:*** **For the purpose of this By-Law:**

Earth: All forms of soil and other similar materials, including but not limited to loam, sand, gravel, top soil, stone, ore, peat, humus, clay, rock, or hard pan.

Earth Removal: Stripping, digging or excavating Earth from any lot not in public use and removing or carrying the earth away from said lot.

Lot/land: A single parcel of land, separated from the owner's or other party's contiguous land by property lines described in a recorded plan or deed.

Restoration: After an Earth Removal activity, returning the land contours to safe and usable condition, restoring drainage patterns, planting appropriate vegetation and any other activity designed to stabilize land that is subject to Earth Removal.

Section 3. Applicability: Earth Removal shall be allowed in the Town of Wareham, except in the following area:

(a.) Earth removal shall be prohibited in a Zone II as identified on the Town of Wareham Zoning Map.

Section 4. Exemptions: This bylaw shall not apply to any Earth Removal which is the subject of a permit or license issued under the

authority of the Town of Wareham or by the appropriate licensing board of the Town of Wareham or by the Wareham Zoning Board of Appeals, or which is to be removed in compliance with the requirements of a definitive subdivision plan approved by the Town of Wareham Planning Board, except as may be required under Section 6(g) hereof.

Section 5. ***Required Permit:*** All Earth Removal from land not in public use anywhere in Town of Wareham is hereby prohibited unless done in strict compliance with a permit granted hereunder by the Board of Selectmen, as the permit granting authority.

As part of and set forth in such permit shall be the restriction prohibiting excavation to a depth below the mean grade of an adjacent serving street, in the immediate vicinity of the street **and the restriction prohibiting any earth removal within ten (10) feet of the seasonal high water table on any land in the Town of Wareham, except for the installation of utilities and other exemptions granted under Section 4 of the Earth Removal By-Law.**

Section 6. ***Permit Procedures and Requirements*****:**

(a) For all Earth Removal operations, a written permit must be obtained by the Board of Selectmen. An application for a permit shall be accompanied by an original plan and nine copies to the Board of Selectmen, who shall give the applicant a dated receipt. Within four business days, the Board of Selectmen shall transmit one copy of the application and plans to each of the following: The Board of Health, the Building Inspector, the Conservation Commission, Municipal Maintenance Department, the Police Chief, the Town Clerk, the Town Administrator, and the respective Water Department. Each review board or position shall review the plan and application and within twenty-one days of receipt may signify approval or objection, in writing, to the Board of Selectmen. Along with the application, the petitioner shall pay a fee, as determined by the Board of Selectmen, to cover advertising fees and expenses.

(b) Before granting any such permit, the Board of Selectmen shall give due consideration to the location of the place from which it is proposed to remove Earth, to the general character of the neighborhood surrounding such location and to the effect of the proposed removal on such neighborhood, to the amount of noise, dust and vibration likely to result from the proposed removal, to the extent, depth and contour of the location and surrounding neighborhood from which such removal is proposed, to the general safety of the public on the public ways giving access to and in the immediate vicinity of such location, and to the use to which such location has been put prior to the application for a permit. A determination shall be made as to the existence of any other gravel pit or Earth Removal activity in the close vicinity of the proposed location, the existence of which shall normally be considered an inhibiting factor in granting the proposed permit. No permit granted by the Board of Selectmen shall be

valid for a period in excess of three years from its date of issue.

(c) ***Site Plans:*** Site plans shall be filed in triplicate with the Board of Selectmen for any land which is used or intended to be used for Earth Removal. Site plans of the removal areas shall be prepared by a registered professional engineer or a registered land surveyor at a scale of 40 feet to the inch and shall be in accordance with and indicate the following:

1. Lot lines and ownership.
2. Existing topography and proposed elevations at 2-foot contour intervals.
3. Names of abutters as found on the most recent tax list.
4. Adjacent public streets and private ways.
5. Proper provisions for safe and adequate water supply and sanitary sewerage and for temporary and permanent drainage of the site.
6. A location plan at a scale of 1"=1,500'.
7. Plan for regarding of all or parts of the slopes resulting from such excavation or fill.
8. Plan for replacement of at least six inches of topsoil over all excavated, filled, or otherwise disturbed surfaces and seeding with a perennial cover crop, reseeded as necessary to assure uniform growth and soil surface stabilization.
9. Hours of operation and plan for lighting, if night operation is contemplated.
10. Proposed lateral support to all adjacent property.
11. Proper provision for vehicular traffic, service roads, control of entrances and exits to highways.
12. The relation of future buildings, temporary buildings, and operations machinery to the removal areas.
13. Delineation of removal areas and depths.
14. Provision for a substantial fence enclosing the excavation or quarry where any Excavation or quarry will extend under original ground level or will have a depth of ten feet or more and create a slope of more than one foot in two feet. Such fence shall be located ten feet or more from the edge of the excavation or quarry, and shall be at least six feet in height.
15. Method of earth removal.
16. Distance of excavation to street and lot lines.
17. Proposed disposition of boulders and tree stumps.
18. Cleaning, repair, and/or resurfacing of streets used in the removal activities which have been adversely affected by the removal activity.
19. Delineation of wetlands, floodplains and endangered/rare species habitat.

(d) ***Land Restoration Plan(s):*** Land Restoration plan(s) must be submitted to and approved by the Board of Selectmen subject to the regulations set forth in the following paragraphs:

1. The Board of Selectmen may require up to three approved alternative future land Restoration plans be submitted for such land as is used for Earth Removal. It is recognized that land restoration of the removal areas is in the public interest.

2. Said land Restoration plan and its implementation applies to the conversion of the abandoned site and its planned Restoration. It is, therefore, required that any land Restoration plan corresponds to a situation which could reasonably occur in the immediate future (zero to five years), and be revised as necessary as the existing physical character of the removal area changes.

3. The land Restoration plan or any part thereof which reasonably applies to an area which has been abandoned from removal use shall be put into effect within one year of the abandonment of said operation.

(e) Reports, Fees and other Conditions:

1. Records showing the amount of Earth Removal shall be provided monthly by the permit holder, and quarterly reports, certified by a registered professional engineer, shall also be submitted to the Board of Selectmen or its designee. The method of measurement of materials removed shall be determined by the Town's engineer. The Board may require more frequent reports if it deems that circumstances warrant them. Reports to the Board by said engineer shall be at the permit holder's expense.

2. The permit holder shall be responsible for all spillage onto the public ways of the Town. If for reasons of safety, it becomes necessary for the Town to clean and remove such spillage, the cost shall be charged to the permit holder. The Town may halt all earth removal activities until such time that said expenses are reimbursed.

3. The permit holder shall be responsible for all damage to public ways from traffic occurring in connection with the permit, entering and exiting the site.

4. The Board of Selectmen shall require a bond or other security to insure compliance with its conditions of authorization unless, in a particular case, it specifically finds that such security is not warranted, and so states its decision, giving the specific reasons for its finding.

5. This permit is subject to a fee of $0.25 per cubic yard or more, as determined by the Board of Selectmen, payable to the Town of Wareham. Any inspections by the Town's engineer to ensure that the work being done follows the approved plans shall be paid by the permit holder.

6. The Earth Removal Permit is not transferable without prior approval from the Board of Selectmen. Transfer of equity ownership or legal interest in either the

subject property or the entity conducting the Earth Removal shall be considered a transfer. The pledging of such, to secure a mortgage or other loan shall not be considered a transfer unless the lender should acquire ownership or interest by foreclosure.

7. The applicant agrees by acceptance of the permit to allow the Town or its representative free access to the site to conduct inspections to determine compliance with the conditions of the permit at any time without notice.

8. In granting a permit, the Board may impose any conditions that may be necessary to properly implement the purpose of this Bylaw.

(f) ***Permits in Proposed Subdivisions:*** It is the intention of this section that the removal of Earth materials in an amount in excess of five cubic yards from any parcel of land for which a definitive subdivision plan has been prepared shall be allowed only in the same manner as removal from other parcels of land in the Town. Consequently, approval of a subdivision plan by the Planning Board shall not be construed as authorizing the removal of material in excess of five cubic yards from the premises.

(g) ***Renewal of Permit:*** In the renewal of any permit upon its expiration, the Board of Selectmen shall give full consideration to the manner in which the permit holder has lived up to obligations and conditions imposed in this existing permit. The Board may refuse to allow renewal of a permit where there has been a history of repeated failure to live up to restrictions and requirements of the previous permit.

(h) ***Penalties:*** The penalty for the violation of this By-Law or for the removal of any earth materials within the Town without a permit hereunder, except as herein before provided, shall be as follows:

1. For the first offense, fifty dollars.
2. For the second offense, one hundred dollars.
3. For each subsequent offense, two hundred dollars and/or revocation of the earth removal permit at the discretion of the Board of Selectmen.
4. Each load, of any size, of earth removed from the original site shall constitute a separate offense under this By-Law.
5. In the event that an Earth Removal project has begun without a permit, the Town's engineer shall, at the property owner's expense, determine the number of cubic yards removed without a permit in order to assess the number of offenses.
6. In the event that an Earth Removal project has begun in a prohibited area, the property owner shall, at the property owner's expense, Restore the land to a condition that existed prior to the initiation of the earth removal project.

Such penalties shall be in addition to the existing rights of the Town to enforce its By-Laws.

(i) Existing Operations:

1. Any existing Earth Removal activity operating under a permit previously issued by the Board of Selectmen may be continued until the expiration of said permit, provided that such Earth Removal activity does not adversely affect the water table or the natural or engineered drainage of the Town, and provided that such Earth Removal activity does not create unreasonable noise, dust, fumes or other effects which are detrimental to the public health or welfare. Discontinuance of use for more than twelve (12) consecutive months shall be deemed to constitute abandonment.

2. Any and all existing Earth Removal activities located in Zone II shall cease all earth removal activities within 30 days of the effective date of this by-law. Restoration of this Earth Removal activity shall be completed within one year of the effective date of this by-law.

(j) Validity: The invalidity of any section or provision of this section shall not invalidate any other section of provisions thereof.

Inserted by the Board of Selectmen at the request of the Clean Water Committee.

ARTICLE 19 - Affordable Housing Solution Local Initiative Program

To see if the Town will vote to amend the zoning by-laws by adding Article 830, Town of Wareham Affordable Accessory Apartment Program (Amnesty Program) zoning by-law, that will enable residents with non-permitted apartments to bring their property into compliance, while providing legal, affordable units to residents and families of Wareham, as follows:

Town of Wareham Affordable Accessory Apartment Program

ARTICLE 830- Comprehensive Permits for Pre-Existing and Un-permitted Dwelling Units and for New Dwelling Units Accessory to Single Family Dwellings.

SECTION 831: INTENT AND PURPOSE.

831.1 The intent of this by-law is to provide an opportunity to bring into compliance many of the currently un-permitted accessory apartments and apartment units in the Town of Wareham, as well as to allow the construction of new dwelling units accessory to existing single-family homes to create additional affordable housing.

831.2 This by-law recognizes that although un-permitted and unlawfully occupied, these dwelling units are filling a market demand for housing at rental costs typically below that of units which are and have been, lawfully constructed and occupied.

831.3 It is in the public interest and in concert with its obligations under state law, for

the Town of Wareham to offer a means by which so-called un-permitted and illegal dwelling units can achieve lawful status, but only in the manner described below.

831.4 It is the position of the Town of Wareham that the most appropriate mechanism for
allowing for the conversion of unlawful dwelling units to lawful units is found in GL c.40B, ss. 20-23, the so-called "Comprehensive Permit" program. This provision of state law encourages the development of low and moderate-income rental and owner occupied housing and provides a means for the Board of Appeals to remove local barriers to the creation of affordable housing units. These barriers include any local regulation such as zoning and general by-laws that may be an impediment to affordable housing development.

831.5 The Town established a Wareham Affordable Housing Trust (Division VII, ARTICLE III of the Town's General By-Laws) which is responsible "to support the construction and preservation of affordable housing in order to secure rental and home ownership opportunities for our community's low and moderate-income individuals and families in the future." Under this by-law, the town commits the following resources to support this affordable housing initiative:
a. reduction of fees for the inspection and monitoring of the properties identified under this by-law as determined by the screening process of the loal 40B Program as identified in section;
b. Designation of town staff/Affordable Housing Trust Fund Board members to assist the property owner in navigating through the process established under this by-law;
c. To the extent allowable by law, the negative effect entailed by the deed restriction involved will be reflected in the property tax assessment, and
d. To assist property owners in locating available municipal, state and federal funds for rehabilitating and upgrading the properties identified under this by-law.

831.6 The Affordable Housing Trust Board, in conjunction with a variety of other strategies, supports the conversion of existing structures for use as affordable housing.

831.7 Through the creation of a local Chapter 40B program, which uses state and federal
subsidies, the town can create a mechanism to utilize existing structures and to construct new accessory structures for the creation of affordable housing units that is consistent with the town's identified housing needs.

SECTION 832: CREATION OF LOCAL CHAPTER 40B PROGRAM:

As part of the town's efforts to create the type of affordable housing that best meets the
needs of the town and its residents, the town administrator, in conjunction with the Wareham Affordable Housing Trust Board, and staff designated by the town administrator, shall establish a screening process and criteria for the preexisting and

un-permitted units described herein, as well as for the construction of new units accessory to single-family homes, as part of a local Chapter 40B program which will provide the state or federal subsidy necessary to establish standing under Chapter 40B for units being created and/or permitted.

SECTION 833: AMNESTY PROGRAM

Recognizing that the success of this by-law depends, in part, on the admission by real property owners that their property may be in violation of the zoning by-laws of the town, the town hereby establishes the following Amnesty Program:

833.1: The threshold criteria for units being considered as units potentially eligible for the Amnesty Program are:
a) Real property containing a dwelling unit or dwelling units for which there does not exist a validly issued variance, special permit or building permit, does not qualify as a
lawful, non-conforming use or structure, for any or all the units, and that was in existence on a lot of record within the Town as of January 1, 2012; or
b) Real property containing a dwelling unit or dwelling units which was in existence as of January 1, 2012 and which has been cited by the Building Department as being in violation of the zoning by-law and
(c) The property owner has the burden of demonstrating to the Building Commissioner that the criteria in either paragraphs (a) and/or (b) have been satisfied.
d) If any dwelling unit or units identified herein are occupied during the period of time when amnesty is in effect, said unit must be inspected by the entity designated by the town administrator and found to be in conformance with the State Building Code and State Sanitary Code.

833.2: The procedure for qualifying units that meet the threshold criteria for the amnesty program is as follows:
a. The unit or units must either be a single unit accessory to an owner occupied single family dwelling or one or more units in a multifamily dwelling where there exists a legal multifamily use but one or more units are currently un-permitted;
b. The unit(s) must receive a site approval letter under the town's local chapter 40B program;
c. The property owner must agree that if s/he receives a comprehensive permit, the unit or units for which amnesty is sought will be rented to a person or family whose income is 80% or less of the Area Median Income (AMI) of the Metropolitan Statistical Area (MSA) for Wareham and shall further agrees that rent (including utilities) shall not exceed the rents established by the Department of Housing and Urban Development (HUD) for a household whose income is 80% or less of the median income of the Metropolitan Statistical Area for Wareham. In the event that utilities are separately metered, a utility allowance established by the Wareham Affordable Housing Trust Board shall be deducted from HUD's rent level.
d. The property owner must agree, that if s/he receives a comprehensive permit, that s/he will execute a deed restriction for the unit or units for which amnesty is sought,

prepared by the Town of Barnstable, which runs with the property so as to be binding on and enforceable against any person claiming an interest in the property and which restricts the use of one or more units as rental units to a person or family whose income is 80% or less of the median income of the Metropolitan Statistical Area (MSA) For Wareham.
e. Upon receiving the site approval letter under 833.2(b) above, the property owner shall within three (3) months file an application for a comprehensive permit under the local Chapter 40B program with the Wareham Zoning Board of Appeals.

833.3: The procedure for obtaining amnesty is as follows:
a. No zoning enforcement shall be undertaken against any property owner who demonstrates that s/he meets the threshold criteria under section 833.1 and further demonstrates that s/he is proceeding in good faith to comply with the procedures under Section 833.2 to obtain a comprehensive permit.
b. Any protection from zoning enforcement under this by-law shall terminate when: 1) A written determination is issued under the local Chapter 40B program that the criteria under Section 833.2 and the local Chapter 40B program cannot be satisfied; or 2) it is determined that the property owner is not proceeding diligently with his/her Chapter 40B application; or 3) the property owner's Chapter 40B application is denied. A person is deemed "not to be proceeding diligently" if s/he does not receive a comprehensive permit within twelve months from the date of issuance of the site approval letter under the local Chapter 40B program.

SECTION 834: NEW UNITS ACCESSORY TO SINGLE FAMILY OWNER OCCUPIED DWELLINGS.

For a proposed new unit to be eligible for consideration under the local chapter 40B program, it must be a single unit accessory to an owner occupied single-family dwelling to be located within or attached to an existing residential structure or within an existing building located on the same lot as said residential structure and comply with the following:
a. The unit(s) must receive a site approval letter under the town's local chapter 40B program;
b. The property owner must agree that if s/he receives a comprehensive permit, the accessory dwelling unit will be rented to a person or family whose income is 80% or less of the Area Median Income (AMI) of Metropolitan Statistical Area (MSA) for Wareham and shall further agree that rent (including utilities) shall not exceed the rents established by the Department of Housing and Urban Development (HUD) for a household whose income is 80% or less of the median income of the Metropolitan Statistical Area for Wareham. In the event that utilities are separately metered, a utility allowance established by the Wareham Affordable Housing Trust Board shall be deducted from HUD's rent level.
c. The property owner must agree, that if s/he receives a comprehensive permit, that s/he will execute a deed restriction for the unit, prepared by the Town of Wareham, which runs with the property so as to be binding on and enforceable against any person

claiming an interest in the property and which restricts the use of the one unit as a rental unit to a person or family whose income is 80% or less of the median income of the Metropolitan Statistical Area (MSA) for Wareham.
d. Upon receiving the site approval under 834(a) above, the property owner shall file an application for a comprehensive permit under the local Chapter 40B program with the Wareham Zoning Board of Appeals.

SECTION 835: REPORTING.
The Affordable Housing Trust Board shall report to the Selectmen on a regular basis and shall submit the use of this by-law, paying particular regard to the level of participation, to the Annual Town Report.

Inserted by the Board of Selectmen at the request of the Affordable Housing Trust

ARTICLE 20

To see if the Town will vote to provide improved checks and balances for when employees and officers of the Town dispute their removal or suspension, or take any other action relative thereto (see attached).
ATTACHMENT A

Section 7 - 9 Removals and Suspensions

Any appointed officer or full time employee of the town, not subject to the provisions of the civil service law, whether appointed for a fixed or for an indefinite term, may be removed or suspended from his duties by the appointing authority. The appointing authority when acting to remove or suspend any appointed officer or full time town employee shall act in accordance with the following procedure:

a) A written notice of the intent to remove or to suspend and a statement of the cause or causes therefore shall be delivered in hand, or by registered or certified mail, to the officer or employee. A copy shall also be sent to the Board of Selectmen.
b) Within five days following the delivery of the notice, the officer or employee may request a public hearing by submission of a request, therefore, in writing, to the Board of Selectmen, and by filing a copy of such request in the office of the town clerk.
c) The Board of Selectmen shall hold a public hearing not less than seven nor more than fourteen days following the date of receipt of a request therefore, and shall give not less than five days notice of such public hearing to the officer or employee affected. The officer or employee shall have a right to be represented by counsel at such

hearing, to call witnesses and to introduce evidence and to examine any witnesses who might appear at the public hearing.

d) Not more than fourteen days following the public hearing, the Board of Selectmen shall take final action concerning the removal or suspension and shall forthwith notify the officer or employee that the removal or suspension is to be effective or, that the notice is rescinded. If, however, the employee has failed to request a public hearing then the removal or suspension initiated by the appointing authority shall be considered effective and final 14 days following delivery of the original statement of intent.

Nothing in this section shall be construed to grant a right to such a hearing to any person who has been appointed to a fixed term, who, upon the expiration of that term of office, is not reappointed, nor shall it apply to the town administrator whose suspension and removal shall be governed by section 4-4. The actions of the appointing authority or the Board of Selectmen, as the case may be, in suspending or removing an officer or employee shall be final. It is the intention of this section to vest authority and responsibility for suspension and removal of officers and employees in the appointing authority, but to provide a check and balance when those removals and suspensions are disputed.

Inserted by Michael Flaherty, et al.

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

ARTICLE 21

Will the Town of Wareham acquire, by purchase, eminent domain or otherwise, for a total consideration of One Million Four Hundred Thousand ($1,400,000.00) Dollars the land, with buildings thereon, known as the Bay Pointe Country Club, described in Exhibit A attached hereto or take any other action relative thereto?

Inserted by Gary Cananzy, et al.

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

ARTICLE 22

To see if the Town will vote to require all information that is distributed at Town Meetings to include the name of the person, group, company or organization on the information to be distributed, or to act or to do anything there unto.

Inserted by Edward Pacewicz, et al.

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

You are hereby directed to serve this Warrant by posting attested copies thereof on or before September 16, 2011 in at least one public place in each precinct within the Town, and by publishing a copy of the Warrant by September 22, 2011.

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 13th day of September in the year 2011.

WAREHAM BOARD OF SELECTMEN

_____
Walter B. Cruz, Sr., Chairman

_____
Stephen M. Holmes, Clerk

_____
Cara A. Winslow

_____
Ellen M. Begley

_____
J. Michael Schneider

A True Copy

ATTEST:

DATE: September , 2011 _____
Steven P. Coughlin, Constable of Wareham

Plymouth, S.S.

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 16, 2011, and by causing this Warrant to be published on or before September 22, 2011.

Date: September , 2011 _____
Steven P. Coughlin, Constable of Wareham

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

Date: September , 2011 _____
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 24, 2011 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 , 2011 _____
Steven P. Coughlin, Constable of Wareham

9/14/2011 8:57 AM