

W A R R A N T
ANNUAL SPRING TOWN MEETING

TOWN OF WAREHAM

APRIL 3, 2012
(ELECTION)

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

APRIL 23, 2012
(GENERAL BUSINESS PORTION)

WAREHAM HIGH SCHOOL
VIKING DRIVE
WAREHAM, MA 02571

7:00 O'CLOCK P.M.

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, S.S.

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 **Precinct 1:** Wareham Town Hall, 54 Marion Road; **Precinct 2:** Ethel B. Hammond Elementary School, 13 Highland Avenue, Onset, **Precinct 3:** Minot Forest Elementary School, 63 Minot Avenue, Wareham; **Precinct 4 and Precinct 5:** John W. Decas School, 760 Main Street, South Wareham; **Precinct 6:** Wareham Lodge of Elks, 2855 Cranberry Highway, East Wareham on Tuesday, April 3, 2012 at 8:00 o'clock a.m. for the election of Town officers designated in the official ballot, to be adjourned until Monday, April 23, 2012 at 7:00 o'clock p.m. in the High School Auditorium , 7 Viking Drive, Wareham, MA at which time the general business of the Town shall be transacted, and to act on the following articles:

APRIL 23, 2012
SPRING TOWN MEETING WARRANT (CONT'D.)

ARTICLE 1

To choose the following officers: one (1) Selectman for the term of three (3) years, one (1) Selectman for the term of two (2) years, two (2) Assessors for the term of three (3) years, one (1) Assessor for a term of one (1) year, two (2) School Committee member for the term of three (3) years, one (1) Housing Authority for a term of five (5) years and one (1) Deputy Town Moderator for the term of three (3) year or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

ARTICLE 2

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

Inserted by the Board of Selectmen

ARTICLE 3

To see whether the Town will authorize its Town Treasurer/Collector to enter into a compensating balance agreement or agreements for fiscal year 2011 pursuant to Chapter 44, Section 53F of the General Laws, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Town Treasurer/Collector

ARTICLE 4

To act upon the reports of the Selectmen and the School Committee as required by statute and upon any other reports from officers and committees who consider it expedient to do so, 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 fix the salary and compensation of the following elective officers: Town Clerk and Town Moderator, and any other elective officers of the Town as provided by Section 108, Chapter 41, General Laws as amended and to raise and appropriate a sum of money therefore, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

APRIL 23, 2012
SPRING TOWN MEETING WARRANT (CONT'D.)

ARTICLE 6

To see if the Town will vote to raise and appropriate and transfer from available funds, to defray charges and expenses of the Town, including debt and interest, and to provide for a Reserve Fund for the Fiscal Year beginning July 1, 2012 and ending June 30, 2013 and as more particularly described in the report of the Wareham Finance Committee, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

ARTICLE 7

To see if the Town will vote to raise and appropriate Two million five hundred and ninety five thousand five hundred and nineteen and no cents (\$2,595,519.00) as its share of the operating and capital costs of the Upper Cape Cod Regional Vocational-Technical High School District for the Fiscal Year July 1, 2012 through June 30, 2013, or to do or act in any manner relative thereto.

Inserted by the Upper Cape Cod Regional Vocational-Technical School District

ARTICLE 8

To see if the Town will vote to raise and appropriate or transfer from available funds operating Budget \$150,000.00 to the stabilization fund, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

ARTICLE 9

To see if the Town will vote to raise and appropriate or transfer from available funds operating Budget \$100,000.00 to the collective bargaining reserve account, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

ARTICLE 10

To see if the Town will vote to appropriate \$6,007,304.00 from the Water Pollution Control Enterprise Fund: Salary and Wages \$751,384.00; Expenditures (includes debt) \$5,255,920.00, in accordance with Chapter 44, Section 53F-1/2 of Massachusetts General Laws to defray the operating and capital expenses of the Water Pollution Control Enterprise Fund for the fiscal year beginning July 1, 2012, and ending June 30, 2013, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

APRIL 23, 2012
SPRING TOWN MEETING WARRANT (CONT'D.)

ARTICLE 11

To see if the Town will vote to appropriate Six hundred and eighty three thousand one hundred and eleven dollars and no cents (\$683,111.00) to the Emergency Medical Services salaries and wages account and One Hundred sixty five thousand two hundred and nineteen dollars and no cents (\$165,219.00) to the Emergency Medical Services general expense account, still further, to authorize a Eight hundred and forty eight thousand three hundred and thirty dollars and no cents (\$848,330.00.00) in estimated receipts of the Emergency Medical Services to be used to offset said appropriation in accordance with MGL Chapter 44, Section 53E, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

ARTICLE 12

To see if the Town will vote to transfer \$50,000.00 from receipts reserved for appropriation from the Harbor Service Permit fees to the General Fund Operating Budget to defray the cost of Harbormaster Seasonal Personnel, or to do or act in any manner relative thereto.

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

ARTICLE 13

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

<u>Revolving Fund</u>	<u>Authorizing to Spend Fund</u>	<u>Revenue Source</u>	<u>Use of Fund</u>	<u>FY (current) Spending Limit</u>	<u>Disposition of FY (prior) Fund Balance</u>	<u>Spending Restrictions or Comments</u>
COA/ Transportation	COA/ Transportation	User Fees/	Transportation	200,000	Unencumbered balance available for expenditure	
Library	Library	Fines/fees/ Fund Raising	Supplies, books	20,000	Unencumbered balance available for expenditure	
COA/Social Programs/ Daycare	COA/Social Programs	User Fees/ Fund Raising	Programs, supplies, equipment, contracted instructors and any other related expenses	50,000	Unencumbered balance available for expenditure	
COA/Activities	COA/Activities	User Fees/ Fund Raising	User Fees/ Fund Raising	50,000	Unencumbered balance available for expenditure	
Social Recreation	Director of Social Services	Programs, Supplies, Equipment, Contracted instructors and any other related	Programs, supplies, equipment, contracted instructors and any other related	50,000	Unencumbered balance available for expenditure	

APRIL 23, 2012
SPRING TOWN MEETING WARRANT (CONT'D.)

		expenses	expenses			
Recycling	Chair of Recycling Committee with approval of Town Administrator	Programs, receipts from recycling programs and projects, proceeds from fundraising activities and donations	User Fees/ Fund Raising	50,000	Unencumbered balance available for expenditure	

Inserted by the Board of Selectmen

ARTICLE 14

To see if the Town will vote to transfer and appropriate from available funds, including funds previously appropriated for other uses, or retained earnings, or to raise a sum or sums of money to appropriate to accounts for the purposes here specified or to take any action relating hereto.

	FROM:	Amount	TO:	Amount
A	Town Accountant – Regular (10000-1-1350-0000-0000-511000-00)	\$55,000	Finance Committee-Reserve Fund (10000-1-1320-2-0000-0000-578900-00)	\$55,000
B	Long Term Debt	\$22,000	Town Accountant-Professional Services (10000-1-1350-2-0000-0000-530500-00)	\$22,000
C	Long Term Debt	\$20,000	Treasurer/Collector-Tax Title	\$20,000
D	Long Term Debt	\$62,000	Municipal Maintenance	\$62,000
E	Police – Regular (10000-2-2100-1-0000-0000-511000-00)	\$500	Police-Uniform (10000-2-2100-2-0000-0000-571200-00)	\$500
F	Police – Regular (10000-2-2100-1-0000-0000-511000-00)	\$12,500	Police-Professional Services (10000-2-2100-2-0000-0000-530500-00)	\$12,500
G	Police – Regular (10000-2-2100-1-0000-0000-511000-00)	\$3,850	Police Repairs-Repairs (10000-2-2100-2-0000-0000-559900-00)	\$3,850
H	Police – Regular (10000-2-2100-1-0000-0000-511000-00)	\$3,007	Police-Expenses (10000-2-2100-2-0000-0000-548000-00)	\$3,007
I	Police – Regular (10000-2-2100-1-0000-0000-511000-00)	\$55,103	Police-Fuel (10000-2-2100-2-0000-0000-548000-00)	\$55,103
J	Onset Parking (26007-4-2100-0-0000-0000-432000-00)	\$4,000	Parking Meter Maintenance (1000-2-2100-2-2107-0000-525200-00)	\$4,000

Inserted by the Town Administrator at the request of various Department Heads

ARTICLE 15

To see if the Town will vote pursuant to Chapter 44, Section 53E-1/2 of Massachusetts General

APRIL 23, 2012
SPRING TOWN MEETING WARRANT (CONT'D.)

Laws to authorize the use of a revolving fund for the purpose of shellfish propagation programs and enhancement of shellfish resources within the Town, which fund shall be credited with receipts from all commercial shellfish permit fees and twenty (20%) percent of all fees derived from the issuance of recreational shellfish permits under the authority and direction of the Shellfish Constable and Town Administrator; such expenditures not to exceed \$30,000.00; and further, that the unencumbered balance as of the close of fiscal year 2012 in the existing shellfish revolving account be transferred to the revolving fund established for fiscal year 2013, or to do or act in any manner relative thereto.

Inserted by the Harbormaster

ARTICLE 16

To see if the Town will vote to raise and appropriate or transfer \$30,000.00 from the Parking Meter Fund or the Parking Pier Fund to the Municipal Maintenance Department sign materials account, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Municipal Maintenance Director

ARTICLE 17

To see if the Town will vote to raise and appropriate or transfer \$30,000.00 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 Municipal Maintenance Director

ARTICLE 18

To see if the town will vote to appropriate and authorize the Treasurer with the approval of the Board of Selectmen to borrow a sum of money, contingent upon approval of a Proposition 2 ½ debt exclusion, for the purpose of funding the purchase of new and/or used vehicles for the school transportation department, or take any action relative thereto.

Inserted by the Wareham School Committee

ARTICLE 19

To see if the town will vote to appropriate and authorize the Treasurer with the approval of the Board of Selectmen to borrow a sum of money, contingent upon approval of a Proposition 2 ½ debt exclusion, for the purpose of funding repairs to the Wareham High School gymnasium roof including ancillary costs, or take any action relative thereto.

Inserted by the Wareham School Committee

APRIL 23, 2012
SPRING TOWN MEETING WARRANT (CONT'D.)

ARTICLE 20

To see if the town will vote to appropriate and authorize the Treasurer with the approval of the Board of Selectmen to borrow a sum of money, contingent upon approval of a Proposition 2 ½ debt exclusion, for the purpose of funding the purchase of instructional materials for use in Wareham Public School classrooms, or take any action relative thereto.

Inserted by the Wareham School Committee

ARTICLE 21

To see if the town will vote to accept General Laws, Chapter 71, Section 71F, to authorize the School Committee to use a revolving fund to be credited with all monies received by the School Committee as tuition payments for nonresident students. The receipts held in such account may be expended by the School Committee without further appropriation for expenses incurred in providing education for students, or take any action relative thereto.

Inserted by the Wareham School Committee

ARTICLE 22

To see if the town will vote to accept General Laws, Chapter 71, Section 47, to authorize the use of a revolving fund to be credited with funds received by the School Committee in connection with the conduct of activities provided for under Chapter 71, Section 47, or any other activity not expressly provided for in that chapter but sponsored by the School Committee in which participation is contingent upon the payment of a fee by the participant, such funds to be deposited with the Treasurer and held as a separate account and expended by the School Committee without further appropriation, or take any action relative thereto.

Inserted by the Wareham School Committee

ARTICLE 23

To see if the town will vote to transfer account balances of the Pre-school and Kindergarten tuition revolving account established under Chapter 44, Section 53E ½ as of June 30, 2012, to the tuition revolving account established under Chapter 71, Section 47, or take any action relative thereto.

Inserted by the Wareham School Committee

ARTICLE 24

To see if the town will vote to transfer account balances of the special education tuition revolving account established under Chapter 44, Section 53E 1/2 as of June 30, 2012, to the tuition revolving account established under Chapter 71, Section 71F, or take any action relative thereto.

APRIL 23, 2012
SPRING TOWN MEETING WARRANT (CONT'D.)

Inserted by the Wareham School Committee

ARTICLE 25

To see if the town will vote to appropriate a sum of money from the transportation revolving fund to purchase or lease new and/or used vehicles for the school transportation department, or take any action relative thereto.

Inserted by the Wareham School Committee

ARTICLE 26

To see if the town will vote to raise and appropriate contingent upon the approval of a Proposition 2 ½ override, a sum of money to avoid teacher layoffs, or take any action relative thereto.

Inserted by the Wareham School Committee

ARTICLE 27

To see if the Town will vote to establish and authorize the appointment of a School Building Committee. The Committee shall consist of ten (10) members with the Chairman elected by said Committee at the first organizational meeting. The Committee shall establish its own meetings, policies, and procedures in accordance with the town's By-Laws. The School Building Committee members are to be made up of each of the following:

One (1) Town Administrator – voting member

One (1) member of the Capital Planning Committee appointed by the Chair of the Capital Planning Committee – voting member

One (1) member of the Finance Committee appointed by the Chair of the Finance Committee – voting member

Two (2) members of the School Committee appointed by the Chair of the School Committee – voting members

Two (2) citizens at large with architecture, engineering and/or construction experience appointed by the Town Moderator – voting members

One (1) School Principal – appointed by the Superintendent of Schools - voting member

One (1) member knowledgeable in educational mission and function of facility appointed by the Superintendent of Schools – voting member

One (1) Superintendent of Schools – non-voting member

The Finance Committee member shall serve as the Pro tem for the Chairman for the purpose of conducting the first organizational meeting or take any action relative thereto.

Submitted by Wareham School Committee

ARTICLE 28

APRIL 23, 2012
SPRING TOWN MEETING WARRANT (CONT'D.)

To see if the Town will vote to authorize the Treasurer to borrow a sum of money, contingent upon the approval of a Proposition 2 ½ debt exclusion, to be expended under the direction of the Minot Forest School Building Committee for a Feasibility Study of the Minot Forest Elementary School at 63 Minot Avenue, Wareham, MA 02571, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority (MSBA). The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, or take any other action relative thereto.

Inserted by Wareham School Committee

ARTICLE 29

To see if the Town will vote to raise and appropriate or transfer from the Cemetery sales of lots and graves fund a sum of \$15,000 Dollars to a special account for the routine care and maintenance of the Town cemeteries or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Municipal Maintenance Director

ARTICLE 30

To see if the Town will vote to authorize the transfer of \$25,000.00 Twenty Five thousand and no cents from Receipts Reserved For Appropriation Community Events 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 31

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Ninety-nine thousand two hundred and twenty four dollars and no cents (\$99,224.00) to pay for the third year of a three year lease for 8 police cruisers and 1 police SUV and to authorize the Town Administrator to expend such funds that are necessary for this action, or to do or act in any manner relative thereto.

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

APRIL 23, 2012
SPRING TOWN MEETING WARRANT (CONT'D.)

ARTICLE 32

To see if the Town will vote on the following:

1. Barking / Howling Nuisance

No person owning, keeping or otherwise responsible for a dog shall allow said dog to annoy another person's reasonable right to peace or privacy by making a loud or continuous noise, where such noise is plainly audible at a distance of one hundred fifty feet (150) from the building, premises, vehicle or conveyance housing said dog, or such noise is in excess of ten (10) minutes. The fact that such noise is plainly audible at said distance or continuous, in excess of ten (10) minutes shall be prima facie evidence of a violation.

2. Barking / Howling Nuisance – Remedies

Upon complaint of a barking/howling dog which has been creating a public nuisance for not less than ten (10) continuous minutes where such noise is plainly audible at a distance of one hundred fifty (150) feet from the building or premises, or in the discretion of the Animal Control Officer, the Animal Control Officer or any Police Officer may issue a written warning, which may be followed by a citation issued to the owner or keeper of the offending dog for failure to remedy the barking /howling nuisance, as set forth by the by-laws and the provisions of Massachusetts General Law Chapter 140 section 173A

- 1st offense = warning**
- 2nd offense = \$25.00 fine**
- 3rd offense = \$30.00 fine**
- 4th offense = \$50.00 fine**

Each offense and subsequent offenses will be within a calendar year.

3. Dangerous / Potentially Dangerous

Dangerous: Any dog, which, according to the records of the Animal Control Officer or another appropriate authority, has:

- A. inflicted severe injury on a human being without provocation; or
- B. has killed a domestic animal without provocation; or
- C. any dog owned or harbored primarily, or in part, for the purpose of dog fighting or any dog trained for dog fighting.

Potentially Dangerous: Any dog which, when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent attitude of attack; or any dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals.

1. No owner of a dangerous or potentially dangerous dog, shall permit his or her

APRIL 23, 2012
SPRING TOWN MEETING WARRANT (CONT'D.)

dog to, without provocation, to chase bite or attack any person or domestic animal.

2. The dog shall be muzzled at all times when off of the owner's property.
3. The dog shall be on a leash not longer than three (3) feet and under the control of a responsible person over the age of eighteen (18) at all times when off of the owner's property.
4. When such dog is on the property of the owner it shall be either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the escape of the dangerous / potentially dangerous dog and preventing the entry of any person not in control of the dog.

4. Dangerous / Potentially Dangerous – Remedies

It shall be unlawful for the owner, keeper or person responsible for a dog exhibiting vicious, dangerous, or potentially dangerous behavior to fail to safeguard humans or other animals from this dog. The Animal Control Officer or any Police Officer, may issue a citation for **\$50.00** any violations of the Dangerous/Potentially Dangerous by-law.

Inserted by the Board of Selectmen at the request of the Police Chief

ARTICLE 33

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Forty Nine Thousand Eight Hundred and Forty Two Dollars and no cents (\$49,842.00) to pay for the second year of a three year lease for Three (3) police cruisers, one unmarked Ford Taurus and two marked Dodge Chargers and to authorize the Town administrator to expend such funds that are necessary for this action, or to do or act in any manner relative thereto.

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

ARTICLE 34

To see if the Town will vote to appropriate \$200,000.00 for the purpose of financing the repair, replacement and/or upgrade of septic systems, pursuant to agreements with the Board of Health and residential property owners, including without limitation all costs thereof as defined in Chapter 29C, Section 1 of the General Laws; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$200,000.00 and issue bonds or notes therefore under Chapter 111, Section 127B1/2 and/or Chapter 29C of the General laws; that project and financing costs shall be repaid by the property owners, in accordance with those agreements, but such bonds or notes shall be general obligations of the Town, that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust

APRIL 23, 2012
SPRING TOWN MEETING WARRANT (CONT'D.)

established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the projects or for the financing thereof, and that the Board of Selectmen or Board of Health is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the projects and to take any other action necessary to carry out the projects, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Acting Ceda Director

ARTICLE 35

To see if the Town will vote to authorize the Board of Selectmen to accept a conveyance by deed from the Friends of the Wareham Free Library, Incorporated of certain property located at 259 Onset Avenue in that part of Wareham, Massachusetts known as Onset on the conditions set forth in an agreement dated June 9, 2005 entitled "Donation Agreement" between the Town of Wareham, The Spinney Memorial, Incorporated and the Friends of the Wareham Free Library, Incorporated, including without limitation a restriction to require the use of the property for public library purposes and uses incidental thereto, or if the Town no longer requires the property for library purposes, for historic preservation purposes, and that the Town allow Wareham Girl Scout troops to use the meeting room in the building on the property for meetings and special events at no charge at all reasonable times and otherwise on the same terms and conditions as other non-profit organizations, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Friends of the Wareham Free Library, Inc.

ARTICLE 36

To see if the Town will vote to amend the Wareham Zoning By-Laws, Articles 222 and 421 to 425, relative to the Flood Plain District in order to be in compliance with Title 44, Chapter I, Part 67, Section 67.11 of the Code of Federal Regulation (CFR) as follows:

To delete the existing text in Article 222 and replace with the following:

"222 FLOOD PLAIN OVERLAY DISTRICT

Floodplain District includes all special flood hazard areas within the Town of Wareham designated as Zone A, AE, AO, or VE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Wareham are panel numbers 25023C0459J, 25023C0467J, 25023C0468J, 25023C0469J, 25023C0486J, 25023C0487J, 25023C0488J, 25023C0489J, 25023C0491J, 25023C0492J, 25023C0493J, 25023C0494J, 25023C0511J,

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SPRING TOWN MEETING WARRANT (CONT'D.)

25023C0513J, 25023C0556J, 25023C0557J, 25023C0576J, 25023C0577J, 25023C0581J, 25023C0582J, 25023C0583J, 25023C0584J, and 25023C0601J dated July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, and Building Official."

And to amend Articles 421-425 to read as follows:

"420 FLOOD PLAIN DISTRICT

421 DEVELOPMENT REGULATIONS

- 421.1 Within Zones A, AE, and AO all new construction and substantial improvements (the cost of which equals or exceeds 50 percent of the market value of the structure) of residential and nonresidential structures (including the placement of manufactured / mobile homes) shall have the lowest floor, including basement, elevated to or above the base flood elevation (the 100-year flood elevation designated on the FIRM) or in the case of nonresidential structures be flood proofed watertight to the base flood level.
- 421.2 Located within the Flood Plain District are areas designated as coastal high hazard areas (FEMA V- Zone or AO-Zone or their equivalent). Since these areas are extremely hazardous due to high velocity waters from tidal and storm surges, no development or redevelopment shall be permitted within a FEMA V- Zone or AO-Zone or their equivalent. Notwithstanding the foregoing, structures damaged or destroyed from fire, storm, or similar disaster may be redeveloped/repared only in accordance with current local, state, and federal regulatory standards when damage to or loss of the structure is equal to or greater than 50% of the market value of the building. When damage to or loss the structure is less than 50% of the market value of the building, development/repairs may be allowed to return the structure to pre-damaged conditions. In all instances, reconstruction, renovation or repairs to structures may be authorized as stated herein, provided that there is no increase in floor area.
- 421.3 Within Zones A, AE, AO, and VE, no new construction or other land development shall be permitted unless it is demonstrated that the cumulative effect of the proposed development when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the Town.
- 421.4 Structural requirements in floodplains and coastal high hazard areas including substantial improvements shall conform to the Massachusetts State Building Code (780 CMR).

APRIL 23, 2012
SPRING TOWN MEETING WARRANT (CONT'D.)

422 BASE FLOOD ELEVATION AND FLOODWAY DATA

- 422.1 Within Zone A, where the base flood elevation is not provided on the FIRM, the building Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source. The Conservation Commission shall also review this data for compliance with Chapter 131, Section 40 of the General Laws and its associated regulations (310 CMR 10.00). If the data is sufficiently detailed and accurate, it shall be relied upon to require compliance with this By-Law and the Massachusetts State Building Code. If the data is reasonable, it shall be used to require compliance with B.1 above.
- 422.2 Floodway Data. In Zone A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 422.3 Base Flood Elevation. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

423 OTHER REGULATIONS

- 423.1 Within Zone AO on the FIRM, adequate drainage paths shall be provided around structures on slopes, to guide floodwater around and away from proposed structures. Within Zone AO on the FIRM, adequate drainage paths shall be provided around structures on slopes, to guide floodwater around and away from proposed structures.
- 423.2 In Zone AE, along watercourses within the Town of Wareham that have a regulatory floodway designated on the Plymouth County FIRM, encroachments are prohibited in the regulatory floodway, which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 423.3 In man-made alterations of sand dunes within Zone VE, which would increase potential flood damage, are prohibited.
- 423.4 Review all subdivision proposals to assure that:
- a) Such proposals minimize flood damage;
 - b) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - c) Adequate drainage is provided to reduce exposure to flood hazards.
- 423.5 All new construction within Zone VE must be located landward of the reach of mean high tide.

APRIL 23, 2012
SPRING TOWN MEETING WARRANT (CONT'D.)

424 NOTIFICATION OF WATERCOURSE ALTERATION

The Special Permit granting authority shall notify, in a riverine situation, the following of any alteration or relocation of a watercourse:

- a) Adjacent Communities;
- b) National Flood Insurance Program, State Coordinator, MA Department of Conservation and Recreation, 251 Causeway Street, Suite 600-700, Boston, MA 02114-2104;
- c) National Flood Insurance Program, Program Specialist, Federal Emergency Management Agency Region 1, 99 High Street, 6th Floor, Boston, MA 02110.

425 RELATIONSHIP TO STATE AND FEDERAL LAWS & REGULATIONS

425.1 No Special Permit or variance shall be issued that provides for the exemption for land structures from flood plain or wetland regulations established pursuant to the General Laws of the Commonwealth of Massachusetts. A variance may be granted pursuant to the provisions of the Federal Flood Plain Zoning Act provided that such variance does not conflict with the General Laws and is issued in accordance with the provisions of this By-Law.

425.2 The floodplain district is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by Special Permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- a) Section of the Massachusetts State Building Code, which addresses floodplain and coastal high hazard areas (currently 780 CMR)
- b) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00).
- c) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00) Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5)
- d) Any variance from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations."

Or take any other action relative thereto.

Inserted by the Planning Board

ARTICLE 37

To see if the Town will vote to expend interest earned from loan repayments made between the Town of Wareham and Wareham residential property owners as authorized under Chapter

APRIL 23, 2012
SPRING TOWN MEETING WARRANT (CONT'D.)

111, Section 127B1/2 and/or Chapter 29C of the General laws for use for the administration of the Septic Loan Program and for additional so-called betterment loan projects, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Wareham Community and Economic Development Authority

ARTICLE 38

To see if the Town will vote to hear and act on the report of the Community Preservation Committee, on the Fiscal Year 2013 Community Preservation budget and further to reserve for future appropriation from Community Preservation Fund FY 2013 estimated annual revenues the following amounts as recommended by the Community Preservation Committee: **(1) \$21,200** to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2013; **(2) \$63,200** open space reserves; **(3) \$63,200** to historic preservation reserves; and **(4) \$63,200** to affordable housing reserves or to do or act in any manner relative thereto.

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

ARTICLE 39

To see if the Town will vote from Community Preservation funds, FY '13 estimated annual revenues the sum of **\$101,328** for payment of debt service on the Tremont Nail property and further, the sum of **\$7,223** for payment of debt service on the property known as Bryant Farm, 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 40

I move that the town vote to rescind Article 36, as voted in the Spring 2011 Town Meeting, or take any other action relative thereto.

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

ARTICLE 41

To see if the town will vote to appropriate from the Community Preservation Estimated Annual Revenues, or any other monies in the Community Preservation Fund under the category of open space pursuant to the Community Preservation Act G.L. c. 44B the sum of \$430,000.00 for the purchase and improvement of the Weweantic Ahearn River Corridor, including associated costs of Weweantic Ahearn River Corridor as follows: to authorize the Wareham Conservation Commission and/or the Board of Selectmen to utilize these funds, along with any state, federal and other outside grants and funds to acquire by purchase, gift or otherwise for

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SPRING TOWN MEETING WARRANT (CONT'D.)

conservation/passive recreation, in fee simple, land described as Assessors Map 75; lots 1004 (Ninety Six LLC, owner) and .33 Acres of Parcel 1003 (Ninety Six LLC, owner) totaling +/- 19.69 acres; and further to authorize the Wareham Conservation Commission and/or the Board of Selectmen to grant to a nonprofit organization qualified and willing to hold such restriction, a perpetual conservation restriction as required under G.L. c. 44B Section 12(a) on said property or take any action thereto.

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

ARTICLE 42

To see if the town will vote to amend the Bylaws of the Town of Wareham, Division VII, Article III, Wareham Affordable Housing Trust, §4 Term of Office, from:

The Trustees shall be appointed for a two (2) year term commencing on July 1 and ending on June 30 or until such time as a successor is appointed, should said appointment be delayed.

To read:

The Trustees shall be appointed for a three (3) year term, so arranged that nearly an equal number of terms shall expire each year, commencing on July 1 and ending on June 30, or until such time as a successor is appointed, should said appointed be delayed.

Inserted by the Wareham Affordable Housing Trust

ARTICLE 43

To see if the Town will vote to amend Division IV, Article III, Earth Removal Regulations by making the following changes:

Section 1. Purpose:

Add: and to insure the protection of groundwater resources throughout the community including, but not limited to, wellhead protection and the Plymouth-Carver aquifer.

Section 2. Definitions –

Change from:

For the purpose of this By-Law, "earth" or "earth materials" shall be considered to refer to and to include loam, sand, gravel, stone, ore, peat, humus, clay, rock, soil, or any combination of these.

Change to:

Definitions: For the purpose of this By-Law:

Earth: All forms of soil, including but not limited to loam, sand, gravel, top soil,

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SPRING TOWN MEETING WARRANT (CONT'D.)

stone, ore, peat, humus, clay, rock, hard pan or any combination of these.

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 and planting appropriate vegetation and any other activity designed to stabilize land that is subject to Earth Removal. This practice shall use best management practices as outlined in the Natural Resources Conservation Service (NRCS) Conservation Practice Standard "Land Reclamation, Currently Mined Land", Code 544 or the NCRS Conservation Practice Standard "Critical Area Planting" Code 342, as may be amended or supplanted.

Section 3. Required Permit & Exceptions

Change from:

Except as provided otherwise in this By-Law, no earth shall be removed without the issuance of a permit from the Board of Selectmen, as the permit granting authority.

As part of and set forth in such permit shall be the restriction forbidding excavation to a depth below the mean grade of an adjacent serving street, in the immediate vicinity of the street.

This By-Law shall not apply to the moving of earth materials under the provision of a duly approved subdivision plan, to work necessary for the construction of streets and the installation of utilities, to such work in connection with the excavation and grading of land incidental to construction of a duly permitted structure, not to work performed in normal construction, maintenance or improvement of land in cranberry related activities or other agricultural use.

Change to New Sections 3, 4, 5 below

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 Zone II as identified on the Town of Wareham Zoning Map.

Section 4. Exemptions: An earth removal permit shall not be required for the following activities:

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SPRING TOWN MEETING WARRANT (CONT'D.)

- (a) This bylaw shall not apply to the following earth removal activities:
 - 1.) 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 Board of Appeals.
 - 2.) Earth which is to be removed in compliance with the requirements of a subdivision plan approved by the Town of Wareham Planning Board, except as may be required under Section 6 (f) hereof.
 - 3.) Earth Removal which involves the construction and/ or reconstruction of streets and the installation of utilities.
 - 4.) Earth Removal performed in connection with any Town, State and/or Federal projects.
- (b) Removal necessary and incidental to normal agricultural uses as defined under M.G.L. c131, s40 and 310 CMR 10.04: (a) land in agricultural use, (b) normal maintenance of land in agricultural use, and (c) normal improvement of land in agricultural use. This agricultural-related work is further defined as earth necessary to maintain or improve the applicant's/owner's contiguous or non contiguous land for agricultural purposes, and does not include the removal of earth for sale, trade or other considerations. This practice shall use best management practices as outlined in the Natural Resources Conservation Service (NRCS) Conservation Practice Standard "Land Reclamation, Currently Mined Land", Code 544 or the NCRS Conservation Practice Standard "Critical Area Planting" Code 342, as may be amended or supplanted. In addition, notification of this removal shall be given to the Board of Selectmen in a timely manner.

Section 5. Required Permit: Except as provided otherwise in this By-Law, no earth shall be removed without the issuance of 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 following restrictions and/or requirements:

- (a) Prohibiting excavation, within 400 feet, of a way (public or private), building, structure or property line.
- (b) Prohibiting earth removal within ten (10) feet of the historical high water table on any land in the Town of Wareham, except for exemptions granted under Section 4 of this By-Law. Suitable monitoring devices to

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SPRING TOWN MEETING WARRANT (CONT'D.)

determine the water table height shall be installed by the permit holder who shall make monthly written reports to the Board of Selectmen or its designee detailing the depth of the earth removal project and the height of the historical high water table.

Section 6. Permit Procedures and Requirements – Change the numbering from Section 4 to Section 6.

Section 6. (c) 14.

Change from:

Provision for a substantial fence...

Change to:

Installation of a substantial fence...

Section 6. (d) Land Restoration Plan(s):

(1) **Typo** – Replace sued with used

(2) **Add the following:**

Once 2 acres of removal area have been completed, restoration on one acre will begin in 60 days. The concept is to keep the project going forward while limiting the amount of land that remains unrestored to no more than two acres at any given time.

Section 6. (e) 4.

Change from:

The Board of Selectman 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 findings.

Change to:

The Board of Selectmen shall require a bond or other performance guarantee, acceptable to the Board of Selectmen, based on the estimated cost, as determined by the Town Engineer, of restoration and compliance with the conditions of authorization of the project. The bond or performance guarantee shall be made out to and be held by the Town of Wareham until all work has been completed and conditions of the permit have been met. All costs associated with this section shall be at the expense of the petitioner.

(e) 5.

APRIL 23, 2012
SPRING TOWN MEETING WARRANT (CONT'D.)

Change from:

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.

Change to:

This permit is subject to a fee of \$0.25 per cubic yard or more, as determined by the Town's engineer and accepted by the Board of Selectman and shall be payable, each quarter, to the Town of Wareham. Any inspections or calculations of earth removed shall be made by the Town's engineer to ensure that the work being done follows the approved plans and shall be paid for by the permit holder.

Section 6. (i) Add item 2

2. Any and all existing unpermitted earth removal activities located in Zone II shall cease within 30 days of the effective date of this by-law. Any such activities that are the subject of a valid permit may continue until the expiration of said permit. Upon expiration, a new permit shall not be issued for Earth Removal activities in Zone II. Restoration of this Earth Removal activity shall be completed within one year of the termination of Earth Removal activity.

Inserted by the Clean Water Committee

ARTICLE 44

To see if the Town will vote to amend the general by-laws of the Town of Wareham by inserting at DIVISION VI, ARTICLE II the following:

MINIMIZING NITROGEN FROM WASTEWATER

1.0 Purpose

The purpose of this by-law is to protect and restore the coastal water quality in the Town of Wareham from the impacts of nitrogen pollution by minimizing nitrogen generated from residential and commercial wastewater.

2.0 Definitions

For the purposes of this by-law, the following terms shall mean:

- 2.1 Alternative System – A Massachusetts Department of Environmental Protection

APRIL 23, 2012
SPRING TOWN MEETING WARRANT (CONT'D.)

approved system designed to provide or enhance the removal of nitrogen in on-site sewage disposal.

2.2 New Construction – The construction of a new building for which an occupancy permit is required.

2.3 Nitrogen Minimization – For the purposes of this by-law, nitrogen minimization shall mean compliance with Section 5.0 of this by-law.

3.0 Applicability

Except as provided for in section 4.0, this by-law shall apply to all New Construction, as defined above, where municipal sewer is not available in the Town of Wareham. Where municipal sewer is available, refer to Division 5, Article 2 of the Town of Wareham By-Laws.

4.0 Exemptions

This by-law does not apply to discharges requiring a state issued groundwater discharge permit pursuant to 310 CMR 5.00 or to composting toilets as defined in 315 CMR 5.002.

5.0 Nitrogen Minimization from Wastewater in New Construction in the Town of Wareham

The Board of Health shall not approve a disposal system construction permit unless all of the requirements in this section have been satisfied. As of the effective date of this by-law, all New Construction shall require an application for the implementation of a denitrification septic system meeting the effluent limitations cited below.

5.1 Application Requirements. All applications shall be submitted to the Board of Health which shall hold a hearing to consider their approval within 30 days. No abutter notification shall be required for this approval except as otherwise required. All applications shall be accompanied by a copy of a so-called Approval Letter from the Department of Environmental Protection (DEP), if applicable, for the proposed system, appropriate for the technology indicating the level of approval (General Use, Remedial Use, Provisional Use, Piloting Use, or site-specific Pilot Approval) and a copy of a suitable Operation and Maintenance Agreement. The Board of Health may utilize peer review consultants, as allowed under M.G.L. c 4.44, §53G in the evaluation of any application submitted hereunder.

5.2 Requirements on Plans. All systems submitted for approval shall have sampling ports that are appropriate for obtaining a representative sample and that are easily accessible and secured from unauthorized tampering. The design plans shall contain a clear illustration of all sampling ports, accompanied by an illustration and explanation for their use.

5.3 Operating Permit. Upon issuance of a Certificate of Compliance, the Board of Health

APRIL 23, 2012
SPRING TOWN MEETING WARRANT (CONT'D.)

shall issue an Operating Permit with the following requirements:

5.3.1 Permit Limit Requirement. All approved systems shall be required to meet a rolling annual average nitrogen effluent limit of 12mg/L or less.

5.3.2 Operation and Maintenance Agreement. At all times the permit holder shall maintain and comply with an Operation and Maintenance Agreement, which is subject to the prior approval of the Board of Health and its consultants and agents.

5.3.2.1 Such Operation and Maintenance Agreement shall include a provision requiring the system operator to take immediate corrective action, and notification to the Board of Health within seven (7) days, if the total nitrogen effluent limit is not in compliance with section 5.3.1 of this regulation.

5.3.2.2 The permit holder shall notify the Board of Health in writing within seven (7) days of any cancellation, expiration or other change in the terms and/or conditions of the Operation and Maintenance Agreement.

5.3.2.3 The permit holder shall be required to repair, replace, modify or take any other action as required by the Board of Health, if the Board of Health determines that the system is not capable of meeting the required reduction in nitrogen in the effluent.

5.3.3 Monitoring Requirements.

5.3.3.1 The Board of Health may require monitoring of approved systems that exceed monitoring specified in the Approval Letter issued by the MA DEP. At a minimum, the Board of Health shall require semi-annual measurement of total nitrogen in the effluent for the first two years after permit approval. After two years and upon a finding of compliance with section 5.3.1, the Board of Health may reduce such monitoring to once a year.

5.3.3.2 All measurements and samples collected shall be collected, transported and stored in such manner as outlined in the most recent edition of Standard Methods for the Examination of Water and Wastewater, American Public Health Association and the latest EPA analytical procedures.

5.3.3.3 The results of all such monitoring shall be subject to the requirements of Section 5.3.4.

5.3.4 Reporting Requirements. Any person or entity that owns, operates,

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SPRING TOWN MEETING WARRANT (CONT'D.)

inspects or monitors an alternative onsite septic system in Wareham shall cause the results of all monitoring and inspections to be submitted to the Board of Health, or a contractor designated by the Board of Health, in a format designated by the Health Agent. All reports regarding maintenance, monitoring or inspections of alternative septic systems shall be submitted within 30 days of the time when the maintenance, inspection or monitoring was initiated. An annual reporting fee of \$50 shall be required from each system operator. The fee shall be paid to the Board of Health which will be used to defray the cost of oversight, inspection, monitoring and enforcement.

5.3.5 Notification With Registry of Deeds. No operating permit shall be issued until the applicant has filed, with the Registry of Deeds, a notice indicating the presence of a system approved hereunder, and the existence of monitoring and reporting requirements and the requirement for a service contract for the life of the system. Proof of such recording shall be provided to the Board of Health prior to issuance of an occupancy permit.

5.3.6 Permit Renewal. Such operating permit shall be renewed prior to transfer of ownership of property.

5.3.7 Any other conditions that may be deemed necessary by the Board of Health, including, but not limited to, issuance of a warranty for the system to be installed.

6.0 Responsible Entity

There shall be one named entity, at the time of permitting, either the developer, landowner, a Home Owners Association or Condominium Association - responsible for the permit compliance under this by-law. Notice shall be made to the Board of Health prior to a Responsible Entity's transfer of ownership. Any transfer of responsibility must be recorded in the Registry of Deeds and responsibility for compliance shall transfer with the property.

7.0 Waiver

The Board of Health may waive strict compliance with specifically identified requirements of this regulation where such waiver:

- (i) is necessary to accommodate an overriding public interest and is consistent with section 1 of this bylaw; and/or
- (ii) is warranted where the Board of Health finds that there are no reasonable system designs that would allow for compliance with this bylaw.

Any and all waivers in this section are subject to a public hearing and must be set forth, in detail, by a written decision of the Board of Health. In review of any waiver request, it shall be presumed that the Board of Health shall fully apply the requirements of this by-law; and it shall

APRIL 23, 2012
SPRING TOWN MEETING WARRANT (CONT'D.)

be the applicant's burden to rebut such presumption by clear and convincing evidence that a waiver is warranted.

8.0 Fines and Enforcement

The Board of Health and Health Agent shall be responsible for enforcing this by-law. Violations of this by-law may result in fines up to \$300 per offense. Each day or portion thereof during which a violation continues shall constitute a separate offense and each section of this by-law violated shall constitute a separate offense.

9.0 Severability

The provisions of this by-law are severable. If any provision of this by-law is declared to be invalid or inapplicable to any particular circumstance, that invalidity or inapplicability will not affect the enforceability of the remainder of this by-law.

Inserted by the Clean Water Committee

ARTICLE 45

To see if the Town will vote to transfer a sum or sums of money for the construction and installation of a 150,000 gallon Water Pollution Control Equalizing Tank, such sums of money to be funded from Water Pollution Control Certified Retained Earnings, or take any other action related thereto.

Inserted by the Board of Selectmen

Petitioned Articles

NOTE: these articles were reproduced exactly as presented, in accordance with the law

ARTICLE 46

To see if the Town will vote to rescind the Preservation Restriction language placed upon the Fearing Tavern in Wareham, owned by the Wareham Historical Society and designated on Assessors' Map 132, Lot 1001 as approved under the Fall 2006 Town Meeting Article 24.

Inserted by the Wareham Historical Society

ARTICLE 47

To see if the Town will vote to set a financial cap for the sewer work to be charged to the Oakdale/Cromesett Neighborhoods (Betterment Fee) of no more than \$18,000.00.

Inserted by Barbara Gomes Beach, et. al.

APRIL 23, 2012
SPRING TOWN MEETING WARRANT (CONT'D.)

ARTICLE 48

To see if the Town will vote available funds \$30,000 to defray the cost of demolition of derelict property and to defray the cost of tax title filing in the Town Treasurer Collector's Office, or to do or act in any manner relative thereto.

Inserted by Joseph Mulkern, et. al.

ARTICLE 49

To see if the Town will vote to discontinue that portion of Gray Street shown on a map on file in the Town Clerk's office, and further, to change the purpose for which such portion is held by the Selectmen from general municipal and street purposes to purposes of conveyance, and furthermore, to authorize the Board of Selectmen to dispose of said property on such terms as it deems appropriate, or take any other action relative thereto.

Inserted by David Rotella, et. al.

ARTICLE 50

To see if the Town will vote to authorize the Board of Selectmen to release any and all right, title, or interest that the Town may have, if any, in those certain Local Initiative Program, Affordable Housing Restriction(s) attached as Deed Riders to those deeds recorded at the Plymouth County Registry of Deeds in Book 35749, Page 87 and Book 35749, Page 71, affecting title to the properties located at 250 Marion Road, Wareham, Massachusetts and 2 Beach Street Extension, Wareham, Massachusetts, or to do or act in any manner relative thereto. Such a release is to be approved in form and executed by the Chairman of Board of Selectmen.

Inserted by Buzzards Bay Area Habitat for Humanity, Inc. and Michael LaCava, et. al.

ARTICLE 51

To see if the town shall repeal Article 5, section 580 WIND ENERGY FACILITIES, in its entirety (500, 581, 582, 583, 583.1, 583.2, 583.3, 583.4, 583.5, 583.6, 583.7, 583.8, 583.9, 583.10, 583.11, 584, 584[sic], 585.1, 585.2, 585.3, 585.4, 585.5, 585.6, 585.7, 585.8, 585.9, 585.10, 585.11, 585.12, 585.13) of the Zoning By-laws of the Town of Wareham.

Inserted by Brenda Eckstrom, et. al.

APRIL 23, 2012
SPRING TOWN MEETING WARRANT (CONT'D.)

You are hereby directed to serve this Warrant by posting attested copies thereof on or before Friday, March 16, 2012 in at least one public place in each precinct within the Town, and by publishing a copy of the Warrant on or before April 5, 2012.

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

Given under our hands this 13th day of March in the year 2012.

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:

Stephen P. Coughlin
Constable of Wareham

DATE: _____
Plymouth §

DATE: _____

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

APRIL 23, 2012
SPRING TOWN MEETING WARRANT (CONT'D.)

copies thereof in at least one public place in each precinct within the town on or before February 17, 2012 and by causing this Warrant to be published on or before April 5, 2012.

DATE: _____

Stephen P. Coughlin
Constable of Wareham

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

DATE: _____

Stephen 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 Spring Town Meeting to be held on April 23, 2012 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
Chairman of the Personnel Board.

DATE: _____

Stephen P. Coughlin
Constable of Wareham